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Thursday
February 23, 1984

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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.

Rules and Regulations

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-NM-06-AD; Amdt. 39-4815]

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

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) that requires inspection of certain electrical wire bundles in the cockpit and modification, if necessary, on Lockheed Model L-1011 series airplanes. This AD is prompted by reports of wire chafing and subsequent arcing that may result in a fire hazard.

DATES: Effective February 27, 1984. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

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

FOR FURTHER INFORMATION CONTACT: Mr. Harry Wasinger, Aerospace Engineer, Systems & Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2631.

SUPPLEMENTARY INFORMATION: One L-1011-385 operator experienced an in-flight electrical harness fault that resulted in visible arcing and smoke in the cockpit ceiling just forward of the Flight Engineer's panel. A fire extinguisher was used by the flight crew as a precautionary measure. The fault was caused by mechanical damage to wire insulation due to continuing chafing on screw threads that protruded above the upper sill trim panel. The resulting arcing severed the wire bundle supplying power for windshield and cockpit side window heating and caused the associated circuit breakers to trip. In addition to the wire bundle damage, some of the covering on the fiberglass insulation batts had locally burned away. Therefore, in consideration of the hazardous consquence of this type of fault, this AD is considered to be necessary. The Lockheed-California Company has issued L-1011 Service Bulletin 093-30-055 dated July 1, 1983, which describes inspection procedures and modification to provide wire bundle protection, if required.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires inspection of the electrical wire bundle in the cockpit and installation of insulation, if necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

Lockheed-California Company: Applies to Lockheed Model L-1011-385 series airplanes, certificated in all categories. Compliance required as indicated unless previously accomplished.

To prevent the possibility of electrical arcing in the cockpit windshield and side window heating electrical wire bundle, accomplish the following:

A. Within 300 flight hours after the effective date of this AD, perform the aircraft wiring inspection and modification, if required, in accordance with Part 2, Accomplishment Instructions, in Lockheed-California Company L-1011 Service Bulletin 093-30-055, dated July 1, 1983, or later revision approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

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

Note.— Airplanes previously inspected in accordance with the procedures specified in Lockheed L-1011 Service Bulletin 093-30-055, dated July 1, 1983, or in accordance with alternate inspection procedures since June 6, 1983, approved by an FAA Principal Maintenance Inspector (PMI), are considered to comply with the inspection requirements of this AD.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

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

This Amendment becomes effective Feb. 27, 1984.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034 February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on February 7, 1984.

David E. Jones,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-4806 Filed 2-22-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASW-16]

Alteration of Transition Area and Control Zone; Tulsa, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area and control zone at Tulsa, OK. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAPs) to the Richard Lloyd Jones, Jr., Airport. This amendment is necessary since the FAA has relocated the Glenpool VOR, and this action will alter the SIAP to the airport and change the designated airspace requirements.

EFFECTIVE DATE: May 10, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, Telephone (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

On April 4, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 14388) stating that the Federal Aviation Administration proposed to alter the Tulsa, OK, transition area and control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, and Subpart F of Part 71, Section 71.171, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, are amended, effective 0901 G.m.t., May 10, 1984, as follows:

Subpart F—71.171

Tulsa Richard Lloyd Jones, Jr., Airport, OK [Revised]

Within a 5-mile radius of Richard Lloyd Jones, Jr., Airport (latitude 36°02'18" N., longitude 95°59'05" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Subpart G—§ 71.181

Tulsa, OK [Revised]

By adding "and within a 6.5-mile radius of Richard Lloyd Jones, Jr., Airport (latitude 36°02'18" N., Longitude 95°59'05" W.)."

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c))

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on February 9, 1984.

Henry J. Christiansen,

Acting Director, Southwest Region.

[FR Doc. 84-4801 Filed 2-22-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASO-41]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of VOR Federal Airways Palm Beach, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the descriptions of several VOR Federal Airways located in the vicinity of Palm Beach, FL. Due to loss of a property lease, the Palm Beach VORTAC has been relocated to a new site on the Palm Beach Airport (lat. 26°40'47" N., long. 80°05'12" W.). This action amends the descriptions of all airways affected by the relocation.

DATES: Effective date—May 10, 1984. Comments must be received on or before April 9, 1984.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 83-ASO-41, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

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

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

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (AAT-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves changes to the descriptions of several VOR Federal Airways located in the vicinity of Palm Beach, FL, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate,, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to amend the descriptions of V-3, V-492 and V-531 located in the vicinity of

Palm Beach, FL. The Palm Beach VORTAC has been relocated to a new site on the Palm Beach Airport at lat. 26° 40'47" N., long. 80° 05'12" W. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to amend the descriptions of the airways affected by the relocation of the Palm Beach, FL, VORTAC. Since this amendment is mandatory due to the loss of property lease, I find that notice and public procedure under 5 U.S.C 553(b) is unnecessary and that good cause exists for making this amendment effective on the next charting date.

List of Subjects in 14 CFR Part 71

VOR Federal airways, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (48 FR 6958 and 38810) is further amended, effective 0901 G.m.t., May 10, 1984, as follows:

V-3—[Amended]

By deleting the words "Vero Beach, FL, including an E alternate via INT Palm Beach 358° and Vero Beach 143° radials; Vero Beach 343° INT Melbourne, FL, 161° radials Melbourne; Melbourne 341° radials INT Ormond Beach, FL, 161° radials Ormond Beach" and substituting the words "Vero Beach, FL; Melbourne, FL".

V-492—[Revised]

From La Belle, FL; Pahokee, FL; Palm Beach, FL; INT Palm Beach 356° and Vero Beach, FL, 143° radials; to Vero Beach.

V-531—[Revised]

From Palm Beach, FL; INT Palm Beach 324° and Orlando, FL, 162° radials; to Orlando.

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

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on February 9, 1984.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division

[FR Doc. 84-4803 Filed 2-22-84; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release Nos. 33-6512; 34-20654; 35-23225; IC-13770; FR 16]

Rescission of Interpretation Relating to Certification of Financial Statements

AGENCY: Securities and Exchange Commission.

ACTION: Rescission of interpretation.

SUMMARY: The Commission announces the rescission of its interpretation, originally issued in Accounting Series Release No. 115, relating to certification of financial statements based on its review of the application of that release to the integrated disclosure system. This action will permit registrants to offer securities, notwithstanding an accountant's report that is qualified because of uncertainties about an entity's continued existence, provided that full and fair disclosure is made of the registrant's financial difficulties and plans to overcome such difficulties. Financial statements will continue to be considered defective, however, if those statements are prepared on the assumption of a going concern but should more appropriately be based on the assumption of liquidation or if the amounts and classifications of assets and liabilities in the statements should be otherwise adjusted.

EFFECTIVE DATE: February 23, 1984.

FOR FURTHER INFORMATION CONTACT: Andrea E. Bader or Lawrence S. Jones, (202-272-2130), Office of the Chief Accountant; or Howard P. Hodges, Jr., (202-272-2553), Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In Accounting Series Release No. 115 ("ASR 115")[1] "Certification of Financial Statements," (Feb. 19, 1970) (35 FR 4121), the Commission stated that it would consider financial statements not to be certified for purposes of the Securities Act of 1933 ("the Securities Act") [15 U.S.C. 77a et seq.] if the accountant's report on those financial statements was so qualified as to indicate serious doubt as to whether the financial statements should be presented on a going concern basis. The Commission did not intend to preclude companies with pressing financial problems from raising funds by offering securities for public sale. It stated, however, that such qualified financial statements would be considered certified (for the purposes of Rule 2-02 of Regulation S-X [17 CFR 210]) only if the registrant could arrange its financial affairs to remove the immediate threat to its continuation as a going business and satisfy its accountant that the financial statements prepared on a going concern basis were fairly presented.

The Commission is rescinding its interpretation originally issued in ASR 115 because it has concluded that the interpretation expressed therein is inconsistent with the objectives and operation of the Commission's integrated disclosure system.[2] An important objective of integration was the identification of information which is material to security holders and investors in both the distribution process and the trading markets. The restricted application of the ASR 115 interpretation to Securities Act filings in anomalous to this system.

This Commission action will permit registrants to offer securities notwithstanding an accountant's report which is qualified as a result of questions about the entity's continued existence. However, all financial statements will continue to be considered false and misleading if those statements are prepared on the assumption of a going concern but should more appropriately be based on the assumption of liquidation or if the classification and amounts of assets and liabilities should be otherwise adjusted. Moreover, filings containing accountant's reports that are qualified as a result of questions about the entity's continued existence must

[1] In Financial Reporting Release No. 1 (April 15, 1982) [47 FR 21028] the Commission rescinded ASR 115 and removed that release from Subpart A of 17 CFR 211. The substance of ASR 115, however, was transferred to Section 607.02 of the Codification of Financial Reporting Policies which was issued at the same time.

[2] In Securities Act Release No. 6383 (March 3, 1982) [47 FR 11380], the Commission adopted major revisions to the disclosure rules promulgated under the Securities Act and the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.]. These revisions were designed, among other things, to facilitate the integration of the disclosure systems under those acts by attaining uniformity between financial statements in annual and other periodic reports to shareholders and those included in registration statements.

contain appropriate and prominent disclosure of the registrant's financial difficulties and viable plans to overcome these difficulties. Such disclosure is required by existing rules and by the antifraud provisions of the federal securities laws.[3]

For example, the requirements of Item 303 of Regulation S-K, Management's Discussion and Analysis, insofar as they relate to disclosure of any known demands, commitments or uncertainties that will result in (or that are reasonably likely to result in) the registrant's liquidity increasing or decreasing in any material way, are intended to and should elicit detailed cash flow discussions from any registrant whose independent accountant's report is qualified because of doubt about the entity's continued existence. In responding to these requirements, any registrant with such pressing financial problems should include a reasonably detailed discussion of its ability or inability to generate sufficient cash to support its operations during the twelve month period following the date of the financial statements being reported upon. Thereafter, this discussion would be updated as necessary on a quarterly basis.

The Commission notes that generally accepted auditing standards provide in Statement on Auditing Standards No. 34 ("SAS 34")[4] that the auditor who issues a report that is qualified as a result of questions about the entity's continued existence must evaluate the disclosure about the financial problems giving rise to the accountant's qualification. The Commission believes that in such cases Paragraph 10 of SAS 34 requires the auditor to include in his report, if not otherwise disclosed in the financial statements, appropriate "disclosure of the principal conditions that raise [the] question about [the] entity's ability to continue in existence, the possible effects of such conditions, and management's evaluation of the significance of those conditions and any mitigating factors". The Commission also believes that paragraph 10 of SAS 34 requires auditors to assure the adequacy of disclosure about plans to resolve the doubts about the entity's continued existence.[5]

Codification Update

The "Codification of Financial Reporting Policies" announced in Financial Reporting Release No. 1 (April 15, 1982) [47 FR 21028] is updated to:

1. Delete old § 607.02, entitled as follows: 607.02 Uncertainty About an Entity's Continued Existence.

2. Add new § 607.02, entitled as follows: 607.02 Uncertainty About an Entity's Continued Existence.

3. Include in § 607.02 the following, followed by the last two paragraphs of this release:

Financial statements will be considered false and misleading if those statements are prepared on the assumption of a going concern but should more appropriately be based on the assumption of liquidation or if the classification and amounts of assets and liabilities should be otherwise adjusted. Moreover, filings containing accountant's reports that are qualified as a result of questions about the entity's continued existence must contain appropriate and prominent disclosure of the registrant's financial difficulties and viable plans to overcome these difficulties. Such disclosure is required by existing rules and by the antifraud provisions of the federal securities laws.[6]

This codification is a separate publication issued by the SEC. It will not be published in the **Federal Register**/ Code of Federal Regulations system.

List of Subjects in 17 CFR Part 211

Accounting, Reporting and recordkeeping requirements, Securities.

PART 211—[AMENDED]

Commission Action: The Commission hereby amends Subpart A 17 CFR Part 211 by adding a reference to this release.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

February 15, 1984.

[FR Doc. 84-4773 Filed 2-22-84; 8:45 am]

BILLING CODE 8010-01-M

[3] See, *e.g.*, Items 101, 303, 503 and 504 of Regulation S-K [17 CFR 229], Description of Business, Management's Discussion and Analysis, Summary Information and Risk Factors, and Use of Proceeds, respectively, and Rule 408 [17 CFR 230.408], Additional Information.

[4] SAS 34, "The Auditors Considerations When a Question Arises About an Entity's continued Existence", issued in 1981, provides guidance regarding the auditor's responsibilities when there are questions about an entity's continued existence and outlines the appropriate form of the auditor's report when such questions exist.

[5] Paragraph 10 of SAS 34 concludes by stating "* * * [i]f disclosure is necessary and a satisfactory resolution of the question [about an entity's ability to continue in existence] depends primarily on the realization of particular plans of management, the disclosure should deal with that fact and such plans."

[6] See, *e.g.*, Items 101, 303, 503 and 504 of Regulation S-K [17 CFR 229], Description of Business, Management's Discussion and Analysis, Summary Information and Risk Factors, and Use of Proceeds, respectively, and Rule 408 [17 CFR 230.408], Additional Information.

17 CFR Part 270

[Release No. 33-6510; IC-13768]

Revised Procedures for Processing Registration Statements, Post-Effective Amendments and Preliminary Proxy Materials Filed by Registered Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Announcement of new procedures.

SUMMARY: The Commission's Division of Investment Management, which is responsible for reviewing disclosure documents filed by registered investment companies, is adopting new procedures for the selective review of investment company registration statements and post-effective amendments. The Division is also implementing new processing procedures for preliminary proxy solicitation materials filed by registered investment companies, and is withdrawing its previously published procedures for the limited review of certain proxy materials. These steps are being taken so that the Division's resources may be concentrated on those filings that most need review and to ensure that the review of investment company disclosure filings is thorough, timely and accomplished in a manner that is fair to all registrants.

EFFECTIVE DATE: March 26, 1984.

FOR FURTHER INFORMATION CONTACT: Jane A. Kanter, Special Counsel (202) 272-2115, or Larry L. Greene, Esq. (202) 272-7320, Office of Disclosure Legal Services, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Consistent with its practice of publishing staff views to assist issuers, their counsel and accountants, and other interested persons, the Commission is announcing the implementation by the Division of Investment Management ("Division") of certain new procedures for the review of registration statements, post-effective amendments and preliminary proxy materials filed by registered investment companies. These steps are being taken to help assure that the processing of disclosure filings by investment companies is accomplished in a prompt and orderly manner.

Background

In recent years, the number of filings by investment companies has increased. Because of this, the Division has implemented various procedures to

avoid delay in processing these filings. Since September of 1976, the staff has revised its procedures for processing certain disclosure filings three times.[1] During the same period, the Commission adopted three new rules under the Securities Act of the 1933 (the "Securities Act") [15 U.S.C. 77a *et seq.*] that permit most post-effective amendments filed by open-end management investment companies and unit investment trusts, and certain registration statements filed by registered unit investment trust to become effective automatically without staff review.[2]

These changes have helped the Division to make more efficient use of its resources. The number of filings made by investment company registrants has, however, continued to dramatically increase.[3] As a result, the Division is again revising its review procedures in order to ensure that its resources are directed to those filings which most need review, and that these filings are reviewed in a prompt and orderly manner.[4]

Discussion

Many registration statements and post-effective amendments filed by investment companies that are members of the same fund complex are similar to filings by other funds in the complex.[5] The staff's current practice is to fully review each new registration statement even though the staff may have already reviewed a similar filing by a fund in that complex and resolved many substantive issues in that context.[6] Also, under current procedures, all post-effective amendments filed by any one fund under paragraph (a) of rules 485 [17 CFR 230.485] or 486 [17 CFR 230.486] [7] are subject to full review despite the fact that many matters in the filing may have been considered by the staff in processing other filings by that fund, e.g., in proxy solicitation materials. The Division's experience has been that such filings, generally, do not present novel questions of law or fact, and are routine in many respects. Further, fund complexes usually try to use in their filings disclosure from prior filings that already have been subject to staff review and comment. As a result, the Division believes that staff time currently devoted to reviewing such disclosure could be better used elsewhere.

Registration Statements

In view of the foregoing, the Division is instituting new selective review procedures for all investment company registration statements and post-effective amendments. Under the new procedures, any registration statement filed by a fund in a complex for an offering that: (1) Employs investment objectives, policies and techniques that are similar to a recent prior offering by another fund in that complex, and (2) contains disclosure that is not substantially different than the disclosure contained in one or more prior filings by funds in the complex, generally, will be subject only to a cursory review by the staff to determine that the registration statement contains no other information that should be reviewed. To facilitate this process, registrants should describe in their transmittal letters to the Commission: (1) Any material changes from the most recent filing of the same kind by that fund complex, (2) any problem areas that in the registrant's view warrant particular attention, (3) any new investment techniques, products or methods of distribution covered by the filings, and (4) the identity of any prior filings, or portions thereof, that the registrant considers similar to, or intends as precedent for, the current filing.

The Division will determine whether the current filing is similar to a prior filing by the same sponsor or fund complex by considering various factors including: (1) Type of fund, e.g., money market fund, equity fund, bond fund (taxable and tax-exempt), or balanced fund; (2) the fund's investment objective, e.g., growth, income, total return or preservation of capital; and (3) the investment techniques used by the fund, e.g., use of repurchase agreements, puts, options, futures, when issued securities, or reverse repurchase agreements. In identifying prior filings which are intended to serve as disclosure precedent, funds will not be restricted to a single filing, but may rely on any number of prior filings by that fund complex. The cover letter accompanying the filing, however, should identify all prior filings relied on and should identify those portions of the prior filing that the registrant considers similar to its latest filing.

In order to determine whether a particular filing would be subject to full review, each reviewing branch will designate one or more senior staff members to perform a cursory review of every filing subject to this procedure. Based on the information available to the staff, including the information contained in the cover letter, the branch will determine whether the filing needs: (1) A full review, (2) a partial review of only certain portions of the filing, or (3) no further review.

The Division will try to notify each registrant promptly concerning what level of review will be accorded their filing. In most cases, the staff expects to notify registrants concerning the status of their filings within ten calendar days of the filing date. Under these procedures, certain registration statements may not be reviewed, in

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[1] *See* Securities Act Release No. 5738 (September 3, 1976) [41 FR 39013 (September 14, 1976)]; Securities Act Release No. 5988 (October 19, 1978) [43 FR 49866 (October 25, 1978)]; and Securities Act Release No. 6353 (October 2, 1981) [46 FR 50649 (October 14, 1981)].

[2] *See* Securities Act Release No. 6229 (August 25, 1980) [45 FR 57702 (August 29, 1980)]; Securities Act Release No. 6402 (May 14, 1982) [47 FR 22356 (May 24, 1982)]; and Securities Act Release No. 6401 (May 7, 1982) [47 FR 20290 (May 12, 1982)].

[3] From fiscal year 1979 to fiscal year 1983, the annual number of registration statements, post-effective amendments and proxy statements filed with the Commission increased by 226%, 68% and 34%, respectively. The Division expects that this trend will continue and that there will be an approximately 34% increase from fiscal year 1983 in all filings requiring staff review during the current fiscal year.

[4] At the same time, the Commission is proposing for comment amendments to rules 485(b) and 486(b) under the Securities Act to expand the category of filings that may become automatically effective upon filing to include post-effective amendments filed by registered investment companies in compliance with an undertaking to file financial statements, which may be unaudited, within four to six months after the effective date of an investment company's Securities Act registration statement.

[5] While certain funds in a complex may have different investment objectives and techniques, in many instances their prospectuses contain similar disclosure concerning other aspects of the funds' operations (e.g., procedures for purchase and redemption, and the description of the investment adviser, underwriters, officers and directors). On the other hand, prospectuses of funds in the same complex having similar investment objectives or techniques may contain different disclosure for other items (e.g., presence or absence of a rule 12b-1 plan).

[6] Certain registration statements filed by unit investment trusts are permitted to become effective automatically pursuant to Rule 487. *See* Securities Act Release No. 6401 (May 7, 1982) [47 FR 20290 (May 12, 1982)]. Under that rule, a registration statement filed by a unit investment trust, except the first series of such a trust, that, among other things: (1) is composed of portfolio securities that do not differ materially from those deposited in the first series of the trust, and (2) does not contain disclosures that differ in any material respect from those contained in the registration statement of the prior series identified by the registrant, may become automatically effective on a date and time designated by the registrant. During fiscal year 1983, approximately 590 registration statements were filed under this rule.

[7] Rule 485 is applicable to all open-end management investment companies and unit investment trusts, except separate accounts of insurance companies. Rule 486 is solely applicable to insurance company separate accounts. Rules 485(a) and 486(a) permit most post-effective amendments filed by open-end management investment companies and unit investment trusts to become effective automatically either on the sixtieth day after its filing, or on, any day between the sixtieth and eightieth day after its filing as designated by the registrant.

which case requests for acceleration of effectiveness will be treated as confirmation by those registrants of their awareness of their statutory obligations under the federal securities laws.

Post-Effective Amendments

With regard to post-effective amendments to investment company registration statements, the Division will employ similar review procedures. Currently, post-effective amendments filed pursuant to rules 485(b) [17 CFR 230.485(b)] or 486(b) [17 CFR 230.486(b)] may become effective on the date that they are filed with the Commission and are, therefore, normally not reviewed by the staff. Only post-effective amendments filed pursuant to rules 485(a) [17 CFR 230.485(a)] or 486(a) [17 CFR 230.486(a)] are given staff review. In most cases, the Division limits its review of such post-effective amendments to an examination of: (1) The financial statements, (2) narrative material that is underscored or otherwise marked to indicate textual changes, and (3) areas in which recent developments suggest that changes in prospectus disclosure are likely to be necessary.[8]

To expedite the processing of such filings under the new procedures, the Division requests that issuers describe in their transmittal letters to the Commission the reason, or reasons, for filing their current post-effective amendment under paragraph (a) of rules 485 or 486, and whether the material portions of the issuer's registration statement that are being amended have been reviewed by the staff in some other context (i.e., in proxy solicitation materials for that fund or in the registration statement or post-effective amendment of another fund in that complex). As in the case of registration statements, based on the information available to the staff, the branch will determine whether the filing should be given: (1) A full review, (2) a partial review of only certain portions of the filing, or (3) no further review. Under these procedures, when a post-effective amendment is not being reviewed, requests for acceleration of effectiveness will be considered as an acknowledgement by the issuer of their statutory obligations under the federal securities laws to provide appropriate disclosure of material information.

Revised Proxy Review Procedures

Currently, preliminary proxy materials containing only proposals relating to: (1) Uncontested election of directors, (2) ratification of the selection of accountants, (3) the continuation of a current advisory contract, (4) increases in the number or amount of shares authorized to be issued by the registrant, and (5) continuation of any current contract relating to the distribution of shares issued by the registrant that is not associated with a distribution plan permitted by Rule 12b–1 under the Investment Company Act of 1940, are reviewed by the staff only to make sure that these proxy materials contain no other proposals or information which should be reviewed.[19] Under normal circumstances, proxy materials concerning other material matters continue to receive full staff review.[10]

These procedures for the processing of proxy statements have, for the most part, worked well, but can be improved. Therefore, the Division is withdrawing the existing procedures for processing proxy materials enumerated in Securities Act Release Nos. 5988 and 6353[11] and is implementing new ones.

Under the new procedures, an issuer whose preliminary proxy statement or information statement has been on file for the required ten days may mail such materials without first receiving any notice or comments from the staff, except for proxy materials which contain proposals subject to the information requirements of Item 14 of Schedule 14A under the Securities Exchange Act of 1934 [17 CFR 240.14a–101]. If the staff has comments, or will have comments, on a preliminary proxy statement or information statement, the staff will advise the issuer promptly (but in no event later than the tenth day after filing). If an issuer is not alerted by the staff within that ten-day period, the issuer should consider itself free to mail its proxy materials without waiting to hear from the staff. The staff will no longer advise issuers or respond to issuer inquiries concerning the review status of a preliminary proxy statement or information statement. However, clerical assistants in the appropriate branch will be prepared to answer inquiries as to the date of receipt of such filings. Since proxy materials containing proposals subject to Item 14 of Schedule 14A involve a significant alteration in the operation of an investment company, and, generally, will require staff review, those proxy materials are not subject to the new review procedures.

By the Commission.
Dated: February 15, 1984.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84–4750 Filed 2–22–84; 8:45 am]
BILLING CODE 8010–01–M

[8] *See* Securities Act Release No. 5988 (October 2, 1981) [43 FR 49866 (October 25, 1978)]. In addition, the Division does not review certain post-effective amendments or proxy statements that otherwise would be subject to review when necessary to maintain the timely processing of all filings pursuant to its "stand-by procedures" *See* Securities Act Release No. 6353 (October 2, 1981) [46 FR 50649 (October 14, 1981)]. Pursuant to the "stand-by procedures" announced in that release, filings are selected for review based on: (1) random sampling, (2) information in the transmittal letter suggesting a need for review, (3) unusual findings resulting from a test check of the financial statements, or (4) staff experience through review of other filings of a particular registrant or inspection of the registrant which indicates that review would be appropriate.

[9] *See* Securities Act Release No. 5988 (October 19, 1978) [43 FR 49866 (October 25, 1978)]; Securities Act Release No. 6353 (October 2, 1981).

[10] *See* Securities Act Release No. 6353 (October 2, 1981) concerning certain "stand-by procedures" for the review of proxy materials which might be implemented by the Division if necessary to maintain the timely and orderly processing of all filings.

[11] Securities Act Release No. 5988 (October 19, 1978) and Securities Act Release No. 6353 (October 2, 1981). The Division is withdrawing the procedures described in these releases because they are not entirely consistent with the new procedures, e.g., those releases request issuers to ascertain that the staff has no comments on proxy materials, even if they contain only the routine proposals described in those releases. The Division will, however, select proxy materials for review on a basis that reflects the process described in these releases.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 155

[Docket No. 83N–0327]

Certain Other Canned Vegetables; Amendment of Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standards of identity for canned bean sprouts, lima beans, carrots, green sweet peppers, red sweet peppers, and potatoes to permit the use of safe and suitable calcium salts. This action will promote honesty and fair dealing in the interest of consumers.

DATES: Effective July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may begin April 23, 1984. Objections by March 26, 1984.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

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 October 21, 1983 (48 FR 48836), FDA published a proposal to amend the standards of identity for canned bean sprouts, lima beans, carrots, green sweet peppers, red sweet peppers, and potatoes in § 155.200 (21 CFR 155.200) to provide for the use of safe and suitable calcium salts as optional firming agents. Interested persons were given until December 20, 1983, to comment on the proposal. FDA received only one comment. The comment supported the proposal.

The regulation will provide a food processor the flexibilty to use different safe and suitable calcium salts without having to initiate lengthy and costly proceedings to amend a given food standard each time a processor wants to use a new or different calcium salt. Accordingly, consumers and manufacturers will benefit from this regulation. In light of the absence of any negative comments and of the benefits of this regulation, the agency is issuing the proposed rule as a final rule with no changes.

List of Subjects in 21 CFR Part 155

Canned vegetables, Food standards, Vegetables.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 155 is amended in § 155.200 by revising paragraph (c)(6) to read as follows:

PART 155—CANNED VEGETABLES

§ 155.200 Certain other canned vegetables.

* * * * *

(c) * * *

(6) In the case of bean sprouts, lima beans, carrots, green sweet peppers, red sweet peppers, and potatoes, any safe and suitable calcium salts may be added as a firming agent.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 26, 1984 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shallspecify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin April 23, 1984, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1985, shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: February 14, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–4703 Filed 2–22–84; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Walnut Grove Products, Division of W. R. Grace & Co., providing for manufacture of a 40-gram-per-pound tylosin premix. The premix will subsequently be used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: February 23, 1984.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Walnut Grove Products, Division of W. R. Grace & Co., 201 Linn St., Atlantic, IA 50022, is the sponsor of a supplement to NADA 98–595 submitted on its behalf by Elanco Products Co. This supplement provides for the manufacture of a 40-gram-per-pound premix subsequently used to make complete feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1)(i) through (vi). The supplement is approved and the regulations are amended accordingly. The basis for approval of this supplement is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b) (28) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b)* * *

(28) To 034139: 0.8 gram and 4 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 10 grams per pound, paragraph (f)(1)(i), (iii), (iv), and (vi) of this section;

40 grams per pound, paragraph (f)(1)(i) through (vi) of this section.

* * * * *

Effective date. February 23, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 14, 1984.

Richard A. Carnevale,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 84-4702 Filed 2-22-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Subtitle A and Chs. II, IV, V, VII, VIII, IX, X, and XXII

[Docket No. R-84-1143; FR-1846]

Reorganization of Rules Relating to Housing Management, the Section 8 Program, and Public and Indian Housing Programs

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This document redesignates the material in several Chapters of HUD's regulations. These changes are designed to help implement a recent reorganization within the Department and the creation of a new position of Assistant Secretary for Public and Indian Housing. These changes, which include clarifying amendments to some Chapter headings in Title 24, should enhance the usability of HUD's regulations.

EFFECTIVE DATE: March 26, 1984.

FOR FURTHER INFORMATION CONTACT: Susan E. Schruth, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

The Secretary of Housing and Urban Development recently established within the Department a new position of Assistant Secretary for Public and Indian Housing to carry out the Department's programs relating to public housing and Indian housing. These functions were transferred to the new Assistant Secretary by a delegation of authority signed by the Secretary on September 7, 1983 (published in the **Federal Register** on September 13, 1983, 48 FR 41097).

On September 27, 1983 the Secretary established a new Chapter IX in Title 24 for the regulations of the Assistant Secretary of Public and Indian Housing. To create this new Chapter IX, the Secretary moved existing material in Chapter IX to a new Chapter X, and existing material in Chapter X to a new Chapter XI. (See 48 FR 44071, September 27, 1983, effective December 13, 1983). The September 1983 document allowed the Assistant Secretary to promulgate new regulations; the document did not move existing regulations on public and Indian housing into Chapter IX, but noted that this would be done by a later, more complete reorganization document.

This Document

This document reorders portions of HUD's regulations to reflect the new organization of the Department. Because the functions of the new Assistant Secretary for Public and Indian Housing were previously carried out by the Assistant Secretary for Housing-Federal Housing Commissioner, the Department must redesignate portions of its regulations contained in Chapter VIII to a new Chapter VII and new Chapter IX. Existing Chapter VIII contains regulations on the Section 8 housing assistance programs, the Section 202 direct loan program for the elderly or handicapped and public and Indian housing programs. Chapter VIII retains those regulations applicable to the Section 8 housing programs and to other authorities retained by the Assistant Secretary for Housing-Federal Housing Commissioner. New Chapter IX contains regulations pertaining to the public and Indian housing programs. New Chapter VII contains regulations issued by the Secretary that apply both to the Section 8 housing programs and to public and Indian housing programs.

Old Chapter VII has been given a new Chapter assignment of XXII. In addition to these changes, the Department is taking this opportunity to make other technical changes to HUD regulations that are designed to enhance their usability. These changes include removing Part 470 from the CFR and moving all other material currently in Chapter IV to other parts of Title 24. Existing Chapter IV, regulations of the Assistant Secretary for Housing Management, no longer reflects the organizational structure of the Department. Regulations in this Chapter have been moved to Chapter II or Chapter V, depending on which Assistant Secretary administers the regulations. In addition, the Department is clarifying the titles of Chapters VIII and X. Tables following the Preamble to this rule show in list format the redesignation changes being made by this rule, as well as the Chapters and Chapter titles which now make up the Department's regulations.

This document does not represent a complete recodification and updating of the Department's regulations, but, rather, is limited to those areas specifically identified above. The Department will continue to revise other outdated references in regulations as they are amended substantively.

The Department has determined that this reorganization of regulations need not be published as a proposed rule, as generally required by the Administrative Procedure Act (APA), since this rulemaking merely reflects agency practice. It is thus exempt under section 553(b)(A) of the APA.

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321-4347) is unnecessary, since this redesignation of regulations is categorically excluded under HUD regulations at 24 CFR 50.21(k).

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

As required by section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because it merely changes the organization of the Department's regulations.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on October 17, 1983 (48 FR 47418).

List of Subjects

24 CFR Part 799

Great programs—housing and community development, Intergovernmental relations, Housing, Waiver authority.

24 CFR Part 899

Grant programs—housing and community development, Low and

moderate income housing, Rent subsidies, Waiver authority.

24 CFR Part 941

Loan programs—housing and community development, Public housing, Prototype costs, Cooperative agreements, Turnkey.

24 CFR Part 999

Public housing, Indians, Waiver authority.

Department of Housing and Urban Development Chapter Designation and Titles

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

Subtitle B—Regulations Relating to Housing and Urban Development

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development
Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development
Chapter III—Government National Mortgage Association, Department of Housing and Urban Development
Chapter V—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development
Chapter VI—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development
Chapter VII—Office of the Secretary, Department of Housing and Urban Development
Chapter VIII—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development
Chapter IX—Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development
Chapter X—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development
Chapter XI—Solar Energy and Energy Conservation Bank, Department of Housing and Urban Development
Chapter XV—Mortgage Insurance and Loan Programs under the Emergency Homeowners' Relief Act, Department of Housing and Urban Development
Chapter XX—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development
Chapter XXII—New Community Development Corporation, Department of Housing and Urban Development

Distribution Table *

Note.—This table will appear in the Finding Aids Section of the 1984 edition of Title 24 of the Code of Federal Regulations.

24 CFR old designation (chapter)	24 CFR new designation (chapter)
401 (IV) Subpart A	245 (II) Subpart D.
§ 401.1	§ 245.305.
§ 401.2	§ 245.310.
§ 401.3	§ 245.315.
§ 401.4	§ 245.320.
§ 401.5	§ 245.325.
§ 401.6	§ 245.330.
403 (IV)	246 (II).
445 (IV)	510 (V).
§ 445.1	§ 510.120.
450 (IV)	247 (II).
470 (IV)	Removed.
490 (IV)	598 (V).
491 (IV)	599 (V).
700 (VII)	3700 (XXII).
710 (VII)	3710 (XXII).
720 (VII)	3720 (XXII).
800 (VIII)	No change.
804 (VIII)	904 (IX).
805 (VIII)	905 (IX).
811 (VIII)	No change.
812 (VIII)	812 (VIII) and 912 (IX).
841 (VIII)	941 (IX).
860 (VIII)	960 (IX).
865 (VIII)	965 (IX).
866 (VIII)	966 (IX).
867 (VIII)	967 (IX).
868 (VIII)	968 (IX).
869 (VIII)	969 (IX).
870 (VIII)	970 (IX).
880 (VIII)	No change.
881 (VIII)	No change.
882 (VIII)	No change.
883 (VIII)	No change.
884 (VIII)	No change.
885 (VIII)	No change.
886 (VIII)	No change.
888 (VIII)	No change.
889 (VIII)	No change.
890 (VIII)	990 (IX).
891 (VIII)	791 (VII).
899 (VIII)	799 (VII). 899 (VIII) and 999 (IX).

* Each new Part will contain a parallel numbering system to the redesignated Part, unless specific section designations are indicated above.

Derivation Table

Note.—This table will appear in the Finding Aids Section of the 1984 edition of Title 24 of the Code of Federal Regulations.

24 CFR new designation (chapter)	24 CFR old designation (chapter)
245 (II)	401 (IV).
§ 245.305	§ 401.1.
§ 245.310	§ 401.2.
§ 245.315	§ 401.3.
§ 245.320	§ 401.4.
§ 245.325	§ 401.5.
§ 245.330	§ 401.6.
246 (II)	403 (IV).
247 (II)	450 (IV).
510 (V)	445 (IV).
§ 510.120	§ 445.1.
598 (V)	490 (IV).
599 (V)	491 (IV).
791 (VII)	891 (VIII).
799 (VII)	899 (VIII).
800 (VIII)	Same.
811 (VIII)	Same.
812 (VIII)	Same.
880 (VIII)	Same.
881 (VIII)	Same.
882 (VIII)	Same.
883 (VIII)	Same.
884 (VIII)	Same.
885 (VIII)	Same.
886 (VIII)	Same.
888 (VIII)	Same.
889 (VIII)	Same.
899 (VIII)	Same.
904 (IX)	804 (VIII).
905 (IX)	805 (VIII).
912 (IX)	812 (VIII).
941 (IX)	841 (VIII).
960 (IX)	860 (VIII).
965 (IX)	865 (VIII).
966 (IX)	866 (VIII).
967 (IX)	867 (VIII).
968 (IX)	868 (VIII).
969 (IX)	869 (VIII).
970 (IX)	870 (VIII).
990 (IX)	890 (VIII).
999 (IX)	899 (VIII).
3700 (XXII)	700 (VII).
3710 (XXII)	710 (VII).
3720 (XXII)	720 (VII).

Accordingly, the Department hereby amends 24 CFR Chapters II, IV, V, VII, VIII, IX, X, and XXII as follows:

1. By redesignating the material including the authority citation in Part 401—Notice to Tenants and Consideration of Their Comments in Effecting Rent Increases, as material in Part 245—Tenant Participation in Multifamily Housing Projects, Subpart D—Procedures for Requesting Approval of an Increase in Maximum Permissable Rents, as shown in the table below and by vacating the existing Part 401 heading:

Old	New
Part 401 Subpart A	Part 245, Subpart D.
§ 401.1	§ 245.305.
§ 401.2	§ 245.310.
§ 401.3	§ 245.315.
§ 401.4	§ 245.320.
§ 401.5	§ 245.325.
§ 401.6	§ 245.330.

2. By redesignating Part 403—Local Rent Control, as Part 246—Local Rent Control.

3. By redesignating the material in Part 445—Application of Payments, (§ 445.1) as § 510.120, Application of Payments, and by vacating the existing Part 445 heading.

4. By redesignating Part 450—Evictions from Certain Subsidized and HUD-Owned Projects, as Part 247—Evictions from Certain Subsidized and HUD-Owned Projects.

5. By removing Part 470—Temporary Housing Pre-Termination Procedure.

6. By redesignating Part 490—Advances for Public Works Planning, as Part 598—Advances for Public Works Planning.

7. By redesignating Part 491—Grants for Advance Acquisition of Land, as

Part 599—Grants for Advance Acquisition of Land.

8. By vacating the Chapter IV heading, which includes all Subchapter designations.

9. By redesignating Chapter VII—New Community Development Corporation, Department of Housing and Urban Development (Parts 700–799), as Chapter XXII—New Community Development Corporation, Department of Housing and Urban Development (Parts 3700–3799), and redesignating Part 700 as Part 3700, Part 710 as Part 3710 and Part 720 as Part 3720.

10. By adding a new Chapter VII, entitled Office of the Secretary, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Public and Indian Housing Programs) (Parts 700–799), and by redesignating Part 891 as Part 791.

11. By revising the Chapter heading, Chapter VIII—Low Income Housing, Department of Housing and Urban Development, as Chapter VIII—Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program).

12. By redesignating the following Parts from Chapter VIII to Chapter IX:

Chapter VIII	Chapter IX
804	904
805	905
841	941
860	960
865	965
866	966
867	967
868	968
869	969
870	970
890	990

13. Whenever, in Chapter VIII and new Chapters VII and IX, reference is made to any section of a redesignated Part, that reference shall be changed according to the following table (for example, a reference to § 804.101 would be changed to read § 904.101):

Old section prefix	New section prefix
§ 804.	§ 904.
§ 805.	§ 905.
§ 841.	§ 941.
§ 860.	§ 960.
§ 865.	§ 965.
§ 866.	§ 966.
§ 867.	§ 967.
§ 868.	§ 968.
§ 869.	§ 969.
§ 870.	§ 970.
§ 890.	§ 990.
§ 891.	§ 791.

14. Part 812—Definitions of Family and Other Related Terms; Occupancy by Single Persons, remains in Chapter VIII. However, the text of this Part is duplicated as a new Part 912—Definitions of Family and Other Related Terms; Occupancy by Single Persons, which is added to Chapter IX.

15. In the list below, for each section indicated in the left column, remove the reference indicated in the middle column from wherever it appears in the section and add the reference indicated in the right column:

Section	Remove	Add
941.103, definition of "Household Type" (old § 841.103).	24 CFR Part 812.	Part 912 of this chapter.
960.403 (old § 860.403)	Part 812	Part 912.

16. In the list below, for each section indicated in the left column, remove the reference indicated in the middle column from wherever it appears in the section and add the reference indicated in the right column:

Section	Remove	Add
Part 570, Table of contents entry for § 570.437.	Applicability of 24 CFR Part 891.	Applicability of 24 CFR Part 791.
570.306(a)(4)(i)	Part 891	Part 791.
570.306(b)(2)(iii)	Part 891	Part 791.
570.306(b)(3)(ii)	Part 891	Part 791.
570.306(c)(1)(ix)	Part 891	Part 791.
570.312(b)(3)	Part 891	Part 791.
570.404(b)	Part 891	Part 791.
570.437, section heading.	Applicabiiity of 24 CFR Part 891.	Applicability of 24 CFR Part 791.
570.437	Part 891	Part 791.
570.909(e)(2)(ii)(C)	24 CFR 891.404(a)(3).	791.404(a)(3) of this title.
570.909(f)(2)	Part 891	Part 791.
571.606	24 CFR 805	Part 905 of this title.
600.180	Part 891	Part 791.
600.200	Part 891	Part 791.
600.240(b)	891.503(f)	791.503(f).
Part 600, Appendix I, section II, B.	Part 891	Part 791.
1600.43(d)(1)(iii)	Part 805	Part 905.

17. In the list below, for each section indicated in the left column, remove the title indicated in the middle column from wherever it appears in the section, and add the title indicated in the right column:

Section	Remove	Add
40.5	Assistant Secretary for Housing Production and Mortgage Credit	Appropriate Assistant Secretary.
200.40	Assistant Secretary for Housing Production and Mortgage Credit	Assistant Secretary for Housing.
200.41	Assistant Secretary for Housing Production and Mortgage Credit (HPMC)—Federal Housing Commissioner.	Assistant Secretary for Housing—Federal Housing Commissioner.
200.41	Deputy Assistant Secretary for Housing Production and Mortgage Credit—Deputy Federal Housing Commissioner.	Deputy Secretary for Housing—Deputy Federal Housing Commissioner.
791.401 (old § 891.401)	Assistant Secretary for Housing	Appropriate Assistant Secretary.
791.403(a) (old § 891.403(a))	Assistant Secretary for Housing	Appropriate Assistant Secretary.
791.403(b) (old § 891.403(b))	Assistant Secretary for Housing	Appropriate Assistant Secretary.
791.403(b)(6) (old § 891.403(b)(6))	Assistant Secretary for Housing	Appropriate Assistant Secretary.
791.407(a)(4) (old § 891.407(a)(4))	Assistant Secretary for Housing	Appropriate Assistant Secretary.
791.407(c) (old § 891.407(c))	Assistant Secretary for Housing	Appropriate Assistant Secretary.
811.103	Assistant Secretary for Housing	Assistant Secretary.
811.109(a)(2)	Assistant Secretary for Housing	Assistant Secretary.
811.110(b)(2)	Assistant Secretary for Housing	Assistant Secretary.
811.115(a)	Assistant Secretary for Housing	Assistant Secretary.
811.205(a)(3)	Assistant Secretary for Housing	Assistant Secretary.
811.207(a)(2)	Assistant Secretary for Housing	Assistant Secretary.
880.201	Assistant Secretary for Housing	Assistant Secretary.
880.204(b)(1(i)(B)	HUD Assistant Secretary for Housing	Assistant Secretary.
880.204(c)(1)(iii)	Assistant Secretary for Housing	Assistant Secretary.
880.205(a) (1) and (2)	Assistant Secretary for Housing	Assistant Secretary.
880.303 (b) and (d)	Assistant Secretary for Housing	Assistant Secretary.
880.307(b)	Assistant Secretary for Housing	Assistant Secretary.
881.204(b)(1)(i)(B)	HUD Assistant Secretary for Housing	Assistant Secretary.
881.204(c)(1)(iii)	Assistant Secretary for Housing	Assistant Secretary.
881.205(b) (1) and (2)	Assistant Secretary for Housing	Assistant Secretary.
881.303 (b) and (d)	Assistant Secretary for Housing	Assistant Secretary.
881.307(b)	Assistant Secretary for Housing	Assistant Secretary.
881.705(b)	Assistant Secretary for Housing	Assistant Secretary.
882.104(a)	Assistant Secretary for Housing—Federal Housing Commissioner	Assistant Secretary.
883.203(a)(2)	Assistant Secretary for Housing	Assistant Secretary.

Section	Remove	Add
883.207 (a) and (b)	Assistant Secretary for Housing	Assistant Secretary.
883.207(c)(2)	Assistant Secretary for Housing	Assistant Secretary.
883.302, definition of "Partially-Assisted Project"	Assistant Secretary for Housing	Assistant Secretary.
883.302, definition of "Replacement Cost"	Assistant Secretary for Housing	Assistant Secretary.
883.305(b)(1)(ii)(B)	HUD Assistant Secretary for Housing	Assistant Secretary.
883.305(c)(1)(iii)	Assistant Secretary for Housing	Assistant Secretary.
883.306(b)(1)	Assistant Secretary for Housing	Assistant Secretary.
883.306(b)(2)	Assistant Secretary for Housing	Assistant Secretary.
883.307(d)(2)	Assistant Secretary for Housing	Assistant Secretary.
883.603(a)(2)	Assistant Secretary for Housing	Assistant Secretary.
883.603(b)(3)	Assistant Secretary for Housing	Assistant Secretary.
905.203(f)(2) (old § 805.203(f)(2))	Assistant Secretary for Housing	Assistant Secretary.
905.219(a)(4) (old § 805.219(a)(4))	Assistant Secretary for Housing	Assistant Secretary.
905.220 (old § 805.220)	HUD Assistant Secretary for Housing	Assistant Secretary.
905.404(j) (old § 805.404(j))	HUD Assistant Secretary for Housing	Assistant Secretary.
941.204(b) (old § 841.204(b))	Assistant Secretary for Housing	Assistant Secretary.
941.204(d) (old § 841.204(d))	Assistant Secretary for Housing	Assistant Secretary.
941.204(d)(4) (old § 841.204(d)(4))	Assistant Secretary for Housing	Assistant Secretary.
941.206 (old § 841.206)	Assistant Secretary for Public and Indian Housing	Assistant Secretary.
941.403(c)(3) (old § 841.403(c)(3))	Assistant Secretary for Housing	Assistant Secretary.
941.404(g) (old § 841.404(g))	Assistant Secretary for Housing	Assistant Secretary.
965.503 (intro) (old § 865.503 (intro))	Assistant Secretary for Housing—Federal Housing Commissioner	Assistant Secretary.
965.503 (d) and (e) (old § 865.503 (d) and (e))	Assistant Secretary for Housing—Federal Housing Commissioner	Assistant Secretary.
970.5 (old § 870.5)	Assistant Secretary for Housing	Assistant Secretary.

18. In the list below, for each section indicated in the left column, remove the reference indicated in the middle column from wherever it appears in the section and add the reference in the right column:

Section	Remove	Add
207.19(e)(3)	Part 403 of this title	Part 246 of this chapter.
220.511(d)	Part 403 of this title	Part 246 of this chapter.
221.531(c)(5)	Part 403 of this title	Part 246 of this chapter.
236.72(b)(3)	Part 236 and Part 426 of this title.	This part.
247.6(c) (old § 450.6(c)).	24 CFR Part 403	Part 246 of this chapter.
290.15(c)	24 CFR Part 450, Subpart B.	Part 247, Subpart B of this chapter.
570.438(c)	§§ 470.498 and 470.499.	§§ 248.498 and 248.499 of this title.
886.328(a)	24 CFR Part 450	Part 247 of this title.

19. By adding a new Part 799 to new Chapter VII to read as follows:

PART 799—WAIVER AUTHORITY

Sec.
799.101 Waivers.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 799.101 Waivers.

(a) *Basic provision.* Upon determination of good cause, the Secretary of Housing and Urban Development may, subject to statutory limitations, waive any provision of this chapter. Each such waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds.

(b) *Reservation of authority by the Secretary.* The authority under paragraph (a) of this section is reserved to the Secretary and no delegation of this waiver authority shall be effective unless executed subsequent to June 7, 1976, for the Assistant Secretary for Housing—Federal Housing Commissioner on September 6, 1983, for the Assistant Secretary for Public and Indian Housing. Authority to waive by either Assistant Secretary is limited to each Assistant Secretary's respective programs.

20. By removing, in Part 899, Subpart B (§§ 899.201, 899.202 and 899.203), by removing the Subpart A heading—Miscellaneous Provisions, and by revising the Part heading to read Part 899—Waiver Authority.

21. In § 941.101, paragraph (a) is revised to read as follows:

§ 941.101 Purpose and scope.

(a) *Purpose.* The United States Housing Act of 1937 (Act) authorizes HUD to assist public housing agencies (PHAs) for the development and operation of lower income housing projects and financial assistance in the form of loans and annual contributions under Sections 4, 5 and 9 of the Act. This part is the regulation under which lower income housing (excluding Indian housing), herein called public housing, is developed. The regulations for development of other housing assisted under the Act are contained in Part 905 of this Chapter (Indian housing) and in Chapter VIII (Section 8 housing). The requirements for the administration of a PHA and for the operation and management of public housing projects are stated in this Chapter, in Chapter VII, and in the Annual Contributions Contract (ACC). Regulations that relate to the public housing program include:

(1) Part 791—Application review and fund allocations.

(2) Part 799—Waiver authority.

(3) Part 912—Definition of family and single person occupancy.

(4) Part 960—Income limits, tenant selection, and rents.

(5) Part 965—Project management.

(6) Part 966—Lease and grievance procedure.

(7) Part 967—Personnel policies and compensation.

(8) Part 968—Modernization.

(9) Part 969—Demolition and disposition.

(10) Part 990—Operating subsidy.

(11) Part 999—Waiver authority.

* * * * *

22. By adding a new Part 999 to Chapter IX to read as follows:

PART 999—WAIVER AUTHORITY

Sec.
999.101 Waivers.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 999.101 Waivers.

(a) *Basic provision.* Upon determination of good cause, the Secretary of Housing and Urban Development may, subject to statutory limitations, waive any provision of this chapter. Each such waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds.

(b) *Reservation of authority by the Secretary.* The authority under paragraph (a) of this section is reserved to the Secretary and no delegation of this waiver authority shall be effective unless executed subsequent to September 6, 1983.

23. By revising the Chapter heading, Chapter X—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing

and Urban Development as Chapter X—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Interstate Land Sales Registration Program).

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Dated: February 14, 1984.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 84-4522 Filed 2-22-84; 8:45 am]

BILLING CODE 4210-32-M

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 865

[Docket No. R-84-853]

PHA-Owned or Leased Projects; Maintenance and Operation; Tenant Allowances for Utilities

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Technical amendment.

SUMMARY: This document amends 24 CFR Part 865 of HUD regulations to include OMB control numbers at the place where current information collection requirements are described.

EFFECTIVE DATE: February 23, 1984.

FOR FURTHER INFORMATION CONTACT: Charles Field, Office of the General Counsel, (202) 755-8247. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirement contained in the regulatory section listed below has been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control number listed.

List of Subjects in 24 CFR Part 865

Reporting and recordkeeping requirements.

Text of the Amendment

PART 865—[AMENDED]

§§ 865.473, 865.478, 865.480 [Amended]

Following the text of §§ 865.473, 865.478, and 865.480 of Title 24, add the following statement:

(Approved by the Office of Management and Budget under OMB Control Number 2502-0293.)

Dated: February 16, 1984.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 84-4821 Filed 2-22-84; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5f

[T.D. 7942]

Income Tax; Elections and Miscellaneous Matters

Correction

In FR Doc. 84-3460 beginning on page 4722 in the issue of Wednesday, February 8, 1984, make the following corrections.

1. On page 4723, first column, twelfth line from the bottom of the page, "1983" should read "1982"; second column, third full paragraph, tenth line, "338(g)(6)(B)" should read "338(h)(6)(B)"; and in the eighth line from the bottom of the page, insert "also" after "was".

2. On page 4730, first column, § 5f.338-2, paragraph (e)(3)(i), third line, "August 3, 1982" should read "August 31, 1982".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The United States Parole Commission is making an amendment to its standard conditions of release for all parolees and mandatory releasees, to permit limited seizures of contraband by Probation Officers. The amendment will authorize Probation Officers to seize contraband observed in plain view in the parolee's residence, place of business or occupation, vehicles or on his person. This amendment is intended as a supervision tool to aid in early detection of parole violations and in crime prevention.

EFFECTIVE DATE: April 1, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph A. Barry, General Counsel, U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION:

The Proposed Rule

In October 1982, pursuant to its continuing study of the desirability of permitting some types of limited searches and seizures by Probation Officers, the Commission published a proposal at 47 FR 46548 to amend its rule on conditions of release, 28 CFR 2.40(a). The Commission proposed first to modify the condition of release which proscribes unauthorized possession or use of drugs, by adding to this condition a requirement that the releasee submit to a reasonable search of his person for detection of drug use when so directed by his Probation Officer.

Resort to drug activity by a parolee is very often a sign of imminent failure on parole and early discovery of drug use enhances prospects of salvage of the releasee through prompt treatment. Early confirmation of drug use is also seen as an effective tool in the prevention of criminal behavior.

The proposal noted that many releasees are already engaged in drug aftercare programs which utilize urinalysis testing. However, the search permitted by the proposed amendment (e.g., for fresh needle marks) would be an additional and much quicker means of detecting drug usage. The Commission contemplated that enhanced training procedures for Probation Officers would enable accurate interpretation of physical indicia of drug use, noting that such training had been successfully employed in both State and Federal programs.

The second proposed amendment was to add a new condition which would permit seizure of contraband materials when observed by the Probation Officer in plain view during his contacts with the releasee. This condition was meant to refer only to materials, such as drugs or firearms, in plain or open view of the Probation Officer. Like the limited search proposal outlined above, this condition would constitute a useful tool in supervision, and also, like the search provision, would aid in crime prevention.

In both of the proposed amendments, use of force would not be permitted where the releasee refused cooperation, but such a refusal could be used in considering revocation of the conditional release.

The Public Comment

The Commission received 27 responses to its request for comment, of which all but three were from U.S. Probation Officers. The Administrative Office of the U.S. Courts had mailed

copies of the proposal as published in the **Federal Register** to all U.S. Probation Officers. Of the 24 Federal Probation Officers responding, only two took positions against the proposal. A few of those officers endorsing the proposal opined that broader search and seizure authority should be provided. Some expressed the need (perceived in previous dialogue with Probation Officers) for furnishing instructions as well as training in the new procedures, as the limited search and seizure provisions were implemented.

The Chief Probation Officer for the Central District of California wrote that "the community—needs to be confident that aggressive precautions are being taken by the parole officer to ensure drug usage is promptly detected and corrective action immediately instituted." He reported that the management staff of his office supported the seizure of contraband for the same reasons they supported the rule's search provision. One State official, the Chief Probation Officer for the County of Sacramento, also wrote to encourage adoption of the proposals. An organization engaged in training probation officials in detecting narcotics usage wrote to offer its services to the U.S. Probation Service. One district sent in nine letters enthusiastically endorsing the proposal.

Two Probation Officers opposed the proposal as did a private criminal law practitioner. These Probation Officers felt that the rehabilitative and counseling role of the Probation Officer would be diminished by the proposal, with the releasee seeing his assigned Probation Officer as a law enforcement official rather than a helper. (The Commission is of the view that the officers need to be aware at the earliest possible time of behavior deviating from release conditions. Moreover, the Commission believes that the authority to act in such situations is consistent with the Probation Officer's counseling role and will enhance effective supervision.) The attorney's letter suggested that improper use of the new conditions could violate a releasee's constitutional rights.

The Final Rule

The Commission has decided that the proposed limited searches of releasees for drug-use detection can be accomplished by amplification of the procedures now in use under the drug after-care condition, i.e., without addition of the limited search condition to all certificates of parole, special parole and mandatory release.

The Commission believes that these limited search procedures, to be authorized for persons released under drug after-care conditions, will provide the earliest possible detection of drug abuse. They are based on the Commission's authority under 18 U.S.C. 4209 to impose conditions of release related to the nature of the offense and the history of the parolee. The additional authority in 18 U.S.C. 4209 to "Provide for such supervision and other limitations as are reasonable to protect the public welfare," also supports the search procedures (as well as the new condition for limited seizures of contraband discussed below.)

Reasonable searches would include, e.g., instructions to exhibit the arms or legs for inspection of needle marks and other visual observation of the releasee for obvious indicia of drug use, such as appearance of the eyes. Examinations would be made with due concern for the dignity and privacy of the parolee and would not normally include strip searches or body cavity searches. Whenever possible officers of the same sex would perform the searches, or at the least a person of the parolee's sex would be present. Use of force would be prohibited but refusal to permit a reasonable examination might be charged as a violation of parole.

The Commission has decided to adopt the proposed addition, to the standard conditions of release, of a condition permitting confiscation of plain view contraband. Where plain view contraband is seized, Probation Officers will be instructed in proper methods of identification and in protection of the chain of custody for use of such materials for revocation of release and for criminal prosecution. As has always been required, evidence of crimes will be reported to prosecuting authorities. In the new condition, as noted in the proposal, use of force would not be permitted, and safety considerations would be made paramount; but refusal of cooperation would constitute evidence of parole violation. Instructions on the interpretation of plain view would be provided to the Probation Officers. The new standard condition will be added to all certificates issued after the effective date of this rule change; and where deemed necessary it may be added as a special condition to earlier issued certificates.

Implementation

All standard parole, special parole and mandatory release certificates issued on or after April 1, 1984 will include the new condition described above concerning seizure of contraband.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

PART 2—[AMENDED]

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.40(a)(12) is added as follows:

§ 2.40 Conditions of release.

(a) * * *

* * * * *

(12) The parolee shall permit confiscation by his Probation Officer of any materials which the Probation Officer believes may constitute contraband in the parolee's possession and which he observes in plain view in the parolee's residence, place of business or occupation, vehicle(s), or on his person.

* * * * *

I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: February 2, 1984.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 84-4760 Filed 2-22-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Exposure to Cotton Dust

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

ACTION: Administrative stay.

SUMMARY: The current OSHA cotton dust standard (29 CFR 1910.1043) requires that by March 27, 1984, all operations to which the standard applies must be in compliance with the permissible exposure limit using engineering and work practice controls. Pending completion of an ongoing review of the standard, OSHA is issuing a stay of the effective date of this provision for some operations of ring spinning of coarse count cotton yarns. During this period all other applicable provisions of the standard will apply. It appears that some coarse count cotton ring spinning operations will have feasibility problems coming into compliance by March 27, 1984, and the

stay will give OSHA time to review the record and make final determinations.

DATE: This stay is effective from March 27, 1984 to September 27, 1984.

FOR FURTHER INFORMATION CONTACT: James Foster, Occupational Safety and Health Administration, Room N–3657, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone (202) 523–8151.

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Act requires OSHA to set occupational health standards which most adequately assure employee safety and health "to the extent feasible." In the preamble to the 1978 OSHA cotton dust standard (43 FR 27350, June 23, 1978), the Agency presented a substantial amount of evidence to demonstrate the technical feasibility of the standard in the textile industry based on the evidence then available.

Beginning in 1981 as evidence of actual implementation of the cotton dust standard became available, OSHA undertook a further review of the feasibility of the standard. As part of this review, OSHA hired a consulting firm, Centaur Associates, to examine a number of issues including the current state of compliance and to review the technological feasibility of completing the compliance programs within the deadline specified by the standard (March 27, 1984).

After visiting 15 plants and interviewing numerous industrial engineers and manufacturers of dust control equipment, Centaur reported that textile experts generally consider the requirements of the 1978 standard to come into compliance with the engineering control provisions by March 27, 1984 to be feasible. The Centaur Report (Exhibit 185) documented that in 1982, a large percentage of textile operations were already in compliance with the permissible exposure limit.

Nevertheless, Centaur found that a problem does exist for specific processes in the manufacturing of certain types of yarn to come into compliance with engineering controls by March 27, 1984. These problem areas were concentrated in the ring spinning operations for high-cotton-content, coarse count yarn. These yarns are used in denim, duck, heavy terry cloth, and heavy industrial fabrics. Recent experience with these particular ring spinning processes indicates that ventilation systems may not always be effective and that this production equipment cannot generally be isolated.

There are several possible solutions to the dust control problem, including the rapid advent of open-end spinning systems. This relatively new technology reduces the dust levels because the fibers are spun within enclosed rotors and ventilation is designed into the machinery. There are, however, some current problems with open-end spun yarn. For instance, open end-yarn is currently weaker than ring-spun yarns, and broken ends in weaving operations may sometimes result in negative wear and appearance properties in the finished fabric. These factors have led some garment manufacturers to insist that fabric for their apparel be made with ring-spun yarn.

It appeared, therefore, that it might not be feasible for employers to lower dust levels to the permissible exposure limit by March 27, 1984 for high-cotton-content, coarse count ring spinning operations. However, it also appeared that these problems could be overcome in several years. Control technology, including open-end spinning, is rapidly advancing and compliance with the standard should be possible in all operations in the relatively near future.

Based on this information, OSHA proposed in its June 10, 1983 **Federal Register** notice (48 FR 26962) to extend the deadline for compliance using engineering and work practice controls found in § 1910.1043(m)(2)(ii). The deadline was proposed to be extended from March 27, 1984 to March 27, 1986. The extension would apply only to ring spinning, spooling and winding of coarse (yarn count of 14 or lower), high-cotton-content (equal to or greater than 80%) yarn.

This proposal was discussed at length by some of the commenters and additional evidence and testimony were presented on this issue at the hearings. Percy Thackston, Executive Vice President of the Bahnson Company, a supplier of ventilation equipment, testified to the inadequacy of control equipment for these operations (Tr. at 676). James A. King, Vice President of the Textile Manufacturing Division of Cone Mills Corporation, gave examples of his company's efforts to reduce dust levels below the PEL in the ring spinning of coarse count yarns (Tr. at 682–683). Commissioner John Brooks of North Carolina stated that these operations were the primary component of spinning areas which are not in compliance with the PEL in the State of North Carolina and concurred that a two-year extension would be reasonable (Tr. 1274, 1283). However, the evidence indicated that there are some coarse count, high-cotton-content yarn spinning operations which have achieved the limit by already switching to open end spinning.

The post-hearing briefs of both the Amalgamated Clothing and Textile Workers Union (Exhibit 279) and the American Textile Manufacturers Institute (Exhibit 280) recommended, based on the above evidence, that the two year extension proposed by OSHA be granted but with some slight modification to the specifications that OSHA originally proposed for the yarn operations to be covered. The testimony of Percy Thackston (Tr. at 689) and James King (Tr. at 684, 699) pointed out that a somewhat broader range of criteria for the yarn was needed.

The record for OSHA's June 10, 1983 proposal closed December 14, 1983. OSHA is now analyzing the record and will issue its final standard in the near future. However, this process will not be completed by March 27, 1984. Based on the evidence in the record and the joint recommendations of both the affected union and industry association, it is likely that OSHA's final decision will incorporate an extension similar to that jointly recommended. If the March 27, 1984 deadline is ultimately extended, it would be wasteful for employers in the meantime to install ventilation equipment which would probably not achieve the permissible exposure limit since better and more efficient equipment will be available shortly which can achieve the level. Therefore, based on this factor, the evidence in the record, and the joint recommendations of the affected parties, the Agency is hereby temporarily staying the effective date of the engineering control requirement of 29 CFR 1910.1043(m)(2)(ii) for the operations of ring spinning and winding, twisting, spooling, beaming, and warping following ring spinning, where the yarns meet the following criteria:

Where the average by weight of the yarn being run is *100 percent cotton*, the stay applies where the average yarn count by weight is *18 or below*.

Where the average by weight of the yarn being run is *80 percent or more cotton*, the stay applies where the average yarn count by weight is *16 or below*.

Where the average by weight of the yarn being run is *50 percent or more cotton*, the stay applies where the average yarn count by weight is *14 or below*.

This stay of enforcement is for a six month period, beginning on March 27, 1984 and ending on September 27, 1984.

This stay will permit the Agency to complete its review of the record and make appropriate final decisions with full supporting rationale. In the interim all the other provisions of the standard are in effect for these operations including the respiratory protection provisions which should reduce employee exposures below the permissible exposure limit. Except for this stay all provisions of the cotton dust standard 29 CFR 1910.1043 become fully effective for yarn production and slashing and weaving operations on March 27, 1984.

The Agency received a petition from the Graniteville Company, a textile manufacturing company with facilities in South Carolina and Georgia, requesting a stay and deferral of the effective date of 29 CFR 1910.1043(e) Methods of Compliance for the ring spinning operations using coarse, high cotton content yarns. OSHA believes that the stay issued by this notice responds to the petition submitted by the Graniteville Company.

The matter temporarily stayed have already been subject to a specific proposal and comment by interested parties. The extent of the stay reflects both the record evidence and the views of both union and industry participants. The stay is for a brief fixed period to permit appropriate final decisions to be taken after careful and complete review of the record. Accordingly, the Agency determines that further notice and comment on this limited stay would serve no useful informational purpose and finds that this is good cause for finding further notice and comment unnecessary within the meaning of The Administrative Procedure Act, 5 U.S.C. 553(b).

List of Subjects in 29 CFR Part 1910

Cotton dust, Occupational safety and health.

Authority: This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, D.C. It is issued pursuant to sections 6(b) and 8(g) of the Occupational Safety and Health Act. (84 State. 1593, 1600, 29 U.S.C. 655, 657), 29 CFR Part 1911; Secretary of Labor's Order No. 9–83 (48 FR 35736) and 5 U.S.C. 551 et seq.

Signed at Washington, D.C. this 17th day of February 1984.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 84–4755 Filed 2–22–84; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE TREASURY
Internal Revenue Service

31 CFR Part 10

Regulations Governing the Practice of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries Before the Internal Revenue Service

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document contains final regulations governing practice before the Internal Revenue Service (IRS) to set standards for providing opinions used in the promotion of tax shelter offerings. The final regulations reflect the Treasury Department's concern about the proliferation of abusive tax shelters in recent years and the role of the IRS practitioner's opinion in the promotion of such shelters. The regulations address the problem by imposing duties upon IRS practitioners who furnish opinions for use in connection with tax shelter offerings.

DATES: These final regulations are effective with respect to tax shelter opinions provided after May 23, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury, Washington, D.C. 20220, (202) 634–5135 (non toll free).

SUPPLEMENTARY INFORMATION:

Background

On September 4, 1980, the **Federal Register** (45 FR 58594) published for public comment a proposed rule that would amend the regulations governing practice before the IRS contained in 31 CFR, Part 10 (Treasury Department Circular No. 230). Among other things, the proposed rule would have required an IRS practitioner to comply with certain standards when providing a tax shelter opinion.

In addition, on November 17, 1980, the **Federal Register** (45 FR 75835) published a notice inviting comments from the public on the desirability of establishing an advisory committee to advise the Treasury Department on issues arising out of the standards proposed in the regulations for tax shelter opinions.

On January 29, 1982, the American Bar Association (ABA) issued a revised Formal Opinion 346 relating to the obligations of an attorney in issuing a tax shelter opinion. Unless otherwise noted, references herein to "ABA Opinion 346" refer to the Opinion in its revised form.

On December 15, 1982, a modified proposed rule was published in the **Federal Register** (47 FR 56144) (hereinafter referred to as the "proposed rule") which substantially modified the 1980 proposal in order to follow standards more nearly consistent with those set forth in ABA Opinion 346. The proposed rule required a practitioner who renders a tax shelter opinion to exercise responsibility with respect to the accuracy of the relevant facts; apply the law to the particular facts of the tax shelter offering; ascertain that all material Federal tax issues have been considered; where possible, provide an opinion as to the likely outcome on the merits of each material tax issue; provide an evaluation of the extent to which the material tax benefits in the aggregate will be realized; and assure that the nature and extent of the tax shelter opinion is described correctly in the offering materials.

Approximately fifteen written comments on the proposed rule were received from bar associations, accounting groups, individual attorneys, and accountants. After consideration of all comments regarding the proposed rule, it is hereby adopted as modified for clarification.

Explanation of Changes

The final rule adopted herein continues to follow the general guidelines of ABA Opinion 346, as did the proposed rule, and the "Supplementary Information" contained in the December 15, 1982, Notice of Proposed Rulemaking. However, various changes of a clarifying and stylistic nature have been made in the final rule. The more important changes, and the reasons for not making certain other suggested changes, are discussed below.

General Comments

A number of comments were received which generally supported the proposed rule, while others suggested that the proposed rule should be withdrawn. Some of the reasons given to withdraw the proposal included the contention that the proposed rule exceeded Treasury's statutory authority; that the rule is unnecessary in light of the publication of ABA Opinion 346 and recent statutory provisions directed at tax shelters added to the tax law; and that it would have little effect on persons who wish to participate in abusive tax shelters.

Treasury determined that the proposed rule should be finalized for several reasons. First, the legal profession has, by publication of ABA Opinion 346, recognized that attorneys have unique ethical responsibilities when they render tax shelter opinions to persons who are not their clients. This

action by the ABA reinforces Treasury's belief that tax practitioners must meet minimum standards of conduct with respect to tax shelter opinions, and that those who do not may be subject to suspension or disbarment from practice before Treasury.

Treasury has independent statutory authority to discipline incompetent and unethical conduct by practitioners,[1] while the ABA lacks such authority. State regulatory bodies may choose not to exercise their authority to regulate tax shelter opinions, or they may fail to follow uniform regulatory standards. In addition, certified public accountants, enrolled agents and enrolled actuaries also may practice before the IRS. For these reasons, action by Treasury is needed.

Finally, rules relating to tax shelter opinions complement the new penalties and other tax law changes made by Congress relating to tax shelters. For example, the new penalty for substantial understatements of tax liability under Internal Revenue Code section 6661 has increased the significance of determining whether there is sufficient legal authority for a position taken on a tax return. Thus, it is even more important than before that a prospective investor receive accurate and complete tax advice in the opinion as to the merits of the tax shelter offering. The final rule should help to improve the quality of this advice.

However, the regulations in this final rule are not intended to preclude local law and regulation from governing the preparation, issuance and dissemination of tax shelter opinions. However, regardless of the existence of local authority on the subject, the tax practitioner must observe and comply with the Treasury Department's regulations in order to avoid Treasury sanctions for misconduct thereunder.

Several commenters requested clarification of Treasury's position regarding "negative opinions" as set forth in the Supplementary Information accompanying the proposed rule. The final rule does not prohibit negative opinions, provided that all of the other requirements of the tax shelter opinion rules are met. However, it should be noted that a negative opinion may subject a practitioner to discipline under the final rule if it is not correctly, fairly and clearly described in the offering materials.

Specific Comments

1. Due Diligence as to Factual Matters

The proposed rule required a practitioner to exercise a degree of diligence with respect to the accuracy of factual matters relevant to a tax shelter opinion. Several comments stated that the proposed rule on this subject was unclear as to the scope of the practitioner's responsibility to verify the facts.

The Supplementary Information for the proposed rule stated that the applicable standards in this area generally were the same as those set forth in ABA Formal Opinion 346 and ABA Formal Opinion 335 (dealing with assumed fact opinions in connection with sale of unregistered securities). The final rule has been modified to incorporate a statement of the appropriate standards directly into the rule. Section 10.33(a)(1) now provides that a practitioner generally need not conduct an independent verification of the facts unless he knows, or should know, that the facts provided to him by the promoter or another person are untrue. Furthermore, a practitioner may accept without further inquiry an asserted valuation of property, an appraisal, or a projection, as support for the matters claimed therein only if they make sense on their face, and, in the case of an appraisal or projection, the practitioner reasonably believes that the person providing the appraisal or projection is competent to do so. Finally, if a valuation of purchased property is based on its stated purchase price, the practitioner must examine the circumstances surrounding the purchase to determine whether the stated purchase price reasonably may be considered to be the fair market value of the property.

2. Opinion on Each Material Tax Issue

Under the proposed rule, practitioners were required to render an opinion on each material tax issue in the offering. The final rule clarifies that an opinion is necessary only with respect to material issues that involve a reasonable possibility of a challenge by the IRS.

Under the rule, opinions are required only "where possible." Treasury will give cases in which practitioners conclude that opinions are not possible special scrutiny to prevent recurrence of the practice of rendering tax shelter "opinions" that do not truly express any opinion at all. Such "opinions" may be sued to mislead investors, who may believe that the practitioner's participation in the shelter offering is an endorsement of the shelter.

3. Overall Evaluation

The proposed rule required a practitioner to make an overall evaluation of the extent to which the tax benefits of the tax shelter in the aggregate were likely to be realized. The final rule has been clarified to provide that such an overall opinion need be rendered only where it is possible to do so. As with opinions on material tax issues, Treasury expects that it will be possible to render an overall evaluation in the great majority of cases (a view shared by ABA Opinion 346).

The final rule specifically requires that the existence of an unfavorable overall evaluation, or an opinion that concludes that an overall evaluation is not possible, must clearly be disclosed in the offering materials.

One comment suggested that reference to "aggregate" tax benefits is ambiguous since no guidelines were provided for making the evaluation. The final rule clarifies the purported ambiguity by defining a favorable overall evaluation as one concluding that substantially more than half of the material tax benefits of the tax shelter, in terms of their financial impact on a typical investor, more likely than not will be realized. Any other conclusion should be viewed as a less than favorable overall evaluation and should be set forth prominently in the opinion as such. Further, several examples of how the overall evaluation requirement is to be applied in typical tax shelter situations are provided.

4. Partial Opinions

The proposed rule permitted a practitioner to render an opinion on less than all the material tax issues if certain conditions were met. In particular, a partial opinion could be given only if the practitioner had no reason to believe that the overall evaluation of the tax shelter provided by another practitioner was incorrect.

Several comments expressed concern that the duty to examine the correctness of the overall evaluation is unduly burdensome to a practitioner hired to render only a partial opinion. The proposed rule was not intended to impose unreasonable burdens on practitioners who give partial opinions. The final rule now provides that the practitioner giving the partial opinion must have no reason to believe that the

[1] 31 U.S.C. 330(b), relating to suspension or disbarment from practice before Treasury, provides:

(b) After notice and opportunity for a proceeding, the Secretary [of the Treasury] may suspend or disbar from practice before the Department [of the Treasury] a representative who—

(1) Is incompetent;

(2) Is disreputable;

(3) Violates regulations prescribed under this section; or

(4) With intent to defraud, willfully and knowingly misleads or threatens the person being represented or a prospective person to be represented.

overall evaluation is incorrect on its face. It is anticipated that practitioners will meet this requirement by reviewing the overall evaluation to determine if it makes sense on its face, based on the practitioner's knowledge and experience, and if it is internally consistent with the opinions rendered on each material tax issue of the shelter.

In addition, comments by certified public accountants have requested clarification of the applicability of the final rule to practitioners who are associated with financial forecasts or projections included in tax shelter offering materials. The final rule states that practitioners who provide such forecasts or projections must comply with the general rules applicable to partial tax shelter opinions.

Financial forecasts or projections often include assumptions as to the tax return reporting positions to be taken with respect to material tax issues. Tax shelter forecasts or projections therefore could mislead investors by implicitly suggesting that the tax return positions they reflect are proper. For this reason, the final rule treats forecasts or projections involving any tax assumptions as "tax shelter" opinions. If the forecasts or projections themselves do not address all of the material tax issues in the required manner, all material tax issues that form the basis for such forecasts or projections must be fully addressed by the practitioner or some other practitioner in a tax opinion (or elsewhere in the offering materials) that meets the criteria set forth in the rules. Furthermore, the practitioner associated with the forecasts or projections will be responsible for rendering an opinion on any material tax issue not addressed in the tax opinion by the other practitioner. Finally, the nature and extent of the forecasts or projections must be described correctly in the offering materials.

5. Definitions

The definition of a tax shelter generated the greatest number of comments. Some comments suggested that the definition used (patterned after that in ABA Opinion 346) was overbroad, and that it should be made consistent with the definition of a tax shelter in Internal Revenue Code section 6661 (penalty for substantial understatements of tax liability). The final rule does not incorporate this suggestion because section 6661 is intended to identify a relatively narrow category of transactions that should be subject to more stringent penalty requirements because their principal purpose is tax avoidance. In contrast, the tax shelter opinion rules serve a different purpose. Merely because an investment has a business or profit objective and is not principally tax motivated does not mean that it does not also have substantial tax shelter features in the eyes of potential investors, or that a full and complete tax opinion is not necessary.

The tax shelter definition in the final rule provides that the tax shelter effect of a transaction must be both substantial and intended. The reason for this modification is to avoid "retroactive" reclassification of an investment as a tax shelter if unintended losses exceed income in a year (for example, when an unsuccessful investment is disposed of or terminated). The offering materials will be given significant weight to determine whether tax shelter benefits are an intended result of the transaction.

The tax shelter definition also was modified to negate an erroneous interpretation by some that real estate investments are not considered tax shelters unless they produce tax losses in every year. If net losses are foreseeable in *any* year, a real estate investment is a tax shelter. The exclusion from the tax shelter definition for "family trusts" also was amended so that it applied only to family trusts provided in direct practitioner-client relationships, and not to trust schemes that are publicly marketed by promoters.

The definition of "tax shelter opinion" was changed to clarify the fact that an opinion letter or a tax description in a tax shelter offering circular is a tax shelter opinion even if the practitioner's name is not used.

6. Disciplinary Standards, Firm Opinions

In response to several comments, the standards of culpability required to discipline a practitioner for failing to comply with the tax shelter opinion rules or the prohibition against false opinions have been conformed. A violation of the tax shelter opinion rules or the rule relating to false opinions will be subject to discipline if the practitioner violates the rules willfully (or knowingly), recklessly, through gross incompetence, or if the violation is part of a pattern of repeated violations.

The proposed rule provided that in certain circumstances an entire firm could be disciplined for firm opinions that violated the tax shelter opinion standards. In light of comments pointing to the difficulty of imposing sanctions on firms rather than on individual practitioners, this provision has been deleted from the final rule.

7. Advisory Committee

The provision authorizing formation of an Advisory Committee for the Director of Practice has been modified to provide that action by the Committee is to be taken at the request of the Director of Practice.

One comment questioned the ability of the Director of Practice to enforce the tax shelter opinion rules in an impartial manner. Although the Director of Practice is now an official of the Internal Revenue Service, assessment of individual cases is made on an independent basis. Further, the administrative and judicial appeals described in the Supplementary Information accompanying the proposed rule continue to be applicable to disciplinary actions. Treasury believes that these safeguards are sufficient to assure that the tax shelter opinion rules will be administered in a fair and equitable manner.

8. Return Preparation

In order to clarify § 10.7 of the regulations, the heading is being changed to address its full scope.

Executive Order 12291

It has been determined that this rule is not a major rule as defined in Executive Order 12291. This rule relates solely to practice before the IRS and is not expected to have any significant economic consequences.

Regulatory Flexibility Act

This rule is not subject to the provisions of the Regulatory Flexibility Act since the initial Notice of Proposed Rulemaking was published before January 1, 1981, the effective date of the Act.

Drafting Information

The principal author of these regulations is Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury. Other present and former personnel in the Treasury Department participated in the development of the regulations, both as to substance and style.

List of Subjects in 31 CFR Part 10

Administrative rules and procedures, Lawyers, Accountants, Enrolled agents, and Enrolled actuaries.

Authority: These final rules are issued under authority of Sec. 3, 23 Stat. 258, secs. 2–12, 60 Stat. 237 et seq.; 5 U.S.C. 301; 31 U.S.C. 330; 31 U.S.C. 321 (Reorg. Plan No. 26 of 1950, 15 FR 4935, 64 Stat. 1280, 3 CFR, 1949–53 Comp., p. 1017).

Adoption of Amendments to Regulations

Accordingly, 31 CFR Part 10 is amended as follows:

§ 10.2 [Amended]

1. In § 10.2, paragraph (a) is amended by removing the third sentence.

2. Section 10.7 is amended by revising the heading and by adding paragraph (c), to read as follows:

§ 10.7 Limited practice; special appearances; return preparation and furnishing information.

* * * * *

(c) *Preparation of tax returns and furnishing information.* Any person may prepare a tax return, may appear as a witness for the taxpayer before the Internal Revenue Service, or furnish information at the request of the Internal Revenue Service or any of its officers or employees.

3. Section 10.33 is added to read as follows:

§ 10.33 Tax shelter opinions.

(a) *Tax shelter opinions and offering materials.* A practitioner who provides a tax shelter opinion analyzing the Federal tax effects of a tax shelter investment shall comply with each of the following requirements:

(1) *Factual matters.* (i) The practitioner must make inquiry as to all relevant facts, be satisfied that the material facts are accurately and completely described in the offering materials, and assure that any representations as to future activities are clearly identified, reasonable and complete.

(ii) A practitioner may not accept as true asserted facts pertaining to the tax shelter which he/she should not, based on his/her background and knowledge, reasonably believe to be true. However, a practitioner need not conduct an audit or independent verification of the asserted facts, or assume that a client's statement of the facts cannot be relied upon, unless he/she has reason to believe that any relevant facts asserted to him/her are untrue.

(iii) If the fair market value of property or the expected financial performance of an investment is relevant to the tax shelter, a practitioner may not accept an appraisal or financial projection as support for the matters claimed therein unless:

(A) The appraisal or financial projection makes sense on its face;

(B) The practitioner reasonably believes that the person making the appraisal or financial projection is competent to do so and is not of dubious reputation; and

(C) The appraisal is based on the definition of fair market value prescribed under the relevant Federal tax provisions.

(iv) If the fair market value of purchased property is to be established by reference to its stated purchase price, the practitioner must examine the terms and conditions upon which the property was (or is to be) purchased to determine whether the stated purchase price reasonably may be considered to be its fair market value.

(2) *Relate law to facts.* The practitioner must relate the law to the actual facts and, when addressing issues based on future activities, clearly identify what facts are assumed.

(3) *Identification of material issues.* The practitioner must ascertain that all material Federal tax issues have been considered, and that all of those issues which involve the reasonable possibility of a challenge by the Internal Revenue Service have been fully and fairly addressed in the offering materials.

(4) *Opinion on each material issue.* Where possible, the practitioner must provide an opinion whether it is more likely than not that an investor will prevail on the merits of each material tax issue presented by the offering which involves a reasonable possibility of a challenge by the Internal Revenue Service. Where such an opinion cannot be given with respect to any material tax issue, the opinion should fully describe the reasons for the practitioner's inability to opine as to the likely outcome.

(5) *Overall evaluation.* (i) Where possible, the practitioner must provide an overall evaluation whether the material tax benefits in the aggregate more likely than not will be realized. Where such an overall evaluation cannot be given, the opinion should fully describe the reasons for the practitioner's inability to make an overall evaluation. Opinions concluding that an overall evaluation cannot be provided will be given special scrutiny to determine if the stated reasons are adequate.

(ii) A favorable overall evaluation may not be rendered unless it is based on a conclusion that substantially more than half of the material tax benefits, in terms of their financial impact on a typical investor, more likely than not will be realized if challenged by the Internal Revenue Service.

(iii) If it is not possible to give an overall evaluation, or if the overall evaluation is that the material tax benefits in the aggregate will not be realized, the fact that the practitioner's opinion does not constitute a favorable overall evaluation, or that it is an unfavorable overall evaluation, must be clearly and prominently disclosed in the offering materials.

(iv) The following examples illustrate the principles of this paragraph:

Example (1). A limited partnership acquires real property in a sale-leaseback transaction. The principal tax benefits offered to investing partners consist of depreciation and interest deductions. Lesser tax benefits are offered to investors by reason of several deductions under Internal Revenue Code section 162 (ordinary and necessary business expenses). If a practitioner concludes that it is more likely than not that the partnership will not be treated as the owner of the property for tax purposes (which is required to allow the interest and depreciation deductions), then he/she may not opine to the effect that it is more likely than not that the material tax benefits in the aggregate will be realized, regardless of whether favorable opinions may be given with respect to the deductions claimed under Code section 162.

Example (2). A corporation electing under subchapter S of the Internal Revenue Code is formed to engage in research and development activities. The offering materials forecast that deductions for research and experimental expenditures equal to 75% of the total investment in the corporation will be available during the first two years of the corporation's operations, other expenses will account for another 15% of the total investment, and that little or no gross income will be received by the corporation during this period. The practitioner concludes that it is more likely than not that deductions for research and experimental expenditures will be allowable. The practitioner may render an opinion to the effect that based on this conclusion, it is more likely than not that the material tax benefits in the aggregate will be realized, regardless of whether he/she can opine that it is more likely than not that any of the other tax benefits will be achieved.

Example (3). An investment program is established to acquire offsetting positions in commodities contracts. The objective of the program is to close the loss positions in year one and to close the profit positions in year two. The principal tax benefit offered by the program is a loss in the first year, coupled with the deferral of offsetting gain until the following year. The practitioner concludes that the losses will not be deductible in year one. Accordingly, he/she may not render an opinion to the effect that it is more likely than not that the material tax benefits in the aggregate will be realized, regardless of the fact that he/she is of the opinion that losses not allowable in year one will be allowable in year two, because the principal tax benefit offered is a one-year deferral of income.

Example (4). A limited partnership is formed to acquire, own and operate residential rental real estate. The offering material forecasts gross income of $2,000,000 and total deductions of $10,000,000, resulting in net losses of $8,000,000 over the first six taxable years. Of the total deductions, depreciation and interest are projected to be $7,000,000, and other deductions $3,000,000. The practitioner concludes that it is more

likely than not that all of the depreciation and interest deductions will be allowable, and that it is more likely than not that the other deductions will not be allowed. The practitioner may render an opinion to the efect that it is more likely than not that the material tax benefits in the aggregate will be realized.

(6) *Description of opinion.* The practitioner must assure that the offering materials correctly and fairly represent the nature and extent of the tax shelter opinion.

(b) *Reliance on other opinions*—(1) *In general.* A practitioner may provide an opinion on less than all of the material tax issues only if:

(i) At least one other competent practitioner provides an opinion on the likely outcome with respect to all of the other material tax issues which involve a reasonable possibility of challenge by the Internal Revenue Service, and an overall evalution whether the material tax benefits in the aggregate more likely than not will be realized, which is disseminated in the same manner as the practitioner's opinion; and

(ii) The practitioner, upon reviewing such other opinions and any offering materials, has no reason to believe that the standards of paragraph (a) of this section have not been complied with.

Notwithstanding the foregoing, a practitioner who has not been retained to provide an overall evaluation whether the material tax benefits in the aggregate more likely than not will be realized may issue an opinion on less than all the material tax issues only if he/she has no reason to believe, based on his/her knowledge and experience, that the overall evaluation given by the practitioner who furnishes the overall evaluation is incorrect on its face.

(2) *Forecasts and projections.* A practitioner who is associated with forecasts or projections relating to or based upon the tax consequences of the tax shelter offering that are included in the offering materials, or are disseminated to potential investors other than the practitioner's clients, may rely on the opinion of another practitioner as to any or all material tax issues, provided that the practitioner who desires to rely on the other opinion has no reason to believe that the standards of paragraph (a) of this section have not been complied with by the practitioner rendering such other opinion, and the requirements of paragraph (b)(1) of this section are satisfied. The practitioner's report shall disclose any material tax issue not covered by, or incorrectly opined upon, by the other opinion, and shall set forth his/her opinion with respect to each such issue in a manner that satisfies the requirements of paragraph (a) of this section.

(c) *Definitions.* For purposes of this section:

(1) "Practitioner" is any person authorized under § 10.3 of this part to practice before the Internal Revenue Service.

(2) A "tax shelter," as the term is used in this section, is an investment which has as a significant and intended feature for Federal income or excise tax purposes either of the following attributes: (i) Deductions in excess of income from the investment being available in any year to reduce income from other sources in that year, or (ii) credits in excess of the tax attributable to the income from the investment being available in any year to offset taxes on income from other sources in that year. Excluded from the term are municipal bonds; annuities; family trusts (but not including schemes or arrangements that are marketed to the public other than in a direct practitioner-client relationship); qualified retirement plans; individual retirement accounts, stock option plans; securities issued in a corporate reorganization; mineral development ventures, if the only tax benefit would be percentage depletion; and real estate where it is anticipated that in no year is it likely that deductions will exceed the tax attributable to the income from the investment in that year. Whether an investment is intended to have tax shelter features depends on the objective facts and circumstances of each case. Significant weight will be given to the features described in the offering mateials to determine whether the investment is a tax shelter.

(3) A "tax shelter opinion," as the term is used in this section, is advice by a practitioner concerning the Federal tax aspects of a tax shelter either appearing or referred to in the offering materials, or used or referred to in connection with sales promotion efforts, and directed to persons other than the client who engaged the practitioner to give the advice. The term includes the tax aspects or tax risks portion of the offering materials prepared by or at the direction of a practitioner, whether or not a separate opinion letter is issued or whether or not the practitioner's name is referred to in the offering materials or in connection with the sales promotion efforts. In addition, a financial forcast or projection prepared by a practitioner is a tax shelter opinion if it is predicated on assumptions regarding Federal tax aspects of the investment, and it meets the other requirements of the first sentence of this subparagraph. The term does not, however, include rendering advice solely to the offeror or reviewing parts of the offering materials, so long as neither the name of the practitioner, nor the fact that a practitioner has rendered advice concerning the tax aspects, is referred to in the offering materials or in connection with the sales promotion efforts.

(4) A "material" tax issue as the term is used in this section is (i) any Federal income or excise tax issue relating to a tax shelter that would make a significant contribution toward sheltering from Federal taxes income from other sources by providing deductions in excess of the income from the tax shelter investment in any year, or tax credits available to offset tax liabilities in excess of the tax attributable to the tax shelter investment in any year; (ii) any other Federal income or excise tax issue relating to a tax shelter that could have a significant impact (either benefical or adverse) on a tax shelter investor under any reasonably foreseeable circumstances (e.g., depreciation or investment tax credit recapture, availability of long-term capital gain treatment, or realization of taxable income in excess of cash flow, upon sale or other disposition of the tax shelter investment); and (iii) the potential applicability of penalties, additions to tax, or interest charges that reasonably could be asserted against a tax shelter investor by the Internal Revenue Service with respect to the tax shelter. The determination of what is material is to be made in good faith by the practitioner, based on information available at the time the offering materials are circulated.

4. Section 10.51 is amended by adding new paragraph (j) to read as follows:

§ 10.51 Disreputable conduct.

* * * * *

(j) Giving a false opinion, knowingly, recklessly, or through gross incompetence, including an opinion which is intentionally or recklessly misleading, or a pattern of providing incompetent opinions on questions arising under the Federal tax laws. False opinions described in this paragraph include those which reflect or result from a knowing misstatement of fact or law; from an assertion of a position known to be unwarranted under existing

law; from counseling or assisting in conduct known to be illegal or fraudulent; from concealment of matters required by law to be revealed; or from conscious disregard of information indicating that material facts expressed in the tax opinion or offering material are false or misleading. For the purpose of this paragraph, reckless conduct is a highly unreasonable omission or misrepresentation, involving not merely simple or inexcusable negligence, but an extreme departure from the standards of ordinary care that is either known or is so obvious that the competent practitioner must or should have been aware of it. Gross incompetence includes conduct that reflects gross indifference, preparation which is grossly inadequate under the circumstances, and a consistent failure to perform obligations to the client.

5. In § 10.52, (a) introductory text is added, the rest of the existing paragraph is designated as paragraph (a), and new paragraph (b) is added to read as follows:

§ 10.52 Violation of regulations.

(a) *In General.* * * *

(b) *Tax shelter opinions.* An attorney, certified public accountant, enrolled agent or enrolled actuary may be disbarred or suspended from practice before the Internal Revenue Service for violating any part of § 10.33 of this part, if such violation is willfull, reckless or through gross incompetence (within the meaning of § 10.51(j) of this part); or if the violation is part of a pattern of providing tax shelter opinions that fail to comply with § 10.33 of this part.

6. Section 10.76 is added to read as follows:

§ 10.76 Advisory committee.

For purposes of advising the Director of Practice whether an individual may have violated § 10.33 of this part, the Director of Practice is authorized to establish an Advisory Committee, composed of at least five individuals authorized to practice before the Internal Revenue Service. Under procedures established by the Director of Practice, such Advisory Committee shall, at the request of the Director of Practice, review and make recommendations with regard to alleged violations of § 10.33 of this part.

Dated: February 14, 1984.

Peter J. Wallison,

General Counsel, Department of the Treasury.

[FR Doc. 84-4814 Filed 2-22-84; 8:45 am]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AD-FRL-2529-2]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA announces final approval of the carbon monoxide (CO) attainment demonstrations for the Cincinnati urban area. EPA is not taking action on the Cleveland CO attainment demonstration at this time. EPA's action is based upon a revision which was submitted by the Ohio Environmental Protection Agency (OEPA) to satisfy the requirements of Part D of the Clean Air Act (hereafter referred to as the Act).

EFFECTIVE DATE: This final rulemaking becomes effective on March 26, 1984.

ADDRESSES: Copies of this revision to the Ohio SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

Copies of the SIP revision, public comments on the notice of the proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Debra Marcantonio at (312) 886-6088 before visting the Region V Office.)

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

SUPPLEMENTARY INFORMATION: This notice presents a discussion of EPA's review of Ohio's revisions to the CO attainment plans in five parts: I. Background Information, II. Demonstration of Attainment for Cleveland, III. Demonstration of Attainment for Cincinnati, IV. Public Comments, and V. Final Action.

I. Background Information

The 1977 Amendments added new Part D to Title I of the Act. Under this Part, the States were required to revise their SIPs for all nonattainment areas and to submit the revisions to EPA by January 1, 1979 [sections 171-178 of the Act; Section 129(c) [not codified in the United States Code] of Pub. L. 95-95]. The revised plans were to provide for attainment by December 31, 1982, unless the States demonstrated that they could not attain either the ozone or CO standard by that date despite the implementation of all reasonably available control measures (sections 172(a)(1), 172(a)(2)).

If EPA approved this demonstration, the attainment date for ozone or CO could be extended up to December 31, 1987. States receiving such extensions were to submit second SIP revisions that provide for attainment by the approved attainment date and comply with all of the Part D requirements (section 172(c)). These second SIP revisions had to be submitted by July 1, 1982 (section 129(c) (uncodified), Pub. L. 95-95).

On July 27, 1979, OEPA submitted initial SIP revisions to EPA for the Cleveland and Cincinnati urban ozone and CO attainment areas with amendments submitted to EPA on September 13, 1979; December 28, 1979; January 16, 1980; April 24, 1980; and September 17, 1980. In these SIP revisions, the State of Ohio could not demonstrate attainment of the NAAQS by December 31, 1982, for both ozone and CO, in the Cleveland and Cincinnati urban areas. Therefore, OEPA requested and EPA granted an extension of the attainment date for the standards in these areas until December 31, 1987. EPA conditionally approved the 1979 plan revisions in separate actions on October 31, 1980 (45 FR 72122) and on June 18, 1981 (46 FR 31881).

In accordance with section 129(c) of the Act, OEPA submitted 1982 SIP revisions which they believed demonstrated that the ozone and CO standards would be attained in the Cleveland and Cincinnati urban areas by December 31, 1982. EPA proposed to approve the ozone and CO attainment demonstrations on February 3, 1983 (48 FR 5118). Today's action approves the CO attainment demonstration for the Cincinnati urban area. As discussed below, EPA is not taking action on the Cleveland CO attainment demonstration at this time. EPA is reproposing action on the ozone demonstration for these areas in a separate **Federal Register** notice.

II. Demonstration of Attainment for Cleveland

The Cleveland CO nonattainment area consists of Cuyahoga County. The SIP revisions incorporating the CO attainment demonstration was submitted to EPA on June 9, 1982,

November 9, 1982, March 8, 1983 and March 16, 1983.

On December 5, 1983 Ohio submitted additional information regarding carbon monoxide standard exceedances which occurred on March 3 and 4, 1983. The purpose of this letter was to explain that a combination of an open burning of tires and adverse meteorology caused abnormally high carbon monoxide readings in Cleveland. EPA is currently reviewing these data to determine if the exceedances can be explained by an upwind fire. EPA has requested further information from the State. EPA cannot take final action on the Cleveland CO SIP, until the review of these data is completed. Therefore, EPA will act on the Clevaland CO SIP in a separate **Federal Register** notice.

III. Demonstration of Attainment for Cincinnati

The Cincinnati CO nonattainment area consists of Hamilton County. The SIP revisions incorporating the CO attainment demonstration was submitted to EPA on May 24, 1982, September 23, 1982, November 4, 1982 and March 16, 1983.

OEPA developed the Cincinnati urban area CO attainment demonstration by evaluating air quality data gathered at five monitors in Hamilton County. Four of these five monitors showed no violations of the CO air quality standards in the period from 1979 to 1981. OEPA demonstrated attainment by using concentration data from the monitor which did show violations. Using a proportional rollback approach, OEPA determined that a 6.2 percent reduction in CO emissions was necessary to achieve the standard. OEPA also defined an area surrounding the monitor encompassing the principal set of emissions responsible for the observed violations. OEPA evaluated CO emissions in this principal impact area to assess the achieved emission reduction percentage.

Ohio EPA calculated that a 6.5 percent emissions reduction occurred between November 1981, and the end of 1982, thus showing attainment by the end of 1982 with a 0.3 percent margin. EPA recalculated both the reduction requirement and the reduction achieved using different assumptions than Ohio EPA. The EPA analysis also demonstrated attainment of the CO standard with a similar growth margin. Further discussion of this analysis is provided in the notice of proposed rulemaking, 48 FR 5118 (February 3, 1983).

In the notice of proposed rulemaking EPA requested further documentation of several of the assumptions used in calculating the emissions inventory. Each of the issues clarified by the State are addressed below along with EPA's evaluation of the State's response.

State Response: Ohio EPA stated that the temperature used in calculating mobile source CO emission factors was the same temperature used in the hydrocarbon emissions calculations (i.e., 74°F). Ohio noted further that emissions are constant between 54°F and 74°F.

EPA Response: For a rollback analysis, the emissions inventory would most appropriately be representative of conditions when violations have occurred. As discussed in the notice of proposed rulemaking, the violations occurred in November, so the CO emission factors would most appropriately be calculated for somewhat lower temperature than Ohio used. MOBILE 2, which Ohio used to calculate mobile source emission factors, assumes constant emissions between 68°F and 86°F (i.e., a somewhat higher temperature range than implied by Ohio) and generally calculates slightly higher emissions at typical November temperatures. However, both the 1980 and the 1982 emissions are likely to be affected similarly, so the percentage emission reductions would be expected to be about the same using typical November temperatures as they would using 74°F.

State Response: In response to EPA's questions of whether any major point sources were located in the principal impact areas, Ohio EPA responded that there were no major point sources located in the principal impact area. Minor point source emissions were calculated by assuming that the same ratio of point source emission to 1980 mobile source emission exists in the principal impact area as exists in the whole of Hamilton County.

EPA Response: EPA believes that the State has provided an acceptable assessment of these emissions.

State Response: Regarding area source emissions, Ohio EPA stated that as with point source emissions, Ohio assumed that the same ratio of area source emissions to 1980 mobile source emissions exists in the principal impact area as exists in the whole of Hamilton County.

EPA Response: EPA believes the approach used by Ohio provides an acceptable assessment of area source emissions.

IV. Public Comments

During the public comment period, no comments were received regarding the CO demonstrations of attainment except for the State's response which was discussed above.

V. Final Action

Review of the monitoring, modeling and emission inventories submitted by the Ohio EPA indicates that the Cincinnati urban area achieved attainment of CO NAAQS by December 31, 1982. Therefore, EPA is approving this demonstration as part of the CO SIP for the Cincinnati urban area. In addition, EPA is removing the extension of the attainment date for CO to 1987 for Hamilton County (Cincinnati) as requested by the State. Approval of the CO demonstrations and removal of the post-1982 attainment date extensions in turn remove the requirement of an I/M program as part of the CO SIP for this area. However, an I/M program is still required as part of the State's ozone SIP. EPA is taking action on Ohio's ozone SIP in a separate **Federal Register** notice. EPA will also address the Cleveland CO SIP in a separate notice.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the **Federal Register** on July 1, 1983.

This notice is issued under authority of sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: February 15, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

Subpart KK—Ohio

1. Section 52.1870 is amended by adding paragraph (c)(60) as follows:

§ 52.1870 Identification of the plan.

(c)* * *

(60) The State of Ohio submitted a revised demonstration that showed attainment by December 31, 1982, of the Carbon Monixide (CO) National

Ambient Air Quality Standards (NAAQS) for the Cincinnati area (Hamilton County) on May 24, 1982. Supplemental information was submitted on September 23, 1982, November 4, 1982, and March 16, 1983. The May 24, 1982, submittal also requested that the five year extension for meeting the NAAQS requested on July 29, 1979, and granted on October 31, 1980, be rescinded for this area. EPA has rescinded this extension only for the Cincinnati demonstration area for CO.

2. The carbon monoxide attainment date and footnote in the table of Section 52.1875(a) are revised for the Cincinnati Interstate and the Toledo Interstate (correction to table) to read as follows. (EPA is not revising the attainment dates for particulate matter, sulfur oxides, nitrogen dioxide or ozone nor is its revising the other notes, footnotes or subsections).

§ 52.1875 Attainment Dates for National Standards.

(a) * * *

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Metropolitan Cincinnati Interstate (AQCR 079):							
a. Primary/Secondary Non-Attainment Areas	* * *	* * *	* * *	* * *	* * *	d	* * *
b. Remainder of AQCR	* * *	* * *	* * *	* * *	* * *	b	* * *
* * *							
Metropolitan Toledo Interstate (ACQR 124):							
a. Primary/Secondary Non-Attainment Areas	* * *	* * *	* * *	* * *	* * *	d	* * *
b. Remainder of AQCR	* * *	* * *	* * *	* * *	* * *	b	* * *

* * *

d. December 31, 1982.

* * *

[FR Doc. 84-4648 Filed 2-22-84; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Chap. 1

[FPR Temp. Reg. 76]

Revision of Labor Standards for Federal Service Contracts

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This temporary regulation prescribes the revised labor standards for Federal service contracts in accordance with revised Department of Labor (DOL) regulations (29 CFR Part 4). The basis for this revision is the DOL's revised final regulation on labor standards for Federal service contracts issued under the Service Contract Act (48 FR 49766, October 27, 1983). The intended effect of this temporary regulation is to provide minimum essential guidance pending analysis of the DOL regulation and development of necessary changes to the procurement regulations. Agencies are required to follow the referenced DOL regulations on service contracts pending publication of permanent coverage in the FPR.

DATES: *Effective date:* February 23, 1984. *Expiration date:* January 31, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Gwendolyn B. White, Office of Federal Acquisition and Regulatory Policy (VR), Office of Acquisition Policy (202-523-3847).

Authority

Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c).

In 41 CFR Chapter 1, the following temporary regulation is added to the appendix at the end of the chapter to read as follows:

February 14, 1984.

Federal Procurement Regulations Temporary Regulation 76

To: Heads of Federal agencies

Subject: Revision of labor standards for Federal service contracts

1. *Purpose.* This temporary regulation prescribes revised labor standards for Federal service contracts in accordance with revised Department of Labor regulations (29 CFR Part 4).

2. *Effective date.* This regulation is effective February 23, 1984.

3. *Expiration date.* This regulation expires January 31, 1986, unless earlier revised or superseded.

4. *Background.*

a. The Department of Labor (DOL) issued revised final regulations on labor standards for Federal service contracts under the Service Contract Act (SCA) on October 27, 1983 (48 FR 49736). Recently, the DOL postponed the December 27, 1983, effective date of these regulations to January 27, 1984.

b. Many of the provisions of the Service Contract Act Regulations (29 CFR Part 4) reflect existing policies and interpretations of the Act or are procedural in nature. However, significant changes have been made in contract clauses, contract coverage, exemptions from coverage, and provisions relating to wage determinations. DOL Memorandum No. 136, dated November 18, 1983, is a copy of the revised regulations, which includes a further discussion of the changes. A copy was forwarded to all contracting agencies of the Federal Government and the District of Columbia. Major changes to 29 CFR Part 4 are highlighted below:

(1) *Section 4.1b(b)—Limitation of Section 4(c) of the Act:* This section has been revised to provide that the rates contained in new or changed collective bargaining agreements (CBAs) consummated during the period of performance of the predecessor contract will not be effective for purposes of the successorship requirements of section 4(c) of the Act, if notification of the terms of the new CBA is received by the contracting agency (1) in the case of a competitively advertised procurement, less than 10 days before the date of bid opening, provided the agency makes an affirmative finding that there is not a reasonable time still available to notify bidders; or (2) in the case of a negotiated procurement or execution of a renewal option or extension, after award, provided contract start of performance is written 30 days after the award, option, or extension—otherwise, the former "10 days before commencement" rule would apply.

(2) *Sections 4.3, 4.4, and 4.53—Locality Basis of Wage Determinations When Place of Contract Performance is Unknown at Time of Bid Solicitation:* These sections have been revised to establish a new "two-step" procurement procedure for issuing separate wage determinations, to the extent feasible, for each of the various localities where the particular contract work might be performed in instances when the place of contract performance cannot be determined at the time of bid solicitation.

(3) *Section 4.4(a)—Notice of Intention to Make a Service Contract (SF-98):* This revised section provides that contracting agencies must file SF-98s not less than 60 days (nor more than 120 days without approval) prior to invitations for bids, requests for proposals, commencement of

negotiations, exercise of options or extensions, etc., in the case of recurring, known procurements, and not later than 30 days prior to such contracting actions for unplanned and/or emergency procurement actions.

(4) *Section 4.5(a)(2)—Incorporation of Revised Wage Determinations:* This section provides that revisions of a wage determination received by the contracting agency later than 10 days prior to the date of bid opening (in the case of competitively advertised procurements) are not effective if the agency makes an affirmative finding that there is not reasonable time still available to notify bidders of the revision. In the case of negotiated procurements (or options or extensions of the initial contract term), revisions received after award (or execution, as appropriate) are not effective *provided* that contract start of performance is within 30 days of the award (or option or extension); if the contract does not specify a start of performance within 30 days and/or performance does not commence within the 30-day period, DOL is to be notified by the agency and any subsequent notice of a revision received by the agency not less than 10 days before commencement of the contract will be effective.

(5) *Section 4.5(c)(2)—Erroneous Contracting Agency Determinations of Noncoverage:* This new subsection requires that when DOL finds that the contracting agency made an erroneous determination that the SCA did not apply and/or failed to include an appropriate wage determination in a covered contract, the agency must include the SCA contract stipulations and any applicable wage determination in such contract within 30 days of notification by DOL.

(6) *Sections 4.6 and 4.7—Labor Standards Clauses for Federal Service Contracts:* These sections set forth the revised contract clauses discussed in paragraph 5b below.

(7) *Section 4.6(b)(2)—Conformance of Wage Rates for Classifications of Employees Not Listed in a Wage Determination:*

Revisions in the conformance procedures in this contract clause provide for an "indexing" procedure which allows a contractor to apply a specified mathematical formula to a previously conformed rate in establishing a new conformed rate, without requiring DOL approval. The indexed conformance is based upon the average percentage change between the rates listed in the current wage determination for all classifications to be used on the contract and those rates specified for the corresponding classifications in the previously applicable wage determination.

In addition, the revised procedures require that a contractor initiate the conformance action before an unlisted class of employees performs any contract work. Furthermore, except where the indexing procedure is utilized, the revised regulations require that the contractor submit information regarding the agreement or disagreement of the affected employees to the conformed rate and also require the contracting officer to promptly submit all conformance actions to DOL for review and approval. Conformed wage rates and/or fringe benefits must be paid to all employees in the conformed classification retroactive to the date such class of employees commenced any contract work.

(8) *Section 4.6(1)(2)—Seniority List:* In cases of a contract performed at a Federal facility where employees may be hired/retained by a succeeding contractor, this new subsection requires the incumbent prime contractor to furnish a certified list of all service employees on the contractor's or subcontractor's payroll during the last month of the contract, together with anniversary dates of employment, to the contracting officer no later than 10 days before contract completion.

(9) *Section 4.6(n) Certification of Eligibility:* This section provides a new requirement that the contractor certify it is not a debarred person or firm and thus not ineligible to be awarded the contract, and also prohibits subcontracting to debarred persons.

(10) *Sections 4.6(r) and 4.187—Disputes Concerning Labor Standards:* For clarification, a new paragraph (r) has been added to the contract clauses in section 4.6 specifying that disputes involving the labor standards provisions of the contract are resolved by DOL under its regulations (29 CFR Parts 4, 6, and 8) and are not subject to the general disputes clause of the contract.

(11) *Section 4.8—Notice of Awards:* Section 4.8 provides that a Standard Form 99 need not be submitted to DOL for contract awards exceeding $10,000 that are subject to the SCA if the contracting agency submits Standard Form 279, FPDS Individual Contract Action Report (or its equivalent) to the FPDS, or if the contracting agency makes other arrangements with the Wage and Hour Division for notification of such contract awards. However, this action does not alter the statutory requirement that contracting agencies incorporate the proper stipulations in all contracts exceeding $2,500.

(12) *Section 4.10—Substantial Variance Proceedings Under Section 4(c) of the Act:* This section provides revised procedures relative to requests for hearings under section 4(c) of the Act to determine whether the collectively bargained wages and/or fringe benefits otherwise required to be paid are "substantially at variance" with those which prevail for similar services in the locality.

(13) *Section 4.11—Arm's Length Proceedings:* This section, in conjunction with revised 29 CFR Part 6, provides new hearing procedures relative to questions as to whether the wages and fringe benefits contained in a predecessor contractor's collective bargaining agreement were reached as a result of "arm's length negotiations".

(14) *Section 4.12—Substantial Interest Proceedings:* This section, in conjunction with revised 29 CFR Part 6, provides new hearing procedures relative to determinations of whether persons or firms whose names appear on the ineligible bidders list pursuant to section 5 of the Act have a "substantial interest" in any firm, corporation, partnership, or association other than those appearing on the ineligible list.

(15) *Subpart B—Wage Determination Procedures:* This new Subpart explains DOL's overall policies and procedures concerning the issuance and review of wage determinations.

(16) *Section 4.55—Review and Reconsideration of Wage Determinations:* This section provides that interested parties affected by a wage determination may obtain review and reconsideration by the Wage and Hour Administrator of the wage determination upon request.

(17) *Section 4.114(b)—Liability of Prime Contractor for Violations by Subcontractors:* This section provides that the prime contractor is liable in the event its subcontractors violate the Act by failing to pay the wages and fringe benefits required under the provisions of the prime contract.

(18) *Sections 4.116(b) and 4.131(f)—Coverage of Contracts For Property Demolition, Dismantling, and Removal:* As provided in these revised sections, where the facts show the principal purpose of a demolition contract is the furnishing of dismatling and removal services, and no further construction is contemplated (in which case the contract would be subject to the Davis-Bacon Act), such a contract is covered by the SCA even though the contractor received salvaged materials.

(19) *Section 4.117—Work Subject to the Walsh-Healey Act: Overhaul and Modification of Equipment:* This new section provides detailed guidelines for delineating when contracts for major

overhaul of equipment would be considered "remanufacturing" subject to the Walsh-Healey Pulbic Contracts Act (PCA) rather than the SCA. Contracting agencies are required to initially determine whether work to be performed under a proposed contract would involve principally "remanufacturing" work based on the guidelines, and incorporate the appropriate labor standards clauses (SCA *or* PCA) into the contract prior to soliciting bids.

(20) *Section 4.118—Contracts for Carriage Subject to Published Tariff Rates:* This section discusses application of the staturory exemption in section 7(3) of the SCA for contracts for carriage of freight or personnel subject to published tariff rates, as well as the administrative exemption provided for certain contracts where such carriage is suject to and in accordance with applicable regulations governing rates covered by section 10721 of the Interstate Commerce Act (see revised section 4.123(d)(3) of the regulations).

(21) *Section 4.123(e)—Exemptions from Coverage for Contracts for Maintenance and Repair of Certain ADP, Scientific and Medical, and Office/Business Equipment:* An administrative exemption from the provisions of the Act has been granted for certain contracts for the maintenance, calibration and/or repair of: (1) automated data processing equipment and office information/word processing systems, (2) scientific equipment and medical apparatus or equipment where the application of microelectronic circuitry or similar technology is an essential element, and (3) office/business machines where the work is performed by the manufacturer or supplier of the equipment.

(22) *Sections 4.130(a) and 4.131(f)—Coverage of Contracts for the Sale of Timber:* The Department has reexamined the issue of the applicability of the SCA to timber sales contracts and has concluded that the services provided under these contracts are only incidental to the principal purpose of the contracts, which is the sale of timber and that certain contracts which in fact are principally for some purpose other than the sale of timber, such as clearing land or removal of diseased or dead timber, will continue to be subject to the SCA.

(23) *Section 4.132—Coverage of Separate Contract Specifications:* Section 4.132 (and other appropriate sections) has been modified to eliminate coverage of separate bid specifications (i.e., line items for specific work in a contract) principally for services when the principal purpose of the entire contract is not for services.

(24) *Section 4.133—Beneficiary of Contract Services:* This revised section provides that where the principal purpose of a Government contract is to provide services through the use of service employees, the contract is covered by the Act, regardless of the direct beneficiary of the services. However, an exemption is provided for certain kinds of concession contracts, but visitor information center services have been deleted from the terms of the exemption.

(25) *Section 4.145—Extended Term Contracts:* This section has been revised to clarify that for purposes of the SCA, where such contracts are subject to annual appropriations, they are deemed newly entered into upon the contract anniversary date which occurs in each new fiscal year, rather than at the beginning of each fiscal year, if those two dates are different.

(26) *Section 4.152(c)—Trainee Classifications:* This section emphasizes that conformance procedures may not be used to artifically subdivide classifications listed in the wage determination. Where the wage determination lists a series of classes within a job classification family, the lowest level listed is considered to be the entry level and establishment of lower (or intermediate) levels through conformance is not permissible. Further, conformance procedures may only be used if the work which an employee is to perform under the contract is not within the scope of any classification listed in the wage determination.

(27) *Subpart D—Compensation Standards (Sections 4.159 through 4.185):* These sections incorporate additional updated policies regarding a contractor's compliance with the Act's minimum monetary wage and fringe benefit requirements.

(28) *Section 4.163—Section 4(c) of the Act:* As set forth in revised section 4.163(i), this successorship provision applies only to successor contracts which are performed *in the same locality* as the predecessor contract. However, wage determinations issued pursuant to section 4(c) and included in a contract will continue to apply if the successor prime contractor subsequently changes the place(s) of contract performance or subcontracts any part of the contract work to a firm in a different locality.

(29) *Subpart E—Enforcement (Sections 4.187 through 4.191):* These sections provide additional information and guidance regarding enforcement procedures for the recovery of underpayments in debarment cases.

5. *Explanation of changes.*

a. Pending the publication of permanent revised regulations in FPR Subpart 1–12.9, agencies shall follow the provisions of 29 CFR Part 4, Labor Standards for Federal Service Contracts (48 FR 49736, October 27, 1983). To the extent that FPR Subpart 1–12.9 differs from the DOL regulations after January 27, 1984, the DOL regulations shall apply.

b. The revised contract clauses required by the DOL regulations for contracts over and under $2,500 are set forth in sections 4.6 and 4.7 of revised 29 CFR Part 4 (see 48 FR 49766, October 27, 1983) are attached. These clauses are applicable only to contracts entered into pursuant to invitations for bids issued or negotiations concluded on or after January 27, 1984 and shall be used in lieu of the clauses set forth in § 1–12.904.

6. *Submission of comments.* Time did not permit the solicitation of comments prior to the issuance of this regulation. Agencies and interested parties are invited to comment on the impact of this regulation and the policy and procedures that should be adopted in the future during the 30-day period following publication in the **Federal Register**. Comments should be forwarded to the General Services Administration, Office of Federal Acquisition and Regulatory Policy (VR), Attn: Ms. Gwendolyn B. White, Washington, DC 20405.

Ray Kline,

Acting Administrator of General Services.

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2,500.

The clauses set forth in the following paragraphs shall be included in full by the contracting agency in every contract entered into by the United States or the District of Columbia, in excess of $2,500, or in an indefinite amount, the principal purpose of which is to furnish services through the use of service employees:

(a) Service Contract Act of 1965, as amended: This contract is subject to the Service Contract Act of 1965, as amended (41 U.S.C. 351 *et seq.*) and is subject to the following provisions and to all other applicable provisions of the Act and regulations of the Secretary of Labor issued thereunder (29 CFR Part 4).

(b)(1) Each service employee employed in the performance of this contract by the contractor or any subcontractor shall be paid not less than the minimum monetary wages and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or authorized representative, as specified in any wage determination attached to this contract.

(2)(i) If there is such a wage determination attached to this contract, the contracting officer shall require that any class of service

employee which is not listed therein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed class of employees shall be paid the monetary wages and furnished the fringe benefits as are determined pursuant to the procedures in this section. (The information collection requirements contained in the following paragraphs of this section have been approved by the Office of Management and Budget under OMB control number 1215–0150.)

(ii) Such conforming procedure shall be initiated by the contractor prior to the performance of contract work by such unlisted class of employee. A written report of the proposed conforming action, including information regarding the agreement or disagreement of the authorized representative of the employees involved or, where there is no authorized representative, the employees themselves, shall be submitted by the contractor to the contracting officer no later than 30 days after such unlisted class of employees performs any contract work. The contracting officer shall review the proposed action and promptly submit a report of the action, together with the agency's recommendation and all pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. The Wage and Hour Division will approve, modify, or disapprove the action or render a final determination in the event of disagreement within 30 days of receipt or will notify the contracting officer within 30 days of receipt that additional time is necessary.

(iii) The final determination of the conformance action by the Wage and Hour Division shall be transmitted to the contracting officer who shall promptly notify the contractor of the action taken. Each affected employee shall be furnished by the contractor with a written copy of such determination or it shall be posted as a part of the wage determination.

(iv)(A) The process of establishing wage and fringe benefit rates that bear a reasonable relationship to those listed in a wage determination cannot be reduced to any single formula. The approach used may vary from wage determination to wage determination depending on the circumstances. Standard wage and salary administration practices which rank various job classifications by pay grade pursuant to point schemes or other job factors may, for example, be relied upon. Guidance may also be obtained from the way different jobs are rated under Federal pay systems (Federal Wage Board Pay System and the General Schedule) or from other wage determinations issued in the same locality. Basic to the establishment of any conformable wage rate(s) is the concept that a pay relationship should be maintained between job classifications based on the skill required and the duties performed.

(B) In the case of a contract modification, an exercise of an option or extension of an existing contract, or in any other case where a contractor succeeds a contract under which the classification in question was previously conformed pursuant to this section, a new conformed wage rate and fringe benefits may be assigned to such conformed classification by indexing (i.e., adjusting) the previous conformed rate and fringe benefits by an amount equal to the average (mean) percentage increase (or decrease, where appropriate) between the wages and fringe benefits specified for all classifications to be used on the contract which are listed in the current wage determination, and those specified for the corresponding classifications in the previously applicable wage determination. Where conforming actions are accomplished in accordance with this paragraph prior to the performance of contract work by the unlisted class of employees, the contractor shall advise the contracting officer of the action taken but the other procedures in paragraph (b)(2)(ii) of this section need not be followed.

(C) No employee engaged in performing work on this contract shall in any event be paid less than the currently applicable minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(v) The wage rate and fringe benefits finally determined pursuant to paragraphs (b)(2) (i) and (ii) of this section shall be paid to all employees performing in the classification from the first day on which contract work is performed by them in the classification. Failure to pay such unlisted employees the compensation agreed upon by the interested parties and/or finally determined by the Wage and Hour Division retroactive to the date such class of employees commenced contract work shall be a violation of the Act and this contract.

(vi) Upon discovery of failure to comply with paragraphs (b)(2) (i) through (v) of this section, the Wage and Hour Division shall make a final determination of conformed classification, wage rate, and/or fringe benefits which shall be retroactive to the date such class of employees commenced contract work.

(3) If, as authorized pursuant to section 4(d) of the Service Contract Act of 1965 as amended, the term of this contract is more than 1 year, the minimum monetary wages and fringe benefits required to be paid or furnished thereunder to service employees shall be subject to adjustment after 1 year and not less often than once every 2 years, pursuant to wage determinations to be issued by the Wage and Hour Division, Employment Standards Administration of the Department of Labor as provided in such Act.

(c) The contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment or determined conformably thereto by furnishing any equivalent combinations of bona fide fringe benefits, or by making equivalent or differential payments in cash in accordance with the applicable rules set forth in Subpart D of 29 CFR Part 4, and not otherwise.

(d)(1) In the absence of a minimum wage attachment for this contract, neither the contractor nor any subcontractor under this contract shall pay any person performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938. Nothing in this provision shall relieve the contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(2) If this contract succeeds a contract, subject to the Service Contract Act of 1965 as amended, under which substantially the same services were furnished in the same locality and service employees were paid wages and fringe benefits provided for in a collective bargaining agreement, in the absence of the minimum wage attachment for this contract setting forth such collectively bargained wage rates and fringe benefits, neither the contractor nor any subcontractor under this contract shall pay any service employee performing any of the contract work (regardless of whether or not such employee was employed under the predecessor contract), less than the wages and fringe benefits provided for in such collective bargaining agreements, to which such employee would have been entitled if employed under the predecessor contract, including accrued wages and fringe benefits and any prospective increases in wages and fringe benefits provided for under such agreement. No contractor or subcontractor under this contract may be relieved of the foregoing obligation unless the limitations of § 4.1b(b) of 29 CFR Part 4 apply or unless the Secretary of Labor or his authorized representative finds, after a hearing as provided in § 4.10 of 29 CFR Part 4 that the wages and/or fringe benefits provided for in such agreement are substantially at variance with those which prevail for services of a character similar in the locality, or determines, as provided in § 4.11 of 29 CFR Part 4, that the collective bargaining agreement applicable to service employees employed under the predecessor contract was not entered into as a result of arm's-length negotiations. Where it is found in accordance with the review procedures provided in 29 CFR 4.10 and/or 4.11 and Parts 6 and 8 that some or all of the wages and/or fringe benefits contained in a predecessor contractor's collective bargaining agreement are substantially at variance with those which prevail for services of a character similar in the locality, and/or that the collective bargaining agreement applicable to service employees employed under the predecessor contract was not entered into as a result of arm's-length negotiations, the Department will issue a new or revised wage determination setting forth the applicable wage rates and fringe benefits. Such determination shall be made part of the contract or subcontract, in accordance with the decision of the Administrator, the Administrative Law Judge, or the Board of Service Contract Appeals, as the case may be, irrespective of whether such issuance occurs prior to or after the award of a contract or subcontract. 53 Comp. Gen. 401 (1973). In the case of a wage determination issued solely as a result of a finding of

substantial variance, such determination shall be effective as of the date of the final administrative decision.

(e) The contractor and any subcontractor under this contract shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post the wage determination attached to this contract. The poster provided by the Department of Labor (Publication WH 1313) shall be posted in a prominent and accessible place at the worksite. Failure to comply with this requirement is a violation of section 2(a)(4) of the Act and of this contract. (Approved by the Office of Management and Budget under OMB control number 1215–0150.)

(f) The contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor or subcontractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services, and the contractor or subcontractor shall comply with the safety and health standards applied under 29 CFR Part 1925.

(g)(1) The contractor and each subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work records containing the information specified in paragraphs (g)(1) (i) through (vi) of this section for each employee subject to the Act and shall make them available for inspection and transcription by authorized representatives of the Wage and Hour Division, Employment Standards Administration of the U.S. Department of Labor. (Sections 4.6(g)(1) (i) through (iv) approved by the Office of Management and Budget under OMB control number 1215–0017 and sections 4.6(g)(1) (v) and (vi) approved under OMB control number 1215–0150.):

(i) Name and address and social security number of each employee.

(ii) The correct work classification or classifications, rate or rates of monetary wages paid and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation of each employee.

(iii) The number of daily and weekly hours so worked by each employee.

(iv) Any deductions, rebates, or refunds from the total daily or weekly compensation of each employee.

(v) A list of monetary wages and fringe benefits for those classes of service employees not included in the wage determination attached to this contract but for which such wage rates or fringe benefits have been determined by the interested parties or by the Administrator or authorized representative pursuant to the labor standards clause in paragraph (b) of this section. A copy of the report required by the clause in paragraph (b)(2)(ii) of this section shall be deemed to be such a list.

(vi) Any list of the predecessor contractor's employees which had been furnished to the contractor pursuant to § 4.6(l)(2).

(2) The contractor shall also make available a copy of this contract for inspection or transcription by authorized representatives of the Wage and Hour Division.

(3) Failure to make and maintain or to make available such records for inspection and transcription shall be a violation of the regulations and this contract, and in the case of failure to produce such records, the contracting officer, upon direction of the Department of Labor and notification of the contractor, shall take action to cause suspension of any further payment or advance of funds until such violation ceases.

(4) The contractor shall permit authorized representatives of the Wage and Hour Division to conduct interviews with employees at the worksite during normal working hours.

(h) The contractor shall unconditionally pay to each employee subject to the Act all wages due free and clear and without subsequent deduction (except as otherwise provided by law or Regulations, 29 CFR Part 4), rebate, or kickback on any account. Such payments shall be made no later than one pay period following the end of the regular pay period in which such wages were earned or accrued. A pay period under this Act may not be of any duration longer than semi-monthly.

(i) The contracting officer shall withhold or cause to be withheld from the Government prime contractor under this or any other Government contract with the prime contractor such sums as an appropriate official of the Department of Labor requests or such sums as the contracting officer decides may be necessary to pay underpaid employees employed by the contractor or subcontractor. In the event of failure to pay any employees subject to the Act all or part of the wages or fringe benefits due under the Act, the agency may, after authorization or by direction of the Department of Labor and written notification to the contractor, take action to cause suspension of any further payment or advance of funds until such violations have ceased. Additionally, any failure to comply with the requirements of these clauses relating to the Service Contract Act of 1965, may be grounds for termination of the right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor in default with any additional cost.

(j) The contractor agrees to insert these clauses in this section relating to the Service Contract Act of 1965 in all subcontracts subject to the Act. The term "contractor" as used in these clauses in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government prime contractor."

(k)(1) As used in these clauses, the term "service employee" means any person engaged in the performance of this contract other than any person employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in Part 541 of Title 29, Code of Federal Regulations, as of July 30, 1976, and any subsequent revision of those regulations. The term "service employee" includes all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

(2) The following statement is included in contracts pursuant to section 2(a)(5) of the Act and is for *informational purposes only:*

The following classes of service employees expected to be employed under the contract with the Government would be subject, if employed by the contracting agency, to the provisions of 5 U.S.C. 5341 or 5 U.S.C. 5332 and would, if so employed, be paid not less than the following rates of wages and fringe benefits:

Employee class	Monetary wage-fringe benefits

(l)(1) If wages to be paid or fringe benefits to be furnished any service employees employed by the Government prime contractor or any subcontractor under the contract are provided for in a collective bargaining agreement which is or will be effective during any period in which the contract is being performed, the Government prime contractor shall report such fact to the contracting officer, together with full information as to the application and accrual of such wages and fringe benefits, including any prospective increases, to service employees engaged in work on the contract, and a copy of the collective bargaining agreement. Such report shall be made upon commencing performance of the contract, in the case of collective bargaining agreements effective at such time, and in the case of such agreements or provisions or amendments thereof effective at a later time during the period of contract performance, such agreements shall be reported promptly after negotiation thereof. (Approved by the Office of Management and Budget under OMB control number 1215–0150.)

(2) Not less than 10 days prior to completion of any contract being performed at a Federal facility where service employees may be retained in the performance of the succeeding contract and subject to a wage determination which contains vacation or other benefit provisions based upon length of service with a contractor (predecessor) or successor (§ 4.173 of Regulations, 29 CFR Part 4), the incumbent prime contractor shall furnish to the contracting officer a certified list of the names of all service employees on the contractor's or subcontractor's payroll during the last month of contract performance. Such list shall also contain anniversary dates of employment on the contract either with the current or predecessor contractors of each such service employee. The contracting officer shall turn over such list to the successor contractor at the commencement of the succeeding contract. (Approved by the Office of Management and Budget under OMB control number 1215–0150.)

(m) Rulings and interpretations of the Service Contract Act of 1965, as amended, are contained in Regulations, 29 CFR Part 4.

(n)(1) By entering into this contract, the contractor (and officials thereof) certifies that neither it (nor he or she) nor any person or firm who has a substantial interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of the sanctions imposed pursuant to section 5 of the Act.

(2) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract pursuant to section 5 of the Act.

(3) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(o) Notwithstanding any of the clauses in paragraphs (b) through (m) of this section relating to the Service Contract Act of 1965, the following employees may be employed in accordance with the following variations, tolerances, and exemptions, which the Secretary of Labor, pursuant to section 4(b) of the Act prior to its amendment by Pub. L. 92–473, found to be necessary and proper in the public interest or to avoid serious impairment of the conduct of Government business:

(1) Apprentices, student-learners, and workers whose earning capacity is impaired by age, physical, or mental deficiency or injury may be employed at wages lower than the minimum wages otherwise required by section 2(a)(1) or 2(b)(1) of the Service Contract Act without diminishing any fringe benefits or cash payments in lieu thereof required under section 2(a)(2) of that Act, in accordance with the conditions and procedures prescribed for the employment of apprentices, student-learners, handicapped persons, and handicapped clients of sheltered workshops under section 14 of the Fair Labor Standards Act of 1938, in the regulations issued by the Administrator (29 CFR Parts 520, 521, 524, and 525).

(2) The Administrator will issue certificates under the Service Contract Act for the employment of apprentices, student-learners, handicapped persons, or handicapped clients of sheltered workshops not subject to the Fair Labor Standards Act of 1938, or subject to different minimum rates of pay under the two acts, authorizing appropriate rates of minimum wages (but without changing requirements concerning fringe benefits or supplementary cash payments in lieu thereof), applying procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act of 1938 (29 CFR Parts 520, 521, 524, and 525).

(3) The Administrator will also withdraw, annul, or cancel such certificates in accordance with the regulations in Parts 525 and 528 of Title 29 of the Code of Federal Regulations.

(p) Apprentices will be permitted to work at less than the predetermined rate for the work they perform when they are employed and individually registered in a bona fide apprenticeship program registered with a State Apprenticeship Agency which is recognized by the U.S. Department of Labor, or if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, Employment and Training Administration, U.S. Department of Labor. Any employee who is not registered as an apprentice in an approved program shall be paid the wage rate and fringe benefits contained in the applicable wage determination for the journeyman classification of work actually performed. The wage rates paid apprentices shall not be less than the wage rate for their level of progress set forth in the registered program, expressed as the appropriate percentage of the journeyman's rate contained in the applicable wage determination. The allowable ratio of apprentices to journeymen employed on the contract work in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program.

(q) An employee engaged in an occupation in which he or she customarily and regularly receives more than $30 a month in tips may have the amount of tips credited by the employer against the minimum wage required by section 2(a)(1) or section 2(b)(1) of the Act in accordance with section 3(m) of the Fair Labor Standards Act and Regulations, 29 CFR Part 531: *Provided, however,* That the amount of such credit may not exceed $1.24 per hour beginning January 1, 1980, and $1.34 per hour after December 31, 1980. To utilize this proviso:

(1) The employer must inform tipped employees about this tip credit allowance before the credit is utilized;

(2) The employees must be allowed to retain all tips (individually or through a pooling arrangement and regardless of whether the employer elects to take a credit for tips received);

(3) The employer must be able to show by records that the employee receives at least the applicable Service Contract Act minimum wage through the combination of direct wages and tip credit; (approved by the Office of Management and Budget under OMB control number 1215–0017);

(4) The use of such tip credit must have been permitted under any predecessor collective bargaining agreement applicable by virtue of section 4(c) of the Act.

(r) *Disputes concerning labor standards.* Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 4, 6, and 8. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

§ 4.7 Labor standards clause for Federal service contracts not exceeding $2,500.

Every contract with the Federal Government which is not in excess of $2,500 but has as its principal purpose the furnishing of services through the use of service employees shall contain the following clause:

Service Contract Act. Except to the extent that an exemption, variation or tolerance would apply if this were a contract in excess of $2,500, the contractor and any subcontractor hereunder shall pay all of his employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. Regulations and interpretations of the Service Contract Act of 1965, as amended, are contained in 29 CFR Part 4.

[FR Doc. 84–4710 Filed 2–22–84; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 20

Employee Responsibilities and Conduct; Repeal of the Secretary of the Interior's Authority To Sell or Lease to a Bureau of Land Management Employee, or the Spouse of an Employee, Stationed in Alaska, One Tract of Land

AGENCY: Office of the Secretary, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking removes a regulation concerning the authority to sell or lease one tract of land to a Bureau of Land Management employee or the spouse of an employee stationed in Alaska. The regulation is being removed because it is no longer authorized by law.

EFFECTIVE DATE: February 23, 1984.

ADDRESS: Any suggestions or comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: David R. Shepard, (202) 343–8735.

SUPPLEMENTARY INFORMATION: Revised Statutes Section 452, (43 U.S.C. 11) prohibits employees of the Bureau of Land Management from directly or indirectly purchasing any of the public land. However, section 4 of the Act of June 28, 1938, as added June 8, 1954, (43 U.S.C. 682d) authorized the Secretary of the Interior to sell or lease one tract of land for residence or recreation purposes to any employee of the Department of the Interior stationed in Alaska. These provisions of law were implemented by the regulations in 43 CFR 20.735–22(c)(1). The Act of June 28, 1938 as added to, was repealed by the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

Because the law authorizing the Secretary of the Interior to sell public lands to employees of the Department of the Interior no longer exists, such authority cannot be incorporated in regulations. Accordingly it is necessary to repeal that section of the regulations.

This final rulemaking merely removes a superfluous provision of the

regulations. It will have no additional impact on the public. Therefore, it is being published as final rulemaking and will be effective upon publication.

It is hereby determined that this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 201(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and 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 final rulemaking contains no additional information collection requirements.

The principal author of this final rulemaking is David R. Shepard, Office of Legislation and Regulatory Management, Bureau of Land Management.

List of Subjects in 43 CFR Part 20

Conflict of interest.

PART 20—[AMENDED]

Under the authority of the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) Part 20, Subtitle A of Title 43 of the Code of Federal Regulations is amended as set forth below.

§ 20.735-22 [Amended]

Section 20.735-22(c)(1) is amended by removing the second sentence of that section in its entirety.

Dated: February 13, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-4647 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

43 CFR Part 8370

Special Recreation Permit Policy

AGENCY: Bureau of Land Management, Interior.

ACTION: Final special recreation permit policy; correction.

SUMMARY: The Part heading in the Final Special Recreation Permit Policy of the Bureau of Land Management, Department of the Interior, published on Friday, February 10, 1984, at 49 FR 5300, reading "43 CFR Part 8560", should have read, "43 CFR Part 8370".

FOR FURTHER INFORMATION CONTACT: Bruce R. Brown (202) 343-9353.

Dated: February 21, 1984.

James M. Parker,

Acting Director.

[FR Doc. 84-4850 Filed 2-22-84; 8:45 am]

BILLING CODE 8310-84-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 401

[CGD 83-064]

Great Lakes Pilotage Rates

Correction

In FR Doc. 84-3809 beginning on page 5347 in the issue of Monday, February 13, 1984, make the following corrections:

§ 401.405 [Corrected]

1. On page 5348, column one, § 401.405 introductory text, line five, "subscribed" should read "described".

§ 401.420 [Corrected]

2. On the same page, column two, § 401.420(a), line nine, "basis" should read "basic"; also in lines twelve through fifteen, "$33 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of" was inadvertently repeated and should be removed.

BILLING CODE 1505-01-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-04; Notice 5]

Federal Motor Vehicle Safety Standards; Glazing Materials

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 205, *Glazing materials*, to adopt by reference the 1980 version of American National Standard Z26, the safety code for glazing materials promulgated by the American National Standards Institute. Adoption of the most recent version of Z26 will permit the use of the latest technological developments in glazing. This notice also amends the standard to permit the use of a new type of bullet resistant glazing material and sets appropriate performance requirements for that glazing. The new glazing would be used in bullet resistant shields that would be installed inside a vehicle behind the windshield and other areas of the vehicle. Since the new glazing materials are lightweight, small businesses would be able to provide ballistic protection for their employees at a lower cost.

DATES: The amendments are effective on February 23, 1984. Any petition for reconsideration must be received by March 26, 1984.

ADDRESSES: Any petition for reconsideration should refer to the docket and notice number and be submitted by March 26, 1984. to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Jettner, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Safety Standard No. 205, *Glazing materials*, (49 CFR 571.205) sets performance requirements for glazing materials used in motor vehicles and motor vehicle equipment. The standard incorporates by reference the American National Standard Institute's "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways" Z-26.1-1966, as supplemented by Z26.1a-1969 (ANS Z26). The requirements of Standard No. 205 are set forth in terms of performance tests that the various types or "items" of glazing must meet. Currently there are 14 items of glazing materials permitted under Standard No. 205.

On November 18, 1980, NHTSA granted petitions for rulemaking filed by Rohm and Haas and General Electric (GE). The petitioners requested the agency to amend the standard to incorporate a revised edition of ANS Z26 that was published on January 26, 1977. They said that the revised edition would enable manufacturers to take advantage of the latest technological developments in glazing and would reduce test burdens by eliminating unnecessary testing.

Additionally, GE requested that Standard No. 205 be amended to permit the use of a new type of bullet resistant glazing, which could be used as a shield in vehicle areas requisite for driving visibility. This transparent barrier would be mounted separately inside the vehicle behind glazing materials that independently comply with the requirements of Standard No. 205. Since the plastic glazing materials are light weight, GE claimed that small

businesses would be able to provide ballistic protection to their employees at a lower cost.

ANS Z26 Revision

Subsequent to the Rohm and Haas and GE petitions, the American National Standards Institute published a 1980 revision to ANS Z26. In July 1982, the agency proposed (47 FR 32749) to incorporate the 1980 revision. (Please refer to the July 29, 1982 notice for an extensive discussion of the provisions of the 1980 version of ANS Z26.)

All commenters supported adoption of the 1980 edition of ANS Z26, citing the advantages gained by using a more modern technical reference. The major benefits of the 1980 version are that it adds metric equivalents to the test procedures and performance requirements, eliminates certain tests which are not necessary to assess the resistance to delamination and light stability of tempered glass, and expands the permissible glazing materials to accommodate technological advances in glazing technology, particularly for bullet resistant glazing.

The elimination of Humidity Test No. 3 and Boil Test No. 4 for tempered glass will not adversely affect safety. These tests are unnecessary because, unlike laminated glass which contains intervening layers of glazing materials, tempered glass is a single layer of material and therefore cannot delaminate. Likewise the elimination of ANS Z26 Section 5.1.4 of Light Stability Test No. 1 for tempered glass also will not have an adverse safety effect. This section of Test No. 1 is designed to detect decomposition of laminates after exposure to ultraviolet radiation. Since tempered glass does not contain laminates, the test is superfluous. The agency therefore has decided to incorporate by reference the 1980 version of ANS Z26 in Standard No. 205.

Bullet Resistant Shields

In the July 29, 1982 notice, NHTSA also proposed to amend Standard No. 205 to establish a new item of glazing, "Item 11C." The new item would permit the use of new plastic glazing materials which are lighter and less costly than bullet-resistant glass used on steel-armored vehicles. Use of these lighter glazing materials should increase fuel economy by reducing vehicle weight.

Most commenters favored the use of the new bullet resistant shields, which would be mounted behind glazing material that also must comply with Standard No. 205. Several manufacturers of armored vehicles and armored vehicle equipment, however, expressed doubts about the safety, durability, and adequacy of plastic bullet resistant shields. Those comments are discussed below.

Head Impact

One of the purposes of Standard No. 205 is to reduce glazing related injuries in motor vehicle crashes. No commenter specifically addressed the possibility of injuries due to the increased use of bullet resistant shields made of the new glazing materials. The agency recognizes that bullet resistant shields are thicker and more rigid than ordinary safety glazing and may cause injury during a crash. However, the same possibility exists for other items of bullet resistant glazing materials, such as currently used item AS–10 glazing materials.

The agency estimates overall effect on occupant injuries due to the use of bullet resistant shields is minor since no more than several hundred vehicles per year will be so equipped and the probability of a crash leading to severe injuries is small. The agency also believes that specially armored vehicles are operated by trained drivers who, because of the possibility of having to do sudden high-speed maneuvers, will wear seat belts while driving. The agency concludes that permitting the use of new bullet resistant glazing materials represents a reasonable compromise between crash safety and protection from armed attack.

Shield Retention

Several commenters said that bullet resistant shields are potentially unsafe because the attachment could loosen due to the shock and vibration caused by high speed manuevering or could be shot off. Brinks, however, reported that it had not experienced any shock or vibration problem with the bullet resistant shields it has used.

The agency agrees that the shield attachment must be designed to accommodate shock or vibration. These problems are no different than the problem in designing attachments for other items of automotive glazing for use as windshields or side windows, for example. In the absence of field data showing there is an actual problem, the agency does not see a need to specify attachment requirements at this time.

Ballistic Adequacy

Goodyear Aerospace expressed concern that the public might be misled as to the ballistic adequacy of the plastic shields. The agency recognizes that there are limitations to the bullet resistance of any type of glazing. However, all bullet resistant glazing must meet at least one of the four types of bullet resistant requirements set forth in Test No. 27 of ANS Z26. Standard No. 205 requires bullet resistant glazing to be marked to indicate the degree of ballistic protection provided by that particular glazing material. The markings will adequately convey the necessary information to the purchaser who must then determine whether the shield meets his protection needs.

Light Degradation

Moore and Sons commented that polycarbonate plastics degrade when exposed to ultraviolet radiation. It said that these materials lose their bullet resisting capability as plastic continues to be exposed. GE furnished data that illustrated that certain older types of polycarbonates are sensitive to ultraviolet light. However, data gathered on newer, improved versions of polycarbonates, which are coated and ultraviolet light stabilized, show substantial resistance to this effect. Purolator, which operates a fleet of armored vehicles, said that its field experience has not found ultraviolet light to cause a problem for the newer polycarbonates.

To ensure the ultraviolet light resistant performance of bullet resistant glazing the agency is adopting in the final rule a requirement that such glazing pass a light stability test (Test No. 30). Test No. 30 provides a ultraviolet radiation exposure similar to the light stability test specified for other glazing materials for use in locations requisite for driving visibility, such as windshields.

Chemical Durability

Moore and Sons also expressed concern that plastic materials could be damaged by ordinary chemicals used in cleaning vehicle interiors. However, Saint Gobain Vitrage, a manufacturer of automotive glazing, reported that bullet resistant laminates, such as polycarbonates have proved durable after extensive use. GE said that for over ten years, special U.S. Government vehicles and vehicles designed for use in foreign countries have been equipped with bullet resistant plastic glazing materials without any reported optical degradation. Based on this information, the agency has concluded that with normal use plastic ballistic shields meeting the chemical resistance tests set in the final rule should have adequate chemical durability.

In addition, to minimize durability and optical clarity problems, the agency is requiring manufacturers to provide cleaning instructions on a label on the glazing materials. The instructions will inform owners of the proper choice of

cleaning materials and procedure for both cleaning and frost and ice removal. The agency believes that the labels will be adequate to avoid cleaning problems with ballistic shields.

Defogging Problems.

Moore and Sons also raised questions about whether the close proximity of the bullet resistant shield to the vehicle's windshield may cause inadequate defogging and defrosting. Goodyear and GE commented that the defogging or defrosting of the windshield should not be compromised if an air space is maintained between the windshield and the ballistic shield. Since the final rule requires ballistic shields to be installed behind and separate from other glazing materials, the agency does not expect there to be defogging or defrosting problems. Likewise, the final rule requires the ballistic shield to be readily removable; thus making it easy to clean the inside of the windshield and other windows of the vehicle.

Double Vision

Goodyear said that the ballistic shield, because it is mounted behind the windshield, may cause multiple image problems during night time driving. This could occur whenever bright sources of lights, such as headlights, are viewed at an angle through the two separated pieces of glazing. The agency recognizes that the separated glazing materials can cause reflections under certain conditions leading to an illusion of double vision. The secondary images, however, should be faint because only a small amount of incoming light is reflected from the surface of a transparent glazing material. As previously mentioned, GE has reported that plastic ballistic shields have been in use for ten years without any reported optical problems. The agency therefore has concluded that the multiple image problem, if any, should be minor.

Effective Date

Although the effective date was proposed as three months after publication of the final rule, the agency has determined that this delay is not necessary. The portions of the final rule adopting the 1980 version of ANS Z26 will not require glazing test laboratories to purchase additional test equipment nor require additional training in new test protocols. Since the provision on ballistic shields does not require the use of such glazing, but instead gives the manufacturer the option of using the new glazing, having an immediate date will not impose any burdens on manufacturers. The agency has determined that it is in the public interest to make the use of the new bullet resistant glazing materials immediately available and therefore has set an immediate effective date for the amendments made by this notice.

Marking

The final rule requires prime glazing material manufacturers to mark the new bullet resistant glazing material as "AS 11C" materials. In addition, this rule requires manufacturers of the glass-plastic glazing material permitted by the agency on November 16, 1983 (48 FR 52061) to mark those materials as "AS 14" materials. This marking will help ensure that the materials are used in the appropriate locations in motor vehicles.

Costs

The agency has evaluated the economic and other effects of this final rule and determined that they are neither major as defined by Executive Order 12291 nor significant as defined by the Department's Regulatory Poicies and Procedures. The agency has determined that the economic effects of ths final rule are so minimal that a full regulatory evaluation is not required.

The adoption of the 1980 version of ANS Z26 will likely reduce costs through the elimination of unnecessary tests. The new bullet resistant glazing materials permitted by this rule will be initially more costly than conventional bullet resistant glass. However, the final rule does not mandate the use of the new bullet resistant shields, it merely gives manufacturers the option of using the new materials. Those materials will only be used on a very limited number of vehicles per year. In addition, although the new materials may be initially more costly, the cost may be offset by reduced vehicle weight and increased fuel economy.

In accordance with the Regulatory Flexibility Act, the agency has evaluated the effects of this action on small entities. As previously discussed, this rule does not mandate the use of the new materials, it permits their use. The rule may assist small businesses by providing ballistic protection to their employees at a lower overall cost. Based on the agency's evaluation, I certify that the final rule will not have a significant economic effect on a substantial number of small entities.

Finally, the agency has analyzed the effects of this action under the National Environmental Policy Act. The agency has determined that the final rule will not have a significant effect on the quality of the human environment.

The information collection requirements contained in this rule have been submitted to and approved by the Office of Management and Budget (OMB), pursuant to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Those requirements have been approved through September 30, 1985 (OMB #2127–0512).

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, § 571.205, *Glazing materials*, of Title 49 of the Code of Federal Regulations is amended as follows:

§ 571.205 [Amended]

1. Section S4 is amended by adding a new definition to read as follows:

* * * * *

"Bullet resistant shield" means a shield or barrier that is installed completely inside a motor vehicle behind and separate from glazing materials that independently comply with the requirements of this standard.

* * * * *

2. Paragraph S5.1.1 is revised to read as follows:

* * * * *

S5.1.1 Glazing materials for use in motor vehicles, expect as otherwise provided in this standard shall conform to the American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways" Z–26.1–1977, January 26, 1977, as supplemented by Z26.1a, July 3, 1980 (hereinafter referred to as "ANS Z26"). However, Item 11B glazing as specified in that standard may not be used in motor vehicles at levels requisite for driving visibility, and Item 11B glazing is not required to pass Test Nos. 17, 30, and 31.

* * * * *

3. Paragraph S5.1.2 is revised to read as follows:

* * * * *

S5.1.2 In addition to the glazing materials specified in ANS Z26, materials conforming to S5.1.2.1, S5.1.2.2, S5.1.2.3 or S5.1.2.4 may be used in the locations of motor vehicles specified in those sections.

* * * * *

4. Paragraph S5.1.2.1 is revised to read as follows:

* * * * *

S5.1.2.1 *Item 11C—Safety Glazing Material for Use in Bullet Resistant Shields.* Bullet resistant glazing that complies with Test Nos. 2, 17, 19, 20, 21, 24, 27, 28, 29, 30 and 32 of ANS Z26 and

the labeling requirements of S5.1.2.5 may be used only in bullet resistant shields that can be removed from the motor vehicle easily for cleaning and maintenance. A bullet resistant shield may be used in areas requisite for driving visibility only if the combined parallel luminous transmittance with perpendicular incidence through both the shield and the permanent vehicle glazing is at least 60 percent.

* * * * *

5. Paragraph S5.1.2.2 is revised to read as follows:

* * * * *

S5.1.2.2 *Item 12—Rigid Plastics.* Safety plastics materials that comply with Test Nos. 10, 13, 16, 19, 20, 21 and 24 of ANS Z26, with the exception of the test for resistance to undilated denatured alcohol Formula SD No. 30, and that comply with the labeling requirements of S5.1.2.5, may be used in a motor vehicle only in the following specified locations at levels not requisite for driving visibility.

(a) Window and doors in slide-in campers and pick-up covers.

(b) Motorcycle windscreens below the intersection of a horizontal plane 15 inches vertically above the lowest seating position.

(c) Standee windows in buses.

(d) Interior partitions.

(e) Openings in the roof.

(f) Flexible curtains or readily removable windows or in ventilators used in conjunction with readily removable windows.

(g) Windows and doors in motor homes, except for the windshield and windows to the immediate right or left of the driver.

(h) Windows and doors in buses except for the windshield and window to the immediate right and left of the driver.

* * * * *

6. Paragraph S5.1.2.3 is revised to read as follows:

* * * * *

S5.1.2.3 *Item 13—Flexible plastics.* Safety plastic materials that comply with Tests Nos. 16, 19, 20, 22, and 23 or 24 of ANS Z26, with the exception of the test for resistance to undiluted denatured alcohol Formula SD No. 30, and that comply with the labeling requirements of S5.1.2.5 may be used in the following specific locations at levels not requisite for driving visibility.

(a) Windows, except forward-facing windows, and doors in slide-in campers and pick-up covers.

(b) Motocycle windscreens below the intersection of a horizontal plane 15 inches vertically above the lowest seating position.

(c) Standee windows in buses.

(d) Interior partitions.

(e) Openings in the roof.

(f) Flexible curtains or readily removable windows or in ventilators used in conjunction with readily removable windows.

(g) Windows and doors in motor homes, except for the windshield, forward-facing windows, and windows to the immediate right or left of the driver.

* * * * *

7. A new paragraph S5.1.2.4 is added to read as follows:

* * * * *

S5.1.2.4 *Item 14—Glass-Plastics.* Glass-plastic glazing materials that comply with the labeling requirements of S5.1.2.5 and Tests Nos. 1, 2, 3, 4, 9, 12, 15, 16, 17, 18, 19, 24, 26, and 28, as those tests are modified in (a), (b), (c), and (d) of this paragraph, may be used anywhere in a motor vehicle, except that it may not be used in convertibles, in vehicles that have no roof or in vehicles whose roofs are completely removable.

(a) Tests Nos. 9, 16, and 18 shall be conducted on the glass side of the specimen, i.e., the surface which would face the exterior of the vehicle. Tests Nos. 17, 19, 24, and 26 shall be conducted on the plastic side of the specimen, i.e., the surface which would face the interior of the vehicle. Test No. 15 should be conducted with the glass side of the glazing facing the illuminated box and the screen, respectively. For Test No. 19, add the following chemical to the specified list: an aqueous solution of isopropanol and glycol ether solvents in concentration no greater than 10% or less than 5% by weight and ammonium hydroxide no greater than 5% or less than 1% by weight, simulating typical commercial windshield cleaner.

(b) Glass-plastic specimens shall be exposed to an ambient air temperature of $-40^{\circ}C(+5^{\circ})$ $(-40^{\circ}F+9^{\circ})$ for a period of 6 hours at the commencement of Test No. 28, rather than at the initial temperature specified in that test. After testing, the glass-plastic specimens shall show no evidence of cracking, clouding, delaminating, or other evidence of deterioration.

(c) Glass-plastic specimens tested in accordance with Test No. 17 shall be carefully rinsed with distilled water following the abrasion procedure and wipe dry with lens paper. After this procedure, the arithmetic mean of the percentage of light scattered by the three specimens as a result of abrasion shall not exceed 4.0 percent.

(d) Data obtained from Test No. 1 should be used when conducting Test No. 2.

* * * * *

8. A new paragraph S5.1.2.5 is added to read as follows:

* * * * *

S5.1.2.5 *Cleaning instructions.* (a) Each manufacturer of glazing materials designed to meet the requirements of S5.1.2.1, S5.1.2.2, S5.1.2.3, or S5.1.2.4 shall affix a label, removable by hand without tools, to each item of such glazing material. The label shall identify the product involved, specify instructions and agents for cleaning the material that will minimize the loss of transparency, and instructions for removing frost and ice, and, at the option of the manufacturer, refer owners to the vehicle's Owner's Manual for more specific cleaning and other instructions.

(b) Each manufacturer of glazing materials designed to meet the requirements of paragraph S5.1.2.4 may permanently and indelibly mark the lower center of each item of such glazing material, in letters not less than 3/16 inch nor more than ¼ inch high, the following words, "GLASS PLASTIC MATERIAL—SEE OWNER'S MANUAL FOR CARE INSTRUCTIONS."

* * * * *

9. The second sentence of paragraph S6.1 is amended to read as follows:

* * * * *

S6.1 * * * The materials specified in S5.1.2.1, S5.1.2.2, S5.1.2.3 and S5.1.2.4 shall be identified by the marks "AS 11C", "AS 12", "AS 13" and "AS 14", respectively.

* * * * *

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 719 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50)

Issued on February 14, 1984.

Diane K. Steed,

Administrator.

[FR Doc. 84–4691 Filed 2–22–84; 8:45 am]

BILLING CODE 4910–01–M

Proposed Rules

Federal Register
Vol. 49, No. 37
Thursday, February 23, 1984

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

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 564

Insurance Coverage of Accounts Held by Investment Companies, Insurance of Joint Accounts

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), proposes to amend its regulations pertaining to the settlement of insurance to address the treatment of accounts held by mutual funds and other investment companies to provide that accounts held by such companies would be insured up to $100,000 in the aggregate. The Board believes this treatment would be consistent with the purposes of the Investment Company Act of 1940. The Board also proposes to amend its regulations pertaining to joint accounts to exempt certificates of deposit and negotiable instruments from signature-card requirements. The Board believes the current rule is unnecessary and adds to the recordkeeping burden on institutions.

DATE: Comments must be received by March 22, 1984.

ADDRESS: Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be publicly available at this address.

FOR FURTHER INFORMATION CONTACT: Christopher P. Bolle, Law Clerk (202) 377–7057, or Gerard Champagne, Attorney (202) 377–6455, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Board is proposing two amendments to its insurance-of-accounts regulations. The first would provide that accounts held by an entity which would be required to file a registration statement with the Securities and Exchange Commission pursuant to section 8 of the Investment Company Act of 1940 ("1940 Act company"), if such entity were organized or otherwise created under the laws of the United States or of a State, are insured up to $100,000 in the aggregate, regardless of the form which that entity takes. The Board believes that it would be inappropriate to extend federal deposit insurance to investor interests in 1940 Act companies, because these interests are more in the nature of shareholder interests in corporations than beneficial interests in traditional trust arrangements. This treatment would be consistent with the purposes of the Investment Company Act of 1940, and with the rules of the Federal Deposit Insurance Corporation ("FDIC"). *See* 12 CFR 330.5(b). The Board sees no reason for its regulations to differ on this issue, in its primary form, from those of the FDIC.

There are, however, two respects in which the Board deems it necessary for its regulation to differ from the FDIC's. First, the FDIC's regulation covers only entities actually subject to 1940 Act registration. Thus, mutual funds organized under the laws of a foreign country which, if they are not doing business in the United States, are not required to register under the 1940 Act, are accorded a pass-through of insurance under the FDIC's regulation. The Board believes that such an anomaly is inappropriate. Therefore, the proposal would cover not only entities actually subject to registration under the 1940 Act, but also those which would be required to register if domiciled or doing business in the United States. Second, the 1940 Act exempts bank common trust funds from registration, but contains no similar express exemption for trust departments of savings associations. The Board believes that, in view of the virtually identical functions performed by bank and savings association trust departments, equal treatment should be afforded by the Insurance Regulations. Therefore, the proposal would expressly exempt common trust funds of savings associations from its operation.

In applying the proposed regulation, at the time of a payout of insurance or a transfer of insured accounts, the FSLIC would regard a "no-action" letter from the staff of the Securities and Exchange Commission stating that the account-holding entity is not required to register under section 8 of the Investment Company Act of 1940 as conclusive as to the status of that entity. In regard to entities not organized or created under the laws of the United States or of a State, to which the 1940 Act does not apply, or those which have not been issued no-action letters, the FSLIC would consider, among other factors, an opinion of counsel based upon no-action letters issued to domestic entities under similar fact patterns.

The second proposed amendment pertains to the Board's regulations with respect to certain joint accounts. The Board's current regulations require that, in order for separate insurance of joint accounts to be effective, each of the joint holders of an account must personally execute a signature card for that account. This provision was intended to ensure that joint account relationships were not fabricated in order to increase insurance coverage. The FSLIC's recent experience in liquidating institutions in default indicates that the current regulation often causes unnecessary hardship to depositors who, usually through no fault of their own, have failed to comply with the technical signature-card requirement. The Board believes that, with respect to certificates of deposit and accounts evidenced by negotiable instruments, the requirement imposed by the current provision is unnecessary and merely serves to add to the recordkeeping burden on institutions. The Board believes that, in the case of certificates of deposit and negotiable instruments, the account records of the issuing institution provide a sufficient safeguard against fraudulent claims of joint ownership, and notes that the FDIC has for some time exempted such accounts from signature-card requirements. *See* 12 CFR 330.9(b) (1983). The Board is therefore proposing to exempt such deposits from the signature-card requirement otherwise applicable to joint accounts.

Initial Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (Sept. 19, 1980), the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objectives, and legal bases underlying the proposed rules.* These elements have been incorporated elsewhere in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rules would apply.* The rules would apply only to savings associations the accounts of which are insured by the FSLIC.

3. *Impact of the proposed rules on small institutions.* With respect to the proposed amendment pertaining to the insurance of accounts held by 1940 Act companies, it is not anticipated that the proposal will have a disproportionate impact on the ability of small institutions to attract deposits. With respect to the proposed amendment pertaining to the insurance of joint accounts, the proposal will ease the recordkeeping burden on such institutions.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposal.

5. *Alternatives to the proposed rules.* To the extent that there are alternatives to any elements of the proposed rules, discussion of them has been incorporated into the supplementary information.

List of Subjects in 12 CFR Part 564

Banks, Bank deposit insurance, Banking, Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation, Savings and loan associations.

Accordingly, the Board hereby proposes to amend Part 564 of Subchapter D, Chapter V, Title 12 of the Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 564—SETTLEMENT OF INSURANCE

1. Add § 564.13 as follows:

§ 564.13 Accounts held by investment companies.

Accounts held by, or funds in accounts held for the benefit or, any entity required to file a registration statement with the Securities and Exchange Commission pursuant to section 8 of the Investment Company Act of 1940, or which would be required to so file if it were organized or otherwise created under the laws of the United States or of a State, shall be insured up to $100,000 in the aggregate. This section shall not apply to common trust funds operated by an insured institution pursuant to Part 550 of this Chapter or in conformity with § 571.15 of this Subchapter.

2. Revise § 564.9(b) as follows:

§ 564.9 Joint accounts.

* * * * *

(b) *Qualifying joint accounts.* A joint account shall be deemed to exist, for purposes of insurance of accounts, only if each coowner has personally executed an account signature card and possesses withdrawal rights, except with respect to a certificate account (as defined in § 526.1(b) of this Chapter) or to an account evidenced by a negotiable instrument, but such accounts must in fact be jointly owned.

* * * * *

(Secs. 401, 402, 403, 405, 48 Stat. 1225, 1256, 1257, as amended; 12 U.S.C. 1724, 1725, 1726, 1728. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

Dated: February 15, 1985.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84-4660 Filed 2-22-84; 8:45 am]

BILLING CODE 6720-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210 and 229

[Release Nos. 33-6514; 34-20657; 35-23226; IC-13772; File No. S7-10-84]

Proposals Regarding Industry Segment and Other Interim Financial Reporting Matters, Management's Discussion and Analysis, and Off Balance Sheet Financing Disclosures

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is today soliciting public comments on the costs and benefits of proposed amendments intended to improve disclosures related to industry segment reporting and other matters. The proposals would require (1) presentation of certain industry segment information for interim periods; (2) a discussion of reportable segments in the management's discussion and analysis; and (3) separate disclosure of amounts of notes payable, accounts payable, and the current portion of long-term debt at interim dates; the presentation, in quarterly reports, of the balance sheet as of the end of the corresponding interim period of the prior fiscal year (in lieu of the prior fiscal year-end balance sheet); and timely disclosure of the effects of a retroactive prior period restatement on results of operations for each of the last three fiscal years. The Commission is also providing advance notice of possible rulemaking regarding (1) additional segment reporting disclosures and (2) uniform disclosure of off balance sheet financing arrangements.

DATE: Comments should be received by the Commission on or before May 15, 1984.

ADDRESS: Comment letters should refer to File No. S7-10-84 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Stop 6-9, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Robert K. Herdman, Lawrence S. Jones, or Andrea E. Bader (202/272-2130), Office of the Chief Accountant; or Betsy Callicott Goodell (202/272-2589), Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

Background and Excutive Summary

The Commission has recently become aware of concerns about the adequacy of its interim financial information requirements and certain other disclosures about registrants' financial condition and results of operations. Based on its staff's review of these areas, it has determined to propose the following actions:

1. Amendments to Regulation S-X [17 CFR 210] to require presentation of certain industry segment information for interim periods.

2. Amendments to Regulation S-K [17 CFR 229] to require registrants to generally focus on reportable segments in the Management's Discussion and Analysis of Financial Condition and Results of Operations ("MDA") in order to provide an understanding of a registrant's business as a whole.

3. Amendments to the existing interim reporting provisions to require (a) separate disclosure of notes payable, accounts payable, and the current portion of long-term debt; (b) the presentation, for comparative purposes, of the balance sheet as of the end of the corresponding interim period of the prior fiscal year (in lieu of the prior year-end balance sheet currently required); and (c) timely disclosure of the effects of a retroactive prior period restatement on results of operations for each of the last three fiscal years.

The Commission is also providing advance notice of possible rulemaking action regarding (a) additional segment reporting disclosures and (b) uniform disclosure of off balance sheet financing arrangements.

These proposals are consistent with suggestions for improvements received from frequent users of Commission-mandated disclosure documents. Some of the suggestions have resulted from recent initiatives sponsored by the Commission to enhance the role such users play in the Commission's rulemaking process and thereby improve the usefulness to investment decision-making of specific disclosures required by the Commission. The initial effort was a Research Forum, conducted by the Commission in November 1982 and attended by approximately 40 professionals represnting various types of users of Commission disclosure documents, such as securities analysts, institutional investors, investment advisers, rating organizations and shareholder groups.

Users of financial information, and the Commission, have consistently emphasized the importance of timely reporting of financial information. The interim information contained in reports on Form 10–Q [17 CFR 249.308a] permits identification and analysis of trends in a registrant's financial condition and results of operations, including the impact of seasonality. Users of financial information have stated that segment information is as important to effective analysis of the interim financial statements as it is to analysis of the annual financial statements of registrants engaged in multiple businesses.

Notwithstanding their belief about the importance of segment data, certain users have also expressed some reservations about the industry segment information currently provided in annual reports. For example, they state that the basis of segmentation is often too broad for meaningful analysis and that adequate information on a segmented basis is not always provided in the MD&A. Restatements of prior year segment information also present analytical problems.

In addition to interim segment information, it has been suggested that interim financial information would be improved if the required financial statements were as detailed as statements included in annual reports.[1] Of particular interest is separate disclosure of the amounts of accounts payable, notes payable, and the current portion of long-term debt. Also, experience suggests that a comparative balance sheet as of the end of the comparable interim period of the prior year, which has not been required since 1981, is frequently used for analytical purposes.

Finally, questions have been raised about the adequacy of disclosures concerning off balance sheet financing arrangements. Registrants have entered into off balance sheet arrangements with increasing frequency in recent years. Disclosures of the various types of transactions may be contained in several different places throughout the financial statements and, as a result, the aggregate effects of significant and complex transactions may be difficult to assess. It has been suggested that user understanding of the impact of off balance sheet financing arrangements on financial position and future cash flows would be enhanced by disclosure of such arrangements in one standard footnote.

In its rulemaking activities, the Commission attempts to balance the information needs of investors with the costs to registrants of providing that information. The financial information users from whom the Commission has had recent input have provided valuable insight as to the views of the user community and the Commission believes that many of their suggestions have considerable merit. By issuing these rule proposals and requesting comments on other matters, the Commission seeks additional input from the user community, registrants, and other interested parties. Further, the Commission specifically requests comments on the costs to registrants of the adoption of the proposals published in this release.

The remainder of this release contains a discussion of the Commission's specific proposals and the reasons therefor in the order indicated below:

Table of Contents

A. Industry Segment Information

1. Disclosure of Interim Segment Data

The Commission has long been aware of the importance of meaningful segment information to reasoned investment decision-making in multisegment companies.[2] In May 1977, the Commission issued Release No. 33–5826 (May 10, 1977) [42 FR 26010; May 20, 1977], which proposed rules intended to coordinate its line of business information with the industry segment information required by the then recently issued Statement of Financial Accounting Standards No. 14, "Financial Reporting for Segments of a Business Enterprise" ("SFAS 14"). With respect to interim reporting of segment information, that coordination took two forms. The first was a proposed clarification of the Commission's interpretation that SFAS 14 required presentation of segment information pertaining to interim periods for which complete financial statements were presented in documents filed with the Commission.[3] The second was a request for comments on the recommendation of the Advisory Committee on Corporate Disclosure tht segment information be required in quarterly reports on Form 10–Q.[4] At that time, commentators were strongly opposed to the idea of either form of disclosure.

Concurrent with the Commission's deliberations in this area, the Financial Accounting Standards Board ("FASB") was asked to interpret the requirements of paragraph 4 of SFAS 14. In November 1977, the FASB amended SFAS 14 by the issuance of Statement of Financial Accounting Standards No. 18, "Financial Reporting for Segments of a Business Enterprise—Interim Financial Statements, an amendment of FASB

[1] The Commission's existing Article 10 of Regulation S–X permits registrants to present condensed interim financial statements within prescribed guidelines.

[2] In this regard, the Commission implemented line of business reporting requirements in 1969 that significantly expanded the previous requirement (Release No. 33–4988) (July 14, 1969) [34 FR 12176; July 23, 1969].

[3] When it was issued, paragraph 4 of SFAS 14 required presentation of segment information in "a complete set of (interim) financial statements that are expressly described as presenting financial position, results of operations, and changes in financial position in conformity with generally accepted accounting principles * * * *" At that time, the Commission's registration proxy, and information statement requirements generally mandated full financial statements, including footnotes, for interim periods required to be presented.

[4] It was the Advisory Committee's view that quarterly segment information would assist users in evaluating earnings statements. *See, Report of the Advisory Committee on Corporate Disclosure to the Securities and Exchange Commission* at D–18—D–20, D–38 380–90 (1977).

Statement No. 14" ("SFAS 18"). In SFAS 18, the FASB announced that it had decided to eliminate the interim segment information requirement from SFAS 14, pending further study of its project on interim financial reporting. That project included consideration of the type of financial information that should be presented for interim periods.

As announced in Accounting Series Release No. ("ASR") 236, (December 23, 1977) [42 FR 65554; December 30, 1977], the Commission decided not to propose amendments to require segment information for interim periods at that time. This decision was based on the expectation of better assurance of a well-reasoned decision on the issue after completion of the FASB's interim reporting project[5] *and* consideration of the experiences of both registrants and investors with the information required to be provided by SFAS 14. Further, it was believed that, in the intervening period, adequate disclosure would be included in registration statements pursuant to the requirements of Regulation S–K[6], and in reports on Form 10–Q pursuant to the Commission's expression of its view that a management's discussion of interim financial information which focuses on a segmented approach would be consistent with the requirements for an interim period MD&A which explains material changes in consolidated results.[7]

The Commission believes that a reconsideration of the question of interim segment reporting is now appropriate. Registrants, analysts, and the investing public have had several years of experience with segment disclosures. Experience indicates that interim segment information may enhance the analysis of trends in a registrant's financial condition and results of operations and facilitate an appraisal of future results and cash flows. The consolidated interim financial information alone may not permit timely identification of the future effects of differing trends experienced by different segments. Analytical problems can also result when one or more segments' operations are seasonal in nature. The Commission further notes that certain companies are already providing some interim segment information in reports on Form 10–Q (or in their informal quarterly reports to shareholders, as to which the Commission has no presentation requirements). Finally, since the requirements of SFAS 14 have been in place for approximately seven years, registrants have had the opportunity to develop systematic approaches to the development of the required disclosures.[8]

Accordingly, the Commission believes that it is appropriate to propose a requirement for disclosure, for each period presented, of interim sales, operating profit or loss, and identifiable assets for each reportable segment and geographic area determined pursuant to the guidance in SFAS 14 and presented in the same degree of detail as for annual purposes. As set forth in proposed new Rule 10–01(a)(6) of Regulation S–X, disclosure of intersegment and interarea sales and transfers and export sales would also be required, consistent with the requirements of SFAS 14 and the Commission's existing rules and disclosure of annual segment information.[9]

The Commission believes that the information proposed to be required would generally be sufficient for purposes of interim analysis and thus has excluded from the scope of the proposal information concerning the other items required to be disclosed by SFAS 14 (i.e., property additions, provisions for depreciation, and information about major customers) and the classes of similar products information required for annual purposes by items 101 of Regulation S–K. The Commission requests specific comment on the scope of the proposed disclosures.

The proposed rules would apply to all registrants, regardless of size, that are engaged in multiple businesses. However, the Commission requests specific comment on whether there are special cost-benefit considerations related to provision of interim segment information by smaller public companies.

2. Segment Approach to MD&A

The Commission's requirements in Regulation S–K for the preparation of the MD&A are designed to be flexible in order that registrants may discuss their business in the manner most appropriate to individual circumstances. At the time that it provided flexibility, however, the Commission contemplated that registrants would include a discussion focused on individual segments when such a focus is necessary for an adequate understanding of a registrant's business. Accordingly, Item 303(a) of Regulation S–K provides that "where in the registrant's judgment a discussion of segment information or of other subdivisions of the registrant's business would be appropriate to an understanding of such business, the discussion shall focus on each relevant, reportable segment or other subdivision of the business and on the registrant's business as a whole."[10]

In 1981, the Commission's staff reported on its review of MD&A disclosures made in the first year following issuance of the revised requirements.[11] The staff then noted major improvement in the quality of MD&As as compared to the often mechanistic approaches previously taken and also noted that many registrants had focused their analysis on segment data, resulting in presentations which were generally more readable and informative than previous discussions. However, there continue to be some registrants that do not provide information in their MD&A focusing on the segments of their business in situations where it appears to be necessary for an adquate understanding of the business. Accordingly, the Commission now believes its requirements should be more explicit in this area and is proposing to amend Item 303(a) to require that generally the MD&A focus on segments in order to provide an understanding of a multisegment business.

This proposal would affect MD&As relating to interim as well as annual periods. Because the interim MD&A discusses material changes in the various items required to be discussed since the end of the preceding fiscal year, the proposal would require the interim MD&A to discuss individual segments to the extent necessary to

[5] That project was removed from the Board's agenda in 1979 pending further progress by the FASB on the elements of financial statements and other phases of its conceptual framework project.

[6] Item 101(b)(2) of Regulation S–K requires that, in instances where interim financial information is presented in a document filed with the Commission that also includes annual financial information (e.g., and registration statement), a registrant is required to "discuss any facts relating to the performance of any of the segments during the interim period which, in the opinion of management, indicates that the three year segment financial data may not be indicative of current or future operations of the segment." No such explicit requirement exists for interim information included in reports on Form 10–Q.

[7] Now embodied in the Instructions to Item 303(b) of Regulation S–K.

[8] As part of its study of this issue, the Commission's staff asked the FASB whether it would undertake a project in this area. On January 4, 1984, the FASB decided that it should not now do so.

[9] The proposed rules would not require that registrants disclose the bases used for pricing such sales and transfers (unless subsequent changes have occurred), because investors have access to the latest annual reports.

[10] Adopted in ASR 279 (September 2, 1980) [45 FR 63630; September 25, 1980].

[11] ASR 299 (September 28, 1981).

explain material changes from the information provided for the most recent fiscal year, or to otherwise discuss any facts which indicate that the prior year segment data may not be indicative of current or future operations of the segment.

3. Potential Further Rule Proposals

There are two additional areas regarding segment reporting which the Commission intends to study further to determine whether it should propose rules or take other action to improve disclosures.[12]

a. *Industry Segment Determination.* In SFAS 14, the FASB provided broad guidance to determine reportable segments because, after examination of various systems for classifying business activities, it determined that no single set of characteristics or factors is universally applicable to determine the industry segments of all business enterprises.[13]

Since the FASB's adoption of SFAS 14, the Commission has expressed its views regarding the importance of the determination of appropriate reportable segments and has sought to assist registrants by discussing the segmentation provided by companies in selected industries.[14]

The Commission continues to be concerned about the way that registrants determine and report information about segments. For example, some companies assert they operate in only one segment even though the nature of the business suggests there should be some disaggregation. The Commission is not now proposing more specific guidance for determining appropriate industry segments, but sees merit in giving further consideration to whether more specific disclosure about the segmentation process should be required. The Commission invites comment on whether a requirement to specifically disclose the criteria used to determine reportable segments would lead to better segmentation and/or better user understanding of the conclusions reached by registrants in deciding on the appropriate segment disclosures. The Commission also requests suggestions for any other improvements in disclosures about segments.

b. *Changes in Segments.* SFAS 14 provides that a company should include appropriate disclosure of the nature and effect of restatements of previously reported segment information, but does not specifically require a detailed summary of the adjustments to prior years' data.[15]

The disclosure requirements contained in Regulation S–K for changes in segments basically conform to those of SFAS 14. A company must retroactively restate prior period information (1) when the financial statements of the registrant as a whole have been restated retroactively; or (2) when there has been a change in the way the registrant's products or services are grouped into industry segments and such change affects the segment information being reported. Restatement is not required when a registrant's reportable segments change solely as a result of a change in the nature of its operations or as a result of a change in the relative significance of a segment. When restatement is required, the changed segment information must be presented for only the two prior years because the present requirements call for only three years of segment data.

The Commission sees merit in giving further consideration to requiring more specific information about restated segment information in order to provide for a better understanding of the effects of such restatements on past trends and to assist in assessments of future prospects.

Specifically, the Commission invites comment on whether any restatements of segment data should be accompanied by a reconciliation of the prior data to the changed data, detailing the principal causes for the changes, and whether such a reconciliation should be required for more than the two prior years. Alternatively, should the Commission require expanded narrative disclosure of the nature of any restatements including a discussion of the effect of the changes on past trends?

Finally, the Commission requests comment on whether present disclosure requirements concerning the effects of changes in the bases of accounting for intersegment sales or transfers or changes in the methods used to allocate operating expenses among segments allow for an adequate understanding of their effects on past trends. For example, should the Commission require disclosure of the pro forma effect of such changes on segment operating profit or loss of the two prior years?

B. Miscellaneous Amendments to Interim Financial Information Requirements

1. Degree of Detail in Interim Financial Statements

In 1975, the Commission considered how much detail should be provided in interim financial statements and proposed to require full statements.[16] Commentators asserted that such full statements would be more detailed than required by investors, would be costly to prepare, and would encourage the placement of unwarranted reliance on the accuracy of the statements. In response, the Commission adopted the current rules now included in Article 10, which provide that interim financial statements may be condensed to include only the captions identified as major (i.e., numbered) in the applicable sections of Regulation S–X.[17] The only exception to this general rule is for inventories, as to which the details of raw materials, work in process, and finished goods must be presented either on the face of the balance sheet or in the notes to the financial statements.[18]

The Commission believes that the separate amounts of accounts payable, notes payable, and current portion of long-term debt are of considerable importance in evaluating the significance of interim changes in financing activities of registrants.[19]

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[12] The Commission intends to discuss comments and suggestions pertaining to these areas with the FASB in keeping with the Commission's stated policy of encouraging the private sector to establish and improve accounting principles and standards.

[13] SFAS 14 provides that reportable segments should be determined by:

(a) Identifying the individual products and services from which the enterprise derives its revenue,

(b) Grouping those products and services by industry lines into industry segments, and

(c) Selecting those industry segments that are significant with respect to the enterprise as a whole.

The FASB also indicated that certain factors should be considered in grouping products and services by industry line such as the nature of the product, the nature of the production process and markets or marketing methods.

[14] ASR 244 (March 3, 1978) [43 FR 9599; March 9, 1978].

[15] SFAS 14 also requires disclosure of the nature of and effect on segment operating profit or loss in the period of change, of changes in the basis of accounting for intersegment sales or transfers and any changes in the methods used to allocate operating expenses among industry segments.

[16] Release No. 33–5549 (December 19, 1973) [40 FR 1079; January 6, 1974] and Release No. 33–5579 (April 17, 1975) [40 FR 20308; May 9, 1975].

[17] ASR 177 (September 10, 1975) [40 FR 46107; October 6, 1975]. Further condensation is also permitted based on prescribed materiality guidelines. For example, a major balance sheet caption can be combined with others if it comprises less than 10% of total assets, and the amount in the caption has not increased or decreased by more than 25% since the end of the preceding fiscal year. Additionally, *de minimis* amounts need not be shown separately.

[18] Presentation of inventory components was required because users of financial statements had indicated that those subcaptions were of considerable importance in evaluating the significance of changes in the aggregate amount of inventories.

[19] Accounts payable, notes payable, and the current portion of long-term debt are not separate

Continued

Further, the Commission believes that these particular amounts should be separately presented in other disclosures where condensed financial statements are permitted (e.g., pro forma information). Therefore, the Commission is proposing to amend Article 5 of Regulations S–X to establish these items as separate major captions so that they will be presented in all condensed balance sheets when material.

While the Commission is not proposing at this time to require full interim financial statements, the Commission is requesting the views of commentators as to the advantages and disadvantages of the current system compared with the perceived costs and benefits of requiring that interim financial statements be presented in the same degree of detail as annual financial statements. The impact any such change would have on the timeliness of interim reporting should be addressed as well. Any future proposal to require more detailed interim financial statements would only be made if the Commission receives additional justification for such a proposal.

2. Comparative Interim Balance Sheets

Article 10 of Regulation S–X currently requires that a comparative balance sheet be provided as of the end of the most recent fiscal year. A comparative balance sheet as of the end of the comparable quarter of the prior year is required *only* if it is necessary for an understanding of seasonal fluctuations in the registrant's financial condition. These requirements, which have been in place for three years, were adopted as a result of comments received on the Commission's proposal to require a discussion of interim changes in financial condition during the last twelve months.[20] Commentators suggested, and the Commission agreed, that the MD&A of interim changes in financial condition should focus on changes since the end of the prior year, unless a registrant's operations were seasonal, in which case the MD&A should focus on changes during both periods. Consistent with its decision regarding the interim MD&A requirements, the Commission changed the comparative balance sheet requirement.

Based on three years of experience with the current interim balance sheet requirements, the Commission believes that effective analysis of interim financial information would be enhanced by inclusion of the prior year's comparative interim balance sheet in the most recent report on Form 10–Q. That balance sheet is used to calculate comparative income statement to balance sheet ratios and, while the previous interim balance sheet is available in a prior report on Form 10–Q, its use would be greatly facilitated by inclusion in the current report. Also, when financial statements are restated, the restated prior year's statement of income is not comparable with the interim balance sheet in the prior year's reports because the latter does not reflect the restatement. Most important is the fact that the basic framework for interim financial reporting contemplates that users of the interim financial information have read or have access to the audited financial statements for the preceding fiscal year and that the adequacy of additional interim disclosure needed for fair presentation may generally be determined in that context. As a result, most footnote and other disclosures are not reiterated at the interim dates.[21] Thus, there should be no need to present the year-end balance sheet in reports on Form 10–Q unless there has been an accounting change made by retroactive restatement of prior periods.

The Commission, therefore, is proposing to amend Rule 10–01(c)(1) of Regulation S–X to delete the requirement for presentation of a comparative year-end balance sheet and to instead require presentation of a comparative balance sheet as of the end of the corresponding quarter of the preceding fiscal year, as was required prior to the amendments adopted in ASR 286. The proposed amendments to Rule 10–01(b)(7) discussed in the next section of this release would, however, require presentation in Form 10–Q of a restated condensed balance sheet as of the end of the most recent fiscal year in the event of a retroactive accounting change.

The Commission wishes to make clear that this proposed change in the comparative balance sheet requirement is not intended to effect a substantive change in the interim MD&A requirements with respect to the periods to be covered (i.e., generally only the most recent quarter and the period since the prior year-end). Registrants with seasonal operations will continue to be required to discuss material changes in financial condition from the date of the previous year's interim balance sheet to the date of the corresponding current year interim balance sheet.

3. Timely Reporting of Effect on Annual Financial Statements of Retroactive Restatements Made in Interim Periods

Generally accepted accounting principles ("GAAP") require retroactive restatement of financial statements of prior periods to correct errors in preparation that are discovered subsequent to issuance of the financial statements. Registrants generally report such corrections in a timely manner by the filing with the Commission of an amendment to the document which contains the incorrect financial statements.

There are three other events which, under current GAAP, require restatement of prior periods' financial statements: business combinations accounted for by the pooling of interests method, disposals of business segments, and retroactive prior period adjustments (e.g., certain voluntary changes in accounting principles and adoptions of new standards). When such an event occurs subsequent to issuance of a registrant's most recent annual financial statements, a registration statement must include audited restated balance sheets as of the end of each of the last two fiscal years, statements of income and changes in financial position for the latest three fiscal years, and notes to financial statements.[22]

The Commission requires that such events also be reported in Exchange Act quarterly or current reports, but the financial information requirements of those reports are inconsistent with those for registration statements. Specifically, a restated balance sheet is only required as of the end of the most recent fiscal year and income statements are only required for the periods, which differ, specified in the table below. In each case, the restated financial statements, which need not be audited, may be condensed.

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major captions of Regulation S–X. Therefore, while they are required to be disclosed separately in annual financial statements, for interim purposes accounts and notes payable may be reported in the aggregate as one major caption [Rule 5–02.19] and the current portion of long-term debt may be included within the amount of other current liabilities [Rule 5–02.20].

[20] Final rules were adopted in ASR 286 (February 9, 1981) [46 FR 12460; February 17, 1981]. Prior to that time, Form 10–Q required presentation of a comparative interim balance sheet as of the end of the corresponding quarter of the preceding fiscal year. Also, there was no requirement to discuss interim changes in financial condition.

[21] Rule 10–01(a)(5) of Regulation S–X.

[22] *See*, Item 11 of Form S–2 [17 CFR 239.12] and Item 11 of Form S–3 [17 CFR 239.13].

Event	Exchange Act form	Periods required
Pooling of interests business combination.	8-K (Item 7(b))	Three most recent fiscal years and interim period from most recent fiscal year-end to most recent interim date for which balance sheet is required (Rule 11-02(c)(2)(ii) of Regulation S-X).
Disposal of business segment	8-K (Item 7(b))	Most recent fiscal year and interim period (Rule 11-02(c)(2)(i) of Regulation S-X.
Retroactive prior period adjustment.	10-Q	All periods presented in Form 10-Q (Rule 10-01(b)(7) of Regulation S-X).

Equivalency of information relevant to all investment decisions is an important element of the Commission's integrated disclosure system. The Commission believes that consistency would be improved if restated income statements were included in quarterly or current reports filed under the Exchange Act for the same periods for which such statements are requrired to be included in registration statements. Accordingly, propsed new Rule 11-02(c)(2)(iii) of Regulation S-X would require that condensed pro forma income statements following the disposal of a business segment be presented for all periods for which historical income statements are required. The proposed amendments also clarify the Commission's view that pro forma information related to such a disposal may generally be in the form of disclosures prescribed by Accounting Principles Board Opinion No. 30, "Reporting the Results of Operations—Reporting the Effects of Disposal of a Segment of a Business, and Extraordinary, Unusual and Infrequently Occurring Events and Transactions" ("APB 30").[23] Similarly, Rule 10-01(b)(7) of Regulation S-X is proposed to be amended to require presentation of condensed restated income statements, in the first Form 10-Q subsequent to the date of a retractive prior period adjustment, in order to provide disclosure of the effects of such adjustment on the annual results of operations for each of the three preceding fiscal years.

C. Off Balance Sheet Financing Arrangements

The Commission has noted that during recent years registrants have become increasingly involved in various activities which may generally be referred to as "off balance sheet financing arrangements."[24] Such arrangements have also increased in complexity. The Commission is concerned about the adequacy of disclosure about these arrangements. While the Commission expects each such material arrangement to be fully disclosed in financial statements[25] and in the MD&A where appropriate, such disclosures may be presented in various different places. As a result, both the identification and analysis of the aggregate impact of the various types of arrangements may be difficult.

Accordingly, the Commission is considering proposing an amendment to Regulation S-X to require a standard footnote[26] to summarize and highlight these various arrangements. The Commission believes that such a requirement would facilitate identification and analysis, and thus improve the usefulness of finanical reports furnished to investors.

The Commission envisions that such a footnote would be appropriately captioned and would include a tabular display of known cash commitments as well as narrative information about other arrangements for which the potential impact on cash flows cannot be quantified. The Commission does not intend that such a footnote duplicate other disclosures that are typically included in a separate footnote (e.g., leasing transactions).

Specifically, the Commission believes that financial statement users would be better informed about the aggregate impact of off balance sheet financing arrangements on the registrant's future cash flows if registrants provided a tabular summary of known cash commitments for those financing arrangements that are required to be disclosed in financial statements and that are quantifiable (e.g., operating leases and take-or-pay contacts), showing the details and aggregate totals for the following five years and the remainder in total.[27] Nonquantifiable commitments, or those where only a maximum, worst case amount could be quantified, such as guarantees or other contingencies, would be disclosed in a narrative format to provide complete information in a central location.

The Commission believes there is substantial merit to a requirement for a standard footnote which would contain such a cash requirements table. Therefore, the Commission specifically requests comments on factors which should be considered in developing such a proposal. In this connection, commentators are asked to focus on the following points:

—The appropriate title for such a footnote.
—The appropriate contents for such a footnote.
—How such a footnote should relate to other disclosures included in financial statements.
—Whether a cash requirements table should include other known commitments for recordable liabilities, such as long-term debt and capitalized leases.
—Whether the Commission should also propose to amend the MD&A to required a specific discussion and analysis of the information disclosed in such a footnote, *or* whether it would be more appropriate to require such disclosures in the MD&A rather than the financial statements.

The Commission also invites suggestions for alternative solutions for improved disclosures about off balance sheet financing arrangements.

D. Text of Proposed Rules

List of Subjects in 17 CFR Parts 210 and 229

Accounting, Reporting and recordkeeping requirements, Securities.

Chapter II Title 17 of the Code of Federal Regulations is proposed to be amended as follows:

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[23] Thus, it would generally be sufficient to present statements of income wherein the results of operations of the discontinued segment are reported separately as a component of income before extraordinary items and the cumulative effect of accouting changes (if applicable), with disclosure of the amount of revenues related to the discontinued segment for each period presented.

[24] There is no standard definition of the term "off balance sheet financing arrangements." However, it is generally used to describe those arrangements which create definite or potential commitments that are not considered to be liabilities recordable in the primary financial statements. Some examples of these arrangements include operating leases, captive finance subsidiaries, take or pay contracts, and certain partnerships, joint ventures, and trust arrangements.

[25] The FASB has issued certain standards to deal with off balance sheet financing arrangements. In addition, the FASB has undertaken a long-term project to study the broad issue of conslidations and the reporting entity which is expected to deal with certain aspects of off balance sheet financing.

[26] In March 1978, The Commission on Auditor's Responsibilities ("Cohen Commission") issued its final report which included a broad range of conclusions and recommendations aimed at improving accountability and the audit function. The Cohen Commission recommended requiring a separate note to disclose contingencies. The FASB subsequently addressed the question of a standardized note for contingencies and commitments, but decided to defer consideration of the issue until further progress had been made in its conceptual framework project.

[27] Such a tabular format might be patterned after the present requirements of Statement of Financial Accounting Standards No. 47, "Disclosure of Long-Term Obligations," for unrecorded, unconditional purchase obligations, but would also include any other types of quantifiable commitments.

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By revising paragraphs (19) and (20) and adding new paragraphs 19A and 20A of § 210.5–02 as follows:

§ 210.5–02 Balance sheets * * *

19. *Accounts payable.* State separately amounts payable to (1) trade creditors; (2) related parties (see § 210.4–08(k)); (3) underwriters, promoters, and employees (other than related parties); and (4) others.

A. *Notes payable.* (a) State separately amounts payable to (1) banks for borrowings; (2) factors or other financial institutions for borrowings; (3) holders of commercial paper; (4) trade creditors; (5) related parties (see § 210.4–08(k)); (6) underwriters, promoters, and employees (other than related parties); and (7) others. Amounts applicable to (1), (2) and (3) may be stated separately in the balance sheet or in a note thereto.

(b) The amount and terms (including commitment fees and the conditions under which lines may be withdrawn) of unused lines of credit for short term financing shall be disclosed, if significant, in the notes to the financial statements. The amount of these lines of credit which support a commercial paper borrowing arrangement or similar arrangements shall be separately identified.

20. *Current portion of long-term debt.*

20A. *Other current liabilities.* State separately, in the balance sheet or in a note thereto, any item in excess of 5 percent of total current liabilities. Such items may include, but are not limited to, accrued payrolls, accrued interest, and taxes, indicating the current portion of deferred income taxes. Remaining items may be shown in one amount.

* * * * *

2. By redesignating paragraph (a)(6) as (a)(7), adding new paragraph (a)(6) and revising paragraphs (b)(7) and (c)(1) of § 210.10–01 as follows:

§ 210.10–01 Interim financial statements.

(a) *Condensed statements.* * * *

(6) Interim financial statements (or the notes thereto) shall also include the information listed below about industry segments and foreign and domestic operations and export sales. Such information shall be determined and presented pursuant to the provisions of Statement of Financial Accounting Standards No. 14, "Financial Reporting for Segments of a Business Enterprise," including those appliable to disclosure of the effects on segment information of changes in accounting principles, changes in the way segments and geographic areas are determined and changes in the bases used for pricing intersegment and interarea sales and transfers and for allocating operating expenses.

(i) The amounts of revenue (with sales to unaffiliated customers and sales or transfers to other industry segments shown separately), operating profit or loss, and identifiable assets attributable to each of the registrant's industry segments.

(ii) The amounts of revenue (with sales to unaffiliated customers and sales or transfers to other geographic areas shown separately), operating profit or loss, and identifiable assets attributable to each of the registrant's geographic areas and the amount of export sales in the aggregate or by appropriate geographic area.

* * * * *

(b) *Other instructions as to content.* * * *

(7) Disclose any retroactive prior period adjustment made during any period covered by the interim financial statements for the current fiscal year. Such disclosure shall include the effect of the adjustment on net income—total and per share—of each current and prior period included and on the balance of retained earnings. The report on Form 10–Q for the quarter in which such retroactive adjustment occurs shall present a condensed restated balance sheet as of the end of the most recent fiscal year and condensed restated income statements and disclosure of the effect of the change on net income for each of the last three fiscal years.

* * * * *

(c) *Periods to be covered.* * * *

(1) Interim balance sheets as of the end of the most recent fiscal quarter and the corresponding quarter of the preceding fiscal year. The balance sheet as of the end of the corresponding quarter of the preceding fiscal year may be condensed to the same degree as the most recent interim balance sheet provided.

* * * * *

3. By revising Instruction 3 to paragraph (b) of § 210.11–02, revising paragraph (c)(2)(ii), and adding new paragraph (c)(2)(iii) as follows:

§ 210.11–02 Preparation requirements.

(b) *Form and content.* * * *

Instructions. * * *

3. For a disposition transaction, the pro forma financial information shall begin with the historical fianancial statements of the existing entity and show the deletion of the business to be divested along with the pro forma adjustments necessary to arrive at the remainder of the existing entity. For example, pro forma adjustments would include adjustments of interest expense arising from revised debt structures and expenses which will be or have been incurred on behalf of the business to be divested such as advertising costs, executive salaries and other costs. For a disposal of a segment of a business (as defined in paragraph 13 of Accounting Principles Board Opinion No. 30), it will ordinarily be sufficient to only present statements wherein the results of operations of the discontinued segment are reported separately as a component of income before extraordinary items and the cumulative effect of accounting changes, together with footnote disclosure of the amount of revenues related to the discontinued segment for each period presented.

* * * * *

(c) *Periods to be presented.* * * *

(2)(ii) For a business combination accounted for a pooling of interests, the pro forma income statements (which are in effect a restatement of the historical income statements as if the combination had been consummated) shall be filed for the same periods for which historical income statements of the registrant are required to be included in registration statements by § 210.3–02.

(2)(iii) For a disposal of a segment of a business (as defined in paragraph 13 of Accounting Principles Board Opinion No. 30), the pro forma income statements shall be filed for all periods for which historical income statements of the registrant are required to be included in registration statements by § 210.3–02.

* * * * *

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S–K

4. By revising paragraphs (a) introductory text and (b)(1) of § 229.303 as follows:

§ 229.303 (Item 303) Management's discussion and analysis of financial condition and results of operations. * * *

(a) *Full fiscal years.* Discuss registrant's financial conditions, changes in financial condition and results of operations. The discussion shall provide information as specified in paragraphs (a) (1), (2) and (3) with respect to liquidity, capital resources and results of operations and also shall provide such other information that the registrant believes to be necessary to an

understanding of its financial condition, changes in financial condition and results of operations. Discussions of liquidity and capital resources may be combined whenever the two topics are interrelated. In order to provide an understanding of the registrant's business, the discussion shall generally focus on each relevant, reportable segment or other subdivision of the business and on the registrant as a whole.

* * * * *

(b) * * *

(1) *Material changes in financial condition.* Discuss any material changes in financial condition from the end of the preceding fiscal year to the date of the most recent interim balance sheet provided. If necessary for an understanding the impact of seasonal fluctuations on the registrant's financial condition, any material changes in financial condition from the date of the interim balance sheet as of the end of the corresponding quarter of the preceding fiscal year to the date of the most recent interim balance sheet provided also shall be discussed. If discussions of changes from both the end and the corresponding interim date of the preceding fiscal year are required, the discussions may be combined at the discretion of the registrant.

* * * * *

Authority

These amendments are being proposed pursuant to the authority in Section 6, 7, 8, 10, 19(a) and Schedule A [25] and [26] [15 U.S.C. 77f, 77g, 77h, 77j, 77s(a) and 77aa [25] and [26]] of the Securities Act of 1933; Section 12, 13, 15(d) and 23(a) [15 U.S.C. 781, 78m, 78o(d), 78w(a)] of the Securities Exchange Act of 1934; Sections 5(b), 14 and 20(a) [15 U.S.C. 79e(b), 79n, and 79t(a)] of the Public Utility Holding Company Act of 1935 and Sections 8, 30, 31(c) and 38(a) [15 U.S.C. 80a–8, 80–29, 80a–30(c), 80a–37(a)] of the Investment Company Act of 1940.

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposals on competition and it is not aware at this time of any burden that such rules, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

By the Commission.

Dated: February 15, 1984

Shirley E. Hollis,

Assistant Secretary.

Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis, which relates to proposed amendments to the segment and interim financial reporting disclosure requirements of Regulation S–X and Regulation S–K, has been prepared in accordance with 5 U.S.C. 603.

1. Reasons for Proposed Action and Objectives

As discussed in the section of the release "Background and Executive Summary," the Commission is proposing amendments to Regulations S–X and S–K to improve the usefulness of industry segment and other interim financial information included in disclosure documents mandated by the Commission. The ability of users of financial information to understand registrants' financial statements and to determine the existence of trends in operations is expected to improve as a result of the disclosure of the following information:

—Amounts of sales, operating profit or loss and identifiable assets by reportable business segment and geographical area, including intersegment and interarea sales and transfers and the amount of export sales in interim financial statements.
—A greater focus in the MD&A included in registration statements and periodic reports on the individual segments of the registrant's business.
—Separate disclosure of various amounts of current liabilities in interim financial statements.
—The comparative balance sheet as of the end of the comparable quarter of the prior fiscal year in lieu of the balance sheet as of the end of the most recent fiscal year in reports on Form 10–Q.
—Timely reporting of restated statements of income for the last three fiscal years in the event of the disposal of a business segment or a prior period adjustment in a current or quarterly report.

2. Legal Basis

The Commission is proposing the amended rules pursuant to the authority in Sections 6, 7, 8, 10, 19a and Schedule A [25] and [26] of the Securities Act of 1933, 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77aa [25] and [26]; Sections 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78*l*, 78m, 78o(d), 78w(a); Sections 5(b), 14 and 20(a) of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79e(b), 79n, and 79t(a); and Sections 8, 30, 31(c) and 38(a) of the Investment Company Act of 1940, 15 U.S.C. 80a–8, 80–29, 80a–30(c), 80a–37(a).

3. Small Entities Subject to Rule

For purposes of this analysis, the Commission is using the definition of "small business" as adopted in Securities Act Release No. 6380.[28] That release provides that, when used in reference to the Securities A small business means any issuer whose total assets on the last day of its most recent fiscal year were $3 million or less and is engaged or proposes to engage in "small business financing".[29] When used with reference to an issuer or a person other than an investment company under the Securities Exchange Act, small business means an issuer or person that, on the last day of its most recent fiscal year, had total assets of $3 million or less. Investment companies with net assets of $50 million or less as of the end of their most recent fiscal years are small businesses. Accordingly, the amendments would affect all entities that fall within the Commission's definition of a "small entity" and file periodic reports or registration statements (except on form S–18) containing interim information.

4. Reporting, Recordkeeping, and Other Compliance Requirements

The proposed rules would introduce certain new reporting obligations; several of these may entail additional recordkeeping or compliance requirements. The Commission feels that the additional burdens, if any, are justified by the availability to investors and other users of Commission-mandated disclosure documents of material information regarding registrants' performance.

As discussed in the section of the release entitled "Industry Segment Information—Disclosure of Interim Segment Data," the requirements for annual reporting of financial information by business segment and geographical area have been in existence for approximately seven years. Adoption of proposed new Rule 10–01(a)(6) would represent the first instance of a requirement that segment data be provided on a quarterly basis. Although some registrants are already providing such data voluntarily, it is not certain that all small businesses routinely assemble this data from the existing accounting records on an interim basis. However, since the segment information proposed to be required represents only a disaggregation of data routinely generated for and included in interim financial statements, it is assumed that the same procedures employed by

[28] Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

[29] Small business financing is defined to mean conducting or proposing to conduct an offering of securities which does not exceed the dollar limitation prescribed by Section 3(b). Such limitation is presently $5 million.

registrants at year end to calculate the annual segment data can be duplicated at interim dates. The professional skills required would be the same as those already required to produce the comparable year-end disclosure. It is possible that the efforts which would be required by those small businesses which are engaged in multiple segments to assemble this information would represent an additional compliance requirement.

As discussed in the section of the release entitled "Industry Segment Information—Segment Approach to MD&A," the proposed amendment to Rule 303(a) of Regulation S–X represnts a clarification of the existing rule consistent with current practice and policy as monitored and enforced by the Commission's Staff. As such it should not impose and additional compliance burden.

As discussed in the section of the release entitled "Miscellaneous Amendments to Interim Financial Information Requirements—Degree of Detail in Interim Financial Statements," the amendment to Rules 5–02.19 and 5–02.20 of Regulation S–X would only require the addition of several line items to a registrant's interim balance sheet if the amounts of such items are material. Such amounts must be reported in annual financial statements, so the requisite information is already collected on an ongoing basis in the general ledger accounts.

As discussed in the section of the release entitled "Miscellaneous Amendments to Interim Financial Information Requirements—Comparative Interim Balance Sheets," the proposed amendment to rule 10–01(c)(1) would only change the date of the comparative balance sheet to be included in reports on Form 10–Q. This change should not impose any additional burden on registrants since the number of balance sheets provided would remain constant and, in most cases, the revised requirement would only involve the reprinting of the same condensed financial information that was filed with the Commission in the previous year. The new requirements, therefore, would be based on the company's existing records and would not call for adoption of any new record keeping procedures.

As discussed in the section of the release entitled "Miscellaneous Amendments to Interim Financial Information Requirements—Timely Reporting of Effect on Annual Financial Statements of Retroactive Restatements made in Interim Periods," proposed new Rule 11–02(c)(2)(iii) would accelerate the time when restated income statements for periods prior to the most recent fiscal year must be filed pursuant to the Securities Exchange Act in the event of a disposal of a business segment. Proposed amended Rule 10–01(b)(7) would accelerate presentation of restated statements of income in the event of a prior period adjustment from the time of filing the next Form 10–K to the time of filing the next Form 10–Q. Although accelerated disclosure would result from these changes, the registrant skills needed to comply with the changes should not extend beyond those already needed to fulfill existing requirements.

5. Overlapping or Conflicting Federal Rules

The Commission believes that no present Federal rules duplicate or conflict with the proposals.

6. Significant Alternatives

Pursuant to Section 603 of the Regulatory Flexibility Act the following types of alternatives were considered:

(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;

(2) The clarification, consolidation, or simplification or compliance and reporting requirements under the rule for such small entities;

(3) The use of performance rather than design standards; and

(4) An exemption from coverage of the rule, or any part thereof, for small entities. Notwithstanding consideration of these alternatives, no distinction for small entities is incorporated into the proposed rules for a variety of reasons. In light of the lack of any new significant reporting, recordkeeping, or other compliance requirements imposed by the proposed MD&A rule change, the proposals to require disclosure of the comparative prior year interim balance sheet in lieu of the prior year-end balance sheet, and disclosure of certain current liabilities, there is little reason to restrict the benefit to the public of such disclosure by failing to require small entities to comply with the new requirements. The expansion of the periods for which statements of income would be restated for purposes of timely interim reporting does accelerate somewhat the timing of the disclosure of such restated statements, but registrants will have already performed the restatement calculations in order to comply with the existing requirements for timely disclosure following the events specified.

The Commission believes that the incremental task of accelerating the timing of such disclosure is small in relation to the benefit to investors of more timely disclosure of the impact of such changes.

Although many businesses may now have in place systems which provide for the assembly of the segment information in light of the longstanding requirement that such be disclosed on an annual basis, the proposed disclosure of interim segment information might impose an additional cost on some small businesses. For that reason, the release requests specific comment on whether there are unique cost/benefit consideration related to provision of interim segment information by smaller public companies, which would include "small businesses". However, the rules as proposed would apply to all registrants because the Commission believes that segment information is important for all registrants, regardless of size, that are engaged in multiple businesses.

In the Commission's view, the fundamental performance standard for financial reporting is the presentation of all information material for rational investment decisions. However, the existence of many alternative approaches to disclosure may result in reduced comparability in the data reported and the form of presentation, thereby adversely affecting the ability to analyze the financial information. Because comparability in financial reporting is important in evaluating issuers' operational and managerial performance, the Commission has historically acted to minimize excessive diversity in reporting of material information when it occurs among companies in essentially the same circumstances. This is generally accomplished by establishing design standards for reporting as the Commission seeks to do in the present case with the proposal ot require segment data on a quarterly basis from all registrants.

7. Solicitation of Comments

The Commission encourages the submission of comments with respect to any aspect of this initial regulatory flexibility analysis and such comments will be considered in the preparation of the final regulatory flexibility analysis if the proposed amendments are adopted. The Commission is especially interested in any empirical data on the costs and/or benefits of the proposed amendments. Persons wishing to submit written comments should file four copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. All submission should refer to

File No. S7–10–84 and will be available for public inspection at the Commission's Public Reference Room, 450 5th Street NW., Washington, D.C. 20549.

[FR Doc. 84–4791 Filed 2–22–84; 8:45 am]
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17 CFR Part 275

[IA–899; File No. S7–7–84]

Amendment to Investment Adviser Recordkeeping Rule

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendment.

SUMMARY: The Commission is publishing for comment a proposed amendment to the recordkeeping rule under the Investment Advisers Act of 1940 to permit advisers to preserve required records on microfilm without having to retain hard copies for two years. This amendment would make this part of the rule consistent with other Commission recordkeeping rules and result in cost savings to registered investment advisers using microfilm. The Commission also is requesting comment on whether to permit advisers to store records only in computer systems and, if so, under what conditions.

DATE: Comments must be received on or before April 16, 1984.

ADDRESS: Comments should be sent in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Comment letters should refer to File No. S7–7–84. All comments 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: R. Michael Parker, Senior Compliance Examiner, (202) 272–2025 or Mary Podesta, Special Counsel, Division of Investment Management, (202) 272–2039, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Rule 204–2 (17 CFR 275.204–2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) (the "Advisers Act") specifies the records which advisers subject to registration under the Advisers Act must make and keep and make available to the Commission's representatives for examination. Generally, records must be maintained for at least five years after the end of the fiscal year in which the last entry on the record is made. Under rule 204–2, a record must be preserved in hard copy form for two years, after which a photograph on film can be substituted. The recordkeeping rules adopted by the Commission for investment companies under the Investment Company Act of 1940 ("Investment Company Act") and for brokers and dealers under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq.) permit immediate substitution of microfilm for hard copy.[1]

The Commission proposes to amend rule 204–2 to permit immediate substitution of microfilm for hard copy under conditions which permit Commission examination of the records and minimize the risk that records will be permanently lost or destroyed. The conditions in the proposed amendment are identical to those contained in rule 31a–2(f)(1) under the Investment Company Act and rule 17a–4(f) under the Exchange Act. The Commission is proposing this amendment to make the Advisers Act recordkeeping rule consistent with other recordkeeping rules adopted by the Commission. The amendment would reduce the cost of record retention for advisers using microfilm.

The Commission also requests comment on whether the proposed amendment should be expanded to permit advisers who maintain required records in computer systems to rely on computer storage systems, rather than on hard copy or microfilm, for compliance with rule 204–2 and, if so, under what conditions.

Both the protection of investors and sound business practice require that records be maintained and preserved in a manner which minimizes the risk of loss, destruction, or tampering and which ensures that records are available for review. In view of the increasing use of computer systems by advisers, the Commission believes it should begin the process of determining to what extent storage of information on, for example, computer tapes or discs, and not in hard copy form or microfilm, would be both useful and consistent with the protection of investors. Accordingly, the Commission requests specific comment on the following:

(1) Would advisers maintain records required by rule 204–2 only in computer systems, and not in hard copy or microfilm, if permitted to do so under rule 204–2; what particular records might be so maintained, and why?

(2) Can appropriate safeguards be designed to minimized the risk that records stored only in computers can be altered, lost, or destroyed?

(a) Because magnetic tape is a relatively fragile storage medium and computer security is often a difficult problem, what safeguards could adequately protect investors and the Commission's ability to examine adviser records pursuant to Section 204 of the Advisers Act (15 U.S.C. 80b–4)?

(b) Should the Commission require that a duplicate of the computer storage medium be maintained separately from the original and, if so, should the duplicate be stored in a separate location and not in the adviser's office; how frequently should the duplicate be updated to incorporate new records entered into the operational data bank?

(c) What other requirements might be appropriate in addition to, or as an alternative to, a duplicate computer storage medium?

(3) What procedural requirements should be imposed to ensure that advisory computer records are furnished promptly to Commission staff for examination pursuant to Section 204 of the Advisers Act?

(a) Should advisers storing records only in computers be required to assume the responsibility of furnishing print-outs of records to Commission staff within 24 hours of a request?

(b) If an adviser using a computer record retention system discontinues its use or changes to a non-compatible system, how can the ability of the Commission to examine the adviser's records pursuant to Section 204 be preserved?

(4) What would be the relative costs and benefits of permitting advisers to store records only in computers and of the various safeguards which might be required?

(5) What other factors or information should the Commission consider in determining whether to permit investment advisers to store required records only in computer systems?

List of Subjects in 17 CFR Part 275

Investment advisers, Reporting and recordkeeping requirements, Securities.

Text of Proposed Rule

Chapter II of Title 17 of the Code of Federal Regulations would be amended by revising paragraph (g) of § 275.204–2 as follows:

[1] 17 CFR 270.31a–2(f)(1) and 17 CFR 240.17a–4(f).

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

§ 275.204–2 Books and records to be maintained by investment advisers.

* * * * *

(g) The records required to be maintained and preserved pursuant to this rule may be immediately produced or reproduced by photograph on film and be maintained and preserved for the required time in that form. If such photographic film substitution for hard copy is made by the investment adviser, the investment adviser shall (1) at all times have available for Commission examination of its records, pursuant to Section 204 of the Investment Advisers Act of 1940, facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements, (2) arrange the records and index and file the films in such a manner as to permit the immediate location of any particular record, (3) be ready at all times to provide, and immediately provide, any facsimile enlargement which the Commission by its examiners or other representatives, may request, and (4) store separately from the original one other copy of the microfilm for the time required.

* * * * *

Summary of Regulatory Flexibility Act Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding the proposed amendment to rule 204–2. The Analysis relates to the proposed amendment relating to microfilm and to the discussion in this release concerning computer records. The Analysis states that allowing advisers to maintain required records on microfilm without having to retain hard copies for two years and to maintain required records in a computer storage medium may have a significant impact on small investment advisers. The Analysis notes that this will provide greater flexibility to advisers in maintaining required records and will result in cost savings by eliminating the need for advisers to store hard copies of required records for prescribed time periods. However, the Analysis states that it is not possible to estimate the significance of the economic impact on small advisers, in part, because it is not possible to estimate the extent to which advisers will choose to preserve required records on microfilm or computer storage medim rather than in hard copy form. A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting R. Michael Parker, Division of Investment Management, Securities and Exchange Commission, Room 5066, 450 Fifth Street, NW., Washington, D.C. 20549.

Statutory Basis

The amendment proposed herein would be adopted pursuant to the authority contained in Sections 204 (15 U.S.C. 80b–4) and 211(a) (15 U.S.C. 80b–11(a)) of the Advisers Act.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

February 15, 1984.

[FR Doc. 84–4789 Filed 2–22–84; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Proposed Customs Regulations Amendments Relating to Manifesting Empty Cargo Containers

AGENCY: Customers Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to simplify current procedures for manifesting empty cargo containers carried by vessels in foreign and domestic trades. To implement the new alternative manifesting procedure, it is proposed to allow empty containers to be listed on a separate sheet of paper rather than on the inward foreign manifest. Further, the sheet of paper would identify only the total number of containers; not the marks and numbers of each container. Pen and ink corrections could be made to the listing in place of filing a diversion report and having it approved. If adopted, the amendments would expedite the handling of empty containers, reduce the paperwork burden for Customs and container carriers, and eliminate the problems carriers are experiencing with the current manifest requirements.

DATE: Comments must be received on or before April 23, 1984.

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

FOR FURTHER INFORMATION CONTACT: Donald Reusch, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5706).

SUPPLEMENTARY INFORMATION:

Background

Section 401(c), Tariff Act of 1930, as amended (19 U.S.C. 1401(c)), defines the term "merchandise" as "goods, wares, and chattels of every description." Section 431, Tariff Act of 1930, as amended (19 U.S.C. 1431), provides that every vessel arriving in the United States shall have on board a manifest which, among other things, shall contain "a detailed account of all merchandise on board such vessel", with the marks, numbers, and description of each package. Because empty containers are considered merchandise, they must be manifested. The manifest requirements are set forth in sections 4.7 and 4.7a, Customs Regulations (19 CFR 4.7, 4.7a).

Under current procedures for manifesting empty containers, as set forth in Customs Manual Supplement No. 3276–01, dated September 10, 1980, the complete inward foreign manifest (traveling manifest) presented at the vessel's first domestic port of arrival is required to contain a listing of all empty containers on board by their marks and numbers and show their destination as the last domestic port on the vessel's itinerary. Diversions of empty containers to ports other than the port shown on the traveling manifest could then be permitted pursuant to the procedures set forth in § 4.33(c) Customs Regulations (19 CFR 4.33(c)). Due to the necessities of commercial vessel operation, container carriers reportedly are having serious problems satisfying these requirements. These problems are most prevalent with empty containers on board vessels arriving from foreign ports manifested for discharge at one or more United States ports, and those containers already in the United States being moved from one port to another as instruments of international traffic incidental to their use in international commerce. Both foreign and United States-flag container vessels often arrive in the United States with empty containers to be unladed at various ports. The containers are often filled with export cargo and subsequently reladed aboard a container vessel to be carried to a foreign country. Due to the exigencies of the shipping trade.

frequently, before the vessel departs for another United States port, additional empty containers, in excess of the manifested quantity, are unladed at that port. Similarly, the vessel may not unlade as many empty containers as are listed for that port on the traveling manifest.

If the carrier does not have sufficient time to amend the traveling manifest, this manipulation of empty containers, which often occurs outside of regular business hours, often results in the assessment of penalties because the manifest is incorrect. This is especially true with respect to correctly listing the individual marks and numbers of the containers. At times carriers may refuse to unlade empty containers in excess of the manifested quantity in order to avoid being assessed penalties, which is costly and burdensome on their operations.

To eliminate these problems, it is proposed to implement a simplified procedure for manifesting empty containers. This would be accomplished by allowing empty containers arriving in vessels from foreign ports and empty containers already in the United States being moved as instruments of international traffic to be listed on a separate sheet of paper identified as a "Cargo Declaration Limited to Empty Containers" which would be attached to the traveling manifest rather than requiring empty containers to be identified on the traveling manifest. The listing on the separate sheet of paper would identify only the total number of containers; not the marks and numbers of each container as is presently required. The diversion of empty containers to ports other than the ports shown on the listing could be done by an authorized representative of the vessel during the voyage to the next port in lieu of filing a diversion report under § 4.33(c), Customs Regulations (19 CFR 4.33(c)), with the appropriate Customs officer and having it approved.

To implement the new procedure, the following amendments would be made to Part 4, Customs Regulations (19 CFR Part 4). Section 4.7a(c), Customs Regulations (19 CFR 4.7a(c)), relating to cargo requirements for inward foreign cargo, would be amended by adding a new subparagraph (4) to paragraph (c), to allow empty containers to be manifested on a separate sheet of paper by their quantity only.

Section 4.85, Customs Regulations (19 CFR 4.85), relating to vessels with residue cargo (e.g., empty containers) for domestic ports, would be amended by adding a new paragraph (f) to require the separate sheet of paper to become part of and accompany the traveling manifest. Also, in the case of diversions of containers to ports not listed on the traveling manifest, the vessel representative would be allowed to make the appropriate pen and ink corrections to the separate listing on the sheet of paper at each port where the containers are unladed.

Section 4.93(c), Customs Regulations (19 CFR 4.93(c)), relating to the coastwise transportation of empty containers of international traffic, would be revised by including the proposed listing requirement on a separate sheet of paper as an alternative to manifesting requirements set forth in section 4.93(c) and section 4.81(e), Customs Regulations (19 CFR 4.81(e), 4.93(c)).

It adopted, these amendments would expedite the handling of empty containers, reduce the paperwork burden for Customs and container carriers, and eliminate the problems carriers are now experiencing with the current manifest requirements.

Executive Order 12291

This document will not result in a regulation which is a "major rule" as defined by section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the proposed amendments are not expected to have significant effects on a substantial number of small entities or impose or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. On the contrary, they are expected to reduce the paperwork burden for Customs and the affected carriers, and consequently, reduce operating costs.

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

Paperwork Reduction Act

The document is subject to the Paperwork Reduction Act. Accordingly, the listing requirements contained in the document have been submitted to the Office of Management and Budget for review and comment pursuant to 44 U.S.C. 3504(h). Public comments relating to the information collection aspects of the proposal should be addressed to the Customs Service and to the Office of Management and Budget at the addresses set forth in the ADDRESS portion of this document.

Comments

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

Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 431, 432, 439, 624, 46 Stat. 710, as amended, 712, 759 (19 U.S.C. 1431, 1432, 1439, 1624).

Drafting Information

The principal authors of this document were Jesse V. Vitello and John E. Elkins, Regulations Control Branch, Office of Regulations & Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 4

Cargo manifest, Customs duties and inspection, Empty containers, Imports, Inspection and control, Residue cargo, Vessels.

Proposed Amendments

It is proposed to amend Part 4, Customs Regulations (19 CFR Part 4), as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. It is proposed to amend § 4.7a(c) by adding a new paragraph (4) to read as follows:

§ 4.7a Inward manifest; information required; alternative forms.

* * * * *

(c) *Cargo Declaration.* * * *

(4) As an alternative to the manifesting procedures described in this section, if the merchandise consists, in whole or in part, of empty containers, the containers may be manifested on a separate sheet of paper, which may be typed or printed, and identified as a "Cargo Declaration Limited to Empty Containers." The "Cargo Declaration Limited to Empty Containers" shall list (i) the name of the vessel, (ii) the port of

entry, (iii) the flag of the vessel, (iv) the name of the master, (v) the port of lading of the empty containers, and (vi) the port of ultimate discharge of the empty containers. Only the total number of empty containers entered for each port in the United States shall be listed. The marks and numbers of each empty container shall not be listed.

* * * * *

2. It is proposed to amend § 4.85 by adding a new paragraph (f) to read as follows:

§ 4.85 Vessels with residue cargo for domestic ports.

* * * * *

(f) The separate sheet of paper identified as a "Cargo Declaration Limited to Empty Containers" shall be considered part of and shall accompany the traveling manifest. When empty containers are manifested on a "Cargo Declaration Limited to Empty Containers" in accordance with § 4.7a(c)(4), and there is a change in the number of containers on board the vessel when it proceeds to the next and each succeeding port in the United States from the port of first arrival, the vessel representative shall indicate the actual number of empty containers still on board the vessel by pen and ink notation to the listing. When delivered to the district director at the next succeeding domestic port with the traveling manifest, the listing with the pen and ink notations, shall be considered a sufficient correction, if any is necessary, of the "Cargo Declaration Limited to Empty Containers" presented at the first port. If the total number of empty containers listed on the "Cargo Declaration Limited to Empty Containers" and presented in accordanace with § 4.7a is accounted for by the pen and ink notations on the listing when it is surrendered at the final domestic port in accordance with paragraph (e), no controls such as a report of diversion or overage or shortage report shall be required and no penalty action relating to any empty containers shall be taken. If at any time Customs officers determine by inspection that a container listed on a "Cargo Declaration Limited to Empty Containers" is not empty, or determine that the actual number of empty containers discharged at any port is more or less than the number indicated (with pen and ink notations) as discharged at the port, appropriate penalty action shall be taken.

3. It is proposed to amend § 4.93 by adding two new sentences at the end of paragraph (c) to read as follows:

§ 4.93 Coastwise transportation by certain vessels of empty vans, tanks, and barges, equipment for use with vans and tanks; empty instruments of international traffic; stevedoring equipment and material; procedures.

* * * * *

(c) * * * As an alternative to the above manifesting requirement and § 4.81(e), if the merchandise consists of empty containers, they may be manifested at the domestic port of lading on a separate sheet of paper, identified as a "Cargo Declaration Limited to Empty Containers" in the manner described in § 4.7a(c)(4). The separate listing shall be delivered to Customs at domestic ports of unlading in accordance with § 4.85(f).

Robert P. Schaffer,

Acting Commissioner of Customs.

Approved: November 30, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84-4771 Filed 2-22-84; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 817

Surface Coal Mining and Reclamation Operations Permanent Program Performance Standards for Underground Mining Activities

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

ACTION: Request for public comment on a petition for rulemaking.

SUMMARY: OSM seeks comments and recommendations regarding the granting or denying of a petition, submitted pursuant to Section 201(g) of the Surface Mining Control and Reclamation Act (the Act), 30 U.S.C. 1211(g), to amend OSM's subsidence regulations in 30 CFR 817.121(d) and (e).

In those situations where the mining technology to be used requires planned subsidence in a predictable and controlled manner, the suggested change in the rule would allow mining under specified structures and facilities and bodies of water without a demonstration to the regulatory authority that subsidence will not cause material damage to, or reduce the reasonably foreseeable use of, such features or facilities and would not allow the regulatory authority to limit the percentage of coal to be extracted to minimize the potential for material damage to the features or facilities.

DATE: Comments must be received no later than 5:00 p.m. on March 26, 1984.

ADDRESS: Written comments must be mailed or hand-delivered to: Office of Surface Mining, U.S. Department of the Interior, Room 152, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: C. Y. Chen or Rafael Gonzalez, Division of Engineering Analysis, Office of Surface Mining, Washington, D.C. 20240; phone (202) 343-2160 or (202) 343-5244.

SUPPLEMENTARY INFORMATION:

I. Commenting Procedures

Public Comment Period: The comment period on the petition will extend until the date listed above. All written comments must be received at the address listed above by 5:00 p.m. on that date. Comments received after that date may not necessarily be considered or included in the administrative record on the petition. OSM cannot insure that written comments received or delivered during the comment period to any location other than that specified above will be considered and included in the administrative record on this petition.

Availability of copies: In addition to its publication here, copies of the petition and copies of 30 CFR 784.20 and 817.121-122 (48 FR 24638-24652, June 1, 1983) are available for inspection and may be obtained at the address indicated above.

Public meetings: No public hearing is being set. However, the Headquarters staff of OSM will be available to meet with the public during business hours, 8:00 a.m. to 4:00 p.m., during the comment period. In order to arrange such a meeting, the person listed above for further information should be contacted.

II. Background and Substance of Petition

OSM received a letter dated November 30, 1983, from the Vice President, Environmental Affairs of Consolidation Coal Company, presenting a petition for revision of the subsidence regulations found in 30 CFR 817.121(d) and (e). Pursuant to section 201(g) of the Act, 30 U.S.C. 1211(g), any person may petition for a change in OSM's permanent program rules which appear in 30 CFR Chapter VII. The Act allows for a period of 90 days within which to decide to grant or deny a petition. Section 201(g)(4); 30 U.S.C. 1211(g)(4). Under the applicable regulations for rulemaking petitions, 30

CFR 700.12(c), the Director must first determine whether the petition has a reasonable basis. If it has, notice is to be published in the **Federal Register** seeking comments on the petition. The Director has determined that the petition for amendment of the subsidence regulation has a sufficiently reasonable basis to seek further comments. The text of the petition appears as an Appendix to this notice.

This notice seeks public comments on the suggested amendment. At the close of the comment period, a decision will be made whether to grant or deny the petition. If the decision is made to grant the petition, rulemaking proceedings will be initiated in which public comment will again be sought before a final rulemaking notice appears, and a decision may be made to suspend the regulation on an interim basis pending a final determination. If the decision is made to deny the petition no further rulemaking action will occur.

OSM revised the certain portions of its subsidence performance standards in 30 CFR Part 817 as a part of regulatory reform. However, the rules were not revised as the petition now seeks to do, which is to provide an exception from the requirement of a showing that the subsidence will not cause material damange where full extraction mining methods are to be employed. The paragraphs at issue, 30 CFR 817.121(d) and (e), provide as follows:

(d) Underground mining activities shall not be conducted beneath or adjacent to (1) public buildings and facilities; (2) churches, schools, and hospitals; or (3) impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more, unless the subsidence control plan demonstrates that subsidence will not cause material damage to, or reduce the reasonably foreseeable use of, such features or facilities. If the regulatory authority determines that it is necessary in order to minimize the potential for material damage to the features or facilities described above or to any aquifer or body of water that serves as a significant water source for any public water supply system, it may limit the percentage of coal extracted under or adjacent thereto.

(e) If subsidence causes material damage to any of the features or facilities covered by paragraph (d) of this section, the regulatory authority may suspend mining under or adjacent to such features or facilities until the subsidence control plan is modified to ensure prevention of further material damage to such features or facilities.

The current provision in § 817.121(d) which the petition seeks to revise has been a source of contention with industry. Industry challenged the rule's predecessor as being beyond the authority granted the Secretary in the Act to promulgate. The court in *In Re: Permanent Surface Mining Regulation Litigation*, No. 79–1144, upheld previous § 817.126, which is similar to the recently revised (June 1, 1983, 48 FR 24638) final rule in § 817.121(d). 14 Envir. Rep. Cas. at 1108 (1980). While industry has challenged the revised subsidence rules in a continuation of the litigation cited above, they have not challenged § 817.121 (d) or (e). Rather, the current complaint is aimed at the restoration requirement of § 817.121(c), in part, because it too fails to provide an exception for full extraction mining where subsidence could occur in a predictable and controlled manner.

Section 817.121(e) authorizes the regulatory authority to suspend mining under or adjacent to the features and facilities protected under paragraph (d) until the subsidence control plan is modified to prevent further material damage. It is a new provision added in the 1983 revision.

In addition to comments generally as to the need and authroiry for the rule change, comments are specifically requested as to the following issues: 1. Is it not just as important to assure the prevention of material damage associated with planned subsidence as it is with regard to unplanned subsidence? 2. Is the showing that no material damage will result from subsidence that occurs in a planned and predictable manner more difficult to make than such a showing related to unplanned subsidence? 3. Is not such a showing essential in aiding the regulatory authority to make the permit finding required by Section 510(b)(4) of the Act that no surface coal mining operations will be permitted in areas that are unsuitable for mining under section 522(e)(4) and (5) of the Act?

III. Procedural Matters

Publication of this notice of the receipt of the petition for rulemaking is a preliminary step in the rulemaking process. If a decision is made to grant the petition, a formal rulemaking process will be commenced. Thus, no regulatory flexibility analysis is needed at this stage; nor is a regulatory impact analysis necessary under Executive Order No. 12291.

Publication of this notice does not constitute a major Federal action having a significant effect on the human environment for which an environmental impact statement under the National Environmental Policy Act, 42 U.S.C. 4322(2)(C), is needed.

List of Subjects in 30 CFR Part 817

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Underground mining.

Dated: February 16, 1984.

James R. Harris,

Director, Office of Surface Mining.

Appendix

The text of the petition dated November 30, 1983, from the Vice President of Environmental Affairs, Consolidation Coal Compnay, is as follows:

As authorized by Section 201(g) of the Federal Surface Mining Control and Reclamation Act (Pub. L. 95–87), Consolidation Coal Company (Consol) hereby formally petitions the Director to revise rules 30 CFR 817.121 (d) and (e) as published in the **Federal Register** dated June 1, 1983. We ask that the rules be revised to include the additional underlined language as follows:

(d) Underground mining activities shall not be conducted beneath or adjacent to (1) public buildings and facilities; (2) churches, schools, and hospitals; or (3) impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more, unless the subsidence control plan demonstrates *either* that subsidence will not cause material damage to, or reduce the reasonably foreseeable use of such features or facilities *or that the mining technology to be used requires planned subsidence in a predictable and controlled manner.* If the regulatory authority determines that it is necessary in order to minimize the potential for material damage to the features or facilities described above or any aquifer or body of water that serves as a significant water source for any public water supply system, it may limit the percentage of coal extracted under or adjacent thereto *except where the mining technology to be used involves th full extraction of the coal resource and requires planned subsidence in a predictable and controlled manner.*

and

(e) If subsidence causes material damage to any of the features or facilities covered by paragraph (d) of this section the regulatory authority may suspend mining under or adjacent to such features or facilities, *except where the mining technology used requires planned subsidence in a predictable and controlled manner,* until the subsidence control plan is modified to ensure

prevention of further material damage to such features or facilities.

These changes address full extraction mining in a manner consistent with present day sound mining practices as well as responsible operator attitudes toward effects on the surface.

Full extraction mining allows for increased coal recovery ratios which maximizes the coal resource. If the coal is not taken as part of a planned mining operation it can seldom be recovered by subsequent operations. It becomes imperative therefore, for operators to develop plans that remove as much coal as is possible for any given mine. The additional benefits associated with full extraction mining are:

- The subsidence is immediate
- The subsidence can be planned and controlled
- There is no lingering liability for subsequent subsidence
- Danger to surface occupants is minimized
- Operator is available to mitigate damages

Although Consol believe that these regulations in their present form are unauthorized by Pub. L. 95–87 and should be struck down by Judge Flannery in pending litigation in Washington, D.C. (C.A. No. 79–1144), Consol believes that the changes for which we hereby petition are necessary at least in the meantime, or if the regulations are upheld, for the rules to more properly address the intent of Congress as to planned subsidence as stated in Section 516(b)(1) of Pub. L. 95–87 and OSM's own preamble statements to the June 1, 1983, final rules.

The language of Section 516(b)(1) clearly exempts planned subsidence;

(b) Each permit issued under any approved State or Federal program pursuant to this Act and releating to underground coal mining shall require the operator to—(1) adopt measures consistent with known technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of such surface lands, *except in thoses instances where the mining technology used requires planned subsidence in a predictable and controlled manner:* Provided, That nothing in this subsection shall be construed to prohibit the standard method of room and pillar mining. (emphasis added).

While the exact intentions of the underlined portion have been the subject of considerable debate and litigation, it is readily apparent to all that some special considerations were intended for full extraction mining. The House Report (HR 95–218) on Pub. L. 95–87 provides further insight on page 126;

It is the intent of this section to provide the Secretary with the authority to require the design and conduct of underground mining methods to control subsidence to the extent technologically and economically feasible in order *to protect the value and use of surface lands.* Some of the measures available for subsidence control include:

(1) Leaving sufficient original mineral for support,

(2) Refraining from mining under certain areas except allowing headings to be driven for access to adjacent mining areas, or

(3) *Causing subsidence to occur at a predictable time and in a relatively uniform and predictable manner.* This specifically allows for the uses of longwall and other mining techniques which completely remove the coal. (emphasis added)

Since one of the above subsidence control measures includes causing subsidence to occur at a predictable time and in a uniform manner, it seems reasonable to assume that as a control measure it does not reduce the reasonably foreseeable use of surface features or facilities.

Congress by Section 516(b)(1), made clear that planned subsidence mining did not impermissibly reduce the reasonable foreseeable use of surface features or facilities. Since Congress itself identified such planned subsidence mining as an acceptable subsidence control measure it connot be said that Congress intended to prohibit it nor prevent it.

OSM's preamble to the June 1, 1983, rules (page 24639) recognizes that subsidence cannot be prevented when utilizing full extraction mining techniques. OSM states:

"The exception [516(b)(1) of SMCRA] recognizes this and does not require subsidence prevention measures in such instances [full extraction mining]. It allows for full extraction methods to be used which inevitably cause subsidence to occur."

Relative to OSM's subsequent concerns in that same paragraph, this petition *is not* asking for an exemption from having to submit subsidence control plans nor from complying with performance standards. The petition merely asks that the regulations be revised to properly reflect the statutory exemption for planned subsidence mining technology by making clear that such mining operations do have to demonstrate that material damage will not occur in order to begin or to continue mining.

Your prompt consideration of this petition will be appreciated.

[FR Doc. 84–4724 Filed 2–22–84; 8:45 am]
BILLING CODE 4310–05–M

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1, 101, and 201

Establishment of the Federal Information Resources Management Regulation (FIRMR)

AGENCY: Office of Information Resources Management, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: The General Services Administration (GSA) proposes to establish the FIRMR in 41 CFR Ch 201 to replace current Government-wide regulations in 41 CFR Ch 1, the Federal Procurement Regulations (FPR) (Subparts 1–4.11, 1–4.12, and 1–4.13) and in 41 CFR Ch 101, the Federal Property Management Regulations (FPMR) (Parts 101–35, 101–36, and 101–37 and portions of Part 101–11). Technological merging of automatic data processing, office automation, records management, and telecommunications is requiring that information resources be managed, acquired, and used in a single coordinated manner. The intended effect is to provide a single, logically organized, clear and understandable issuance to promote economy and efficiency including increased productivity.

ADDRESS: Requests for copies of the proposed initial issuance should be addressed to GSA, Office of Information Resources Management, Policy Branch (KMPP), Room 3224, 18th and F Sts., NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Roger W. Walker, Chief, Policy Branch (KMPP), Office of Information Resources Management, telephone (202) 566–0194 FTS 566–0194.

SUPPLEMENTARY INFORMATION: The initial issuance will consist of interim FIRMR provisions designated from current FPR/FPMR regulations (see Summary) and a new Part 201–1 establishing the purpose, authority applicability, and issuance of the FIRMR.

(2) The effectivity will be April 1, 1984 so that no void will exist in Government-wide regulations applicable to procurement and contracting for information resources. Current FPR

provisions will be replaced on April 1, 1984 by the Federal Acquisition Regulation (48 CFR Part 1). However, the FAR does not contain the referenced FPR provisions.

(3) No new authorities, policies, or procedures are involved in this action. Therefore, comments are not specifically solicited but will be considered in conjunction with development of the next issuance step for the FIRMR. The next step will consist of reformatting current FPR/FPMR information resources provisions into the FIRMR General Structure (to be included in the initial issuance).

(4) This action is listed on GSA's Unified Agenda of Federal Regulations as Item 36 (RIN: 3090–AA15) (48 FR 47956, October 17, 1983).

List of Subjects in 41 CFR Ch. 201

Government information resources activities, Government procurement.

Dated: February 16, 1984.

Frank J. Carr,

Assistant Administrator, Office of Information Resources Management.

[FR Doc. 84–4701 Filed 2–22–84; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6586]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a signficant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
California	Pittsburg (city of), Contra Costa County	Lawlor Creek	30 feet upstream from center of Willow Pass Road.	Not previously shown	*43
		Los Medanos wasteway	30 feet upstream from center of Southern Pacific Railroad spur.	Not previously shown	*25
		Kirker Creek	100 feet upstream from center of Buchanan Road.	Not previously shown	*166
		Suisun Bay (New York Slough)	Confluence of middle slough and New York slough at the southeastern corner of Browns Island.	Not previously shown	*6
	Maps are available for review at the Engineering Department, 65 Civic Avenue, Pittsburg, California. Send comments to the Honorable Joseph DeTorres, Mayor, City of Pittsburg, 2020 Railroad Avenue, Pittsburg, California 94565.				
Georgia	(Uninc.) Gwinnett County	Chattahoochee	Approximately 1.52 miles upstream of confluence of Richland Creek.	*920	*920
			Approximately 2 miles upstream of confluence of Richland Creek.	*922	*920
	Map available for inspection at the Planning Office, 240 Oak Street, Lawrenceville, Georgia. Send comments to the Honorable Charles W. Ashworth, Chairman, County Commissioners, Gwinnett County, 240 Oak Street, Lawrenceville, Georgia, 30245.				
Georgia	City of LaGrange, Troup County	Airport Branch 1	At confluence with Airport Branch 2	*668	*669
			Just downstream of Executive Drive	*665	*664

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Just upstream of Lafayette Industrial Drive.	*652	*654
			At southern corporate limits	*646	*648

Maps available for inspection at City Hall, 200 Ridley Avenue, LaGrange, Georgia.
Send comments to Honorable J. Gardner Newman, Mayor, City of LaGrange, P.O. Box 430, LaGrange, Georgia 30241.

Oklahoma	Oklahoma City, city, Canadian, Cleveland, McClain, Oklahoma, & Pottawatomie Counties	Chisholm Creek	Approximately 350' upstream NW. 122nd Street.	*1,145	*1,146
			Approximately 650' upstream NW. 122nd Street.	*1,146	*1,148
			Approximately 900' upstream NW. 122nd Street.	*1,147	*1,149

Maps available for inspection at the City Hall, 200 North Walker Street, Oklahoma City, Oklahoma.
Send comments to Honorable Andy Coats, Mayor of Oklahoma City, 200 North Walker Street, Suite 302, Oklahoma City, Oklahoma 73102.

Texas	Guadalupe County	San Marcos River	U.S. Route 90 (upstream side)	*382	*380
			State Route 671 (upstream side)	*411	*405
			County Route 239 (upstream side)	*427	*424
			Farm Market 1977 (upstream side)	*488	*482
			Farm Market 1979 (upstream side)	*518	*521
			Upstream County boundary	*546	*548
		York Creek	At confluence with San Marcos River.	*417	*416

Maps available for inspection at the Guadalupe County Courthouse, 100 Court Street, Seguin, Texas.
Send comments to Honorable Jim Sagebiel, Guadalupe County Judge, County Courthouse, 100 Court Street, Seguin, Texas 78155.

Virginia	Pulaski, town, Pulaski County	Peak Creek	Upstream of Norfolk and Western Railway (downstream crossing).	*1,902	*1,900
			Upstream of Norfolk and Western Railway (2nd crossing).	*1,910	*1,909
			Upstream of downstream crossing of Commerce.	*1,930	*1,928
		Sproules Run	Confluence with Peak Creek	*1,902	*1,901

Maps available for inspection at the Town Hall, Pulaski, Virginia.
Send comments to Honorable Raymond F. Ratcliffe, Mayor of Pulaski, P.O. Box 660, Pulaski, Virginia 24301.

The proposed base flood elevations for selected locations are:

PROPOSED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Redding (city), Shasta County	Sacramento River	50 feet upstream from center of Market Street	*488
		Sulphur Creek	Intersection of Creek and Sulphur Creek Road	*522
		Olney Creek	15 feet upstream from center of Sacramento Drive	*458
		Tributary to Churn Creek	Intersection of Hartnell Avenue and Lawrence Road	*534
		Churn Creek	50 feet upstream from center of Hartnell Avenue	*511

Maps are available for inspection at Department of Planning, 760 Park View Avenue, Redding, California.
Send comments to the Honorable Barbara Ellen Gard, 760 Park View Avenue, Redding, California 96001.

California	Santee (city), San Diego County	San Diego River	100 feet upstream of Carlton Hills Boulevard	*325
		Forester Creek	Intersection of Cuyamaca Street and Prospect Avenue	*349

Maps available for inspection at Department of Public Works, 10765 Woodside Avenue, Santee, California.
Send comments to the Honorable Jane Claussen, 10765 Woodside Avenue, Santee, California 92071-3198.

Colorado	Black Hawk (town), Gilpin County	North Clear Creek	25 feet upstream from the center of Chase Street	*8,074
		Gregory Gulch	20 feet west from center of intersection of Main Street and Gregory Street.	*8,059
		Chase Gulch	35 feet west from center of intersection of Dusois Street and Chase Street.	*8,130

Maps available for inspection at Town Hall, Gregory Street, Black Hawk, Colorado.
Send comments to the Honorable Bobby Clay, P.O. Box 327, Black Hawk, Colorado 80422.

Colorado	Limon (town), Lincoln County	Main tributary	At the center of U.S. Highway 40 crossing	*5,353
		East tributary	50 feet upstream from the center of 7th Street	*5,355
		Middle tributary	60 feet upstream from the center of 8th Street	*5,357
		West tributary	50 feet upstream from the center of E Avenue	*5,357
		Big Sandy Creek	At center of Chicago-Rock Island and Pacific Railroad (abandoned) crossing.	*5,352

Maps are available for inspection at Town Manager's Office, Town Hall, 2nd & F Avenue, Limon, Colorado.
Send comments to the Honorable Dennis E. Coomts, Box 8, Limon, Colorado 80828.

Connecticut	Canterbury, town, Windham County	Quinebaug River	Corporate limits	*102
			Upstream of Buttsridge Road	*102
			Confluence of Mill Brook	*108
			Approximately 400' upstream of State Route 14	*112

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Mill Brook	Confluence with Quinebaug River	*108
			Corporate limits	*122

Maps available for inspection at the Town Clerk's Office, Canterbury, Connecticut.

Send comments to Honorable David Gennetti, First Selectman of the Town of Canterbury, P.O. Box 26, Canterbury, Connecticut 06331.

Connecticut	Griswold, town, New London County	Quinebaug River	Downstream corporate limits	*77
			Upstream of Connecticut Turnpike	*83
			Most upstream corporate limits	*100
		Pachaug River	Downstream corporate limits	*124
			Upstream of Connecticut Turnpike	*134
			Upstream of Bitgood Road (downstream crossing)	*152
			Downstream of dam located at confluence of Pachaug Pond.	*155
		Pachaug Pond	Entire shoreline within corporate limits	*160
		Glasgo Pond	Entire shoreline within corporate limits	*187

Maps available for inspection at the Building Inspector's Office, 50 School Street, Griswold, Connecticut.

Send comments to Honorable Donald Burdick, First Selectman for the Town of Griswold, 50 School Street, Griswold, Connecticut 06351-2396.

Connecticut	Lisbon, town, New London County	Shetucket River	Downstream corporate limits	*37
			Upstream of Norwich Avenue	*39
			Upstream of Taftville Dam	*57
			Upstream corporate limits	*64
		Quinebaug River	Downstream corporate limits	*37
			Upstream of dam	*51
			Approximately 1.5 miles upstream of dam	*59
			Approximately 3 miles upstream of downstream corporate limits.	*70
			Upstream of Connecticut Turnpike	*83
			Upstream of Sylvandale Road	*86
			Upstream of dam	*100
			Upstream corporate limits	*101
		Blissville Brook	At confluence with Shetucket River	*37
			Upstream of Ice House Road	*72
			Upstream of Bundy Hill Road	*94
			Upstream of School House Road	*99
			Approximately 150' downstream of State Route 169	*124

Maps available for inspection at the Town Clerk's Office, Lisbon, Connecticut.

Send comments to Honorable Jeremiah Shea, Chairman of the Board of Selectmen for the Town of Lisbon, RFD #2, Lisbon, Connecticut 06351.

Connecticut	Preston, town, New London County	Shetucket River	At downstream corporate limits	*33
			At confluence of Quinebaug River/corporate limits	*37
		Joe Clark Brook	At confluence with Poquetanuck Cove	*13
			At upstream corporate limits	*21
		Thames River	Downstream corporate limits	*13
			Upstream corporate limits	*14
		Quinebaug River	At confluence with Shetucket River	*37
			Upstream of dam	*51
			Approximately 1 mile downstream of upstream corporate limits.	*70
			Upstream corporate limits	*77

Maps available for inspection at the Building Inspector's Office, Town Hall, Norwich, Connecticut.

Send comments to Honorable Henry Piszczek, First Selectman for the Town of Preston, Town Hall, R.F.D. #1, Norwich, Connecticut 06360.

Connecticut	Sprague, town, New London County	Shetucket River	At confluence of Little River	*65
			Upstream of Occum Dam	*75
			Approximately 0.88 mile downstream of Scotland Drive	*81
			Approximately 525 inches upstream of Scotland Road	*86
		Little River	Confluence with Shetucket River	*65
			Upstream of dam	*83
			Upstream of Conrail	*91
			Approximately 0.52 mile upstream of State Route 138	*100
		Beaver Brook	At confluence with Shetucket River	*85
			Upstream of Willimantic Road (upstream crossing)	*127
			Corporate limits	*135

Maps available for inspection at the Selectman's Office, 1 Main Street, Sprague, Connecticut.

Send comments to Honorable Matthew P. Delaney, First Selectman for the Town of Sprague, 1 Main Street, Baltic, Connecticut 06330.

Connecticut	Thompson, town, Windham County	French River	Confluence with Quinebaug River	*295
			Upstream State Route 193	*310
			Downstream Blain Road	*326
			Approximately 1,400 feet upstream of Buckley Hill Road.	*358
		Quinebaug River	Downstream corporate limits	*293
			Confluence of French River	*295
			Just upstream of Fabyan Road	*346
			Approximately 150 inches upstream of upstream corporate limits.	*357
		North Grosvenordale Pond	Entire shoreline within community	*374
		Langers Pond	Entire shoreline within community	*385
		Quaddick Reservoir	Entire shoreline within community	*406

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Office of the Building Official, Town Hall, Thompson, Connecticut. Send comments to Honorable Geri Langlois, First Selectman for the Town of Thompson, Thompson, Connecticut 06255.				
Georgia	City of Toccoa, Stephens County	Eastanollee Creek	Just downstream of Davis Avenue	*940
			Just upstream of Collins Road	*931
		Tributary A	Just downstream of Morgan Road	*934
		Toccoa Creek	Approximately 50 feet downstream of Scenic Drive	*789
Maps available for inspection at City Hall, 203 North Alexander Street, Toccoa, Georgia 30577. Send comments to Mayor James Neal or Jim Calvin, City Manager, City Hall, P.O. Box 579, Toccoa, Georgia 30577.				
Idaho	Canyon County (unincorporated areas)	Boise River	At center of intersection of Parma-Roswell Road (State Highway 18) and Boise River.	*2,224
			At center of intersection of Middleton Road and Boise River.	*2,395
		Indian Creek	50 feet upstream from center of Lone Tree Lane	*2,412
			75 feet upstream from center of Robinson Boulevard	*2,524
		Willow Creek	Center of intersection of State Highway 44 and Cemetery Road.	*2,401
		Renshaw Canal	125 feet upstream from center of Arena Valley Road	*2,322
		Renshaw Canal overflow	75 feet southeast from center of intersection of Arena Valley Road and Notus-Greenleaf Road.	*2,318
		Mason Creek	50 feet downstream of intersection of Karcher Road and the channel.	*2,462
Maps are available for inspection at the Office of County Commissioners, 1115 Albany Street, Caldwell, Idaho. Send comments to the Honorable Carlos Bledsoe, 1115 Albany Street, Caldwell, Idaho 83605.				
Idaho	Nampa (city), Canyon County	Indian Creek	10 feet upstream from the center of 14th Avenue North.	*2,475
		Mason Creek	10 feet upstream from the center of 12th Avenue North.	*2,490
Maps are available for inspection at the Planning Department, 411 3rd Street, South, Nampa, Idaho. Send comments to the Honorable Winston K. Goering, 411 3rd Street, South, Nampa, Idaho 83651				
Idaho	Twin Falls (city), Twin Falls County	Rock Creek	200 feet upstream from the center of Addison Avenue West.	*3,632
			150 feet downstream from the center of Orchard Drive	*3,727
		Perrine Coulee	50 feet upstream from center of Pole Line road	*3,630
			At the intersection of Heyburn Avenue and Madrona Street.	*3,715
			Area 500 feet northwest of the intersection of Grant Avenue and Filmore Street.	#2
Maps available for inspection at City Engineer's Office, 321 2nd Avenue East, Twin Falls, Idaho. Send comments to the Honorable Thomas J. Courtney, 321 2nd Avenue East, Twin Falls, Idaho 83301.				
Idaho	Twin Falls County (unincorporated areas)	Snake River	400 feet downstream from the center of U.S. Highway 30.	*2,881
		Salmon Creek Falls	100 feet downstream from the center of U.S. Highway 30.	*2,904
		Rock Creek (below Twin Falls)	500 feet southwest of the intersection of 2700 East Road and Falls Avenue West.	*3,563
		Rock Creek (near 3400 North Road).	60 feet upstream from the center of 3400 North Road	*3,869
		Rock Creek (near Niles Gulch)	30 feet upstream from the center of Rock Creek Road (3800 East Road).	*4,360
Maps available for inspection at Zoning Administration Department, Twin Falls County Courthouse, Twin Falls, Idaho. Send comments to the Honorable Ann S. Cover, Twin Falls County Courthouse, Twin Falls, Idaho 83301.				
Illinois	(V) Barrington, Cook and Lake Counties	Flint Creek tributary	Just upstream of Hart Road	*796
			About 360 downstream of Surrey Lane	*817
			About 1,850 feet upstream of Main Street	*833
Maps available for inspection at the Clerk's Office, Municipal Building, 206 S. Hough Street, Barrington, Illinois. Send comments to Honorable Robert Woodsome, Village President, Village of Barrington, Municipal Building, 206 S. Hough Street, Barrington, Illinois 60010.				
Illinois	(C) Charleston, Coles County	Ripley Creek	About 0.05 mile downstream of State Route 16	*607
			About 0.4 mile upstream of County Road	*612
		Town Branch Creek	About 0.05 mile downstream of Norfolk Southern Railway.	*618
			Just downstream of 11th Street	*658
Maps available for inspection at the Clerk's Office, City Hall, 520 Jackson Avenue, Charleston, Illinois. Send comments to Honorable Clarence Pfeiffer, Mayor, City of Charleston, City Hall, 520 Jackson Avenue, Charleston, Illinois 61920.				
Illinois	(V) Dalton City, Moultrie County	Dalton City drain	About 700 feet downstream of Old Route 121	*683
			Just downstream of State Route 128	*687
		Lateral B	Mouth at Dalton City drain	*683
			About 450 feet upstream of State Route 128	*694
Maps available for inspectioin at the Village Hall, Dalton City, Illinois. Send comments to Honorable Robert Weltig, Village President, Village of Dalton City, Village Hall, Dalton, Illinois 61925.				
Illinois	(V) Divernon, Sangamon County	Brush Creek	About 100 feet downstream of Illinois Central Gulf Railroad.	*599
			About 1,300 feet upstream of dam	*609

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
	Maps available for inspection at the Village Hall, Divernon, Illinois. Send comments to Honorable James Crawford, Village President, Village of Divernon, Village Hall, Divernon, Illinois 62530.			
Indiana	(T) Geneva, Adams County	Wabash River	About 1.2 miles downstream of confluence of Loblolly Creek,.	*831
			At confluence Loblolly Creek	*832
		Loblolly Creek	Just downstream of Conrail	*832
			About 2,000 feet upstream of U.S. Route 27	*833
	Maps available for inspection at the Town Hall, Geneva, Indiana. Send comments to Honorable Stan Mosser, Town Board President, Town of Geneva, Town Hall, Geneva, Indiana 46740.			
Indiana	(T) Utica, Clark County	Ohio River	Within the community	*452
	Maps available for inspection at the Town Hall, 108 Farrmound Road, Utica, Indiana. Send comments to Honorable Bob Conn, Town Board President, Town of Utica, Town Hall, 108 Farrmound Road, Utica, Indiana 41130.			
Iowa	(C) Fairfax, Linn County	Prairie Creek	About 1,100 feet downstream of Chicago and Northwestern Railroad.	*747
			About 1,800 feet upstream of Williams Boulevard	*755
	Maps available for inspection at City Hall, P.O. Box 93, Fairfax, Iowa. Send comments to Honorable James Stallman, Mayor, City of Fairfax, City Hall, P.O. Box 93, Fairfax, Iowa 52228.			
Kansas	(C) Osawatomie, Maimi County	Marais des Cygnes River	About 0.25 mile downstream of First Street	*860
			About 1.2 miles upstream of Eighth Street	*863
		Pottawatomie Creek	About 0.2 mile south of intersection of I-169 and Main Street.	*858
			About 0.68 mile south of Intersection of I-169 and Main Street.	*858
	Maps available for inspection at City Hall, Osawatomie, Kansas. Send comments to Honorable Sherman W. Cole, Mayor, City of Osawatomie, City Hall, Osawatomie, Kansas 66064.			
Kansas	(C) Ottawa, Franklin County	Marias des Cygnes River	1.2 miles downstream of Main Street (at easternmost corporate limits).	*898
			Confluence of Wilson Creek	*900
	Maps available for inspection at City Hall, 4th and Walnut Street, Ottawa, Kansas. Send comments to Honorable Charlene C. Lister, Mayor, City of Ottawa, City Hall, 4th and Walnut Street, Ottawa, Kansas 66067.			
Maine	Andover, town, Oxford County	Ellis River	Downstream corporate limits	*633
			Confluence of Gardner Brook	*636
			Lovejoy covered bridge (upstream side)	*643
			Confluence of west branch Ellis River	*647
			Back Andover Road (upstream side)	*661
		West branch Ellis River	Confluence with Ellis River	*647
			State Route 120 (upstream side)	*660
			At State Route 5	*678
			Approximately 1 mile upstream of State Route 5	*711
			Access Road (upstream side)	*755
			Approximately 1,720' upstream of confluence of Stony Brook.	*799
	Maps available for inspection at the Planning Board, Andover, Maine. Send comments to Honorable James Rich, Chairman of the Board of Selectmen for the Town of Andover, Main Street, Andover, Maine 04216.			
Maine	Falmouth, town, Cumberland County	Presumpscot River	Upstream of Interstate 295 (first crossing)	*11
			Upstream of abandoned dam located approximately 0.25 mile upstream of Allen Avenue.	*17
			Confluence of Piscataqua River	*28
			At upstream corporate limits	*33
		Piscataqua River	Confluence with Presumpscot River	*28
			Upstream of Maine Central Railroad	*30
			Upstream of Leighton Road	*32
			Upstream of Mill Road	*49
			Upstream of Falmouth Road	*52
			Approximately 850 feet upstream of State Route 100	*69
		Atlantic Ocean	Shoreline at northern corporate limits	*13
			Shoreline at Madakawanpo Landing	*15
			Shoreline at Prince Point	*14
			Shoreline at Waites Landing	*13
			Shoreline at Mackworth Point	*12
			Shoreline at Bartlett Point	*16
			Eastern shore of Mackworth Island	*27
			North shore of Clapboard Island	*13
	Maps available for inspection at the Office of George Thetay, Code Enforcement Office, Town Hall, 271 Falmouth Road, Falmouth, Massachusetts. Send comments to Honorable George Burns, Chairman of the Board of Selectmen, Town Hall, 271 Falmouth Road, Falmouth, Maine 04105.			
Maryland	Calvert County	Chesapeake Bay	Shoreline at northern county boundary	*9
			Shoreline at Dogwood Avenue (extended)	*8
			Shoreline at Drum Point	*7
			Shoreline at William Memorial Drive (extended)	*7
			Shoreline of Patuxent River upstream of confluence with Chesapeake Bay.	*6
			Shoreline of Patuxent River at Quarles Road (extended).	*7

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Shoreline of Patuxent River at Deep Landing Road (extended).	*8
			Shoreline of Patuxent River at upstream corporate limits.	*8
		Hall Creek	At confluence with Patuxent River	*8
			Upstream of confluence of Fowlers Mill Branch	*10
			Upstream of State Route 4 (Southern Maryland Boulevard).	*19
			Upstream of State Route 2 (Solomons Island Road)	*62
			Upstream of Grovers Turn Road	*66
			360 feet upstream of State Route 260 (Chesapeake Beach Road).	*73
Maps available for inspection at the Department of Planning and Zoning, Calvert Courthouse Annex, Prince Frederick, Maryland.				
Send comments to Honorable William Bowan, Calvert County Commissioner, Calvert County Courthouse, Prince Frederick, Maryland 20678.				
Maryland	Easton, town, Talbot County	North branch Tred Avon River	Entire shoreline within community	*6
		South branch Tred Avon River	Entire shoreline of Papermill Road	*6
		Tanyard Branch	Bay Street (upstream side)	*7
			Aurora Street (upstream side)	*24
			Approximately 130 feet upstream of Maryland and Delaware Railroad bridge.	*29
		Windmill Branch	Easton Parkway (upstream side)	*8
			3rd Street (upstream side)	*22
			Approximately 1,800 feet upstream of confluence of unnamed tributary No. 3.	*27
		Unnamed tributary No. 3	Confluence with Windmill Branch	*24
			Chesapeake Avenue (downstream)	*26
Maps available for inspection at the Town Hall, Easton, Maryland.				
Send comments to Honorable George P. Murphy, Mayor of the Town of Easton, P.O. Box 520, Easton, Maryland 21601.				
Maryland	Leonardtown, town, St. Mary's County	Breton Bay	Entire shoreline within community	*6
		McIntosh Run	Downstream of Jefferson Street	*11
			Approximately 0.6 mile upstream of confluence with Breton Bay.	*6
			At confluence with Breton Bay	*6
Maps available for inspection at the Town Commissioner's Office, Courthouse Drive, Leonardtown, Maryland.				
Send comments to Honorable Lanny Mummert, Town Supervisor of Leonardtown, P.O. Box 1, Leonardtown, Maryland 20650.				
Maryland	North Beach, town, Calvert County	Chesapeake Bay	Entire shoreline within community	*9
Maps available for inspection at the residence of Betty Freensland, 9236 Chesapeake Avenue, North Beach, Maryland.				
Send comments to Honorable Alan Gott, Mayor of the Town of North Beach, 8916 Chesapeake Avenue, North Beach, Maryland 20714.				
Maryland	Oxford, town, Talbot County	Tred Avon River	Entire shoreline within community	*9
		Town Creek	Entire shoreline within community	*6
Maps available for inspection at the Town Hall, Oxford, Maryland.				
Send comments to Honorable Emery L. Balderson, President of the Town of Oxford, Town Hall, Oxford, Maryland 21564.				
Maryland	St. Michael's, town, Talbot County	Miles River	Entire shoreline within community	*7
		San Domingo Creek	Entire shoreline within community	*6
Maps available for inspection at the Town Hall, St. Michael's, Maryland.				
Send comments to Honorable Richard E. Brown, President of the Town of St. Michael's, Town Hall, P.O. Box 206, St. Michael's, Maryland 21663.				
Maryland	Talbot County	Chesapeake Bay	Shoreline at Black Walnut Point	*9
			Shoreline at Bay Shore Road (extended)	*9
			Shoreline at Green Marsh Point	*9
			Shoreline at Lowes Point	*8
		Eastern Bay	Shoreline at Bayshore Road	*9
			Shoreline at Wades Point	*9
			Shoreline at Clairburne Landing	*10
			Shoreline at Tilghman Point	*10
		Miles River	Shoreline at Fairview Point	*8
			Intersection of Easton Clairborne Road and Cedar Grove Road.	*6
			Shoreline at the Anchorage	*6
		Choptank River	Shoreline at Jenaloc Farm	*9
			Shoreline at Lucy Point	*9
			Shoreline at Benoni Point	*9
			Shoreline at Chlora Point	*8
			Shoreline at Howell Point	*8
			Shoreline upstream of confluence of Porpoise Creek	*6
		Wye East River	Eastern shoreline of Bruffs Island	*8
			Shoreline upstream of Quarter Cove	*7
		Harris Creek	Shoreline at Nelson Point	*9
			Upstream of Indian Point	*6

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Broad Creek	Shoreline at Deep Neck Point	*9
			Upstream of Edgar Cove	*6
		Windmill Branch	Confluence of Unnamed tributary No. 1	*13
			Dutchmans Lane bridge (upstream side)	*23
			Bridge approximately 1,140 feet upstream of confluence of unnamed tributary No. 4 (upstream side).	*29
		Unnamed tributary No. 4	Confluence with Windmill Branch	*26
			Chesapeake Avenue bridge (upstream side)	*26
Maps available for inspection at the Talbot County Courthouse, Easton, Maryland.				
Send comments to Honorable Herb Andrews, III, President of the Talbot County Council, Talbot County Courthouse, Easton, Maryland 21601.				
Massachusetts	Nahant, town, Essex County	Atlantic Ocean	Shoreline at Black Rock Point	* 13
			Shoreline at Bass Point	* 18
			Shoreline at the southern end of Foxhill Road (extended).	* 25
			Shoreline at East Point	* 30
			Shoreline at the northern end of Castle Road (extended).	* 14
Maps available for inspection at the Town Clerk's Office, Town Hall, Nahant, Massachusetts.				
Send comments to Honorable Richard J. Lombard, Chairman of the Board of Selectmen for the Town of Nahant, Town Hall, Nahant, Massachusetts 01908.				
Massachusetts	Revere, city, Suffolk County	Mill Creek	At confluence with Chelsea River	* 11
			Upstream side of Broadway	* 13
			Upstream side Access Road	* 14
		Atlantic Ocean	Shoreline at Pearl Avenue (extended)	* 18
			Shoreline at Pierview Avenue (extended)	* 15
			Shoreline at Agawam Street (extended)	* 17
			Shoreline 200 feet north of Revere Street (extended)	* 16
			Shoreline at Mills Avenue (extended)	* 19
		Saugus River	Shoreline downstream State Route 1A bridge	* 10
		Pines River	At Boston & Maine Railroad crossing	* 9
		Chelsea River	Entire shoreline within community	* 11
		Belle Isle inlet	Entire shoreline within community	* 10
Maps available for inspection at the Office of Planning and Community Development, Revere, Massachusetts.				
Send comments to Honorable George Colella, Mayor of the City of Revere, 281 Broadway, Revere, Massachusetts 02151.				
Massachusetts	Westport, town, Bristol County	Rhode Island Sound	Shoreline approximately 900' west of Quicksand Point	* 31
			John Reed Road (extended)	* 19
			South end of 16th Avenue (extended)	* 18
			Shoreline at Gooseberry Neck	* 16
			Entire shoreline Richmond Pond	* 15
			Shoreline at Horseneck Point	* 14
Maps available for inspection at the Building Inspector's Office, Westport, Massachusetts.				
Send comments to Honorable Richard P. Desjardif, Chairman of the Board of Selectmen for the Town of Westport, 260 Main Street, Westport, Massachusetts 02790.				
Michigan	(Twp) Green Oak, Livingston County	Huron River	About 9,400 feet downstream of Rickett Road	*860
			Just downstream of Kent Lake Dam	*873
		Davis Creek	Mouth at Huron River	*864
			Just downstream of Chessie System	*896
		Walker drain	Mouth at Sandy Bottom Lake	*874
			Just downstream of Eight Mile Road	*902
		South branch Walker drain	Mouth at Sandy Bottom Lake	*874
			About 900 feet upstream of Four Lakes Drive	*874
		Fonda Lake	At shoreline	*898
		Island Lake	At shoreline	*889
		Inchwagh Lake	At shoreline	*891
		Sandy Bottom Lake	At shoreline	*874
		Limekiln Lake	At shoreline	*874
		Crooked Lake	At shoreline	*874
		Kent Lake	At shoreline	*866
		Fish Lake	At shoreline	*874
Maps available for inspection at the Township Hall, 10789 Silver Lake Road, South Lyon, Michigan.				
Send comments to Honorable Ronald Neice, Township Supervisor, Township of Green Oak, Township Hall, 10789 Silver Lake Road, South Lyon, Michigan 48178.				
Minnesota	(Uninc.) Clay County	Red River of the North	About 7.5 miles downstream of County Highway 36	*877
			About 12.4 miles upstream of confluence of Comstock Coulee.	*915
		Buffalo River	At confluence with Red River of the North	*881
			About 6.84 miles upstream of U.S. Highway 75	*889
			About 1.35 miles upstream of County Highway 37	*1,175
		South branch Buffalo River	At confluence with Buffalo River	*913
			Just downstream of County Highway 11	*941
		South branch Wild Rice River	At downstream county boundary	*920
			Just upstream of State Highway 32	*1,121
		Unnamed creek at section 6	Within county boundary	*891
		Comstock Coulee	At confluence with Red River of the North	*911
			Just downstream of County Road 50	*923
		County ditch No. 20	At confluence with Red River of the North	*888
			Just upstream of County Highway 22	*894
		Stoney Creek	At confluence with south branch Buffalo River	*923
			Just downstream of County Highway 10	*924

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Clay County Planning Department, County Courthouse, P.O. Box 280, Moorhead, Minnesota. Send comments to Honorable Martin Holsen, Chairman, Clay County Board, County Courthouse, P.O. Box 280, Moorhead, Minnesota 56560.				
Minnesota	(Uninc.) Nicollet County	Minnesota River	Approximately 2.1 miles downstream of confluence of Barney Fry Creek.	*749
			Approximately 4.1 miles upstream of the confluence of Ridgely Creek.	*818
Maps available for inspectioin at the County Auditor's Office, Nicollet County Courthouse, P.O. Box 89, St. Peter, Minnesota. Send comments to Honorable Warren Roding, Chairman, Nicollet County Board, Nicollet County Courthouse, P.O. Box 89, St. Peter, Minnesota 56082.				
Missouri	(C) Boonville, Cooper County	Missouri River	About 1.3 miles downstream of U.S. Highway 40	*599
			About 0.7 mile upstream of Missouri, Kansas, Texas Railroad.	*603
Maps available for inspection at City Hall, 6th and Spring Streets, Boonville, Missouri. Send comments to Honorable Dale Robinson, Mayor, City of Boonville, City Hall, 6th and Spring Streets, Boonville, Missouri 65233.				
Missouri	(Uninc.) Franklin County	Browns Branch	At confluence with Dubois Creek	*490
			About 4,800 feet downstream of North Goodes Mill Road.	*527
			Just downstream of North Goodes Mill Road	*559
		Brush Creek	About 300 feet upstream of County Highway N	*476
			Just downstream of Gray Summit Road	*528
		Busch Creek	At confluence with Dubois Creek	*486
			At city of Washington corporate limits	*486
		Southwest branch Busch Creek	About 5,300 feet downstream of Bieker Road	*492
			Just upstream of Country Club Road	*533
			About 4,800 feet downstream of Country Club Road	*568
		Calvey Creek	Just upstream of Burlington Northern Railroad	*481
			About 2,000 feet upstream of Calvey Creek Road	*500
		Dubois Creek	Just downstream of Missouri Pacific Railroad	*486
			About 200 feet downstream of Bieker Road	*515
			About 1.2 miles upstream of State Highway 47	*595
		Fiddle Creek	Just upstream of Labadie Bottom Road	*479
			Just downstream of private road (about 700 feet upstream of second crossing of Fiddle Creek Road).	*510
			Just upstream of private road (about 800 feet upstream of second crossing of Fiddle Creek Road).	*522
			Just downstream of fourth crossing of Fiddle Creek Road.	*532
		Flat Creek	Just upstream of city of Union corporate limits	*580
			Just downstream of Judith Spring Road	*625
		Happy Sock Creek	At confluence with Bourbeuse River	*524
			Just upstream of County Highway AD	*536
			About 1,500 feet upstream of County Highway AB	*631
		Labadie Creek	At mouth at Missouri River	*481
			Just downstream of County Highway MM	*500
		Labadie Creek tributary	At confluence with Labadie Creek	*489
			About 0.6 mile upstream of County Highway T	*497
		Missouri River	About 3.4 miles downstream of confluence of Tavern Creek.	*473
			About 3.9 miles downstream of State Highway 19 (upstream county boundary).	*514
		Little Meramec River	Just upstream of confluence of Pierce Creek	*529
			About 500 feet upstream of County Highway FF	*561
			About 1.25 miles upstream of County Highway FF	*579
		Little Calvey	About 1.5 miles downstream of Woodland Hills Road	*513
			Just upstream of Woodland Hills Road	*546
			About 0.85 mile upstream of Finney Road	*590
		Little Tavern Creek	Just upstream of Chicago, Rock Island and Pacific Railroad.	*478
			Just upstream of County Highway T	*500
			About 2,400 feet upstream of County Highway T	*518
		Pin Oak Creek	At mouth at Bourbeuse River	*497
			Just downstream of County Highway AT	*517
		Pin Oak Creek tributary	At confluence with Pin Oak Creek	*515
			About 800 feet upstream of confluence	*519
		St. Johns Creek	Just upstream of Missouri Pacific Railroad	*494
			About 1.3 miles upstream of State Highway 100	*498
		Winch Creek	At confluence with Meramec River	*468
			About 1.9 miles upstream of County Highway O	*578
		Winsel Creek	Just upstream of Bacon Ridge Road	*816
			About 200 feet upstream of Interstate 44 (downstream crossing).	*849
			Just downstream of East Springfield Road	*878
			About 250 feet upstream of Interstate 44 (upstream crossing).	*885
			About 2,400 feet upstream of County Highway AF	*916
		Meramec River	Just downstream of County Highway F	*465
			About 0.8 mile downstream of State Highway 30	*520
			About 800 feet upstream of State Highway 185	*602
		Bourbeuse River	At mouth at Meramec River	*490
			About 1.3 miles downstream of State Highway 155	*610
			About 2.5 miles upstream of Shawnee Ford Road	*702

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Franklin County Courthouse, P.O. Box 311, Union, Missouri. Send comments to Honorable Hugh W. McCane, Presiding Judge, Franklin County, Franklin County Courthouse, P.O. Box 311, Union, Missouri 63084.				
Nebraska	(C) Milford Seward County	Big Blue River	About 0.74 mile downstream of confluence of Coon Creek.	*1,403
			About 2.44 miles upstream of U.S. Highway 6	*1,412
Maps available for inspection at City Hall, P.O. Box 13, 505 1st Street, Milford, Nebraska. Send comments to Honorable Willis Heyen, Mayor, City of Milford, City Hall, P.O. Box 13, 505 1st Street, Milford, Nebraska 68405.				
New Jersey	Helmetta, borough, Middlesex County	Manalapan Brook	Corporate limits (upstream)	*37
			Confluence of Sawmill Brook	*37
			Old Forge Road (upstream side)	*29
			Corporate limits (downstream)	*26
		Sawmill Brook	Approximately 685' upstream of Washington Avenue	*45
			Conrail (upstream side)	*45
			Spotswood-Cranbury Road (upstream side)	*39
			Confluence with Manalapan Brook	*37
		Tributary to Sawmill Brook	Confluence with Sawmill Brook	*45
			Corporate limits	*45
Maps available for inspection at the Office of Donald Brundage, Borough Hall, 60 Main Street, Helmetta, New Jersey. Send comments to Honorable Eva A. Dicks, Mayor of the Borough of Helmetta, Borough Hall, 60 Main Street, Helmetta, New Jersey 08828.				
New Jersey	Readington, township, Hunterdon County	Lamington River	Downstream corporate limits	*97
			Lamington Road—upstream side	*106
			Interstate Route 78—upstream side	*115
			Upstream corporate limits	*116
		Rockaway Creek	Confluence with Lamington River	*99
			Island Road—downstream side	*103
			Lamington Road—downstream side	*113
			Mill Road—upstream side	*122
			Oldwick Road—upstream side	*146
			Interstate 78—upstream side	*159
			Upstream side of dam near Rockaway Road	*182
			Upstream corporate limits	*201
		South branch Rockaway Creek	Confluence with Rockaway Creek	*124
			U.S. Route 22—upstream side	*128
			Cushetunk Lake Dam—upstream side	*143
			Upstream side of access road upstream of Cushetunk Lake.	*146
			Mountain Road—upstream side	*158
			Upstream corporate limits	*173
		Chambers Brook	Downstream corporate limits	*94
			County Line Road—upstream side	*99
			Ridge Road—upstream side	*119
			Coddington Road—upstream side	*133
			Approximately 400 feet downstream of Pulaski Road	*158
		Holland Brook	Downstream corporate limits	*88
			Centerville Road—upstream side	*103
			Downstream side of Pinebank Road—downstream crossing.	*125
			Upstream side of Holland Brook Road—dowstream crossing.	*134
			Upstream side of dam downstream of Holland Brook Road—second crossing.	*142
			Upstream side of Holland Brook Road—upstream crossing.	*149
			Upstream side of access road upstream of Holland Brook Road—upstream crossing.	*158
			Downstream side of access road downstream of Whitehouse Road.	*161
		Pleasant Run	Downstream corporate limits	*95
			Old York Road—upstream side	*101
			U.S. Route 202—downstream side	*104
		South branch Raritan River	Downstream corporate limits	*87
			Higginsville Road—upstream side	*93
			Main Street—upstream side	*99
			U.S. Route 202—downstream side	*103
			Downstream side of dam upstream of Rockefellows Mill Road.	*106
			Upstream side of Conrail second crossing	*111
			State Route 523—downstream side	*115
		Tributary A to the south branch Raritan River.	Confluence with the south branch Raritan River	*108
			Conrail culvert—upstream side	*115
			Approximately 1 mile upstream of Conrail culvert	*131
			Barley Sheaf Road—upstream side	*155
Maps available for inspection at the Readington Township Municipal Building, Whitehouse Station, New Jersey. Send comments to Honorable Donald Laird, Mayor of the Township of Readington R.D. 3, Box 1, Route 523, Whitehouse Station, New Jersey 0889.				
New York	Cortlandt, town, Westchester County	Annsville Creek	At confluence with Hudson River	*8
			At confluence with Peekskill Hollow Brook and Sprout Brook.	*8
		Peekskill Hollow Brook	At confluence with Annsville Creek and Sprout Brook	*8
			Upstream of Pump House Dam	*31
			Approximately 3,850' upstream of Gallows Hill Road	*50

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At first upstream corporate limits	*99
			At third upstream corporate limits	*123
		Sprout Brook	At confluence with Annsville Creek and Peekskill Hollow Brook.	*8
			Upstream of abandoned road	*14
			Upstream of Cortlandt Lake Dam	*97
		Furnace Brook	Approximately 130' downstream of Furnance Dock Road.	*77
			Upstream of Washington Street	*186
			Upstream of Furnance Brook Drive	*238
			Approximately 2,000' upstream of Furnace Brook Drive (second crossing).	*251
		Croton River	At downstream corporate limits	*9
			Upstream of Quaker Bridge Road (First crossing)	*44
			At upstream corporate limits	*50

Maps available for inspection at the Town Clerk's Office, Municipal Building, Croton-on-Hudson, New York.
Send comments to Honorable Charles DiGiacomo, Cortlandt Town Supervisor, Municipal Building, Croton-on-Hudson, New York 10520.

New York	Elmira, town, Chemung County	Chemung River	Downstream corporate limits	*833
			At downstream corporate limits of city of Elmira	*847
			At upstream corporate limits of city of Elmira	*859
			Upstream corporate limits	*870
			East side Newtown Creek (before levee overtopping) at confluence with Chemung River.	*849
			At corporate boundary upstream of Industrial Park Boulevard.	*863
			At upstream corporate limits	*863
			West side Newtown Creek (after levee overtopping) upstream of Industrial Park Boulevard.	*861
		McCann's tributary	Entire flooding within community	*863
		Diven Creek	Entire flooding within community	*863
		Baldwin Creek	Downstream corporate limits	*860
			Jenkins Road downstream	*888
			Confluence of Goldsmith Creek	*894
			Lowman Road upstream	*906
			Greatsinger Road upstream	*920
		Goldsmith Creek	Confluence with Baldwin Creek	*894
			Jenkins Road upstream	*911
			Approximately 2,500 feet upstream of Jenkins Road	*929

Maps available for inspection at the Town Hall, Elmira, New York.
Send comments to Honorable William Youngstrom, Elmira Town Supervisor, Town Hall, 1255 West Water Street, Elmira, New York 14905.

New York	Elmira Heights, village, Chemung County	McCann's tributary	McCann's Boulevard	*863
			Footbridge to School upstream located near E. Eighth Street, extended.	*864
			Upstream corporate limits	*874

Maps available for inspection at the Village Hall, 13th Street, Elmira, New York.
Send comments to Honorable Chester Lummer, Mayor of the Village of Elmira Heights, Village Hall, 13th Street, Elmira Heights, New York 14903.

New York	Gallatin, town, Columbia County	Roeliff Jansen Kill	Gallatin-Livingston corporate limits	*244
			Approximately 1.55 miles downstream of upstream corporate limits.	*263
			Downstream Gallatin-Pine Plains corporate limits	*283
			Gallatin-Pine Plains corporate limits	*335
			Approximately 1 mile upsteam of Gallatin-Pine Plains corporate limits.	*346
			Approximately 0.6 mile upstream of confluence of Shekomeko Creek.	*371
		Shekomeko Creek	Confluence with Roeliff Jansen Kill	*367
			Upstream of access road	*381
			Upstream corporate limits	*389
		Doove Kill	Downstream corporate limits	*302
			Upstream of Taghkanic Road	*420
			Upstream of Green Acres Road	*459
			Upstream of County Route 8	*540
			Taconic State Parkway (upstream side)	*666

Maps available for inspection at the Town Clerk's Office, Gallatin, New York.
Send comments to honorable Kenneth Jones, Gallatin Town Supervisor, P.O. Box 245, Elizaville, New York 12523.

New York	Hume, town, Allegany County	Wiscoy Creek	Confluence with Genesee River	*1,174
			Upstream State Route 19A	*1,150
			Approximately 250 feet upstream Tenafly Road	*1,179
		Genesee River	Confluence of Rush Creek	*1,174
			Upstream Snyder Hill Road	*1,175
			Approximately 6,000 feet upstream of Snyder Hill Road.	*1,179
		Rush Creek	Confluence with Genesee River	*1,174
			Upstream Snyder Hill Road	*1,193

Maps available for inspection at the Town Hall, Fillmore, New York.
Send comments to Honorable Ted Hopkins, Town Supervisor of Hume, Town Hall, P.O. Box 302, Fillmore, New York 14735.

New York	Montgomery, town, Orange County	Wallkill River	At downstream corporate limits	*262
			At confluence of Tin Brook	*267

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At downstream corporate limits of village of Walden	*270
			At upstream corporate limits of village of Walden	*331
			Approximately 6,000 feet downstream of dam	*333
			Upstream side of dam	*344
			Approximately 200' upstream State Route 17K	*350
			At confluence of Muddy Kill	*355
			Approximately 1 mile upstream of confluence of Muddy Kill.	*356
			State Route 211 upstream side	*358
			Interstate Route 84 (upstream side)	*359
			At upstream corporate limits	*361
	Maps available for inspection at the Building Inspector's Office, Town Hall, 74 Main Street, Montgomery, New York. Send comments to Honorable Carl Helstrom, Montgomery Town Supervisor, Town Hall, 74 Main Street, Walden, New York 12586.			
New York	Montgomery, village, Orange County	Wallkill River	Downstream corporate limits	*338
			Dam (upstream side)	*344
			State Route 17K (upstream side)	*349
			Upstream corporate limits	*354
	Maps available for inspection at the Village Hall, Montgomery County, New York. Send comments to Honorable Willian Devitt, Mayor of the Village of Montgomery, Village Hall, 133 Clinton Street, Montgomery County, New York 12549.			
New York	Norwich, town, Chenango county	Chenango River	Downstream corporate limits	* 984
			Half Street (upstream side)	* 995
			State Route 23 (upstream side)	* 1,001
			Upstream corporate limits	* 1,010
		Unadilla River	Downstream corporate limits	* 1,037
			Upstream corporate limits	* 1,050
		Canasawacta Creek	Confluence with Chenango River	* 992
			West Main Street (upstream side)	* 1,018
			State Route 23 (upstream side)	* 1,039
			Upstream corporate limits	* 1,069
	Maps available for inspection at the Town Hall, Norwich, New York. Send comments to Honorable Adolph L. Chiarino, Town Supervisor of Norwich, R.D. #1, Norwich, New York 13815.			
New York	Pawling, town, Dutchess County	East branch Croton River	Downstream corporate limits	* 434
			Upstream Conrail (third crossing)	* 441
			Upstream corporate limits	* 444
		Tributary to the east branch Croton River.	Downstream corporate limits	* 612
			Upstream of Conrail (first crossing)	* 676
			Upstream of second upstream dam	* 688
			Upstream of Conrail (second crossing)	* 699
			Upstream of Conrail (third crossing)	* 720
		Swamp River	Downstream corporate limits	* 423
			Downstream Swamp Road	* 429
			Upstream corporate limits	* 433
		Whaley Lake Stream	Downstream corporate limits	* 657
			Upstream State Route 292	* 689
			Upstream of Conrail	* 699
			Upstream of dam	* 711
	Maps available for inspection at the Town Hall, 160 Charles Colman Boulevard, Pawling, New York. Send comments to Honorable Warren Martin, Pawling Town Supervisor, Town Hall, 160 Charles Colman Boulevard, Pawling, New York 12564.			
New York	Red Hook, town, Dutchess County	Hudson River	Entire shoreline within community	* 9
		Saw kill	At confluence with Hudson River	* 9
			Upstream of most downstream dam	* 74
			Upstream County Route 103	* 151
			Upstream of upstream crossing of Aspinwall Road	* 172
			Upstream of Mill Road	* 204
			Upstream of State Route 199	* 228
	Maps available for inspection at the Town Hall, 107 South Broadway, Red Hook, New York. Send comments to Honorable Samuel Lore, Red Hook Town Supervisor, Town Hall, 107 South Broadway, Red Hook, New York 12571.			
New York	Rome, city, Oneida County	Mohawk River	Downstream corporate limits	*420
			Upstream of New York State Barge Canal weir	*426
			Upstream of East Whitesboro Street	*426
			Upstream of East Bloomfield Street	*447
			Upstream of East Chestnut Street	*458
			Upstream of Wright Settlement Road	*466
			Upstream of Golf Course Road	*490
		Fish Creek	Downstream corporate limits	*386
			Upstream of State Route 49	*389
			Approximately 2.1 miles upstream of State Route 49	*396
			At upstream corporate limits	*402
		Wood Creek	Approximately 750 feet downstream of Fort Bull Road	*424
			Upstream of Conrail	*431
			Upstream of West Court Street	*445
			Upstream of Union Street	*462
			Upstream of Merrick Street	*469
			Approximately 0.71 mile upstream of Halpin Road	*481
	Maps available for inspection at the City Engineer's Office, City Hall, Rome, New York. Send comments to Honorable Carle Eilenberg, Mayor of the City of Rome, City Hall, Rome, New York 13440.			
New York	Scio, town, Allegany County	Genesee River	At downstream corporate limits	*1,427
			Upstream Knight Creek Road	*1,445
			2,000 feet upstream of confluence of Vandermark Creek.	*1,452

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			6,600 feet downstream of confluence of Brimmer Brook.	*1,465
			Upstream corporate limits	*1,478
		Brimmer Brook	At confluence with Genesee River	*1,475
			At first upstream corporate limits	*1,493
			2,270 feet downstream of downstream crossing of Perrolia Road.	*1,708
			300 feet upstream of downstream crossing of Perrolia Road.	*1,760
			800 feet downstream of Yeager Hill Road	*1,830
			950 feet upstream Perrolia Road crossing	*1,870
		Knight Creek	At confluence with Genesee River	*1,436
			Downstream side of second crossing of Knight Creek Road.	*1,470
			Downstream side of third crossing of Knight Creek Road.	*1,505
			3,250 feet upstream of third crossing of Knight Creek Road.	*1,534
		Vandermark Creek	At confluence with Genesee River	*1,448
			Downstream side of first crossing of Vandermark Road	*1,520
			Downstream side of second crossing of Vandermark Road.	*1,566
Maps available for inspection at the Town Hall, Scio, New York.				
Send comments to Honorable Cathleen Linnecke, Scio Town Supervisor, Town Hall, Vandermark Road, Scio, New York 14880.				
Ohio	(C) Findlay, Hancock County	Blanchard River	About 0.36 mile downstream of Interstate 75	*774
			About 0.04 mile upstream of the confluence of Rush Creek.	*783
		Howard Run	At mouth	*776
			About 0.5 mile upstream of Conrail	*795
		Lye Creek	Within community	*780
		Rush Creek	At mouth	*783
			About 0.21 mile upstream of Greendale Avenue	*789
		Eagle Creek	At mouth	*780
			About 0.16 mile upstream of U.S. Route 68 Bypass	*795
Maps available for inspection at the City Engineer's Office, Municipal Building, 119 Court Place, Findlay, Ohio.				
Send comments to Honorable W. Bentley Burr, Mayor, City of Findlay, Municipal Building, 119 Court Place, Findlay, Ohio 45840.				
Ohio	(C) St. Bernard, Hamilton County	Mill Creek	About 2,650 feet downstream of Spring Grove Avenue	*498
			About 750 feet upstream of Chessie System (5,900 feet upstream of Spring Grove Avenue).	*510
Maps available for inspection at the City Hall, 110 Washington Avenue, St. Bernard, Ohio.				
Send comments to Honorable Jack Hausfield, Mayor, City of St. Bernard, City Hall, 110 Washington Avenue, St. Bernard, Ohio 45217.				
Ohio	(V) West Farmington, Trumbull County	Grand River	About 1.05 miles downstream of Girdle Road	*845
			About 0.38 mile upstream of Girdle Road	*850
Maps available for inspection at the Village Hall, Fourth Street, West Farmington, Ohio.				
Send comments to Honorable James Richards, Mayor, Village of West Farmington, Village Hall, Fourth Street, West Farmington, Ohio. 44491.				
Oregon	Coquille (city), Coos County	Budd Creek	50 feet upstream of North Central Boulevard	*21
		Cunningham Creek	50 feet upstream of Fairview Road	*21
		Coquille River	Intersection of River and State Highway 42 South	*20
Maps available for inspection at Public Works Department, 99 East 2nd, Coquille, Oregon.				
Send comments to the Honorable Richard Hopkins, 99 East 2nd, Coquille, Oregon 97423.				
Pennsylvania	Duncansville, borough, Blair County	Blair Gap Run	Downstream corporate limits	*977
			Upstream of Conrail (second crossing)	*1,019
			At most upstream corporate limits	*1,049
		Gillans Run	Entire length within community	*1,021
		Tributary to Gillans Run	At downstream corporate limits	*1,034
			Approximately 90 feet upstream of State Route 764	*1,047
Maps available for inspection at the Borough Building, Duncansville, Pennsylvania.				
Send comments to Honorable James Haines, President of the Duncansville Borough Council, 1146 3rd Avenue, Duncansville, Pennsylvania 16635.				
Pennsylvania	Logan, township, Blair County	Burgoon Run	Most downstream corporate limits	*1,080
			Approximately 0.21 mile upstream of most downstream corporate limits.	*1,089
			Approximately 0.32 mile upstream of most downstream corporate limits.	*1,098
			Approximately 0.37 mile upstream of most downstream corporate limits.	*1,101
			Approximately 1.98 mile upstream of most downstream corporate limits.	*1,240
			Approximately 2.56 mile upstream of most downstream corporate limits.	*1,294
		Mill Run	Approximately 110 feet downstream of downstream corporate limits.	*1,054
			At second upstream corporate limits	*1,063
			Upstream of Union Avenue	*1,080
			Most upstream corporate limits	*1,105
		Brush Run	Downstream corporate limits	*983
			Upstream Lakemont Park bridge	*1,013
			Approximately 0.5 mile upstream Frankstown Road	*1,043
		Homer Gap Run	Approximately 0.21 mile upstream from confluence with Little Juniata River.	*1,100

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Ponderosa Drive	*1,140
			Upstream Township Route 483 (first crossing)	*1,207
			Approximately 1 mile downstream of Township Route 483 (second crossing).	*1,271
			Approximately 0.4 mile downstream of Township Route 483 (second crossing).	*1,344
			Approximately 550 feet upstream of Township Route 483 (second crossing).	*1,416
		Sandy Run	Downstream corporate limits	*1,087
			Approximately 675 feet downstream of Bellmead Drive	*1,144
			Approximately 200 feet upstream of Princeton Road	*1,201
		Spring Run	Approximately 100 feet downstream Avalon Road	*1,447
			Approximately 0.7 mile upstream of Avalon Road	*1,634
			Approximately 1.2 miles upstream of Avalon Road	*1,815

Map available for inspection at the Township Building, 800 39th Street, Altoona, Pennsylvania.
Send comments to Honorable Cloyd Forscht, Chairman of the Logan Township Board of Supervisors, 800 39th Street, Altoona, Pennsylvania 16602.

Texas	Kennedale, city, Tarrant County	Village Creek	Downstream corporate limits	*567
			Upstream of Mansfield Highway	*573
			Upstream of New Orleans (Southern Pacific) Railroad	*577
		Stream VC-3	Confluence with Village Creek	*568
			Downstream of Kennedale-Bowman Springs Road	*570
			Downstream of Kennedale-Surlett Road	*617
		Stream VC-4	Confluence with Village Creek	*571
			Upstream of New Orleans (Southern Pacific) Railroad	*584
			Upstream of Averott Road	*600
			Upstream corporate limits	*613
		Stream VC-4A	Confluence with Stream VC-4	*611
			Approximately 0.3 mile upstream of Kennedale-New Hope Road.	*630

Maps available for inspection at the Kennedale City Hall, Kennedale, Texas.
Send comments to Honorable Steve Radakovich, Mayor of the City of Kennedale, P.O. Box 268, Kennedale, Texas 76060.

Utah	Logan (city), Cache County	Logan River	110 feet upstream from the center of 100 North Street	*4,573
			250 feet upstream from the center of the Union Pacific Railroad Bridge.	*4,472
		Blacksmith fork	100 feet upstream from the center of the Union Pacific Railroad Bridge.	*4,470
		Spring Creek	200 feet upstream from the center of Dairy Farm Field Road.	4,474

Maps available for inspection at Planning Office, 61 W. 100 North, Logan, Utah.
Send comments to the Honorable Newel G. Daines, 61 W. 100 North, Logan, Utah 84321.

Vermont	Fair Haven, town, Rutland County	Castleton River	Approximately 164 feet upstream of confluence with Poultney River.	*304
			Upstream U.S. Route 4	*307
			Upstream Adams Street Dam	*319
			Upstream State Route 22A	*343
			Upstream River Street	*369
			Upstream corporate limits	*371

Maps available for inspection at the Town Clerk's Office, North Park Place, Fair Haven, Vermont.
Send comments to Honorable John Tobin, Chairman of the Board of Selectmen for the Town of Fair Haven, North Park Place, Fair Haven, Vermont 05743.

Washington	Burlington (city), Skagit County	Skagit River	20 feet upstream from center of Interstate Highway 5	*30
		Overbank flow path #1	At center of intersection of Pine Street and Olympia Avenue.	*31

Maps available for inspection at City Hall, 900 East Fairhaven, Burlington, Washington.
Send comments to the Honorable Raymond C. Henery, 900 East Fairhaven, Burlington, Washington 98223.

Washington	Mount Vernon (city), Skagit County	Skagit River	50 feet west from center of intersection of Main and Kincaid Streets.	*28
		Shallow flooding (ponding)	100 feet northeast from center of intersection of Kimble and Britt Slouth Roads.	*15
		Shallow flooding (sheet flow)	Center of intersection of West Division and Baker Streets.	#3
		Shallow flooding (sheet flow)	20 feet south of intersection of Douglas Street and Blackburn Road.	#2
		Shallow flooding (sheet flow)	Center of intersection of Hazel Street and Cleveland Avenue.	#1
		Deep ponding	Center of intersection of College Way and Riverside Drive.	*30

Maps are available for inspection at City Hall, Mount Vernon, Washington.
Send comments to the Honorable Raymond T. Reep, Jr., P.O. Box 809, Mount Vernon, Washington 98273.

West Virginia	Davy, town, McDowell County	Tug fork	Downstream corporate limits	*1,181
			Main Street bridge (upstream side)	*1,190
			Upstream corporate limits	*1,200
		Davy Branch	At confluence with Tug Fork	*1,190
			Helena Street Bridge	*1,217
			Upstream corporate limits	*1,332

Maps are available for inspection at the Town Hall, Davy, West Virginia.
Send comments to the Honorable Mary Hale, Mayor of the Town of Davy, P.O. Box 485, Davy, West Virginia 24828.

West Virginia	Iaeger, town, McDowell County	Tug fork	Downstream corporate limits	*975
			U.S. Route 52 and State Route 80 (upstream side)	*979
			Upstream corporate limits	*986

PROPOSED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Dry fork	At confluence with Tug fork	*978
			State Route 80	*978
			Upstream corporate limits	*985
Maps are available for inspection at the Town Hall, Iaeger, West Virginia.				
Send comments to the Honorable Perry H. Roberts, Mayor of the Town of Iaeger, P.O. Box 254, Iaeger, West Virginia 24844.				
West Virginia	War, town, McDowell County	Dry fork	At downstream corporate limits	*1,326
			Upstream County Route 12/4	*1,342
			Upstream State Route 16 (upstream crossing)	*1,356
			Approximately 0.24 mile upstream of upstream corporate limits.	*1,368
		War Creek	Confluence with Dry fork	*1,338
			Upstream of fourth upstream County Route 12/4 crossing.	*1,393
			Upstream of Cresent Street	*1,445
			Upstream corporate limits	*1,466
Maps are available for inspection at the Town Hall, War, West Virginia.				
Send comments to the Honorable Floyd Jones, Mayor of the Town of War, P.O. Box 1028, War, West Virginia 34892.				
Wisconsin	(V) Avoca, Iowa County	Wisconsin River	About 32,800 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	* 687
			About 27,400 feet downstream of Chicago, Milwaukee, St. Paul, and Pacific Railroad.	* 689
		Morrey Creek	About 0.66 mile downstream of State Highway 133	* 695
			About 0.41 mile upstream of State Highway 133	* 706
Maps available for inspection at the Village President's Office, Village hall, Rt. 1, P.O. Box 183AA, Avoca, Wisconsin.				
Send comments to Honorable Paul H. Zajicek, Village President, Village of Avoca, Village Hall, Rt. 1, P.O. Box 183AA, Avoca, Wisconsin 53506.				
Wisconsin	(v) Browntown, Green County	Skinner Creek	Within corporate limits	* 790
Maps available for inspection at the Village Hall, Rt. 1, Browntown, Wisconsin.				
Send comments to Honorable Nathan Garwell, Village President, Village of Browntown, Village Hall, Rt. 1, Browntown, Wisconsin 535422.				
Wisconsin	(C) Clintonville, Waupaca County	Pigeon River	About 1.8 miles downstream of the Chicago and Northwestern Railroad.	* 795
			Just downstream of dam	* 805
			Just upstream of Hamlock Street (at Pigeon Lake)	* 809
Maps available for inspection at the Building Inspector's Office, City Hall, Clintonville, Wisconsin.				
Send comments to Honorable Karen Siewert, Mayor, City of Clintonville, City Hall, 50 Tenth Street, Clintonville, Wisconsin 54929.				
Wisconsin	(C) Hartford, Washington County	Rubicon River	At western corporate limit (about 2,500 feet downstream of Treatment Plant Road).	* 953
			About 100 feet downstream of Rural Street	* 964
			About 100 feet downstream of Mill Pond Dam	* 974
			Just upstream of Mill Pond Dam	* 981
			About 4,800 feet upstream of Wisconsin Southern Railroad.	* 992
Maps available for inspection at the City Engineer's Office, City Hall, 109 N. Main Street, Hartford, Wisconsin.				
Send comments to Honorable R. W. Witt, Mayor, City of Hartford, City Hall, 100 N. Main Street, Hartford, Wisconsin 53027.				
Wisconsin	(V) LaValle, Sauk County	Baraboo River	About 0.53 mile downstream of LaValle Mill Pond Dam	*895
			About 0.39 mile upstream of State Highway 58	*899
Maps available for inspection at the Village Clerk's Office, Village Hall, P.O. Box 13, LaValle, Wisconsin.				
Send comments to Honorable Wayne D. Blinston, Village President, Village of LaValle, Village Hall, P.O. Box 13, LaValle, Wisconsin 53941.				
Wisconsin	(V) North Freedom, Sauk County	Baraboo River	About 2.05 miles downstream of South Maple Street	*865
			About 1.35 miles upstream of West Walnut Street	*868
Maps available for inspection at the Superintendant's Office, Village Hall, P.O. Box 247, North Freedom, Wisconsin.				
Send comments to Honorable Duane Stieve, Village President, Village of North Freedom, Village Hall, P.O. Box 247, North Freedom, Wisconsin 53951.				
Wisconsin	(V) Oconomowoc Lake, Waukesha County	Oconomowoc River	At U.S. Highway 16	*862
			At Oconomowoc Lake Dam	*863
		Oconomowoc Lake	Shoreline	*863
Maps available for inspection at the Village Administrator's Office, Village Hall, 35328 Pabst Road, Oconomowoc Lake, Wisconsion.				
Send comments to Honorable William F. Roberts, Village President, Village of Oconomowoc Lake, Village Hall, 35328 Pabst Road, Oconomowoc Lake, Wisconsion. 53066.				
Wisconsin	(V) West Baraboo, Sauk County	Baraboo River	About 0.28 mile downstream of Shaw Street	*843
			About 0.50 mile upstream of Highway 12	*854
Maps available for inspection at the Village President's Office, Village Hall, P.O. Box 261, West Baraboo, Wisconsin.				
Send comments to Honorable Max J. Hill, Village President, Village of West Baraboo, Village Hall, P.O. Box 261, West Baraboo, Wisconsin 53913.				

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

Issued: February 10, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84–2983 Filed 2–22–84; 8:45 am]

BILLING CODE 6718–03–M

Notices

Federal Register
Vol. 49, No. 37
Thursday, February 23, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

February 17, 1984.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 108–W Admin. Bldg., Washington, D.C. 20250, (202) 447–4414.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible. Theodore Peterson, (608) 262–0249.

REVISED

• Farmers Home Administration
7 CFR 1965A, Servicing Farm Real Estate Security and Certain Note—Only Cases
FmHA 443–16, 465–1, 465–5
On Occasion
Individuals or Households, Farms, Small Businesses: 34,130 responses; 28,965 hours; not applicable under 3504(h)
M. K. Smith, (202) 475–4016

NEW

• Farmers Home Administration
7 CFR 1951–L, Servicing Cases Where Unauthorized Loan or Other Financial Assistance was Received—Farmer Programs
On Occasion
Farms Small Businesses: 1,180 responses; 1,180 hours; not applicable under 3504(h)
Frances Calhoun, (202) 382–1452
• Farmers Home Administration
7 CFR 1951–M, Servicing Cases Where Unauthorized Loan or Other Financial Assistance was Received—Single Housing
On Occasion
Individuals or Households, Non-Profit Institutions: 2,150 responses; 2,125 hours; not applicable under 3504(h)
Frances Calhoun, (202) 382–1452
• Farmers Home Administration
7 CFR 1951–N, Servicing Cases Where Unauthorized Loan or Other Financial Assistance was Received—Multiple Family Housing
On Occasion
Individuals or Households, State or Local Governments, Farms, Businesses, Non-Profit Institutions: 700 responses; 800 hours; not applicable under 3504(h)
Frances Calhoun, (202) 382–1452
• Farmers Home Administration
7 CFR 1951–O, Servicing Cases Where Unauthorized Loan or Other Financial Assistance was Received—Community and Business Programs
On Occasion
State or Local Government: 10 responses; 10 hours; not applicable under 3504(h)
Frances Calhoun, (202) 382–1452

Susan B. Hess,
Acting Department Clearance Officer.

[FR Doc. 84–4799 Filed 2–22–84; 8:45 am]
BILLING CODE 3410–01–M

Soil Conservation Service

Kimberling Creek Road Bank Critical Area Treatment RC&D Measure, Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Kimberling Creek Road Bank Critical Area Treatment RC&D Measure, Bland County, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North Eighth Street, Richmond, Virginia 23240, telephone 804–771–2455.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for seeding ten (10) acres of eroding road banks in Bland County, Virginia. The planned work will include establishing ten (10) acres of permanent vegetative cover by hydro-seeding and mulching on about ten (10) miles of road banks.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of

copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Manly S. Wilder.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 10, 1984.

Manly S. Wilder,

State Conservationist.

[FR Doc. 84-4723 Filed 2-22-84; 8:45 am]

BILLING CODE 3410-16-M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized a guaranty of a loan in an amount not to exceed Twelve Million Five Hundred Thousand Dollars ($12,500,000) to finance a housing reconstruction program for low income families affected by national disasters in Northern Peru. Eligible investors as defined below are invited to make proposals to the Housing Bank of Peru (Borrower). The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the Act).

This project is referred to as Project No. 527-HG-011 Part II. Lenders (Investors) eligible to receive an A.I.D. guaranty are those specified in section 238(c) of the Act. They are (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and foreign partnerships or associations wholly owned by U.S. citizens.

Selection of an eligible investor and the terms of the loan are subject to approval by A.I.D. The investor and A.I.D. shall enter into a Contract of Guaranty, covering the loan. Disbursements under the loan will be subject to certain conditions required of the Borrower by A.I.D. as set forth in an Implementation Agreement between A.I.D. and the Borrower. To be eligible for Guaranty, the Loan must be repayable in full no later than the Thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate established from time to time by A.I.D.

The Borrower desires to receive proposals from eligible investor as defined above. The Borrower desires proposals containing two alternative disbursement schedules. One schedule should project a single disbursement of $12,500,000 during April 1984. The other schedule should project a disbursement of $6,250,000 during April 1984, and a disbursement of $6,250,000 in October 1984. A proposal containing only one of these schedules is acceptable. Since investor selection will be made on the basis of the proposals, the proposals should contain the best terms to be offered by investors. The proposals should state:

A. Preferably a fixed interest rate per annum for a period not to exceed thirty (30) years from the first disbursement. Proposals with variable interest rates will also be considered and could be accepted.

B. A grace period of three (3) years on payment of interest.

C. The grace period of a minimum of three (3) years for repayment of principal; such period not to exceed ten (10) years.

D. Specification of the frequency of payments and capitalization of interest (quarterly, semi-annual, annual).

E. The minimum time, if any, during which prepayment of principal by the Borrower will not be accepted.

F. The investor's commitment or service fee, if any, and schedule of payments of such fee.

G. The period during which the proposal may be accepted which shall be at least forty-eight (48) hours, after the closing date specified below.

The proposal may state other terms and conditions which the investor desires to specify. After investor selection by the Borrower and approval by A.I.D., the Borrower and Investor shall negotiate all other terms and conditions of the Loan Agreement.

The closing date by which prospective investors are requested to submit proposals to the Borrower is by 2:00 p.m. (EST) on Tuesday, February 28, 1984. Negotiation of the Loan Agreement and Contract of Guaranty is expected to take place in Washington, D.C. in mid-March 1984. Eligible investors are invited to consult promptly with the Borrower.

Those investors interested in extending a loan to the Borrower should communicate with the Borrower at the following address: Mr. Oscar Bauer Cotrina, General Manager, Housing Bank of Peru, P.O. Box No. 5425, Lima 1, Peru, Telephone No. 28-61-31, Telex No. 20037-PE-BVP. Telex and telephone communication should be followed by letter.

Information as to the eligibility of investors and other aspects of the A.I.D. Housing Guaranty Program can be obtained from: Director, Office of Housing, Agency for International Development, Room 625, SA-12, Washington, D.C. 20523, Telephone No. 202/632-9637. Telex ITT: 44-00-01, RCA: 24-83-79, WUI 64154, WU 89-27-03.

To facilitate A.I.D. approval, copies of proposals made to the Borrower shall be sent to A.I.D. at the above address on or after the closing date noted above. This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select an investor and negotiate the terms of the proposed loan.

Sean P. Walsh,

Acting Deputy Director, Office of Housing and Urban Programs.

February 17, 1984.

[FR Doc. 84-4818 Filed 2-22-84; 8:45 am]

BILLING CODE 4710-02-M

CIVIL RIGHTS COMMISSION

Georgia Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia Advisory Committee to the Commission will convene at 3:30 p.m. and will end at 6:30 p.m., on March 9, 1984, at the Marriott Hotel Downtown, Hermitage West, International Boulevard and Courtland Street, Atlanta, Georgia 30303. The purpose of this meeting is to discuss the reorganization of the Commission and program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Mr. Clayton Sinclair, Jr., at (404) 681-0797 or the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 17, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-4775 Filed 2-22-84; 8:45 am]

BILLING CODE 6335-01-M

Kentucky Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:00 p.m., on March 6, 1984, at the Seelbach Hotel, Gray Room, 500 4th Street, Louisville, Kentucky 40202. The purpose of this meeting is to discuss the reorganization of the Commission and program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Mr. James M. Rosenblum at (502) 636-1411 or the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 17, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-2774 Filed 2-22-84; 8:45 am]

BILLING CODE 6335-01-M

Mississippi Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Mississippi Advisory Committee to the Commission will convene at 3:30 p.m. and will end at 6:30 p.m., on March 7, 1984, at the Holiday Inn Downtown, 200 East Amite Street, Jackson, Mississippi 39201. The purpose of this meeting is to discuss the reorganization of the Commission and program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Ms. Mary Ramberg, at (601) 982-2431 or the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 17, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-4776 Filed 2-22-84; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

President's Commission on Industrial Competitiveness

AGENCY: Office of Economic Affairs, Commerce.

ACTION: Notice of meeting.

SUMMARY: This notice announces the forthcoming meeting of the Committee on Human Resources, a subcommittee of the President's Commission on Industrial Competitiveness (Commission). The Commission was established by Executive Order 12428 on June 28, 1983 and its charter was approved on August 23, 1983. The Commission shall review means of increasing the long-term competitiveness of United States industries at home and aboard, with particular emphasis on high technology, and provide appropriate advice to the President through the Cabinet Council on Commerce and Trade and the Department of Commerce.

TIME AND PLACE: The Committee on Human Resources (a subcommittee of the Commission) will meet on March 7-8, 1984 from 9:00 a.m. to 5:00 p.m. at the AFL-CIO Building, 815 16th Street, N.W., Suite 301, Washington, DC 20006.

PUBLIC PARTICIPATION: The meeting will be open to public attendance. A limited number of seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Barbara Gleason, President's Commission on Industrial Competitiveness, 736 Jackson Place, N.W., Washington, DC 20503, telephone: 202-395-4527 on substantive issues or Marilyn McLennan, Chief, Information Management Division, 202-377-4217, on issues regarding administration of the Commission.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss partnerships in education and labor management relations.

Dated: February 16, 1984.

Egils Milbergs,

Executive Director, President's Commission on Industrial Competitiveness.

[FR Doc. 84-4749 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-18-M

International Trade Administration

[C-435-001]

Carbon Steel Wire Rod From Poland; Preliminary Negative Countervailing Duty Determination

February 16, 1984.

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that Congress did not exempt nonmarket economy countries from the countervailing duty law. However, based on the facts presented in the record, we preliminarily find that no benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Poland of carbon steel wire rod. Therefore, we have not ordered the U.S. Customs Service to suspend liquidation. If this investigation proceeds normally, we will make our final determination by May 1, 1984.

EFFECTIVE DATE: February 23, 1984.

FOR FURTHER INFORMATION CONTACT: Laura Campobasso, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-3174.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation to date, we preliminarily determine that nonmarket economy countries are not exempt *per se* from the countervailing duty law. Yet, in this case there is no reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended ("the Act"), are being provided to manufacturers, producers or exporters in Poland of carbon steel wire rod. For the purposes of this investigation, the following programs are preliminarily found not to confer bounties or grants:

—a multiple exchange rate system whereby different rates are applied to (1) commercial transactions with capitalist countries, (2) commercial transactions with socialist countries, and (3) non-commercial transactions and tourism;

—a currency retention program that allows exporting companies to keep 20 percent of their hard-currency export earnings;

—price equalization payments to the foreign trade organizations and the industrial enterprises involved in foreign trade, to compensate them for losses incurred when the Foreign Trade Ministry sells goods for less than their domestic price; and
—adjustment coefficients that increase the effective exchange rate.

Case History

On November 23, 1983, we received a petition from counsel for Atlantic Steel Company, Continental Steel Company, Georgetown Steel Corporation and Raritan Steel Company, filed on behalf of the United States industry producing carbon steel wire rod. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), petitioners allege that manufacturers, producers or exporters in Poland of carbon steel wire rod receive, directly or indirectly, benefits which constitute bounties or grants within the meaning of section 303 of the Act.

On December 13, 1983, we initiated a countervailing duty investigation on those allegations. We stated we would issue a preliminary determination on or before February 16, 1984.

On December 16, 1983, we presented a questionnaire concerning the allegations in the petition to the government of Poland in Washington, D.C. We received a response on January 16, 1984

Poland is not a "country under the Agreement" within the meaning of section 701(b) of the Act. Therefore, section 303 of the Act applies to this investigation. Under this section, because the merchandise under investigation is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten to cause material injury to a U.S. industry.

Scope of Investigation

For the purpose of this investigation, the term "*carbon steel wire rod*" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured; and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States*. The period for which we are measuring alleged subsidization is January 1 to December 31, 1983.

Applicability of the Act

This proceeding raises the issue, not yet decided, whether section 303 (or the countervailing duty provisions of title VII) applies to a nonmarket economy country. Based upon our review of the countervailing duty provisions of the Act, their legislative history, and briefs filed in the conference on novel issues held November 3–4, 1983, in connection with our countervailing duty investigation of textiles, apparel and related products from the People's Republic of China (PRC) (48 FR 46600, and 46092, 1983), we believe that Congress did not exempt nonmarket economy countries from section 303 of the Act. By its terms, that section applies to "*any* country, dependency, colony, province, or other political subdivision of government" (emphasis added).

Some participants in the conference on novel issues in the PRC case's argued that, nonetheless, the countervailing duty law effectively excludes nonmarket economy countries. Briefly, the argument is that the countervailing duty law, based as it is on market principles, is aimed at neutralizing the results of government intervention in an otherwise free market. Such intervention is viewed as unfair if it confers a competitive advantage. Moreover, such intervention can affect the allocation of resources within an economy, and consequently international trade, by providing assistance to comparatively inefficient producers. In nonmarket economy countries, on the other hand, government intervention is the rule rather than the exception. There can be no misallocation of resources according to market principles since there is no free market. Under such conditions, arguably, there is no identifiable or measurable deviation from private market behavior.

The answer to the question of whether our countervailing duty law applies to nonmarket or state-controlled economies is not clear, as is evident from the diversity of opinion on this issue. Yet the weight of informed opinion and our narrow reading of the Act disposes us to not exclude nonmarket or state-controlled economies from its application without further review in each particular case. Therefore, we will proceed to examine the particular allegations and facts in this case.

Analysis of Programs

In initiating a countervailing duty proceeding on carbon steel wire rod from Poland, we undertook to investigate whether certain practices by the government of Poland confer bounties or grants within the meaning of section 303 of the Act. As stated above, we investigated similar programs in the countervailing duty proceedings on textiles, apparel and related products from the PRC. However, since petitioners withdrew the petition in that case, this our first opportunity to determine preliminarily whether practices by a government of a so-called nonmarket economy country confer countervailable benefits.

The administration of the countervailing duty law since 1890 has relied on identifying and quantifying the benefits which arise when producers or their products receive differential treatment. Export bounties or grants arise, for example, when export sales are benefited over domestic sales. When the benefits are not contingent upon export, we identify domestic benefits based in part on differential treatment of an industry or group of industries within that country.

If an industry or industry group is treated preferentially, we need to quantify any benefit conferred. In our countervailing duty cases to date—which have all involved products from market economies—we have used prices or costs to calculate benefits. In market economies, government subsidies generally cause changes in prices facing a firm—the prices paid for goods or services purchased, or the prices received for sale of a product. In our investigations, we usually seek the price the firm would have paid or received absent government intervention or preferentiality. Any difference between that "benchmark" price, based on operation of a market, and what the firm pays or receives as a result of the government intervention is a subsidy. For example, for a government loan, the amount of the subsidy is determined by comparing the terms of the government loan with the terms of the loan that could be obtained in the borrowing market.

Our reliance on prices to quantify subsidies is based on the economic theory that prices are the signals to which firms react. For example, receiving a higher price, and hence higher profits, for export sales will induce a firm to increase its exports. In imposing countervailing duties, we seek to remove any incremental revenue brought about by government intervention, and thus neutralize the effect of that intervention on the price signal.

Recognizing that prices—the subsidized price and the "benchmark" price—are the tools we use to identify subsidies and to calculate the benefits arising from them, we approach this investigation with a certain amount of apprehension. We know through our

experience in administering the antidumping law that prices in nonmarket economy countries usually are economically unrealistic. It is because nonmarket economy prices are suspect that the Congress directed us not to use them in antidumping investigations.

In nonmarket economies, central planners typically set the prices of goods without any regard to their economic value. As such, these prices do not reflect scarcity or abundance. For example, when a product is scarce in a market economy, its price will increase. In a nonmarket economy, however the price of the scarce good will not go up unless the central planners mandate a new, higher price. Even if we can identify an internally set price, that price does not have the same meaning as a price in a market economy.

Furthermore, to the extent that a firm's activity is centrally directed, prices and profits do not stimulate increased production. A decision to increase or decrease output must be consistent with the central plan. There is no apparent correlation between the demand, price and production when the latter two factors are centrally controlled.

Thus, our traditional tools—prices—are of questionable value in determining whether the programs alleged by petitioners are bounties or grants within the meaning of the Act. Recognizing this, we have analyzed the programs used in two steps. First, we have asked whether the program would confer a subsidy in a market economy. Second, we have asked whether our first conclusion would differ if the program were conducted in a nonmarket economy country.

Our analysis of the specific allegations follow:

I. Programs Preliminarily Determined Not To Confer Bounties or Grants

We preliminarily determine that the following programs do not confer bounties or grants within the meaning of the Act upon the manufacturers, producers or exporters in Poland of carbon steel wire rod:

A. Multiple Exchange Rates

Petitioners allege that the government of Poland employs a multiple exchange rate system. They identify seven different exchange rates: a basic valuta-zloty rate, an effective valuta-zloty, an effective rate, a resident travel rate, a nonresident investment rate, a tourist rate and a black market rate. Petitioners contend that such a multiple exchange rate constitutes, in and of itself, a countervailable benefit.

The Polish government responded that it sets only one rate of exchange vis-a-vis the U.S. dollar, and applies that rate uniformly to all exports and imports to and from capitalist countries. Between the member states of the Council of Mutual Economic Assistance (CMEA), which include Bulgaria, Czechoslovakia, Hungary, Rumania, Poland, Mongolia, Cuba, Vietnam, USSR and East Germany (all of which are nonmarket economies), trade is conducted in transferable rubles, which have no interrelation with the U.S. dollar rate of exchange.

For purposes of analysis, we have separated these exchange rates into three categories: Non-trade rates, possibly including the official exchange rate; and exchange rate for trade with capitalist countries; and an alleged exchange rate for trade with socialist countries. Petitioners have asked us to compare the exchange rate for trade with capitalist countries with the official rate.

1. *The exchange rate trade with capitalist countries and the official exchange rate may be the same.* Based upon historical information submitted by petitioners, in 1979 the effective or trade rate was 31.16 zloties to the U.S. dollar (31.16:1), while the official rate was 3.32:1. However, petitioners' information also indicates that the official rate was inoperative.

More recent information (submitted by petitioners and respondent) indicates that a higher rate applies to trade with capitalist countries (both imports and exports), and this rate is also characterized by the Bank of America as the official exchange rate. Hence, comparing the official rate and the rate for trade with capitalist countries would yield no bounty or grant, since these rates are apparently identical.

2. *The exchange rate for trade with capitalist countries does not confer a bounty or grant even if different from the official (non-trade) rate.* Our experience in investigating the use of multiple exchange rates has been limited to market economy countries. Certain of our findings have been reviewed by the courts. Based on our earlier determinations and judicial precedent, we believe that when trade (importation and exportation) takes place at a uniform rate, no countervailable benefit is conferred.

The most recent findings that are pertinent to this issue have arisen in investigations of the Mexican dual exchange rate, where there is a controlled rate and a free rate. In our final affirmative determination on carbon black from Mexico (48 FR 29567), we stated:

> We verified that Mexican reporters of carbon black who receive U.S. dollars for their products must deposit these dollars in accounts where they are exchanged for pesos at a Mexican government "controlled" rate. Currently, the controlled rate is significantly less than the "free" rate of exchange. Thus, the program appears to harm rather than benefit Mexican exporters.

Thus, we have found that when dollar earnings are repatriated at a lower rate (compared to some higher rate), the exporter appears to have been harmed. We must then ask, if the exporter repatriated his dollar at a rate higher than another rate, would he be benefitted?

Petitioners have cited two cases where the Department of the Treasury found differential exchange rates applied to export transactions to confer countervailable subsidies. The first was *F.W. Woolworth* v. *United States*, 115 F. 2d 348 (CCPA 1940), where the U.S. importer was able to purchase the goods in question with a combination of registered Reichsmarks and "free" Reichsmarks. The different marks were bought at different costs to the U.S. purchaser.

The second case raised by petitioners was *Wool Tops from Uruguay* (18 FR. 2653, 1953). At that time, Uruguayan government maintained a multiple exchange rate system whereby exporters of different goods repatriated their dollar earnings at different exchange rates; *i.e.*, different rates applied to different goods.

In both *F.W. Woolworth* and *Uruguayan Wool Tops*, different exchange rates were applied to trade transactions. In *F.W Woolworth*, different rates were applied to the same transaction. In *Wool Tops*, different rates were applied depending on the good exported.

In calculating the bounty or grant which arose in the *Wool Tops* case, Treasury compared the exchange rate applicable to wool tops with the weighted average of all the exchange rates applicable to other merchandise trade. When this determination was reviewed by the court, the Court of Customs and Patent Appeals ("CCPA") disagreed with Treasury's use of 1953 exchange rates and 1951 trade levels, but did not disapprove of its essential methodology. *Energetic Worsted Corp.* v. *United States*, 53 CCPA 36 (1966). Implicit in Treasury's methodology is that if trade (importation and exportation) occurred at a uniform rate, no subsidy would arise.

To the extent that a uniform trade rate differs from a non-trade rate (or rates), the economic effect would be identical

to a devaluation or revaluation of the currency. If the uniform trade rate were less than the non-trade rate, it would be equivalent to a revaluation. If the uniform trade rate were higher than the non-trade rate, it would be equivalent to a devaluation.

As recognized by the CCPA in *United States* v. *Hammond Lead Products, Inc.*, 440 F.2d 1024, 1030 (1971), a devaluation in a market economy stimulates exports, but, nevertheless, does not confer a subsidy:

> Nothing, at least in the short range, stimulates exports more than a devaluation of the currency. After a devaluation, the exporter gets more home currency for each article he exports, and with it can purchase more goods and services at home, and he obtains these benefits largely at the expense of a producer for the home market who now gets paid in devalued currency. Yet we do not assess countervailing duties against countries which devalue their currency.

The purpose of an exchange rate is to provide equilibrium between one country's economy and the world economy. When an exchange rate is overvalued, strain is placed on the entire economy. If uncorrected, the problem progressively worsens until the country becomes unable to pay for necessary imports. Devaluation restores the necessary international equilibrium. Thus, it is an economy-wide adjustment, and as such is not a bounty or grant.

Based on our experience and judicial precedent, we do not believe that, in a market economy country, a multiple exchange rate system including both a non-trade exchange rate (or rates) and a uniform exchange rate applied to trade transactions confers a bounty or grant within the meaning of the Act. To the extent that the uniform exchange rate applied to trade has any meaning in a nonmarket economy country, like Poland, the economic effects would be identical to those in a market economy. The divergence between a trade rate and non-trade rate (or rates) would be equivalent to a devaluation or revaluation, and hence we would not find the multiple exchange rate to confer a subsidy.

Moreover, we are doubtful that the exchange rate is meaningful to Polish enterprises. The exchange rate is a price—it is the dollar price of a zloty or the zloty price of a dollar. Like any other price in a nonmarket economy country, this price can be set without regard to economic value.

Furthermore, we have no reason to believe that the exchange rate has any effect on the decision to export. A central plan determines what and how much will be exported. As such, a devaluation will not stimulate exports over domestic sales in Poland or otherwise distort trade.

Therefore, we have concluded that if the exchange rate was meaningful, Poland's multiple exchange rate system—in applying a unified rate for trade with capitalist countries—would not confer a subsidy. Furthermore, to the extent that the exchange rate does not affect the decision to export, it would not confer a subsidy. Thus we preliminarily determine that the coexistence of a uniform trade exchange rate and non-trade rates in Poland does not confer a bounty or grant within the meaning of the Act.

3. *The existence of a separate exchange rate for trade with socialist countries does not confer a bounty or grant.* Petitioners have identified separate exchange rates for Polish transactions with capitalist countries and for Polish transactions with socialist countries. They contend that this favors exports to the U.S. over exports to the USSR. In its response the Polish government confirmed that trade between the CMEA member states is conducted in transferable rubles.

In analyzing whether such a system confers a bounty or grant, we cannot find a market analogy for different exchange rates applied to different currency zones. No market economy participates in any extensive way in the CMEA transferable ruble system.

The existence of different rates for trade with market and nonmarket economies is not at all surprising. In effect, Poland is selling its carbon steel wire rod for two different things: (1) western hard currencies which are convertible; and (2) socialist, non-convertible currencies. Convertible currencies and non-convertible currencies are by definition different. Hence, we would not expect them to have the same price.

Furthermore, we have concluded that the transferable rule is not actually an exchange rate at all. It is an accounting unit used as a collective currency between the CMEA countries. Its purchasing power is secured by planned trade and stable prices during the year.

The use of a collective currency, rather than a national currency ensures the quality of these trading partners. Without it, one country possibly could achieve dominance and compel the other countries to adapt to its economy.

The system operates with the help of the International Bank for Economic Cooperation (IBEC). Settlements in the collective currency are made by transferring resources from the account of one country in the IBEC to that of another. Therefore, actual cash is unnecessary since the process is carried out completely through the account books.

The credit nature of the transferable ruble is exhibited in that the value of the goods in transferable rubles is credited to the exporter's account in IBEC; the goods' importer must repay this value with countershipments of other goods and services. The transferable ruble is secure against inflation and any adverse non-socialist influence because it is only issued as an international payment in the amount the member country really needs to pay for the goods and service. The repayment by shipments of goods once the credit has been exended must take place in a certain time period. This ensures the return of resources loaned and keeps the accounts balanced.

Therefore: (1) The transferable ruble is not an actual exchange rate; (2) there is no means by which to convert this ruble into one of the CMEA currencies or into Western currency; (3) it is predominantly used for trade within the CMEA countries on a barter basis, (trade which is based on need rather than the market prices); and (4) its primary purpose is to keep the balance of payments between the CMEA countries on an even base, through internal settlements. Thus, we preliminarily determine that a multiple exchange rate, as described in the instant case does not confer a bounty or grant within the meaning of the Act.

B. Currency Retention Scheme

Petitioners allege that Polish government maintains a currency retention scheme. This program allows Polish exporting companies to keep an average of 20 percent of their hard foreign currency. Petitioners argue that because it is the exporters who retain these hard currency funds for their own use, the scheme provides an incentive to increase exports. Petitioners further state that the officials in Poland view the scheme as an "important export incentive".

The Polish government responded that Poland does allow enterprises to retain part of their hard currency earnings from exports of goods and services. The foreign exchange earnings are accumulated in a special account in a domestic bank, and may be used by the enterprise to finance imports. The Council of Ministers defines the levels of hard currency retained and how the funds will be used for particular enterprises. The Ministry of Foreign Trade establishes the rate of retention for a given year for particular enterprises.

Whether Polish officials characterize the establishment of a currency

retention scheme as an incentive to export is not determinative. As the CCPA has stated:

> Neither form nor nomenclature being decisive in determining whether a bounty or grant has been conferred, *it is the economic result* of the foreign government's action *which controls* (emphasis added).

United States v. *Zenith Radio Corp.*, 64 CCPA 130, 138–9, 562 F.2d 1209, 1216 (1977), *aff'd*, 437 U.S. 443 (1978).

As petitioners have pointed out, currency retention schemes which involve a bonus on exports are enumerated in Annex A to the Agreement on Interpretation of Articles VI, XVI, XXIII of the General Agreement on Tariffs and Trade ("GATT Subsidies Code"). Therefore, they are included as subsidies under the provisions of 19 U.S.C. sections 1677(5) and 1303.

We have never countervailed a currency retention program and have no precedent to guide us. Therefore, we must first determine whether a currency retention program in a market economy country would confer a bounty or grant.

The value of owning foreign currency is that it allows the owner to purchase foreign goods. Foreign currency is a claim on foreign goods. This would be true in a nonmarket economy country as well as in a market economy country.

When foreign currency holdings are limited, two possible benefits could arise: (1) The foreign currency could possibly be sold—at a premium—to others desiring foreign goods; or (2) by holding the foreign currency, the owner would not have to apply to monetary authorities to obtain it. The record in this investigation lacks any evidence that Polish enterprises sell their retained hard currency at a premium. Consequently, the only advantage of having foreign exchange is a lessening of the process for securing permission to use foreign exchange (*i.e.*, a reduction in "red tape"). In other words, the enterprise does not have to apply for the hard foreign currency, but rather has direct access to an account already containing it.

Because there is no reasonable basis for quantifying such an advantage, such alleged benefits do not constitute a bounty or grant. As the CCPA stated in *Hammond Lead*, *supra*, at 1028:

> If the Court does not know how to calculate the bounty or grant, how does it know there was one?

The record in this investigation lacks any evidence of amounts of benefits allegedly conferred on the product under investigation. Further, we are unaware of any reasonable methodology to quantify any benefit presumed to arise from the mere reduction of "red tape." Therefore, we conclude that because any attempt to quantify the alleged benefit would be arbitrary and capricious, the Polish currency retention scheme does not confer a bounty or grant.

Of course, as required by the Act, we will verify information relating to currency retention prior to our final determination.

C. Price Equalization Payments

Petitioners contend further subsidies are provided to exporters through price equalization payments. Payments allegedly are made to the foreign trade organizations and those industrial enterprises involved in foreign trade to compensate them for losses incurred when the Foreign Trade Ministry sells their goods for less than their domestic price. The payments come in the form of both direct price equalization payments and subject payments, the latter provided to compensate enterprises for particular lines of production planned to be unprofitable.

The government of Poland denies that any bounties or grants are conferred through price equalization payments, but does not clearly deny that such a program exists.

As discussed above, prices in a nonmarket economy country are typically administered; they are set by the government without regard to the market value of the goods. When taken in isolation, such a system is potentially sustainable. However, once that nonmarket economy country participates in international trade, especially with market economy countries where prices reflect value, it becomes apparent that the government-set prices are artificial or distorted.

Application of a uniform exchange rate does nothing to remove the discrepancies that exist between the market and nonmarket prices. Instead, the market-determined prices of imports have to be translated into the nonmarket economy's internal prices. Similarly, internal prices must be translated into world market prices when the nonmarket economy's goods are exported. Otherwise, either the nonmarket economy country will not be able to export because its internal prices exceed market prices, or it will forego profits because internal prices are significantly lower than market prices.

The information provided in the record indicates that nonmarket economy countries use different mechanisms to translate or equate the market-determined external prices and the centrally administered domestic prices. For example, trade adjustment coefficients multiply a static exchange rate for all goods to ensure competitiveness for each good. Price equalization payments are added to the static exchange rate to achieve the same result.

A price equalization scheme, when perfectly administered, would function much like an exchange rate system designed to maintain or preserve the artificial internal prices of the nonmarket economy country. Government payments would exist solely to equate the revenue earned on an export transaction with revenue earned on domestic transactions. In such a system, we would expect the level of payment to vary as often and to the extent that the world market price does. Similarly, the payment would have to be altered if the administered domestic price was changed.

At this point, we ask ourselves whether a similar system in a market economy country would be countervailable. Governments of market economy countries typically set or administer the prices of some goods. When those prices are set above the world market price, producers of those goods have no incentive to export (at least until domestic demand is satisfied) unless the government raises the price they receive for their exports to at least the level of the domestic price. The government can raise the price these producers receive from selling abroad by a direct payment on export.

Clearly, we would contervail such payments by the government of a market economy. Implicit in our decision to do so is, however, our recognition that the export payments work to stimulate production which is not economically justifiable. Economic theory tells us that when a price is set too high, too much of the good will be produced. The artificially high price allows economically inefficient, high-cost producers to make a profit they would otherwise not make. The payments that the government makes on exports, which are necessary to induce the producers to sell abroad, are the evidence that economically inefficient production is occurring.

In a nonmarket economy country, we cannot assume that an export price payment evidences the existance of economically inefficient production. As discussed above, domestic prices in a nonmarket economy do not affect an enterprise's decision of what and how much to produce and to export. Not only is the price for its output centrally set, but its costs, which are the prices paid for inputs, are also centrally determined. With administrated costs and prices,

profits are effectively administrated as well.

We cannot even assume that profits have meaning in a nonmarket economy system. When resources are allocated centrally—*i.e.*, enterprises are told how much to produce and how to distribute their production—it is the central authorities who determines whether "revenues" cover "losses".

The prices attributed to inputs and the prices attributed to output, whether for the domestic or export market, are virtually accounting devices.

Where prices and profits do not have some economic meaning, we cannot find programs like Poland's price equalization scheme to confer a subsidy. Thus we preliminarily determine that Poland's price equalization payments do not confer a bounty or grant within the meaning of the Act.

Program Preliminarily Determined Not To Be Used

Adjustment Coefficient

Petitioners further allege that Poland uses "adjustment coefficients" or "exchange multipliers" (hereinafter referred to as "coefficients") to adjust its varied exchange rates depending on the industry involved and the currency regime of the trading partner. Petitioners argue that the exchange rate is multiplied by these coefficients to convert the foreign currency earned in a given transaction into Polish zloties. Through the use of these coefficients, the Polish government allegedly promoted certain exports.

The Polish government responded that it does not apply adjustment coefficients or foreign trade multiplies to foreign currency earned.

On the basis we preliminarily determine that adjustment coefficients do not confer a bounty or grant within the meaning of the Act. Uses of a foreign government's response in our preliminary determination is consistent with our normal practice. As required by the Act in all investigations, we intend to verify the information provided by the Polish governemnt using our normal procedures. If we are not able to verify the Polish assertions, we will of course use the best information available in reaching our final determination.

Verification

In accordance with section 776(a) of the Act, we intend to verify all information used in reaching our final determination.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on March 19, 1984, at the U.S. Department of Commerce, Room 3092, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistance Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by March 13, 1984. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.46 at the above address and in at least 10 copies.

Dated: February 16, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-4761 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-435-001]

Carbon Steel Wire Rod From Czechoslovakia; Preliminary Negative Countervailing Duty Determination

AGENCY: International Trade Administration/Import Administration; Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that Congress did not exempt nonmarket economy countries from the countervailing duty law. However, based on the facts presented in the record, we preliminarily find that no benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Czechoslovakia of carbon steel wire rod. Therefore, we have not ordered the U.S. Customs Service to suspend liquidation. If we proceed normally with this preliminary determination, we will announce the final determination by May 1, 1984.

EFFECTIVE DATE: February 23, 1984.

FOR FURTHER INFORMATION CONTACT: Laura Campobasso, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, telephone (202) 377-3174.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation to date, we preliminarily determine that nonmarket economy countries are not exempt *per se* from the countervailing duty law. Yet, in this case there is no reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended ("the Act") are being provided to manufacturers, producers or exporters in Czechoslovakia of carbon steel wire rod. For the purposes of this investigation, the following programs are preliminarily found not to confer bounties or grants:

—a multiple exchange rate system whereby different rates are applied to (1) commercial transactions with capitalist countries, (2) commercial transactions with socialist countries, and (3) non-commercial transactions and tourism;

—a currency retention program that allows exporting companies to keep a certain portion of their hard-currency export earnings;

—conversion coefficients that increase the effective exchange rate; and

—tax exemption on foreign trade earnings.

Case History

On November 23, 1983, we received a petition from counsel for Atlantic Steel Company, Continental Steel Company, Georgetown Steel Corporation and Raritan Steel Company, filed on behalf of the United States industry producing carbon steel wire rod. In compliance with the filing requirements of section 355.26 of the Commerce Regulations (19 CFR 355.26), petitioners allege that manufacturers, producers or exporters in Czechoslovakia of carbon steel wire rod receive, directly or indirectly, benefits which constitute bounties or grants within the meaning of section 303 of the Act.

On December 13, 1983, we initiated a countervailing duty investigation on those allegations. We stated we would issue a preliminary determination on or before February 16, 1984.

On December 16, 1983, we presented a questionnaire concerning the allegations in the petition to the government of Czechoslovakia in Washington, D.C. Communications were received from the Czech government January 13 and February 13, 1984. Neither addresses the allegations made by petitioners.

The Czech government has chosen not to cooperate in this investigation. Our practice, when a respondent refuses to reply, is to use the "best information available", according to section 776(b) of the Act. This is frequently adverse to respondent.

In this case we have analyzed petitioners' submissions, the government of Poland's response and other information in the record. Our preliminary determination is based on our interpretation of that information, and not on petitioners' interpretation.

Petitioners have provided us with supplemental information, some of which was received too late for use in the preliminary determination. We will take it into account in reaching our final determination.

Czechoslovakia is not a "country under the Agreement" within the meaning of section 701(b) of the Act. Therefore, section 303 of the Act applies to this investigation. Under this section, because the merchandise under investigation is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten to cause material injury to a U.S. industry.

Scope of Investigation

For the purpose of this investigation, the term "*carbon steel wire rod*" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured; and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedule of the United States*. The period for which we are measuring alleged subsidization is January 1 to December 31, 1983.

Applicability of the Act

This proceeding raises the issue, not yet decided, whether section 303 (or the countervailing duty provisions of Title VII) applies to a nonmarket economy country. Based upon our review of the countervailing duty provisions of the Act, their legislative history, and briefs filed in the conference on novel issues held November 3–4, 1983, in connection with our countervailing duty investigations of textiles, apparel and related products from the People's Republic of China (PRC) (48 FR 4600 and 46092), we believe that Congress did not exempt nonmarket economy countries from section 303 of the Act. By its terms, that section applies to "*any* country, dependency, colony, province, or other political subdivision of government" (emphasis added).

Some participants in the conference on novel issues in the PRC cases argued that, nonetheless, the countervailing duty law effectively excludes nonmarket economy countries. Briefly, the argument is that the countervailing duty law, based as it is on market principles, is aimed at neutralizing the results of government intervention in an otherwise free market. Such intervention is viewed as unfair if it confers a competitive advantage. Moreover, such intervention can affect the allocation of resources within an economy, and consequently international trade, by providing assistance to comparatively inefficient producers. In nonmarket economy countries, on the other hand, government intervention is the rule rather than the exception. There can be no misallocation of resources according to market principles since there is no free market. Under such conditions, arguably there is no identifiable or measurable deviation from private market behavior.

The answer to the question of whether our countervailing duty law applies to nonmarket or state-controlled economies is not clear, as is evident from the diversity of opinion on this issue. Yet the weight of informed opinion and our narrow reading of the Act disposes us to not exclude nonmarket or state-controlled economies from its application without further review in each particular case. Therefore, we will proceed to examine the particular allegations and facts in this case.

Analysis of Programs

In initiating a countervailing duty proceeding on carbon steel wire rod from Czechoslovakia, we undertook to investigate whether certain practices by the government of Czechoslovakia confer bounties or grants within the meaning of section 303 of the Act. As stated above, we investigated similar programs in the countervailing duty proceedings on textiles, apparel and related products from PRC. However, since petitioners withdrew the petition in that case, this is our first opportunity to determine preliminarily whether practices by a government of a so-called nonmarket economy country confer countervailable benefits.

The administration of the countervailing duty law since 1890 has relied on identifying and quantifying the benefits which arise when producers or their products receive differential treatment. Export bounties or grants arise, for example, when export sales are benefitted over domestic sales. When the benefits are not contingent upon export, we identify domestic benefits based in part on differential treatment of an industry or group of industries within that country.

If an industry or industry group is treated preferentially, we need to quantify and benefit conferred. In our countervailing duty cases to date—which have all involved products from market economies—we have used prices or costs to calculate benefits. In market economies, government subsidies generally cause changes in prices facing a firm—the prices paid for goods or services purchased, or the prices received for sale of a product. In our investigations, we usually seek the price the firm would have paid or received absent government intervention or preferentiality. Any difference between that "benchmark" price, based on operation of a market, and what the firm pays or receives as a result of the government intervention is a subsidy. For example, when a government offers a preferential loan, the amount of the subsidy is determined by comparing the terms of the government loan with the terms of the loan that could be obtained in the borrowing market.

Our reliance on prices to quantify subsidies is based on the economic theory that prices are the signals to which firms react. For example, receiving a higher price, and hence higher profits, for export sales will induce a firm to increase its exports. In imposing countervailing duties, we seek to remove any incremental revenue brought about by government intervention, and thus neutralize the effect of that intervention on the price signal.

Recognizing that prices—the subsidized price and the "benchmark" price—are the tools we use to identify subsidies and to calculate the benefits arising from them, we approach this investigation with a certain amount of apprehension. We know through our experience in administering the antidumping law that prices in nonmarket economy countries usually are economically unrealistic. It is because nonmarket economy prices are suspect that the Congress directed us not to use them in antidumping investigations.

In nonmarket economies, central planners typically set the prices of goods without any regard to their economic value. As such, these prices do not reflect scarcity or abundance. For example, when a product is scarce in a market economy, its price will increase. In a nonmarket economy, however, the price of the scarce good will not go up

unless the central planners mandate a new, higher price. Even if we can identify an internally set price, that price does not have the same meaning as a price in a market economy.

Furthermore, to the extent that a firm's activity is centrally directed, prices and profits do not stimulate increased production. A decision to increase or decrease output must be consistent with the central plan. There is no apparent correlation between the demand, price and production when the latter two factors are centrally controlled.

Thus, our traditional tools—prices—are of questionable value in determining whether the programs alleged by petitioners are bounties or grants within the meaning of the Act. Recognizing this, we have analyzed the programs used in two steps. First, we have asked whether the program would confer a subsidy in a market economy. Second, we have asked whether our first conclusion would differ if the program were conducted in a nonmarket economy country.

Our analysis of the specific allegations follow:

I. Programs Preliminarily Determined Not To Confer Bounties or Grants

We preliminarily determine that the following programs do not confer bounties or grants within the meaning of the Act upon the manufacturers, producers or exporters in Czechoslovakia of carbon steel wire rod:

A. Multiple Exchange Rates

Petitioners allege that the government of Czechoslovakia employs a multiple exchange rate system. They identify eight different exchange rates: an official rate, an effective rate applicable to most commercial transactions, a rate for nonresident currency accounts set up by foreign companies in Czechoslovakia, a tourist rate, a clearing rate for commercial trade with "socialist" countries, a resident travel rate, a black market rate and a rate for Tuzex-Koruna (bearer coupons denominated in U.S. dollars). Petitioners contend that such a multiple exchange rate constitutes, in and of itself, a countervailable benefit.

For purposes of analysis we have separated these exchange rates into three categories: non-trade rates, possibly including the official exchange rate; an exchange rate for trade with capitalist countries; and an alleged exchange rate for trade with socialist countries. Petitioners have asked us to compare the exchange rate for trade with capitalist countries with the official rate.

1. *The exchange rate for trade with capitalist countries and may be lower than the official exchange rate.* Information submitted by petitioners indicates that as of June 30, 1979, the offical rate was 5.97 Koruna/$1. The effective rate, applicable to most transactions, was 5.45 Koruna/$1. Hence, a comparison of the official rate and the rate for trade with capitalist countries would yield no bounty or grant, since the official rate is less than the effective rate applied to most transactions with capitalist countries.

2. *The exchange rate for trade with capitalist countries does not confer a bounty or grant even if different from the official (non-trade) rate.* Our experience in investigating the use of multiple exchange rates has been limited to market economy countries. Certain of our findings have been reviewed by the courts. Based on our earlier determinations and judicial precedent, we believe that when trade (importation and exportation) takes place at a uniform rate, no countervailable benefit is conferred.

The most recent findings that are pertinent to this issue have arisen in investigations of the Mexican dual exchange rate, where there is a controlled rate and a free rate. In our final affirmative determination on carbon black from Mexico (48 FR 29567), we stated:

> We verified that Mexican exporters of carbon black who receive U.S. dollars for their products must deposit these dollars in accounts where they are exchanged for pesos at a Mexican government "controlled" rate. Currently, the controlled rate is significantly less than the "free" rate of exchange. Thus, the program appears to harm rather than benefit Mexican exporters.

Thus, we have found that when dollar earnings are repatriated at a lower rate (compared to some higher rate), the exporter appears to have been harmed. We must then ask, if the exporter repatriated his dollar at a rate higher than another rate, would he be benefitted?

Petitioners have cited two cases where the Department of the Treasury found differential exchange rates applied to export transactions to confer countervailable subsidies. The first was *F. W. Woolworth* v. *United States*, 115 F.2d 348 (CCPA 1940), where the U.S. importer was able to purchase the goods in questioni with a combination of registered Reichsmarks and "free" Reichsmarks. The different marks were bought at different costs to the U.S. Purchaser.

The second case raised by petitioners was *Wool Tops from Uruguay* (18 FR 2653, 1953). At that time, the Uruguayan government maintained a multiple exchange rate system whereby exporters of different goods repatriated their dollar earnings at different exchange rates; *i.e.*, different rates applied to different goods.

In both *F. W. Woolworth* and *Uruguayan Wool Tops*, different exchange rates were applied to trade transactions. In *F. W. Woolworth*, different rates were applied to the same transaction. In *Wool Tops*, different rates were applied depending on the good exported.

In calculating the bounty or grant which arose in the *Wool Tops* case, Treasury compared the exchange rate applicable to wool tops with the weighted average of all the exchange rates applicable to other merchandise trade. When this determination was reviewed by the court, the Court of Customs and Patent Appeals ("CCPA") disagreed with Treasury's use of 1953 exchange rates and 1951 trade levels, but did not disapprove of its essential methodology. *Energetic Worsted Corp.* v. *United States*, 53 CCPA 36 (1966). Implicit in Treasury's methodology is that if trade (importation and exportation) occurred at a uniform rate, no subsidy would arise.

To the extent that a uniform trade rate differs from a non-trade rate (or rates), the economic effect would be indentical to a devaluation or revaluation of the currency. If the uniform trade rate were less than the non-trade rate, it would be equivalent to a revaluation. If the uniform trade rate were higher than the non-trade rate, it would be equivalent to a devaluation.

As recognized by the CCPA in *United States* v. *Hammond Lead Products, Inc.*, 440 F.2d 1024, 1030 (1971), a devaluation in a market economy stimulates exports but, nevertheless, does not confer a subsidy:

> Nothing, at least in the short range, stimulates exports more than a devaluation of the currency. After a devaluation, the exporter gets more home currency for each article he exports, and with it can purchase more goods and services at home, and he obtains these benefits largely at the expense of a producer for the home market who now gets paid in devalued currency. Yet we do not assess countervailing duties against countries which devalue their currency.

The purpose of an exchange rate is to provide equilibrium between one country's economy and the world economy. When an exchange rate is overvalued, strain is placed on the entire economy. If uncorrected, the problem progressively worsens until the country becomes unable to pay for necessary imports. Devaluation restores

the necessary international equilibrium. Thus, it is an economy-wide adjustment, and as such is not a bounty or grant.

Based on our experience and judicial precedent, we do not believe that, in a market economy country, a multiple exchange rate system including both a non-trade exchange rate (or rates) and a uniform exchange rate applied to trade transactions confers a county or grant within the meaning of the Act. To the extent that the uniform exchange rate applied to trade has any meaning in a nonmarket economy country, like Czechoslovakia, the economic effects would be identical to those in a market economy. The divergence between a trade rate and non-trade rate (or rates) would be equivalent to a devaluation or revaluation, and hence we would not find the multiple exchange rate to confer a subsidy.

Moreover, we are doubtful that the exchange rate is meaningful to Czech enterprises. The exchange rate is a price—it is the dollar price of a koruna or the koruna price of a dollar. Like any other price in a nonmarket economy country, this price can be set without regard to economic value.

Furthermore, we have no reason to believe that the exchange rate has any effect on the decision to export. A central plan determines what and how much will be exported. As such, a devaluation will not stimulate exports over domestic sales in Czechoslovakia or otherwise distort trade.

Therefore, we have concluded that if the exchange rate was meaningful, Czechoslovakia's multiple exchange rate system—in applying a unified rate for trade with capitalist countries—would not confer a subsidy. Furthermore, to the extent that the exchange rate does not affect the decision to export, it would not confer a subsidy. Thus, we preliminarily determine that the coexistence of a uniform trade exchange rate and non-trade rates in Czechoslovakia does not confer a bounty or grant within the meaning of the Act.

3. *The existence of a separate exchange rate for trade with socialist countries does not confer a bounty or grant.* Petitioners have identified separate exchange rates for Czech transactions with capitalist countries and for Czech transactions with socialist countries. They contend that this favors exports to the U.S. over exports to the U.S.S.R.

In analyzing whether such a system confers a bounty or grant, we cannot find a market analogy for different exchange rates applied to different currency zones. No market economy participates in any extensive way in the CMEA transferable rule system.

The existence of different rates for trade with market and nonmarket economies is not at all surprising. In effect, Czechoslovakia is selling its carbon steel wire rod for two different things: (1) Western hard currencies which are convertible; and (2) socialist, non-convertible currencies. Convertible currencies and non-convertible currencies are by definition different. Hence, we would not expect them to have the same price.

Furthermore, we have concluded that the transferable ruble is not actually an exchange rate at all. It is an accounting unit used as a collective currency between CMEA countries. Its purchasing power is secured by planned trade and stable prices during the year.

The use of a collective currency, rather than a national currency, ensures the equality of these trading partners. Without it, one country possibly could achieve dominance and compel the other countries to adapt to its economy.

The system operates with the help of the International Bank for Economic Cooperation (IBEC). Settlements in the collective currency are made by transferring resources from the account of one country in the IBEC to that of another. Therefore, actual cash is unnecessary since the process is carried out completely through the account books.

The credit nature of the transferable ruble is exhibited in that the value of the goods in a transferable ruble is credited to the exporter's account in IBEC; the good's importer must repay this value with countershipments of other goods and services. The transferable ruble is secure against inflation and any adverse non-socialist influence because it is only issued as an international payment in the amount the member country really needs to pay for the goods and service. The repayment by shipments of goods once the credit has been extended must take place in a certain time period. This ensures the return of resources loaned and keeps the accounts balanced.

Therefore: (1) The transferable ruble is not an acutal exchange rate; (2) there is no means by which to convert this ruble into one of the CMEA currencies into Western currency; (3) it is predominantly used for trade within the CMEA countries on a barter basis as described (trade which is based on need rather than the market prices); and (4) its primary purpose is to keep the balance of payments between the CMEA countries on an even base, through internal settlements. Thus, we preliminarily determine that a multiple exchange rate as described in the instant case does not confer a bounty or grant within the meaning of the Act.

B. Currency Retention Scheme

Petitioners allege that the Czech government maintains a currency retention scheme. This program allows Czech exporting companies to keep a certain portion of their hard foreign currency. Petitioners contend that the system is designed to "encourage further exports."

As petitioners have pointed out, currency retention schemes which involve a bonus on exports are enumerated in Annex A to the Agreement on Interpretation of Articles VI, XVI, XXIII of the General Agreement on Tariffs and Trade ("GATT Subsidies Code"). Therefore, they are included as subsidies under the provisions of 19 U.S.C. 1677(5) and 1303.

We have never countervailed a currency retention program and have no precedent to guide us. Therefore, we must first determine whether a currency retention program in a market economy country would confer a bounty or grant.

The value of owning foreign currency is that it allows the owner to purchase foreign goods. Foreign currency is a claim on foreign goods. This would be true in a nonmarket economy country as well as in a market economy country.

When foreign currency holdings are limited, two possible benefits could arise: (1) The foreign currency could possibly be sold—at a premium—to others desiring foreign goods; or (2) by holding the foreign currency, the owner would not have to apply to monetary authorities to obtain it. The record in this investigation lacks any evidence that Czech enterprises are able to sell their retained hard currency at a premium. Consequently, the only advantage of having foreign exchange is a lessening of the process for securing permission to use foreign exchange (*i.e.*, a reduction in "red tape"). In other words, the enterprise does not have to apply for the hard foreign currency, but rather has direct access to an account already containing it.

Because there is no reasonable basis for quantifying such an advantage, such alleged benefits do not constitute a bounty or grant. As the CCPA stated in *Hammond Lead, supra*, at 1028:

> If the Court does not know how to calculate the bounty or grant, how does it know there was one?

The record in this investigation lacks any evidence of amounts of benefits allegedly conferred on the product under investigation. Further, we are unaware of any reasonable methodology to

quantify any benefit presumed to arise from the mere reduction of "red tape." Therefore, we conclude that because any attempt to quantify the alleged benefit would be arbitrary and capricious the Czech currency retention scheme does not confer a bounty or grant.

Of course, as required by the Act, we will verify information relating to currency retention prior to our final determination.

C. Trade Conversion Coefficients

Petitioners contend further subsidies are provided to exporters through trade conversion coefficients. Different coefficients are allegedly applied to the official exchange rate depending on the industry involved and the currency regime of the trading partner.

As discussed above, prices in a nonmarket economy country are typically administered; they are set by the government without regard to the market value of the goods. When taken in isolation, such a system is potentially sustainable. However, once that nonmarket economy country participates in international trade, especially with market economy countries where prices reflect value, it becomes apparent that the government-set prices are artificial or distorted.

Application of a uniform exchange rate does nothing to remove the discrepancies that exist between the market and nonmarket prices. Instead, the market-determined prices of imports have to be translated into the nonmarket economy's internal prices. Similarly, internal prices must be translated into world market prices when the nonmarket economy's goods are exported. Otherwise, either the nonmarket economy country will not be able to export because its internal prices exceed market prices, or it will forego profits because internal prices are significantly lower than market prices.

The information provided in the record indicates that nonmarket economy countries use different mechanisms to translate or equate the market-determined external prices and the centrally administered domestic prices. For example, price equalization payments are added to the static exchange rate to ensure competitiveness for each good. Trade conversion coefficients multiply a static exchange rate to achieve the same result.

When perfectly administered, a conversion coefficient scheme would function much like an exchange rate system designed to maintain or preserve the artificial internal prices of the nonmarket economy country. The government-set conversion coefficients would exist solely to equate the revenue earned on an export transaction with revenue earned on domestic transactions. In such a system, we would expect the coefficient to vary as often and to the extent that the world market price does. Similarly, the coefficient would have to be altered if the administered domestic price were changed.

At this point, we ask ourselves whether a similar system in a market economy country would be countervailable. Governments of market economy countries typically set or administer the prices of some goods. When those prices are set above the world market price, producers of those goods have no incentive to export (at least until domestic demand is satisfied) unless the government raises the price they receive for their exports to at least the level of the domestic price. The government can raise the price these producers receive from selling abroad by applying a coefficient.

Clearly, we would countervail such a program by the government of a market economy. Implicit in our decision to do so, however, our recognition that the program would work to stimulate production which is not economically justifiable. Economic theory tells us that when a price is set too high, too much of the good will be produced. The artificially high price allows economically inefficient, high-cost producers to make a profit they would otherwise not make. The premium on export made available by the governments programs, which is necessary to induce the producers to sell abroad, is the evidence that economically inefficient production is occurring.

In a nonmarket economy country, we cannot assume that a conversion coefficient evidences the existence of economically inefficient production. As discussed above, domestic prices in a nonmarket economy do not affect an enterprise's decision of what and how much to produce and to export. Not only is the price for its output centrally set, but its costs, which are the prices paid for inputs, are also centrally determined. With administered costs and prices, profits are effectively administered as well.

We cannot even assume that profits have meaning in a nonmarket economy system. When resources are allocated centrally—*i.e.*, enterprises are told how much to produce and how to distribute their production—it is the central authorities who determine whether "revenues" cover "losses." The prices attributed to inputs and the prices attributed to output, whether for the domestic or export market, are virtually accounting devices.

Where prices and profits do not have some economic meaning, we cannot find programs like Czechoslovakia's trade conversion coefficients to confer a subsidy. Thus, we preliminarily determine that Czechoslovakia's trade conversion coefficients do not confer a bounty or grant within the meaning of the Act.

Program for Which More Information is Needed

Tax Exemption on Foreign Trade

Petitioners alleged on February 7 in a supplemental submission that this program allows complete tax exemption for foreign trade earnings and is designed to stimulate exports.

We received this allegation too late to provide the Czech government an adequate opportunity to reply before this preliminary determination.

Verification

In accordance with section 776(a) of the Act, we intend to verify all information used in reaching our final determination.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on March 20, 1984, at the U.S. Department of Commerce, Room 3092, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by March 13, 1984. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.46 at the above address and in at least 10 copies.

Dated: February 16, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-4762 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-475-403]

Certain Table Wine From Italy; Initiation of Countervailing Duty Investigation

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the United States Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers or exporters in Italy of certain table wine, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry.

If this investigation proceeds normally, the ITC will make its preliminary determination on or before March 12, 1984, and we will make our preliminary determination on or before April 23, 1984.

EFFECTIVE DATE: February 23, 1984.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-0161.

SUPPLEMENTARY INFORMATION:

Petition

On January 27, 1984, we received a petition in proper form filed jointly on behalf of the American Grape Growers Alliance for Fair Trade (the Alliance) and its members as individual co-petitioners. As the Alliance itself is not a manufacturer, producer or wholesaler of wine in the United States, and it is unclear whether a majority of the members of the Alliance are engaged in the manufacture, production, or wholesale of wine in the United States, for purposes of this initiation, we consider the petitioners to be those members of the Alliance that are producers or wholesalers of wine in the United States.

In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers or exporters in Italy of certain table wine receive, directly or indirectly, subsidies within the meaning of section 771 of the Tariff Act of 1930, as amended (the Act), and that imports of this merchandise are materially injuring, or threatening to materially injure, a United States industry.

Italy is a "country under the Agreement" within the meaning of section 701(b) of the Act. Title VII of the Act, therefore, applies to this investigation and an injury determination is required.

Initiation

Under section 702(c) of the Act, we must determine, within 20 days after the petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on certain table wine and we have found that the petition meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the producers or exporters in Italy of certain table wine as described in the "Scope of Investigation" section of this notice receive subsidies. If the investigation proceeds normally, the ITC will make its preliminary determination by March 12, 1984, and we will make our preliminary determination by April 23, 1984.

Scope of Investigation

The merchandise covered by this investigation is certain table wine, defined as still wine produced from grapes containing not over 14 percent alcohol by volume, and in containers each holding not over 1 gallon. This does not include wine categorized by the appropriate Italian authorities as "Denominazione di Origine Controllata." The merchandise covered by this investigation is currently provided for under item numbers 167.3005, 167.3015, 167.3025, 167.3030, 167.3045, and 167.3060 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Allegations of Subsidies

The petition alleges that producers or exporters in Italy of certain table wine receive the following benefits that constitute subsidies:

A. Subsidies received through the European Agricultural Guidance and Guarantee Fund of the European Communities (EC):

1. Distillation subsidies for surplus wine and by-products;

2. Intervention subsidies for placing wine in storage;

3. Export refunds which permit wine produced in the EC to be sold at competitive prices in foreign markets;

4. Grants to grower cooperatives for the replanting or conversion of vineyards to other uses and for; abandonment of vineyards in locations ill-suited to wine production; and

5. Grants for investments in buildings and equipment and for marketing purposes.

B. Subsidies from the Government of Italy:

1. Preferential financing;

2. Subsidies to cover administrative costs incurred by wine cooperatives in certain regions;

3. Preferential interest rates;

4. Financing for cost of operations; and

5. Preferential interest rates for financing export receivables.

C. Subsidies from the Regional Governments of Sicily and Emilia-Romagna:

1. Financial grants for grapes delivered to cooperatives;

2. Financial grants to encourage grape collection at wine cooperatives;

3. Financial grants to increase the availability of low interest rate loans for wine making and bottling;

4. Financial grants for wine marketing;

5. Aids and interest subsidies to wine cooperatives for bottling plants;

6. Refinancing connected with sterilization of land, greenhouse construction, and modernization of agricultural installations;

7. Aid for the planting of vines;

8. Supplementary interest rate subsidies for farms;

9. Grants to partially cover the cost of projects approved but not funded by the European Agricultural Guidance and Guarantee Fund;

10. Aid for a syndicate aimed at obtaining the best return for table grapes and other aids to cooperatives;

11. Aids for wine/grape growers to cover administrative costs;

12. Aids to encourage industrial use of grapes;

13. Reimbursement of 50 percent of the costs of selling "Italia" grapes in non-EC countries;

14. Investment aids for processing and marketing;

15. Matching funds to build bottling plants;

16. Grants for modernization of processing and marketing structures; and

17. Capital grants and interest rate reductions.

D. Regional Subsidies in Latium, Tuscany, and Apulia: Petitioners also allege that increased wine production in

the regions of Latium, Tuscany, and Apulia suggest there are similar subsidies there.

E. Cassa per il Mezzogiorno Program: We will also include in this investigation the above regional development program, previously determined to confer subsidies in the Administrative Review in the Countervailing Duty Order on Float Glass from Italy (48 FR 25255) and the Final Affirmative Countervailing Duty Determination on Certain Steel Products from Italy (47 FR 39356). Subsidies conferred through this program include grants, preferential loans, state and local income tax reductions and exemptions, and social security tax reductions.

Allegations of Subsidies Insufficient To Warrant Investigation

1. Export refunds received through the European Agricultural Guidance and Guarantee Fund for the European Communities;

2. Preferential interest rates for financing export receivables received from the government of Italy; and

3. Subsidies to Latium, Tuscany and Apulia, as described above.

Information from the petitioners states that the export refunds are not available on wine sold to the United States. Since we assess countervailing duties on merchandise entering the United States, we must measure subsidies on the same basis. Thus, as set forth in the countervailing duty investigation of Canned Tuna from the Philippines (48 FR 50133), when faced with an export subsidy, we measure the amount of the export subsidy conferred on the merchandise entering the United States, whenever possible, and divide this by U.S. exports to obtain an *ad valorem* subsidy rate. Likewise, we do not believe a subsidy is conferred upon exports to the U.S. when only exports to other countries benefit from an export subsidy program. Moreover, when an export subsidy is only conferred on countries other than the U.S., the recipient has no incentive to increase its exports to the U.S.

With regard to the alleged preferential rates of interest for financing export receivables, this allegation consists solely of an unsubstantiated allegation contained in a countervailing duty petition before the government of Canada and does not constitute a sufficient allegation of subsidy to warrant an investigation.

In addition, there is no evidence in the petition to reinforce the allegation that there are other unspecified subsidies to other regions in Italy. Absent some particular information regarding this allegation, we will not include this allegation in the initiation.

Notification to the ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by the ITC

The ITC will determine by March 12, 1984, whether there is a reasonable indication that imports of certain table wine from Italy are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise it will proceed according to the statutory procedures.

Dated: January 16, 1984.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-4763 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-427-402]

Certain Table Wine From France; Initiation of Countervailing Duty Investigation

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: notice.

SUMMARY: On the basis of a petition filed with the United States Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers or exporters in France of certain table wine, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States Industry. Petitioners allege that "critical circumstances" exist; however, petitioners provided insufficient information to support this allegation. Therefore, we will not undertake to determine whether "critical circumstances" exist. If this investigation proceeds normally, the ITC will make its preliminary determination on or before March 12, 1984, and we will make our preliminary determination on or before April 23, 1984.

EFFECTIVE DATE: February 23, 1984.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-3464.

SUPPLEMENTARY INFORMATION:

Petition

On January 27, 1984, we received a petition in proper form filed jointly on behalf of the American Grape Grower Alliance for Fair Trade (the Alliance) and its members as individual co-petitioners. As the Alliance itself is not a manufacturer, producer, or wholesaler of wine in the United States, and it is unclear whether a majority of the members of the Alliance are engaged in the manufacture, production, or wholesale of wine in the United States, for purposes of this initiation we consider the petitioners to be those members of the Alliance that are producers or wholesalers of wine in the United States.

In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers or exporters in France of certain table wine receive, directly or indirectly, subsidies within the meaning of section 771 of the Tariff Act of 1930, as amended (the act), and that imports of this merchandise are materially injuring, or threatening to materially injure, a United States industry.

France is a "country under the Agreement" within the meaning of section 701(b) of the Act. Title VII of the Act, therefore, applies to this investigation and an injury determination is required.

Initiation

Under section 702(c) of the Act, we must determine, within 20 days after the petition is filed, whether a petition sets forth the allegations necessary for the initiation of countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We

have examined the petition on certain table wine, and we have found that the petition meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the producers or exporters in France of certain table wine as described in the "Scope of Investigation" section of this notice receive subsidies. If the investigation proceeds normally, the ITC will make its preliminary determination by March 12, 1984, and we will make our preliminary determination by April 23, 1984.

Scope of Investigation

The merchandise covered by this investigation is certain table wine, defined as still wine produced from grapes containing not over 14 percent alcohol by volume, and in containers each holding not over 1 gallon. This does not include wine categorized by the appropriate French authorities as "Appelation d'Origine Controlee" or "Vins Delimites de Qualite Superieure." The merchandise covered by this investigation is currently provided for under item numbers 167.3005, 167.3015, 167.3025, 167.3030, 167.3045, and 167.3060 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Allegations of Subsidies

The petition alleges that producers or exporters in France of certain table wine receive the following benefits that constitute subsidies:

A. Subsidies received through the European Agricultural Guidance and Guarantee Fund of the European Communities (EC):

1. Distillation subsidies for surplus wine and by-products;

2. Intervention subsidies for placing wine in storage;

3. Export refunds which permit wine produced in the EC to be sold at competitive prices in foreign markets;

4. Grants to grower cooperatives for the replanting or conversion of vineyards to other uses and for abandonment of vineyards in locations ill-suited to wine production; and

5. Grants for investments in buildings and equipment and for marketing purposes.

B. Subsidies from the Government of France:

1. Preferential financing for new vineyards, the improvement of vineyards, and the purchase of equipment and other facilities by cooperatives;

2. Short- and Long-term low-interest financing for working capital; and

3. Various insurance benefits to protect French exports.

Allegations of Subsidies Insufficient to Warrant Investigation

Export refunds received through the European Agricultural Guidance and Guarantee Fund for the European Communities Information from the petitioners states that the export refunds are not available on wine sold to the United States. Since we assess countervailing duties on merchandise entering the United States, we must measure subsidies on the same basis. Thus, as set forth in the countervailing duty investigation of Canned Tuna from the Philippines (48 FR 50133), when faced with an export subsidy, we measure the amount of the export subsidy conferred on the merchandise entering the United States, whenever possible, and divide this by U.S. exports to obtain an *ad valorem* subsidy rate. Likewise, we do not believe a subsidy is conferred upon exports to the U.S. when only exports to other countries benefit from an export subsidy program. Moreover, when an export subsidy is only conferred on countries other than the U.S., the recipient has no incentive to increase its exports to the U.S.

Critical Circumstances

Petitioners also allege that critical circumstances exist with respect to wine imported from France. However, information supplied in the petition does not demonstrate massive imports of table wine over a relatively short period as required in section 703(e)(1)(B) of the Act. That information shows that for the period 1980–1982, shipments of table wine from France grew from 14.4 to 27.6 million liters, but that this represents an increase from 1.05 percent to 1.83 percent of total wine shipments in the U.S. during the same period. No information is presented for 1983 or any part thereof. Since this information does not support petitioners' allegation of critical circumstances, we will not investigate this allegation at this time.

Notification to the ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by the ITC

The ITC will determine by March 12, 1984, whether there is a reasonable indication that imports of certain table wines from France are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise it will proceed according to the statutory procedures.

Dated: January 16, 1984.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-4764 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-427-401]

Certain Table Wine From France; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether certain table wine from France is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are materially injuring, or are threatening to materially injure, a United States industry. The allegation of sales at less than fair value includes an allegation that home market sales are being made at less than the cost of production in France. Also, critical circumstances have been alleged under section 733(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act). If this investigation proceeds normally, the ITC will make its preliminary determination on or before March 12, 1984, and we will make ours on or before July 5, 1984.

EFFECTIVE DATE: February 23, 1984.

FOR FURTHER INFORMATION CONTACT: Terry Link, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377–0189.

SUPPLEMENTARY INFORMATION:

The Petition

On January 27, 1984, we received a petition in proper form filed jointly on behalf of the American Grape Growers Alliance for Fair Trade ("Alliance") and its members as individual copetitioners. As the Alliance itself is not a manufacturer, producer or wholesaler of wine in the United States, and it is unclear whether a majority of the members of the Alliance are engaged in the manufacture, production or wholesale of wine in the United States, for purposes of this initiation, we consider the petitioners to be those members of the Alliance that are producers or wholesalers of wine in the United States.

In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from France 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. Petitioners calculate United States price based on 1982 Bureau of Census statistics with deductions for inland freight, wharfage, and insurance. Since petitioners were unable to secure home market or third country prices for the merchandise subject to this investigation, foreign market value was based on the United States producer's costs for the merchandise adjusted, where appropriate, for differences in France. Using this comparison, petitioners show a dumping margin of 53 to 54 percent for France.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioners supporting the allegations. We have examined the petition on certain table wine, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigations to determine whether certain table wine from France is being, or is likely to be, sold in the United States at less than fair value. Although the petitioners alleged that home market sales are being made at less than the cost of production of the subject merchandise in France, they provided no home market or third country prices on which to base their allegation. Petitioners also alleged that critical circumstances exist; however, they provided no information to support this allegation. Therefore, we will not undertake to determine whether there are sales at less than the cost of production, or whether critical circumstances exist, at this time. If our investigation proceeds normally, we will make our preliminary determination by July 5, 1984.

Scope of Investigation

The merchandise covered by this investigation is certain table wine, defined at still wine produced from grapes, containing not over 14 percent of alcohol by volume, and in containers each holding not over one gallon. This does not include wine categorized by the appropriate authorizes in France as "Appelation d'Origine Controllee" or "Vins Delimites de Qualite Superieure." Certain table wine is currently classified under item number 167.3005, 167.3015, 167.3025, 167.3030, 167.3045 and 167.3060 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Notification to ITC

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

Preliminary Determination by ITC

The ITC will determine by March 12, 1984, whether there is a reasonable indication that imports of certain table wine from France are materially injuring, or are likely to materially injure, a United States industry. If its determinations is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: February 16, 1984.

John L. Evans,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-4765 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-402]

Certain Table Wine from Italy; Initiation of Antidumping Duty 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 an antidumping duty investigation to determine whether certain table wine from Italy is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are materially injuring, or are threatening to materially injure, a United States industry. The allegation of sales at less than fair value includes an allegation that home market sales are being made at less than the cost of production in Italy. Also, critical circumstances have been alleged under section 733(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act). If this investigation proceeds normally, the ITC will make its preliminary determination on or before March 12, 1984, and we will make ours on or before July 5, 1984.

EFFECTIVE DATE: February 23, 1984.

FOR FURTHER INFORMATION CONTACT: Terry Link, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377-0189.

SUPPLEMENTARY INFORMATION:

The Petition

On January 27, 1984, we received a petition in proper form filed jointly on behalf of the American Grape Growers Alliance for Fair Trade ("Alliance") and its members as individual co-petitioners. As the Alliance itself is not a manufacturer, producer or wholesaler of wine in the United States, and it is unclear whether a majority of the members of the Alliance are engaged in the manufacture, production or wholesale of wine in the United States, for purposes of this initiation, we consider the petitioners to be those members of the Alliance that are producers or wholesalers of wine in the United States.

In compliance with the filing requirements of section 353.36 of the

Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from 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. Petitioners calculate United States price based on 1982 Bureau of Census statistics with deductions for export certificate costs and inland freight. Since petitioners were unable to secure home market or third country prices for the merchandise subject to this investigation, foreign market value was based on the United States producer's costs for the merchandise adjusted, where appropriate, for differences in Italy. Using this comparison, petitioners show a dumping margin of 80 percent for Italy.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioners supporting the allegations. We have examined the petition on certain table wine, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether certain table wine from Italy is being, or is likely to be, sold in the United States at less than fair value. Although the petitioners alleged that home market sales are being made at less than the cost of production of the subject merchandise in Italy, they provided no home market or third country prices on which to base their allegation. Petitioners also alleged that critical circumstances exist; however, they provided no information to support this allegation. Therefore, we will not undertake to determine whether there are sales at less than the cost of production, or whether critical circumstances exist, at this time. If our investigation proceeds normally, we will make our preliminary determination by July 5, 1984.

Scope of Investigation

The merchandise covered by this investigation is certain table wine, defined as still wine produced from grapes, containing not over 14 percent of alcohol by volume, and in containers each holding not over one gallon. This does not include wine categorized by the appropriate authorities in Italy as "Denominazione di Origine Controllata". Certain table wine is currently classified under item numbers 167.3005, 167.3015, 167.3025, 167.3030, 167.3045, and 167.3060 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Notification to ITC

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

Preliminary Determination by ITC

The ITC will determine by March 12, 1984, whether there is a reasonable indication that imports of certain table wine from Italy are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: February 16, 1984.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-4766 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-DS-M

Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Systems Technical Advisory Committee will be held March 7, 1984, 2:00 p.m., Herbert C. Hoover Building, Room 7808, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical question which affect the level of export controls applicable to computer systems or technology.

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of progress on Committee's 1984 annual plan.
4. Report on current work program of the subcommittees:
   a. Foreign Availability,
   b. Hardware, and
   c. Licensing Procedures.
5. New Business.
6. Action items underway.
7. Action items due at next meeting.

Executive Session

Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202-377-4217. For further information or copies of the minutes contact Margaret A. Cornejo (202) 377-2583.

Dated: February 16, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-4767 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-DT-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held March 7, 1984, 9:00 a.m., Herbert C. Hoover Building, Room 7808, 14th Street and Constitution Avenue, NW., Washington, D.C. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of

equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

Agenda

1. Opening remarks by the Subcommittee Chairman.
2. Presentation of papers or comments by the public.
3. Test cases for foreign availability certification.
4. Foreign availability organization development.
5. Data base development report.
6. DOD participation in foreign availability certification.
7. Review of the Senate's Export Administration Act legislation and the foreign availability provisions.
8. New Business.
9. Action items underway.
10. Action items due at next meeting.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Margaret A. Cornejo (202) 377–2583.

Dated: February 16, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-4769 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-DT-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

A meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held March 8, 1984, 9:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. The Hardware Subcommittee was formed to continue the work of the performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

A Notice of Determination to close meetings or portions of meetings of the Subcommittee to public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo (202) 377–2583.

Dated: February 16, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-4770 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-DT-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held March 7, 1984, 11:00 a.m., Herbert C. Hoover Building, Room 7808, 14th Street and Constitution Avenue, NW., Washington D.C. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

Agenda

1. Opening remarks by the Subcommittee Chairman.
2. Presentation of papers or comments by the public.
3. Report on raising the threshold levels.
4. Cost benefit study of alternate strategies.
5. OEA response to:
   a. Procedures for exhibits.
   b. Acceleration of post-COCOM procedures.
   c. Designated point-of-contact for technical consultation with exporters in order to establish pre-agreement on the technical parameters of export items.
6. New Business.
7. Action items underway.
8. Action items due at next meeting.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Margaret A. Cornejo (202) 377–2583.

Dated: February 16, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-4768 Filed 2-22-84; 8:45 am]

BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of General Permits; Federazione Nazional delle Impese di Pesca, et al.

On February 10, 1984 general permits to incidentally take marine mammals during commercial fishing operations in 1984 were issued to:

1. The Federazione Nazional delle Impese di Pesca, Rome, Italy, in Category 1: Towed or Dragged Gear to take up to 5 harbor seals and 10 cetaceans in the North Atlantic Ocean squid fishery.

2. The Asociacion Nacional de Armadores de Buques Congeladores de Pesquerias Varias, Vigo, Spain, in Category 1: Towed or Dragged Gear, to take up to 5 harbor seals and 10 cetaceans in the North Atlantic Ocean squid fishery.

3. The VEB Fish Fang Rostock German Democratic Republic in Category 1: Towed or Dragged Gear to take up to 8 harbor seals and 10 cetaceans in the North Atlantic Ocean.

All takings are incidental to commercial fishing operations within the United States Fishery Conservation Zone, pursuant to 50 CFR 216.24 (45 FR 72187–72196).

These general permits are available for public review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Dated: February 16, 1984.

Richard B. Roe,

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

[FR Doc. 84-4770 Filed 2-22-84; 8:45 am]

BILLING CODE 3512-22-M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meetings.

SUMMARY: Two working groups of the North Pacific Fishery Management Council will meet in Seattle, Washington, during the week of March 5. The Inter-council Salmon Coordinating Committee will meet on Thursday, March 8, beginning at 9 a.m., in the auditorium of the Northwest and Alaska Fisheries Center, NMFS, 2725 Montlake Boulevard, East. On Friday,

March 9, a workgroup on Council/Alaska State Board of Fisheries working procedures will begin at 9 a.m., in Room 438, at the Center.

The Inter-council Salmon Coordinating Committee, consisting of representatives of the North Pacific Fishery Management Council; Alaska Department of Fish and Game; Pacific Fishery Management Council, Washington Department of Fisheries, and the Oregon Department of Fish and Wildlife, was created to ensure and facilitate the coordinated planning, development, and implementation of salmon management activities of mutual concern to the North Pacific and Pacific Fishery Management Councils, and to ensure full and complete communication between them. Subjects to be discussed will include organization of the committee; the need for and role of a coastwide technical team; facilitation of interagency dialogue; interactions with Canada, and future meetings.

The Council's workgroup on Board/Council working procedures was developed to standardize meeting procedures for joint meetings of the Board and Council when they consider management of fisheries of concern to both the State of Alaska and the North Pacific Fishery Management Council. Procedures for the late March meeting of the Board and the Council will be discussed at this workgroup meeting.

FURTHER INFORMATION: Clarence Pautzke, Deputy Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: February 16, 1984.

Roland Finch,

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

[FR Doc. 84–4712 Filed 2–22–84; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Intent To Grant; Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to California Citrus Producers, Inc., having a place of business at Lindsay, California, an exclusive right to manufacture, use, and sell products embodied in the invention, "Novel Strain of *Corynebacterium Fascians* and Use Thereof to Reduce Limonoid Bitterness in Citrus Products," U.S. Patent Application Serial No. 456,954. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

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

[FR Doc. 84–4721 Filed 2–22–84; 8:45 am]

BILLING CODE 3510–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on New Generation Computing Applications; Advisory Committee Meeting

The Defense Science Board Task Force on New Generation Computing Applications will meet in open session on 30 March 1984 at the Rockefeller University, New York, New York.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 30 March 1984 the Task Force will conduct a review of the Defense Department's programs to apply the emerging capacity of computers to contribute to military programs and issues. It will attempt to identify areas where the expected many orders of magnitude improvements in computing power can be of aid to the Defense establishment.

Persons interested in attending should contact Commander R. B. Ohlander, Task Force Executive Secretary, Telephone: (202) 699–5051. Space will be awarded on a first come first served basis.

Dated: February 16, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–4729 Filed 2–22–84; 8:45 am]

BILLING CODE 3810–01–M

Privacy Act of 1974; Deletions of and Amendments to Notices for Systems of Records; Corrections

In FR Doc. 84–3683 appearing at pages 5170 in the issue of Friday, February 10, 1984, please make the following corrections:

a. In column three of page 5170, change the system designator "A012. 09aDASG" to read "A01012.09aDASG."

b. In column one of page 5171, change the system designator "A0319.DACA" to read, "A0319.01DACA".

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 16, 1984.

[FR Doc. 84–4728 Filed 2–22–84; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

USAF Scientific Advisory Board; Cancellation of 25 June–6 July Summer Study at National Academy of Sciences Woods Hole Study Center

The USAF Scientific Advisory Board has cancelled the Summer Study scheduled 25 June through 6 July 1984, at the National Academy of Sciences Woods Hole Study Center, Woods Hole, MA. Any government organization having a requirement for the use of this facility during that timeframe should contact Major Christopher A. Waln, HQ USAF/NB, Washington, DC 20330, (202) 697–8404 for more information.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 84–4722 Filed 2–22–84; 8:45 am]

BILLING CODE 3910–01–M

Defense Intelligence Agency

Privacy Act of 1974; Amendments to the Notice for a System of Records

AGENCY: Defense Intelligence Agency, DOD.

ACTION: Amendments to the notice for a system of records.

SUMMARY: The Defense Intelligence Agency proposes to amend and update the notice for a system of records subject to the Privacy Act of 1974. The system notice as amended is set forth below.

DATES: The amendment will be effective March 26, 1984, unless public comments are received which result in a contrary determination.

ADDRESS: Send comments to: Deputy Director for Management and Operations, Defense Intelligence Agency, Washington, DC 20301.

FOR FURTHER INFORMATION CONTACT: Mrs. Helen E. Shuford, (RTS-1), Defense Intelligence Agency, Washington, DC 20301 Telephone: (202) 695–0364.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency notices for systems of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a) were published in the **Federal Register** at FR Doc. 83–12048 (48 FR 25950) June 6, 1984.

The system notice has been rewritten to clarify its contents and to update the information contained therein.

This change does not require an altered system report (5 U.S.C. 552a(o)).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 16, 1984.

L DIA 1728

SYSTEM NAME:

Southeast Asia Operational Casualty Records

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals identified as casualties in Southeast Asia and other persons of Department of Defense interest because of their substantive or alleged knowledge of the status of the casualties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained by this system include, but are not limited to operational and information reports, biographic records, personal statements and correspondence, interviews and media reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552; 5 U.S.C. 5512; 5 U.S.C. 5513; 5 U.S.C. 5514; 5 U.S.C 5584; 5 U.S.C. 5705; 10 U.S.C. 2274; 10 U.S.C. 2776; 31 U.S.C. 3322; 31 U.S.C. 3527; 31 U.S.C. 3702; 31 U.S.C. 3711; 31 U.S.C. 3718; 37 U.S.C. 1007; 40 U.S.C. 721–729.

PURPOSE(S):

Information is collected to develop a detailed factural and viable data base concerning Southeast Asian casualties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, AND THE PURPOSE OF SUCH USES:

Information in this system will be used to produce evaluated information to be provided to agencies and offices within the Department of Defense concerned with casualty matters and to Federal agencies at the national level as background for the promulgation of national policy. Disclosures are made under the Freedom of Information Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual in paper files and automated on magnetic tape.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a restricted access building protected by security guards and are stored in a secured vaulted work area. Records are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

RETENTION AND DISPOSAL:

Records in this system will be retained in office files until such time as the Secretary of Defense and/or the Executive Office terminates the effort. Records will then be transferred to the Washington National Records Center where they will be reviewed by the Defense Intelligence Agency at five year intervals for continued retention or destruction by shredding or tearing or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director for Management and Operations, Defense Intelligence Agency, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: The Freedom of Information Office (RTS-1), Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request your full name, current address, telephone number and social security account number or date of birth.

RECORD ACCESS PROCEDURES:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date or birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specific limit. Requests can be mailed to: RTS-1 (FOIA Office), Defense Intelligence Agency, Washington, D.C. 20301.

CONTESTING RECORD PROCEDURES:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of the determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: RTS-1 (FOIA Office), Defense Intelligence Agency, Washington, D.C. 20301. An individual who disagrees with the content of any information contained in a record pertaining to him or her, may request an administrative review of the record. Such request should be submitted in writing to the office cited above. It should include a statement setting forth the reasons for his or her disagreement with the contents of the record and it should be augmented by any appropriate supporting documentation.

RECORD SOURCE CATEGORIES:

Information is obtained from Department of Defense and Federal agencies, private citizens, and organizations, resident aliens, foreign sources, and overt publications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

[FR Doc. 84–4730 Filed 2–22–84; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Intergovernmental Advisory Council on Education; Meeting

AGENCY: Intergovernmental Advisory Council on Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Executive Committee of the Intergovernmental Advisory Council on Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: March 10, 1984.

ADDRESS: Quality Inn—Capitol Hill, 415 New Jersey Avenue NW., Washington, D.C. 20001 (Room will be posted.)

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Intergovernmental Advisory Council on Education, Department of Education, 300 7th Street, SW., Room 513, Washington, D.C. 20202 (202) 245–7925.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council was established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

The Executive Committee will meet on March 10 from 9 a.m. to 2 p.m. The proposed agenda includes:

— Evaluation of Intergovernmental Issues
— Development of Upcoming Hearings/ Forums Agenda
— Discussion on Distribution and Dissemination of 1983 Hearing Report

Records are kept of all Council proceedings and are available for public inspection at the Office of the Intergovernmental Advisory Council on Education, Reporters Building, 300 7th Street, SW., Room 513, Washington, D.C.

Signed at Washington, D.C. on Wednesday, February 15, 1984.

Nancy L. Harris,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 84–4779 Filed 2–22–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5372–001]

Tehama County Flood Control & Water Conservation District; Surrender of Preliminary Permit

February 17, 1984.

Take notice that Tehama County Flood Control & Water Conservation District, Permittee for the Thomas Creek Site #1 Power Project, FERC No. 5372, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 5372 was issued on February 17, 1982, and expired on January 31, 1984. The project would have been located on Thomas Creek, in Tehama County, California.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–4822 Filed 2–22–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–211–000]

Texas Eastern Transmission Corp.; Request Under Blanket Authorization

February 17, 1984.

Take notice that on January 26, 1984, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP84–211–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Texas Eastern proposes to construct a new sales delivery point to Public Service Electric and Gas Corporation (Public Service) in Middlesex County, New Jersey, under the authorization issued in Docket No. CP82–535–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Eastern states the estimated cost of constructing the new delivery point is approximately $650,000. Public Service would reimburse Texas Eastern for the cost of the facilities as proposed. Texas Eastern further states that there would be no change in the total volumes covered under the current service agreement with Public Service.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–4823 Filed 2–22–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–266–000]

Washington Water Power Co.; Filing

February 17, 1984.

The filing Company submits the following:

Take notice that on February 8, 1984, Washington Water Power Company (Washington) tendered for filing a service schedule applicable to what Washington refers to as a Surplus Energy Agreement (DWP No. 10583) between Washington and the Department of Water and Power of the City of Los Angeles. Washington states that the Agreement applies to sales of energy which is surplus from Washington's portion of the Centralia coal-fired steam plant.

Washington requests an effective date of May 11, 1981, 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 Regulation 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 5, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–4824 Filed 2–22–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI84–204–000, et al.]

Union Oil Company of California, et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

February 16, 1984.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described [herein, all as more fully described] in the respective applications and amendments which are

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C184-204-000 (C164-204-55) B February 9, 1984.	Union Oil of California, Union Oil Center, P.O. Box 7600, Los Angeles, California 90051..	Arkansas Louisiana Gas Company, S. W. Waukomis Field, Garfield County, Oklahoma.	(1)	
C184-210-000 B June 13, 1984.....	Alex W. McCoy Associates, Suite 309, McFarlin Building, Tulsa, Oklahoma 74103..	Arkansasa Louisiana Gas Company, S. W. Waukomis Field, Garfield County, Oklahoma..	(2)	

[1] Gathering System no longer available for delivery to Arkansas Louisiana Gas Company due to higher delivery pressure requirements for proposed rollover contracts. Low pressure line of an alternate buyer is available.

[2] Uneconomicial to compress gas.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 84-4825 Filed 2-22-84; 8:45 am]

BILLING CODE 6717-01-M

Southwestern Power Administration

Proposed Wholesale Rates for Power and Energy Sold to Tex-La Electric Cooperative, Inc. Opportunity for Public Review and Comment

AGENCY: Southwestern Power Administration, Energy.

ACTION: Notice of proposed wholesale rates for Power and Energy sold to Tex-La and opportunity for Public Review and Comment.

SUMMARY: The Administrator, SWPA, has made a study regarding rates for service under Contract No. 14-02-001-864, which shows the need for a $293,300 increase, as applied to Tex-La, in SWPA annual revenues. This increase is caused by an increase in the costs SWPA experiences in providing service under the contract. Following SWPA's system rate increase on August 1, 1983, TP&L increased it rates to SWPA for service to Tex-La, which rates have been approved by the Public Utility Commission of Texas (Docket No. 5345, dated Septemer 28, 1983). Since SWPA's estimated annual costs of providing service to Tex-La must be recoved by equal revenues from that cooperative the proposed rate increase will not alter the net repayment results of the 1982 Repayment Study. The 1982 Power Repayment Study is, therefore, used as the basis for the proposed rate increase. SWPA's proposed rates to Tex-La would increase system annual revenues by 0.3 percent (less than 1%) or would increase estimated annual revenues from Tex-La by 56 percent from $523,200 to $816,500. An opportunity is presented for Tex-La and other interested parties to receive copies of pertinent information used in developing the proposed rates and to submit written comments. Following review of written comments, the Administrator will finalize these rates, submit them to the Deputy Secretary of Energy for confirmation and approval on an interim basis and also submit them to the Federal Energy Regulatory Commission (FERC) for confirmation and approval on a final basis.

DATES: Written Comments on the proposed rate schedule are due on or before March 26, 1984.

FOR FURTHER INFORMATION CONTACT:

Walter M. Bowers, Director, Power Marketing, Southern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101, (918) 581-7529.

Fred A. Sheap, Office of Power Marketing Coordination, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Room 6B-104, Washington, D.C. 20585.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy was created by an Act of the U.S. Congress, Department of Energy Organization Act, Pub. L. 95-91, dated August 4, 1977, and SWPA's activities were transferred from the Department of the Interior to the Department of Energy, effective October 1, 1977. The only party affected by the proposed rate increase is Tex-La Electric Cooperative, Inc. Pursuant to a tripartite power exchange, TP&L purchases 35 MW of hydro peaking power generated at the Denison Dam, a hydroelectric project owned and operated by the U.S. Government, which power is marketed by SWPA, an agency of the United States Department of Energy. TP&L, in turn, sells to SWPA 15 MW of firm power, pursuant to its tariff schedule entitled "SPA Withdrawals," for delivery and sale to Tex-La Electric Cooperative, Inc. The rates that SWPA charges TP&L have been approved on a final basis by FERC effective August 1, 1983. Effective August 19, 1983, TP&L increased its rates to SWPA which have increased SWPA's costs for power sold under the Tex-La contract thus requiring a commensurate increase in the Tex-La contract rate.

The current SWPA rates for power and energy sold to Tex-La (Contract 14-02-001-864) went into effect on April 1, 1979, (FERC Docket No. EF-79-4011). In order to assure more stable rates the SWPA/Tex-La contract provided that SWPA could not change its rates to Tex-La but every five years. April 1, 1984, is the earliest date that SWPA can increase its rates to Tex-La. It is estimated that SWPA expenses (paid to TP&L) will exceed its revenues (received from Tex-La) by $141,200 for the period between August 20, 1983 and April 1, 1984. Historically the SWPA rate to Tex-La has been based on the costs to SWPA for power and energy withdrawn from the TP&L system. Since the above revenue shortfall is directly attributable to Tex-La, SWPA is proposing to recover these costs directly from Tex-La, in equal adjustments to Tex-La's monthly payments for the duration of the above contract (expires June 30,

1987). SWPA's proposed rate increase which only passes SWPA costs to Tex-La is a minor rate adjustment as defined in 10 CFR Part 903. The Administrator has, therefore, determined that written comments will provide adequate opportunity for public participation in the development of the rate proposal. Therefore, written comments are due on or before thirty (30) days following publication of this notice in the **Federal Register**. Five copies of written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma, 74101. Five copies should also be submitted to the Assistant Secretary for Conservation and Renewable Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Following review of the written comments, the Administrator will develop rates which will be submitted to the Deputy Secretary of Energy for approval on an interim basis and to FERC for approval on a final basis.

Issued in Tulsa, Oklahoma, February 16, 1984.

William H. Clagett,

Acting Administrator.

[FR Doc. 84-4788 Filed 2-22-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO-HA-79-6; ORD-FRL 2530-2]

Asbestos Health Assessment Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of external review draft.

SUMMARY: This notice announces the availability of an external review draft of the *Asbestos Health Assessment Update* document. Those persons interested in commenting on the scientific merit to this document will be able to obtain a copy as follows:

(1) The document will be available in single copy quantity from EPA at that following address: ORD Publications—CERI–FRN, U.S. Environmental Protection Agency, 26 W. St. Clair, Cincinnati, Ohio 45268 [(513) 684–7562].

Requesters should be sure to cite the EPA number assigned to the document, EPA–600/8–84–003A. To receive the document, requesters should send their names and addresses to CERI at this time.

(2) The document will also be available for public inspection and copying at the EPA Library at Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Commenters must submit comments in writing, addressed to: Project Officer for Asbestos, Environmental Criteria and Assessment Office (MD–52), U.S Environmental Protection Agency, Research Triangle Park, N.C. 27711.

DATES: The Agency will make this document available for public comment on or about Monday, February 27, 1984. Comments must be received by close of business on Friday, April 27, 1984, or postmarked by that date.

SUPPLEMENTARY INFORMATION: The objective of the *Asbestos Health Assessment Update* is to provide EPA with a sound scientific basis for review and revision, as appropriate, of the national emission standards for asbestos, 40 CFR Part 61, subpart B.

FOR FURTHER INFORMATION CONTACT: Diane Chappell, U.S. Environmental Protection Agency, Environmental Criteria and Assessment Office, MD–52, Research Triangle Park, N.C. 27711 [(919) 541–3637].

Dated: February 14, 1984.

Bernard D. Goldstein,

Assistant Administrator for Research and Development.

[FR Doc. 84-4711 Filed 2-22-84; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-2530-4]

Draft General National Pollutant Discharge Elimination System (NPDES); Permit for Long Transfer Facilities in the State of Alaska; Fact Sheet

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Regional Administrator of Region 10 is today giving notice of a draft general National Pollutant Discharge Elimination System (NPDES) permit for certain discharges associated with log transfer facilities (LTFs) in Alaska. This general permit proposes effluent limitations, performance standards, best management practices and operational requirements. Facilities defined at 40 CFR Parts 429 and 430 will not be authorized to discharge by this permit. The facilities to be covered by this permit are located within the State of Alaska. EPA proposes that the term of this permit will be five (5) years from date of final issuance.

This draft general NPDES permit is based on the administrative record available for public review at: the EPA Region 10 Office, the EPA Alaska Operations Offices in Anchorage and Juneau, Alaska, and EPA Headquarters in Washington, D.C. (addresses below). The fact sheet, published below, sets for the principal facts and the significant factual, legal, and policy questions considered in the development of the draft permit. Copies of the draft permit and fact sheet are available at the addresses below.

DATES: Interested persons may submit comments on the draft general permit and administrative record to EPA Region 10 at the address below no later than April 2, 1984. A public hearing has been scheduled on March 28, 1984, at 9:00 a.m. Any person wishing to make a statement at the hearing must notify Mr. Wally Scarburg at the address below no later thn 4:00 p.m. on March 20, 1984. If EPA does not receive any such notices the hearing will be cancelled. Persons may telephone any of the four contact people listed below after March 21, 1984, to determine whether the hearing will be held.

ADDRESSES: Comments should be submitted to the Regional Administrator, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. The public hearing has been scheduled for the Medenhall Glacier Visitor Center, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT:

Mr. William Lawrence, Alaska Operations Office, Room E 556, Federal Building, 701 C Street, Box 19, Anchorage, Alaska 99513, (907) 271–5083; Mr. Wally Scarburgh, Alaska Operations Office, Pouch O, Juneau, Alaska 99811, (907) 465–2698; Ms. Marcia Lagerloef, Ocean Programs Section, M/S 430, US EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442–1265; Mr. Edward Ovsenik, Permits Division (EN–336), EPA Headquarters 401 M Streets, SW., Washington, D.C. 20460, (202) 426–7035.

The attached Fact Sheet contains the following sections:

FACT SHEET AND SUPPLEMENTARY INFORMATION

I. Background

A. General NPDES Permits

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants is unlawful except in accordance with a NPDES permit. Under EPA's regulations (40 CFR 122.28), EPA may issue a single, general permit to a category of point sources located within the same geographic area if the regulated point sources (1) involved the same or substantially similar types of operations; (2) discharge the same types of wastes; (3) require the same effluent limitations or operating conditions; (4) require the same or similar monitoring requirements; and (5) in the opinion of the Regional Administrator (RA), are more appropriately controlled under a general permit than under individual permits. The Regional Administrator of Region 10 has determined that log transfer facilities operating in the area described in this general NPDES permit are more appropriately controlled by a general permit than by individual permits.

The decision of the Regional Administrator is also based on an evaluation of the Section 403(c) Ocean Discharge Criteria document and a review of the Agency's information and decisions regarding previous Section 10/Section 404 permits issued to these facilities by the U.S. Army Corps of Engineers. The 403(c) document discusses the criteria to be reviewed before a Section 402 permit authorizing discharges to the marine environment is issued. This document reviews the environmental impacts on the marine ecosystem, including benthic and free-swimming finfish and shellfish. The Section 10/404 permits are issued to log transfer facilities that conduct dredge and fill activities in constructing their permanent facilities. These permits are issued only after a review of environmental impacts and alternate siting is completed. The 403(c) document and the Section 10/404 permits further indicate that a general permit is appropriate for these facilities.

The Regional Administrator may require any person authorized by a general permit to apply for and obtain an individual permit. In addition, any person(s) may petition the Regional Administrator to take this action. A request for an individual permit for an existing facility may be made by submitting an NPDES permit application, together with reasons supporting the request no later than 90 days after issuance of this permit in final form. Facilities not existing at the time this permit is issued in final form may submit a request to be authorized to discharge either under this general NPDES permit or an individual NPDES permit. Requests for authorization to discharge must be made at least 45 days prior to the anticipated start of operations.

The Regional Administrator may consider the issuance of individual permits according to the criteria in 40 CFR 122.28(b). These criteria include: (1) The discharge(s) is(are) a significant contributor of pollution; (2) the discharger is not in compliance with the terms and conditions of the general permit; (3) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source; (4) effluent limitation guidelines are subsequently promulgated for the point sources covered by the general permit; (5) a Water Quality Management Plan containing requirements applicable to such point sources is approved; or (6) the requirements listed in 40 CFR 122.28(a) and identified in the paragraph above are not met.

Procedures for modification, revocation, and termination of general permits are provided by 40 CFR 122.62.

As in the case of individual permits, violation of any condition of a general permit constitutes a violation of the Act and subjects the discharger to the penalties specified in Section 309 of the Act.

B. Log Transfer Facilities (LTFs)

Intensive logging began in Alaska in the early 1950's. Virtually all logs are transferred from land to marine waters, stored there for varying time periods, and then transported by water to a regional location for further processing or export. The use of coastal waters for log transfer, storage, and transportation is necessary because the coastal geography does not allow for extensive road construction. The majority of timber harvesting in Alaska is done in Southeast Alaska. Lesser amounts of harvesting takes place in Prince William Sound, Lower Cook Inlet, Kodiak Island, and Afognak Island. The timber harvested in Alaska is primarily western hemlock, Sitka spruce, and cedar.

LTFs may include any or all of the following: log storage and sorting yards; log transfer devices; log boom make-up areas; and log boom storage areas. These facilities are point source dischargers under the Clean Water Act and therefore require an NPDES permit to discharge pollutants to the waters of the United States.

There are at least six general devices used to transfer logs from land to water. The devices are briefly described as follows:

1. *Slides*—Log bundles are placed on slides by machinery. The bundles move down the slides. Variations to this method are based on the incline angle of the slides. Extremes range from virtual unrestrained free fall slides to operations where log bundles are pushed down slides into the water.

2. *Continuous Chain*—Somewhat similar to the slide transfer method, but the speed of the log bundle is retarded by a continuous chain with cogs. The speed of the chain can be regulated.

3. *Single A-frame*—The single A-frame is a stationary device with both legs of the "A" parellel to the shore. It is placed at an angle with the top of the "A" over the water so that bundles can be moved from land, by cable and hook, over the surface of the water. At the appropriate time, the hook is tripped and the bundle is placed into the water. A great deal of discretion is involved with single A-frame operations. If the single A-frame has good brakes and is operated properly, log bundles can be lowered before the hook is tripped. If there are no brakes, or the operator is careless and the hook is tripped while the bundle is above the water, the logs crash into the water.

4. *Double A-frame*—A second A-frame is added in front of and parallel to the first A-frame. This second A-frame can move vertically, and thus the log bundles can be hoisted into or out of the water. The double A-frame provides the added capability of directing where, perpendicular to the shoreline, the logs are placed into the water.

5. *Crane*—Various types of cranes place log bundles into the water.

6. *Front End Loader*—Machinery on wheels picks up log bundles. The loader is driven, usually down a ramp, and the logs are placed in the water.

EPA is considering including helicopters as a log transfer device under this permit, and is soliciting comments on their inclusion under this permit. The Agency believes that helicopters provide mobile transfer capabilities and will generally use a

controlled entry technique to lower the logs into the water.

The U.S. Army Corps of Engineers has issued permits for construction of 152 log transfer facilities in Alaska, although only 90 sites are currently active. EPA has not issued NPDES permits for discharges from these facilities, although three applications were submitted in 1983 by Shee Atika, Inc., for activities at Cube Cove, on Admiralty Island, and in Chatham Strait.

II. Nature and Effects of the Discharges

A. Description of Discharges From Log Transfer Devices and Log Booms

Log transfer device waste is defined as all wood, bark, particulate matter and related material which enters the receiving water as a result of the placement of logs into the water by any device, machine or means designed and used for that purpose. The waste includes associated debris which is dislodged and/or lost during the transfer of logs into the receiving waters, oil and grease and other petroleum products used for log handling machinery, and water soluble components of the logs, wood debris, and bark deposits.

Potential effects of the waste on water quality include increases in: suspended solids and turbidity; settleable solids; floating solids and debris; and other materials used in the logging process, such as metal banding. The majority of the wood waste initially floats, then sinks after becoming saturated with water. With time water leaches soluble organic compounds and lignin-like substances out of the logs and bark, affecting both the color and toxicity of the water.

B. Runoff from Log Storage and Sorting Yards

Log storage and sorting yard runoff is defined as all waste which enters the water from upland log sort yard facilities except for the waste generated by movement of logs over the log transfer devices.

The waste includes wood, bark, and associated debris that is characteristically lost during log handling operations exclusive of log transfer facility waste; oil and grease and other petroleum products used for log handling machinery; rainwater and surface water which flows over or through the log sort yard causing leachate to enter receiving waters; and soil and other particulate matter which would not normally be transported from the area of the log sort yard.

Water quality effects due to the waste include increased suspended solids, turbidity, settleable solids, floating solids, and oil and grease in the receiving water. Oil pollutants can also be trapped with sediments and with floating or suspended solids.

III. Ocean Discharge Criteria

Section 403 of the Act requires that an NPDES permit for a discharge into ocean waters be issued in compliance with EPA's guidelines for determining the degradation of marine waters. The final 403(c) Ocean Discharge Criteria guidelines published on October 3, 1980, set forth specific criteria for a determination of unreasonable degradation that must be addressed prior to the issuance of an NPDES permit. A Draft Ocean Discharge Criteria Evaluation document [403(c) document], which explains the Agency's determinations under the 403(c) criteria, is contained in the administrative record for the draft permit. A summary of the information regarding the environmental fate and effects of the discharges is contained in section IV below.

For many areas where log transfer facilities are located, a baseline marking the landward boundary of ocean waters has not been officially designated. It is expected that the majority of facilities authorized to discharge under this general permit will be located inside the baseline of Alaska's territorial seas, because of their siting in coves or embayments. Facilities discharging inside the baseline of the territorial seas are not subject to the 403(c) Ocean Discharge Criteria.

The Regional Administrator has concluded that the limited number of log transfer facilities operating outside of the baseline under the effluent limitations and conditions in this permit will not cause unreasonable degradation of the marine environment pursuant to the Ocean Discharge Criteria guidelines.

In accordance with regulations promulgated under Section 403 [40 CFR 125.123(d)(4)] of the Act, the general permit may be modified or revoked at any time if, on the basis of new information, the Regional Administrator determines that continued discharges may cause unreasonable degradation of the marine environment.

IV. Environmental Fate and Effects

A. Logs, Bark, Wood Waste and Similar Organic Debris

Bark which is dislodged during the log transfer process settles and accumulates on the bottom of the receiving water body. This bark is considered to cause the most serious impact in the maritime environment, specifically on the benthic community. Bark deposits have both physical (smothering action) and chemical (leachate from logs and bark causing increased BOD and COD, or containing toxics) impacts.

Accumulations of bark can cover the bottom and smother plants and animals. Reductions in benthic infauna have been observed at existing LTF sites. These effects have also been measured at sites which have been inactive for many years. Recent studies have noted losses in suspension-feeding bivalves with a deposition of more than 1 cm of bark. At bark depths greater than 5 cm the majority of dominant polychaete organisms were eliminated. Changes in the infaunal benthic community may lead to significant changes in the food supply of organisms that are economically important, including king crab, Dungeness crab, halibut, and salmon. Impacts on epifauna are not clear. Scattered bark deposits may provide additional substrate for epifauna. When bark deposition is extensive, however, epifauna may avoid the area. In addition, recent studies have indicated that Dungeness crabs that remain in areas of bark deposits may exhibit reproductive or somatic deficiencies. These results are discussed in the 403(c) document which is part of the administrative record. There generally is a lack of field data which correlates water quality, bark depths, circulation, and biological information. The information reviewed for this permit was laboratory data or non-correlative field data.

Chemical water quality impacts involve leachates, primarily tannins and lignin, from bark deposits and from floating log rafts. Leaching rates are concentration dependent and therefore related to the flushing of the overlying water. However, variables such as temperature, salinity and tidal currents make it difficult to make accurate rate predictions for the field. Leaching rate also is related to the species of wood. Hydrogen sulfide and ammonia levels may be significant in the interstitial waters of bark deposits.

Laboratory toxicity tests have been conducted on juvenile salmon, shrimp larvae and adults, and Dungeness crab larvae. The data are difficult to compare because of differences in extracting methods for leachates, test conditions, and methods of reporting results. Although leachates are toxic to pink salmon fry, they likely do not kill these fry or other fish because the fish may not remain in areas of high leachate concentrations.

Large log rafts, which are stationary for long time periods, can reduce solar radiation on the bottom directly beneath the rafts. Light availability can also be

reduced in the water column. These are localized effects and are not considered major adverse impacts on the overall aquatic environment.

As noted above, tidal flushing is an important mechanism for transporting and dispersing leachates. There is a lack of information on current velocities necessary to transport and/or resuspend floatable and water saturated bark, and also on the relationship between bark size and required current.

Ongoing research in this area is being sponsored by the Alaska Working Group on Cooperative Forestry—Fisheries Research. This group was formed in 1981 "to facilitate interagency coordination among researchers, and timber and fishery managers in planning, initiating cooperative research of issues involving timber and fish." Two technical subgroups were formed. The function of one subgroup, Terminal Transfer Facilities (TTF), is to identify logging/fishery problems and concerns in the marine environment and submit the list to the Working Group. Through this process the Working Group recommended that three investigations be funded: (1) Biological effects of Terminal Transfer Facilities (impacts of bark and what threshold amount of bark causes serious effects on aquatic resources (2) Restoration of Terminal Transfer Facilities (potential for rehabilitation of sites covered with bark) (3) Bark Deposition (where bark is lost during marine phases of timber harvest operations).

Studies 2 and 3 are to be implemented during the 1984 logging season. Study 1 was conducted in 1982 and 1983. Results of this study are discussed in the 403(c) document and were considered in the development of the permit terms.

B. Oil, Grease and Petroleum Products

The source of these pollutants is the operation and maintenance of equipment used in the log handling and transfer operation. A catastrophic spill event is not reasonably expected to occur as a result of these operations at a log transfer facility. This potential problem is covered by other State and Federal Regulations, including Section 311 of the Clean Water Act, not NPDES permits. Examples of these catastrophic spill events are loss of fuel from fuel tank trucks or fuel storage areas.

Persistent loss of small volumes of fuel, lubricants, hydraulic fluids, and similar products can result from normal operations, including mechanical failures. These compounds can migrate from land or be transported by surface water or rainwater to the receiving waters. Small volumes of petroleum products are a legitimate concern as concentrations of water soluble compounds have been shown to be toxic to marine larvae and eggs at concentrations of 0.1 mg/l. Another concern is oil accumulation in bottom deposits of bark and wood debris. In addition to the BOD of the bark deposits, accumulations of petroleum products may, under these circumstances, exert additional BOD.

C. Rainwater and Surface Runoff

The ground and soil at LTFs is typically disturbed from heavy use by equipment associated with log handling and sorting. Rainwater and surface runoff can transport soils, abraded wood waste, petroleum products, and other pollutants into the receiving waters in the form of settleable and suspended solids. Both suspended and settleable solids have adverse impact on water quality. Impacts in the water column are well documented; in the context of runoff from LTFs, there may be indirect effects on fish, however, these effects in most cases should be minimal. Benthic impacts from solids settled to the bottom include physical smothering of the benthic flora and fauna, elimination of epifauna, interference with spawning and rearing, and increased BOD loadings.

V. Conditions in the General Permit

EPA Region 10 reserves the right to notify facilities located in the geographic area of this general NPDES permit and conducting operations defined at page 1 of the permit to submit a notice of intent to be covered by the general permit.

Facilities which are not covered by either a general permit or an individual permit are not authorized to discharge into navigable waters, and enforcement action may ensue for discharging without an NPDES permit under the Clean Water Act.

This permit will not authorize discharges from facilities meeting the definitional requirements of 40 CFR Parts 429 and 430. These defined facilities are subject to the published BPT guidelines at Parts 429 and 430.

A. Geographic Area

The proposed general permit will authorize discharges from LTFs within the State of Alaska to the "waters of the United States" as defined at 40 CFR 122.2.

B. Request To Be Covered by General Permit

Owners or operators of LTFs located in the permit area must make a written request to the Regional Administrator for authorization to discharge under the general permit. Unless otherwise notified in writing by the Regional Administrator within 45 days after submission of their request, these owners or operators will be authorized to discharge under the general permit.

Owners or operators of existing LTFs must submit their written request within 45 days of issuance of the final general permit. New facilities must submit their written request at least 45 days prior to commencement of operations within the general permit area. All requests shall include the name and legal address of the owner or operator, the name and location of the LTF, a description of the log handling facilities, a sketch of the layout of the LTF indicating the water depth contours and placement of the log sorting yard and log transfer devices, the name of the receiving water body, the date of, or expected date of, initiation of discharges, the projected period of operation, and the expected volume and species of logs to be transferred.

Temporary LTFs not needing a Section 10/404 permit will be required to submit an application for this permit 45 days before the expected start of transfer activities. The notice of intent will include the same information as provided for a permanent facility. If the temporary facility will not be using log sorting and storage yards, this information need not be submitted.

In making a determination regarding coverage, EPA may request limited environmental data from the applicant. EPA does not intend to cover with this general permit LTFs located at a site which is biologically significant or otherwise unique. Because log transfer facilities need protection from wind and waves, operators typically site these facilities in protected bays and estuaries. These shallow areas often provide valuable habitat and optimal conditions for significant populations of fish and shellfish. Generally, fish and shellfish populations can coexist with well-managed LTFs. However, there are certain sites which warrant higher levels of protection than provided by the BMPs of this general permit, in order to avoid unacceptable adverse effect on shellfish beds and fishery areas. These sites should be identified during the Section 10/404 permit issuance process. If no Section 10/404 permit is issued, during the review of the application for authorization to discharge under this permit EPA will confer with the State of Alaska Department of Environmental Conservation and Department of Fish and Game to determine biologically significant areas.

Virtually all permanent LTFs require either a Rivers and Harbors Act Section

10 permit or a Clean Water Act Section 404 permit, or both for their material construction. The U.S. Army Corps of Engineers, as the permitting authority, issues public notices for permit applications, receives comments from the public, the State of Alaska, and appropriate Federal Agencies. Because of EPA's mutual responsibilities with the Corps in the Section 404 program, EPA is always notified of proposed log transfer facilities and log sort yards applying for Section 10/404 permits, and is generally aware of water quality, biological or other significant concerns associated with them. Many of these concerns are raised and addressed by regulatory and resource management agencies during the Section 10/404 permit review process. EPA will consider all such concerns raised during the Section 10/404 permit review process in determining whether an individual permit or this general permit is appropriate for a particular facility. Where the operation also requires that the Corps issue a Section 10 or 404 permit, the permittee will not be authorized to discharge under this general permit until all applicable Corps permits are issued.

C. Effluent Limitations and Best Management Practices

All permits issued or effective after July 1, 1984, are required by Section 301(b)(2) of the Act to contain effluent limitations representing Best Conventional Pollutant Control Technology (BCT) for all categories and classes of point sources. BCT effluent limits apply to conventional pollutants (pH, BOD, oil and grease, suspended solids, and fecal coliform). Permits effective or issued after July 1, 1984, are also required to contain effluent limitations which control toxic (40 CFR 401.15) pollutants to the level achievable by means of the Best Available Technology Economically Achievable (BAT). EPA has not promulgated National Effluent Limitation Guidelines for these facilities. Therefore, as provided for by Section 402(a) of the Act, EPA has made a Best Professional Judgment (BPJ) determination of the BAT/BCT effluent limitations for these facilities.

The general permit prohibits the discharge of oil or petroleum products (whether direct or in runoff from the log sort yard) that would produce a visible sheen on the surface of the receiving water, or a sludge or emulsion to be deposited beneath the surface of the receiving water.

The permit also prohibits the discharge of bark or wood debris in runoff from the log storage and sorting yard.

EPA recognizes that a prohibition of discharge of bark, wood debris, and particulates from the specific LTF at the shoreline is not feasible. In the absence of appropriate "end-of-pipe" technology EPA has developed BMPs intended to minimize the discharge of bark, wood debris, particulates and leachates to the receiving waters.

These BMPs and their supporting rationale are:

a. Individual logs shall be placed into bundles before being moved over or through the log transfer facility;

Placing logs into bundles will minimize tumbling and the loss of bark from individual logs. As such, the surface area exposed to abrasion will be reduced. Also, the likelihood of individual logs escaping from the log boom will be reduced. This BMP should pose no unreasonable burden on industry, as constructing log bundles is presently standard procedure for most operations.

b. All log bundles shall be placed into receiving waters using controlled entry techniques or methods which minimize abrasion and loss of bark and wood debris. Controlled entry is defined as the capability of stopping or reducing the speed of a log bundle any time during the transfer process before the log bundle reaches the surface of the water. Diesel and gasoline powered equipment used to place log bundles into the receiving water shall be operated to prevent loss of petroleum and lubricating products into the receiving waters. Logs shall not hit the bottom of the water body during entry.

This management practice requires that logs be gently lowered into the water in order to reduce the loss of bark and wood debris. Available information indicates benthic bark deposits can cause adverse impact on water quality and the aquatic resources. All log transfer systems contribute to loss of bark and wood debris. Certain types of log transfer systems result in less bark being dislodged and lost, however. For example, placing log bundles into the water using a controlled hoist or crane is environmentally preferable to an uncontrolled beaver slide. The emphasis of this BMP is to allow only those devices or types of operations that constitute a controlled lowering of logs into the water (e.g. an inclined device with iron rails with a slope of 4:1, horizontal:vertical, or less). Therefore any operation that allows uncontrolled acceleration of logs during the time between initiating and completing the transfer is precluded from coverage under the permit. This BMP will require industry to re-equip single A-frame operations, which constitute free-fall log dumps, with machinery that allows for controlled entry. Also, beaver slide dumps, which are uncontrolled slides, are not authorized by the general permit. The use of front-end loaders is an appropriate mechanism for controlled lowering of logs into the water, however, there is concern regarding the potential for leakage from hydraulic lines or fuel spills in the receiving water. The Agency invites comment relative to the economic burden of implementing this BMP and on alternative transfer facilities which may accomplish the intended purpose of this BMP.

c. Drainage sumps, or appropriate filtration, shall be used to sufficiently remove Total Suspended Solids (TSS) from runoff from log storage and sorting yards to meet state water quality standards. Treatment shall also include oil skimming equipment or oil absorbents, where necessary, to prevent the discharge of oil in runoff.

The intent of this management practice is to prevent discharge of pollutants into receiving waters during log handling and transfer operations. Many facilities constructed relatively recently have designed construction and operation techniques that minimize TSS and oil from entering receiving waters. The BMP should only reinforce these state-of-the-art techniques.

d. Log sort yards and log transfer devices shall be operated so that accumulations of bark and wood debris are contained on the uplands.

e. A periodic (e.g., weekly or biweekly) removal program shall be implemented to dispose of bark and wood debris accumulations, that are accessible with land equipment or by hand, such that they are prevented from entering the receiving water due to run-off or via a high tide. This material shall be placed at an appropriate upland site.

Basic control and cleanup techniques on land can reduce the amount of bark and wood debris which can potentially enter the water and accumulate on the bottom. Therefore the objective of these BMP's is to prevent loose material on the upland from entering the waterway. These BMP's will require innovations and may pose some burden on industry. However, these remedial actions are no more than "good housekeeping" practices. Only materials that are accessible with land based equipment need to be removed due to the cost involved. Furthermore, retrieval of material further out in the receiving water may require other measures that may have a further affect on the marine environment.

f. To prevent abrasion of logs, and abrasion between logs and the bottom, log bundles which have been transferred to water shall remain floating at all times and shall not be allowed to rest on or touch the bottom.

When log rafts rise and fall with the tides, abrasion occurs and bark is lost. Log raft storage in intertidal areas also compacts the bottom sediments and eliminates the benthos. The intent is that the discharge of logs should have minimal impact on the intertidal community. Implementing this BMP should prevent this problem. Industry

presently attempts to avoid grounding of logs in intertidal areas. Similar to other requirements in the general permit, this BMP should reinforce a practice which is presently in place. The BMP may require more planning and logistical expertise when handling logs, but imposes no unreasonable burden on industry.

g. Logs used to construct log booms shall be stripped of bark prior to their use to avoid abrasion of bark from these logs, and to minimize abrasion between log booms and log bundles.

Considerable abrasion occurs between log rafts and boom logs resulting in bark loss. This bark ultimately becomes part of the overall accumulation. Implementing this BMP will limit bark which is potentially abraded, loosened and dislodged from entering the water. Based on available information, stripping of boom logs is not a common practice in Alaska. However, by reducing friction between boom logs and log bundles a source of bark is eliminated.

h. Log bundles shall be moved out of the log boom make-up areas at the earliest possible time.

This BMP will reduce the leachates from logs into the receiving waters by reducing the retention time of the logs in the water near to the shoreline.

i. Discharges from the LTFs shall be located to avoid shallow embayments and areas of poor circulation in order to obtain maximum dispersion of the discharge in the receiving water and avoid water quality problems.

Log transfer facilities have usually been located in areas which do not have optimal circulation. As such, bark that is abraded or loosened during the handling and transfer process remains in the area and sinks to the bottom. These BMP's will encourage siting to maximize dispersion of dislodged bark, and also moving log rafts to areas with better circulation and deeper water while still providing protection necessary for storage area. These BMP's should not place an unreasonable burden on the industry. Planning and logistical expertise will be required to expeditiously move logs from the transfer location to a storage site.

D. Monitoring and Reporting Requirements

The general permit will require annual reporting of the facility operations. The general permit requires that each owner/operator of an LTF visually monitor the receiving waters daily, during operating periods, for the presence of an oil sheen. The permittee should also monitor the implementation of the BMPs to assure their effectiveness in reducing pollutant inputs to the receiving water.

The annual report shall provide information on any oil sheen observed during the operating period (date, cause or source, corrective measures), shall describe the BMPs implemented, and also include:

(a) The location, including latitude and longitude, of the LTF;

(b) The name of the owner(s) and/or operator(s) of the facility;

(c) A description of the log handling facility, including the type of "let down" equipment;

(d) The starting and ending dates of log transfer activities and the number of operating days at the facility;

(e) The amount of lumber transferred (in board feet) during the operating period;

(f) A listing of the tree species transferred, including an estimate of the percentage of total lumber transferred each species represents;

(g) The number of log booms towed from the facility, the average size (in board feet) of the booms; and

(h) The average retention period of each boom before moving the boom from the LTF.

In developing the permit requirements, the Agency has considered available information as well as ongoing research. There is existing evidence indicating that log handling activities can cause benthic bark deposits that may cause adverse impacts on water quality and aquatic resources. The ongoing research discussed in Section IV above, addresses many of the problems that concern both the fishery and forestry managers and industry. When the studies are completed the Agency will review the results and may revise this permit to address issues identified (40 CFR 122.62(a)(2)). Such revisions may include changes in the BMPs or other effluent limitations incorporated in this permit. In view of the ongoing research the permit does not impose on all individual operators a requirement to monitor bark loss or benthic accumulations.

VI. Other Legal Requirements

A. State Certification

Under Section 401(a)(1) of the Act EPA may not issue an NPDES permit until the state in which the discharge will originate grants or waives certification to ensure compliance with appropriate requirements of the Act and State law, including water quality standards. Region 10 has requested the State of Alaska to certify the general permit under 40 CFR 124.53(c). State certification shall fulfill the requirements of 40 CFR 124.53(d).

B. Water Quality Standards

Section 301(b)(1)(c) of the Act requires that NPDES permits contain limitations necessary to ensure compliance with water quality standards established pursuant to State law or regulations, or any other Federal law or regulation, or required to implement any applicable water quality standard established pursuant to the Act. This proposed general permit contains effluent limitations which, in EPA's opinion, meet the requirements of Section 301(b)(1)(c) including the water quality standards of the State of Alaska. At no time shall the maximum values contained in the effluent exceed the water quality standards after mixing with the receiving stream. The general criteria and numerical criteria which make up the water quality standards are provided in Title 18, Alaska Administrative Code, Chapter 70.

C. Endangered Species

The Endangered Species Act (ESA) requires that each Federal Agency shall ensure that any of its actions, such as permit issuance, do not jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modifications of their habitat.

Based on available information on endangered species to be found in the geographic area of this permit, including environmental impact statements for other activities in the area, EPA has determined that this action will not endanger the species involved, nor result in destruction of their habitats.

EPA is requesting comments from the National Fisheries Service and the U.S. Fish and Wildlife Service and will consider all comments received in making the final permit decision. EPA will initiate consultation should new information reveal impacts not previously considered, should the activities be modified in a manner beyond the scope of the original consultations, or should the activities affect a newly listed endangered species.

D. Coastal Zone Management

The Coastal Zone Management Act (CZMA) and its implementing regulations (15 CFR Part 930) require that any Federally licensed or permitted activity affecting the coastal zone of a State with an approved Coastal Zone Management Program (CZMP) be determined to be consistent with that CZMP (Section 307(c)(3)(A) Subpart D).

EPA has determined that the activities authorized by this general NPDES permit are consistent with the Alaska Coastal Zone Management Plan. The proposed permit and consistency certification will be submitted to the State of Alaska for State interagency

review at the time of public notice issuance. The requirements for State Coastal Zone Management review and approval must be satisfied before this general permit may be issued.

(E). The Marine Protection, Research and Sanctuaries Act

The Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 regulates the dumping of all types of materials into ocean waters and establishes a permit program for ocean dumping. The discharges authorized by this permit are Clean Water Act Section 402 point source discharges, not discharges covered by the MPRSA. In addition the MPRSA establishes the Marine Sanctuaries Program implemented by the National Oceanic and Atmospheric Administration (NOAA), which requires NOAA to designate ocean waters as marine sanctuaries for the purpose of preserving or restoring their conservation, recreational, ecological, or esthetic values.

There are presently no existing marine sanctuaries or active candidates for marine sanctuary designation in the proposed permit area. The Agency has contacted the appropriate NOAA office and has been informed that, since there are no designated sites in the proposed general permit geographic area, this permit is not subject to MPRSA review.

F. Executive Order 12291

The Office of Management and Budget (OMB) has exempted this action from the review requirements of Executive Order 12291 pursuant to Section 8(b) of that order.

G. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in this draft general NPDES permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection and notification requirements of this permit have already been approved by the Office of Management and Budget under submissions made for the NPDES permit program under provisions of the Act. The final general NPDES permit will explain how the information collection requirements respond to any OMB or public comments.

H. Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this draft general permit will not have a significant impact on a substantial number of small entities. Moreover, it reduces a significant administrative burden on regulated sources.

Dated: February 17, 1984.

Ernesta B. Barnes,

Regional Administrator, Environmental Protection Agency, Region 10.

[FR Doc. 84-4826 Filed 2-22-84; 8:45 am]

BILLING CODE 6560-50-M

[PF-366; PH-FRL 2530-5]

Rohm and Haas Company; Withdrawal of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Rohm and Haas Company has withdrawn its petition which requested the reduction of established tolerances for the combined residues of the herbicide 2,4-dichlorophenyl-*p*-nitrophenyl ether and its metabolites containing the diphenyl ether linkage in or on certain commodities.

FOR FURTHER INFORMATION CONTACT:

By Mail: Robert Taylor, Product Manager (PM) 25, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of July 20, 1981 (46 FR 37323), which announced that Rohm and Haas Company, Independence Mall West, Philadelphia PA 19105, had submitted pesticide petition 1F2504 proposing to amend 40 CFR 180.223 by reducing the established tolerances for the combined residues of the herbicide 2,4-dichlorophenyl-*p*-nitrophenyl ether and its metabolites containing the diphenyl ether linkage from 0.75 part per million (ppm) to 0.1 ppm on broccoli, brussel sprouts, cabbage, cauliflower, celery, kohlrabi and onions (dry bulb form).

Rohm and Haas Company has withdrawn this petition in accordance with section 408 of the Federal Food, Drug, and Cosmetic Act.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a))

Dated: February 10, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-4830 Filed 2-22-84; 8:45 am]

BILLING CODE 6560-50-M

[PF-368, PH-FRL 2531-1]

Shell Oil Co.; Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment of tolerances for residues of the insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on certain commodities.

ADDRESS:

By mail submit written comments to: Program Management and Support Division (TS-757C), Attn: Product Manager (PM) 17, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments must be identified by the document control number [PF-368]. All written comments filed in response to this notice will be available for public inspection in the Program Management and Support Division office at the address above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Timothy A. Gardner, PM-17, CM#2, RM. 207, (703-557-2600).

SUPPLEMENTARY INFORMATION: EPA has received pesticide and feed additive petitions as follows from Shell Oil Co., Suite 200, 1025 Conn. Ave., NW., Washington, 20036, proposing to amend 40 CFR 180.379 (raw agricultural commodities) and 21 CFR Part 561 (animal feed commodities), by establishment of tolerances and or regulation for residues of the insecticide cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues is gas chromatography.

Petition ID	CFR affected	Commodities	Parts per million (ppm)
PP 4F3021	40 CFR 180.379	Barley, forage	40.0
		Barley, grain	5.0
		Barley, hay	40.0
		Barley, straw	40.0
		Wheat, forage	25.0
		Wheat, grain	1.0
		Wheat, hay	25.0
		Wheat, straw	25.0
FAP 4H5423	21 CFR Part 561	Wheat milled products (except flour)	5.0
PP 4F3022	40 CFR 180.379	Citrus fruits	2.0
FAP 4F5424	21 CFR Part 561	Dried citrus pulp	20.0
PP 4F3023	40 CFR 180.379	Celery	10.0
PP 4F3027	40 CFR 180.379	Stone fruits (crop grouping)	10.0
PP 4F3030	40 CFR 180.379	Brussel sprouts	10.0

Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e)) and 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))

Dated: February 10, 1984.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 84-4831 Filed 2-22-84; 8:45 am]

BILLING CODE 6560-50-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Report Forms Under OMB Review

AGENCY: Equal Employment Opportunity Commission.

ACTION: Request for Comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made such a submission. The proposed report form under review is listed below.

DATE: Comments must be received on or before April 9, 1984. If you anticipate commenting on a report form but find that the time necessary to prepare comments will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Clearance Officer of your intent as early as possible.

ADDRESS: Copies of the proposed report form, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

EEOC Agency Liaison Officer: Gary G. Papritz, Information Resource Management Division, Room 281, 2401 E Street, N.W. Washington, D.C. 20507; Telephone (202) 634-6990.

OMB Reviewer: Joseph Lackey, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503; Telephone (202) 395-6880.

Type of Request—Extension (No Change)

Title: Recordkeeping Requirements of Uniform Guidelines on Employee Selection Procedures.

Form Number: None.

Frequency of Report: On Occasion.

Type of Respondent: Business/other institutions, State or local governments, farms.

Standard Industrial Classification (SIC) Code: Multiple.

Description of Affected Public: Any employer, labor organization, or employment agency covered by Federal equal employment opportunity laws.

Responses: 666,000.

Reporting Hours: 1,910,000.

Applicable under Section 3504(h) of Pub. L. 96-511: Not applicable.

Number of Forms: None.

Abstract—Needs/Uses: Data used by the EEOC and the co-signatories in investigating, conciliating, and litigating charges of employment discrimination, by complainants in establishing violations of Federal equal employment laws, and by respondents in defending against allegations of employment discrimination.

Dated: February 15, 1984.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 84-4784 Filed 2-22-84; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL HOME LOAN BANK BOARD

Charter Federal Savings and Loan Association Bristol, Virginia; Final Action Approval of Conversion Application

February 15, 1984.

Notice is hereby given that on January 31, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Charter Federal Savings and Loan Association, Bristol, Virginia, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84-4817 Filed 2-22-84; 8:45 am]

BILLING CODE 6720-01-M

Financial Reporting Requirements

February 17, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of change in reporting requirements.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a modified version of its "Periodic Reports Required of Savings Institutions, Sections A, B, C, D, E, F, G, H, I, and K" to the Office of Management and Budget for approval pursuant to 5 CFR 1320.12, pertaining to the clearance of information collection requests.

The Board has asked OMB for expedited approval of these reports. Comments are welcomed and will be considered at a future time for possible revisions to the reporting system. Comments on the proposal should be directed to: Office of Information ane Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Office for the Federal Home Loan Bank Board.

The Board would appreciate commenters also sending copies of their comments to the Board.

Requests for information including copies of the proposed information collection request and supporting

documentation are obtainable from the Board address given below: Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Richard Pickering, Office of Policy and Economic Research, Federal Home Loan Bank Board, 202–377–6770.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84–4815 Filed 2–22–84; 8:45 am]

BILLING CODE 6720–01–M

Survey of Broker Originated Deposits

February 17, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a new information collection request, "Survey of Broker-Originated Deposits", to the Office of Management and Budget for approval pursuant to 5 CFR 1320.12 pertaining to clearance of information collection requests.

The Board has asked OMB for expedited approval of the collection of information. Comments are welcome and must be postmarked no later than March 9, 1984. Comments on the proposal should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters also sending copies of their comments to the Board.

Requests for information including copies of the proposed information collection request and supporting documentation are obtainable from the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Richard Pickering, Office of Policy and Economic Research, Federal Home Loan Bank Board, phone 202–377–6770.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84–4816 Filed 2–22–84; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL RESERVE SYSTEM

First Lake Forest Corporation, 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 15, 1984.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Lake Forest Corporation*, Lake Forest, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Lake Forest, Lake Forest, Illinois.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Battle Lake Banchares, Inc.*, Battle Lake, Minnesota; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank, Battle Lake, Minnesota.

Board of Governors of the Federal Reserve System, February 16, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–4714 Filed 2–22–84; 8:45 am]

BILLING CODE 6210–01–M

The Hong Kong and Shanghai Banking Corporation, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (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.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 12, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Hong Kong and Shanghai Banking Corporation*, Hong Kong, B.C.C.; Kellett, N.V., Curacao, Netherlands Antilles; HSBC Holdings, B.V., Amsterdam, The Netherlands; and Marine Midland Banks, Inc., Buffalo, New York; to engage *de novo* through their subsidiary, Marine Midland Realty Credit Corporation, in originating, making, acquiring, and servicing, for its

own account or for the account of others, loans and other extensions of credit, either unsecured or principally secured by mortgages on residential or commercial properties or lease-hold interests therein; and acting as investment or financial adviser to the extent of servicing as the advisory company for a mortgage or real estate investment trust, furnishing general economic information and advice on real estate matters, and providing portfolio investment advice on real estate matters; and arranging commercial real estate equity financing.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *BancOklahoma Corp.*, Tulsa, Oklahoma; to invest *de novo*, through its subsidiary, Pacesetter Building Corporation (to be renamed Transfund, Inc.), in a Texas limited partnership for the purpose of purchasing, installing, maintaining, and operating automated teller machines in Safeway stores.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Valley National Corporation*, Phoenix, Arizona; to engage *de novo* through its subsidiary, Valley National Financial Services Company of Utah, Salt Lake City, Utah, in the activities of consumer and dealer financing, leasing of personal property, and offering credit life and disability insurance as agent or broker.

Board of Governors of the Federal Reserve System, February 16, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-4716 Filed 2-22-84; 8:45 am]

BILLING CODE 6210-01-M

Lower Rio Grande Valley Bancshares, Inc.; Acquisition of Bank Shares by a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Lower Rio Grande Valley Banchares, Inc.*, LaFeria, Texas and Collier Bancshares Holding Company, McAllen, Texas; to acquire 67 percent of the voting shares of City National Bank, Weslaco, Texas. Comments on this application must be received not later than March 16, 1984.

Board of Governors of the Federal Reserve System, February 16, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-4715 Filed 2-22-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84N-0026]

Drug Experience Reports; NADA's 8-473, 8-766, 9-504, 10-148, 10-458, 12-219, 13-028; Opportunity for Hearing on Proposal To Withdraw Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Director of the Bureau of Veterinary Medicine, Food and Drug Administration (FDA), is providing an opportunity for a hearing on a proposal to withdraw approval of seven new animal drug applications (NADA's) for which the applicants have repeatedly failed to file reports of experience with new animal drugs required under § 510.310 (21 CFR 510.310).

DATE: A written appearance requesting a hearing giving the reason(s) why the application(s) should not be withdrawn is required by March 26, 1984.

ADDRESS: Written appearances to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 56 Fishers Lane, Rockville, MD 20857, 301-443-1846.

SUPPLEMENTARY INFORMATION: The Director of the Bureau of Veterinary Medicine (the Director) is providing an opportunity for hearing to the applicants who hold approvals for NADA's 8-473, 8-766, 9-504, 10-148, 10-458, 12-219, and 13-028, and to any other interested persons who may be adversely affected, on a proposal to withdraw approval of these NADA's The NADA's are identified below by each applicant's name and last known address in the Bureau of Veterinary Medicine's records; the NADA number; the trade name of any new animal drug product approved under the NADA; and the date of approval applicable to the new animal drug (based on a new drug application, master file, antibiotic regulation, or food additive regulation):

1. Dawes Laboratories, Inc., 450 State St., Chicago, IL 60411, NADA 8-473, Arsonic Growth Stimulant, approved June 9, 1952.

2. J. B. Garland & Son, 15 Grayton, St., Worcester, MA 01604, NADA 8-766, Liquamycin Injection, approved March 25, 1953.

3. Hance Brothers & White Co., 12th & Hamilton Sts., Philadelphia, PA 19123, NADA 9-504, Xylocide, approved September 1, 1954.

4. E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540, NADA 10-148, Serpasil Tablets 0.25 milligram, approved October 28, 1955.

5. Parlam Division, Ormont Drug & Chemical Co., Inc., 520 South Dean St., Englewood, NJ 07631, NADA 10-458, Mikedimide, approved September 17, 1956.

6. Premier Malt Products, Inc., 1037 West McKinley Ave., Milwaukee, WI 53201, NADA 12-219, Zymo-Pabst, approved June 15, 1960.

7. Balfour Guthrie & Co., Ltd., 315 North H St., Fresno, CA 93701, NADA 13-028, Balfour Medicated Chicken, approved September 14, 1961.

Withdrawal of approval of each of the NADA's is proposed under section 512(e)(2)(A) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(e)(2)(A)) on the grounds that "the applicant * * * has repeatedly * * * failed * * * to make required reports in accordance with a regulation under subsection (1) [section 512(1) of the act (21 U.S.C. 360b(1))] * * *." The reports that each applicant has repeatedly failed to make are required under § 510.310, as amended on June 24, 1980 (45 FR 42260). That regulation was promulgated under section 512(1) of the act to assist FDA in determining whether there are grounds for withdrawal of approval of NADA's approved prior to June 20, 1963. Essentially, § 510.310 assists FDA in determining whether such new animal drug products continue to be demonstrated to be safe and effective.

Section 510.310 required applicants who hold approvals for new animal drugs approved before June 20, 1963, to file a report by November 21, 1980, for each dosage form of each such drug. The report was to contain the information on adverse drug reactions and other information specified in § 510.310(b)(1) if the new animal drug was currently being marketed or the information specified in § 510.310(b)(2) if the new animal drugs was no longer marketed, but was the subject of an approval that was still in effect. Also, § 510.310(e) requires each applicant who holds approval for a new animal drug approved before June 20, 1963, to submit yearly reports of the kind required by § 510.300 (e.g., information on adverse reactions, labeling, and quantity distributed).

For each of the NADA's specified above, the report required by November 21, 1980, has not been received by FDA. Nor has FDA received any of three yearly reports required starting November 21, 1981, for each dosage form of each of the new animal drugs specified above. None of the approvals for the NADA's specified above has been previously withdrawn, nor has any supplemental approval for the NADA's been granted on or after June 20, 1963. Thus, the applicants who hold approval for those NADA's are not exempt under § 510.310(d) from the reporting requirements in § 510.310. Based on the foregoing, the Director concludes that each applicant who holds approval for an NADA listed above has repeatedly failed to make reports required in accordance with § 510.310.

Withdrawal of approval of these NADA's would not require revocation in whole or in part of any regulations issued pursuant to section 512(i) of the act (21 U.S.C. 360b(i)), because approval of the NADA's has not been codified.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b) and under authority delegated under 21 CFR 5.84, the Director hereby gives the applicants and any interested persons who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the new animal drug applications listed above and all supplements thereto should not be withdrawn. Any hearing would be subject to the provisions of 21 CFR Part 12.

If an applicant listed above or any other interested person elects to avail himself or herself of an opportunity for a hearing pursuant to section 512(e) of the act (21 U.S.C. 360b(e)) and § 514.200 (21 CFR 514.200), the party must file with the Dockets Management Branch (address above) a written appearance requesting such a hearing by March 26, 1984. Such appearance must also give reasons why approval of the application(s) should not be withdrawn.

The failure of the applicant to file a timely written appearance and request for hearing as required by § 514.200 constitutes an election not to avail himself or herself of the opportunity for a hearing, and the Director will summarily enter a final order withdrawing approval of the application(s) and all supplements thereto.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the information in the request for the hearing that there is no genuine and substantial issue of fact that precludes the withdrawal of approval of the application(s), or if a request for hearing is not made in the required format or with the required reasons, the Commissioner of Food and Drugs will enter summary judgment against the persons who request that hearing, making findings and conclusions denying a hearing.

All submissions pursuant to this notice must be filed in quintuplicate with the Dockets Management Branch. Except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, responses to this notice may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

If a hearing is requested and is justified by the applicant's response to this notice of opportunity for hearing, the issues will be defined, an administrative law judge will be assigned, and a written notice of the time and place at which the hearing will commence will be issued as soon as practicable.

Any hearing on the withdrawal of approval of these NADA's will be open to the public. If, however, the Director finds that portions of the applications that serve as a basis for such hearing contain information concerning data that are entitled to protection as a trade secret, the part of the hearing involving such portions will not be public, unless so specified by the respondent(s).

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is, therefore, excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Dated: February 15, 1984.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 84-4705 Filed 2-22-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0382; DESI NOS. 64, 1205, 5064, 5597, 6303, 7337, 8630, 10996, 13416, 11792, and 16109]

Human Drugs; Prescription and Over-the-Counter Drug Products Containing Phenacetin; Amendment

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending the notice that withdrew approval of new drug applications or parts of new drug applications that provide for drug products containing phenacetin. This notice identifies certain abbreviated new drug applications that have been supplemented to delete phenacetin from the formulation. The former notice is also amended to advise manufacturers who reformulate a product to delete phenacetin that a new National Drug Code (NDC) number is required for the reformulated product.

EFFECTIVE DATE: February 23, 1984.

ADDRESS: Information about the discontinuance of the old NDC number and assignment of a new NDC number should be reported to the Drug Listing Branch (HFN-315), National Center for Drugs and Biologics, Food and Drug Administration, 6500 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** on October 5, 1983 (48 FR 45466), the Director of the National Center for Drugs and Biologics withdrew approval, effective November 4, 1983, of new drug applications (NDA's) and abbreviated new drug applications (ANDA's) or parts of such applications that provided for products containing phenacetin.

That notice listed the NDA's and ANDA's for prescription drug products subject to the withdrawal action in two sections (designated as I.A and I.B.) that specified whether the application had been supplemented to provide for a reformulated product without phenacetin as an ingredient. For those applications that had been supplemented, the action withdrawing

approval was limited to those parts of the applications providing for a phenacetin-containing product (section I.A. list). Approval of the entire application was withdrawn if the application had not been supplemented (section I.B. list).

This notice amends the October 5, 1983 notice to identify additional ANDA's which have been supplemented and for which only part of the application was subject to withdrawal of approval. The following applications, therefore, are removed from section I.B. of the October 5, 1983 notice and added to section I.A. In addition, ANDA's 86–285 and 87–635, omitted from the earlier notice, are added to section I.A.

1. Those parts of ANDA 83–077 that pertain to Propoxyphene Compound 65 Capsules containing aspirin 227 milligrams (mg), caffeine 32.4 mg, phenacetin 162 mg, and propoxyphene hydrochloride 65 mg; Zenith Laboratories Inc., 140 Le Grand Ave., Northvale, NJ 07647.

2. Those parts of ANDA 83–101 that pertain to Propoxyphene Compound 65 Capsules containing aspirin 227 mg, caffeine 32.4 mg, phenacetin 162 mg, and propoxyphene hydrochloride 65 mg; Cord Laboratories, Inc., 2555 West Midway Blvd., Broomfield, CO 80020.

3. Those parts of ANDA 85–441 that pertain to APC with Butalbital Tablets containing aspirin 200 mg, butalbital 50 mg, caffeine 40 mg, and phenacetin 130 mg; Zenith Laboratories, Inc.

4. Those parts of ANDA 86–162 that pertain to Butalbital with APC Tablets containing aspirin 200 mg, butalbital 50 mg, caffeine 40 mg, and phenacetin 130 mg; West-Ward Inc., 465 Industrial Way West, Eatontown, NJ 07724.

5. Those parts of ANDA 86–285 that pertain to Phenorial Tablets containing aspirin 200 mg, butalbital 50 mg, caffeine 40 mg, and phenacetin 130 mg, Phoenix Laboratories, Inc., 175 Lavman Lane, Hicksville, NY 11801.

6. Those parts of ANDA 86 –398 that pertain to Butal Compound Tablets containing aspirin 200 mg, butalbital 50 mg, caffeine 40 mg, and phenacetin 130 mg; Cord Laboratories, Inc.

7. Those parts of ANDA 86–432 that pertain to Butal Compound Capsules containing aspirin 200 mg, butalbital 50 mg, caffeine 40 mg, and phenacetin 130 mg; Cord Laboratories, Inc.

8. Those parts of ANDA 86–488 that pertain to Propoxyphene Compound 65 Capsules containing aspirin 227 mg, caffeine 32.4 mg, phenacetin 162 mg, and propoxyphene hydrochloride 65 mg; Lemmon Co., P.O. Box 30, Sellersville, PA 18960.

9. Those parts of ANDA 87–142 that pertain to Dolene Compound–65 Capsules containing aspirin 227 mg, caffeine 32.4 mg, phenacetin 162 mg, and propoxyphene hydrochloride 65 mg. Lederle Laboratories, Pearl River, NY 10965.

10. Those parts of ANDA 87–635 that pertain to Butalbital with APC Tablets containing aspirin 200 mg, butalbital 50 mg, caffeine 40 mg, and phenacetin 130 mg; Lederle Laboratories.

In addition, this amendment serves as notice to manufacturers and distributors of products that are reformulated by deleting or replacing phenacetin that they are required to discontinue the old NDC number and to assign a new NDC number to the reformulated product. This type of NDC number change is required because the removal from a product of phenacetin, an active ingredient, creates a change in product characteristics that distinguish one drug product version from another (21 CFR 207.35(b)(4)(i)). The discontinuance of the old NDC number and replacement with a new NDC number should be reported to the Drug Listing Branch at the address given above using the standard Listing Forms FD 26570.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053 as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the National Center for Drugs and Biologics (21 CFR 5.70 and 5.82).

Dated: February 14, 1984.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 84–4704 Filed 2–22–84; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–6665–B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2656.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) ANCSA), will be issued to False Pass Corporation, for approximately 9 acres. The lands involved are within T. 59 S., R. 94 W., Seward Meridian, Alaska.

The decision approving conveyance will be published once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES upon issuance of the decision. For information on obtaining copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until March 26, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

O. Earle Williams, Jr., Chief, Logistics and Property Management, 17th Coast Guard District, P.O. Box 3–5000, Juneau, Alaska 99802

False Pass Corporation, False Pass, Alaska 99583

The Aleut Corporation, 2550 Denali Street, Suite 900, Anchorage, Alaska 99503

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-4753 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-70029]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance to Cook Inlet Region, Inc., published in the **Federal Register** on September 1, 1983, is modified as to page 39705.

The time limit to filing an appeal is March 26, 1984.

Copies can be obtained by contacting the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513.

Except as modified by this decision, the decision published September 1, 1983, stands as written.

Kamilah Rasheed,

Section Chief, Branch of ANSCA Adjudication.

[FR Doc. 84-4754 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-81353]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976 (90 Stat. 1935), will be issued to Cook Inlet Region, Inc., for approximately 0.4328 acre. The land involved is within T. 1 S., R. 1 W., Fairbanks Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street , Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearing and Appeals, in accordance with the regulations in 43 Code of Federal Regulation (CFR) Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until March 26, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Cook Inlet Region, Inc., P.O. Box Drawer 4-N, Anchorage, Alaska 99509

Retained Lands Unit—Easements, Division of Land and Water Management, Alaska Department of Natural Resources, Pouch 7-005, Anchorage, Alaska 99510

Kamilah Rasheed,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-4752 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14943-A]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (1976)) (ANCSA), will be issued to Tanacross Incorporated, for the following lands:

Lot 5, Block 5, U.S. Survey N. 3726, Alaska, Townsite of Tanacross, situated on the right bank of the Tanana River, approximately 10 miles northeast of Tok Junction, Alaska.
Containing 1.6 acres.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the THE TUNDRA TIMES upon issuance of the decision.

For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in land affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until March 26, 1984 to file an appeal.

An party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights

which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Retained Lands Unit—Easements, Division of Land and Water Management, Alaska Department of Natural Resources, Pouch 7–005, Anchorage, Alaska 99510
Bureau of Indian Affairs, Juneau Area Office, P.O. Box 3–8000, Juneau, Alaska 99801
Tanacross, Incorporated, Tanacross, Alaska 99776
Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84–4751 Filed 2–22–84; 8:45 am]

BILLING CODE 4310–JA–M

Environmental Impact Statement (EIS) on Coal Preference Right Lease Applications (PRLAs) Located in Kane and Garfield Counties, Utah; Indefinite Postponement of Public Scoping Meetings

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of indefinite postponement of scoping meetings.

SUMMARY: Notice is hereby given that scoping meetings scheduled for February 28, in Kanab, Utah; February 29, in Escalante, Utah; and March 1, 1984, in Salt Lake City, Utah, have been indefinitely postponed (See **Federal Register** Notice Vol. 49, No. 16, Tuesday, January 24, 1984, page 2963 for reference). These meetings were scheduled in support of preparation of an EIS considering coal PRLAs in Kane and Garfield Counties, Utah. Information on possible rescheduling of the meetings will be made available at a later date.

FOR FURTHER INFORMATION CONTACT: Ronald B. Bolander, (801) 524–3133, address—Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: February 16, 1984.

Roland G. Robinson,

State Director.

[FR Doc. 84–4706 Filed 2–22–84; 8:45 am]

BILLING CODE 4310–DQ–M

[M–59614, M–59615, M–59616, M–59617, M–59618]

Exchange of Public and Private Lands; Montana

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of Realty Action M–59614, M–59615, M–59616, M–59617, M–59618, exchange of public and private lands in Garfield County, Montana.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

M–59614

Principal Meridian, Montana

T. 19 N., R. 40 E.,
Sec. 20: SW¼SE¼;
Sec. 28: NW¼SE¼.
T. 18 N., R. 41 E.,
Sec. 6: Lot 3;
Sec. 7: Lot 1, NE¼NW¼.
T. 19 N., R. 41 E.,
Sec. 31: Lot 1.

M–59615

Principal Meridian, Montana

T. 16 N., R. 40 E.,
Sec. 1: Lot 1;
Sec. 2: SW¼SE¼.
T. 16 N., R. 41 E.,
Sec. 6: Lots 1–3.

M–59616

Principal Meridian, Montana

T. 18 N., R. 35 E.,
Sec. 1: Lots 1, 2, SE¼NE¼, NE¼SE¼.
T. 18 N., R. 36 E.,
Sec. 17: SE¼NE¼.
T. 20 N., R. 33 E.,
Sec. 6: NE¼SW¼;
Sec. 9: NW¼SW¼.

M–59617

Principal Meridian, Montana

T. 18 N., R. 40 E.,
Sec. 3: SE¼NE¼, NW¼SE¼.

M–59618

Principal Meridian, Montana

T. 21 N., R. 33 E.,
Sec. 28: NE¼NW¼.
T. 21 N., R. 34 E.,
Sec. 34: NW¼SE¼.
Aggregating 834.84 acres.

In exchange for these lands, the United States Government will acquire the surface estate in the following described lands:

M–59614

Principal Meridian, Montana

T. 19 N., R. 40 E.,
Sec. 24: S½NE¼;
Sec. 29: S½SW¼.
T. 19 N., R. 41 E.,
Sec. 19: Lots 2, 3.

M–59615

Principal Meridian, Montana

T. 16 N., R. 40 E.,
Sec. 2: Lots 1–4, 6.

M–59616

Principal Meridian, Montana

T. 21 N., R. 33 E.,
Sec. 30: Lots 1–4, E½NW¼.
T. 20 N., R. 33 E.,
Sec. 6: Lot 3.

M–59617

Principal Meridian, Montana

T. 18 N., R. 40 E.,
Sec. 10: SE¼SW¼;
Sec. 15: NE¼NW¼.

M–59618

Principal Meridian, Montana

T. 21 N., R. 34 E.,
Sec. 20: SW¼SE¼;
Sec. 27: NW¼SW¼.
Aggregating 830.36 acres.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, District Manager, P.O. Box 940, Miles City, Montana 59301. Any comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this exchange is available at the Miles City District Office, West of Miles City, Montana.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. All mineral ownership under the public and private lands involved will remain with the present owners.

3. All valid existing rights (e.g., rights-of-way, easements and leases of record).

4. The exchange is based on a final appraised fair market value on the public and private lands involved in this action.

This exchange is consistent with Bureau of Land Management policies; planning and state and local officials have been contacted. The public interest will be served by completion of this exchange.

Dated: February 14, 1984.

Ray Brubaker,

District Manager.

[FR Doc. 84-4707 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-DN-M

[M 57761 (SD)]

South Dakota; Conveyance of Public Land

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance of Public Land in Custer County, South Dakota (M 57761(SD)).

SUMMARY: Notice is hereby given that pursuant to Section 203 of the Act of October 21, 1976 (43 U.S.C. 1713 (1976)), the surface only of the following described land was conveyed to Claude Smith or Annette Smith:

Black Hills Meridian

T. 6 S., R. 2 E.
Sec. 25, NE¼NW¼.
Containing 40 acres.

The purpose of this notice is to inform State and local governmental officials and other interested parties of the conveyance of the land to the Smiths.

FOR FURTHER INFORMATION CONTACT: Ed Croteau, Montana State Office, 406-657-6082.

Dated: February 10, 1984.

Edward H. Croteau,

Chief, Lands Adjudication Section.

[FR Doc. 84-4708 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-DN-M

[OR-36745 (Wash)]

Washington; Order Providing for Opening of Lands

Correction

In FR Doc. 84-2868, appearing on page 4159 in the issue of Thursday, February 2, 1984, make the following corrections:

1. In the middle column, in the third column of the list of numbers in paragraph "1." the seventh number from the top reading "5405" should read "5404".

2. In the third column, fourth line of paragraph "3." "theyt" should read "they".

BILLING CODE 1505-01-M

[N-38461]

Nevada; Realty Action—Noncompetitive Sale of Public Land in Lyon County, Nevada

Correction

In FR Doc. 84-2044 appearing on page 3144 in the issue of Wednesday, January 25, 1984, make the following corrections.

On page 3144, first column, in the land description of Mount Diablo Meridian, Nevada, second line, "NE¼" at the end of the line should read "NW¼"; remove "S" at the end of the seventh line; and the eighth line should read "SW¼SW¼ NW¼".

On the same page, second column, first full paragraph, first line, "The" should read "This"; same paragraph, fourth line, "of" should read "for"; and in the fifth line, "qnd" should read" "and".

BILLING CODE 1505-01-M

[OR-35885]

Oregon; Conveyance

Notice is hereby given that, pursuant to section 203 of the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), the following described public land in Douglas County, was purchased by modified competitive sale and conveyed to the parties shown:

John E. and Margaret A. Kasunich, 285 Bluff Rd., Watsonville, CA 95076

Willamette Meridian, Oregon

T. 22 S., R. 6 W.,
Sec. 8, Lot 7.

The purpose of this Notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. & Mrs. Kasunich.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

February 15, 1984.

[FR Doc. 84-4780 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-33-M

[OR-36328A]

Oregon; Conveyance

Notice is hereby given that, pursuant to section 203 of the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), the following described public land in Gilliam County, was purchased by modified competitive sale and conveyed to the party shown:

Joseph K. Irby, Oley Star Route, Arlington, OR 97812

Willamette Meridian, Oregon

T. 1 S., R. 21 E.,
Sec. 25, NW¼NW¼.

The purpose of this Notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. Irby.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

February 15, 1984.

[FR Doc. 84-4781 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-33-M

[OR-36328-B]

Oregon; Conveyance

Notice is hereby given that, pursuant to section 203 of the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), the following described public land in Gilliam County, was purchased by modified competitive sale and conveyed to the party shown:

Odom Ranches, Box 398, Arlington, OR 97812

Willamette Meridian, Oregon

T. 1 N., R. 22 E.,
Sec. 24, NW¼SE¼.

The purpose of this Notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Odom Ranches.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

February 15, 1984.

[FR Doc. 84-4782 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-33-M

[OR-36328-D]

Oregon; Conveyance

Notice is hereby given that, pursuant to section 203 of the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), the following described public land in Gilliam County, was purchased by modified competitive sale and conveyed to the party shown:

Leo G. Graham, 520 S.W. Yamhill, Portland, OR 97204

Willamette Meridian, Oregon

T. 1 S., R. 20 E.,
Sec. 18, SW¼SE¼.

The purpose of this Notice is to inform the public and interested State and local governmental officials of the issuance of the conveyance document to Mr. Graham.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

February 15, 1984.

[FR Doc. 84-4783 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-33-M

[OR-34957, OR-36020]

Realty Action; Modified Competitive Sale in Lake County, Oregon

The following described parcels of land have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value shown:

Sale No.	Parcel No.	Legal description	Acreage	Fair market value
OR-34957	1	T. 27 W., R. 17 E., Willamette Meridian, Oregon: Section 15: SW¼, SE¼	40	$8,200
OR-36020		T. 28 S., R. 16 E., Willamette Meridian: Section 11: SW¼, NW¼, NW¼, SW¼	80	14,400

The sale will be held on Wednesday, May 16, 1984, at 10:00 a.m., Bureau of Land Management Conference Room, 1000 South Ninth Street, Lakeview, Oregon 97630.

Sale bidding will be limited to sealed bids and must be for at least the appraised value. Individuals with a preference right to purchase a parcel must be present at the sale and must submit a sealed bid, appraised value or higher, in order to qualify to meet the high sealed bid. Sale Parcel No. 1, OR-34957 and sale parcel OR-36020 will be offered for sale at public auction through modified competitive bidding with Lloyd Ginter and Kenneth Greene, respectively, given preference to meet the high selling bid. Refusal or failure by either Mr. Ginter or Mr. Greene to meet the high selling bid immediately after the close of bidding shall constitute a waiver of such right.

Modified competitive bidding procedures are being used to recognize the needs of adjoining landowners and historical use by these landowners. Preference to meet the high selling bid is authorized under Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713; 43 CFR 2711.3-2(a)(2)).

This sale is consistent with the land use plan developed in accordance with the Department's planning regulations, public participation and in coordination with local governmental entities. The sale involves isolated land compeletely surrounded by private land, that is difficult and uneconomical to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The public interest will be served by offering this land for sale.

Federal law requires that all bidders be U.S. citizens, 18 years of age or more, a state or state instrumentality authorized to hold property, or in the case of corporations, be authorized to own real estate in the state in which the sale land is offered.

Sealed written bids will be considered only if received by the Bureau of Land Management, 1000 South Ninth Street, P.O. Box 151, Lakeview, Oregon 97630, prior to 10:00 a.m., Wednesday, May 16, 1984. A separate written bid should be submitted for each sale parcel desired. Each written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashiers check, made payable to the Department of the Interior-BLM for at least twenty percent (20%) of the amount bid and shall be enclosed in a sealed envelope clearly marked, "Bid for Public Land Sales OR-34957, OR-36020, Sale Parcel Number —, Lake County, Oregon, May 16, 1984". The written sealed bids will be opened and publicly declared at the beginning of each sale. If 2 or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid, shall be by drawing.

The terms and conditions applicable to the sale are:

1. The apparent high bidder shall submit the remainder of the full bid price within 30 days from the date of sale. Failure to submit the full bid price within 30 days from the date of sale shall result in sale cancellation of the specific parcel and the twenty percent (20%) deposit shall be forefeited.

2. The authorized officer may reject the highest qualified bid and release the bidder from his/her obligation and withdraw any tract from the sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law, or collusive or other activities have hindered or restrained free and open bidding, or consummation of the sale would encourage or promote speculation in public lands.

3. The patents will contain a reservation to the United States for ditches and canals.

4. The sale is for surface estate only. The patents will contain a reservation to the United States for all minerals.

5. The sale will be subject to all valid existing rights.

Parcels not sold on the day of the sale will remain available for sale until sold or withdrawn. Sealed bids will be solicited on these parcels at the Lakeview District during regular business hours, (7:45 a.m. to 4:40 p.m.). The sealed bids will be opened June 6, 1984 and every first Wednesday of each subsequent month until the land is either sold, or withdrawn.

Detailed information concerning the sale, including the planning documents, environmental assesment and the record of public involvement, is available for review at the Lakeview District Office, Bureau of Land Management, 1000 South Ninth Street, Lakeview, Oregon 97630.

For a period of 45 days from the date of issuance of this notice, interested parties may submit comments to the District Manager, Lakeview District Office, Bureau of Land Management, P.O. Box 151, 1000 South Ninth Street, Lakeview, Oregon 97630. Any adverse comments received as a result of the Notices of Realty Action or notification to the congressional committees and delegations pursuant to Public Law 98-146, will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Dated: February 13, 1984.

Dick Harlow,

Associate District Manager.

[FR Doc. 84-4777 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-33-M

Availability of Public Land for Purchase in Lake County, Oregon

The parcel of public land described below has been previously offered for public auction sale by the Bureau of Land Management pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750, 43 U.S.C. 1713) but remains unsold. Sealed bids for this parcel will now be accepted at the Lakeview District Office. Bids may be submitted by qualified persons either by mail or delivered in person during regular business hours. Bids will not be accepted for less than the minimum bid listed below for the parcel.

All bids received will be opened the first Wednesday of each month, beginning on March 7, 1984. To be considered, bids must be received by 10:00 a.m. on the day of the bid opening. Each bid must be accompained by a certified check, postal money order, bank draft, or cashier's check, made payable to the Department of the Interior—BLM for not less than one-fifth of the amount of the Bid. Bids must be enclosed in a sealed envelope marked in the lower left-hand corner as follows: "Public Sale Bid, Serial No. ———." If two or more envelopes are received each containing acceptable bids of the same amount for the same parcel, the successful bid shall be determined by drawing. In all cases the highest sealed bid will determine the successful purchaser. The successful purchaser will be notified in writing and will be required to submit the remainder of the amount bid within 30 days. Failure to submit the full sale price within 30 days shall result in cancellation of the sale and the bidder's deposit will be forefeited. All unsucessful bids will be returned.

The parcel will remain available for purchase as described above until sold or withdrawn from sale by the authorized officer. The parcel available for sale is described as follows:

Parcel serial No.	Legal description/acreage Willamett Meridian, Oregon	Minimum bid
OR-36018	T. 26 S., R. 18 E., W.M., Sec. 25: SW¼ 160 Acres	$24,800

Bids or requests for information on the above parcel should be directed to the Lakeview District Office, 1000 S. 9th Street, P.O. Box 151, Lakeview, Oregon 97630, telephone (503) 947–2177.

Dated: February 10, 1984.

Larry Duncan,

Acting District Manager.

[FR Doc. 84–4778 Filed 2–22–84; 8:45 am]

BILLING CODE 4310–33–M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, et seq.):

Applicant: John Chason Gray, Daphne, AL; APP #116987.

The applicant requests a permit to purchase in interstate commerce one pair of captive-bred Hawaiian (=nene) geese [*Neosochen* (=*Branta*) *sandvicensis*] for enhancement of propagation.

Applicant: Suncoast Seabird Sanctuary, Indian Shores, FL; APP #146852.

The applicant requests a permit to export to Canada and reimport two brown pelicans (*Pelecanus occidentalis*) for enhancement of survival.

Applicant: Dr. Malcolm H. Hast, Chicago, IL; APP #583768.

The applicant requests a permit to import tissue specimens (larynx) of captive endangered monotremes and marsupials, that have died in Australian zoos, for scientific research.

Applicant: Western Ecological Services Company, Novato, CA; APP #591791.

The applicant requests a permit to live-trap and release salt marsh harvest mice (*Reithrodontomys raviventris*) in the San Francisco Bay area, for scientific research.

Applicant: 7 Oaks Game Farm, Wilmington, NC; APP #586721.

The applicant requests a permit to purchase in interstate commerce five pairs of masked bobwhite (*Colinus virginianus ridgwayi*) from various U.S. sources, for enhancement of propagation.

Applicant: George Jackson Tankersley, Pittsburgh, PA; APP #147556.

The applicant requests a permit to import one bontebok (*Damaliscus dorcas dorcas*) trophy culled from the ranch of Francis Bowker, Grahamstown, South Africa, for enhancement of the survival of the species.

Applicant: Rio Grande Zoo, Albuquerque, NM; APP #116995.

The applicant requests a permit to import three captive-born cheetahs (*Acinonyx jubatus*) from Whipsnade Park, England, for enhancement of propagation.

Applicant: International Animal Exchange, Ferndale, MI; APP #146429.

The applicant requests a permit to purchase in interstate commerce one female white-cheeked gibbon (*Hylobates concolor*) from Lafayette Park Zoo, Norfolk, VA, and export it to Seoul Grand Park Zoo, Seoul, Korea, for enhancement of propagation.

Applicant: International Animal Exchange, Ferndale, MI; APP #143995.

The applicant requests a permit to import six female captive-born hog deer [*Axis* (=*Cervis*) *porcinus annamiticus*] for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) in Room 601, 1000 North Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, Virginia 22203.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, of data to the Director at the above address. Please refer to the appropriate PRT 2 # or APP # when submitting comments.

Dated: February 17, 1984.

R. K. Robinson,

Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 84–4798 Filed 2–22–84; 8:45 am]

BILLING CODE 4310–07–M

Minerals Management Service

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Pennzoil Exploration and Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 5186, Block 252, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Galveston, Texas.

DATE: The subject DOCD was deemed submitted on February 15, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Mike Joseph, Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/ Development Plans Unit; Phone (504) 838–0867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: February 15, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–4785 Filed 2–22–84; 8:45 am]

BILLING CODE 4310–MR–M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co.; U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the South Timbalier Block 54 Federal Unit Agreement No. 14–08–001–3444, submitted on February 9, 1984, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the South Timbalier Block 54 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 13, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–4709 Filed 2–22–84; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Availability of Environmental Assessment Access Study; Playalinda Beach, and Canaveral National Seashore Florida; Public Meeting

An Environmental Assessment of alternatives for public access to Playalinda Beach, Canaveral National Seashore, is available for public review and comment.

The assessment considers the need for security in the area during space shuttle activity and the National Park Service's commitment to provide public access to this area.

As part of the Service's program for public participation in planning, a public meeting on the assessment will be held at the following time and location:

March 7, 1984, 7 p.m.—Brevard Community College, Titusville Campus, 1111 N. Washington Avenue, Titusville, Florida.

Written and oral comments on the assessement and its contents will be received for consideration at the meeting. In addition, written comments will be received by the Regional Director, Southeast Region, National Park Service, 75 Spring Street, SW, Atlanta, Georgia 30303, or by the Acting Superintendent, Canaveral National Seashore, P.O. Box 2583, Titusville, Florida 32780, until March 22, 1984.

Dated: February 10, 1984.

Robert M. Baker,

Regional Director, Southeast Region.

[FR Doc. 84–4731 Filed 2–22–84; 8:45 am]

BILLING CODE 4310–70–M

United States World Heritage Nomination Process; Calendar Year 1984

AGENCY: National Park Service, Interior.

ACTION: Public Notice and Request for Comment.

SUMMARY: The Department of the Interior, through the National Park Service, announces the process that will be used in calendar 1984 to identify possible U.S. nominations to the World Heritage List. This notice lists the properties that are included in the inventory of potential future U.S. World Heritage nominations, and solicits public comments and suggestions on properties that should be considered as potential U.S. World Heritage nominations this year. This notice identifies the requirements that U.S. properties must satisfy to be considered for nomination, and references the rules that the Department of the Interior has adopted to implement the World Heritage Convention. In addition, this notice contains the criteria which cultural or natural properties must satisfy for World Heritage status, and the 12 U.S. properties inscribed on the World Heritage List as of January 1, 1984.

DATES: Comments or suggestions of cultural or natural properties as potential 1985 U.S. World Heritage nominations must be received within 60 days of this notice. Comments should pertain to the merits of properties included on the draft inventory or others which the respondent believes should be considered for nomination to the World Heritage List of 1985. Comments should also specify how the recommended property satisfies one or more of the World Heritage criteria. The Department will decide the issue of nominations for this year and will publish the decision in the **Federal Register**, with a request for further public comment in the event that potential nominations are identified. Comments on potential U.S. nominations which may be listed must be received within 30 days of the second notice. In the event that nominations are favorably identified and received, the Department of Interior will subsequently publish in the **Federal Register** a final list of proposed 1985 U.S. World Heritage nominations. A detailed nomination document will be prepared

for each such proposed nomination. In November, the Federal Interagency Panel for World Heritage will review the accuracy and completeness of draft 1985 U.S. nominations, and will make recommendations to the Department of the Interior. The Assistant Secretary for Fish and Wildlife and Parks will subsequently transmit approved nomination(s) on behalf of the United States to the World Heritage Committee Secretariat, through the Department of State, by December 15, 1984, for evaluation by the World Heritage Committee in a process that could lead to inscription on the World Heritage List by fall 1985.

ADDRESS: Written comments or recommendations should be sent to the Director, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Attention: World Heritage Convention—773.

FOR FURTHER INFORMATION CONTACT: Mr. David G. Wright, Associate Director, Planning and Development, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 (202/343–6741).

SUPPLEMENTARY INFORMATION: The Convention Concerning the Protection of the World Cultural and Natural Heritage, ratified by the United States and 77 other countries, has established a system of international cooperation through which cultural and natural properties of outstanding universal value to mankind may be recognized and protected. The Convention seeks to put into place an orderly approach for coordinated and consistent heritage resource protection and enhancement throughout the world. The Convention complements each participating nation's heritage conservation programs, and provides for:

(a) The establishment of an elected 21-member World Heritage Committee to further the goals of the Convention and to approve properties for inclusion on the World Heritage Lists;

(b) The development and maintenance of a World Heritage List to be comprised of natural and cultural properties of outstanding universal value;

(c) The preparation of a List of World Heritage in Danger;

(d) The establishment of a World Heritage Fund to assist participating countries in identifying, preserving, and protecting World Heritage properties;

(e) The provision of technical assistance to participating countries, upon request; and

(f) The promotion and enhancement of public knowledge and understanding of the importance of heritage conservation at the international level.

Participating nations identify and nominate their sites for inclusion on the World Heritage List. The World Heritage Committee judges all nominations against established criteria. Under the Convention, each participating nation assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, and rehabilitation of World Heritage properties situated within its borders.

In the United States, the Department of the Interior is responsible for directing and coordinating U.S. participation in the World Heritage Convention. The Department implements its responsibilities under the Convention in accordance with the statutory mandate contained in Title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96–515; 16 U.S.C. 470 a–1, a–2). On May 27, 1982, the Interior Department published in the **Federal Register** the policies and procedures which will be used to carry out this legislative mandate (47 FR 23392). The rules contain additional information on the Convention and its implementation in the United States, and identify the specific requirements that U.S. properties must satisfy before they can be nominated for World Heritage status, i.e., the property must have previously been determined to be of national significance, its owner must concur in writing to its nomination, and its nomination must include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment.

The Federal Interagency Panel for World Heritage assists the Department in implementing the Convention by making recommendations on U.S. World Heritage policy, procedures, and nominations. The Panel is chaired by the Assistant Secretary for Fish and Wildlife and Parks, and includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; National Oceanic and Atmospheric Administration, Department of Commerce; Forest Service, Department of Agriculture; and the Department of State.

I. Potential U.S. World Heritage Nominations

The Department encourages any agency, organization, or individual to submit written comments on how one or more properties on the U.S. World Heritage indicative inventory which follows, or other qualified property, relates to and satisfies one or more of the World Heritage criteria (Section II of this notice). In order for a United States property to be considered for nomination to the World Heritage List, it must satisfy the requirements set forth earlier, i.e., (a) it must have previously been determined to be of national significance, (b) its owner must concur in writing to such nomination, and (c) its nomination document must include evidence of such legal protections as may be necessary to preserve the property and its environment. Information provided by interested parties will be used in evaluating the World Heritage potential of a particular cultural or natural property.

The following properties were published in the **Federal Register** on May 6, 1982, as the inventory of potential future U.S. World Heritage nominations (47 FR 19648) and amended in (48 FR 38100). The inventory discusses briefly the significance of each site, and identifies the specific World Heritage criteria that the sites appear to satisfy. The properties included on the inventory minus properties nominated in intervening years are as follows:

Natural

Acadia National Park, Maine
Aleutian Islands Unit of the Alaska Maritime National Wildlife Rufuge, Alaska
Arches National Park, Utah
Arctic National Wildlifer Refuge, Alaska
Big Bend National Park, Texas
Bryce Canyon National Park, Utah
Canyonlands National Park, Utah
Capitol Reef National Park, Utah
Carlsbad Caverns National Park, New Mexico
Colorado National Monument, Colorado
Crater Lake National Park, Oregon
Death Valley National Monument, California
Denali National Park, Alaska
Gates of the Arctic National Park, Alaska
Glacier Bay National Park, Alaska
Glacier National Park, Montana
Grand Teton National Park, Wyoming
Guadalupe Mountains National Park, Texas
Haleakala National Park, Hawaii
Hawaii Volcanoes National Park, Hawaii
Joshua Tree National Monument, California
Katmai National Park, Alaska
Mount Rainier National Park, Washington

North Cascades National Park, Washington
Okefenokee National Wildlife Refuge, Georgia-Florida
Organ Pipe Cactus National Monument/ Cabeza Prieta National Wildlife Ranges, Arizona
Point Reyes National Seashore, California
Rainbow Bridge National Mounment, Utah
Rocky Mountain National Park, Colorado
Saguaro National Monument, Arizona
Sequoia/Kings Canyon National Parks, California
Virginia Coast Reserve, Virginia
Zion National Park, Utah

Cultural

Aleutian Island Unit of the Alaska Maritime National Wildlife Refuge (Fur Seal Rookeries), Alaska
Auditorium Building, Illinois—Chicago
Bell Telephone Laboratories, New York—New York City
Brooklyn Bridge, Brooklyn, New York
Cape Krusenstern Archaeological District, Kotzebue, Alaska
Carson, Pirie, Scott and Company Store, Chicago, Illinois
Casa Grande National Monument, Coolidge, Arizona
Chaco Culture National Historical Park, New Mexico
Chapel Hall, Gallaudet College, District of Columbia
Eads Bridge, Illinois-Missouri
Fallingwater, Mill Run, Pennsylvania
Frank Lloyd Wright Home and Studio, Oak Park, Illinois
General Electric Research Laboratory, Schenectady, New York
Goddard Rocket Launching Site, Auburn, Massachusetts
Hohokam Pima National Monument, Arizona
Leiter II Building, Chicago, Illinois
Lindenmeier Site, Colorado
Lowell Observatory, Flagstaff, Arizona
Marquette Building, Chicago, Illinois
McCormick Farm and Workshop, Walnut Grove, Virginia
Monticello, Charlottesville, Virginia
Mound City Group National Monument, Ohio
Moundville Site, Alabama
New harmony Historic District, New Harmony, Indiana
Ocmulgee National Monument, New Mexico
Poverty Point, Bayou Macon, Louisianna
Prudential (Guaranty) Building, Buffalo, New York
Pupin Physics Laboratories, Columbia University, New York
Reliance Building, Chicago, Illinois
Robie House, Chicago, Illinois
Rookery Building, Chicago, Illinois
San Xavier Del Bac, Tucson, Arizona
Savannah Historic District
South Dearborn Street-Printing House Row North Historic District, Chicago, Illinois
Taliesin, Spring Green, Wisconsin
Taos Pueblo, Taos, New Mexico
Trinity Site, Bingham, New Mexico
Unity Temple, Oak Park, Illinois
University of Virginia Historic District, Charlottesville, Virginia
Ventana Cave, Arizona
Wainwright Building, St. Louis, Missouri
Warm Springs Historic District, Georgia
Washington Monumnent, District of Columbia

Additional information on each of the properties listed above may be found in the May 6, 1982, **Federal Register** notice (47 FR 19648), which includes a description of the properties on the U.S. World Heritage inventory. This notice is available from the National Park Service (see addresses). Written comments are welcome on these and other qualified properties.

II. World Heritage Criteria

The following criteria are used by the World Heritage Committee in evaluating the World Heritage potential of cultural and natural properties nominated to it:

A. Criteria for the Inclusion of Cultural Properties on the World Heritage List:

(1) A monument, group of buildings or site which nominated for inclusion on the World Heritage List will be considered to be of outstanding universal value for the purposes of the Convention when the Committee finds that it meets one or more of the following criteria *and* the test of authenticity. Each property nominated should therefore:

(i) Represent a unique artistic achievement, a masterpiece of the creative genius; or

(ii) Have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts or townplanning and landscaping; or

(iii) Bear a unique or at least exceptional testimony to a civilization which has disappeared; or

(iv) Be an outstanding example of a type of structure which illustrates a significant stage in history; or

(v) Be an outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change; or

(vi) Be directly or tangibly associated with events or with ideas or beliefs of outstanding universal significance. (The Committee considered that this criterion should justify inclusion in the List only in exceptional circumstances or in conjunction with other criteria); and

In addition, the property must meet the test of authenticity in design, materials, workmanship, or setting.

(2) The following additional factors will be kept in mind by the Committee in deciding on the eligibility of a cultural property for inclusion on the List:

(i) The state of preservation of the property should be evaluated relatively, that is, it should be compared with that of other property of the same type dating from the same period, both inside and outside the country's borders; and

(ii) Nominations of immovable property which is likely to become movable will not be considered.

(B) Criteria for the Inclusion of Natural Properties on the World Heritage List:

(1) A nautral heritage property which is submitted for inclusion in the World Heritage List will be considered to be of outstanding universal value for the purposes of the Convention when the Committee finds that it meets one or more of the following criteria and fulfills the conditions of integrity set out below. Properties nominated should therefore:

(i) Be outstanding examples representing *the major stages of the Earth's evolutionary history.* This category would include sites which represent the major "eras" of geological history such as "the age of reptiles" where the development of the planet's natural diversity can well be demonstrated and such as the "ice age" where early man and his environment underwent major changes; or

(ii) Be outstanding examplees representing *significant ongiong geological processes, biological evolution, and man's interaction with his natural environment;* as distinct from the periods of the Earth's development, this focuses upon ongoing processes in the development of communities, of plants and animals, landforms, and marine and fresh water bodies; or

(iii) *Contain superlative natural phenomena, formations or features or areas of exceptional natural beauty,* such as superlative examples of the most important ecosystems, natural features, spectacles presented by great concentrations of animals, sweeping vistas covered by natural vegetation and exceptional combinations of natural and cultural elements; or

(iv) *Contain the foremost natural habitats where threatened species of animals or plants of outstanding universal value* from the point of view of science or conservation still survive.

(2) In addition to the above criteria, the sites should also fulfill the conditions of integrity:

(i) The areas described in (i) above should contain all or most of the key interrelated and interdependent elements in their natural relationships; for example, an "ice age" area would be expected to include the snow field, the glacier itself, and samples of cutting patterns, deposition, and colonization (striations, moraines, pioneer stages of plant succession, etc.).

(ii) The areas described in (ii) above should have sufficient size and contain the necessary elements to demonstrate the key aspects of the process and to be self-perpetuating. For example, an area of "tropical rain forest" may be expected to include some variation in elevation above sea level, changes in topography and soil types, river banks or oxbow lakes, to demonstrate the diversity and complexity of the system.

(iii) The areas described in (iii) above should contain those ecosystem components required for the continuity of the species or of the objects to be conserved. This will vary according to individual cases; for example, the protected area of a waterfall would include all, or as much as possible, of the supporting upstream watershed; or a coral reef area would be provided with control over siltation or pollution through the stream flow or ocean currents which provide its nutrients.

(iv) The area containing threatened species as described in (iv) above should be of sufficient size and contain necessary habitat requirements for the survival of the species.

(v) In the case of migratory species, seasonal sites necessary for their survival, wherever they are located, should be adequately protected. If such sites are located in other countries, the Committee must receive assurances that the necessary measures be taken to ensure that the species are adequately protected throughout their full life cycle. Agreements made in this connection, either through adherence to international conventions or in the form of other multilateral or bilateral arrangements, would provide this assurance.

(3) The property should be evaluated relatively, that is, it should be compared with other properties of the same type, both inside and outside the country's borders, within a biogeographic province, or migratory pattern.

III World Heritage List

As of January 1, 1984, the World Heritage Committee had approved the following 12 cultural and natural properties in the United States for inscription on the World Heritage List. (The World Heritage List currently includes 165 properties worldwide.)

Cahokia Mounds State Historic Site
Everglades National Park
Grand Canyon National Park
Great Smoky Mountains National Park
Independence Hall
Mammoth Cave National Park
Mesa Verde National Park
Olympic National Park
Redwood National Park
San Juan National Historic Site and La Fortaleza
Wrangell-St. Elias National Park
Yellowstone National Park

Dated: February 9, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-4733 Filed 2-22-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-212 and 731-TA-169 through 182 (Preliminary)]

Certain Carbon Steel Products From Argentina, Australia, Finland, South Africa, and Spain

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and scheduling of a conference to be held in connection with the investigations.

EFFECTIVE DATE: February 10, 1984.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of countervailing duty investigation No. 701-TA-212 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of allegedly subsidized imports from Australia of galvanized carbon steel sheet provided for in items 608.07 and 608.13 of the Tariff Schedules of the United States (TSUS).

The Commission also gives notice of the institution of the following antidumping investigations under section 733(a) of the Tariff Act (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the specified countries of the following carbon steel products, which are alleged to be sold in the United States at less than fair value:

Carbon steel plate not in coils provided for in TSUS item 607.66 from—

Finland (investigation No. 731-TA-169 (Preliminary));

South Africa (investigation No. 731-TA-170 (Preliminary)); and

Spain (investigation No. 731-TA-171 (Preliminary));

Carbon steel plate in coils provided for in TSUS item 607.66 from—

South Africa (investigation No. 731-TA-172 (Preliminary)); and

Spain (investigation No. 731-TA-173 (Preliminary));

Hot-rolled carbon steel sheet provided for in TSUS items 607.67 and 607.83 from—

South Africa (investigation No. 731-TA-174 (Preliminary));

Cold-rolled carbon steel sheet provided for in TSUS item 607.83 from—

Argentina (investigation No. 731-TA-175 (Preliminary)); and

South Africa (investigation No. 731-TA-176 (Preliminary)); and

Spain (investigation No. 731-TA-177 (Preliminary));

Galvanized carbon steel sheet provided for in TSUS items 608.07 and 608.13 from—

Australia (investigation No. 731-TA-178 (Preliminary));

South Africa (investigation No. 731-TA-179 (Preliminary)); and

Spain (investigation No. 731-TA-180 (Preliminary)); and

Carbon steel angles, shapes, and sections having a maximum cross-sectional dimension of 3 inches or more provided for in TSUS item 609.80 from—

South Africa (investigation No. 731-TA-181 (Preliminary)); and

Spain (investigation No. 731-TA-182 (Preliminary)).

FOR FURTHER INFORMATION CONTACT: Judith Zeck (202-523-0339), Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington D.C. 20436.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to petitions filed on February 10, 1984, by the United States Steel Corp., Pittsburgh, Pa. The Commission must make its determinations in these cases within 45 days after the date of the filing of the petitions, or by March 26, 1984 (19 CFR 207.17).

Participation in the Investigations

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service of Documents

The Secretary will compile a service list from the entries of appearance filed in these investigations. Any party submitting a document in connection with the investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written Submissions

Any person may submit to the Commission on or before March 9, 1984, a written statement of information pertinent to the subject matter of these investigations (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on March 7, 1984, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact Ms. Judith Zeck (202–523–0339) not later than March 2, 1984, to arrange for their appearance. Parties in support of the imposition of countervailing duties and/or antidumping duties in these investigations will be collectively allocated one hour within which to make an oral presentation at the conference. Parties in opposition to the imposition of such duties will be collectively allocated two hours within which to make an oral presentation at the conference.

Public Inspection

A copy of the petitions and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C.

For further information concerning the conduct of these investigations, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Ms. Zeck.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: February 16, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–4808 Filed 2–22–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–160]

Certain Composite Diamond Coated Textile Machinery Components; Commission Decision Reversing Initial Determination Designating More Complicated

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has reversed the initial determination of the presiding officer designating the above-referenced investigation more complicated.

Authority: 19 U.S.C. 1337; 19 CFR 210.56(c).

SUPPLEMENTARY INFORMATION: On January 12, 1984, the presiding officer issued an initial determination [Order No. 21) in which she designated this investigation more complicated. On January 24, 1984, the Commission determined on its own motion to review the initial determination. 49 FR 4047 (Feb. 1, 1984). Having examined the record in this investigation, including the initial determination and the written submissions of the parties, the Commission has determined to reverse the initial determination designating this investigation more complicated.

Copies of the Commission's Action and Order and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 523–0148.

By order of the Commission.

Issued: February 17, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–4812 Filed 2–22–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–154]

Certain Dot Matrix Line Printers and Components Thereof; Receipt of Initial Determination Terminating Respondents on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a consent order agreement:

Citizen Watch Co., Ltd., C. Itoh & Col., Ltd., C. Itoh Electronics, Inc., EIE Terminals, Inc. and ACRO Corporation (collectively respondents).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial

determination in this matter was served upon the parties on February 16, 1984.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: February 16, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–4809 Filed 2–22–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–177]

Certain Film Web Drive Stretch Apparatus and Components Thereof; Receipt of Initial Determination Terminating Respondents on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a consent order agreement:

Muller Manufacturing, Ltd., and Muller Packaging Systems, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on February 16, 1984.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: February 16, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–4810 Filed 2–22–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–183]

Certain Indomethacin; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and 19 U.S.C. 1337a.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 17, 1984, under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and under 19 U.S.C. 1337a, on behalf of Merck & Co., Inc., Rahway, New Jersey 07065. The complaint alleges unfair methods of competition and unfair acts in the importation of certain indomethacin, or in its sale, by reason of alleged infringement of at least claims 1, 2, 4 and 7 of U.S. Letters Patent No. 3,629,284. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue both a permanent exclusion order and permanent cease and desist orders.

Authority: The authority for institution of this investigation is contained in 19 U.S.C. 1337 and 1337a and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 14, 1984, Ordered That:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation of certain indomethacin, or in its sale, by reason of alleged infringement of claims 1, 2, 4 and 7 of U.S. Letters Patent No. 3,629,284, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Merck & Co., Inc., Rahway, New Jersey 07065.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Fabrica Italiana Sintetici S.p.A., Viale Milano, 26, 36041 Alte di Montecchio Maggiore, Vincenza, Italy

Industrie Chimiche Farmaceutiche Italiana S.p.A., 33045 Nimis (Udine), Italy,

B.T.B. Industria Chemical S.p.A., 20067 Tribiano, Milan, Italy

Lodzkie Zaklady Farmaceutyczne POLFA, u.l. Drewnowska 43/47, Lodz, Poland

ACIC Ltd., 60 St. Clair Avenue East, Suite 304, Toronto, Ontario M4T 1N5, Canada

Chemi, Via Valdisi, 5, Patricia, 03010, Italy

INDUSPAL, Auda, Virgin Monserrat 12, Entlo, Barcelona, 24, Spain

Lederle Laboratories, Division of American Cyanamid, Pearl River, N.Y. 10965
European Manufacturers Associates, Ltd., 745 Fifth Ave., Suite 403, New York, N.Y. 10151
S.S.T. Corporation, 1373 Broad Street, P.O. Box 1649, Clifton, N.J. 07015
GYMA Laboratories of America, Inc., 65 Commercial Ave., Garden City, N.Y. 11530
Zenith Laboratories, 140 LeGrand, Northvale, N.J. 07647
Agvar Chemicals, Inc., One Lincoln Plaza, New York, N.Y. 10036
Borge International, Inc., 52 First St., Hackensack, N.J. 07601
Conray Chemicals, Inc., 97 Ongley St., Rockville Centre, N.Y. 11571
Pharma Development Corp., 750 Third Avenue, New York, N.Y. 10017
Henley & Co., 750 Third Avenue, New York, N.Y. 10017
Ganes Chemicals, Inc., 1114 Avenue of the Americas, New York, N.Y. 10036
Maypro Industries, Inc., 11 Penn Plaza, New York, N.Y. 10001
Chelsea Laboratories, 482 Doughty Boulevard, Inwood, N.Y. 11696
Par Pharmaceutical Inc., 12 Industrial Ave., Upper Saddle River, N.J. 07458
Rugby Laboratories, Inc., 20 Nassau Avenue, Rockville Centre, N.Y. 11570
Ellis Pharmaceuticals, Inc., 280 Walnut Street, Ormond Beach, Florida 32074

(c) Deborah S. Strauss, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 126, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Deborah S. Strauss, Esq., Unfair Import Investigations Division, Room 126, U.S. International Trade Commission, telephone 202–523–1233.

By order of the Commission.

Issued: February 16, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–4007 Filed 2–22–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–155]

Certain Liquid Crystal Display Watches With Rocker Switches; Commission Determination Not To Review Four Initial Determinations Terminating Five Respondents and the Investigation

AGENCY: International Trade Commission.

ACTION: The Commission has determined not to review four initial determinations (I.D.'s), terminating the above-captioned investigation. The first three I.D.'s terminate the following three respondents on the basis of consent order agreements: Criterion Watch Co., Inc., Regency Time Ltd., and Far East United Electronics Ltd. The fourth I.D. terminates with prejudice the last two respondents, Bella Watch Corp. and Cycle Time Electronics, Ltd., thereby terminating the investigation.

Authority: 19 U.S.C. 1337, 19 CFR § 210.51, 19 CFR § 211.21.

SUPPLEMENTARY INFORMATION: Notices soliciting public comment on the I.D.'s terminating Criterion Watch Co., Inc., Regency Time Ltd., and Far East United Electronics Ltd. on the basis of consent order agreements were published in the **Federal Register** of January 26, 1984, 49 FR 3278–3279. The Commission received neither petitions for review of any of the I.D.'s, nor comments from the public or other Government agencies.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0499.

By order of the Commission.

Issued: February 16, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–4837 Filed 2–22–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigative No. 337–TA–155]

Certain Liquid Crystal Display Watches With Rocker Switches; Commission Determination Not To Review Initial Determinations Terminating Six Respondents on the Basis of Consent Order Agreements

AGENCY: International Trade Commission.

ACTION: The Commission has determined not to review six initial determinations (I.D.'s) terminating this investigation as to the following six respondents on the basis of consent order agreements: Madison Watch Co., Jupiter Time Corp., Collins Industrial Co., Ltd., Dunbar Electronics Corp., Ltd., M.Z. Berger Co., and Sharp International Corp.

Authority: 19 U.S.C. 1337, 19 FR § 211.21.

SUPPLEMENTARY INFORMATION: Notice of the I.D.'s was published in the **Federal Register** of January 18, 1984, 49 CFR 2167. The Commission has received neither petitions for review of any of the I.D.'s nor comments from the public or other Government agencies.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0499

By order of the Commission.

Issued: February 14, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–4811 Filed 2–22–84; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 388 (Sub-Nos. 2, 29, 30 and 35)]

State Intrastate Rail Rate Authority; Arkansas, et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission makes final certification of the State Commissions of Arkansas, South Carolina, Tennessee, and West Virginia under 49 U.S.C.

11501(b), to regulate intrastate rail transportation, subject to a condition precedent that they modify their standards and procedures as noted in the full decision. These States must also inform the Commission that their standards, with the modifications, have been officially and finally adopted.

DATES: If the necessary changes are made, certification will begin on March 26, 1984.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: February 10, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Acting Secretary.

[FR Doc. 84–4725 Filed 2–22–84; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

February 17, 1984.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether section 3504(H) of Pub. L. 96–511 applies; (10) The name and telephone number of the person or office responsible for OMB review. Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

DEPARTMENT OF JUSTICE

Agency Clearance Officer Larry E. Miesse—202–633–4312.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

FOREIGN CLAIMS SETTLEMENT COMMISSION, DEPARTMENT OF JUSTICE

Request for Confirmation of Naturalization (FCSC–13)
On occasion
Individuals or households
Form is used to provide information on the United States naturalization of claimants before the Commission as required by Public Law 96–606 and Public Law 97–127 to determine eligibility for awards for losses in foreign countries: 20 respondents; 5 hours; not applicable under 3504(h).
Robert Veeder—395–4814

IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Application for Stay of Deportation (I–246)
On occasion
Individuals or households
Used to determine eligibility of applicant for stay of deportation as prescribed in 8 CFR 243.4: 1,250 respondents; 312 hours; not applicable under 3504(h).
Robert Veeder—395–4814

IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa (I–129F)
On occasion
Individuals or households
Use by an unmarried U.S. Citizen to classify the status of an alien beneficiary as a nonimmigrant fiance or fiancee, as defined in Section 101(a)(15)(k) of the Immigration and Nationality Act, and who seeks to enter the United States to conclude a valid marriage within 90 days of entry into the United States: 12,000 responses; 6,000 hours; not applicable under 3504(h).
Robert Veeder—395–4814

New Collection

LEGAL ACTIVITIES, PROCUREMENT AND CONTRACTS STAFF, JUSTICE MANAGEMENT DIVISION, DEPARTMENT OF JUSTICE

Category III, Information Necessary To Evaluate, Both Technically and Financially, Responses by Potential Vendors to the Department's Invitations for Bids and Requests for Proposals
On occasion
Businesses or other for-profit, non-profit institutions, small businesses or organizations
Collection is necessary to evaluate responses to solicitations and used to determine technical proposal validity, suitability of the item offered, adequacy of the proposed business management plan, and the offeror's financial responsibility, affecting all bidders/offerors who respond: 375 respondents; 7,500 hours: not applicable under 3504(h).
Robert Veeder—395–4814

Larry E. Miesse,

Agency Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 84–4727 Filed 2–22–84; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Proposed Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental pocicy, 28 CFR 50.7, notice is hereby given that on January 19, 1984 a proposed consent decree in *United States* v. *City of Niagara Falls*, Civil Action No. 81–363C, was lodged with the United States District Court for the Western District of New York. The proposed consent decree concerns the discharge of pollutants from the City of Niagara Falls' Wastewater Treatment Plant.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *City of Niagara Falls*, D.J. Ref. 90–5–1–1–1342.

The proposed consent decree may be examined at the Office of the United States Attorney, 502 U.S. Courthouse, Court and Franklin Streets, Buffalo, New York 14202 and at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, Room 900, New York, New York 10007. Copies of the consent

decree may be examined at the Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.60 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-4717 Filed 2-22-84; 8:45 am]

BILLING CODE 4410-01-M

Logging of consent Decree Pursuant to Clean Water Act

In accordance with Departmental policy, 28, CFR 50.7, notice is hereby given that on February 3, 1984 a proposed consent decree in *United States* v. *Pasadena Chemical Corporation,* Civil Action No. H-83-1573 was lodged with the United States District Court for the Southern District of Texas. The proposed consent decree requires the Pasadena Chemical Corporation to comply with the effluent limitations of its NPDES permit and requires payment of a civil penalty.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Pasadena Chemical Corporation,* D.J. Ref. 90-5-2-1-575.

The proposed consent decree may be examined at the office of the United States Attorney, 515 Rusk Avenue, Houston, Texas, at the Region VI Office of the Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of the proposed consent decree, refer to the case, proposed consent decree and D. J. reference number. Please enclose a check in amount of $1.10 (10 cent per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-4718 Filed 2-22-84; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as mended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Folk Arts Section) to the National Council on the Arts will be held on March 8-10, 1984, from 9:00 a.m.-5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 14, 1984.

[FR Doc. 84-4786 Filed 2-22-84; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Hearing Postponement; Responses, Availability of

Hearing

Notice is hereby given that the hearing in the matter of the accident involving Air Illinois, Inc., Hawker Siddley 748-2A, of United States Registry, N748LC, near Pinckneyville, Illinois, on October 11, 1983, originally scheduled (see 49 FR 6036, Feb. 16, 1984) to reconvene on February 27, 1984, has been postponed indefinitely.

Responses From

Railroad—*Illinois Central Gulf Railroad: Feb. 8: R-81-64:* Effective Feb. 2, 1984, the southward home signal at ILES, ILLINOIS, will display "Restricting" indication (Rule 290) when switch and signal at KC Junction are lined for Track No. 2.

Duluth, Missabe and Iron Range Railway Company: Feb. 8: 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. The annual number of contacts made is a variable number dependent on the actual period sampled due to fluctuating numbers of yard crews and trains operating under the current volatile business levels.

Highway—*Graco Children's Products, Inc.: Feb. 9: H-83-60 and -61:* Made some clarifications and additions to its child safety seats in early 1983 to clarify automobile belt routing, and revised its instruction booklet to make to warnings and the sequence of stops easier to follow.

State of South Carolina: Feb. 8: H-83-52: Office of Highway Safety plans to conduct a statewide public information and awareness campaign on the proper use of child safety seats. The South Carolina Highway Patrol has incorporated into its accident investigation reports safety seat use data.

Marine—*Department of Transportation, State of Washington: Jan. 17: M-82-24:* Each vessel has been instructed to comply with 33 CFR 164.33(a) by having charts of the area to be transited published by the National Ocean Survey, U.S. Army Corps of Engineers, or a river authority that are large enough scale and have enough detail to enable safe navigation of the area; and are the most recently published and available for the area and currently corrected. *M-82-25:* Policy Circular #C-13 of April 15, 1982, details distance and running time between terminals of the Washington State Ferries. These are considered prescribed routes and deviation from these routes is considered only in the event of emergency or safety. *M-82-26:* Is developing ferry maneuvering information, as described under 33 CFR 164.35(g), and will have such information posted in the ferry pilothouse for pilot use. As of March 1, 1984, 12 vessels will have the information. *M-82-27:* Has directed all masters to make and record periodic magnetic compass observations so as to detect any changes in deviation. *M-82-28:* Gyrocompass and plotting head installation is proceeding on schedule. Completion of this project is coordinated with annual lay-up schedule. *M-82-29:* Deems impractical and unnecessary the recommendation to require that ferry bridgewatch personnel, who regularly use radiotelephone equipment, to observe proper vessel identification and communications procedures and also include course and

speed information when exchanging communications with other vessels during close maneuvering encounters. Ferry pilots are obligated under U.S. Coast Guard regulations and local Puget Sound Vessel Traffic System regulations. *M–82–30:* Deems impractical the recommendation to review schedules on ferry routes and consider the feasibility of instituting special schedules that allow for reduced speeds during periods of restricted visibility. Ferry pilots are obligated to observe Rule 19 of the International Steering and Sailing Rules with respect to speed during times of restricted visibility. *M–82–31:* Washington State Ferries has implemented an entry-level training program designed to familiarize the new employee with safety and firefighting procedures as well as CPR, Basic First Aid, and Public Relations with the traveling public.

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 office.

February 16, 1984.

[FR Doc. 84–4631 Filed 2–22–84; 8:45 am]

BILLING CODE 4910–58–M

SECURITIES AND EXCHANGE COMMISSION

Agency Information Collection Activities Under OMB Review

Agency clearance officer—Kenneth A. Fogash, 202–272–2142

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Amendment
Rule 204–2
File No. 270–215

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for clearance a proposed amendment to Rule 204–2 (17 CFR 275.204–2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) which would permit registered investment advisers to comply with the recordkeeping rule by maintaining required records on microfilm or microfiche without having to retain hard copies of the records for two years. Adoption of this rule would make this part of rule 204–2 consistent with other Commission recordkeeping rules and would decrease the burden of compliance for registered advisers using microfilm and microfiche to retain records.

The potential respondents are investment advisers subject to registration who use or may use microfilm or microfiche to retain records.

Submit comment to OMB Desk Officer: Katie Lewin, 202–395–7231, Office of Information & Regulatory Affairs, NEOB Room 3235, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

February 15, 1984.

[FR Doc. 84–4734 Filed 2–22–84; 8:45 am]

BILLING CODE 8010–01–M

Agency Information Collection Activities Under OMB Review

Agency Clearance Officer—Kenneth Fogash, (202) 272–2142

Upon written request, copy available from: Securities and Exhange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Extension/New
Proposed New Guide and Amendments to Regualtion S–X and Item 601 of Regulation S–K (17 CFR 210 and 229.601)
SEC File Nos. 270–3; 270–2

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for approval proposed amendments and a proposed guide relating to disclosures concerning reserves for unpaid losses and loss adjustment expenses for property-casualty insurance underwriters.

The potential respondents include all entities that have significant property-casualty reserve liabilities and file registration statements or reports pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

Submit comments to OMB Desk Officer: Katie Lewin (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

February 15, 1984.

[FR Doc. 84–4735 Filed 2–22–84; 8:45 am]

BILLING CODE 8010–01–M

Agency Information Collection Activities Under OMB Review

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 5th Street, NW., Washington, D.C. 20549.

Amendments
Rule 485 [17 CFR 230.485]
Rule 486 [17 CFR 230.486]
File No. 270–68

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance proposed amendments to Rules 485 and 486 of Regulation C under the Securities Act of 1933, which permit post-effective amendments filed by registered investment companies to become effective automatically without staff review.

Comments should be submitted to OMB Desk Officer: Ms. Katie Lewin, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503.

February 15, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–4736 Filed 2–22–84; 8:45 am]

BILLING CODE 8010–01–M

Agency Information Collection Activities Under OMB Review

Agency Clearance Officer: Kenneth Fogash, (202) 272–2142

Upon written request, copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Extension
Proposed Amendments to Articles 5, 10 and 11 of Regulation S–X and Item 303 of Regulation S–K [17 CFR 210.5–01, 210.10–01, 210.11–01, and 229.303]
SEC File Nos. 270–3; 270–2

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for approval proposed amendments regarding industry segments, and other interim financial reporting matters and the requirements for managements' discussions and analyses.

The potential respondents include all entities that file registration statements and reports under the Securities Act of 1933 and the Securities Exchange Act of 1934.

Submit comments to OMB Desk Officer: Katie Lewin, (202) 395–7231,

Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

February 15, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-4737 Filed 2-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13776; 812-5666]

Paine Webber Cashfund, Inc., et al.; Filing of Application for Order Permitting Offers of Exchange, and for an Exemption

February 16, 1984.

Notice is hereby given that Paine Webber CASHFUND, Inc., Paine Webber RMA Money Fund, Inc., Paine Webber RMA Tax-Free Fund, Inc. (herein collectively referred to as the "No-load Funds"), and Paine Webber AMERICA Fund, Inc. ("AMERICA Fund"), and Paine Webber ALTAS Fund, Inc. (herein together with AMERICA Fund referred to as the "Load Funds"), c/o Paine, Webber, Jackson & Curtis Incorporated, 140 Broadway, New York, New York 10005, open-end management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Paine, Webber, Jackson & Curtis Incorporated ("Paine Webber"), principal underwriter or distributor of the No-load Funds and the Load Funds (the "Funds;" Paine Webber herein referred to collectively with the Funds as "Applicants"), filed an application on October 3, 1983, and an amendment thereto on December 20, 1983, for an order (1) pursuant to Section 11(a) of the Act approving certain proposed offers of exchange of shares among the Funds on a basis other than their respective net asset values per share at the time of exchange and, (2) pursuant to Section 6(c) of the Act, granting an exemption from Section 22(d) of the Act in connection with certain related exchanges. The exemptions are also requested to be applicable to investment companies ("Additional Funds") for which Paine Webber may in the future serve as principal underwriter or distributor. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below, and to the Act and the rules thereunder for the complete text of the provisions thereof which are relevant to any consideration of the application.

Applicants state that the shares of each No-load Fund are registered under the Securities Act of 1933 ("1933 Act") and presently are offered for sale to the public in continous offerings. Shares of each Load Fund are registered under the 1933 Act and each Load Fund proposes to commence continuous offerings shortly after its initial subscription period ends. Paine Webber proposes to maintain a continuous public offering of the Load Funds at their respective net asset values per share plus a maximum sales charge of 8.5% of the offering price, with reductions reflecting the amount being invested and certain other factors, such as rights of accumulation and statements of intention. Shares of AMERICA Fund initially will be sold without any sales charge, but will be subject to a fee associated with the escrow and exchange of shares of American Telephone and Telegraph Co. common stock deposited for exchange into the Fund. In addition, Paine Webber proposes to offer Additional Funds not yet in existence whose shares may be issued (a) without a sales charge, (b) with a maximum sales charge of 8.5% of the offering price or (c) at a lower maximum sales charge (the "Reduced Load Funds"). Furthermore, at the initiation of certain new Load Funds and Reduced Load Funds, an offering may be made whereby shares would be sold at net asset value plus a sales charge lower than that applicable during their later continuous offerings.

Applicants propose to allow shareholders of any Load Fund and of any Reduced Load Fund to exchange all or a portion of their shares (including shares acquired through reinvestment of dividends and capital gains distributions) for shares of any other Load Fund or Reduced Load Fund on the basis of the relative net asset values of the two Funds at the time of the exchange without any sales charge, but only if each shareholder has owned such shares for at last 180 days. Shareholders of Load Funds or Reduced Load Funds who have held their shares for less than 180 days may exchange those shares into other Load Funds or Reduced Load Funds but only at a price based on relative net asset values at the time of exchange plus an additional sales charge equal to the difference, if any, between the applicable sales charge on the Fund into which the shares are being exchanged and the sales charge initially paid on the shares being exchanged. Rights of accumulation and other arrangements described in the prospectuses allowing for reduced sales charges will be considered in determining the applicable sales charge of the second Fund. In addition, if the sales charge paid on the shares of the Fund from which the exchange is being made was reduced as a result of a prior exchange, that sales charge initially paid will be treated as the aggregate of that charge and all previous sales charges paid on the purchase of shares of other Funds. The Applicants also propose to allow shares of any No-load Fund, except those acquired as a result of a previous exchange from a Load Fund or a Reduced Load Fund acquired in any manner, to be exchanged for shares of any Load Fund or Reduced Load Fund based on relative net asset values at the time of the exchange plus the payment of the sales charge which would have been paid had the Load Fund or Reduced Load Fund Shares been acquired directly. The application states that Paine Webber intends to charge each exchanging shareholder an administrative fee of $5.00 for effecting each exchange.

Applicants assert that the purpose of the proposed exchange offers is to permit a shareholder of any Fund who changes his investment objective to exchange, in a simple transaction, his or her Fund shares for shares of any other Fund on an equitable basis. If certain exchanges were made at their relative net asset values, Applicants claim that it could disrupt the distribution systems of the Load Funds and Reduced Load Funds since an investor could easily avoid the sales charge of such Fund by first purchasing No-load Fund shares or Reduced Load Fund shares and immediately exchange them for Load Fund shares or Reduced Load Fund shares sold with a higher effective sales charge. The basis for these exchanges proposed by Applicants would avoid this problem, it is contended, and would also benefit exchanging shareholders by crediting them for sales charges previously paid as well as not discriminating unjustly against any class of investors.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 12, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-4739 Filed 2-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20658; SR-AMEX-83-32]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 15, 1984.

The American Stock Exchange, Inc. ("Amex"), 86 Trinty Place, New York, New York 10006, submitted on November 10, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to modify Amex Rule 175, ("Specialist Prohibitions"), which applies to all Amex specialists, their member organizations, or any members, limited partners, officers, employees, approved persons, and persons approved pursuant to Article IV, Section 2(j) of the Amex Constitution. The proposed rule change would: (i) Eliminate the existing prohibition in the rule's subsection (a) against the specialist acquiring, holding, or granting any interest in any right or warrant in any security in which the specialist is registered when such right or warrant is not admitted to trading on the Amex; and (ii) eliminate in its entirety the rule's subsection (c) which prohibits specialists from acquiring or holding any security that is convertible into any security in which such specialist is registered when such convertible security is not admitted to trading on the Amex.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 20451, December 6, 1983) and by publication in the **Federal Register** (48 FR 55661, December 14, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-4742 Filed 2-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20660; File No. SR-MSRB-83-15]

Self-Regulatory Organizations; Filing of Proposed Rule Change; Municipal Securities Rulemaking Board

February 15, 1984.

The Municipal Securities Rulemaking Board ("MSRB"), 1120 Connecticut Avenue, NW., Washington, D.C. 20006, on October 4, 1983, filed with the Securities and Exchange Commission a proposed rule change (MSRB-83-15) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder. The MSRB also filed amendments to that rule change on January 4, 1984.

The proposed rule change would amend MSRB Rule G-12(e)(ii)(B) to permit persons who receive the delivery of new issue municipal securities imprinted with incorrect CUSIP numbers to reject the delivery. In addition, the proposed rule change would permit rejection of delivery of new issue municipal securities without CUSIP numbers when the underwriter is required under Rule G-34 to obtain a CUSIP number for the security, which ocurs whenever the security is CUSIP-eligible. MSRB Rule G-34 requires an underwriter to arrange for the correct CUSIP number to be affixed to a new issue municipal security where the security is eligible for CUSIP number assignment. The MSRB believes that underwriters should not be permitted to deliver new issues bearing either incorrect CUSIP numbers or no CUSIP numbers when those securities are eligible for CUSIP number assignment. The proposed rule change also deletes the former effective date in MSRB Rule G-12(e).

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written comments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons submitting written comments should file six copies with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Comments should refer to File No. SR-MSRB-83-15.

Copies of the submission and all related items, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection at the office of the MSRB.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-4743 Filed 2-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20661; File No. SR-NSCC-84-2]

Self-Regulatory Organizations; Filing of Proposed Rule Change; National Securities Clearing Corp.

February 15, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 30, 1984, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change adds new Section 3 to NSCC Rule 9, relating to the delivery and receipt of securities through NSCC's Envelope Settlement System ("ESS"). [1] The filing codifies an existing NSCC procedure for NSCC members who receive incomplete delivery of securities, [2] with one modification. The existing procedure was previously set forth by NSCC in a September 29, 1980 "Important Notice" issued to NSCC members.

Under the existing procedure, a member receiving an incomplete envelope delivery of securities can choose not to reclaim the envelope [3] but

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[1] ESS enables NSCC members physically to deliver securities certificates in envelopes to each other via NSCC. Member physical securities delivery obligations are generated in NSCC's Balance Order Accounting System and "Special Trade" procedure. In addition, members use ESS to effect member-to-member stock loans.

[2] Incomplete delivery can occur when a member receives: (1) Partial delivery of the securities, (2) no securities, or (3) no envelope.

[3] Under the NSCC Rule 9 reclamation procedure, a receiving member can return an incomplete delivery to the delivering member through ESS until 10:00 a.m. on the day after delivery.

may request the delivering member to provide certificate numbers of the missing securities. The delivering member must respond to this request within two business days. If the delivering member fails to furnish the missing certificate numbers within this time frame, and if NSCC determines that the receiving member's request was prompt, NSCC may choose to reverse the charges related to the delivery (*i.e.*, deduct the credit from the deliverer's settlement account, and credit the receiver's settlement account).

Under the proposal, the time in which the delivering member must supply certificate numbers on any day following delivery day has been shortened. When the receiving member's request is on delivery day, the delivering member has two business days. If the request is on any day following delivery day, the delivering member must supply the certificate numbers by the end of the first business day after the request. Recently, industry groups had requested that NSCC consider reducing the two business day time period to one business day during which the delivering member is required to report certificate numbers to the receiving member. NSCC conducted a survey of its members and found that two-thirds of the respondents preferred the shorter time frame.

NSCC believes that the proposal should enable receiving members' more promptly to advise transfer agents of instances of lost certificates and to obtain replacement certificates. In addition, NSCC states in its filing that it has incorporated the revised policy into its Rules to facilitate members' reference to the policy. For the reasons stated above, NSCC believes that the proposed rule change is consistent with Section 17A of the Act in that it facilitates the prompt and accurate clearance and settlement of securities.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-84-2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-4738 Filed 2-22-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20662; File No. SR-PSE-83-17]

Self-Regulatory Organization; Filing of Proposed Rule Change; Pacific Stock Exchange, Inc.

February 16, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 4, 1983, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein.[1] The commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The PSE is amending PSE Rule I, Section 5(f), to clarify the Exchange's rule which requires that only members transact business on the Exchange floor.[2] The PSE notes in its filing that it has determined it necessary to expand the current prohibition against trading by clerks, contained in Rule I, Section 5(f), to include all non-members. According to the Exchange, the effect of the proposed rule change will be to allow only members to consummate transactions on the floor of the Exchange. The PSE states that the proposed rule change is consistent with Section 6(b)(5) of the Act in that it promotes just and equitable principles of trade, as well as protects investors, and the public interest, by insuring that only qualified individuals execute trades at the Exchange.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comment should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-PSE-83-17.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-4741 Filed 2-22-84; 8:45 am]

BILLING CODE 8010-01-M

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[1] On January 30, 1984, the PSE filed Amendment No. 1 which clarified the purpose of and statutory basis for the proposed rule change.

[2] The PSE proposed to amend Rule I, Section 5(f) as follows (brackets indicate deletions, italics indicate new language):

Section 5(f) [Clerks] *Non-members* shall not [participate in any controversies or] consummate transactions *on the trading floor* [for his or any other member firm].

[Release No. 34-20651; File No. SR-PHLX 84-2]

Self-Regulatory Organizations; Proposed Rule Change; Philadelphia Stock Exchange, Inc. Relating to Initiation Fee

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 6, 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

Pursuant to By-Law 12–8, the Philadelphia Stock Exchange, Inc. ("Exchange") proposes to increase the initiation fee payable by non-members upon election to membership.

[Brackets indicate deletions; Italics indicate new material]:

(a) An initiation fee [of five hundred dollars] of one thousand dollars shall be paid to the corporation by a member promptly after election, unless an extension is granted by the *Admission* Committee [on Admissions]. If the initiation fee of a member is not paid within five days after election, such election shall be void. No initiation fee shall be imposed in connection with a corporate membership authorized under the provisions of this Article. An initiation fee shall not be paid by a lessor upon the reversion of legal title of a leased membership to him.

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 Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

In order to recover expenses associated with processing of initial applications for membership and provide for equitable allocation of charges among applicants elected to membership, the PHLX proposes to increase its initiation fee. The initiation fee is payable by a non-member upon election to membership and is non-recurring unless there is a lapse in membership and the former member subequently applies for admission.

The statutory basis under the Securities Exchange Act of 1934 (Act) for this rule change c oncerning the Exchange initiation fee is Section 6(b)(4) which requires that reasonable fees be allocated equitably.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Orginigation's Statement on Comments on the Proposed Rule Change Received from Members or Others

Comments on the proposed rule change were solicited from the membership under Exchange Circular 83–36.

No comments on this proposed rule change have been received from members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

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. 20549. 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 14, 1984.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84–4740 Filed 2–22–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–20652; File No. SR–MSE–84–2]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Stock Exchange, Inc.; Relating to a Mandatory Training Program for New Members

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 6, 1984, the Midwest Stock Exchange, Incorporated 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 on the Terms of Substance of the Proposed Rule Change

Attached to the filing as Exhibit A is the Notice to Floor Members announcing a mandatory training program for new members.

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 Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change will help insure that new floor members have sufficient experience and knowledge to properly conduct a securities business. The Exchange's Rules governing membership qualifications provide that

member organizations must include personnel possessing such expertise and knowledge (See Article I, Rule 1(d)). Floor members should be cognizant of the Exchange's Rules and policies, as well as their obligation to properly serve investors.

The proposed mandatory program will provide new members with an opportunity to gain the requisite knowledge and training. A panel comprised of experienced floor members and Exchange personnel will lead a discussion of regulation by the Commission and self-regulatory organizations. New members will also be instructed in the operation of key trading floor functions, including trade recording and routing, the Intermarket Trading System and various execution services offered by the Exchange. Additionally, specialists' and floor brokers' computer terminals will be made available to provide "hands-on" experience.

New members will receive approximately twelve hours of training under this program. The Exchange anticipates that the program will ultimately result in improved conduct of trading floor activities.

The proposed rule change is consistent with the Exchange Act provisions governing registration of a national securities exchange. In particular, Section 6(c)(3) gives a national securities exchange authority to deny or condition membership based on a member's achievement of standards of training, experience and competence as prescribed by the rules of the exchange. Similarly, under Section 6(b) an exchange's ability to enforce compliance by its members is a factor the Commission must consider in granting exchange registration. The proposed mandatory training for new members is consonant with the Exchange Act's focus on regulating securities industry professsionals.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(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

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securites Exchange Act of 1934.

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 5th 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 14, 1984.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-4820 Filed 2-22-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirement Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirement to OMB for review and approval, and to publish notice in the **Federal Register** that the agency has made such a submission.

DATE: Comments must be received on or before March 30, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible.

COPIES: Copies of the proposed form and surveys, the requests for clearance (S.F. 83), supporting statements, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653–8538.

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202)395–4814.

Informaton Collections Submitted for Review

Title: Access to Capital by Subcategories of Small Business
Frequency: One time, nonrecurring
Description of Respondents: Owners of small businesses
Annual Responses: 2,000
Annual Burden Hours: 1,000
Type of Request: New

Title: Measuring the Flow of Capital and Credit to Small Firms
Frequency: One time, nonrecurring
Description of Respondents: Owners of small businesses
Annual Responses: 300
Annual Burden Hours: 90
Type of Request: New

Title: Statement of Personal History (For use by non-bank lenders)
Form No. SBA 1081
Frequency: On Occasion
Description of Respondents: Non-bank lenders
Annual Responses: 144
Annual Burden Hours: 72
Type of Request: Extension

Dated: February 17, 1984.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 84-4849 Filed 2-22-84; 8:45 am]

BILLING CODE 8025-01-M

California; Region IX Advisory Council; Public Meeting

The Small Business Administration, Region IX Advisory Council, located in the geographical area of San Diego, will hold a public meeting at 9:00 A.M., February 29, 1984, in the Federal Building, 880 Front Street, Room 2-S-14, San Diego, California, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call George P. Chandler, Jr., District Director, U.S. Small Business Administration, 880 Front Street, Room 4-S-29, San Diego, California (619) 293-5430.

Dated: February 10, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-4841 Filed 2-22-84; 8:45 am]

BILLING CODE 8025-01-M

California; Region IX Advisory Council Meeting

The U.S. Small Business Administration Region IX Advisory Council located in the geographical area of Los Angeles, will hold a public meeting at Fu Ling Restaurant, 970 North Broadway, Los Angeles, on Monday, March 19 at 10:30 A.M., to discuss such matters as may be presented by members, staff to the U.S. Small Business Administration, or others present.

For further information, write or call, M. Hawley Smith, Acting District Director, U.S. Small Business Administration, 350 South Figueroa Street, Suite 600, Los Angeles, California 9071, (213) 688-2977.

Dated: February 16, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-4843 Filed 2-22-84; 8:45 am]

BILLING CODE 8025-01-M

Iowa; Region VII; Advisory Council Public Meeting

The Small Business Administration, Region VII Advisory Council, located in the geographical area of Des Moines, will hold a public meeting at 10:00 A.M. on Tuesday, April 3, 1984, at Valley National Bank, 5th floor Board Room, 6th and Walnut, Des Moines, Iowa, to discuss such matters as may be presented by members, staff to the Small Business Administration, or others present.

For further information, write or call Conrad E. Lawlor, District Director, U.S. Small Business Administration, 210 Walnut Street, Room 749, Des Moines, Iowa 50309, (515) 284-4567.

Dated: February 16, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-4846 Filed 2-22-84; 8:45 am]

BILLING CODE 8025-01-M

Minnesota; Region V Advisory Council Public Meeting

The Small Business Administration, Region V Advisory Council, located in the geographical area of Minneapolis/St. Paul, will hold a public meeting at 3:00 P.M. on Monday, March 5, 1984, in Room 405 of the O'Shaughnessy Education Center, College of St. Thomas, 2115 Summit Avenue, St. Paul, MN, to discuss such matters as may be presented by members, staff to the Small Business Administration, or others present.

For further information, write or call Celso C. Moreno District Director, U.S. Small Business Administration, 610-C Butler Square, 100 North Sixth Street, Minneapolis, MN 55403, (612) 349-3530.

Dated: February 16, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-4842 Filed 2-22-84; 8:45 am]

BILLING CODE 8025-01-M

Missouri; Region VII St. Louis District Advisory Council Public Meeting

The U.S. Small Business Administration Region VII St. Louis District Advisory Council, located in the geographical area of St. Louis and Eastern Missouri, will hold a public meeting at 10:00 a.m. on Thursday, March 8, 1984, at the Sheraton West Port Inn, 191 West Port Plaza, St. Louis, Missouri, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Robert L. Andrews, District Director, U.S. Small Business Administration, 815 Olive Street, Room 242, St. Louis, Missouri, 63101, (314) 425-6600.

Dated: February 16, 1983.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-4847 Filed 2-22-84; 8:45 am]

BILLING CODE 8025-01-M

Missouri; Region VII; Advisory Council Public Meeting

The Small Business Administration, Region VII Advisory Council, located in the geographical area of Kansas City, will hold a public meeting at 9:00 a.m. on Thursday, March 29, 1984, at the Scarritt Building, 818 Grand Avenue, (3rd Floor), Kansas City, Missouri, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Patrick E. Smythe, District Director, U.S. Small Business Administration, Fourth Floor, Scarritt Building, 818 Grand Avenue, Kansas Avenue, Missouri, 64106, (816) 374-5557.

Dated: Februray 16, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

Montana; Region VIII Advisory Council Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Helena, Montana, will hold a public meeting at 9:30 a.m. on Friday, April 6, 1984, at the Federal Office Building, 301 South Park, Room 289, Helena, Montana, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call John R. Cronholm, District Director, U.S. Small Business Administration, Federal Office Building, 301 South Park, Drawer 10054, Helena, Montana 59626, (406) 449-5381.

Dated: February 16, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-4845 Filed 2-22-84; 8:45 am]

BILLING CODE 8025-01-M

Vermont; Region I; Advisory Council Public Meeting

The Small Business Administration, Region I Advisory Council, located in the geographical area of Montpelier, Vermont, will hold a public meeting at 11:00 A.M. on March 15, 1984, at the Lobster Pot Meeting and Party Room at 118 Main Street, Montpelier, Vermont, to discuss such matters as may be presented by members, staff of the

Small Business Administration, or others present.

For further information, write or call David C. Emery, District Director, U.S. Small Business Administration, Federal Office Building, 87 State Street, P.O. Box 605, Montpelier, Vermont 05602 (802) 229–0538.

Dated: February 16, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84–4844 Filed 2–22–84; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB January 28–February 7, 1984

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, during the period Jan. 28–Feb. 7, 1984, to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426–1887 or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503, (202) 395–7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

As needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB:

(1) A DOT control number.

(2) An OMB approval number, if the submittal involves the renewal, reinstatement or revision of a previously approved item.

(3) The name of the DOT Operating Administration or Secretarial Office involved.

(4) The title of the information collection request.

(5) The form numbers used, if any.

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for, and uses to be made of, the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB from Jan. 28–Feb. 7, 1984:

DOT No: 2357
OMB No: 2115–0110
By: U.S. Coast Guard
Title: Documentation of Vessels
Forms: CG–1258, 1261, 1280, 1322, 1340, 1356, 4593
Frequency: On Occasion
Respondents: Owners and builders of yachts and commercial vessels of at least 5 net tons

Need/Use: This information collection is needed to establish a vessel's (1) nationality, (2) eligibility to engage in a particular employment, and (3) eligibility to become an object for a preferred ship's mortgage. The information is used by Coast Guard documentation officers or other authorized personnel to establish eligibility for the aforementioned items.

DOT No: 2358
OMB No: New
By: U.S. Coast Guard
Title: Subchapter "S" Stability Regulations
Forms: N/A
Frequency: On Occasion
Respondents: Naval Architects, shipbuilders and operators

Need/Use: This information is needed and used by the Coast Guard to determine if a vessel meets the appropriate stability requirements. The plans are required to be on the vessel at all times. They are also used by vessel operating personnel for safe and proper operation of the vessel. These plans are developed by a shipyard, designer, or manufacturer for construction of the vessel; they are not developed solely for submission to the Coast Guard.

DOT No: 2359
OMB No: 2127–0050
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 574, Tire Identification and Recordkeeping
Forms: None
Frequency: On Occasion
Respondents: Manufacturers of tires, dealers and purchasers

Need/Use: This regulation requires manufacturers to secure and record names and addresses of purchasers of new tires so that the purchasers can be notified in case of a safety recall.

DOT No: 2360
OMB No: New
By: Federal Highway Administration
Title: Utility Use and Occupancy Agreements
Forms: None
Frequency: On Occasion
Respondents: Utility Companies and State Highway Agencies

Need/Use: Serves to document the arrangement made between the State highway agency and a utility to allow the utility to use public right-of-way under the control of the highway agency.

DOT No: 2361
OMB No: New
By: Federal Highway Administration
Title: Authorization to Transport Passengers in a Truck
Forms: None
Frequency: On Occasion
Respondents: Motor Carriers

Need/Use: To meet Federal Highway Administration requirements prohibiting the transportation of passengers in a truck unless specifically authorized by the motor carrier in writing.

DOT No: 2362
OMB No: New
By: Federal Highway Administration
Title: Annual Program of Projects
Forms: None
Frequency: Annually
Respondents: State Highway Agencies

Need/Use: Necessary in order for Federal Highway Administration to study the overall program of proposed highway projects the State intends to finance with Federal-aid funds.

DOT No: 2363
OMB No: New
By: Federal Highway Administration
Title: Developing and Recording Costs for Railroad Adjustments
Forms: None
Frequency: As needed
Respondents: Railroad Companies

Need/Use: Railroad companies are required to maintain adequate records to support costs incurred for reimbursable railroad adjustments on Federal-aid highway projects.

DOT No: 2364
OMB No: 2130–0033
By: Federal Railroad Administration
Title: Bad Order and Home Shop Card
Forms: None
Frequency: On Occasion
Respondents: Railroads

Need/Use: This tag or card is attached to defective cars to indicate movement is being made to a repair station or facility and may not be loaded for use.

DOT No: 2365
OMB No: 2130–0004; 2130–0025; 2130–0501 (To be combined in 2130–004)
By: Federal Railroad Administration
Title: Railroad Locomotive Safety Administration
Forms: FRA–6180.49a
Frequency: On Occasion and Recordkeeping
Respondents: Railroads

Need/Use: The Federal Railroad Administration uses this information to assure that locomotives are inspected, repaired, and maintained in a safe condition.

DOT No: 2366
OMB No: New
By: Federal Highway Administration
Title: Develop and Submit Emergency Relief Funding Applications
Forms: None
Frequency: On Occasion
Respondents: State or Local Governments

Need/Use: The collection of information on emergency relief is necessary to allow the Federal Highway Administration to make determinations on funding emergency work to repair damaged highway facilities.

DOT No: 2367
OMB No: 2125–0028
By: Federal Highway Administration
Title: Highway Performance Monitoring System
Forms: None
Frequency: Annually
Respondents: State highway agencies

Need/Use: To evaluate the effectiveness of Federal-aid highway and highway safety programs. Also used in the development and implementation of legislation and in responding to inquiries from Congress.

DOT No: 2368
OMB No: 2130–0504
By: Federal Railroad Administration
Title: Special Notice for Repairs
Forms: FRA–F–6180.8 and FRA–F–6180.8a
Frequency: On Occasion
Respondents: Railroads

Need/Use: The Federal Railroad Administration uses this information to determine that proper repairs have been made to freight cars, locomotives or tracks which have previously been found unsafe and removed from service.

DOT No: 2369
OMB No: 2115–0022
By: U.S. Coast Guard
Title: Application for Registration
Forms: CG–4509
Frequency: On Occasion and Other
Respondents: Applicants for registered pilots (ports & waterways)

Need/Use: Used by the Coast Guard to determine if the individuals applying to be registered pilots meet the requirements of a registered pilot.

DOT No: 2370
OMB No: 2115–0505
By: U.S. Coast Guard
Title: Title 46 CFR Subchapter I–A; Plan Approval and Records for Mobile Offshore Drilling Units (MODU's)
Forms: None
Frequency: On Occasion
Respondents: MODU Builders, Designers, Owners and Operators

Need/Use: Used by the Coast Guard to determine if the MODU's construction and equipment meet the applicable regulations for safety of life and property in marine transportation. Plan submissions by builders, designers, owners and operators are necessary to determine if requirements ahave been met.

DOT No: 2371
OMB No: 2115–0502
By: U.S. Coast Guard
Title: Department of Justice Application Form
Forms: FD–258
Frequency: On Occasion
Respondents: U.S. Merchant Seaman Applicants

Need/Use: This information collection is needed to ensure (1) that alien applicants are legal entrants to the United States; (2) that the applicants have not been convicted on narcotics charges within the past 10 years; and (3) citizenship in some instances. The Coast Guard's Office of Merchant Marine Safety reviews the information provided on the applications to initiate a Department of Justice fingerprint search.

DOT No: 2372
OMB No: New
By: Federal Aviation Administration
Title: 1984 General Aviation Pilot and Aircraft Activity Survey (Triennial)
Forms: Federal Aviation Form 1800–OT
Frequency: Every Third Year
Respondents: Individuals and Businesses

Need/Use: The Federal Aviation Act of 1958 empowers and directs the Secretary of Transportation to collect and disseminate information relative to civil aeronautics, to study the responsibilities of development of air commerce and the aeronautical industries, to make long-range plans and to formulate policy. This survey produces part of such planning and policy making data.

Issued in Washington, D.C. on February 15, 1984.

Jon H. Seymour,

Deputy Assistant Secretary for Administration.

[FR Doc. 84–4638 Filed 2–22–84; 8:45 am]
BILLING CODE 4910–62–M

Federal Aviation Administration

Advisory Circular on Installation of Fuel Flowmeters in Small Airplanes With Continuous Flow, Fuel-Injection, Reciprocating Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revised Draft Advisory Circular (AC) Availability and Request for Comments.

SUMMARY: This revised draft AC sets forth acceptable means, but not the only means, of showing compliance with Part 3 of the Civil Air Regulations (CAR) and Part 23 of the Federal Aviation Regulations (FAR) applicable to the installation of fuel flowmeters/fuel totalizers in small airplanes with continuous flow, fuel-injection, reciprocating engines.

DATE: Commenters must identify File AC 23.1305–XX; Subject: Installation of Fuel Flowmeters in Small Airplanes With Continuous Flow, Fuel-Injection, Reciprocating Engines, and comments must be received on or before April 9, 1984.

ADDRESS: Send all comments on the draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Ervin Dvorak, Aerospace Engineer, Regulations and Policy Office (ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Commercial Telephone (816) 374–6941, or FTS 758–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this revised draft AC by writing to: Federal Aviation Administration, Aircraft Cetification Division, Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

Comments invited: Interested parties are invited to submit comments on the revised draft AC. The revised draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE–110), Room 1656, Federal Office Building, 601 East 12 Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal holidays.

BACKGROUND

A Notice of Availability of draft AC 23.1305–XX, Installation of Fuel Flowmeters in Small Airplanes With Continuous Flow, Fuel-Injection, Reciprocating Engines, was published in the **Federal Register** on April 25, 1983. As a result of the comments received, this draft AC has been revised. Many changes were made for clarification and to make editorial improvements. The primary administrative changes were as follows: permitting a fuel flowmeter to replace a fuel pressure indicator when approved under an equivalent level of safety; deleting reference to the fuel-injection system be manufacturers; including more evaluation items for consideration when installing fuel flow transducer; and deleting some of the common administrative procedures involved under a certification process.

Issued in Kansas City, Missouri.

Murray E. Smith,

Director, Central Region.

[FR Doc. 84–4800 Filed 2–22–84; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 137—Airborne Area Navigation Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 137 on Airborne Area Navigation Systems (RNAV) to be held on March 21–23, 1984, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Fifteenth Meeting Held on October 17–19, 1983; (3) Briefing on RNAV Position Computation Methods; (4) Briefing on the Delta Airlines and Lockheed Aircraft Company Experience with 4D RNAV; (5) Review Proposed Final Draft of Committee Report on Minimum Operational Performance Standards for Multi-Sensor Based Area Navigation Equipment; (6) Review Proposed Final Draft of Committee Report on Minimum Operational Performance Standards for Omega Based Area Navigation Equipment; (7) Status Report on the Draft of Committee Report on Minimum Operational Performance Standards for LORAN-C Based Area Navigation Equipment; and (8) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on February 14, 1984.

Karl F. Bierach,

Designated Officer.

[FR Doc. 84–4804 Filed 2–22–84; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 135—Environmental Conditions and Test Procedures for Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 135 on Environmental Conditions and Test Procedures for Airborne Equipment to be held on March 7–9, 1984 in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Fourth Meeting Held on December 7–9, 1983; (3) Review and discussion of Proposed Changes to RTCA Document DO–160A, "Environmental Conditions and Test Procedures for Airborne Equipment"; (4) Report on the Status of Coordination with the European Organization for Civil Aviation Electronics (EUROCAE) Working Group 14; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on February 7, 1984.

Karl F. Bierach,

Designated Officer.

[FR Doc. 84–4805 Filed 2–22–84; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement; Westchester County, New York

AGENCY: Federal Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for proposed highway project in the City of White Plains, Westchester County, New York.

FOR FURTHER INFORMATION CONTACT: Victor E. Taylor, Division Administrator, Federal Highway Administration, Clinton Avenue and North Pearl Street, Albany, New York, 12207, Telephone (518) 472–3616.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT) and the City of White Plains, will be preparing an EIS on a proposal to construct a section of

arterial in the City of White Plains, Westchester County, New York, to be known as the Grove Street Extension. This project provides a new connection across the railroad and Bronx River from Grove Street and Lexington Avenue on the east side of the Bronx River to the Central Avenue and Tarrytown Road intersection on the west side.

This project is a reduced version of the Northern Arterial. Studies for a combined arterial plan, including the Feeder Route and Northern Arterial, were conducted during the 1960's and a corridor public hearing was held for both on June 24, 1969. A draft Environmental Impact Statement was circulated for the Northern Arterial in 1972. The Feeder Route plan underwent substantial change in scope through public involvement. In order to meet existing traffic needs, a portion of it has been reconstructed while another portion is under construction. A previous Notice of Intent for the Grove Street Extension proposal was issued in 1980. The Grove Street Extension is a proposal to meet future traffic needs and is closely associated with the ongoing Urban Renewal efforts in the City of White Plains. It has had continuous exposure to the public and advisory agencies for over a decade from its initial inception as the Northern Arterial to the present proposal. Recent input from the advisory agencies have broadened the traffic needs to be addressed by this proposal.

All feasible and prudent design alternatives within the established location band for the proposed project will be considered, along with the no-build alternative. Design studies will consider variations in horizontal and vertical alignment and typical sections; the need for grade separation of crossing roads; and necessary modifications to the Bronx River.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Scoping meetings will be held with involved Federal and State Agencies. A public information meeting will be held after additional study. The EIS will be made available for public and agency review and comment followed by a Public Hearing. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to Mr. Roger H. Edwards, Director, Facilities Design Subdivision, New York State Department of Transportation, State Campus, Building 5, Room 405, 1220 Washington Avenue, Albany, New York 12232; or Mr. Victor E. Taylor, Federal Highway Administration, Leo W. O'Brien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12207.

Issued on February 13, 1984.

Victor E. Taylor,

Division Administrator.

[FR Doc. 84-4720 Filed 2-22-84; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Treasury Department Announces Postponement of February Meeting of Working Group on Worldwide Unitary Taxation

The Treasury Department announces that although there has been substantial progress in resolving the unitary tax issue, it is necessary to postpone the third meeting of the Worldwide Unitary Taxation Working Group, originally scheduled for February 24, 1984. The delay in the meeting has been prompted by the need to conduct further analysis of recently developed options.

Secretary of the Treasury Donald T. Regan has expressed his satisfaction at the progress made to date and hopes that this analysis will form the basis for final recommendations. The Working Group will meet shortly after the analysis is completed and evaluated by the staff-level task force at a three-day meeting on March 20–22, 1984. When the meeting is rescheduled, the time and place will be announced. It is expected that this will be the last meeting of the Working Group.

Inquiries concerning the Working Group should be addressed to its Staff Director, Dr. Charles E. McLure, Jr., Deputy Assistant Secretary (Tax Analysis), Room 3108, Main Treasury Building, 15th Street and Pennslyvania Avenue, NW., Washington, D.C. 20220.

Dated: February 22, 1984.

Ronald A. Pearlman,

Acting Assistant Secretary (Tax Policy).

[FR Doc. 84-4619 Filed 2-22-84; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and the Delegation of Authority from the Director, USIA (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibit, "The Romance of the Middle East in Western Painting from Delacroix to Matisse" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibit without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the National Gallery of Art and foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about July 1, 1984, to on or about October 28, 1984, is in the national interest.

Public notice of this determination is ordered to be published in the Fededral Register.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 84-4639 Filed 2-22-84; 8:45 am]

BILLING CODE 8230-01-M

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and the Delegation of Authority from the Director, USIA (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibit, "Jean-Antoine Watteau (1684–1721)" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibit without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the National Gallery of Art and foreign lenders. I also determine that the temporary exhibition or display of the

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about June 17, 1984, to on or about September 23, 1984, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: February 17, 1984.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 4838. Filed 2-22-84; 8:45 am]

BILLING CODE 8230-01-M

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and the Delegation of Authority from the Director, USIA (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibit, "A Day in the Country: Impressionism and the French Landscape" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibit without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the Los Angeles County Museum of Art and foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Los Angeles County Museum of Art, Los Angeles, California, beginning on or about June 28, 1984, to on or about September 16, 1984; and The Art Institute of Chicago, Chicago, Ill., beginning on or about October 18, 1984, to on or about January 6, 1985, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: February 17, 1984.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 84-4840 Filed 2-22-84; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

Sunshine Act Meetings

Federal Register
Vol. 49, No. 37
Thursday, February 23, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 AM (Eastern Time), February 28, 1984.

PLACE: Commission Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes
2. A Report on Commission Operations (Optional)
3. Enforcement of Nondiscrimination on the Basis of Handicap in EEOC programs—Proposed Rulemaking to Implement Section 504

Closed

1. Litigation Authorization; General Counsel Recommendations
2. Consideration of Certain Subpoenas

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

Dated: February 21, 1984.

Treva McCall,

Executive Secretary to the Commission.

[FR Doc. 84-4961 Filed 2-21-84; 3:12 pm]

BILLING CODE 6750-06-M

2

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, February 24, 1984, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No. and Subject

General—1—*Title:* Requirements for Licensed Operators in Various Radio Services; Docket 83-322; RM-3292, RM-2643. *Summary:* The Commission will consider comments filed in Docket 83-322 and adoption of a Report and Order concerning the requirements for licensed operators in the Experimental Broadcast, International Broadcast, and Auxiliary Broadcast Service; the Private Land Mobile, Fixed, and Personal Radio Services; and the Domestic Public Fixed and Cable Television Relay Services; as well as certain changes in commercial radio operator licensing procedures and policies.

General—2—*Title:* Inquiry into Section 73.1910 of the Commission's Rules and Regulations Concerning the General Fairness Doctrine Obligations of Broadcast Licensees. *Summary:* The Commission will consider whether to institute a notice of inquiry concerning the general fairness doctrine obligations applicable to broadcast licensees.

Issued: February 16, 1984

Private Radio—1—*Title:* Amendment of parts 2 and 87 of the Commission's rules regarding aeronautical flight test telemetering operations. (RM-4077). *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making regarding the expansion of aeronuatical flight test telemetering operations to the 2310-2390 MHz band and the modification of the technical criteria that govern such operations.

Private Radio—2—*Title: Memorandum Opinion and Order.* In the Matter of Application of Guardian Alarm Company of Michigan for New Radio Station Authorization for New Specialized Mobile Radio System to serve Southfield, Michigan. Application for Review. *Summary:* The Commission will consider Guardian Alarm Company's Application for Review requesting reinstatement of its 800 MHz Special Mobile Radio System application in the Detroit, Michigan area. This action was preceded by the Private Radio Bureau's dismissal of Guardian Alarm Company's Petition for Reconsideration.

Video—1—*Title:* Petition for Partial Reconsideration of the freeze on low power television and television translator applications. *Summary:* The State of Alaska has requested that the Commission exempt Alaska from its freeze on the filing of new and major change low power television and television translater application.

Video—2—*Title:* Petitions for reconsideration (RM-4098) filed January 14 and 17, 1983, by Major League Baseball, the National Basketball Association, the National Hockey League, North American Soccer League, and the Major Indoor Soccer League. *Summary:* Various professional sports associations seek clarification or reconsideration of the Commission's *Memorandum Opinion and Order in RM-4098*, 92 FCC 2d 1058 (1982), regarding the notifications required to obtain sports blackout protection on cable systems.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone Number (202) 254-7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-4970 Filed 2-21-84; 3:58 pm]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, February 27, 1984, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors

requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance and for consent to establish three branches:

Citicorp Financial Services Corporation, an operating noninsured industrial loan and thrift company converting to an industrial bank located at 28 White Bridge Road, Nashville, Tennessee, for Federal deposit insurance and for consent to establish branches at 2062 North Gallatin Road, Madison, Tennessee, 8078 Kingston Pike, Knoxville, Tennessee, and 1250 Park Place Center, Memphis, Tennessee.

Application for consent to establish a branch:

Mitsui Manufacturers Bank, Los Angeles, California, for consent to establish a branch at 150 Almaden Boulevard, San Jose, California.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,948–L (Amended) United American Bank in Knoxville, Knoxville, Tennessee, City and County Bank of Knox County, Knoxville, Tennessee, City and County Bank of Anderson County, Lake City, Tennessee, City & County Bank of Washington County, Johnson City, Tennessee, City and County Bank of Hawkins County, Rogersville, Tennessee, City and County Bank of Roane County, Kingston, Tennessee

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 17, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–4914 Filed 2–21–84; 12:57 pm]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, February 27, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to merge:

The Nodaway Valley Bank, Maryville, Missouri, an insured State nonmember bank, for consent to merge, under its charter and title, with the Interim Bank of Nodaway Valley, Maryville, Missouri, a proposed new bank.

Application for consent to merge and establish one branch:

Maine Savings Bank, Portland, Maine, an insured mutual savings bank, for consent to merge, under its charter and title, with First Federal Savings and Loan Association of Old Town, Old Town, Maine, a non-FDIC insured institution, and for consent to establish the sole office of First Federal Savings and Loan Association of Old Town as a branch of the resultant bank.

Application for consent to establish a branch:

Bank of Jasper, Jasper, Missouri, for consent to establish a branch at the intersection of Fox and High Streets, Alba, Missouri.

Application for consent to establish a remote service facility:

Heritage County Bank and Trust Company, Blue Island, Illinois, for consent to establish a remote service facility at 12935 Gregory Street, Blue Island, Illinois.

Memorandum and resolution re: Amendments to the FDIC Policy Statement Regarding Eligibility to Make Application to Become an Insured Bank Under Section 5 of the Federal Deposit Insurance Act in order to conform that Statement to those amendments to the Federal Deposit Insurance Act effected by the Garn-St Germain Depository Institutions Act of 1982.

Memorandum and resolution re: Withdrawal of proposed amendments to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits" which would have removed the $150,000 maximum balance limitation that applies to savings deposits accepted by commercial banks from corporations, partnerships, associations or certain other organizations.

Memorandum re: Request to expend funds for auditing services for certain liquidation sites.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervison and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re: Sales of Mortgages Loans, Consolidated Costa Mesa, California Liquidation Office (Case No. 45,686–L).

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 17, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–4915 Filed 2–21–84; 12:57 pm]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting.

Pursuant to the provisions of the

"Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:05 p.m. on Thursday, February 16, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,949–L City & County Bank of Knox County, Knoxville, Tennessee

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(9)(B), and (c)(10)).

Dated: February 17, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–4916 Filed 2–21–84; 12:57 pm]

BILLING CODE 6714–01–M

6

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, February 28, 1984 at 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202–423–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 84–4880 Filed 2–21–84; 10:40 am]

BILLING CODE 6715–01–M

7

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, February 29, 1984

PLACE: Room 1730 K Street, N.W., Washington, D.C.

STATUS: Open

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. James Eldridge v. Sunfire Coal Company, Docket No. KENT 82–41–D. (Issues include whether the Commission's Administrative Law Judge erred in concluding that the operator's discharge of the miner violated section 105(c) of the Mine Act, and whether the judge made an appropriate remedial award.)

TIME AND DATE: Immediately following oral argument, February 29, 1984.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c) (10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act on the above docket.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, Agenda Clerk (202) 653–5632

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 84–4960 Filed 2–21–84; 3:12 pm]

BILLING CODE 6735–01–M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: (To be published)

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, February 7, 1984.

CHANGE IN THE MEETING: Additional item.

The following item was considered at a closed meeting scheduled for Tuesday, February 14, 1984, at 9:30 a.m.

Settlement of injunctive action.

Chairman Shad and Commissioners Treadway and Cox determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postoned, please contact: Bruce Kohn at (202) 272–3195.

George A. Fitzsimmons,

Secretary.

February 17, 1984.

[FR Doc. 84–4910 Filed 2–21–84; 12:43 am]

BILLING CODE 8010–01–M

9

TENNESSEE VALLEY AUTHORITY (MEETING NO. 1326)

TIME AND DATE: 2:00 p.m. (EST), Monday, February 27, 1984

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee

STATUS: Open

Agenda Items

Approval of minutes from meeting on February 1, 1984.

Discussion Item

1. TVA skills development program.

Action Items

B—Purchase Awards

B1. Invitation C3–675205—Indefinite quantity term contract for No. 2 diesel fuel oil for various TVA locations.

B2. Requisition 71—Term coal for Kingston and John Sevier steam plants.

B3. Supplement to Requisition 86—Coal for Johnsonville and Widows Creek steam plants.

B4. Negotiation 62–925567–2—Low-pressure turbine parts and repair services for Browns Ferry Nuclear Plant.

B5. Amendment to contract 71C62–54114–2 with Babcock and Wilcox for nuclear steam supply system for the Bellefonte Nuclear Plant.

B6. Conversion of TVA's uranium enrichment contracts to the new Department of Energy utility services contract.

B7. Proposal J3–693515—Lease of CDC Hardware and Services.

C—Power Items

C1. Proposed form agreement amending agreements covering TVA's Load Management Commercial and Industrial Heat and Cool Storage Demonstration Project to provide for direct control of energy storage systems.

D—Personnel Items

D1. Revised salary structure and pay rates for salary Schedule SG—Public Safety Service employees.

E—Real Property Transactions

E1. Grant of permanent easement to the State of Alabama for the construction, operation, and maintenance of a highway affecting approximately 7.4 acres of Guntersville Reservoir land in Jackson County, Alabama—Tract No. XTGR—135H.

E2. Grant of permanent easement to Clay County, North Carolina, for the construction, operation, and maintenance of a public road affecting approximately 3.3 acres of Chatuge Reservoir land in Clay County, North Carolina—Tract No. XTCHR–27H.

E3. Grant of permanent easement to the Town of Dandridge, Tennessee, for a sewerline affecting approximately 0.09 acre of Douglas Reservoir land in Jefferson County, Tennessee—Tract No. XTDR–29S.

F—Unclassified

F1. Amendment to TVA Code II—Claims and Litigations.
F2. Retention of net power proceeds and nonpower proceeds pursuant to section 26 of the TVA Act.
F3. Contract between TVA and the Greater Kingsport Area Chamber of Commerce providing for assistance under TVA's economic impact mitigation program (TV-63503A).
F4. Supplement to contract between TVA and Middle Tennessee Industrial Development Association providing for additional funds under TVA's economic impact mitigation program (TV-61517A).
F5. Supplement to memorandum of understanding with the U.S. Army Corps of Engineers covering arrangements for participation by TVA in the development of a recreation trail system at Big South Fork National River and Recreational Area Project (TV-58724A).
F6. Long-term timber sale contract with Sullivan Timber Company at Land Between The Lakes (TV-63285A).

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: February 17, 1984.

John G. Stewart,

Assistant General Manager.

[FR Doc. 84-4934 Filed 2-21-84; 2:16 pm]

BILLING CODE 8120-01-M

10

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Meeting.

AGENCY HOLDING THE MEETING: Uniformed Services University of the Health Sciences.

TIME AND DATE: 8:00 a.m., February 27, 1984.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20814.

STATUS: Part of the meeting will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

8:00 Meeting—Board of Regents.

(1) Approval of Minutes—November 14, 1983—Revision of Action Taken; (2) Faculty Appointments; (3) Report—Admission; (4) Report—Associate Dean for Operations: (a) Budget, (b) Amount of Grant Monies/Department; (5) Report—President, USUHS: (a) Graduate Education: (1) Self-Study, (2) Military Medical/Surgical Clinical Congress; (b) Certification of Graduate Student; (c) Hebert School of Medicine: (1) U.S. Medicine Article, (2) Dedication Date; (d) Part I, National Board of Medical Examiners Results; (e) Elective Program Analysis; (f) Graduate Medical Education Comparative Study; (g) Defense Officer Personnel Management Act; (h) Jackson Foundation; (i) Board of Regents: (1) Retreat, (2) Travel, (3) Future Meeting Dates; (j) USUHS Awards Program; (k) Information Items; (6) Comments by the Chairman of the Board; (7) Faculty Research Presentations; (8) Awards Presentation.

Closed to the Public: (9) Faculty Salaries New Business.

SCHEDULED MEETINGS: May 19, 1984.

CONTACT PERSON FOR MORE INFORMATION: Donald L. Hagengruber, Executive Secretary of the Board of Regents, 202/295-3049.

GENERAL COUNSEL CERTIFICATION: The General Counsel, in accordance with section 3(f)(1) of the Government in the Sunshine Act, 5 U.S.C. 552b(f)(1) and the Board of Regents' rules issued under that Act, 32 CFR 242a.6(g), hereby certifies that portion of the Board of Regents' meeting of February 27, 1984, at which the Board will consider the salary of two individuals, pursuant to 10 U.S.C. 2113(f), may properly be closed to the public on the basis of the exemption set forth in the Board of Regents' rules at 32 CFR 242a.4(b) and (f).

Merel P. Glaubiger,

General Counsel.

M. S. Healy,

OSD Federal Register Liason Officer, Department of Defense.

February 17, 1984.

[FR Doc. 84-4891 Filed 2-21-84; 11:54 am]

BILLING CODE 3810-01-M

federal register

Thursday
February 23, 1984

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 23, 25, 27, 29, and 33

Aircraft Engine Regulatory Review Program; Aircraft Engine and Related Powerplant Installation Amendments; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 23, 25, 27, 29, and 33

[Docket No. 16919; Amdt. Nos. 23-29; 25-57; 27-20; 29-22; and 33-10]

Aircraft Engine Regulatory Review Program; Aircraft Engine and Related Powerplant Installation Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment updates the airworthiness standards applicable to the type certification of aircraft engines and of aircraft with respect to engine installations. The changes implement the President's Regulatory Reform Program by simplifying a number of technical requirements, by eliminating unnecessary rules where appropriate, and by removing administrative burdens on regulated persons and the FAA through amendment of regulations from which exemptions have been granted. The regulations update and modernize technical requirements to reflect engineering advances in the state-of-the-art and take into account accumulated service experience and recommendations of the National Transportation Safety Board (NTSB).

EFFECTIVE DATE: March 26, 1984.

FOR FURTHER INFORMATION CONTACT: George F. Mulcahy, Engine and Propeller Standards Staff, ANE-110, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7330.

SUPPLEMENTARY INFORMATION:

Background

Following recodification in 1965, the first significant revision to the Code of Federal Regulations (CFR) Title 14, Part 33—Airworthiness Standards: Aircraft Engines, was made late in 1974 by Amendment 33-6. The amendment sought to accommodate the increasing complexity of airframes and engines and their interfaces and the further impact of supersonic flight. During ensuing years, as the industry became even more complex and specialized, the need for clarification and elimination of redundancies in test and design requirements became evident.

Responding to these needs, the FAA in mid-1977 announced an Aircraft Engine Regulatory Review Program, solicited rule change proposals from the aviation and general community, and held a week-long Regulatory Review Conference in January 1978, attended by over 100 industry and public representatives.

Based on information received during the review program and conference, the Administrator issued Notice of Proposed Rulemaking (NPRM) 80-21, Aircraft Engine Regulatory Review Program; Aircraft Engine and Related Powerplant Installation Proposals (45 FR 76872; November 20, 1980), which proposed to upgrade the airworthiness standards applicable to the type certification of aircraft engines and of aircraft with respect to engine installations. Comments on the proposals were invited until February 18, 1981.

Interested persons now have been given an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented. The proposals and comments are discussed below. Substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and further review within the FAA. Except for minor editoral and clarifying changes and the substantive changes discussed below, these amendments and the reasons for them are the same as those proposed and explained in Notice 80-21.

Discussion of comments

The following discussion summarizes the comments received from the public, from industry, and from foreign authorities. Proposals are numbered as in Notice 80-21.

Proposal 1. This amendment clarifies § 23.901(d), which calls for a determination that installation effects do not cause any deterioration of powerplant rain ingestion tolerance as demonstrated by the engine in compliance with the engine certification standards of § 33.77.

One commenter advises that it is not clear whether a specific determination for deterioration of powerplant rain ingestion tolerance is required for the intake-engine combination or whether the test of Part 33 would suffice. The intent of the proposed rule is to ensure that installation effects do not result in any deterioration of powerplant rain ingestion tolerance. This requires a separate determination for the engine installation, other than that required by 14 CFR Part 33.

A commenter recommends that flight idle be included in the evaluation of operation in rainfall conditions. The FAA agrees that the regulation, as proposed, does not specify operating conditions for the rain ingestion investigation and the operating conditions of takeoff and flight idle are added to the rule as adopted.

One commenter recommends that the specified liquid water content be compared to engine induction airflow rate. It is the intent of the regulation to proportion the ingested liquid water content in relation to the induction airflow, and this recommendation would afford clarification. Therefore, the proposed rule is revised by adding the phrase "4 percent of engine airflow by weight."

A commenter recommends that the requirement for 3 minutes of operation at flight idle in rain be deleted. The FAA disagrees. Satisfactory operation of an engine for 3 minutes at flight idle in the rain conditions specified will provide assurance that it will satisfactorily operate throughout the rain conditions likely to occur in service. The 3-minute time period is therefore retained.

A commenter recommends that the regulations be clarified by removal of words such as "safe" and "hazardous," which are considered ambiguous. The FAA believes that these words have a common interpretation in aviation and that § 23.901 is sufficiently clear without further change.

Proposal 2. This amendment to § 23.903(a) permit the installation of an engine approved under standards other than those of 14 CFR Part 33, such as Part 13 of the Civil Air Regulations (CAR) or Part 21 of the Federal Aviation Regulations (FAR). In addition, provision is made for approving installation of a type certificated engine on the basis of satisfactory service experience if the engine has not specifically complied with § 33.77. Proposed § 23.903(b) also will require that precautions be taken in the design of aircraft to protect vital components from the effects of uncontained rotor failures and engine fires.

Four commenters request that § 23.903(a) be revised to include reference to § 21.29(a)(1)(ii), which pertains to certification of import products. To be eligible for installation in a U.S. type certificated aircraft, an engine must have a U.S. type certificate. Engines imported from a foreign country type certificated in accordance with § 21.29 are covered by the amended wording of § 23.903(a), and no further action is required.

One commenter advises that under the proposed wording of § 23.903(a)(2)(i) existing engines could be disqualified each time § 33.77 was amended, a condition which would be unreasonable. The intent of this rule change is to ensure an acceptable level of safety for all engine installations with relation to

foreign object ingestion(FOI). A certificated engine which has shown compliance with an approved standard and has had a satisfactory FOI service history when installed in a similar aircraft location will continue to be eligible for installation in an aircraft under paragraph (a)(2)(ii). Therefore, no further change to the proposed rule is necessary.

A commenter advises that the proposed wording of § 23.903(a)(2)(ii) would deny an applicant the right to apply service experience from a particular aircraft engine installation to justify certification at a different location on the aircraft. The commenter states that there is no proof that some installation locations have a higher frequency of ingestion than others, wing mounted versus aft mounted, for example, nor has frequency of ingestion been found to be related to engine capability to withstand ingestion of objects. FAA policy is to certify engines independently of installation location and/or number of engines per aircraft. Nevertheless, when satisfactory service experience is used as a basis of approval of an engine installation, the location of the engine during the time this experience was accumulated must be considered to determine whether the new installation is more or less subject to FOI, and whether similar results may be expected in the proposed installation. This policy is adequately expressed in the proposal, and no further change is necessary.

One commenter recommends clarifying § 23.903(a) with a third qualifying condition: that the engine be shown to comply with § 33.77 in effect at the time of engine type certification. The FAA has determined that addition of a third alternative might result in an unacceptable level of safety under FOI conditions. Section 33.77 in effect October 1, 1974, or thereafter is specifically referenced to preclude this eventuality.

A commenter recommends that § 23.903(b) be revised to specify the areas needing protection from rotor burst, such as fuel systems, flight control systems, and occupied areas of the fuselage. The FAA notes that areas which may be critical in one aircraft with respect to the effects of rotor burst may not be critical in another. Accordingly, it is left to the designer to determine which areas must be protected and how to protect them, and the proposed general language provides such latitude. However, the FAA will evaluate each design for compatibility with the intent of this regulation.

One commenter objects to the wording of the proposed regulation and does not consider turbine engine rotor failure or casing burn-through a problem for small aircraft engines. Turbine engine rotor failure has been reported in small turbine engines, although problems have not been noted in recent years. As long as the potential for failure continues to exist, however, the problem should remain under consideration. Measures taken to protect aircraft from effects of rotor burst also are expected to resist burn-through. Proposed § 23.903(b) as drafted ensures protection appropriate to the risk involved and is therefore adopted as proposed.

Proposal 3. This amendment revises existing § 23.905 to allow installation of a propeller approved under standards other than 14 CFR Part 35. Commenters agree with this rule change. Therefore, except for deletion of the qualifier "approved," which is not applicable in reference to a type certificate, the rule is adopted as proposed.

Proposal 4. This amendment to § 23.975(b) requires that each fuel injection engine employing vapor return provisions, as well as carburetor engines having such provisions, have a separate vent line to return vapor to the vapor space in one of the fuel tanks. Four commenters recommend that the proposed regulation be revised to require fuel vapor to be returned to the fuel tank but not specifically to the vapor space, provided the return line location is carefully selected. However, carburetors with vapor elimination features currently in service have a very low return fuel pressure with which to overcome flow resistance in the line, so that the static fuel pressure head at a particular location might be sufficient to prevent proper venting of the carburetor. Also, discharging the vapor return line into the fuel tank at a location near the fuel tank outlet could result in vapors being reintroduced to the engine with subsequent loss of power. The proposed amendment is changed in accordance with these comments to specify that the vapor be returned to the top of one of the fuel tanks.

One commenter recommends that it would be preferable to return the vapor to the selected tank (the tank being used). The FAA agrees but considers this requirement to be a substantial change which would add significant complexity and cost to the fuel system of airplanes certificated under Part 23 without a commensurate increase in safety.

Proposal 5. This amendment to § 23.994 redefines the required protection against fuel spillage in terms of that occurring after wheels-up landing on a paved runway. One commenter questions whether any amount of fuel spillage should be allowed during a wheels-up landing. Another suggests that a specified amount of spillage would be more appropriate. The FAA agrees that it would be desirable to prevent any fuel spillage during a wheels-up landing on any type of landing surface, but it also recognizes that release of minute quantities of fuel would not be likely to present a fire hazard and that complete avoidance of fuel spillage or approval of a specific amount would be very difficult. Therefore, the regulation is adopted as proposed.

Proposal 6. This amendment adds a new § 23.995(g) specifying that fuel tank selector valves must take a separate and distinct action to place the selector in the "OFF" position and that the selector must not pass through the "OFF" position when changing from one tank to another.

One commenter recommends that the proposed wording be changed to read "The valve shall be designed so that it is not necessary to move the selector through 'OFF' position when switching tanks." The FAA believes that the proposed phrasing is more positive, and the rule is adopted in this form. This change is in accordance with National Transportation Safety Board (NTSB) Safety Recommendation No. A–79–72.

Proposal 7. Part of the proposed amendment to § 23.997 was intended to make it clear that an aircraft manufacturer need not duplicate equipment or tests of fuel strainers or filters if they were provided and approved as part of a certificated engine and if they also meet the requirements of this subpart. The proposed wording, however, inadvertently exempted such provided equipment from the latter requirement. The intended relief is already provided as an option to aircraft and engine manufacturers under the current rule. Therefore, the portion of the proposed rule exempting engine-supplied devices is withdrawn.

The rule also corrects terminology and relieves design requirements for mounting fuel strainers or filters.

Commenters question the meaning of the words "fuel metering device," recommend that filtration standards be included for the filters/strainers, and recommend that the fuel filter be placed ahead of any other fuel system component subject to contamination. The FAA has determined that a fuel metering device is commonly understood to be one which regulates or "meters" fuel flow and that fuel filtration standards should not be included in the regulation but covered by policy material. The rule, in

conjunction with § 23.977, assures that filters and strainers are properly located to prevent contaminants from blocking components other than pumps and controls. In some installations the suggested locations would in fact be unfeasible.

Proposals 8 and 9. The proposed changes to §§ 23.1013 and 23.1015, which deal with oil tanks approved and provided as part of an engine, are withdrawn for the same reasons given in Proposal 7 for withdrawing the portion of the wording exempting engine-supplied devices.

Also, a commenter questions whether an equivalent provision originally proposed for Part 25 applies to engines certificated to the standards of Part 33 before Amendment 33–6 and suggests that this be clarified. The commenter asserts that the oil tanks may be unsafe if not substantiated under Amendment 33–6. The concern expressed by the commenter has been taken into account by withdrawing the proposal.

Proposal 10. This change to § 23.1019 corrects terminology and is intended to relieve the airplane manufacturer from duplicating compliance with oil strainer/filter design requirements if they are provided and approved as part of the engine to be installed. The proposed rule, except for that portion which corrects terminology, is withdrawn for the reasons given in Proposal 7.

One commenter recommends that oil filtration standards be included in the regulations. The FAA believes that filtration standards would be more appropriately covered by an advisory circular or equivalent advisory information.

Proposal 11. This proposal amends § 23.1021 to permit the use of multiple oil system drains, if necessary, to provide more efficient drainage. All commenters agree with the change, and the regulation is adopted as proposed.

Proposal 12. The proposed change of § 23.1093 brings the ground idle induction system icing test conditions into conformance with Appendix C of 14 CFR Part 25 and permits periodic operation at increased power or thrust higher than ground idle as an ice protection measure.

One commenter questions whether "momentary operation at takeoff power" is adequate. Another commenter questions whether allowing engine runup on an icy taxiway would be a safe condition. The FAA agrees that the second comment may have merit under certain conditions. However, the relaxatory nature of this part of the regulation need not be denied applications where safety is not compromised. On icy runways, the decision to use momentary power or thrust to remove induction ice would remain with the flightcrew. The first comment addresses part of the current regulation not raised under Notice 80–21 and therefore is outside the scope of the proposed change.

One commenter recommends a referenced military specification, MIL–E–5007D, which would be a somewhat more severe requirement (25°F, mean effective drop diameter 30 microns, and .4 grams per cubic meter liquid water content). Actual meteorological data, as presented at the Aircraft Engine Regulatory Review Conference, does not support this severe requirement. It is considered that the revised test criteria take into consideration actual ground icing conditions, including an adequate margin of safety, and that compliance with MIL–E–5007D is not warranted. Therefore, § 23.1093 is adopted as proposed.

Proposal 13. This proposed change would add a new § 23.1143(e) to: (1) state engine control requirements not only for antidetonant injection (ADI) systems, but for other fluid injection systems (other than fuel) as well; (2) make it clear that any fluid injection system and its controls provided and approved as part of the engine need not be duplicated by the aircraft manufacturer; and (3) specify a separate control for fluid injection pumps.

Five commenters object to proposed § 23.1143(e)(1) on the grounds that it restricts design of fluid control to one of a number of satisfactory types. It is their view that fluid injection requirements are influenced by other factors which may not relate to the amount of power produced by an engine in service. In some cases, the engine installations have fluid systems that do not vary the fluid flow with power. Fluid is injected in a fixed amount, and power is varied by the engine fuel control via the power lever. The proposed paragraph is rephrased to permit more flexibility in design.

One commenter requests that the regulations be clarified so that separate control for fluid injection pumps is required regardless of whether or not the injection system is approved as part of the engine. Another suggests deletion of this paragraph as some current systems do not use pumps. The FAA agrees with the commenters, and the proposed regulation is revised accordingly.

The portion of the proposed rule exempting engine-supplied devices from the requirements of this section is withdrawn for the reason given for § 23.997.

Proposal 14. This amendment revises § 23.1163(a) to make it clear that it is the ultimate responsibility of the aircraft manufacturer who installs an engine to assure proper sealing of engine oil lubricated accessories.

Three commenters request clarification of paragraph (a)(3) to define what is to be sealed. The FAA concurs that the intent is unclear and proposed paragraph (a)(3) is changed to define the extent of sealing.

Proposal 15. The amendment to § 23.1183 would raise the limiting capacity of reciprocating engine oil sumps from 20 to 25 quarts before fireproofing or shielding is required. Also, the regulation exempts components, as well as lines and fittings that have been approved as part of the engine, from these requirements. These changes remove unjustified engine design limitations and afford increased range capabilities.

One commenter recommends that the 20-quart capacity limit required by paragraph (a) be retained. The proposal is seen as an arbitrary accommodation of a particular application for type certification, but the commenter does not supply specific information or data to support this claim. A search of FAA records has not disclosed such an application.

Neither service with 20-quart capacity oil systems nor any other evidence has shown that there would be any compromise of safety associated with a sump capacity of 25 quarts of oil as opposed to 20 quarts in the case of a powerplant fire. The amendment is adopted as proposed.

Proposal 16. The amendments to § 23.1189(a)(1) and (b)(2) clarify the requirements for shutoff means for flammable fluids in multiengine aircraft and for turbine engine oil systems.

One commenter recommends that this rule be cross-referenced to 14 CFR Part 33. Another commenter suggests addition of the word "installation" to paragraph (a)(1) for the sake of clarity.

The FAA does not consider a cross reference to Part 33 necessary since the emphasis of this section is upon the aircraft manufacturers' responsibility to ensure a fireproof engine installation. Adding the word "installation," however, will provide additional clarification. The proposed regulation is adopted with this change.

Other comments contain proposals for Part 23 which were not on the agenda of the Aircraft Engine Regulatory Review Program. These include the addition of a new § 23.907 concerning acceptable propeller stress levels and addition of a rule requiring that positive pressure be

maintained within fuel tanks to prevent vapor formation. These recommendations are outside the scope of the proposed amendment and are not addressed by this rulemaking.

Proposal 17. This revision of § 25.33(a)(2) corrects and updates an obsolete reference to the rules and does not constitute a substantive change. No unfavorable comments were received, and the proposal is adopted.

Proposal 18. No unfavorable comments were received with respect to revising § 25.697(a) to correct reference to obsolete rules. The proposal is therefore adopted without change.

Proposal 19. For a discussion of comments on the proposed amendment to § 25.903(a), see the proposal for § 23.903(a).

Proposal 20. This proposal revises § 25.905(a) to allow installation of a propeller type certificated under the procedures of CAR Part 14 or § 21.29 of the FAR, as well as Part 35 of the FAR. No unfavorable comments were received with respect to revising § 25.905(a). Therefore, except for deletion of the qualifier "approved," which is not applicable in reference to a type certificate, the rule is adopted as proposed.

Proposal 21. Six commenters object to and recommend deleting the proposed change to § 25.939(b). The consensus is that determination of surge and stall margins in quantitative terms is beyond the current state-of-the-art and that adequate investigation of engine stall, surge, and flameout characteristics is currently covered by the requirements of § 25.939(a). Therefore, the proposed change to § 25.939(b) is withdrawn. The comparable proposal to amend § 33.65 also is withdrawn.

Proposal 22. This amendment to § 25.961 restores test conditions for hot weather fuel system operation previously deleted.

One commenter recommends deleting proposed paragraph (a)(4)(i)(D), arguing that the center of gravity is not relevant to hot fuel tests. This reference to the most unfavorable center of gravity was continued over from the deleted § 25.65(a)(4) as one of the conditions for demonstrating all engine climb in cruising configuration. The FAA agrees that unfavorable center of gravity is not relevant to the hot fuel test, and paragraph (a)(4)(i)(D) of the proposed change is deleted. The proposed amendment is adopted as revised.

Proposal 23. For a discussion of comments on and disposition of the proposed amendment to § 25.994, see the proposal for § 23.994.

Proposal 24. For a discussion of comments on and disposition of the proposed amendemt to § 25.997, see the proposal for § 23.997.

Proposal 25. The proposed revision of § 25.1001 removes the distinction between fuel jettisoning systems for reciprocating and turbine engine-powered airplanes, deletes obsolete sections, and corrects references to climb performance sections. Other changes are editorial in nature, eliminate redundancies, and clarify the text.

No unfavorable comments on the proposed change of § 25.1001 were received. However, two commenters recommend rephrasing the requirement of paragraph (b)(3) to specify that fuel or fumes do not enter any part of the airplane in sufficient quantity to constitute a fire or explosion hazard, maintaining that not all fuel or fumes necessarily constitute a fire or explosion hazard. A third commenter recommends revising paragraph (b) to rectify a condition in which the intended reduction in airplane weight cannot be achieved when jettisoning is initiated with the fuel quantity and distribution associated with takeoff at maximum zero fuel weight (that is, for short range with high cabin load).

Fuel or fumes should not be allowed to reenter any part of the airplane during an emergency condition such as jettisoning. It would be difficult to establish the amount of fuel or fumes that does constitute a hazard. Regarding the wording in paragraph (b), the FAA agrees that the comment has merit; however, it is outside the scope of the proposed change. The rule is adopted as proposed.

Proposals 26 and 27. No unfavorable comments were received in response to the proposed changes to §§ 25.1013 and 25.1015. However, the portion of the proposals dealing with oil tanks provided and approved as part of an engine is withdrawn for the reasons stated for § 23.997. For a discussion of reciprocating engine oil sump capacity in relation to fireproofing requirements in § 25.1013, see the proposal for § 23.1183.

Proposal 28. No adverse comments were received on the proposal to amend § 25.1019, and the change is adopted as proposed. For a discussion of this change, see the proposal for § 23.1019.

Proposal 29. No adverse comments were received on the proposal for § 25.1021, and it is adopted as proposed (See the proposal for § 23.1021).

Proposal 30. This amendment to § 25.1045(d) corrects references to performance requirements which have become obsolete. In addition, a commenter would delete the cooling test configuration center of gravity requirement as irrelevant. Another commenter suggests the following rewording: ". . . the most unfavorable center of gravity position at which the airplane can be flown safely."

Reference to the most unfavorable center of gravity was carried over from deleted § 25.67, which governed demonstration of one engine inoperative climb. Section 23.121(c) is the new reference, and it has no requirement for center of gravity position. In any case, the airplane must be flown within the airplane limitations.

The FAA agrees that for this cooling test the effect of center of gravity position is negligible and does not affect the outcome. The proposed amendment is revised and adopted.

Proposal 31. This amendment to § 25.1091(e) requires the foreign object ingestion criteria of § 33.77 to be applied to vulnerable portions of induction systems.

Comments received were generally favorable. Two commenters recommend, however, that additional wording be included to specify the air induction system parts or components to be considered under this rule.

The FAA believes that the proposed change adequately states the performance objectives of the airplane air induction system and the criteria to be applied. Listing specific components to be protected would ignore possible future developments. The change to § 25.1091(a) therefore is adopted as proposed.

Proposal 32. For a discussion of comments on and disposition of the proposed amendment to § 25.1093(b)(2), see the proposal for § 23.1093(b)(2).

Proposal 33. For a discussion of comments on and disposition of the proposed amendment to § 25.1143(d), see the proposal for § 23.1143(e).

Proposal 34. For a discussion of comments on and disposition of the proposed amendment to § 25.1163(a), see the proposal for § 23.1163(a).

Proposal 35. For a discussion of comments on and disposition of the proposed amendment to § 25.1183(b)(1), see the proposal for § 23.1183(b)(1).

Proposal 36. For a discussion of comments on and disposition of the proposed amendments to § 25.1189(a) (1) and (2), see the proposals for § 23.1189(a)(1) and (b)(2).

Proposal 37. This amendment would have deleted § 25.1305(d)(3), which calls for a rotor system unbalance indicator in each turboject installation.

One commenter disagrees, stating that the requirement should be retained and arguing that foregoing the monitoring of airborne vibration would be a

retrograde step. The commenter claims that well developed systems have shown more than adequate reliability and are considered capable of giving advance warning of impending failures.

Service experience has not shown that installation and use of airborne vibration monitor (AVM) systems are universally beneficial, as they are not totally effective in providing advance warning of all hazardous engine failure modes. However, recent experience, since this amendment was proposed, has demonstrated the potential of an AVM to provide a safety improvement as discussed by the first commenter. Therefore, the proposal to delete § 25.1305(d)(3) is withdrawn pending further study.

Proposal 38. No unfavorable comments were received regarding the proposed change to § 25.1323(b)(2), which deletes an obsolete reference to § 25.59, and it is adopted without change.

Nonsubstantive changes are made to §§ 25.1359 and 25.1521 which were not included in the Regulatory Review Conference Agenda or in Notice 80–21. These amendments correct typographical errors and references.

Proposals 2 and 19 modify §§ 23.903(a) and 25.903(a), respectively, to require an "approved type certificate" for each engine installed, rather than a type certificate issued under Part 33 only. The discussion presented for the proposal for § 23.903(a) also applies to §§ 27.903(a) and 29.903(a). Therefore, substantively identical changes to these sections are adopted.

A commenter suggests that in connection with the revised wording, turbine engines installed in rotorcraft should be required to comply with the foreign object ingestion requirements of § 33.77, which is now the case for engines type certificated after October 1, 1974. For engines for which application for type certificate was made before that date, this suggestion constitutes a substantive change beyond the scope of this rulemaking and is not adopted.

Proposal 39. For a discussion and disposition of the proposed amendment to § 27.997, see also the proposal for § 23.997.

One commenter questions the rationale behind deleting the phrase "and the mesh" and claims that without this phrase only filter capacity is addressed by the rule. The term "mesh" is not applicable to filters or filter elements. However, fuel filtration requirements, including mesh, particle size, and density, if not satisfied by the engine manfacturer, will be prescribed in the instruction manual for installing and operating the engine (§ 33.5). Therefore, in this case, compliance would be assured by reference to § 33.5 in § 27.901(c)(1) and the requirements in § 27.977 (§§ 29.901(b)(1)(i) and 29.977 for Part 29).

Proposals 40, 41, 42 and 43. For discussion and disposition of the proposed amendments to §§ 27.1013, 27.1015, 27.1019, and 27.1021, see the proposals for §§ 23.997, 23.1019, and 23.1021.

Proposals 44 and 54. These proposals would delete §§ 27.1093(b)(2) and 29.1093(b)(2), which are the current requirements for demonstrating satisfactory powerplant operation when exposed to atmospheric icing during ground operating conditions. The basis for deletion is the contention that engine induction system icing during ground idle operation has not been a significant problem with rotorcraft, assuming they are not required to queue up for takeoff as are airplanes. Subsequent FAA review of rotorcraft utilization discloses that extended ground operation of rotorcraft during icing conditions, although infrequent, must be expected. The proposals to delete §§ 27.1093(b)(2) and 29.1093(b)(2) therefore are withdrawn and the sections are reworded as in §§ 23.1093(b)(2) and 25.1093(b)(2).

For further discussions on this amendment, see Proposal 75 for § 33.68 and Proposal 12 for § 23.1093.

Proposals 45 and 55. These amendments add new §§ 27.1143(d) and 29.1143 (d) and (e) specifying that fluid injection (other than fuel) controls be in the throttle controls and eliminating duplicate certification requirements, as in §§ 23.1143 and 25.1143. However, the term "throttles" is a misnomer for modern turbine engines installed in rotorcraft. Changes needed to rectify the terminology would be beyond the scope of this review. The proposals to amend §§ 27.1143 and 29.1143 are withdrawn and will be referred to the Rotorcraft Regulatory Review Program for consideration.

Proposals 46 and 56. For a discussion and disposition of the proposed amendments to §§ 27.1163(a) and 29.1163(a), see the proposal for § 23.1163(a).

Proposals 47 and 57. These amendments to §§ 27.1183 and 29.1183 establish a new capacity limit of 25 quarts instead of 20 quarts for reciprocating engine integral oil sumps before requiring the sumps to be fireproof or have fireproof shielding. For a discussion of comments on and disposition of the proposals, see the proposal for § 23.1183.

Proposals 48 and 58. For a discussion and disposition of the proposed amendments to §§ 27.1189 and 29.1189, see the proposal for § 23.1189.

Proposals 49, 50, 51, 52, and 53. For discussion and disposition of the proposed amendments to §§ 29.997, 29.1013, 29.1015, 29.1019, and 29.1021, see the corresponding proposals for Part 23.

Proposal 59. This amendment to § 33.7 revises the engine operating limit requirements for fuel and oil temperature and pressure, overhaul, and windmilling r.p.m.

All comments support adoption of this proposal. Additionally, two commenters propose changing Appendix A of Part 33 to be compatible with deleting the word "overhaul," as proposed in the amendments to §§ 33.7(c)(17) and 33.90. However, reference to the term "overhaul" is still appropriate to many turbine and basically all reciprocating engines. While the FAA believes there is merit in considering a restructuring of Appendix A, it goes beyond the scope of the Notice 80–21. Accordingly, the amendment is adopted as proposed.

Proposal 60. This amendment to § 33.14 revises and clarifies the rules establishing engine low-cycle fatigue limits.

One commenter suggests that the definition of start-stop cycle fails to account for reduced power takeoff and therefore should be modified to read ". . . accelerating to takeoff thrust levels . . ." rather than ". . . accelerating to maximum rated power or thrust. . . ." Reduced power takeoff is an operational procedure determined by prevailing factors such as aircraft weight, runway length, and density altitude. The FAA believes the fatigue life used for certification should be the minimum service life based on maximum ratings since the engine operational characteristics will vary for each aircraft installation. Both cyclic and hourly life credits for reduced stress levels experienced by some discs during reduced power takeoff can be adjusted by the use of approved methodology. One engine manufacturer has done so by creating "disc life factors" to apply to those cycles or hours of operation under required conditions. The established life thus has a certain conservative bias, as it is based on maximum ratings.

Another commenter objects to the proposed wording of this section because it eliminates the distinction between maximum predicted and initial service life and suggests that a part could continue in service up to its maximum predicted life without undergoing the specified sampling program. The commenter suggests that some fixed percentage of the predicted life be established as the initial service

life. The FAA does not agree that a lack of distinction will exist between initial and predicted life. The predicted life of a disc is evaluated by the applicant using approved low-cycle fatigue methodology involving factors such as material properties, engine thermodynamics, etc., which when used in the analysis result in a confidence level for the predicted life. Based on this confidence level, the service life may vary from one-third to three-fourths or more of the predicted life. To require the initial service life to be a fixed proportion of the predicted life, i.e., 50 percent for instance, would place an undue burden on the applicant with no commensurate safety benefit. Any program to increase the initial service life must include sampling or inspection procedures. For these reasons, the rule, except for some editorial changes, is adopted as proposed.

Proposal 61. No unfavorable comment was received on the proposal to amend § 33.15(b) by deleting the phrase "or Technical Standard Orders," given erroneously as a standard for engine materials, and the proposal is adopted without change.

Proposal 62. This amendment to § 33.17 increases the limiting oil capacity for reciprocating engine integral oil sumps from 20 to 25 quarts before fireproofing is required.

One commenter takes exception to the wording of § 33.17(a), which implies that any structural failure or overheating in turbine engines would represent a hazardous condition. The same language has been carried under deleted § 33.17(f) and has presented no problems in interpretation.

A commenter recommends that the present 20-quart oil limit be retained, implying that it was established by fire testing. The FAA has no records which show that the 20-quart limit was derived from fire test data. Its original intent was to exclude the integral oil tanks of small reciprocating engines from fireproofing requirements, and it was based on years of satisfactory service experience. The FAA does not believe that raising this limit to 25 quarts as proposed will violate the original intent (see also the proposal for § 23.1183). Since the 25-quart limit was proposed over 4 years ago, the FAA has received no evidence that would indicate this change would compromise safety. Therefore, the amendment is adopted as proposed.

Proposal 63. This amendment to § 33.19(a) requires an applicant for an engine type certificate to define the trajectories of rotor blade fragments exiting outside compressor or turbine rotor cases.

Two commenters object to the last word of § 33.19(a) in that it is unduly restrictive. The commenters state that the requirement that fragment energy levels and trajectories be "defined" can be interpreted to mean precisely defined by tests, whereas in practice they may be determined by engine tests, component tests, and/or analysis. The FAA disagrees that use of the word "defined" is unduly restrictive. It is the FAA's intent that the boundary condition for possible fragments be set and therefore defined. The method used may include engine tests or other means acceptable to the Administrator.

Another commenter suggests that a corresponding change be made to § 33.5 to provide for the location of the data on fragment energy levels and trajectories. However, a change to § 33.5 is not required since the actual location of this data will be referenced on the engine data sheet.

Another commenter suggests a clarification of the rule is required to specify that only where fragments leave the engine through the inlet or turbine exhaust should the energy and trajectories be defined. The FAA believes this clarification is unnecessary. The first portion of the current rule requires containment of damage from blade failures. The new sentence would require definition of the boundary conditions for debris generated by the blade failure and ejected by the engine. It is this possible secondary damage due to debris exiting the inlet, fan, or core exhaust that is pertinent. Accordingly, the proposal is adopted without change.

Proposal 64. This revision of § 33.23 refines definitions and load limits for engine mounting attachments and structure.

Several commenters suggest changing § 33.23(b) to make the wording similar to the aircraft primary structural requirements of §§ 23.305 (a) and (b) and 25.305 (a) and (b). It is suggested that "permanent deformation" in § 33.23(b)(1) be changed to "detrimental permanent deformation." This change would recognize the slight deformations associated with structural hysteresis which do not adversely affect the structure.

It is further suggested that any deformation at limit load which interferes with engine operation should not be permitted, although § 33.23 does not so state, and that the § 25.305, 3-second criterion for demonstration of ultimate load is also appropriate for § 33.23(b)(2); otherwise, the rule could be interpreted to require the structure to withstand ultimate load for an indefinite period of time.

The FAA believes that the primary structural requirements of § 25.305 are appropriate where a variety of designs serving the many structural needs of an aircraft must be evaluated under a single rule. Engine mounting attachment structure represents a much narrower range of design for which the additional provisions of § 25.305 are not needed. Current practice and service experience support this opinion. Therefore, the wording "permanent deformation" is retained.

One commenter would also specify that the engine mounting attachments and structure withstand repeated application of normal loads; that is, there should be fatigue substantiation of critical structural components. Although not currently required, engine mounting attachments and structures are in fact being confirmed under repetitive loading. Adopting this requirement would, however, add regulatory demands beyond those of the proposal. The question of requiring substantiation of mounting attachments and structures under cyclic loads will be considered for future rulemaking action.

One commenter suggests inserting the word "engine" in § 33.23 (a) and (b) to modify "structure" and thus avoid implying that aircraft structure is meant. The FAA agrees, and the proposal is adopted with the wording changed accordingly.

Proposal 65. No unfavorable comment was received on the proposal to amend § 33.25 to delete an unnecessary sentence relating to load requirements already specified in § 33.49(a) and § 33.87(a)(6) for reciprocating and turbine engines, respectively. The amendment permits a minute amount of oil leakage from the engine interior and assigns ultimate responsibility for engine/accessory drive sealing to the aircraft manufacturer. Accordingly, the amendment is adopted as proposed.

Proposal 66. This amendment to § 33.27 revises overspeed test conditions and strength requirements for turbine, compressor, and turbosupercharger rotors and extends these criteria to fan rotors.

Two commenters object to the proposed wording of the posttest acceptability criteria in the last sentence, stating that it is unnecessarily loose and subject to varied interpretation. The FAA disagrees. The intent of the test is to ensure that compressor and turbine rotors have sufficient structural strength to provide reliability and safety during an inservice overspeed situation. The acceptability criterion is that parts show no evidence of incipient failure or distortion which

could cause hazards. Such evidence will differ for each engine type design, and a determination must be made for each case. Although the wording of the current rule is revised, it continues to state that for each type design a proven acceptable condition must be met and demonstrated.

Two commenters recommend that § 33.27(c)(2) (v) and (vi) need not apply if the failure events described are considered improbable. The FAA disagrees. Service experience shows that most severe engine failures, including those caused by disc and shaft failures, would have been judged improbable beforehand. Attempts to apply probability to this rule would not be in the interest of airworthiness.

Two commenters request that maximum permissible r.p.m. be defined as the highest steady state r.p.m. at which an engine shaft can rotate in service. The FAA disagrees. If an engine has a transient rotor speed limitation higher than the steady state limitation, maximum permissible r.p.m. would be the maximum transient speed limit.

Another commenter suggests rearranging § 33.27(c)(2) for clarification and allowing rotor discs with sections thinner than type design to be used to produce equivalent stresses at lower r.p.m. The FAA does not believe that the proposed rearrangement of paragraph (c)(2) would significantly clarify the requirements of the section. While the use of thinned rotor discs as test articles may be justified under certain circumstances, the practice should not be considered typical or normal. The conditions under which the expedient might be acceptable must be evaluated on an individual basis and a determination of equivalency made. Accordingly, the amendment is adopted as proposed.

Proposal 67. This amendment proposes to delete § 33.29(b), which requires that each turboject engine be provided with a connection for a rotor system unbalance indicator.

A commenter objects to deletion of the requirement for a connection for rotor system unbalance indication. The commenter states that a well-developed system has more than adequate reliability and has capability of giving advance warning of failures which could lead to hazardous events. Two commenters agree to the deletion of the requirement for rotor system unbalance indication. However, one of the commenters adds that airborne vibration monitoring (AVM) could be applicable to some engines and that in cases where reliable AVM systems have been developed, credit could be claimed for the AVM system in showing compliance with various FAR Part 33 (and Part 25) requirements as part of the basic engine type design. Recent experience has demonstrated that in some instances AVM can provide a safety improvement as discussed by the first commenter. Therefore, the requirement is being retained in Part 33 to provide an engine connection for AVM. Retention of the requirement does not impose a significant burden on the engine manufacturer. Accordingly, the proposal to delete § 33.29(b) is withdrawn.

Proposal 68. This amendment adds requirements for fluid injection (other than fuel) system controls under a new § 33.35(e).

A commenter suggests the proposal be changed to read: "the flow of the injected fluid is adequately controlled," and that paragraph (e)(2) be deleted. The commenter explains there exist systems which inject fluid at a fixed rate independent of power lever position. The commenter adds that some systems do not use pumps but utilize engine bleed air for pressurization and control it manually or automatically with power lever or throttle motion. The FAA agrees with the commenter, and the section is revised accordingly.

Proposal 69. This amendment to § 33.43 removes the requirement to comply with established shaft endurance stress limits when operating an engine with one cylinder not firing.

The single commenter concurs with the intent of this proposal but requests that shaft critical speeds for the cylinder-out condition be included in the operating instructions. The FAA considers that testing done under this section will provide safe operating information, including critical speeds, which must appear in the engine operating instructions in accordance with § 33.5. The proposed amendment is adopted without change.

Proposal 70. No comments were received on the proposal to correct a typographical error in § 33.49, and it is adopted without change.

Proposal 71. No unfavorable comment was received on the proposal to amend § 33.63 by deleting the word "normal," which tended to unduly restrict the operating range of rotational speeds when considering vibratory force and stress on engine and structure. The proposal is adopted without change.

Proposal 72. This proposed change to § 33.65 is based on a similar proposal deferred from Notice 75–31 (40 FR 29410; July 11, 1975) and was introduced into the NPRM after the Aircraft Engine Regulatory Review conference held in January 1978.

The stated objective of this proposed change is to allow flightcrews to completely avoid surge and stall conditions severe enough to cause engine malfunction or damage.

One commenter agrees with the proposal with no amplifying statements. Another commenter, a rotorcraft manufacturer, expects this proposal would supply urgently needed quantitative operating margins. Considering the installation effects of rotorcraft applications, the FAA does not believe this proposal will alleviate the rotorcraft manufacturers' requirements for in-flight investigation of stall and surge characteristics (§§ 27.939 and 29.939).

The combined comments from the other respondents can be summarized as follows:

(1) The objective of the proposed change is commendable; however,

(2) Technology or state-of-the-art does not allow attainment of the objective as stated;

(3) The magnitude of testing, just in terms of variables that would need to be investigated, would be formidable and costly with little or no accompanying increase in safety;

(4) The FAA has not established documentation to justify such a rule change;

(5) An appropriate advisory circular should be issued and coordinated with industry prior to changes to this regulation;

(6) Terms such as "severity of the surge and stall" are ambiguous and unamendable to quantitative testing; and

(7) The current regulation adequately provides the desired information.

At this time, the FAA concurs with the first six items above. It further concurs that item (5) may be the first approach to correcting any FAA disagreement with item (7).

As stated under the "Explanation" of the proposed rule, the current rule is objected to for not being able to define an acceptable or rejectable degree of compliance. After further review, it is concluded that this same objection might apply to the proposed rule. Furthermore, the regulation as proposed will not meet the stated objective. The proposed regulation would still be subject to the interpretive process used to determine compliance during certification. Knowledgeable comments and other information received on this proposal make it doubtful that the objectives can be met at this time.

Considering the above, the FAA is at this time deleting this proposed change.

Proposal 73. This amendment to § 33.66 clarifies standards for bleed air system performance and for indication of the functioning of ice protection systems, if bleed air is used and can be controlled.

There were no dissenting comments. However, one commenter objects to the words "aircraft powerplant" in connection with the ice protection system, as the reader might confuse the engine anti-icing system with the aircraft anti-icing or ice protection system provided for the powerplant. The FAA concurs with the comment to use the word "engine" in place of "aircraft powerplant," and the proposal is modified accordingly.

Proposal 74. This amendment to § 33.67 brings engine fuel system standards into conformity with corresponding sections of the aircraft rules. It also adds new fuel control standards.

Since a large number of comments were received on the various sections of the proposed rule, the following discussion has been subdivided into segments for simplicity of discussion.

Ref § 33.67(a). Although no unfavorable comment was received on the proposal to amend § 33.67 by deleting all but the first sentence of §33.67(a), the dropping of proposed § 33.67(d) introduces the need to restore, in § 33.67(a), the requirements for proper fuel control system functioning, adjustment, locking, and sealing. Therefore, the proposal is modified by deleting only the last sentence of § 33.67(a).

Ref § 33.67(b). A commenter states the proposed revision should specify that the fuel strainer or filter be installed ahead of the first engine fuel system component which is susceptible to restricted fuel flow due to contaminants. The commenter adds that this would assure that the complete engine fuel system is protected from fuel flow interruption due to contamination.

While there is merit to considering amending § 33.67(b), it goes beyond the scope of the present NPRM. These comments should properly be handled by a future NPRM to allow other interested persons time to submit their views. Therefore, the proposal is adopted without change.

Ref § 33.67(b)(3). No comment was received on the proposal to amend § 33.67(b)(3). Accordingly, the proposal, with respect to § 33.67(b)(3), is adopted without change.

Ref § 33.67(b)(4). A commenter suggested that the last sentence of proposed § 33.67(b)(4) be amended to read: "The applicant must provide evidence. . . ." This is intended to provide experience or alternative means, other than testing, for showing compliance. The FAA agrees that the word "demonstrate" as used in this paragraph would mean to prove by operation of the device, which was not intended as the only acceptable method of substantiation. Therefore, the proposal is modified accordingly.

Ref § 33.67(b)(4)(ii). A commenter suggests deleting proposed § 33.67(b)(4)(ii) and replacing § 33.67(a) with the sentence: "Each fuel system must be capable of sustained operation throughout its flow and pressure range with fuel initially saturated with water at 80°F and having 0.75 cc of free water per gallon added and cooled to the most critical conditions for icing likely to be encountered in operation." The commenter adds that manufacturers should be allowed to show that the total fuel system is capable of operation under those conditions without establishing any specific design criteria such as use of heaters or additives. The commenter further states that some current successful systems use neither anti-icing additives nor fuel heaters.

Another commenter states that although it may be reasonable to accept that a fuel heater can cope with water saturated fuel, the effectiveness of anti-icing additives should be evaluated.

The commenter suggests that the second sentence of § 33.67(b)(4)(ii) be amended to read: "This requirement may be met by showing the effectiveness of specified approved fuel anti-icing additives or that the fuel system is fitted with a fuel heater which is capable of maintaining the fuel temperature at the fuel strainer or fuel inlet above 32°F (0°C) under the most critical conditions."

The FAA does not agree with the first commenter since the proposed change does not restrict the manufacturer to specific design criteria, but rather provides for recognized equivalent means of compliance.

The FAA substantially agrees with the suggestion of the second commenter which rectifies the objections raised and which editorially corrects the proposed changes. Accordingly, the second sentence of proposed § 33.67(b)(4)(ii) is revised except that the words ". . . which is capable of maintaining. . . ." are further changed to ". . . which maintains. . . ."

Ref § 33.67(b)(5). A commenter strongly supports the substance of the proposed revision to § 33.67(b)(5) to require demonstration of filter capability that is related to fuel contamination ". . . likely to be encountered in service. . . " Another commenter suggests quantifying the degree of contamination to provide a consistent unambiguous requirement which can be applied fairly and consistently. Two commenters suggest the proposal be canceled and the present wording be retained since engine control system malfunctions due to fuel contamination are not a service problem.

Proposed §33.67(b)(5) is clarifying; however, the rule for engine certification should not relate to ambiguous aircraft flight requirements, but rather to the time of continued satisfactory engine operation in the mode of partial filter blockage.

Also, there is merit to the comment relative to quantifying the degree of contamination; but, further research is required before such limits can be established. Accordingly, proposed § 33.67(b)(5) is revised as discussed.

Ref § 33.67(c). Two commenters suggest the proposal be changed to read: "(1) The flow of the injected fluid is adequately controlled," and one of the two commenters further suggests deletion of (2). The commenters explain there exist systems which inject fluid at a fixed rate independent of power lever position. The second commenter adds that some systems do not use pumps but use engine bleed air for pressurization and control it manually or automatically with power lever or throttle motion. A third commenter suggests that the flow of injected fluid must be controlled in relation to the design requirements of the engine since power produced by an engine can be influenced by a number of factors. The FAA agrees with the commenters and has revised the section accordingly.

Ref § 33.67(d). A commenter suggests that the proposal should provide for consideration of electric/electronic components which have a documented satisfactory service history. Two commenters state that it seems unnecessary to apply the proposed rule to other than full-authority control systems with electrical or electronic input.

Ref § 33.67(d)(1). One commenter suggests deletion of this section of the proposed rule on the basis that definition of reliability level would be subjective. Two commenters state that a comparative reliability level should not be imposed, the first since it was never required to hydromechanical units and the second since a comparable hydromechanical control for a given engine type may not exist. One of the commenters suggests that electronic control system reliability should be based on in-flight shutdown rate. The same commenter questions the meaning of ". . . combined level."

Another commenter states that adequacy of the secondary systems in controlling the engine for continued flight can only be determined by evaluation on the specific aircraft in conjunction with minimum crew requirements. It is noted that the requirement for continued safe operation of the installed engine after failure or malfunction is addressed in §§ 23.903, 25.903, and 29.903. However, the FAA agrees that the proposed wording is not completely consistent with engine certification requirements.

Another commenter submits a counterproposal which it is claimed will permit control functions not historically available with hydromechanical controls and will allow dispatch of an airplane with one channel of a dual system inoperative.

Another commenter supports the substance of the proposal and suggests the requirement be extended to other components susceptible to external electromagnetic interferences. The FAA agrees that the rule should be so extended; however, since the suggestion is beyond the scope of this review, the commenter is invited to submit it in proposal form for future consideration.

Ref § 33.67(d)(2). Two commenters suggest revising proposed § 33.67(d)(2) to read "Provide a means to monitor the operational status of each function critical for safe engine operation." Another commenter states it is not clear how monitoring the operational status can assure redundancy. The commenter adds that the designer should be permitted to establish compliance in a manner best suited to his particular design.

Ref § 33.67(d)(3). One commenter suggests that the term "independent power source" be clarified to more clearly state the intent. Two commenters suggest the proposal be revised since it is unnecessary to have an independent power source on the engine where a backup hydromechanical control is used in the event of power supply failure.

Ref § 33.67(d)(4). A commenter states that the proposal is too specific and that the engine manufacturer should be permitted to establish the power supply and environmental condition characteristics, including lightning or other electromagnetic interference, in which the control system will satisfactorily operate.

The scope of comments to § 33.67(d) has been extensive and raised several valid points and suggestions. Due to the extent of these comments, it is believed a major modification to this proposed change is required. Therefore, proposed § 33.67(d) is withdrawn. After reevaluation, another NPRM will be published, and the public will be given an opportunity to comment.

Proposal 75. The amendment to § 33.68 revises the requirements which govern performance under icing conditions.

A number of commenters support the proposed exemption of rotorcraft from the ground idling icing requirements, basing their justification on the unique characteristics of rotorcraft and rotorcraft operations. Others who wish to include rotorcraft under this rule point out, for instance, that oil rig operations may include lengthy loading cycles in icing conditions with rotors turning.

One commenter points out that wheel-equipped rotorcraft awaiting departure clearance can be subjected to the same delays as fixed-wing aircraft in foggy weather with temperatures conducive to induction system icing. The FAA agrees that, as a general practice, rotorcraft cannot expect preferential handling or to avoid queuing up at runways. Furthermore, the operation of a helicopter rotor system can itself, within the proposed envelope:

(1) Intensify icing conditions when ground fog on freezing drizzle under stable cloud layers is present; and

(2) Generate freezing ground fog when atmospheric conditions are close to forming natural freezing fog.

Other commenters contend that no rotorcraft have been certificated for intentional flight in icing conditions. The FAA considers this contention somewhat irrelevant in considering ground induction icing conditions. As mentioned above, ground operation can produce induction system icing without the existence of conditions conducive to in-flight icing as defined in Appendix C of Part 25 of the FAR.

Considering the above, and after further review, the FAA sees no justification for excluding rotorcraft from § 33.68(b) and has revised the proposal accordingly.

It also is suggested that a certification time of less than the 30-minute idle specified in the proposed amendment could be applied to rotorcraft engines. This suggestion may have merit, but it is believed that additional operating data are required to support a lower test time. This question will be considered in future rulemaking.

Concerning the envelope to use for testing, one commenter suggests using more general terms to describe the icing envelope, while another suggests adoption of a somewhat more severe military specification.

As was presented during the Aircraft Engine Regulatory Review Conference, recorded meteorological data, from the most severe ground icing experience during civil operation, does not support more stringent criteria. Therefore, the FAA does not agree with the proposal to adopt the military specifications.

In response to the comment to state the requirements in broad terms, the proposed regulation as stated presents minimum atmospheric parameters for all engines to meet. A lack of specific requirements could lead to a generation of engines all meeting different atmospheric conditions. This would not lead to uniformity in the certification process.

One comment was received opposed to allowing periodic engine run-up to shed ice. The comment was based on the possibility of icy taxiways and run-up pads making this procedure risky. The FAA agrees that this comment has merit under certain conditions. However, there are installations where this procedure could be perfectly acceptable under adverse ground conditions. Rotorcraft operation is one such application. The relaxatory nature of this part of the regulation need not be denied applications where safety is not compromised. It should be noted that the manner of this procedure may be controlled by limitations in the engine data sheet and/or operating instructions if appropriate. It is envisioned that run-up power excursions that are excessive or operationally untenable will be disallowed.

Therefore, with the exception of the change to § 33.68(b) discussed earlier, the proposal is adopted without change.

Proposal 76. This amendment to § 33.71 revises the standards for engine lubrication systems and makes them consistent with proposed §§ 23.1019 and 23.1021 and corresponding changes to Parts 25, 27, and 29.

A commenter disagrees with the proposal to delete the requirement for a strainer or filter ahead of each scavenge pump, stating that protecting the scavenge pump is essential to safe operation. The commenter adds that the rule already allows the applicant to size the strainer as needed to protect the pump. The FAA believes that design flexibility should be carried even further and that the need for a scavenge strainer/filter and its sizing should be determined by the engine designer.

Another commenter suggests that § 33.71(b) be further amended to read: "There must be an oil strainer or oil filter, other than at the oil tank outlet, through which all of the engine oil flows." However, this change would not provide additional clarity and would add an unnecessary restriction.

A commenter suggests that § 33.71(c)(5) be amended or deleted to permit marking the word "oil" on adjacent cowlings instead of the engine oil tank oil filler and that the corresponding aircraft rule be amended to conform. Sections 23.1557, 25.1557, 27.1557, and 29.1557 already specify exterior markings as suggested by the commenter. The proposed oil tank filler marking drops the capacity requirement from the current rule but retains the "oil" marking in the interest of safety.

A commenter suggests that proposed § 33.71(c)(12)(ii) call for provision of makeup oil equivalent to that expected to leak from a deteriorated engine. The FAA believes that this requirement is implicit in the proposed rule and would have to be met by airworthy engines under § 33.19 and 33.75.

A commenter suggests that proposed § 33.71(f) be deleted because loss of lubrication during "negative g" operation has not been a problem in commercial service. Another commenter suggests deleting the reference to § 25.333 in this section since engines for general aviation fixed-wing and rotary-wing applications do not necessarily comply with it. The commenter further suggests that the amendment require the applicant to define the maximum applied loads as in § 33.23 for mounting attachments. The FAA has no records to indicate the extent of the problem with engine lubrication during negative g operation, and it is correctly noted that a Part 25 requirement should not be imposed on an engine not intended for Part 25 application. The present regulations covering lubrication system design for both reciprocating and turbine engines have been found adequate. The proposed new paragraph (f) is withdrawn as recommended, and the remainder of the proposal is adopted without change.

Proposal 77. This amendment adds a new § 33.74 which defines thrust or power augumentation systems for transport category airplanes.

After further consideration, the FAA has found it to be impractical for an engine manufacturer to comply with § 25.945 as referenced in the new section since this paragraph requires detailed knowledge of the aircraft engine installation, aircraft flight envelope, and power augmentation system hardware supplied by the manufacturer for each aircraft type. This information is seldom available to the engine manufacturer at the time of engine certification. The proposed amendment therefore is withdrawn.

Proposal 78. Two commenters object to the word "hazardous" as proposed for § 33.75, which amplifies and redefines burst limits and corrects a reference to allowable loads in amended § 33.23. They submit that an engine manufacturer is not in a position to judge what is hazardous at the time of engine certification. The commenters recommend using "release of fragments having significant residual energy" as the burst criterion.

The FAA disagrees. Released fragments are important because they may represent a hazard to the aircraft. The hazard may be related to residual energy, but even fragments which have a low residual energy may constitute a hazard. Judgment must be used under either definition by the manufacturer and the FAA during certification to determine what is hazardous. Section 33.75(b), therefore, except for the descriptive parenthetical statement, is adopted as proposed. Reference to § 33.23(b)(2) in proposed paragraph (c) is corrected by substituting § 33.23(a).

Proposal 79. This amendment adds a new § 33.76, which applies the standards of § 25.933, airplane reversing systems, to engine airworthiness.

Two commenters object to the proposed amendment on the grounds that compliance requires an evaluation of the engine thrust reverser as a part of a particular aircraft reversing system. The engine manufacturer cannot anticipate or have available the aircraft design and performance data necessary to comply with § 25.933 (a) and (b). The FAA agrees, and this proposal is withdrawn.

Proposal 80. This amendment to § 33.77 updates the engine foreign object ingestion requirements. For comments on the amendment to § 33.77 (a)(2) and (a)(3), see the proposals for § 33.75 (b) and (c), respectively.

A commenter expresses the opinion that ingestion tests should be conducted with simulated engine installation hardware and gearbox loading. The FAA finds merit in these comments but considers the suggested changes beyond the scope of the NPRM. The FAA will review these suggestions for future rulemaking action.

A commenter questions whether an engine running for 5 minutes following the bird ingestion event is adequate. In the absence of an obviously dangerous condition, however, the 5-minute run time is sufficient to demonstrate engine integrity. This commenter also suggests that in addition to the other requirements, any potentially hazardous physical damage following the bird test be considered a failure. The FAA has made this a practice in the past, and the section is changed accordingly.

A commenter submits information from an actual aircraft accident which suggests that bird ingestion certification requirements should be made stricter. The accident cited involved an engine certificated before the current requirements were adopted at a time when less demanding tests were the rule, so that the commenter's remarks may not be currently relevant. The FAA is continually reviewing bird ingestion incident data in terms of possible rulemaking action.

A commenter objects to deletion of the sand and gravel ingestion requirement, stating that the absence of sand/gravel ingestion problems in service is due to the presence of the requirement in the current rule. The commenter points out that in addition to blade erosion, adverse effects on engine seals, bleed ports, and oil sumps may lead to in-flight operating abnormalities. Although it is recognized that sand and gravel ingestion may adversely affect various turbine engine mechanisms, service experience has shown that ingestion of these materials does not possess the potential for causing sudden loss of engine power as does other ingested matter. On this basis, the requirement is withdrawn.

A commenter points out that the specified 4 percent water to air ratio is less than that which may be encountered in the atmosphere and also suggests conducting water ingestion tests at altitude conditions. The FAA agrees that in some severe rain conditions, the water to air ratio exceeds 4 percent but considers that such occurrences represent an environmental extreme rarely encountered in service. Incorporating an increased water-to-air ratio or imposing altitude conditions on the water ingestion requirements are beyond the scope of this review. The FAA will continue to review ingestion tests requirements for possible rulemaking action in the future.

Several commenters question the requirement to maintain a 4 percent water-to-air ration during acceleration and deceleration of the engine. Two of these commenters also question how evaporative effects are to be accounted for in the water-to-air ratio. It is suggested that the wording of § 33.77(c) be changed to "while ingesting water following stabilized operation. . . ." The FAA intends that the 4 percent water-to-air ratio be maintained during transients to simulate actual conditions. It is not expected that this ratio will be maintained exactly but that a minimum of 4 percent water-to-air ratio will be used during transients. The practicality of such testing has been demonstrated.

The goal of water ingestion tests is to simulate flight in heavy rain in which saturation of the air is assumed. If the engine air available during the certification test is not saturated, additional water must be added to ensure a 4 percent liquid water-to-air-ratio at the engine inlet. The proposal for § 33.77(c) is changed to clarify this intent.

A commenter recommends that § 33.77(d) be further amended to require protection from pieces of objects which, although unable to pass through the protective device when whole, may break apart upon striking the protective device and enter the engine. This protection is already provided under proposed § 33.77(d) since it does not exempt from demonstration foreign objects of a size which will pass through the protective device.

Two commenters recommend further amending § 33.77(d)(3) to read ". . . sustained reduction in power or thrust greater than those values required by paragraphs 33.77 (b) and (c)." The FAA agrees. The intent is not to require greater thrust recovery for engines with protective devices than for those without them. The proposed rule is changed as recommended.

One commenter disagrees with the wording of § 33.77(e) under ice test quantity. The words "typical inlet cowl" are intended to mean an inlet cowl typical of an installation of the engine being tested. The "slab of ice" is intended to be of a size and weight which provides a test of at least equal severity to the inlet cowl and engine face ice accumulation. The meaning of these phrases is clear, and the proposed wording is adopted.

One commenter objects to the proposed distinction in § 33.77(e) between engines with inlet guide vanes and engines without inlet guide vanes in the 4-pound bird injection test conditions. The commenter states that service records do not justify such a distinction and that bird injection is an environmental condition not related to fan/inlet design. However, there is reason to distinguish between turbine engines with and without inlet guide vanes in order to test each design under its most critical bird ingestion condition. This does not imply a difference in environment but is believed to provide the best test for each design type. FAA report No. FAA–RD–77–55, "Improved Resistance to Engine Bird Ingestion," dated March 1977, indicates that rotating blade damage is inversely proportional to the entering velocity of the bird due to the addition of the bird velocity vector and the blade velocity vector. An engine with inlet guide vanes is likely to be struck on a vane rather than a blade, and the vane damage will increase with increasing bird velocity. The proposed wording is retained. The FAA will continue to study the bird ingestion hazard.

Proposal 81. This amendment to § 33.83 broadens the vibration test requirements and affords added flexibility to the test methods.

Two commenters suggest that the title be changed in order to better describe the purpose of the test and avoid confusion with §§ 33.33 and 33.63. The FAA disagrees. Section 33.33 is a requirement for the design of reciprocating engines, § 33.63 is a similar requirement for design and construction fo turbine aircraft engines, while § 33.83 relates to the block testing of aircraft turbine engines. Section 33.63 is a design consideration for turbine engines, whereas § 33.83 is a substantiation means.

Two commenters object to the use of the term "maximum permissible takeoff speed" since takeoff speed may not be the maximum permissible speed for certain engines. The FAA agrees, and the word "takeoff" is deleted from the first sentence of § 33.83(a).

Three commenters object to the wording of § 33.83(b) concerning acceptable methods for showing compliance. One commenter suggests that stress margins which are appropriate to the components being evaluated be recognized, while the others maintain that compliance can be shown by engine test as well as by analysis. The FAA agrees with both comments but believes the proposed wording is adequate. Each method of showing compliance with this section during the certification process is reviewed by the FAA.

Another commenter suggests insertion of the word "hazardous" before "failure" in § 33.83(a). The commenter points out that there could be minor failures during this test. The FAA considers that all failures should be evaluated in terms of each engine design, as the distinction between minor and hazardous conditions cannot always be pre-established for a new design.

A commenter suggests that some clarification of the term "loading device" would be of assistance. As used in this regulation, the term "loading device" (i.e., dynamometer) applies primarily to turboshaft and turboprop engines. Turbofan and turbojet engines are not usually loaded externally during the endurance test. The intent of this regulation is to assure that the turboshaft and turboprop engines are loaded in the same manner as during the endurance test.

The amendment to § 33.83 is adopted as proposed except for the change described.

Proposal 82. This amendment to § 33.87 clarifies the 150-hour endurance test procedure, provides alternative means of compliance, and adjusts the test schedule for helicopters.

One commenter questions the validity of conducting the endurance test of an accessory drive and mounting attachment on a separate rig, as provided by proposed § 33.87(a)(6). The commenter suggests that rig testing be supplemented by running the accessories on an engine. The FAA has found that when properly conducted, the gearbox rig tests with accessory loading provide sufficient data for endurance certification. In addition, such tests are often a more practical solution to the problem of environmental control and data collection encountered during endurance engine running. The accessory weights and overhung moments must be simulated during full engine testing, but power extraction effects may be substantiated by rig test.

A commenter suggests eliminating operation at rated 2½-minute power during the third and sixth takeoff power periods for one of the twenty-five 1-hour sequences specified by current § 33.87(d)(1). The commenter argues that proposed § 33.87(d)(2) increases the cumulative endurance test time at the 2½-minute power condition and that the increase should be compensated for in § 33.87(d)(1). The FAA does not agree. One reason for including proposed § 33.87(d)(2) is to establish a margin of safety for the 2½-minute power rating. Compensation for the increased time at 2½-minute power would cancel, to some extent, the intent of the proposal. The FAA recognizes that the total time required at 2½-minute power will be increased by 5 minutes but does not consider this increase to be significantly burdensome. However, the wording of proposed § 33.87(d)(2) is revised to make it clear that the 5-minute test at 2½-minute power is to be included within, rather than in addition to, the 30-minute test period.

One commenter requests that an "Emergency Power Rating" (EPR) be established for rotorcraft. The EPR would be a power greater than 2½-minute power and used for one engine inoperative takeoff in multiengine rotorcraft. The EPR would be permitted for up to a 30-second duration. The commenter proposes that the 30-second EPR be included in the 150-hour endurance test in this section. The FAA

finds that although this proposal has merit, it is beyond the scope of the Engine Review. Therefore, the amendment to § 33.87 is adopted as proposed except for the changes described.

Proposal 83. This amendment to § 33.88 relieves the overtemperature test requirements by reflecting actual conditions more realistically.

One commenter recommends less reduction in test time than that proposed and suggests that such a reduction be made based on analysis of service experience that shows this to be acceptable. The commenter also recommends that the second sentence be revised to state that the turbine assembly be within dimensional limits established for allowing it to remain in continued service.

The FAA does not agree that the time reduction is drastic since engines certified before Amendment 33–6 were in fact tested for the 5-minute condition. Service experience with these engines, with regard to overtemperature capability is excellent. Additionally, all post-Amendment 33–5 certified engines have been granted exemptions from the existing 30-minute requirement and were tested for 5 minutes as is now proposed. The dimensional limits quoted in the proposal are in fact service limits as suggested by the commenter, which are determined during the certification process. Therefore, the FAA finds further clarification to be redundant.

Another commenter objects that the engine overtemperature test requirements inherently involve blade creep life, which is considered an economic item rather than an airworthiness item. The commenter states that the true need is to evaluate rotor disc integrity under conditions of possible overtemperature due to disc cooling system failure which might result in temperatures higher than the specified 75°F above maximum rated. The FAA position is that the regulation will ensure that the turbine assembly can satisfactorily withstand an overtemperature of 75°F above the maximum operating temperature for a period of time consistent with what could reasonably be expected in service. The test is designed to evaluate gross effects of a 5-minute overtemperature condition on the engine turbine assembly, which includes blades, discs, drums, spacers, shafts, seals, stators, nozzles, and support structure. Therefore, § 33.88 is adopted as proposed.

Proposal 84. This amendment to § 33.89 broadens the operational test requirements by calling for testing, if necessary, throughout the operating envelope of the engine.

A commenter complains that the tests do not demonstrate that rapid throttle movement does not constitute an operational hazard. It should be noted that § 33.89(a), through reference to § 33.73, requires demonstrating rapid throttle movement from minimum to maximum position. This commenter also considers it unreasonable to expect flight crewmembers to monitor engine controls during emergency conditions. The FAA, on the contrary, considers it reasonable to expect pilot monitoring and appropriate manipulation of engine controls within the context of the operational situations addressed by this comment.

One commenter objects that the proposed change has the same meaning as the current regulation while being less explicit. However, the proposed amendment contains all of the previous considerations implicitly within the new wording and at the same time has been expanded to include the entire operating envelope of the engine. Accordingly, the proposed rule is adopted without change.

Proposal 85. This amendment to § 33.90 discontinues use of the word "overhaul" and recognizes the validity of alternative maintenance programs.

One commenter suggests that the rule approve the process of reconditioning after test and inspection if it is determined that such process is required. The FAA agrees that if the test results show that maintenance action is required, it should be so specified. Another commenter suggests that substituting "initial maintenance inspection" for "overhaul test" merely replaces one contentious phrase with another and urges that § 33.90 be deleted as being unnecessary to safety. The FAA does not agree since not all Part 33 turbine engines come under the regimen of a structured reliability program. Recent experience with two new engine certification programs under current rules has shown the need for an initial inspection interval of certain hot section components. Significant deterioration of engine operating and performance characteristics would exist without the specified inspection and repair requirements. Accordingly, the proposed amendment is adopted with the change noted above.

Proposal 86. This amendment to § 33.92 deletes the windmilling test requirement for subsonic turbine engines and amplifies the rotor burst and load limitations as in the proposal for § 33.75(b).

In addition to comments previously discussed for § 33.75, two commenters question deleting the windmilling test requirement for subsonic engines. The commenters suggest that existence of the current requirement may account for the lack of service problems associated with windmilling engines. The FAA disagrees. Most engines currently in service have a certification basis which predates the windmilling test requirement of § 33.92 but, nevertheless, have accumulated years of service with no reported incidents of windmilling hazards. It has not been demonstrated that an engine test of windmilling capability is required for all subsonic engines.

One commenter recommends adding a requirement that the applicant provide evidence to show that the engine windmilling without lubricating oil would not result in a condition which would jeopardize the aircraft. The FAA agrees but believes that § 33.75 provides this assurance. Proposed § 33.92 therefore is adopted with the addition of the reference to mount load limits as proposed for § 33.75.

Proposal 87. No comment was received on the proposal to amend § 33.93(b) by substituting the word "part" for "component" to preclude ambiguity, and the proposal is adopted without change.

Proposal 88. This amendment provides a new § 33.94 which adds blade failure containment testing of engines for certification.

Several commenters object to the requirement of § 33.94(a) that the engine run for at least 15 seconds before initiating shutdown after the event, claiming that it is unduly restrictive. They state that an engine which shuts down in less than 15 seconds would be acceptable, provided it does not burst, catch fire, or generate excessive mount loads. The same commenters propose that § 33.94(a)(1) be changed to permit use of component rig containment tests to supplement the engine test whenever facility limitations prevent attaining maximum permissible speed on a complete engine.

The FAA agrees that certain engines may not be able to operate for 15 seconds after the failure event. Accordingly, § 33.94(a) is modified to allow for instances where the resulting damage prevents the engine running for the required 15 seconds.

The FAA agrees that rig tests are valid, as reflected in proposed § 33.94(b), and in fact manufacturers' rig tests are being used to supplement complete engine blade containment tests for certification proposes. It is concluded, however, that such determinations will be made on a case-

by-case basis under the authority provided by proposed § 33.94(b).

Another commenter suggests that § 33.94(a)(2) should be changed so that the engine test is based on the most critical engine casing temperature rather than the most critical turbine blade. Analysis leading to determining the most critically operating turbine blade would be expected to include analysis of case material properties at critical temperatures in an engine operating at maximum permissible r.p.m. Therefore, additional clarification is not considered necessary, and the amendment to paragraph (a)(2) is adopted as proposed.

Regulatory Evaluation

The FAA conducted a detailed regulatory evaluation which is included in the regulatory docket. Based on a review of available FAA data, cost data supplied by the Aerospace Industries Association (AIA) and the General Aviation Manufacturers Association (GAMA), and data from the National Transportation Safety Board (NTSB) accident data file, FAA determined that this overall rule provides cost savings that substantially outweigh the additional costs imposed on society.

The amendments in this final rule provide benefits in the aggregate to the aviation public, most specifically to airframe and engine manufacturers. These amendments provide general benefits by deleting obsolete requirements and clarifying the text, by updating and modernizing technical requirements to reflect engineering advances in the state-of-the-art, by reflecting the changing interface between the airframe and engine manufacturers, and by taking into account FAA accumulated service experience. This rule imposes no costs on the Federal Government.

Industry estimates of costs and benefits provided to the FAA for specific amendments were aggregate undiscounted 10-year estimates stated in 1981 dollars. The FAA was unable to break down these aggregate estimates into annual estimates because of the uncertainty of the number of new type certificated engines and aircraft models in a given year as well as the subsequent production of these engines and aircraft in a given year. Furthermore, industry was unwilling to supply information pertaining to the number of companies impacted by each of these amendments, or specific information on the number of estimated new type certificated engines and aircraft in a given year as well as subsequent production estimates, for reasons of individual company confidentiality.

Since it was assumed the Aircraft Engine Regulatory Review initiative would become final rule in 1983, the FAA adjusted the cost estimates to 1983 dollar values and then discounted these values for the years 1984 and 1992 to arrive at a range of values for the 10-year period of 1983–1992. The FAA did this because it was not known in which of these years the costs and benefits associated with the proposals would occur; therefore, by discounting the values in 1984 (assuming all benefits and costs occur in this year would result in the highest possible discounted values) and in 1992 (assuming all benefits and costs occur in this year would result in the lowest possible discounted values), a representative range is developed. The discount rate for 1984 is 0.91 and the discount rate for 1992 is 0.38. This range was conducted for all beneficial or cost imposing proposals except § 23.903(b) where FAA was able to obtain more refined data.

Major Benefits—Regulatory amendments that are expected to yield major benefits are summarized below (first-order discounted cost savings are stated in 1983 dollars and represent the range of savings for the *10-year period* of CY 1983 through CY 1992):

1. Section 23.903—The proposal allows the use of satisfactory foreign object ingestion (FOI) service experience for turbine engines as an alternate to meeting § 33.77 in effect on October 31, 1974, or as subsequently amended, to be eligible for installation. Currently, an airframe manufacturer would have to conduct FOI tests on any inservice turbine engine that is installed on a new airplane even though the engine may have a satisfactory FOI service experience. Estimated discounted test cost savings from eliminating this requirement in terms of 1983 dollars are $2.11 to $5.05 million for the period of CY 1983–1992. Considerable costs could be imposed on airframe manufacturers that choose to install engines certified to Part 33 FOI requirements prior to October 31, 1974, on future type certificated airplanes that have a bad FOI service experience. FAA considers that those instances would be rare from a technological state-of-the-art standpoint.

2. Section 33.14—This proposal provides engine manufacturers with more latitude in the type of procedures they can use for establishing low-cycle fatigue service lives for rotating components and for increasing these lives. This proposal also increases the applicability of the rule, redefines the term "start-stop stress cycle," and permits an alternative to parts temperature stabilization if justified. The current rule is unduly restrictive, because it prescribes only a fixed reduction factor for determining the initial service life and only one method for increasing these lives based on testing of parts removed from service. Estimated discounted test cost savings in terms of 1983 dollars are $16.15 to $38.69 million for the period of CY 1983–1992.

3. Section 33.68—This proposal relaxes the 30-minute idle with freezing fog requirement test criteria, permits periodic engine runups, and permits temperature variation, all with regard to induction system icing. The current test requirement is unnecessarily severe because it is outside the maximum icing envelope of Appendix C of Part 25, and because no tolerances are permitted on the temperature and liquid water content. Program and production cost savings will be achieved through reduced anti-icing system hardware and installation costs and through simplification of the engine design and manufacturing process. Specifically, this amendment eliminates in almost all cases the design and installation of components for a supplementary heating system. Estimated discounted savings in terms of 1983 dollars are $214.02 to $517.17 million for the period of CY 1983–1992.

4. Section 33.71—This amendment deletes the requirement for scavenge oil strainers and marking oil tank filler capacity. Service experience shows that scavenge oil strainers do not necessarily improve safety but do tend to restrict design of the oil system. There is no safety need to mark tank capacity on the oil tank filler. Estimated discounted component, installation, and labor cost savings in terms of 1983 dollars are $2.11 to $5.05 million for the period of CY 1983–1992.

5. Section 33.77—This proposal eliminates the tire, sand, and gravel FOI test requirements. The tire test requirement is deleted because service experience has shown that hazardous consequences from ingestion of a piece of tire are no greater than those associated with ingestion of a 4-pound bird. Furthermore, service experience has shown that ingestion of sand and gravel does not possess the potential for causing sudden loss of engine power as does other ingested matter. Eliminating these requirements will result in some test cost savings and reduced hardware (engine) burnup. Estimated discounted test cost savings in terms of 1983 dollars are $9.62 to $23.02 million for the period of CY 1983–1992.

6. Section 33.83—This proposal allows the use in certain cases of a modified

version of the endurance test loading configuration for the required vibration survey which would enable the use of a modified configuration if that loading device is incompatible with the necessary vibration instrumentation. The current regulation is unduly restrictive because it requires that the vibration survey must be conducted using the same configuration of the loading device which is used for the endurance test. A comparable test on the engine will serve the same results. Estimated discounted labor cost savings in terms of 1983 dollars are $4.18 to $10.01 million for the period of CY 1983–1992.

7. Section 33.87—This section allows separate, more convenient rig testing of accessory drives and mounting attachments. The FAA has found that gearbox rig tests with accessory loading provide comparable data to endurance certification tests. The current regulation requires that load testing of accessory drives and mounting attachments must be performed on the engine. The FAA has found this to be too stringent a requirement. There will be possible small cost savings in equipment to operate the accessory drive. Estimated discounted cost savings in terms of 1983 dollars are $1.17 to $2.80 million for the period of CY 1983–1992.

8. Section 33.88—This proposal reduces the duration of the overtemperature test from 30 minutes to 5 minutes. The current rule has been found unnecessarily severe since service experience has shown that none of the turbine engines subjected to 5-minute overtemperature tests have experienced inservice rotor disc primary failure due to overtemperature. Significantly reducing the duration of the overtemperature test adequately demonstrates the integrity of rotor discs without subjecting them to unnecessarily hazardous conditions and saves development of hardware for blades, discs, drums, etc. Estimated discounted test and hardware cost savings in terms of 1983 dollars are $9.03 to $21.62 million for the period of CY 1983–1992.

9. Section 33.92—This amendment deletes the windmilling without oil test for subsonic turbine engines. There have been no reported incidents involving windmilling hazards to aircraft resulting from loss of engine oil, and it has not been demonstrated that an engine test of windmilling capability is required. Estimated discounted test cost savings in terms of 1983 dollars are $0.96 to $2.30 million for the period of CY 1983–1992.

Major Costs—Regulatory amendments that are expected to impose major costs are summarized below (first-order discounted costs are stated in 1983 dollars and represent the range (except § 23.903) of new costs imposed for the *10-year period* of CY 1983 through CY 1992):

1. Section 23.903—This amendment requires that design precautions be incorporated in Part 23 certified airplanes to protect these airplanes from uncontained rotor failure events. As the use of turbine engines on Part 23 certified airplanes increases, especially in for-hire operations, airplanes certified under Part 23 should be afforded the same level of safety from uncontained rotor failures as airplanes certified under Part 25. The FAA obtained information pertaining to two cases in the past 10 years involving uncontained rotor failures in Part 23 certified airplanes. In terms of 1983 dollars, the cost of these accidents (injuries and aircraft damage) is approximately $1.1 million based on values contained in the *Economic Values for Evaluation of FAA Investment and Regulatory Programs.* Assuming that this proposed rule would protect against all uncontained rotor failure events, $0.93 to $2.2 million is the discounted exposure adjusted benefit (cost savings) range for a 10-year period beginning CY 1983. These estimates include the projected increase in the number of hours flown by turbine-powered general aviation airplanes. It is noted in both cases that uncontained rotor failure was the secondary cause of these accidents (incidents), both of which were precipitated by worn components in the gear assemblies according to the NTSB. It is also noted that this rule is proposed in order to prevent a future problem in certain Part 23 airplanes because installation of turbine engines in these airplanes is expected to increase significantly in the next 10 years. Furthermore, a significant increase in the number of Part 23 certified turbine-powered airplanes used in air taxi and corporate operations is expected, and the FAA believes that protection comparable to that required under Part 25 is needed when carriage of passengers is involved.

This requirement places an economic burden on the manufacturers of these small airplanes. This requirement may influence future airframe design in areas such as armor protection and engine location.

In an attempt to derive cost estimates, the FAA contacted GAMA and various airframe manufacturers. Most of these organizations indicated that the proposed regulation would impose significant costs, but they were not able to provide specific estimates because of the complexity of the issues and the amount of time it would take to compile estimates. Additionally, the extent of specific design changes to future type certificated airplanes was not immediately known.

One industry organization estimates that the cost to the manufacturer of compliance per airplane could easily reach $20,000, including increased engine price, cost of materials, design, development, testing, tooling expense, labor, and normal factory overhead. Specifically, this organization stated that the typical engine would require a containment shield (using a Kevlar fabric which is believed to be the most weight efficient installation) and that design adjustments would be required to provide for proper cooling, assurance of cowling drainage, and access to service points. Furthermore, the organization stated that considerable engineering and flight test development would be involved in assuring that maintenance could be accomplished on the engine, and the development of ballistic confirmation tests and certification would be extensive. The FAA ascertained through discussions with industry that an estimated 10 new turbine-powered airplane models would be eligible to be certified to Part 23 standards during the next decade. Because it is not certain in what years these airplane models will be certified, the FAA assumes that one airplane will be certified each year from 1983 through 1992. Furthermore, the projected production levels for each of these models in future years is not known. Based on past production levels of certain Part 23 turbine-powered airplanes, the FAA assumes an average annual production of 75 airplanes for each newly-certified model in each year following the year of certification.

Using this assumption, 3,375 airplanes will be manufactured between 1983–1992 of models which were newly-certified to Part 23 during this period.

The following table shows that the discounted value of costs over the 10-year period of 1983–1992 in 1983 dollars of requiring design precautions to minimize rotor failure events is $37.8 million. It assumes that the cost of compliance per airplane is $20,000. These are first-order costs which are initially borne by the airframe manufacturers, and the costs do not take into account the effect of increased prices with respect to the impact on domestic sales and foreign competition implications.

DISCOUNTED VALUE OF COSTS OF PROPOSED RULE

Year	Airplane production	Cost of compliance per airplane	Present worth discount	Discounted value of cost of rule
1983	0	$20,000	1.00	0
1984	75	20,000	.91	$1,365,000
1985	150	20,000	.83	2,490,000
1986	225	20,000	.75	3,375,000
1987	300	20,000	.68	4,080,000
1988	375	20,000	.62	4,650,000
1989	450	20,000	.56	5,040,000
1990	525	20,000	.51	5,355,000
1991	600	20,000	.47	5,640,000
1992	675	20,000	.43	5,805,000
Total	3,375			37,800,000

This rule would also impose certain second-order costs on purchasers of these airplanes in terms of increased inspection costs (removing and installing the system at each inspection interval) and decreased airplane performance due to a maximum 100-pound increase in airplane empty weight. The benefit/cost considerations may improve because increased use of turbine engines in Part 23 certified airplanes will increase the risk of rotor failure accidents.

2. Section 25.1091—This amendment requires that the FOI criteria of § 33.77 be applied to vulnerable portions of the air induction system such as inlet splitter vanes, duct-mounted instrumentation, and annular rings. Parts of the air induction system such as annular rings and splitter vanes are physically located in front of the engine. These parts were installed to reduce engine inlet noise in a limited number of airplanes. If these components are included, they should be subject to the same FOI requirements as the engine because of their possible breakoff into the engine. Most aircraft induction systems do not use splitters, etc., and therefore most aircraft designs would not be affected by this rule. This requirement was inadvertently left out of Amendment 33–6 in 1974. The estimates of the discounted cost range of improved materials and testing for these specific items to meet the criteria of § 33.77 in terms of 1983 dollars are $2.11 to $5.05 million for the 10-year period of CY 1983–1992. However, the actual cost of compliance will be much lower because compliance with FOI standards may be shown by analysis as well as testing, and the FAA sees little application of such devices in the future.

3. Section 33.77—This amendment requires that a 4 percent water-to-air ratio be maintained during transients in order to simulate actual flying maneuvers in heavy rain. The current rule requires that the ratio be maintained only for takeoff and idle conditions but does not require any demonstration of the ability to accelerate or decelerate safely under water ingestion conditions. Such ability is essential for safe flight in heavy rains. The FAA obtained information pertaining to one case in the past 10 years involving turbine engine failures due to water ingestion during transients, a Southern Airways accident in 1977. The NTSB reported that the probable cause of the accident was a loss of thrust of both engines while penetrating severe thunderstorms. The NTSB also reported the accident resulted from a loss of thrust caused by ingestion of massive amounts of water and hail which, in combination with thrust lever movement, induced severe stalling in and major damage to the engine compressors.

In terms of 1983 dollars, the cost of this case (injuries and aircraft damage) based on values contained in the *Economic Values for Evaluation of FAA Investment and Regulatory Programs* is approximately $47.0 million. Assuming that this proposed rule would protect against all accidents and incidents involving turbine engine water ingestion, $39.29 to $94.09 million is the discounted exposure adjusted benefit range (cost savings) for the period of CY 1983–1992. This estimate includes the projected increase in the number of hours flown by turbine powered aircraft.

This amendment would require engine manufacturers to conduct a more precise water ingestion test and to collect more test data to verify engine performance as its relates to water ingestion. It could require the engine manufacturer to purchase additional test equipment. The estimated additional discounted cost to the engine manufacturers to perform this test in terms of 1983 dollars is $1.05 to $2.50 million for the period of CY 1983–1992.

The first-order discounted benefit and cost ranges of these major proposals are summarized in Table 1. This table shows that the most conservative benefit/cost ratio for the entire evaluation is $299.57 to $45.35 million of 6.61 to 1.00.

TABLE 1[1]—AIRCRAFT ENGINE REVIEW BENEFIT/COST MATRIX BY MAJOR AMENDMENT, FOR THE 10-YEAR PERIOD OF CALENDAR YEAR 1983 THROUGH CALENDAR YEAR 1992

[Dollars in millions]

FAR		Benefits		Costs	
23	23.903(a)(2)	$2.11	$5.05		
	23.903(b)	0.93	2.22	$37.80	$37.80
	Subtotal	3.04	7.27	37.80	—
25	25.1091(e)	—	—	2.11	5.05
	Subtotal	—	—	2.11	5.05
27	none	—	—	—	—
	Subtotal	—	—	—	—
29	none	—	—	—	—
	Subtotal	—	—	—	—
33	33.14	16.15	38.69	—	—
	33.68	214.02	517.17	—	—
	33.71(b)	2.11	5.05	—	—
	33.77	48.91	[2]117.11	1.05	2.50
	33.83(a)	4.18	10.01	—	—
	33.87(a)(b)	1.17	2.80	—	—
	33.88	9.03	21.62	—	—
	33.92(c)	0.96	2.30	—	—
	Subtotal	296.53	714.75	1.05	2.50
	Total	299.57	722.02	40.96	45.35

[1] Benefit and cost values are stated in 1983 dollars.
[2] Of this amount, $39.29 million to $94.05 million is the benefit attributed to an accident caused by water ingestion.

List of Subjects

14 CFR Part 23

Air transportation, Aircraft, Aviation safety, Safety, Tires.

14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety, Tires.

14 CFR Part 27

Air transportation, Aircraft, Aviation safety, Safety, Tires.

14 CFR Part 29

Air transportation, Aircraft, Aviation safety, Rotorcraft, Safety, Tires.

14 CFR Part 33

Air transportation, Aircraft, Aviation safety, Engines, Safety.

Adoption of Amendment

Accordingly, Parts 23, 25, 27, 29, and 33 of the Federal Aviation Regulations (14 CFR Parts 23, 25, 27, 29, and 33) are amended as follows, effective March 26, 1984.

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

1. By revising § 23.901(d) to read as follows:

§ 23.901 Installation.

* * * * *

(d) Each turbine engine powerplant must be constructed, arranged, and installed to provide continued safe operation without a hazardous loss of

power or thrust for a period of 3 minutes each at rated takeoff power or thrust and flight idle in rainfall with an ambient liquid water content of not less than 4 percent of engine airflow by weight.

* * * * *

2. By revising § 23.903 (a) and (b) to read as follows:

§ 23.903 Engines.

(a) *Engine type certificate.*

(1) Each engine must have a type certificate.

(2) Each turbine engine must either—

(i) Comply with § 33.77 of this chapter in effect on October 31, 1974, or as later amended; or

(ii) Be shown to have a foreign object ingestion service history in similar installation locations which has not resulted in any unsafe condition.

(b) *Turbine engine installations.* For turbine engine installations—

(1) Design precautions must be taken to minimize the hazards to the airplane in the event of an engine rotor failure or of a fire originating inside the engine which burns through the engine case.

(2) The powerplant systems associated with engine control devices, systems, and instrumentation must be designed to give reasonable assurance that those operating limitations that adversely affect turbine rotor structural integrity will not be exceeded in service.

* * * * *

3. By revising § 23.905(a) to read as follows:

§ 23.905 Propellers.

(a) Each propeller must have a type certificate.

* * * * *

4. By revising § 23.975(b) to read as follows:

§ 23.975 Fuel tank vents and carburetor vapor vents.

* * * * *

(b) Each carburetor with vapor elimination connections and each fuel injection engine employing vapor return provisions must have a separate vent line to lead vapors back to the top of one of the fuel tanks. If there is more than one tank and it is necessary to use these tanks in a definite sequence for any reason, the vapor vent line must lead back to the fuel tank to be used first, unless the relative capacities of the tanks are such that return to another tank is preferable.

* * * * *

5. By revising § 23.994 to read as follows:

§ 23.994 Fuel system components.

Fuel system components in an engine nacelle or in the fuselage must be protected from damage which could result in spillage of enough fuel to constitute a fire hazard as a result of a wheels-up landing on a paved runway.

6. By adding a new § 23.995(g) to read as follows:

§ 23.995 Fuel valves and controls.

* * * * *

(g) Fuel tank selector valves must—

(1) Require a separate and distinct action to place the selector in the "OFF" position; and

(2) Have the tank selector positions located in such a manner that it is impossible for the selector to pass through the "OFF" position when changing from one tank to another.

7. By amending § 23.997 by removing the term "and the mesh" from paragraph (d) and by revising paragraph (c) to read as follows:

§ 23.997 Fuel strainer or filter.

* * * * *

(c) Be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself, unless adequate strength margins under all loading conditions are provided in the lines and connections; and

* * * * *

§ 23.1019 [Amended]

8. By removing the phrases "and the mesh" and "of the screen" from § 23.1019 (a)(2) and (a)(3), respectively.

9. By revising § 23.1021 to read as follows:

§ 23.1021 Oil system drains.

A drain [or drains] must be provided to allow safe drainage of the oil system. Each drain must—

(a) Be accessible; and

(b) Have manual or automatic means for positive locking in the closed position.

10. By revising § 23.1093(b)(2) to read as follows:

§ 23.1093 Induction system icing protection.

* * * * *

(b) * * *

(2) Each turbine engine must idle for 30 minutes on the ground, with the air bleed available for engine icing protection at its critical condition, without adverse effect, in an atmosphere that is at a temperature between 15° and 30°F (between −9° and −1°C) and has a liquid water content not less than 0.3 grams per cubic meter in the form of drops having a mean effective diameter not less than 20 microns, followed by momentary operation at takeoff power or thrust. During the 30 minutes of idle operation, the engine may be run up periodically to a moderate power or thrust setting in a manner acceptable to the Administrator.

* * * * *

11. By amending § 23.1143 by redesignating present paragraph (e) as paragraph (f) and by adding a new paragraph (e) to read as follows:

§ 23.1143 Engine controls.

* * * * *

(e) For each fluid injection (other than fuel) system and its controls not provided and approved as part of the engine, the applicant must show that the flow of the injection fluid is adequately controlled.

* * * * *

12. By revising § 23.1163(a) to read as follows:

§ 23.1163 Powerplant accessories.

(a) Each engine mounted accessory must—

(1) Be approved for mounting on the engine involved;

(2) Use the provisions on the engine for mounting; and

(3) Be sealed to prevent contamination of the engine oil system and the accessory system.

* * * * *

13. By amending § 23.1183 by revising the title; by removing "20 quart" in paragraph (a) and inserting, in its place, "25-quart"; and by revising paragraph (b)(1) to read as follows:

§ 23.1183 Lines, fittings, and components.

* * * * *

(b) * * *

(1) Lines, fittings, and components which are already approved as part of a type certificated engine; and

* * * * *

14. By amending § 23.1189 by adding the phrase "or located in areas not subject to engine fire conditions" at the end of paragraph (b)(2) and by revising paragraph (a)(1) to read as follows:

§ 23.1189 Shutoff means.

(a) * * *

(1) Each engine installation must have means to shut off or otherwise prevent hazardous quantities of fuel, oil, deicing fluid, and other flammable liquids from flowing into, within, or through any engine compartment, except in lines, fittings, and components forming an integral part of an engine.

* * * * *

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

15. By revising § 25.33(a)(2) to read as follows:

§ 25.33 Propeller speed and pitch limits.

(a) * * *

(2) Compliance with the performance requirements of §§ 25.101 through 25.125.

* * * * *

§ 25.697 [Amended]

16. By revising § 25.697(a) by removing the phrase "established under § 25.47." at the end of the first sentence and inserting, in its place, the phrase "established under § 25.101(d)."

17. By revising § 25.903(a) to read as follows:

§ 25.903 Engines.

(a) *Engine type certificate.*

(1) Each engine must have a type certificate.

(2) Each turbine engine must either—

(i) Comply with § 33.77 of this chapter in effect on October 31, 1974, or as subsequently amended; or

(ii) Be shown to have a foreign object ingestion service history in similar installation locations which has not resulted in any unsafe condition.

* * * * *

18. By revising § 25.905(a) to read as follows:

§ 25.905 Propellers.

(a) Each propeller must have a type certificate.

* * * * *

19. By revising § 25.961(a)(4)(i) to read as follows:

§ 25.961 Fuel system hot weather operation.

(a) * * *

(4) * * *

(i) For reciprocating engine powered airplanes, the maximum airspeed established for climbing from takeoff to the maximum operating altitude with the airplane in the following configuration:

(A) Landing gear retracted.

(B) Wing flaps in the most favorable position.

(C) Cowl flaps (or other means of controlling the engine cooling supply) in the position that provides adequate cooling in the hot-day condition.

(D) Engine operating within the maximum continuous power limitations.

(E) Maximum takeoff weight; and

* * * * *

20. By revising § 25.994 to read as follows:

§ 25.994 Fuel system components.

Fuel system components in an engine nacelle or in the fuselage must be protected from damage which could result in spillage of enough fuel to constitute a fire hazard as a result of a wheels-up landing on a paved runway.

21. By amending § 25.997 by removing the term "and the mesh" from paragraph (d) and by revising paragraph (c) to read as follows:

§ 25.997 Fuel strainer or filter.

* * * * *

(c) Be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself, unless adequate strength margins under all loading conditions are provided in the lines and connections; and

* * * * *

22. By amending § 25.1001 by removing present paragraphs (a) through (g) and inserting in place thereof new paragraphs (a) through (d) as follows and by redesignating present paragraphs (h) through (l) as paragraphs (e) through (i):

§ 25.1001 Fuel jettisoning system.

(a) A fuel jettisoning system must be installed on each airplane unless it is shown that the airplane meets the climb requirements of § 25.119 and § 25.121(d) at maximum takeoff weight, less the actual or computed weight of fuel necessary for a 15-minute flight comprised of a takeoff, go-around, and landing at the airport of departure with the airplane configuration, speed, power, and thrust the same as that used in meeting the applicable takeoff, approach, and landing climb performance requirements of this part.

(b) If a fuel jettisoning system is required it must be capable of jettisoning enough fuel within 15 minutes, starting with the weight given in paragraph (a) of this section, to enable the airplane to meet the climb requirements of §§ 25.119 and 25.121(d), assuming that the fuel is jettisoned under the conditions, except weight, found least favorable during the flight tests prescribed in paragraph (c) of this section.

(c) Fuel jettisoning must be demonstrated beginning at maximum takeoff weight with flaps and landing gear up and in—

(1) A power-off glide at 1.4 Vs_1;

(2) A climb at the one-engine inoperative best rate-of-climb speed, with the critical engine inoperative and the remaining engines at maximum continuous power; and

(3) Level flight at 1.4 Vs_1; if the results of the tests in the conditions specified in paragraphs (c) (1) and (2) of this section show that this condition could be critical.

(d) During the flight tests prescribed in paragraph (c) of this section, it must be shown that—

(1) The fuel jettisoning system and its operation are free from fire hazard;

(2) The fuel discharges clear of any part of the airplane;

(3) Fuel or fumes do not enter any parts of the airplane; and

(4) The jettisoning operation does not adversely affect the controllability of the airplane.

* * * * *

§ 25.1013 [Amended]

23. By amending § 25.1013 by removing "20-quart" in paragrph (a) and inserting "25-quart" in its place.

§ 25.1019 [Amended]

24. By removing the phrases "and the mesh" and "of the screen" from §§ 25.1019 (a)(2) and (a)(3), respectively.

25. By revising the title and text of § 25.1021 to read as follows:

§ 25.1021 Oil system drains.

A drain [or drains] must be provided to allow safe drainage of the oil system. Each drain must—

(a) Be accessible; and

(b) Have manual or automatic means for positive locking in the closed position.

26. By amending § 25.1045(d) by removing the reference to § 25.67(d) and inserting § 25.121(c) in its place and by adding the following material to the end of paragraph (d):

§ 25.1045 Cooling test procedures.

* * * * *

(d) * * * The airplane must be in the following configuration:

(1) Landing gear retracted.

(2) Wing flaps in the most favorable position.

(3) Cowl flaps (or other means of controlling the engine cooling supply) in the position that provides adequate cooling in the hot-day condition.

(4) Critical engine inoperative and its propeller stopped.

(5) Remaining engines at the maximum continuous power available for the altitude.

* * * * *

27. By revising § 25.1091(e) to read as follows:

§ 25.1091 Air induction.

* * * * *

(e) If the engine induction system contains parts or components that could be damaged by foreign objects entering the air inlet, it must be shown by tests or, if appropriate, by analysis that the induction system design can withstand the foreign object ingestion test conditions of § 33.77 of this chapter without failure of parts or components that could create a hazard.

28. By revising the title of § 25.1093 and by revising paragraph (b)(2) to read as follows:

§ 25.1093 Induction system icing protection.

* * * * *

(b) * * *

(2) Each turbine engine must idle for 30 minutes on the ground, with the air bleed available for engine icing protection at its critical condition, without adverse effect, in an atmosphere that is at a temperature between 15° and 30°F (between −9° and −1°C) and has a liquid water content not less than 0.3 grams per cubic meter in the form of drops having a mean effective diameter not less than 20 microns, followed by momentary operation at takeoff power or thrust. During the 30 minutes of idle operation, the engine may be run up periodically to a moderate power or thrust setting in a manner acceptable to the Administrator.

29. By revising § 25.1143(d) to read as follows:

§ 25.1143 Engine controls.

* * * * *

(d) For each fluid injection (other than fuel) system and its controls not provided and approved as part of the engine, the applicant must show that the flow of the injection fluid is adequately controlled.

* * * * *

30. By revising § 25.1163(a) to read as follows:

§ 25.1163 Powerplant accessories.

(a) Each engine mounted accessory must—

(1) Be approved for mounting on the engine involved;

(2) Use the provisions on the engine for mounting; and

(3) Be sealed to prevent contamination of the engine oil system and the accessory system.

* * * * *

31. By amending § 25.1183 by removing "20 quart" in paragraph (a) and inserting "25-quart" in its place and by revising paragraph (b)(1) to read as follows:

§ 25.1183 Flammable fluid-carrying components.

* * * * *

(b) * * *

(1) Lines, fittings, and components which are already approved as part of a type certificated engine; and

* * * * *

32. By amending § 25.1189 by inserting the word "installation" after "engine" in paragraph (a) and by revising paragraphs (a) (1) and (2) to read as follows:

§ 25.1189 Shutoff means.

(a) * * *

(1) Lines, fittings, and components forming an integral part of an engine; and

(2) Oil systems for turbine engine installations in which all components of the system in a designated fire zone, including oil tanks, are fireproof or located in area not subject to engine fire conditions.

* * * * *

§ 25.1323 [Amended]

33. By removing the phase "§ 25.59 or" from § 25.1323(b)(2).

§ 25.1359 [Amended]

34. By removing "§ 25.1205" in § 25.1359(a) and inserting "§ 25.867" in its place.

§ 25.1521 [Amended]

35. By removing the phrase "paragraphs (a) (1) through (3) of this section" in § 25.1521(b)(4) and inserting "paragraphs (b) (1) through (3) of this section" in its place.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

36. By revising § 27.903(a) to read as follows:

§ 27.903 Engines.

(a) *Engine type certification.* Each engine must have a type certificate.

* * * * *

37. By amending § 27.997 by removing the term "and the mesh" from paragraph (d) and by revising paragraph (c) to read as follows:

§ 27.997 Fuel strainer or filter.

* * * * *

(c) Be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself, unless adequate strength margins under all loading conditions are provided in the lines and connections; and

* * * * *

§ 27.1019 [Amended]

38. By removing the phrases "and the mesh" and "of the screen" from § 27.1019 (a)(2) and (a)(3), respectively.

39. By revising § 27.1021 to read as follows:

§ 27.1021 Oil system drains.

A drain [or drains] must be provided to allow safe drainage of the oil system. Each drain must—

(a) Be accessible; and

(b) Have manual or automatic means for positive locking in the closed position.

40. By revising § 27.1093(b)(2) to read as follows:

§ 27.1093 Induction system icing protection.

* * * * *

(b) * * *

(2) Each turbine engine must idle for 30 minutes on the ground, with the air bleed available for engine icing protection at its critical condition, without adverse effect, in an atmosphere that is at a temperature between 15° and 30°F (between −9° and −1°C) and has a liquid water content not less than 0.3 gram per cubic meter in the form of drops having a mean effective diameter not less than 20 microns, followed by momentary operation at takeoff power or thrust. During the 30 minutes of idle operation, the engine may be run up periodically to a moderate power or thrust setting in a manner acceptable to the Administrator.

* * * * *

41. By revising § 27.1163(a) to read as follows:

§ 27.1163 Powerplant accessories.

(a) Each engine-mounted accessory must—

(1) Be approved for mounting on the engine involved;

(2) Use the provisions on the engine for mounting; and

(3) Be sealed in such a way as to prevent contamination of the engine oil system and the accessory system.

* * * * *

42. By amending § 27.1183 by revising the title; by removing "20 quart" in paragraph (a) and inserting "25-quart" in its place; and by revising paragraph (b)(1) to read as follows:

§ 27.1183 Lines, fittings, and components.

* * * * *

(b) * * *

(1) Lines, fittings, and components which and are already approved as part of a type certificated engine; and

* * * * *

43. By amending § 27.1189 by redesignating (a)(2) as (a)(3) and by revising (a)(1) and adding a new (a)(2) to read as follows:

§ 27.1189 Shutoff means.

(a) * * *

(1) Lines, fittings, and components forming an intergral part of an engine;

(2) For oil systems for which all components of the system, including oil tanks, are fireproof or located in areas not subject to engine fire conditions; and

* * * * *

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

44. By revising § 29.903(a) to read as follows:

§ 29.903 Engines.

(a) *Engine type certification.* Each engine must have a type certificate.

* * * * *

45. By amending § 29.997 by removing the term "and the mesh" from paragraph (d) and by revising paragraph (c) to read as follows:

§ 29.997 Fuel strainer or filter.

* * * * *

(c) Be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter inself, unless adequate strengh margins under all loading conditions are provided in the lines and connections; and

* * * * *

§ 29.1019 [Amended]

46. By removing the phrases "and the mesh" and "of the screen" from § 29.1019(a)(2) and (a)(3), respectively.

47. By revising § 29.1021 to read as follows:

§ 29.1021 Oil system drains.

A drain [or drains] must be provided to allow safe drainage of the oil system. Each drain must—

(a) Be accessible; and

(b) Have manual or automatic means for positive locking in the closed position.

48. By revising § 29.1093(b)(2) to read as follows:

§ 29.1093 Induction system icing protection.

* * * * *

(b) * * *

(2) Each turbine engine must idle for 30 minutes on the ground, with the air bleed available for engine icing protection at its critical condition, without adverse effect, in an atmosphere that is at a temperature between 15° and 30°F (between -9° and -1°C) and has a liquid water content not less than 0.3 grams per cubic meter in the form of drops having a mean effective diameter not less than 20 microns, followed by momentary operation at takeoff power or thrust. During the 30 minutes of idle operation, the engine may be run up periodically to a moderate power or thrust setting in a manner acceptable to the Administrator.

* * * * *

49. By revising § 29.1163(a) to read as follows:

§ 29.1163 Powerplant accessories.

(a) Each engine mounted accessory must—

(1) Be approved for mounting on the engine involved;

(2) Use the provisions on the engine for mounting; and

(3) Be sealed in such a way as to prevent contamination of the engine oil system and the accessory system.

* * * * *

50. By amending § 29.1183 by revising the title; by removing "20 quart" in paragraph (a) and inserting "25-quart" in its place; and by revising paragraph (b)(1) to read follows:

§ 29.1183 Lines, fittings, and components.

* * * * *

(b) * * *

(1) Lines, fittings, and components which are already approved as part of a type certificated engine; and

* * * * *

51. By revising § 29.1189 (a)(1) and (a)(2) to read as follows:

§ 29.1189 Shutoff means.

(a) * * *

(1) For lines, fittings, and components forming an integral part of an engine;

(2) For oil systems for turbine engine installations in which all components of the system, including oil tanks, are fireproof or located in areas not subject to engine fire conditions; or

* * * * *

PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

52. By amending § 33.7 by removing paragraph (c)(17) and by revising paragraphs (c)(5)(i), (c)(5)(iv), (c)(6)(ii), and (c)(16) to read as following:

§ 33.7 Engine ratings and operating limitations.

* * * * *

(c) * * *

(5) * * *

(i) Oil at a location specified by the applicant;

* * * * *

(iv) Fuel at a location specified by the applicant; and

* * * * *

(6) * * *

(ii) Oil at a location specified by the applicant;

* * * * *

(16) For engines to be used in supersonic aircraft, engine rotor windmilling rotational r.p.m.

53. By revising § 33.14 to read as follows:

§ 33.14 Start-stop cyclic stress (low-cycle fatigue).

By a procedure approved by the FAA, operating limitations must be established which specify the maximum allowable number of start-stop stress cycles for each rotor structural part (such as discs, spacers, hubs, and shafts of the compressors and turbines), the failure of which could produce a hazard to the aircraft. A start-stop stress cycle consists of a flight cycle profile or an equivalent representation of engine usage. It includes starting the engine, accelerating to maximum rated power or thrust, decelerating, and stopping. For each cycle, the rotor structural parts must reach stabilized temperature during engine operation at a maximum rate power or thrust and after engine shutdown, unless it is shown that the parts undergo the same stress range without temperature stabilization.

54. By revising § 33.15(b) to read as follows:

§ 33.15 Materials.

* * * * *

(b) Conform to approved specifications (such as industry or military specifications) that ensure their having the strength and other properties assumed in the design data.

55. By amending § 33.17 by removing the term "20-quart" in paragraph (c) and inserting the term "25-quart" in its place; by removing paragraph (f); and by revising paragraph (a) to read as follows:

§ 33.17 Fire prevention.

(a) The design and construction of the engine and the materials used must minimize the probability of the occurrence and spread of fire. In addition, the design and construction of turbine engines must minimize the probability of the occurrence of an internal fire that could result in

structural failure, overheating, or other hazardous conditions.

* * * * *

§ 33.19 [Amended]

56. By amending § 33.19(a) by inserting after the last sentence a new sentence as follows: "Energy levels and trajectories of fragments resulting from rotor blade failure that lie outside the compressor and turbine rotor cases must be defined."

57. By revising § 33.23 to read as follows:

§ 33.23 Engine mounting attachments and structure.

(a) The maximum allowable limit and ultimate loads for engine mounting attachments and related engine structure must be specified.

(b) The engine mounting attachments and related engine structure must be able to withstand—

(1) The specified limit loads without permanent deformation; and

(2) The specified ultimate loads without failure, but may exhibit permanent deformation.

58. By revising § 33.25 to read as follows:

§ 33.25 Accessory attachments.

The engine must operate properly with the accessory drive and mounting attachments loaded. Each engine accessory drive and mounting attachment must include provisions for sealing to prevent contamination of, or unacceptable leakage from, the engine interior. A drive and mounting attachment requiring lubrication for external drive splines, or coupling by engine oil, must include provisions for sealing to prevent unacceptable loss of oil and to prevent contamination from sources outside the chamber enclosing the drive connection. The design of the engine must allow for the examination, adjustment, or removal of each accessory required for engine operation.

59. By revising § 33.27 to read as follows:

§ 33.27 Turbine, compressor, fan, and turbosupercharger rotors.

(a) Turbine, compressor, fan, and turbosupercharger rotors must have sufficient strength to withstand the test conditions specified in paragraph (c) of this section.

(b) The design and functioning of engine control devices, systems, and instruments must give reasonable assurance that those engine operating limitations that affect turbine, compressor, fan, and turbosupercharger rotor structural integrity will not be exceeded in service.

(c) The most critically stressed rotor component (except blades) of each turbine, compressor, and fan, including integral drum rotors and centrifugal compressors in an engine or turbosupercharger, as determined by analysis or other acceptable means, must be tested for a period of 5 minutes—

(1) At its maximum operating temperature, except as provided in paragraph (c)(2)(iv) of this section; and

(2) At the highest speed of the following, as applicable:

(i) 120 percent of its maximum permissible r.p.m. if tested on a rig and equipped with blades or blade weights.

(ii) 115 percent of its maximum permissible r.p.m. if tested on an engine.

(iii) 115 percent of its maximum permissible r.p.m. if tested on turbosupercharger driven by a hot gas supply from a special burner rig.

(iv) 120 percent of the r.p.m. at which, while cold spinning, it is subject to operating stresses that are equivalent to those induced at the maximum operating temperature and maximum permissible r.p.m.

(v) 105 percent of the highest speed that would result from failure of the most critical component or system in a representative installation of the engine.

(vi) The highest speed that would result from the failure of any component or system in a representative installation of the engine, in combination with any failure of a component or system that would not normally be detected during a routine preflight check or during normal flight operation.

Following the test, each rotor must be within approved dimensional limits for an overspeed condition and may not be cracked.

60. By adding a new § 33.35(e) to read as follows:

§ 33.35 Fuel and induction system.

* * * * *

(e) If provided as part of the engine, the applicant must show for each fluid injection (other than fuel) system and its controls that the flow of the injected fluid is adequately controlled.

61. By amending § 33.43 by removing the second sentence of paragraph (a) and by adding a new paragraph (d) to read as follows:

§ 33.43 Vibration test.

* * * * *

(d) The vibration survey described in paragraph (a) of this section must be repeated with that cylinder not firing which has the most adverse vibration effect, in order to establish the conditions under which the engine can be operated safely in that abnormal state. However, for this vibration survey, the engine speed range need only extend from idle to the maximum desired takeoff speed, and compliance with paragraph (b) of this section need not be shown.

62. By revising § 33.49(e)(1)(ii) to read as follows:

§ 33.49 Endurance test.

* * * * *

(e) * * *

(1) * * *

(ii) The portions of the runs specified in paragraphs (b) (2) through (7) of this section at rated maximum continuous power must be made at critical altitude pressure, and the portions of the runs at other power must be made at 8,000 feet altitude pressure; and

* * * * *

§ 33.63 [Amended]

63. By removing the word "normal" from § 33.63.

64. By revising § 33.66 to read as follows:

§ 33.66 Bleed air system.

The engine must supply bleed air without adverse effect on the engine, excluding reduced thrust or power output, at all conditions up to the discharge flow conditions established as a limitation under § 33.7(c)(11). If bleed air used for engine anti-icing can be controlled, provision must be made for a means to indicate the functioning of the engine ice protection system.

65. By amending § 33.67 by removing the last sentence of paragraph (a); by removing paragraph (b)(7); by revising paragraphs (b)(3), (b)(4), and (b)(5); and by adding a new paragraph (c) to read as follows:

§ 33.67 Fuel system.

* * * * *

(b) * * *

(3) It must be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter, unless adequate strength margins under all loading conditions are provided in the lines and connections.

(4) It must have the type and degree of fuel filtering specified as necessary for protection of the engine fuel system against foreign particles in the fuel. The applicant must show:

(i) That foreign particles passing through the specified filtering means do not impair the engine fuel system functioning; and

(ii) That the fuel system is capable of sustained operation throughout its flow

and pressure range with the fuel initially saturated with water at 80°F (27°C) and having 0.025 fluid ounces per gallon (0.20 milliliters per liter) of free water added and cooled to the most critical condition for icing likely to be encountered in operation. However, this requirement may be met by demonstrating the effectiveness of specified approved fuel anti-icing additives, or that the fuel system incorporates a fuel heater which maintains the fuel temperature at the fuel strainer or fuel inlet above 32°F (0°C) under the most critical conditions.

(5) The applicant must demonstrate that the filtering means has the capacity (with respect to engine operating limitations) to ensure that the engine will continue to operate within approved limits, with fuel contaminated to the maximum degree of particle size and density likely to be encountered in service. Operation under these conditions must be demonstrated for a period acceptable to the Administrator, beginning when indication of impending filter blockage is first given by either:

(i) Existing engine instrumentation; or

(ii) Additional means incorporated into the engine fuel system.

* * * * *

(c) If provided as part of the engine, the applicant must show for each fluid injection (other than fuel) system and its controls that the flow of the injected fluid is adequately controlled.

66. By revising § 33.68(b) to read as follows:

§ 33.68 Induction system icing.

* * * * *

(b) Idle for 30 minutes on the ground, with the available air bleed for icing protection at its critical condition, without adverse effect, in an atmosphere that is at a temperature between 15° and 30°F (between −9° and −1°C) and has a liquid water content not less than 0.3 grams per cubic meter in the form of drops having a mean effective diameter not less than 20 microns, followed by a momentary operation at takeoff power or thrust. During the 30 minutes of idle operation the engine may be run up periodically to a moderate power or thrust setting in a manner acceptable to the Administrator.

67. By amending § 33.71 by removing the phrase "and the mesh" from paragraph (b)(3); by revising paragraph (b) introductory text; by revising paragraphs (b)(4), (c)(5), (c)(11), and (d); and by adding a new paragraph (c)(12) to read as follows:

§ 33.71 Lubrication system.

* * * * *

(b) *Oil strainer or filter.* There must be an oil strainer or filter through which all of the engine oil flows. In addition:

* * * * *

(4) For each strainer or filter required by this paragraph, except the strainer or filter at the oil tank outlet, there must be means to indicate contamination before it reaches the capacity established in accordance with paragraph (b)(3) of this section.

* * * * *

(c) * * *

(5) Each oil tank filler must be marked with the word "oil."

* * * * *

(11) Each oil tank must have an oil quantity indicator or provisions for one.

(12) If the propeller feathering system depends on engine oil—

(i) There must be means to trap an amount of oil in the tank if the supply becomes depleted due to failure of any part of the lubricating system other than the tank itself;

(ii) The amount of trapped oil must be enough to accomplish the feathering opeation and must be available only to the feathering pump; and

(iii) Provision must be made to prevent sludge or other foreign matter from affecting the safe operation of the propeller feathering system.

(d) *Oil drains.* A drain (or drains) must be provided to allow safe drainage of the oil system. Each drain must—

(1) Be accessible; and

(2) Have manual or automatic means for positive locking in the closed position.

* * * * *

68. By revising § 33.75 (b) and (c) to read as follows:

§ 33.75 Safety analysis.

* * * * *

(b) Burst (release hazardous fragments through the engine case);

(c) Generate loads greater than those ultimate loads specified in § 33.23(a); or

* * * * *

69. By revising § 33.77 to read as follows:

§ 33.77 Foreign object ingestion.

(a) Ingestion of a 4-pound bird, under the conditions prescribed in paragraph (e) of this section, may not cause the engine to—

(1) Catch fire;

(2) Burst (release hazardous fragments through the engine case);

(3) Generate loads greater than those ultimate loads specified in § 33.23(a); or

(4) Lose the capability of being shut down.

(b) Ingestion of 3-ounce birds or 1½-pound birds, under the conditions prescribed in paragraph (e) of this section, may not—

(1) Cause more than a sustained 25 percent power or thrust loss;

(2) Require the engine to be shut down within 5 minutes from the time of ingestion; or

(3) Result in a potentially hazardous condition.

(c) Ingestion of water, ice, or hail, under the conditions prescribed in paragraph (e) of this section, may not cause a sustained power or thrust loss or require the engine to be shut down. It must be demonstrated that the engine can accelerate and decelerate safely while inducting a mixture of at least 4 percent water by weight of engine airflow following stabilized operation at both flight idle and takeoff power settings with at least a 4 percent water-to-air ratio.

(d) For an engine that incorporates a protection device, compliance with this section need not be demonstrated with respect to foreign objects to be ingested under the conditions prescribed in paragraph (e) of this section if it is shown that—

(1) Such foreign objects are of a size that will not pass through the protective device;

(2) The protective device will withstand the impact of the foreign objects; and

(3) The foreign object, or objects, stopped by the protective device will not obstruct the flow of induction air into the engine with a resultant sustained reduction in power or thrust greater than those values required by paragraphs (b) and (c) of this section.

(e) Compliance with paragraphs (a), (b), and (c) of this section must be shown by engine test under the following ingestion conditions:

Foreign object	Test quantity	Speed of foreign object	Engine operation	Ingestion
Birds:				
3-ounce size	One for each 50 square inches of inlet area or fraction thereof up to a maximum of 16 birds. Three-ounce bird ingestion not required if a 1½-pound bird will pass the inlet guide vanes into the rotor blades.	Liftoff speed of typical aircraft	Takeoff	In rapid sequence to simulate a flock encounter and aimed at selected critical areas.

Foreign object	Test quantity	Speed of foreign object	Engine operation	Ingestion
1½-pound size	One for the first 300 square inches of inlet area, if it can enter the inlet, plus one for each additional 600 square inches of inlet area or fraction thereof up to a maximum of 8 birds.	Initial climb speed of typical aircraft	Takeoff	In rapid sequence to simulate a flock encounter and aimed at selected critical areas.
4-pound size	One, if it can enter the inlet	Maximum climb speed of typical aircraft if the engine has inlet guide vanes.	Maximum cruise	Aimed at critical area.
		Liftoff speed of typical aircraft, if the engine does not have inlet guide vanes.	Takeoff	Aimed at critical area.
Ice	Maximum accumulation on a typical inlet cowl and engine face resulting from a 2-minute delay in actuating anti-icing system, or a slab of ice which is comparable in weight or thickness for that size engine.	Sucked in	Maximum cruise	To simulate a continuous maximum icing encounter at 25°F.
Hail (0.8 to 0.9 specific gravity).	For all engines: With inlet area of not more than 100 square inches: one 1-inch hailstone. With inlet area of more than 100 square inches: one 1-inch and one 2-inch hailstone for each 150 square inches of inlet area or fraction thereof.	Rough air flight speed of typical aircraft	Maximum cruise at 15,000 feet altitude.	In a volley to simulate a hailstone encounter. One-half the number of hailstones aimed at random area over the face of the inlet and the other half aimed at the critical face area.
	For supersonic engines (in addition): 3 hailstones each having a diameter equal to that in a straight line variation from 1 inch at 35,000 feet to ¼ inch at 60,000 feet using diameter corresponding to the lowest supersonic cruise altitude expected.	Supersonic cruise velocity. Alternatively, use subsonic velocities with larger hailstones to give equivalent kinetic energy.	Maximum cruise	Aimed at critical engine face area.
Water	At least 4 percent of engine airflow by weight	Sucked in	Flight idle, acceleration, takeoff, deceleration.	For 3 minutes each at idle and takeoff, and during acceleration and deceleration in spray to simulate rain.

NOTE.—The term "inlet area" as used in this section means the engine inlet projected area at the front face of the engine. It includes the projected area of any spinner or bullet nose that is provided.

70. By revising § 33.83 (a) and (b) to read as follows:

§ 33.83 Vibration test.

(a) Each engine must undergo a vibration survey to establish the vibration characteristics of the rotor discs, rotor blades, rotor shafts, stator blades, and any other components that are subject to vibratory exciting forces which could induce failure at the maximum inlet distortion limit. The survey is to cover the range of rotor speeds and engine power or thrust, under steady state and transient conditions, from idling speed to 103 percent of the maximum permissible speed. The survey must be conducted using the same configuration of the loading device which is used for the endurance test, except that the Administrator may allow the use of a modified configuration if that loading device type is incompatible with the necessary vibration instrumentation.

(b) The vibration stresses (or strains) of rotor and stator components determined under paragraph (a) of this section must be less, by a margin acceptable to the Administrator, than the endurance limit of the material from which these parts are made, adjusted for the most severe operating conditions.

* * * * *

71. By amending § 33.87 by revising (a) introductory text; by revising paragraphs (a)(3), (a)(5), (a)(6), and (d)(2); and by adding a new paragraph (d)(3) to read as follows;

§ 33.87 Endurance test.

(a) *General.* Each engine must be subjected to an endurance test that includes a total of 150 hours of operation and, depending upon the type and contemplated use of the engine, consists of one of the series of runs specified in paragraphs (b) through (e) of this section, as applicable. For engines tested under paragraph (b), (c), or (d) of this section, the prescribed 6-hour test sequence must be conducted 25 times to complete the required 150 hours of operation. The following test requirements apply:

* * * * *

(3) Except as provided in paragraph (a)(5) of this section, power or thrust, gas temperature, rotor shaft rotational speed, and, if limited, temperature of external surfaces of the engine must be at least 100 percent of the value associated with the particular engine operation being tested. More than one test may be run if all parameters cannot be held at the 100 percent level simultaneously.

* * * * *

(5) Maximum air bleed for engine and aircraft services must be used during at least one-fifth of the runs. However, for these runs, the power or thrust or the rotor shaft rotational speed may be less than 100 percent of the value associated with the particular operation being tested if the Administrator finds that the validity of the endurance test is not compromised.

(6) Each accessory drive and mounting attachment must be loaded. The load imposed by each accessory used only for aircraft service must be the limit load specified by the applicant for the engine drive and attachment point during rated maximum continuous power or thrust and higher output. The endurance test of any accessory drive and mounting attachment under load may be accomplished on a separate rig if the validity of the test is confirmed by an approved analysis.

* * * * *

(d) * * *

(2) In each 6-hour test sequence specified in paragraph (c) of this section, 30 minutes must be run at rated 30-minute power except that the last 5 minutes of one rated 30-minute power test period must be run at 2½-minute power.

(3) The tests required in paragraphs (c)(3) through (c)(6) of this section.

* * * * *

72. By revising the title and text of § 33.88 to read as follows:

§ 33.88 Engine overtemperature test.

Each engine must be run for 5 minutes at maximum permissible r.p.m with the gas temperature at least 75°F (42°C) higher than the maximum operating limit. Following this run, the turbine assembly must be within serviceable limits.

73. By revising § 33.89(b) to read as follows:

§ 33.89 Operation test.

* * * * *

(b) The operation test must include all testing found necessary by the Administrator to demonstrate that the engine has safe operating characteristics throughout its specified operating envelope.

74. By revising the title and text of § 33.90 to read as follows:

§ 33.90 Initial maintenance inspection.

Each engine, except engines being type certificated through amendment of an existing type certificate or through supplemental type certification procedures, must undergo an approved test run that simulates the conditions in which the engine is expected to operate in service, including typical start-stop cycles, to establish when the initial maintenance inspection is required. The test run must be accomplished on an engine which substantially conforms to the final type design.

75. By amending § 33.92 by inserting an intital phrase at the beginning of (a) and by revising (a)(2) and (a)(3) to read as follows:

§ 33.92 Windmilling tests.

(a) For engines to be used in supersonic aircraft, * * *

* * * * *

(2) Bursting (releasing hazardous uncontained fragments); or

(3) Generating loads greater than those ultimate loads specified in § 33.23(a).

§ 33.93 [Amended]

76. By amending § 33.93(b) by removing the word "component" and inserting the word "part" in its place.

77. By adding a new § 33.94 to read as follows:

§ 33.94 Blade containment and rotor unbalance tests.

(a) Except as provided in paragraph (b) of this section, it must be demonstrated by engine tests that the engine is capable of containing damage without catching fire and without failure of its mounting attachments when operated for at least 15 seconds, unless the resulting engine damage induces a self shutdown, after each of the following events:

(1) Failure of the most critical compressor or fan blade while operating at maximum permissible r.p.m. The blade failure must occur at the outermost retention groove or, for integrally-bladed rotor discs, at least 80 percent of the blade must fail.

(2) Failure of the most critical turbine blade while operating at maximum permissible r.p.m. The blade failure must occur at the outermost retention groove or, for integrally-bladed rotor discs, at least 80 percent of the blade must fail. The most critical turbine blade must be determined by considering turbine blade weight and the strength of the adjacent turbine case at case temperatures and pressures associated with operation at maximum permissible r.p.m.

(b) Analysis based on rig testing, component testing, or service experience may be substitute for one of the engine tests prescribed in paragraphs (a)(1) and (a)(2) of this section if—

(1) That test, of the two prescribed, produces the least rotor unbalance; and

(2) The analysis is shown to be equivalent to the test.

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

Note.—The FAA has determined that this amendment yields overall cost benefits by eliminating unnecessarily stringent design requirements and by simplifying and clarifying existing rules without reducing the level of safety of engine installations. The amendment simplifies a number of technical requirements and removes administrative burdens on regulated persons and the FAA through amendment of regulations from which exemptions have been granted. Therefore, it has been determined that this is not a major regulation under Executive Order 12291. In addition, the FAA has determined that this amendment is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The evaluation prepared 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 December 16, 1983.

Michael J. Fenello,

Acting Administrator.

[FR Doc. 84-4577 Filed 2-22-84; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
February 23, 1984

Part III

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978; Notice

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. No. 1067]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 17, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS

ISSUED FEBRUARY 17, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-A D MAMMEL PROPERTIES INC				RECEIVED:	01/20/84	JA: TX			
8417242	F-06-076681	4220330809		103		MCBRIDE #1	LANSING NORTH (RODESS	237.0	ARKLA INC
-ADENA EXPLORATION INC				RECEIVED:	01/20/84	JA: TX			
8417396	F-08-076968	4213534096		103		E F COWDEN "A" NO 1-40	ADDIS (SAN ANDRES)	8.0	EL PASO HYDROCARB
-ADOBE OIL & GAS CORPORATION				RECEIVED:	01/20/84	JA: TX			
8417366	F-8A-076890	4244531157		103		CLARE "B" #4	PRENTICE NW (SAN ANDR	12.0	AMOCO PRODUCTION
8417432	F-8A-077141	4244531158		103		CLARE "B" #5	PRENTICE NW SAN ANDRE	8.0	AMOCO PRODUCTION
-AMERICAN PETROFINA COMPANY OF TEXAS				RECEIVED:	01/20/84	JA: TX			
8417362	F-8A-076867	4207931716		102-4	103	NICHOLS WELL #1	BONANZA (SAN ANDRES)	10.0	
-ARCO OIL AND GAS COMPANY				RECEIVED:	01/20/84	JA: TX			
8417244	F-08-076688	4213534175		103		GOLDSMITH CUMMINS (DEEP) UNIT #182	GOLDSMITH (CLEARFORK)	40.0	PHILLIPS PETROLEU
8417245	F-08-076689	4213534176		103		GOLDSMITH CUMMINS (DEEP) UNIT #183	GOLDSMITH (CLEARFORK)	6.0	PHILLIPS PETROLEU
-ASHFORD OIL & GAS CO				RECEIVED:	01/20/84	JA: TX			
8417453	F-02-077242	4228531761		102-4		SAM CUTBIRTH #5	ASHFORD (YEGUA)	187.0	UNITED TEXAS TRAN
-AWS PETROLEUM CO				RECEIVED:	01/20/84	JA: TX			
8417235	F-7B-076668	4213335376		102-4		HARBIN #2	FLATWOOD EAST (GARDNE	0.0	FLATWOOD GAS INC
8417236	F-7B-076670	4213334663		102-4		HAYNES (19806)	FLATWOOD EAST (GARDNE	0.0	FLATWOOD GAS INC
8417234	F-7B-076667	4213334875		102-4		NOLEN #1A	FLATWOOD EAST (GARNER	0.0	FLATWOOD GAS INC
8417233	F-7B-076666	4213335375		102-4		NOLEN #2A	FLATWOOD EAST (GARDNE	0.0	FLATWOOD GAS INC
-B L S DRILLING				RECEIVED:	01/20/84	JA: TX			
8417270	F-7B-076729	4204933799		102-4		BRANDT #3	BRANDT (FRY)	157.0	EL PASO HYDROCARB
8417269	F-7B-076728	4204933798		102-4		BRANDT #4	BRANDT (FRY)	37.0	EL PASO HYDROCARB
-BRUNER OIL & GAS INC				RECEIVED:	01/20/84	JA: TX			
8417389	F-7B-076948	4213334664		102-4		JAMES G LEE #1	D R S SE (CONGL)	73.0	EL PASO HYDROCARB
-C R GOBER				RECEIVED:	01/20/84	JA: TX			
8417444	F-7B-077196	4244733677		102-4		R C LITTLE #3 (20226)	KINGS CREEK (CADDO)	109.0	HST GATHERING CO
-CABOT PETROLEUM CORP				RECEIVED:	01/20/84	JA: TX			
8417454	F-10-077243	4239330951		103		LOWE #49-1	LEDRICK RANCH S (MORR	70.0	TRANSWESTERN PIPE
-CHAMBERS OIL & GAS INC				RECEIVED:	01/20/84	JA: TX			
8417232	F-08-076662	4237100000		103		J W BREEN "B-R" #1	PECOS VALLEY (HIGH GR	0.0	APACHE GAS CORP
8417231	F-08-076661	4237133796		103		J W BREEN "B-R" #3	PECOS VALLEY (LOW GRA	0.0	APACHE GAS CORP
8417230	F-08-076660	4237100000		103		J W BREEN "B-R" #4	PECOS VALLEY (HIGH GR	0.0	APACHE GAS CORP
8417229	F-08-076659	4237100000		103		J W BREEN "B-R" #5	PECOS VALLEY (HIGH GR	0.0	APACHE GAS CORP
8417228	F-08-076658	4237133793		103		J W BREEN "B-R" #6	PECOS VALLEY (LOW GAT	0.0	APACHE GAS CORP
8417227	F-08-076655	4237133929		103		SANFORD GRAY "P" #3	PECOS VALLEY (HIGH GR	0.0	APACHE GAS CORP
-CHAPMAN EXPLORATION INC				RECEIVED:	01/20/84	JA: TX			
8417255	F-09-076702	4223734497		103		CHERRYHOMES "M" #3	CHAPMAN CHERRYHOMES C	17.5	LONE STAR GAS CO
8417254	F-09-076701	4223732361		103		CHERRYHOMES "M" #4	CHAPMAN CHERRYHOMES C	70.0	LONE STAR GAS CO
8417253	F-09-076700	4223734496		103		CHERRYHOMES "M" #5	CHAPMAN CHERRYHOMES C	70.0	LONE STAR GAS CO
8417256	F-09-076703	4223734055		103		CHERRYHOMES M-2	CHAPMAN-CHERRYHOMES C	10.2	LONE STAR GAS CO
-CHEVRON U S A INC				RECEIVED:	01/20/84	JA: TX			
8417390	F-08-076955	4247532963		103		J F YORK #559	WARD SOUTH	15.0	NUECES CO
-CITIES SERVICE OIL & GAS CORP				RECEIVED:	01/20/84	JA: TX			
8417371	F-8A-076912	4216532613		103		WEST SEMINOLE SAN ANDRES UNIT #104	SEMINOLE WEST	85.0	CITIES SERVICE OI
8417370	F-8A-076911	4216532609		103		WEST SEMINOLE SAN ANDRES UNIT #507	SEMINOLE WEST	47.0	CITIES SERVICE OI
-COBATA ENERGY INC				RECEIVED:	01/20/84	JA: TX			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8417359	F-7B-076851	4205934266		103		HARRIS #1	CALDWELL (ELLEN)	18.0	SIOUX PIPELINE CO
-COMPUTECH ENERGY & EXPLORATION INC				RECEIVED:		01/20/84 JA: TX			
8417264	F-7B-076722	4244132446		103		THORNTON #2-A (19810)	THORNTON (MORRIS)	0.0	UNION TEXAS PETRO
-CONE & PETREE OIL & GAS EXPL INC				RECEIVED:		01/20/84 JA: TX			
8417352	F-7C-076842	4239932730		103		KIRKHAM #1	KIRKHAM (GARDNER UPPE	21.9	UNION TEXAS PETRO
-CONOCO INC				RECEIVED:		01/20/84 JA: TX			
8417440	F-08-077169	4249531666		103		BROWN ALTMAN E #2 ID 26889	EMPEROR DEEP	73.0	WEST TEXAS GATHER
-CRESWELL ALVIN L				RECEIVED:		01/20/84 JA: TX			
8417276	F-09-076737	4250334022		102-4		HUNTER #1A 23577	MORELAND (STRAWN)	21.0	MID-STATE GAS COR
8417275	F-09-076736	4250336641		102-4		M T PHILLIPS "B" #2B 23176	CRESWELL (BEND CONGL)	36.0	MID-STATE GAS COR
8417277	F-09-076738	4250336988		102-4		PHILLIPS "A" #5A 23684	CRESWELL (MARBLE FALL	49.0	MID-STATE GAS COR
8417274	F-09-076735	4250336715		102-4		S R RAGLAND "B" #1A 23156	CRESWELL (MARBLE FALL	105.0	MID-STATE GAS COR
-DAHALO LEASE CORP				RECEIVED:		01/20/84 JA: TX			
8417414	F-10-077043	4217900000		103		VANDERBURG #1 04852	PANHANDLE GRAY	40.0	CABOT PIPELINE CO
8417413	F-10-077042	4217900000		103		VANDERBURG 'A' 04853	PANHANDLE FIELD	40.0	CABOT PIPELINE CO
-DAWKINS ENERGIES INC				RECEIVED:		01/20/84 JA: TX			
8417368	F-10-076899	4206531429		103		DAWKINS #2 (ID#)	PANHANDLE CARSON	40.0	GETTY OIL CO
-DENALI EXPLORATION INC				RECEIVED:		01/20/84 JA: TX			
8417408	F-10-077019	4219530882		103		MARY #1	SHAPLEY (MORROW)	73.0	PHILLIPS PETROLEU
-ENERGY-AGRI PRODUCTS INC				RECEIVED:		01/20/84 JA: TX			
8417263	F-10-076717	4217931401		103		GOOBER #1 (ID #05476)	PANHANDLE GRAY	66.0	CABOT PIPELINE CO
-ESENJAY PETROLEUM CORP				RECEIVED:		01/20/84 JA: TX			
8417369	F-04-076900	4240931802		103		I RAMSOWER #1	WILLMAN (3600)	38.3	SOUTHERN GAS PIPE
-EXXON CORPORATION				RECEIVED:		01/20/84 JA: TX			
8417250	F-03-076696	4215731459		103		BRAZOS FARMS #34	SUGARLAND	55.0	UNITED TEXAS TRAN
8417272	F-03-076733	4233930606		103		CONROE FIELD UNIT #3619	CONROE	0.0	MORAN UTILITIES C
8417248	F-03-076694	4207131047		103		DOUBLE BAYOU CONS GAS UNIT 1 #6	DOUBLE BAYOU (FRIO 9)	438.0	ENTEX INC
8417259	F-06-076710	4207330476		102-4		H C KELLY GAS UNIT 1 #1	REKLAW (TRAVIS PEAK)	420.0	ARMCO STEEL CORP
8417252	F-06-076699	4200131442		103		H S DAVENPORT ESTATE #4	NECHES (WOODBINE)	29.0	UNITED GAS PIPELI
8417402	F-06-076994	4249931187		103		HAWKINS FIELD UNIT #113	HAWKINS	41.0	
8417271	F-06-076731	4249931175		103		HAWKINS FIELD UNIT #4065	HAWKINS	110.0	
8417438	F-08-077163	4210332213		108		J B TUBB A/C 1 #214	SAND HILLS (JUDKINS)	0.0	EL PASO NATURAL G
8417263	F-08-076683	4210333255		103		J B TUBB A/C 2 #282	SAND HILLS (JUDKINS)	25.0	EL PASO NATURAL G
8417391	F-08-076957	4210333286		103		J B TUBB F #22	SAND HILLS (JUDKINS)	25.0	EL PASO NATURAL G
8417364	F-04-076870	4227331675		102-4		KING RANCH TIJERINA A-75 (107780)	T-C-B EAST (J-43)	281.0	ARMCO STEEL CORP
8417273	F-06-076734	4207330492		102-4		MARY S FITCH #1	REKLAW (TRAVIS PEAK)	85.0	ARMCO STEEL CORP
8417406	F-04-077012	4226130743		102-4		MRS S K EAST ESTATE "B" 4 (105350)	POTRERO FARIAS (G-94)	725.0	ARMCO STEEL CORP
8417404	F-04-077010	4226130827		102-4		MRS S K EAST ESTATE "B" 5-D 107782	POTRERO FARIAS (G-94)	730.0	ARMCO STEEL CORP
8417405	F-04-077011	4204731267		102-4		RJ KLEBERG JR TR QUITERIA PAST 112	VIBORAS (8500 SOUTH)	109.0	ARMCO STEEL CORP
8417355	F-10-076846	4229531237		103		ROLAND IMBODEN #1	HIGGINS WEST (TONKAWA	7.0	
8417372	F-04-076915	4248930713		103		S H BELL 6 (07987)	WILLAMAR WEST	100.0	NATURAL GAS PIPEL
8417249	F-03-076695	4220131615		103		WEBSTER FIELD UNIT #2142	WEBSTER	30.0	HOUSTON PIPELINE
-FARGO EXPLORATION CO				RECEIVED:		01/20/84 JA: TX			
8417423	F-7C-077094	4239932822		102-4		J B MCCORD #1 (GAS) (107803)	SERVICE (GARDNER)	806.0	UNION TEXAS PETRO
-FLAG-REDFERN OIL CO				RECEIVED:		01/20/84 JA: TX			
8417246	F-08-076692	4237134552		103		BECKEN "65" #4	CHENOT (WOLFCAMP)	365.0	DELHI GAS PIPELIN
-FLOURNOY PRODUCTION COMPANY				RECEIVED:		01/20/84 JA: TX			
8417416	F-04-077078	4235532220		102-4		RACKLEY-RUTLAND GAS UNIT #1	CLARA DRISCOLL SOUTH	180.0	HOUSTON PIPELINE
-FORUM EXPLORATION INC				RECEIVED:		01/20/84 JA: TX			
8417422	F-7B-077091	4208333645		102-4		C W HEMPHILL "A" #2 (107038)	HEMPHILL (KING SAND)	441.0	EL PASO HYDROCARB
8417421	F-7B-077090	4208333697		102-4		C W HEMPHILL "A" #3 (107460)	HEMPHILL (KING SAND)	270.0	EL PASO HYDROCARB
-GENERAL PRODUCTION CO INC				RECEIVED:		01/20/84 JA: TX			
8417431	F-03-077137	4205132366		102-2		JOHN PLASEK "A" #2 #17038	WILLARD SE (NAVARRO B	0.0	FERGUSON CROSSING
-GETTY OIL COMPANY				RECEIVED:		01/20/84 JA: TX			
8417420	F-7B-077085	4243300000		108		FLOWERS CANYON SAND UNIT #164	FLOWERS (CANYON SAND)	0.7	CITIES SERVICE OI
8417419	F-7B-077084	4243300000		108		FLOWERS CANYON SAND UNIT #64	FLOWERS (CANYON SAND)	0.7	CITIES SERVICE OI
8417418	F-7B-077083	4243300000		108		FLOWERS CANYON SAND UNIT #7	FLOWERS (CANYON SAND)	0.3	CITIES SERVICE OI
8417417	F-7B-077082	4243300000		108		FLOWERS CANYON SAND UNIT #9	FLOWERS (CANYON SAND)	0.7	CITIES SERVICE OI
8417430	F-08-077120	4210333297		103		NORTH MCELROY #3953-F 20377	MCELROY	0.0	PHILLIPS PETROLEU
8417241	F-06-076680	4236500000		108		WERNER-ANDREWS #1	CARTHAGE	18.0	TEXAS GAS TRANSMI
-GULF OIL CORPORATION				RECEIVED:		01/20/84 JA: TX			
8417224	F-08-076649	4247532994		103		ESTES W A #118	WARD-ESTES NORTH	3.0	CABOT CORP
8417225	F-08-076650	4213534302		103		GOLDSMITH C A ETAL #1402	GOLDSMITH (CLEARFORK)	34.0	PHILLIPS PETROLEU
8417226	F-08-076651	4213534331		103		GOLDSMITH SAN ANDRES UNIT #B-179	GOLDSMITH	27.0	PHILLIPS PETROLEU
-HEXAGON OIL & GAS INC				RECEIVED:		01/20/84 JA: TX			
8417447	F-7B-077205	4236332709		102-4		BROCK #1	BRANSON (STRAWN)	4.0	INTRASTATE GATHER
8417446	F-7B-077204	4236332653		102-4		DUNAWAY #1	BRANSON (STRAWN)	16.0	INTRASTATE GATHER
8417445	F-7B-077203	4236332698		102-4		KIMBERLIN-LOCKHART #1	BRANSON (STRAWN)	10.0	INTRASTATE GATHER
8417428	F-7C-077118	4245131219		102-4	103	MUNN #1	FORTSON-BURKE (CANYON	880.0	LONE STAR GAS CO
8417429	F-7C-077119	4245131289		102-4	103	MUNN #2A	MUNN-WESTEX (CANYON)	156.0	LONE STAR GAS CO
8417448	F-7B-077206	4236332711		102-4		RIVERS #1	BRANSON (STRAWN)	5.0	INTRASTATE GATHER
8417449	F-7B-077207	4236332675		102-4		WILLIAMS #1	BRANSON (STRAWN)	19.0	INTRASTATE GATHER
-HRUBETZ OIL CO				RECEIVED:		01/20/84 JA: TX			
8417354	F-7C-076845	4239932804		102-4		R L HILL #1	OUTLAW BRAGG (FRY)	25.0	UNION TEXAS PETRO
-J A LEONARD				RECEIVED:		01/20/84 JA: TX			
8417441	F-03-077173	4205100000		102-4		JONES-LEWIS #1	INEZ JAMESON (NAVARRO	35.0	FERGUSON CROSSING
8417442	F-03-077174	4205100000		102-4		JONES-LEWIS #2	INEZ JAMESON (NAVARRO	43.0	FERGUSON CROSSING
8417443	F-03-077175	4205100000		102-4		JONES-LEWIS #4	INEZ JAMESON (NAVAPRO	40.0	FERGUSON CROSSING
-J K J CO				RECEIVED:		01/20/84 JA: TX			
8417258	F-09-076708	4250300000		108		M C HEROY #1 (045165)	YOUNG COUNTY REGULAR	2.2	SOUTHWESTERN GAS
-J R HAMILTON				RECEIVED:		01/20/84 JA: TX			
8417349	F-04-076830	4213136273		102-4		F PALZER #1	FIVE GATES-J R FIELD-	0.0	HOUSTON NATURAL G
-JAMES K ANDERSON INC				RECEIVED:		01/20/84 JA: TX			
8417403	F-7B-077008	4244132440		102-4		PERINI #4	PERINI (HOME CREEK)	150.0	UNION TEXAS PETRO
-KLH OIL & GAS INC				RECEIVED:		01/20/84 JA: TX			
8417268	F-7B-076727	4204900000		108		B L TAYLOR #1 (064540)	BROWN COUNTY REGULAR	13.0	EL PASO HYDROCARB
8417267	F-7B-676726	4204900000		108		B L TAYLOR #2 (072612)	BROWN COUNTY REGULAR	9.0	EL PASO HYDROCARB
8417266	F-7B-076725	4204900000		108		B L TAYLOR #3 (071422)	BROWN COUNTY REGULAR	4.0	EL PASO HYDROCARB
8417265	F-7B-076724	4204932022		103		B L TAYLOR #5 (082729)	BROWN COUNTY REGULAR	1898.0	EL PASO HYDROCARB
-LYN-SAN CO				RECEIVED:		01/20/84 JA: TX			
8417398	F-08-076980	4210333123		103		REIDLAND #3	SAND HILLS (MCKNIGHT)	60.2	WARREN PETROLEUM
8417397	F-08-076979	4210333276		103		REIDLAND #4	SAND HILLS (MCKNIGHT	65.5	WARREN PETROLEUM
-MALOUF ABRAHAM CO INC.				RECEIVED:		01/20/84 JA: TX			
8417388	F-10-076943	4221131601		103		COOK #1 (ID NO 107143)	CANADIAN SE (DOUGLAS)	0.0	WESTAR TRANSMISSI
-MARALO INC				RECEIVED:		01/20/84 JA: TX			
8417345	F-08-076815	4200333590		103		MILES "C" #2	DEEP ROCK (PENN)	26.0	PHILLIPS PETROLEU
-MARATHON OIL COMPANY				RECEIVED:		01/20/84 JA: TX			
8417450	F-03-077221	4232131327		103		OHIO-SUN UNIT #16-E	NORTH MARKHAM-NORTH B	8.8	TRANSCONTINENTAL
-MITCHELL ENERGY CORPORATION				RECEIVED:		01/20/84 JA: TX			
8417247	F-09-076693	4249732633		103		E B CLABORN #1	ALVORD SOUTH (ATOKA)	16.8	NATURAL GAS PIPEL
8417394	F-09-076962	4223734683		103		JACK GRACE RANCH #8	JACK COUNTY REGULAR	14.2	NATURAL GAS PIPEL
8417395	F-09-076963	4249732589		103		TARRANT CNTY WATERBD #43 #17160	CAP YATES (CONSOLIDAT	352.2	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:		01/20/84 JA: TX			
8417410	F-08-077033	4210303599		108		SAND HILLS TUBB UNIT #33	SAND HILLS (TUBB)	2.4	WARREN PETROLEUM

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8417411	F-08-077034	4210333234		103		SAND HILLS TUBB UNIT #52	SAND HILLS (TUBB)	27.4	WARREN PETROLEUM
8417407	F-08-077013	4232901116		108		SHACKELFORD SPRABERRY UNIT #1-22	SPRABERRY (TREND AREA	0.4	EL PASO NATURAL G
8417412	F-08-077041	4210332338		108		TEXAS UNIVERSITY SEC 15 & 16 #1550	DUNE	2.5	PHILLIPS PETROLEU
-MONTERO OPERATING INC				RECEIVED:	01/20/84	JA: TX			
8417344	F-08-076813	4235331452		103		JAMESON #2	JAMESON N (STRAWN GRE	55.0	SUN EXPLORATION &
8417251	F-08-076697	4233532623		103		WILSON #1	JAMESON N (ODOM)	55.0	SUN EXPLORATION &
-OAKWOOD RESOURCES INC				RECEIVED:	01/20/84	JA: TX			
8417452	F-10-077236	4219530589		103		A R HENDERSON 4-95	HANSFORD NORTH (MORRO	59.0	
-ORLA PETCO INC				RECEIVED:	01/20/84	JA: TX			
8417434	F-08-077144	4238931409		102-4		AGNES #1	JESS BURNER (DELAWARE	7.3	CONOCO INC
8417433	F-08-077143	4238931425		102-4		AGNES #2	JESS BURNER (DELAWARE	18.2	CONOCO INC
-PANSTAR OIL & GAS INC				RECEIVED:	01/20/84	JA: TX			
8417427	F-10-077116	4206531481		103		FIELDS #2 (ID# 05524)	PANHANDLE CARSON	80.0	CABOT PIPELINE CO
-PARKER & PARSLEY INC				RECEIVED:	01/20/84	JA: TX			
8417426	F-8A-077103	4207900000		103		MASTEN #1	LEVELLAND	1.0	CITIES SERVICE OI
8417425	F-8A-077102	4238300000		103		MASTEN #2	LEVELLAND	1.5	CITIES SERVICES O
8417424	F-7C-077100	4238300000		103		MULHOLLAND #1	PRICE (GRAYBURG)	1.0	CROCKETT COUNTY G
-PENNZOIL COMPANY				RECEIVED:	01/20/84	JA: TX			
8417356	F-08-076847	4237134424		102-4		NUTT 1-15	NUZ (WOLFCAMP)	0.0	UNITED TEXAS TRAN
8417357	F-08-076848	4237134540		102-4		NUTT 1-7	NUZ (WOLFCAMP)	0.0	UNITED TEXAS TRAN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/20/84	JA: TX			
8417218	F-08-076637	4213501026		108		CLYDE-B #158 (038208)	GOLDSMITH (GRAYBURG)	17.0	EL PASO NATURAL G
8417353	F-10-076843	4242100000		108		LOGAN A #1		0.0	MICHIGAN WISCONSI
8417219	F-08-076638	4213520790		108		NO PENWELL U #13 (21556)	PENWELL	2.0	EL PASO NATURAL G
8417220	F-08-076639	4213520180		108		NO PENWELL U #49 (21556)	PENWELL	0.0	EL PASO NATURAL G
8417262	F-10-076715	4217900000		108		PHIL-PAMPA #7-14	PANHANDLE GRAY	0.0	GETTY OIL CO
-PRAIRIE OIL CO				RECEIVED:	01/20/84	JA: TX			
8417361	F-10-076865	4206531514		103		COOPER #1 (ID# 05565)	PANHANDLE CARSON	65.0	GETTY OIL CO
8417360	F-10-076864	4206531513		103		COOPER #2 (ID# 05565)	PANHANDLE CARSON	40.0	GETTY OIL CO
-QUESTA OIL & GAS CO				RECEIVED:	01/20/84	JA: TX			
8417257	F-7C-076704	4210534413		103	107-TF	V I PIERCE 46-1	OZONA (CANYON SAND)	0.0	NORTHERN NATURAL
-RANKIN OIL CO				RECEIVED:	01/20/84	JA: TX			
8417346	F-08-076816	4200333608		103		PEBSWORTH "C"	NIX SOUTH	0.0	PHILLIPS PETROLEU
-REEF GAS & OIL INC				RECEIVED:	01/20/84	JA: TX			
8417436	F-10-077154	4206531450		103		MCCONNELL 1A	PANHANDLE	16.8	KERR MCGEE CORP
8417435	F-10-077153	4206531449		103		MCCONNELL 2A	PANHANDLE	0.0	KERR MCGEE CORP
-RENDOVA OIL CO				RECEIVED:	01/20/84	JA: TX			
8417261	F-08-076712	4216532706		103		NORMAN #3	MEANS N (QUEEN SD)	15.5	PHILLIPS PETROLEU
-RICHEY & CO INC				RECEIVED:	01/20/84	JA: TX			
8417393	F-7B-076961	4213335157		102-4		W C SCHNEIDER #1	PIPPEN	110.0	CORONADO TRANSMIS
-RIDGE OIL CO				RECEIVED:	01/20/84	JA: TX			
8417399	F-7B-076984	4213335273		102-4	103	HAGAMAN (SOUTH) #8	RANGER NW (MARBLE FAL	27.5	COMPRESSOR RENTAL
-RKG ENGINEERING INC				RECEIVED:	01/20/84	JA: TX			
8417237	F-08-076672	4237100000		102-4		CRAWFORD 21-1 #107683	ALPHA (QUEEN)	0.0	NORTHERN NATURAL
8417238	F-08-076674	4237100000		102-4		PRICE 20-1 107401	ALPHA (QUEEN)	0.0	NORTHERN NATURAL
-RYDER SCOTT OIL CO				RECEIVED:	01/20/84	JA: TX			
8417214	F-09-076628	4223734758		102-4		CAMPSEY #5	COOPER (CONGLOMERATE)	42.0	TEXAS UTILITIES F
8417213	F-09-076627	4212735331		102-4		HORN #1	COOPER (CONGLOMERATE)	256.0	TEXAS UTILITIES F
-SABINE PRODUCTION COMPANY				RECEIVED:	01/20/84	JA: TX			
8417415	F-08-077069	4217331457		103		TXL "C" #2	SPRABERRY (TREND AREA	0.0	EL PASO NATURAL G
-SENTINEL PETROLEUM CORP				RECEIVED:	01/20/84	JA: TX			
8417212	F-7B-076600	4213333447		102-4		GARLAND ANDREWS #1	LAKE LEON (COMYN)	0.0	
-SHELL OIL CO				RECEIVED:	01/20/84	JA: TX			
8417211	F-08-076583	4213500000		108		E HARPER UNIT #120	HARPER	1.4	PHILLIPS PETROLEU
8417210	F-08-076582	4213500000		108		E HARPER UNIT #328	HARPER	4.8	PHILLIPS PETROLEU
8417209	F-08-076581	4213500000		108		E HARPER UNIT #373	HARPER	0.9	PHILLIPS PETROLEU
8417206	F-8A-076578	4216500000		108		GAINES WASSON CLEARFORK #6616G	WASSON 72	1.6	COLTEXO CORP
8417208	F-08-076580	4213500000		108		TXL NORTH UNIT #333-L	TXL (TUBB)	6.9	SHELL OIL CO
8417207	F-8A-076579	4250100000		108		YOAKUM WASSON CLEARFORK UNIT #3911Y	WASSON 72	4.5	COLTEXO CORP
-STRATA PETROLEUM CO				RECEIVED:	01/20/84	JA: TX			
8417365	F-08-076886	4231700000		108		KELLY "B" WELL #1	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
-SUN EXPL. & PROD. CO. - HOUSTON				RECEIVED:	01/20/84	JA: TX			
8417319	F-7B-076786	4242900000		108		VEALE PARKS CADDO UNIT #5	STEPHENS COUNTY REGUL	0.3	WARREN PETROLEUM
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	01/20/84	JA: TX			
8417300	F-7B-076767	4215100000		108		A E PARDUE AC/1 #3	PARDUE	0.9	DAMSON GAS PROCES
8417327	F-04-076794	4242700000		108		BENTSEN BROS -A- #3	LA COPITA	18.0	TRANSCONTINENTAL
8417278	F-7B-076743	4243300000		108		BOYD CONGLOMERATE UNIT #58	BOYD CONGLOMERATE	0.5	CITIES SERVICE OI
8417279	F-7B-076744	4243300000		108		BOYD CONGLOMERATE UNIT #72	BOYD CONGLOMERATE	0.1	CITIES SERVICE OI
8417333	F-04-076800	4242700000		108		C LAUREL #7	SUN NORTH	22.0	FLORIDA GAS TRANS
8417308	F-7C-076775	4209500000		108		C M & THELMA ELLIS #1	SPECK S	8.0	LONE STAR GAS CO
8417294	F-04-076761	4242700000		108		C M HALL #6U	RINCON N	19.0	TRANSCONTINENTAL
8417375	F-7C-076925	4208100000		108		CENTRAL NATIONAL BANK #11	LYGAY	6.0	LONE STAR GAS CO
8417309	F-7B-076776	4242900000		108		CHARLES BINNEY #83	STEPHENS COUNTY REGUL	0.9	
8417290	F-7B-076756	4213300000		108		CHRISTMAS STATE #1	EASTLAND COUNTY REGUL	4.0	
8417321	F-7B-076788	4213300000		108		D K SCOTT #1	EASTLAND COUNTY REGUL	1.0	
8417343	F-08-076810	4213500000		108		EAST GOLDSMITH HOLT #6-4L & 6-4U	GOLDSMITH EAST	3.0	PHILLIPS PETROLEU
8417340	F-7B-076807	4236300000		108		ELLEN G STUART "A" #2	STRAWN N W	17.0	SOUTHWESTERN GAS
8417322	F-7B-076789	4236300000		108		ELLEN G STUART "C" #2	STRAWN NW	17.0	SOUTHWESTERN GAS
8417286	F-7B-076751	4213300000		108		F BREWER #2	RANGER	4.0	LONE STAR GAS CO
8417287	F-7B-076752	4213300000		108		F BREWER #4	RANGER	7.0	LONE STAR GAS CO
8417291	F-7B-076757	4213300000		108		FERGUSON FARM #1	RANGER	3.0	
8417351	F-09-076836	4209700000		108		FRED SNUGGS #14	WALNUT BEND	0.3	UNION TEXAS PETRO
8417316	F-7B-076783	4242900000		108		G B WALKER #12	VEALE	14.0	SOUTHWESTERN GAS
8417299	F-02-076766	4223900000		108		G T BROOKING #27	SWAN LAKE	10.0	ALUMINUM CO OF AM
8417293	F-04-076760	4242700000		108		GARZA RIVAS #3-1	RINCON N	18.0	TRANSCONTINENTAL
8417386	F-04-076938	4242700000		108		GEORGE H SPEER #7	SUN	4.0	TRANSCONTINENTAL
8417295	F-04-076762	4242700000		108		GEORGE H SPEER "B" #15	SUN	1.0	FLORIDA GAS TRANS
8417373	F-04-076922	4242700000		108		GEORGE H SPEER STATE -B- #24	SUN	15.0	FLORIDA GAS TRANS
8417315	F-7B-076782	4242900000		108		H E WILSON #1	STEPHENS COUNTY REGUL	10.0	WARREN PETROLEUM
8417376	F-7C-076926	4208100000		108		H L BLOODWORTH #5	BLOODWORTH 5700	0.3	LONE STAR GAS CO
8417374	F-04-076924	4242700000		108		H P LEE -A- #4	RINCON N	15.0	TRANSCONTINENTAL
8417328	F-04-076795	4242700000		108		I V MONTALVO -C- #29	SUN NORTH	9.0	FLORIDA GAS TRANS
8417378	F-08-076928	4233500000		108		J F MCCABE "A" #12	N JAMESON	2.0	LONE STAR GAS CO
8417377	F-08-076927	4233500000		108		J F MCCABE "A" #2	N JAMESON	1.0	LONE STAR GAS CO
8417341	F-7B-076808	4236300000		108		J N STUART #161	PALO PINTO COUNTY REG	0.1	SOUTHWESTERN GAS
8417337	F-7B-076804	4236300000		108		J N STUART #167	STUART	4.0	SOUTHWESTERN GAS
8417336	F-7B-076803	4236300000		108		J N STUART #168	PALO PINTO COUNTY REG	0.1	SOUTHWESTERN GAS
8417304	F-7B-076771	4236300000		108		J N STUART #171	PALO PINTO COUNTY REG	0.1	SOUTHWESTERN GAS
8417331	F-7B-076798	4236300000		108		J N STUART #173	PALO PINTO COUNTY REG	0.1	SOUTHWESTERN GAS
8417330	F-7B-076797	4236300000		108		J N STUART #174	PALO PINTO COUNTY REG	0.1	SOUTHWESTERN GAS
8417329	F-7B-076796	4236300000		108		J N STUART #175	PALO PINTO COUNTY REG	0.1	SOUTHWESTERN GAS
8417334	F-7B-076801	4236300000		108		J N STUART #176	PALO PINTO COUNTY REG	0.1	SOUTHWESTERN GAS
8417339	F-7B-076806	4236300000		108		J N STUART #180	PALO PINTO COUNTY REG	0.1	SOUTHWESTERN GAS
8417338	F-7B-076805	4236300000		108		J N STUART #182	PALO PINTO COUNTY REG	0.9	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8417342	F-7B-076809	4236300000		108		J N STUART #196	PALO PINTO COUNTY REG	0.1	SOUTHWESTERN GAS
8417311	F-7B-076778	4236300000		108		J R STUART #5	PALO PINTO COUNTY REG	9.0	
8417292	F-6E-076758	4218300000		108		J S ELDER #12	EAST TEXAS	0.3	WARREN PETROLEUM
8417379	F-7C-076929	4208100000		108		J S WALKER #6	BLOODWORTH	6.0	LONE STAR GAS CO
8417323	F-7B-076790	4236300000		108		JULIA R STUART #1	STRAWN NW	2.0	SOUTHWESTERN GAS
8417296	F-7B-076763	4215100000		108		KITTIE WOODALL #1	TOLAR	0.6	DAMSON GAS PROCES
8417302	F-7B-076769	4215100000		108		KITTIE WOODALL #2	TOLAR	0.1	DAMSON GAS PROCES
8417326	F-6E-076793	4218300000		108		M T COLE #17	EAST TEXAS	0.3	ARCO OIL & GAS CO
8417313	F-04-076780	4242700000		108		MARRS-MCLEAN #10	LOCKHART	7.0	TENNESSEE GAS PIP
8417305	F-7B-076772	4242900000		108		MCDONALD RYAN UNIT #1	EAST RYAN	0.5	
8417382	F-02-076933	4246900000		108		MCFADDIN #1-13	MCFADDIN	10.0	TENNESSEE GAS PIP
8417282	F-7B-076747	4243300000		108		MCMILLIN A/C-8 #6	GUEST	1.0	CITIES SERVICE OI
8417284	F-7B-076749	4243300000		108		MCMILLIN A/C-8 #7	GUEST	0.8	CITIES SERVICE OI
8417283	F-7B-076748	4243300000		108		MCMILLIN CANYON SU #26	GUEST	0.8	CITIES SERVICE OI
8417280	F-7B-076745	4243300000		108		MCMILLIN CANYON SU #44	GUEST	0.4	CITIES SERVICE OI
8417281	F-7B-076746	4243300000		108		MCMILLIN CANYON SU #9	GUEST	0.9	CITIES SERVICE OI
8417332	F-09-076799	4209700000		108		MURRELL-GRIGSBY UNIT #2	COOKE COUNTY REGULAR	0.7	UNION TEXAS PETRO
8417384	F-7B-076936	4213300000		108		N CENTRAL RANGER UNIT #3-52	EASTLAND COUNTY REGUL	19.0	
8417288	F-7B-076753	4213300000		108		NORTH CENTRAL RANGER UNIT # 2-28	EASTLAND COUNTY REGUL	0.6	LONE STAR GAS CO
8417285	F-7B-076750	4213300000		108		NORTHWEST RANGER UNIT #20-4	EASTLAND COUNTY REGUL	11.0	LONE STAR GAS CO
8417383	F-7B-076935	4213300000		108		NORTHWEST RANGER UNIT #37-1	EASTLAND COUNTY REGUL	0.3	
8417298	F-7B-076765	4213300000		108		O H DELANO #2	EASTLAND COUNTY REGUL	0.1	LONE STAR GAS CO
8417325	F-7B-076792	4213300000		108		O H DELANO #3	EASTLAND COUNTY REGUL	0.1	LONE STAR GAS CO
8417381	F-04-076931	4224900000		108		P CANALES #108	T-C-B	0.6	FLORIDA GAS TRANS
8417335	F-7B-076802	4214300000		108		PORTER STATE UNIT #1U	INDIANOLA	18.0	SOUTHWESTERN GAS
8417317	F-7B-076784	4242900000		108		R J BROWN #1	STEPHENS COUNTY REGUL	0.0	
8417324	F-7B-076791	4242900000		108		R J BROWN #2	STEPHENS COUNTY REGUL	2.0	
8417312	F-7B-076779	4242900000		108		R L BUCHANAN #3	STEPHENS COUNTY REGUL	0.3	WARREN PETROLEUM
8417289	F-7B-076754	4213300000		108		R L HOWARD #8	EASTLAND COUNTY REGUL	2.0	LONE STAR GAS CO
8417301	F-7B-076768	4213300000		108		RANGER MCCLESKY SU #9	RANGER	19.0	SUN GAS TRANSMISS
8417314	F-7B-076781	4236700000		108		ROCK CREEK UNIT #3	SANDRA K AND LAKE MIN	36.0	SOUTHWESTERN GAS
8417380	F-08-076930	4249500000		108		S M HALLEY -B- #10	WEINER/COLBY SAND/	0.3	NORTHERN NATURAL
8417385	F-08-076937	4249500000		108		S M HALLEY -B- #9	WEINER/COLBY SAND/	0.3	NORTHERN NATURAL
8417297	F-04-076764	4224900000		108		SEELIGSON UNIT #16-97T	SEELIGSON	8.0	TENNESSEE GAS PIP
8417392	F-03-076958	4219931592		103		SUN FEE LOT 28 #1	SARATOGA WEST	12.0	UNITED TEXAS TRAN
8417387	F-04-076939	4242700000		108		V L DE PENA #2	KELSEY	13.0	FLORIDA GAS TRANS
8417307	F-7B-076774	4242900000		108		VEALE PARKS (CADDO) UNIT #23	STEPHENS COUNTY REGUL	3.0	WARREN PETROLEUM
8417320	F-7B-076787	4242900000		108		VEALE PARKS CADDO UNIT #14	STEPHENS COUNTY REGUL	0.3	WARREN PETROLEUM
8417318	F-7B-076785	4242900000		108		VEALE PARKS CADDO UNIT #16	STEPHENS COUNTY REGUL	2.0	WARREN PETROLEUM
8417306	F-7B-076773	4242900000		108		VEALE PARKS CADDO UNIT #20	STEPHENS COUNTY REGUL	2.0	WARREN PETROLEUM
8417310	F-7B-076777	4242900000		108		VEALE PARKS CADDO UNIT #25	STEPHENS COUNTY REGUL	0.8	WARREN PETROLEUM
8417303	F-7B-076770	4242900000		108		VEALE PARKS CADDO UNIT #26	STEPHENS COUNTY REGUL	0.9	WARREN PETROLEUM
-SUNNYBROOK OIL & GAS INC				RECEIVED:	01/20/84	JA: TX			
8417260	F-06-076711	4240131680		103		D K GOODE #1	BRACHFIELD (TRAVIS PE	456.0	TEXAS UTILITIES F
-TEXACO INC				RECEIVED:	01/20/84	JA: TX			
8417363	F-08-076876	4217331194		102-4		G W CURRIE #1	GARDEN CITY S	109.5	PHILLIPS PETROLEU
8417348	F-10-076827	4217900000		108		M B DAVIS NCT-1 #2	PANHANDLE GRAY COUNTY	0.5	COLTEXO CORP
8417347	F-10-076826	4217900000		108		M B DAVIS NCT-1 #26	PANHANDLE GRAY COUNTY	3.6	COLTEXO CORP
8417350	F-08-076833	4243131346		107-TF		STERLING "J" FEE #7	CONGER (PENN)	144.5	REATA INDUSTRIAL
-THREE B OIL CO				RECEIVED:	01/20/84	JA: TX			
8417439	F-08-077168	4237134551		103		CREDO-STARK #2	CATLYNN WEST (CLEARFO	32.8	DELHI GAS PIPELIN
-TRITON OIL & GAS CORP				RECEIVED:	01/20/84	JA: TX			
8417455	F-8A-077245	4203330580		102-4		WOLF #1	WOLF (CANYON)	18.0	GETTY OIL CO
-TXO PRODUCTION CORP				RECEIVED:	01/20/84	JA: TX			
8417400	F-7B-076991	4236732467		103		ECHO VALLEY #1	KUZELL (CONGLOMERATE)	250.0	SOUTHWESTERN GAS
8417401	F-7B-076992	4236732573		103		ECHO VALLEY #2	CABBAGE PATCH (BIG SA	250.0	SOUTHWESTERN GAS
-UNITED CO				RECEIVED:	01/20/84	JA: TX			
8417358	F-8A-076849	4207930546		108		MARTY WRIGHT #30 072328	LEVELLAND (SAN ANDRES	19.5	EL PASO NATURAL G
-W B D OIL & GAS CO				RECEIVED:	01/20/84	JA: TX			
8417437	F-10-077159	4234131014		103		DEBI #3 (ID# 05485)	PANHANDLE MOORE	40.0	DIAMOND CHEMICALS
-W L BRUCE OPERATOR				RECEIVED:	01/20/84	JA: TX			
8417217	F-10-076636	4234130878		103		PETER #1 (ID #05292)	PANHANDLE MOORE	40.0	TRANS-PAN GATHERI
8417216	F-10-076635	4234130890		103		PETER #2 (ID #05292)	PANHANDLE MOORE	116.0	TRANS-PAN GATHERI
8417215	F-10-076634	4234130997		103		PETER #3 (ID #05292)	PANHANDLE MOORE	146.0	TRANS-PAN GATHERI
-WAGNER & BROWN				RECEIVED:	01/20/84	JA: TX			
8417409	F-08-077022	4243131358		103		GLASS "D" #6-25	CONGER (PENN)	115.5	TEXAS UTILITIES F
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	01/20/84	JA: TX			
8417223	F-08-076642	4210333160		103		J B TUBB B (TR A) #67	SAND HILLS (MCKNIGHT)	244.5	EL PASO NATURAL G
8417222	F-08-076641	4210333214		103		P J LEA ETAL (TR B) #153	LEA (SAN ANDRES)	43.1	EL PASO NATURAL G
8417221	F-08-076640	4210333266		103		P J LEA ETAL (TR B) #158	LEA SOUTH (CLEARFORK)	43.1	EL PASO NATURAL G
-WILLIAMS EXPLORATION COMPANY				RECEIVED:	01/20/84	JA: TX			
8417240	F-03-076678	4219932018		103		CHOATE BLOCK 4 LOT 3 #11	NEW BATSON	4.0	MATADOR PIPELINE
8417239	F-03-076677	4219932019		103		CHOATE BLOCK 4 LOT 3 #12	NEW BATSON	4.0	MATADOR PIPELINE
-WOODBINE EXPLORATION				RECEIVED:	01/20/84	JA: TX			
8417451	F-7B-077226	4225332738		103		GRIFFITH #2	NOODLE N (CISCO LOWER	22.0	UNITED TEXAS TRAN
-WY-VEL CORP				RECEIVED:	01/20/84	JA: TX			
8417367	F-10-076897	4217931438		103		AEBERSOLD (04904) #12	PANHANDLE	18.0	CABOT CORP

[FR Doc. 84-4852 Filed 2-22-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. No. 1068]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 17, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS

ISSUED FEBRUARY 17, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY				RECEIVED:	01/20/84	JA: KS			
8417468	K-83-0505	1506700000		108		GALL A #2	PANOMA	18.0	PANHANDLE EASTERN
8417480	K-83-0581	1517500000		108		HOWLAND A #1	SHUCK	17.0	CIMARRON-QUINQUE
8417509	K-83-0288	1518920640		103		LAIRD A #1	PANOMA	391.0	PANHANDLE EASTERN
8417503	K-83-0715	1512920354		103		LOW E #7	SANTA FE TRAIL	2.0	CIMARRON-QUINQUE
8417481	K-83-0578	1517520540		108		MCGILL A #1	ADAMSON	16.8	CIMARRON QUINQUE
8417505	K-83-0713	1512920319		103		SNYDER C #2	SANTA FE TRAIL	38.0	CIMARRON-QUINQUE
8417504	K-83-0714	1512920577		103		SNYDER C #3	SANTA FE TRAIL	13.0	CIMARRON-QUINQUE
-ANADARKO PRODUCTION COMPANY				RECEIVED:	01/23/84	JA: KS			
8417683	K-83-0638	1517520629		102-4		GODDARD C #1	SHUCK	250.0	CIMARRON-QUINQUE
8417635	K-83-0656	1512920542		108		LOW B #2	CIMARRON VALLEY S W	6.0	CIMARRON-QUINQUE
-ASSOCIATED PETROLEUM CONSULTANTS IN				RECEIVED:	01/23/84	JA: KS			
8417656	K-83-0666	1500721605		103		Z BAR RANCH 2-11	SALT FORK	8.0	DELHI GAS PIPELIN
8417657	K-83-0667	1500721613		103		Z BAR RANCH 3-1	SALT FORK	8.0	DELHI GAS PIPELIN
-ATTICA GAS VENTURE CORP				RECEIVED:	01/23/84	JA: KS			
8417643	K-83-0706	1507720902		103		CITY OF ATTICA #3	SULLIVAN-STALNAKER	360.0	PEOPLES NATURAL G
-AURORA INC				RECEIVED:	01/20/84	JA: KS			
8417466	K-83-0523	1515520876		108		R L KREHBIEL #1	FISHBURN	18.0	PEOPLES NATURAL G
-BENSON MINERAL GROUP				RECEIVED:	01/20/84	JA: KS			
8417492	K-82-0470	1512524391		108		WISE 5-5	JEFFERSON-SYCAMORE	9.8	UNION GAS SYSTEMS
-BENSON MINERAL GROUP				RECEIVED:	01/23/84	JA: KS			
8417659	K-83-0665	1514521058		103		DITUS 3-4	BURDETT	403.0	NORTHERN NATURAL
8417681	K-83-0648	1514520801		102-2		HAMMEKE C #1-20	STEFFEN SO	3.8	NORTHERN NATURAL
8417682	K-83-0647	1514521060		102-2		THOMPSON C #1-17	STEFFEN SOUTH	10.9	NORTHERN NATURAL
8417661	K-83-0671	1514521001		102-2		TINDALL-AKERS 2-25	BURDETT EXT	4.6	NORTHERN NATURAL
-BURK LEROY E				RECEIVED:	01/23/84	JA: KS			
8417645	K-83-0662	1512526369		102-2		BURK #10	COFFEYVILLE-CHERRYVAL	0.0	CITIES SERVICE CO
8417647	K-83-0660	1512522236		102-2		BURK #2	COFFEYVILLE-CHERRYVAL	0.0	CITIES SERVICE CO
8417646	K-83-0661	1512524226		102-2		BURK #6	COFFEYVILLE-CHERRYVAL	0.0	CITIES SERVICE CO
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	01/20/84	JA: KS			
8417458	K-83-0685	1517520609		103		FITZGERALD "A" #1-2	SILVERMAN	0.0	NORTHERN NATURAL
8417459	K-83-0686	1517520610		103		FITZGERALD "B" #1-11	SILVERMAN	0.0	NORTHERN NATURAL
8417457	K-83-0684	1517520624		103		FITZGERALD "C" #1-11	SILVERMAN	0.0	NORTHERN NATURAL
-CITIES SERVICE COMPANY				RECEIVED:	01/20/84	JA: KS			
8417586	K-82-0429	1518920543		102-4		RENNICK "A" #2	KINNEY FIELD	201.9	PANHANDLE EASTERN
-E S ENERGY SOURCES INC				RECEIVED:	01/23/84	JA: KS			
8417680	K-83-0652	1512525664		102-2		EUDALY #1 (API NO 15-125-25,664)	SALT FORK	14.4	PELICAN PIPELINE
8417685	K-83-0637	1512524620		102-2		FIELDS #1 (API NO 15-125-24,620)	SALT FORK	14.4	PELICAN PIPELINE
8417686	K-83-0636	1512525766		102-2		FIELDS #2 (API NO 15-125-25,766)	SALT FORK FIELD	14.4	PELICAN PIPELINE
-EDGAR W WHITE				RECEIVED:	01/20/84	JA: KS			
8417514	K-83-0013	1512920405		108		INTERSTATE RED CAVE #4	INTERSTATE RED CAVE	36.0	COLORADO INTERSTA
8417515	K-83-0014	1512920616		108		SCHWEIZER RED CAVE #4	INTERSTATE RED CAVE	13.0	PANHANDLE EASTERN
-ENERGY EXPLORATION & PRODUCTION INC				RECEIVED:	01/20/84	JA: KS			
8417467	K-83-0518	1505520371		103		KLEYSTEUBER-GILLEN "B" #1	HUGOTON	0.0	K N ENERGY INC
-FAIRWAY PETROLEUM INC				RECEIVED:	01/20/84	JA: KS			
8417495	K-83-0590	1500520028		102-2		BRACKE #1	LEAVENWORTH	50.0	NORTHWEST CENTRAL

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8417496	K-83-0591	1510320200		102-2		CHAPMAN #1	LEAVENWORTH	50.0	NORTHWEST CENTRAL
8417487	K-83-0693	1510320219		102-2		WILKES #1	LEAVENWORTH	45.0	NORTHWEST CENTRAL
-GATES & COFFMAN INC				RECEIVED:	01/20/84	JA: KS			
8417478	K-83-0584	1503521904		108		DALE #1	GURSKEY	25.0	BUCKEYE NATURAL G
-HINKLE OIL COMPANY				RECEIVED:	01/20/84	JA: KS			
8417482	K-83-0570	1514520544		108-ER		GATTERMAN #1	GATTERMAN	9.0	NATURAL GAS PIPEL
-INTEGRATED ENERGY INC				RECEIVED:	01/20/84	JA: KS			
8417494	K-83-0587	1515520947		103		NORRIS #2	SW YODER	730.0	PEOPLES NATURAL G
-INTERNORTH INC				RECEIVED:	01/23/84	JA: KS			
8417636	K-83-0681	1503320362		102-2		GIRK 11 #1	COLLIER FLATS	0.0	NORTHERN NATURAL
-J & H GAS CO				RECEIVED:	01/20/84	JA: KS			
8417489	K-83-0623	1512720436		102-2		DOMANN #32-1	WILDCAT	36.5	FOOR PIPELINE COR
-JIM OSBORN OIL & GAS EXPLORATION				RECEIVED:	01/20/84	JA: KS			
8417483	K-83-0619	1509120504		102-4		ARNDT #1	OLATHE	0.0	NORTHWEST CENTRAL
8417484	K-83-0620	1509120526		102-4		ARNDT #2	OLATHE	0.0	NORTHWEST CENTRAL
-LADD PETROLEUM CORPORATION				RECEIVED:	01/20/84	JA: KS			
8417501	K-83-0675	1502520616		102-2		E F HARRIS #1-3	NORCAN EAST	8.2	KANSAS POWER & LI
8417502	K-83-0674	1502520615		102-2		GOELLER #1-4	NORCAN EAST	13.7	KANSAS POWER & LI
8417500	K-83-0676	1502520703		102-2		SCHLICHTING #1-2	WILDCAT	693.5	
8417499	K-83-0677	1505720321		102-2		SHELOR #1-33	WILDCAT	524.8	KANSAS POWER & LI
-LADD PETROLEUM CORPORATION				RECEIVED:	01/23/84	JA: KS			
8417663	K-83-0673	1502520671		102-2		FAGER #2-3	NORCAN EAST	37.0	KANSAS POWER & LI
8417639	K-83-0678	1502520669		102-2		TEDFORD #2-10	NORCAN EAST	28.7	
-LUFF EXPLORATION CO				RECEIVED:	01/23/84	JA: KS			
8417631	K-83-0682	1503320602		103		LUFF #G-26 LGK	SCHUETTE	532.0	KANSAS GAS SUPPLY
-M C E TRUST GROUP				RECEIVED:	01/23/84	JA: KS			
8417638	K-83-0679	1509921898		102-2		BLANKENSHIP #4	CHERRYVALE-COFFEYVILL	20.0	SALEM PIPELINE CO
-MCCOY PETROLEUM CORP				RECEIVED:	01/23/84	JA: KS			
8417630	K-83-0622	1507720925		103		HONN "A" #2	SPIVEY-GRABS	30.0	PEOPLES NATURAL G
-MCGINNESS OIL COMPANY				RECEIVED:	01/23/84	JA: KS			
8417634	K-83-0655	1500721640		103		MOLZ FARMS INC #1 (#2 STERLING)	HARDTNER	200.0	KANSAS GAS SUPPLY
-MESA PETROLEUM CO				RECEIVED:	01/20/84	JA: KS			
8417526	K-83-0598	1511920592		103		ADAMS #1-9	UNDESIGNATED MORROW	756.0	KANSAS POWER & LI
-MIDLANDS GAS CORPORATION				RECEIVED:	01/20/84	JA: KS			
8417508	K-83-0271	1502320174		108		WILMER HILT #1	CHERRY CREEK GAS AREA	21.0	K-N ENERGY INC
-MOBIL OIL CORP				RECEIVED:	01/20/84	JA: KS			
8417513	K-82-1340	1518920576		103		F F RAPP UNIT "B" #2	PANOMA COUNCIL GROVE	36.0	NORTHWEST CENTRAL
8417497	K-83-0592	1507120285		103		KANSAS AGRICULTURAL DEVELOPMENT #1	BRADSHAW	39.4	NATURAL GAS SALES
8417498	K-83-0593	1518920586		103		R CRAWFORD UNIT #3		205.5	NORTHERN NATURAL
8417488	K-83-0687	1518920613		103		WRD #2 UNIT #4	GENTZLER	175.3	NORTHERN NATURAL
-MURFIN DRILLING CO				RECEIVED:	01/20/84	JA: KS			
8417506	K-83-0710	1518521569		103		ENGLISH-REID "C" #2	MACKSVILLE EAST	41.0	
-MURFIN DRILLING CO				RECEIVED:	01/23/84	JA: KS			
8417640	K-83-0709	1502520720		102-2		TEDFORD #4-10	NORCAN EAST	6.0	KANSAS POWER & LI
-NORTHERN NATURAL GAS PRODUCING CO				RECEIVED:	01/20/84	JA: KS			
8417485	K-83-0705	1518920490		103		K BROWN UNIT #2	WALKEMEYER LOWER MORR	200.0	NORTHERN NATURAL
8417528	K-83-0594	1518920649		103		WAYLAND #1 UNIT #3 WELL	PANOMA COUNCIL GROVE	12.5	NORTHERN NATURAL
-NORTHERN NATURAL GAS PRODUCING CO				RECEIVED:	01/23/84	JA: KS			
8417637	K-83-0680	1518920629		103		LIGHTCAP #2 FARM #3	PANOMA COUNCIL GROVE	24.9	NORTHERN NATURAL
-OIL LIFT INC				RECEIVED:	01/20/84	JA: KS			
8417493	K-83-0586	1509921871		102-2		BARNDOLLAR #10 (API#15-099-21,871)	VALEDA	11.0	REH INDUSTRIES IN
8417486	K-83-0694	1512526251		102-2		BLECHA #1 (API#15-125-26,251)	JEFFERSON SYCAMORE	7.3	PELICAN PIPELINE
8417456	K-83-0683	1512526132		102-2		WALTRIP #1 (API#15-125-26132)	JEFFERSON SYCAMORE	5.1	PELICAN PIPELINE
8417477	K-83-0585	1512524006		102-2		ZIMMERMAN #1 (API#15-125-24006)	JEFFERSON SYCAMORE	7.3	PELICAN PIPELINE
-OILWELL EQUIPMENT CO				RECEIVED:	01/20/84	JA: KS			
8417516	K-83-0206	1510320190		102-2		J GURSS #1		20.0	WESTERN CRUDE OIL
-OILWELL EQUIPMENT CO INC				RECEIVED:	01/23/84	JA: KS			
8417633	K-83-0654	1500520029		102-2		HIGHFILL #1	HIGHFILL	7.0	LAGGS INC
8417632	K-83-0653	1500520030		102-2		TEAGUE #1	TEAGUE	7.0	LAGGS INC
-PETRO-VALLEY SERVICES CORP				RECEIVED:	01/20/84	JA: KS			
8417472	K-83-0555	1501120561		102-2		CHAMBER #1	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417471	K-83-0556	1501120907		102-2		CHAMBERS #2	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417517	K-83-0566	1501121707		102-2		COYAN #1	SOUTH REDFIELD	4.0	NORTHWEST CENTRAL
8417519	K-83-0564	1501121710		102-2		D FINK #1	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417462	K-83-0548	1501121621		102-2		D RUSSELL #5	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417518	K-83-0565	1501126014		102-2		DANIELS #1	SOUTH REDFIELD	4.0	NORTHWEST CENTRAL
8417520	K-83-0563	1501120564		102-2		GRIFFITH #1	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417470	K-83-0557	1501121015		102-2		L COMSTOCK #1	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417469	K-83-0558	1501121717		102-2		L COMSTOCK #2	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417521	K-83-0562	1501120520		102-2		L HARTMAN #1	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417522	K-83-0561	1501121711		102-2		L HARTMAN #2	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417523	K-83-0560	1501121714		102-2		L HARTMAN #4	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417524	K-83-0559	1501121709		102-2		M COMSTOCK #1	SOUTH REDFIELD	4.0	NORTHWEST CENTRAL
8417463	K-83-0547	1501121018		102-2		PIOTROWSKI #1	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417465	K-83-0545	1501120580		102-2		R HARTMAN #1	SOUTH REDFIELD	4.0	NORTHWEST CENTRAL
8417464	K-83-0546	1501121713		102-2		R HARTMAN #2	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417461	K-83-0549	1501120583		102-2		R RUSSELL #1	SOUTH REDFIELD	4.0	NORTHWEST CENTRAL
8417460	K-83-0550	1501120850		102-2		R RUSSELL #2	SOUTH REDFIELD	4.0	NORTHWEST CENTRAL
8417476	K-83-0551	1501121718		102-2		R RUSSELL #4	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417475	K-83-0552	1501121708		102-2		TODD #1	SOUTH REDFIELD	4.0	NORTHWEST CENTRAL
8417474	K-83-0553	1501120710		102-2		TOEPFER #1	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
8417473	K-83-0554	1501121716		102-2		TOEPFER #2	SOUTH REDFIELD	7.0	NORTHWEST CENTRAL
-RAINS & WILLIAMSON OIL CO INC				RECEIVED:	01/23/84	JA: KS			
8417660	K-83-0672	1518521709		103		COPELAND #1	HARTER POOL	36.0	CENTRAL STATES GA
-RCR DRILLING & PLUGGING CO				RECEIVED:	01/23/84	JA: KS			
8417687	K-83-0634	1512525683		102-2		VAVERKA #2	COFFEYVILLE - CHERRYV	29.2	NORTHWEST CENTRAL
8417684	K-83-0635	1512525846		102-2		VAVERKA #3	COFFEYVILLE-CHERRYVAL	73.0	NORTHWEST CENTRAL
-REACH OIL CORP				RECEIVED:	01/23/84	JA: KS			
8417641	K-83-0708	1507720893		103		BASSFORD #1	WILDCAT	45.0	QUIVIRA GAS CO
-RESOURCE VENTURES CORP				RECEIVED:	01/20/84	JA: KS			
8417525	K-83-0617	1507720911		103		JAMES J & NYLA J FERRELL #5	SULLIVAN	70.0	PEOPLES NATURAL G
-RICKS EXPLORATION CO				RECEIVED:	01/20/84	JA: KS			
8417587	K-82-1410	1517520577		102-4		KEATING 23-A	WILDCAT	100.0	PANHANDLE EASTERN
-ROBERT F WHITE				RECEIVED:	01/23/84	JA: KS			
8417662	K-83-0670	1511521030		103		DAVIS-ALBRECHT	LOST SPRINGS	18.0	NORTHWEST CENTRAL
-SAGE DRILLING CO INC				RECEIVED:	01/20/84	JA: KS			
8417512	K-82-1025	1517520578		103		BLACK #1-1	SOUTH KISMET	90.5	PANHANDLE EASTERN
-SOUTHLAND ROYALTY CO				RECEIVED:	01/23/84	JA: KS			
8417658	K-83-0668	1517520495		102-4		TUCKER #1-25	ARCHER	118.0	NORTHERN NATURAL
-TGT PETROLEUM CORPORATION				RECEIVED:	01/23/84	JA: KS			
8417642	K-83-0707	1509720958		103		ASHLEY "A" #2	EINSEL	45.0	PANHANDLE EASTERN
-THE MAURICE L BROWN COMPANY				RECEIVED:	01/23/84	JA: KS			
8417644	K-83-0663	1509720947		103		DORSETT #2	ALFORD EXTENSION	25.0	KANSAS GAS SUPPLY
-THOMAS E L				RECEIVED:	01/20/84	JA: KS			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8417507	K-83-0269	1509500000		108		KREHBIEL #1	SPIVEY-GRABS BASIL	9.0	PEOPLES NATURAL G
-TRIAD ENERGIES INC				RECEIVED:	01/23/84	JA: KS			
8417655	K-83-0633	1512523307		108-ER		MYERS NORTH #1	COFFEYVILLE-CHERRYVAL	21.6	NORTHWEST CENTRAL
8417654	K-83-0632	1512523308		108-ER		MYERS NORTH #2	COFFEYVILLE-CHERRYVAL	21.6	NORTHWEST CENTRAL
8417651	K-83-0629	1512523582		108-ER		MYERS NORTH #5	COFFEYVILLE-CHERRYVAL	21.6	NORTHWEST CENTRAL
8417650	K-83-0628	1512523583		108-ER		MYERS NORTH #6	COFFEYVILLE-CHERRYVAL	21.6	NORTHWEST CENTRAL
8417649	K-83-0627	1512523584		108-ER		MYERS NORTH #7	COFFEYVILLE-CERRYVALE	21.6	NORTHWEST CENTRAL
8417652	K-83-0630	1512523585		108-ER		MYERS NORTH #8	COFFEYVILLE-CHERRYVAL	21.6	NORTHWEST CENTRAL
8417653	K-83-0631	1512523586		108-ER		MYERS NORTH #9	COFFEYVILLE-CHERRYVAL	21.6	NORTHWEST CENTRAL
-TXO PRODUCTION CORP				RECEIVED:	01/20/84	JA: KS			
8417527	K-83-0597	1509521362		102-2		ALBERS "E" #1	KOMAREK	150.0	DELHI CORP
8417490	K-83-0624	1515121305		102-4		BORTZ #2	BRANT	100.0	DELHI CORP
8417529	K-83-0723	1500721569		102-4		MEANS "B" #2	SAWYER SOUTH	210.0	CENTRAL STATES GA
8417530	K-83-0725	1500721606		102-4		RANDELS "A" #1	TONI-MIKE	140.0	KANSAS POWER & LI
8417531	K-83-0726	1509720743		102-4		WALKER "M" #3	GLICK	90.0	KANSAS GAS SUPPLY
8417491	K-83-0625	1515121317		102-4		WAYLAN #1	BRANT	150.0	DELHI CORP
-TXO PRODUCTION CORP				RECEIVED:	01/23/84	JA: KS			
8417648	K-83-0626	1502510718		102-2		HUFF "A" #1	FAGER SE	100.0	
-ZENITH DRILLING CORPORATION INC				RECEIVED:	01/20/84	JA: KS			
8417479	K-83-0583	1504721104		103		SETTE #4	WIL	36.0	CENTRAL STATES GA
-ZINKE & TRUMBO LTD				RECEIVED:	01/20/84	JA: KS			
8417510	K-83-0493	1511920611		103		JOHANNSEN #1-32	HISSOM MOHLER NE	5.0	
8417511	K-83-0494	1511920602		103		LOLA WURDEMAN #1-31	MOHLER NE	5.0	
LOUISIANA OFFICE OF CONSERVATION									
-GOODRICH OIL CO				RECEIVED:	01/20/84	JA: LA			
8417532	83-1653	1706120287		107-TF		DYE #1 LCV RA SUI	TERRYVILLE	730.0	TEXAS GAS TRANSMI
-INEXCO OIL COMPANY				RECEIVED:	01/20/84	JA: LA			
8417533	82-3081	1703920223		102-4		LAHAYE BROTHERS INC #1D	PINE PRAIRIE	28.0	LOUISIANA INTRAST
MONTANA BOARD OF OIL & GAS CONSERVATION									
-CENERGY EXPLORATION CO				RECEIVED:	01/23/84	JA: MT			
8417621	12-83-189	2508321674		103		RASMUSSEN #27-1	NOHLY	0.0	MGPC INC
-MIDLANDS GAS CORPORATION				RECEIVED:	01/23/84	JA: MT			
8417627	4-83-64	2507121801		108		KELLY RANCH 1 2821	BOWDOIN	5.0	KM ENERGY INC
-MILESTONE PETROLEUM INC				RECEIVED:	01/23/84	JA: MT			
8417626	12-83-179	2508321672		102-2		BN 44-5	SAGEBRUSH	300.0	SHELL OIL CO
-SHELL OIL CO				RECEIVED:	01/23/84	JA: MT			
8417619	12-83-192	2502521240		103		PENNEL UNIT 11-17B	PENNEL	27.7	MONTANA DAKOTA UT
8417618	12-83-191	2502521242		103		PENNEL UNIT 33-5B	PENNEL	2.1	MONTANA DAKOTA UT
-TRICENTROL UNITED STATES INC				RECEIVED:	01/23/84	JA: MT			
8417617	12-83-178	2504122245		103		NYSTROM 14-5	BULLHOOK UNIT	473.7	NORTHERN NATURAL
-XENO INC				RECEIVED:	01/23/84	JA: MT			
8417620	12-83-188	2500521999		108		XENO BATTLE 11-23	BATTLE CREEK	6.6	BATTLE CREEK GAS
8417622	12-83-185	2500522011		108		XENO BATTLE 13-15	BATTLE CREEK	15.7	BATTLE CREEK GAS
8417624	12-83-183	2500521964		108		XENO BATTLE 7-22	BATTLE CREEK	15.3	BATTLE CREEK GAS
8417623	12-83-186	2500522057		108		XENO E CHOUTEAU 12-8	BATTLE CREEK	40.2	BATTLE CREEK GAS
8417628	12-83-181	2507121697		108		XENO N SACO 13-19	BOWDOIN DOME	9.9	MONTANA-DAKOTA UT
8417629	12-83-180	2507121730		108		XENO N SACO 2-19	BOWDOIN DOME	10.6	MONTANA-DAKOTA UT
8417625	12-83-182	2507121729		108		XENO N SACO 5-19	BOWDOIN DOME	9.5	MONTANA-DAKOTA UT
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	01/24/84	JA: NM			
8417675		3004509255		108		MCCOY GAS COM "C" #1	FLORA VISTA - MESAVER	10.0	EL PASO NATUAL GA
8417669	C8106063	3001523549		103		STATE MV #1	WILDCAT WOLFCAMP	63.0	TRANSWESTERN PIPE
8417674		3004509214		108		STEDJE GAS COM #1	BASIN DAKOTA	14.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	01/24/84	JA: NM			
8417667		3002526363		108		NEW MEXICO "Z" STATE #2	LANGLIE MATTIX	5.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	01/24/84	JA: NM			
8417664		3002511612		108-PB		ARNOTT-RAMSAY (NCT-E) #2	JALMAT GAS	17.8	NORTHERN NATURAL
8417671		3002511612		108-PB		ARNOTT-RAMSAY (NCT-E) #2	JALMAT GAS	17.8	NORTHERN NATURAL
8417672		3002511612		108-PB		ARNOTT-RAMSAY (NCT-E) #2	JALMAT GAS	18.8	NORTHERN NATURAL
8417670		3002509468		108-PB		MANDA (NCT-C) #1	JALMAT GAS	15.7	NORTHERN NATURAL
-LIVELY EXPLORATION COMPANY				RECEIVED:	01/24/84	JA: NM			
8417678		3004521262		108-PB		LIVELY #15	BASIN	0.0	EL PASO NATURAL G
8417677		3004521579		108-PB		LIVELY #25	BASIN	0.0	EL PASO NATURAL G
8417679		3004521349		108-PB		LIVELY COM #14	BASIN	0.0	EL PASO NATURAL G
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	01/24/84	JA: NM			
8417666		3003923037		103		LINDRITH B UNIT #24	CHACON-DAKOTA ASSOCIA	128.0	NORTHWEST PIPELIN
8417665		3003923247		103		LINDRITH B UNIT #25	CHACON-DAKOTA ASSOCIA	73.0	NORTHWEST PIPELIN
-RAY WESTALL				RECEIVED:	01/24/84	JA: NM			
8417673		3001524399		103		MOBIL STATE #1	UND N SQ LAKE G-SA	0.0	PHILLIPS PETROLEU
-TEXACO INC				RECEIVED:	01/24/84	JA: NM			
8417676		3002528408		103		NEW MEXICO "AT" STATE #11Y	SAUNDERS PERMO UPPER	213.9	WARREN PETROLEUM
-UNION TEXAS PETROLEUM				RECEIVED:	01/24/84	JA: NM			
8417668		3002528198		103		W B BARNHILL #1	SOUTH KING (DEVONIAN)	110.0	WARREN PETROLEUM
OKLAHOMA CORPORATION COMMISSION									
-ALEXANDER ENERGY CORP				RECEIVED:	01/20/84	JA: OK			
8417603	26066	3513723471		103		STEELE #1-35		0.0	
-ANDERMAN/SMITH OPERATING CO				RECEIVED:	01/20/84	JA: OK			
8417589	23846	3504321663		102-2		FISK #1	S W LEEDEY	125.0	
-BENSON-MCCOWN & CO				RECEIVED:	01/20/84	JA: OK			
8417604	26079	3510300000		103		GAFFORD #1	WEST PERRY	10.0	ARCO OIL & GAS CO
-BRAMLETT CORP				RECEIVED:	01/20/84	JA: OK			
8417606	26084	3505321161		103		FERDA #1-28	N NUMA	197.0	FARMLAND INDUSTRI
8417605	26082	3505321107		103		MARSHALL #1-21	NE ZION	14.0	UNION TEXAS PETRO
-BROCK HYDROCARBONS INC				RECEIVED:	01/20/84	JA: OK			
8417588	23707	3504520997		102-4		NORMAN #1-10	ROCKDALE SE GAGE	0.0	DELHI GAS PIPELIN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	01/20/84	JA: OK			
8417602	26025	3515100000		108		C & R CAMPBELL #1	STATE LINE	14.0	PANHANDLE EASTERN
8417600	26023	3515100000		108		CLEO CAMPBELL UNIT #1	STATE LINE	13.0	PANHANDLE EASTERN
8417601	26024	3507300000		108-SA		NORA O'HERN CAIN #1	DOVER HENNESSEY	7.0	MUSTANG GAS PRODU
-DECK OIL CO				RECEIVED:	01/20/84	JA: OK			
8417592	23975	3506300000		102-2		FURGERSON #1	CALVIN	0.0	HILLTOP INVESTMEN
8417591	23976	3506300000		102-2		LONDON #1	CALVIN	0.0	HILLTOP INVESTMEN
-GOLDKING PRODUCTION COMPANY				RECEIVED:	01/20/84	JA: OK			
8417594	25326	3509322117		108		A S ECK #2	NORTHWEST RINGWOOD	0.0	UNION TEXAS PETRO
8417595		3519322107		108		E E ROBERTSON #2	NORTHWEST RINGWOOD	0.0	UNION TEXAS PETRO
-HELMERICH & PAYNE INC				RECEIVED:	01/20/84	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8417590	23948	3512920994		102-2		WICKHAM #1-1	N E STRONG CITY	730.0	DELHI GAS PIPELIN
-HUNGERFORD OIL & GAS INC				RECEIVED:	01/20/84	JA: OK			
8417607	26086	3504722792		103		SIMMERING #1	#1 SIMMERING	92.0	ARCO OIL & GAS IN
-LAEL OIL & GAS PRODUCTION CO				RECEIVED:	01/20/84	JA: OK			
8417608	26089	3510121992		103		STEVENS #3	BALD HILL	241.6	PHILLIPS PETROLEU
-MARATAN RESOURCES CORP				RECEIVED:	01/20/84	JA: OK			
8417609	26091	3507323845		103		WILLARD #1-5	SOONER TREND	30.0	PHILLIPS PETROLEU
-MOBIL OIL CORP				RECEIVED:	01/20/84	JA: OK			
8417599	25992	3513700000		108		ALMA PICKENS #2-10 C S GOODWIN #10	SHO VEL TUM	0.0	OKLAHOMA NATURAL
8417598	25991	3513700000		108		COUNTYLINE #7-4 GERTIE MARTIN #4	SHO VEL TUM	1.7	OKLAHOMA NATURAL
8417597	25990	3513700000		108		WILDHORSE UNIT #19-4 (W B KREBS #4)	SHO VEL TUM	0.0	OKLAHOMA NATURAL
-RIVONDALE OIL CO INC				RECEIVED:	01/20/84	JA: OK			
8417611	26109	3513322408		103		DAVIS #2-26		47.0	SOUTHWEST GATHERI
8417610	26108	3513321828		103		LOY #1		47.0	SOUTHWEST GATHERI
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	01/20/84	JA: OK			
8417593	24043	3504321287		102-3		SQUIRES #1	S E LENORA	280.0	PANHANDLE EASTERN
-WORLDWIDE ENERGY CORPORATION				RECEIVED:	01/20/84	JA: OK			
8417596	25839	3500700000		108		ELLEXSON #1	DOMBEY FIELD	23.0	K N ENERGY INC
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WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	01/20/84	JA: WV			
8417553		4704103097		108		A - 1047	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8417552		4704103168		108		A - 1140	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8417551		4704103171		108		A - 1179	FREEMONS CREEK DISTRI	0.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC				RECEIVED:	01/20/84	JA: WV			
8417550		4701900479		108		EASTERN GAS & FUEL #75 -092991	PAINT CREEK	10.0	COLUMBIA GAS TRAN
-ASTRAL ENERGY INC				RECEIVED:	01/20/84	JA: WV			
8417578		4708506229		103		JAY GOFF #2	UNION DISTRICT	0.0	CARNEGIE NATURAL
-ATLAS ENERGY CORP				RECEIVED:	01/20/84	JA: WV			
8417579		4704700899		103		ROBERT TYSON #4	WELCH QUAD	0.0	CITY OF WELCH W V
8417580		4704700897		103		ROBERT TYSON JR #1	WELCH QUAD (BROWNS CR	0.0	CITY OF WELCH W V
-BRAXTON OIL AND GAS CORP				RECEIVED:	01/20/84	JA: WV			
8417563		4702103800		108		DARNALL #4	GILMER 7.5	10.0	CONSOLIDATED GAS
8417564		4700701673		108		HUFFMAN #2	BURNSVILLE	10.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED:	01/20/84	JA: WV			
8417555		4707901040		108		J L MCLEAN A-94	UNION	10.2	TENNESSEE GAS PIP
8417559		4703501579		108		PARSONS B-1	RIPLEY	8.7	TENNESSEE GAS PIP
8417581		4703903801		107-DV		PAUL ROBERTS #1	WASHINGTON	15.0	TENNESSEE GAS PIP
8417554		4707901050		108		PUTNAM B-18	UNION	14.4	TENNESSEE GAS PIP
-CHASE PETROLEUM				RECEIVED:	01/20/84	JA: WV			
8417572		4708504801		108		WEEKLEY #1	CLAY DISTRICT	5.0	CONSOLIDATED GAS
8417571		4708504802		108		WEEKLEY #2	CLAY DISTRICT	9.0	CONSOLIDATED GAS
-CLAY RESOURCES INC				RECEIVED:	01/20/84	JA: WV			
8417535		4710700659		108		LETHA BUNGARD #3	CLAY DISTRICT	0.0	CONSOLIDATED GAS
8417534		4710700777		108		LETHA BUNGARD #4	CLAY DISTRICT	0.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	01/20/84	JA: WV			
8417549		4708505145		108		BLANCHE STEWART 12682	CLAY	18.0	GENERAL SYSTEM PU
8417560		4704700850		108		CONSOLIDATED COAL CORP #865 12654	ELKHORN	16.0	GENERAL SYSTEM PU
8417565		4703301142		108		CONSOLIDATION COAL CO 12358	CLAY	4.0	GENERAL SYSTEM PU
8417561		4703302768		108		CONSOLIDATION COAL CO 12750	CLAY	5.0	GENERAL SYSTEM PU
8417562		4702103878		108		EDNA STALHAKER 12743	CENTER	1.0	GENERAL SYSTEM PU
8417566		4701701848		108		S F & F E JOSEPHS 12139	MCCLELLAN	13.0	GENERAL SYSTEM PU
-FALCON SCIENCES INC				RECEIVED:	01/20/84	JA: WV			
8417575		4708502729		108		BRISSEY #1	DRAXIE BRISSEY	2.6	EQUITABLE GAS CO
-GENE STALNAKER INC				RECEIVED:	01/20/84	JA: WV			
8417577		4708506563		103		LANGFORD S-118	UNION	0.0	CONSOLIDATED GAS
-INLAND EXPLORATION INC				RECEIVED:	01/20/84	JA: WV			
8417585		4708505521		102-4		D & S REYNOLDS #1	GRANT	70.4	CONSOLIDATED GAS
8417583		4708505871		102-4		ECHARD #1	GRANT	51.1	CONSOLIDATED GAS
8417582		4708505872		102-4		M SIMMONS #1	MURPHY	18.0	CONSOLIDATED GAS
8417584		4708505832		102-4		REYNOLDS #2	GRANT	160.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	01/20/84	JA: WV			
8417536		4708504887		108		J-301	UNION	0.0	CONSOLIDATED GAS
8417539		4701702926		108		J-337	GREENBRIER	0.0	CONSOLIDATED GAS
8417538		4703302517		108		J-388	GRANT	0.0	CONSOLIDATED GAS
8417537		4703302633		108		J-504	UNION	0.0	CONSOLIDATED GAS
-J C BAKER & SONS INC				RECEIVED:	01/20/84	JA: WV			
8417573		4700701767		108		GLADYS BULL	SALT LICK DIST	6.0	CONSOLIDATED GAS
-KAISER ENERGY INC				RECEIVED:	01/20/84	JA: WV			
8417574		4703500669		108		BOSO & RITCHIE INC #2 SIV #30	SILVERTON	0.5	GAS TRANSPORT INC
-KAISER EXPLORATION & MINING CO				RECEIVED:	01/20/84	JA: WV			
8417548		4703501616		107-DV		GRANT DONOHEW KEM #110	ELK/POCA	36.5	KAISER ALUMINUM &
-MCINTOSH AND GRIMM				RECEIVED:	01/20/84	JA: WV			
8417576		4701303357		108		MARY HAYS HEIRS #5	LEE	11.0	CONSOLIDATED GAS
-PEAKE OPERATING CO				RECEIVED:	01/20/84	JA: WV			
8417558		4710900859		108		EASTER #1-A	(OCEANA DISTRICT)	5.0	ROARING FORK GAS
8417556		4710900879		108		GEORGIA PACIFIC #1-AGP	(OCEANA DISTRICT)	5.0	CONSOLIDATED GAS
8417557		4710900879		108		GEORGIA PACIFIC #1-AGP	(OCEANA DISTRICT)	5.0	CONSOLIDATED GAS
8417547		4705901034		107-DV		SIGNIAGO #4-A	(STAFFORD DISTRICT)	5.0	COLUMBIA GAS TRAN
-R & B PETROLEUM INC				RECEIVED:	01/20/84	JA: WV			
8417567		4700101469		108		D DURRETT #1	VALLEY	14.0	PARTNERSHIP PROPE
8417568		4700101292		108		ORION HATHAWAY #1	VALLEY	12.8	PARTNERSHIP PROPE
8417570		4708300370		108		R WILSON #1	ROARING CREEK	7.0	PARTNERSHIP PROPE
8417569		4709701847		108		WRIGHT #1	WARREN-UNION	1.8	COLUMBIA GAS TRAN
-STERLING DRILLING AND PROD CO INC				RECEIVED:	01/20/84	JA: WV			
8417541		4701502037		108		BRAGG #625	OTTER DISTRICT	9.0	BROOKLYN UNION GA
8417540		4701502040		108		BRAGG #628	OTTER DISTRICT	8.7	BROOKLYN UNION GA
-STONEWALL GAS CO				RECEIVED:	01/20/84	JA: WV			
8417545		4703302690		108		MARTS #1 104-S	UNION DISTRICT	17.0	CONSOLIDATED GAS
8417544		4703302691		108		MARTS #2 105-S	UNION	57.0	CONSOLIDATED GAS
8417543		4703302692		108		MARTS #3 108-S	UNION DISTRICT	22.0	CONSOLIDATED GAS
8417542		4704100000		108		RINEHART #1 84-S	HACKERS CREEK DISTRIC	21.0	CONSOLIDATED GAS
-UNIVERSAL COAL CO				RECEIVED:	01/20/84	JA: WV			
8417546		4709700927		108		HINKLE #1 - 47-097-927	WARREN	0.0	CONSOLIDATED GAS
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** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CASPER,WY									
**********									
-AMOCO PRODUCTION CO				RECEIVED:	01/20/84	JA: WY 5			
8417616	W65-3	4904120381		102-2		CUMMINGS FEDERAL #1-MISSION CANYON	WHITNEY CANYON - MISS	1000.0	NATURAL GAS PIPEL
-ANADARKO PRODUCTION COMPANY				RECEIVED:	01/20/84	JA: WY 5			
8417612	W-109-3	4903721991		102-2		SEVEN MILE GULCH UNIT #14	SEVEN MILE GULCH	190.0	NORTHWEST PIPELIN
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	01/20/84	JA: WY 5			
8417613	W57-3	4902320519		107-TF		NGC 2-20 FED	ANDERSON CANYON	914.0	PACIFIC GAS TRANS
-NORTH WEST PRODUCTION CORP				RECEIVED:	01/20/84	JA: WY 5			
8417614	W47-3	4903520671		103		NEW FORK #1	WILDCAT	373.0	NORTHWEST PIPELIN
8417615	W28-3	4903520671		107-TF		NEW FORK #1	WILDCAT FT UNION	373.0	NORTHWEST PIPELIN

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Thursday
February 23, 1984

Part IV

Environmental Protection Agency

40 CFR Part 50

Proposed Reaffirmation of the National Ambient Air Quality Standards for Nitrogen Dioxide; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[FRL 2345-6 Docket No. OAQPS 78-9]

Proposed Reaffirmation of the National Ambient Air Quality Standards for Nitrogen Dioxide

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: In accordance with sections 108 and 109 of the Clean Air Act, EPA has reviewed and revised the criteria upon which the existing primary and secondary nitrogen dioxide (NO_2) national ambient air quality standards (NAAQS) are based. The revised criteria document is being published simultaneously with this notice. The existing primary and secondary standards for (NO_2) are both currently set at 0.053 ppm (100 $\mu g/m^3$) as an annual arithmetic average. As a result of the review and revision of the health and welfare criteria, EPA proposes to retain the existing annual average standards. EPA is continuing to evaluate the evidence bearing on whether a separate short-term standard is requisite to protect public health. Consequently, EPA is not proposing to set a separate short-term standard at this time. Public comment is specifically requested on the question of the need for a separate short-term standard.

DATES: *Comments.* Written comments on this proposal must be submitted on or before May 23, 1984. *Public Hearing.* If anyone contacts EPA requesting to speak at a public hearing by March 23, 1984, a public hearing will be held on April 12, 1984 beginning at 10:00 a.m. Persons interested in attending the hearing should call Mr. Harvey Richmond at (919) 541-5655 to determine whether a hearing will occur.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by March 23, 1984.

ADDRESSES: Submit comments (duplicate copies are preferred) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. OAQPS 78-9, 401 M Street, S.W., Washington, D.C. 20460. Docket No. OAQPS 78-9, Containing material relevant to this proposed decision, is located in the Central Docket Section of the U.S. Environmental Protection Agency, West Tower Lobby Gallery I, 401 M St., SW., Washington, D.C. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing, it will be held at EPA's Environmental Research Auditorium, Research Triangle Park, North Carolina. Persons wishing to present oral testimony should notify Mr. Harvey Richmond, Ambient Standards Branch (MD-12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5655.

Availability of Related Information

The revised Criteria Document, "Air Quality Criteria for Oxides of Nitrogen" (EPA-600/8-82-026F, December 1982; PB-83-16337, $53.50 paper copy), and the final revised OAQPS Staff Paper, "Review of the National Ambient Air Quality Standards for Nitrogen Oxides: Assessment of Scientific and Technical Information" (EPA-450/5-82-002, August 1982; PB 83-132829, $13.00 paper copy and $4.50 microfiche), are available from: U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

A limited number of copies of other documents generated in connection with this standard review, such as the Control Techniques Document, Regulatory Impact Analysis, and Environmental Impact Statement can be obtained from: U.S. Environmental Protection Agency Library (MD-35), Research Triangle Park, N.C. 27711, telephone (919) 541-2777 (FTS 629-2777).

FOR FURTHER INFORMATION CONTACT: Mr. Michael Jones, Strategies and Air Standard Division (MD-12), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone (919) 541-5531 (FTS 629-5531).

SUPPLEMENTARY INFORMATION:

Background

Legislative Requirements Affecting This Proposal

Two sections of the Clean Air Act govern the establishment and revision of NAAQS. Section 108 (42 U.S.C. 7408) directs the Administrator to identify pollutants which may reasonably be anticipated to endanger public health or welfare and to issue air quality criteria for such pollutants. Such air quality criteria are to reflect the latest scientific information useful in indicating the kind and extent of all identifiable effects on public health or welfare that may be expected from the presence of the pollutant in the ambient air.

Section 109(a) (42 U.S.C. 7409) directs the Administrator to propose and promulgate "primary" and "secondary" NAAQS for pollutants identified under section 108. Section 109(b)(1) defines a primary standard as one the attainment and maintenance of which in the judgment of the Administrator, based on the criteria and allowing for an adequate margin of safety, is requisite to protect the public health. The secondary standard, as defined in section 109(b)(2), must specify a level of air quality the attainment and maintenance of which in the judgement of the Administrator, based on the criteria, is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of the pollutant in the ambient air. Welfare effects are defined in section 302(h) (42 U.S.C. 7602(h)) and include effects on soils, water, crops, vegetation, man-made materials, animals, weather, visibility, hazards to transportation, economic values, personal comfort and well-being, and similar factors.

As indicated above, the Act requires not only that primary standards be based on the section 108 criteria, but also that they provide an adequate margin of safety. This requirement was intended to address uncertainties associated with inconclusive scientific and technical information available at the time as well as to provide a reasonable degree of protection against hazards that research has not yet identified.(*1*),(*2*) These uncertainties in the available information and about unidentified human health effects are both components of the risk associated with pollution at levels below those at which human health effects can be said to occur with reasonable scientific certainty. Thus, in providing an adequate margin of safety, the Administrator is regulating not only to prevent pollution levels that have been demonstrated to be harmful, but also so as to prevent pollutant levels for which the risk of harm, even if not precisely identified as to nature or degree, are considered unacceptable. In weighting such risks for margin of safety purposes, EPA considers such factors as the nature and severity of the health effects involved, the size of the sensitive population(s) at risk, and the kind and degree of the uncertainties that must be addressed. The selection of any particular approach to providing an adequate margin of safety is a policy choice left specifically to the Administrator's judgment.(*1*)

As indicated above, section 109(b) specifies that NAAQS are to be based on the scientific criteria issued under

section 108. Several recent judicial decisions make clear that the economic and technological feasibility of attaining NAAQS are not to be considered in setting them, although such factors may be considered to a degree in the development of state plans to implement the standards.(*1*),(*2*)

Section 109(d) of the Act (42 U.S.C. 7409(d)) requires periodic review and, if appropriate, revision of existing criteria and standards. If, in the Administrator's judgment, the Agency's review and revision of criteria make appropriate the proposal of new or revised standards, such standards are to be revised and promulgated in accordance with section 109(b). Alternatively, the Administrator may find that revision of the standards is not appropriate and conclude the review by reaffirming them. The process by which EPA has reviewed the original criteria and standards for nitorgen oxide under section 109(d) is described in a later section of this notice. In addition, section 109(c) specifically requires the Administrator to promulgate a primary standard for NO_2 with an averaging time of not more than 3 hours unless he or she finds no significant evidence that such a short-term standard is required to protect public health.

States are primarily responsible for assuring attainment and maintenance of ambient air quality standards. Under section 10 of the Act (42 U.S.C. 7410), States are to submit to EPA for approval State implementation plans (SIPs) that provide for the attainment and maintenance of such standards through control programs directed to sources of the pollutants included. Other federal programs provide for nationwide reductions in emissions of these and other air pollutants through the federal motor vehicle control program, which involves controls for automobile, truck, bus, motorcycle, and aircraft emission under Title II of the act (42 U.S.C. 7501 to 7534), and through the development of new source performance standards for various categories of stationary sources under section 111 (42 U.S.C. 7411).

Nitrogen Oxides and Existing Standards for NO_2

A variety of nitrogen oxide (NO_x) compounds and their transformation products occur naturally and as a result of human activities. Nitric oxide (NO), nitrogen dioxide (NO_2), gaseous nitric acid (HNO_3), in addition to nitrite and nitrate aerosals, have all been found in the ambient air. The formation of nitrosamines in the atmosphere by reaction of NO_x with amines has been suggested, but not yet convincingly demonstrated.

Despite considerable scientific research on the potential health and welfare effects of NO_x compounds, there exists little evidence linking specific health or welfare effects to near ambient concentrations of most of these substances. The one significant exception is NO_2. Therefore, EPA has focused its review primarily on the health and welfare effects that have been reported to be associated with exposure to NO_2.

NO_2 is an air pollutant generated by the oxidation of NO and is emitted from a variety of mobile and stationary sources. At elevated concentrations, NO_2 can adversely affect human health, vegetation, materials, and visibility. Nitrogen oxide compounds may also contribute to increased rates of acidic deposition. Typical long-term ambient concentrations of NO_2 range from 0.001 ppm in isolated rural areas to a maximum annual concentration of approximately 0.08 ppm in one of the nation's most populated urban areas. The mean annual NO_2 concentration for 186 urbanized areas during 1977–1979 was 0.029 ppm. Over 95 percent of these urbanized areas had annual average NO_2 concentrations below the current 0.053 ppm standard during this same period. During 1977–1979, peak 1-hour average NO_2 concentrations ranged from 0.06 to 0.5 ppm in urbanized areas. In most of these areas, 1-hour average concentrations seldom exceeded 0.30 ppm.

On April 30, 1971, EPA promulgated NAQS for NO_2 under section 109 of the Clean Air Act (36 FR 8186). Identical primary and secondary standards for NO_2 were set at 0.053 ppm (100 $\mu g/m^3$), averaged over one year. The scientific and medical bases for these standards are contained in the document, "Air Quality Criteria for Nitrogen Oxides," published by EPA in January 1971 (AP–84). The primary standard set in 1971 was based largely on a group of epidemiology studies (*3*),(*4*),(*5*) conducted in Chattanooga which reported respiratory effects in children exposed to low-level NO_2 concentrations over a long-term period. Reevaluation of the Chattanooga studies based on more recent information (especially regarding the accuracy of the air quality monitoring method for NO_2 used in the studies) indicates that these studies provide only limited evidence for an association between health effects and ambient exposures to NO_2. These data and other new information, discussed later in this notice, confirm the need for maintaining NO_2 ambient standards.

Development of Revised Air Quality Criteria for NO_x and Summary of Findings

As required by the Clean Air Act Amendments of 1977, EPA has been reviewing the need for revised NO_2 standards since September 1977. In addition to reviewing the existing annual NO_2 standard, the Administrator is required to promulgate a short-term (1 to 3 hours) NO_2 primary standard unless he or she finds that there is no significant evidence that such a standard is required to protect public health. During the summer of 1978, EPA however, expanded the review to include both short- and long-term exposures and standards. This change was made because of the difficulty in attributing reported effects to a particular exposure duration and because of the uncertainty regarding the relative importance of short- and long-term exposures.

On December 12, 1978 (43 FR 58117), EPA announced that it was in the process of reviewing and updating the 1971 document, "Air Quality Criteria for Nitrogen Oxides," in accordance with section 109(d)(1) of the Clean Air Act, as amended. In developing the revised criteria document, EPA has provided a number of opportunities for review and comment by organizations and individuals outside the Agency. Three drafts of the revised NO_x criteria document have been made available for external review. EPA has received and considered numerous comments on each of these drafts. The Clean Air Scientific Advisory Committee (CASAC) of EPA's Science Advisory Board has held two public meetings (January 30, 1979 and November 13–14, 1980) to review successive drafts of the document, "Air Quality Criteria for Oxides of Nitrogen" (Criteria Document). These meetings were open to the public and were attended by many individuals and organization representatives who provided critical reviews and new information for consideration. The CASAC's June 19, 1981, closure letter (*6*) to the Administrator stated that the revised Criteria Document presented a balanced and comprehensive critical review of the pertinent literature on human health effects and that the document accurately reflected the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare from NO_x in the ambient air.

From the extensive review of scientific information presented in the Criteria Document, findings in several key areas have particular relevance for

consideration in decision making regarding primary and secondary NAAQS for NO_x compounds.

1. Of all the oxides of nitrogen which occur in the atmosphere, NO_2 is the compound of most concern to human health at or near ambient levels.

2. During the period 1975–1980, ambient air NO_2 monitoring data in the United States indicate that peak 1-hour NO_2 concentrations rarely exceeded 0.4 to 0.5 ppm. During that same period, annual average concentrations exceeding 0.05 ppm were found only in a relatively few scattered locations, including population centers such as Chicago and Southern California.

3. At concentrations of 5.0 ppm or above, exposure to NO_2 for as little as 15 minutes both increases airway resistance in healthy human adults and impairs the normal transport of gases between the blood and the lungs.

4. In healthy adults, concentrations of 2.5 ppm NO_2 for 2 hours have been reported to increase airway resistance significantly without altering arterialized oxygen pressure. Single exposures for 3 minutes to NO_2 at concentrations of 1.6 ppm are also likely to increase airway resistance in healthy adults and individuals with chronic bronchitis but are not likely to interfere with the transport of gases between blood and lungs.

5. Single exposures to NO_2 for periods ranging from 3 minutes to 2 hours at concentrations of 1.0 ppm or below have not been shown to affect respiratory function in healthy individuals or in those with bronchitis.

6. Whether asthmatic subjects are more sensitive than healthy adults in experiencing NO_2-induced pulmonary function changes remains to be resolved. One controlled human exposure study suggests that some asthmatics may experience chest discomfort, dyspnea, headache, and/or slight nasal discharge following 2-hr exposures to 0.5 ppm NO_2, but the study did not provide convincing evidence of pulmonary function changes in asthmatics at that NO_2 concentration.

7. Certain animal studies demonstrate various mechanisms of action which may also be the mechanisms by which potential health effects are induced in humans at relatively low NO_2 exposure levels. At higher (generally greater than ambient) NO_2 exposure levels and after long-term exposure, more serious changes such as emphysematous effects have been found n several animal species. Long-term exposures also cause other structural alterations of the lungs as well as biochemical and physiological changes in the lungs and increased susceptibility to respiratory infection in animals.

8. Ongoing studies of the effects of indoor air pollution suggest that, in some instances, an increased incidence of respiratory illness in young children may be associated with the use of gas stoves and possibly with NO_2 produced by these appliances. Caution must be applied, however, in using these findings for standard-setting purposes until (a) they are confirmed by further analyses of data subsequently gathered in the ongoing studies; (b) the significance of potential confounding factors is more clearly understood; and (c) clearer exposure/effect relationships are defined through more intensive NO_2 monitoring in homes using gas stoves.

9. No definitive estimates can yet be provided for peak 1–2 hours, 24 hour, weekly, or annual average NO_2 exposure levels that may be associated with any increased respiratory illness in young children residing in homes using gas stoves, although some basis exists for suggesting that repeated exposures to peak levels are most likely to be involved.

10. Data from human and animal studies are comparable in some ways. Estimates of repeated, short-term peak concentrations of NO_2 possibly associated with increased respiratory illness in homes with gas stoves are only slightly below the lowest (0.5 to 1.0 ppm) repeated exposure concentrations found to increase susceptibility to respiratory infections in animal infectivity studies.

11. At elevated concentrations, NO_2 has been associated with visibility impairment, adverse effects on vegetation, and materials damage. NO_x compounds also may contribute to increased rates of acidic deposition.

Review of Primary NO_2 Standards

In the fall of 1980, the Office of Air Quality Planning and Standards (OAQPS) prepared a paper, "Review of the National Ambient Air Quality Standards for Nitrogen Dioxide: Assessment of scientific and Technical Information (OAQPS Staff Paper)."(7) based on the Criteria Document, which evaluated the available scientific and technical information most relevant to the review of the NO_2 NAAQS. The OAQPS Staff Paper also presented recommendations on alternative approaches to revising the standards. Two successive versions of the OAQPS Staff Paper were reviewed at three CASAC meetings (November 13–14, 1980; February 6, 1981; and November 18, 1981). Based on this review, CASAC concluded that the OAQPS Staff Paper provided the kind and amount of technical guidance needed to make any appropriate revisions to the primary and secondary standards. The CASAC's July 6, 1982, closure letter(8) to the Administrator stated that the revised OAQPS Staff Paper was a balanced and thorough interpretation of the scientific evidence pertaining to NO_2.

The current primary NAAQS for NO_2 is 0.053 ppm (100 $\mu g/m^3$), averaged over one year. As indicated above, the Act requires review of the existing criteria and standards for NO_2 and other pollutants every five years. In addition section 109(c) specifically requires the Administrator to promulgate a primary standard for NO_2 with an averaging time of not more than 3 hours unless he or she finds no significant evidence that such a short-term standard is required to protect public health. Thus, during the current standard review for NO_2, EPA is required to determine whether to initiate rulemaking (1) to revise the current NO_2 standards and/or (2) to establish a new short-term standard for NO_2. For the reasons detailed below, EPA has concluded that the current 0.053 ppm annual average standards adequately protect against adverse health and welfare effects associated with long-term exposures and provide some measure of protection against possible short-term health and welfare effects. EPA is continuing to evaluate the evidence bearing on whether a separate shour-term standard is requisite to protect public health. Consequently, EPA is not proposing to set a separate short-term standard at this time.

As indicated above, section 109(b)(1) of the clean Air act requires EPA to set primary standards, based on the air quality criteria and allowing an adequate margin of safety, which in the Administrator's judgment are requisite to protect the public health. The legislative history of the Act makes clear the Congressional intent to protect sensitive persons who in the normal course of daily activity are exposed to the ambient environment. Air quality standards are to be established with reference to protecting the health of a representative, statistically related, sample of persons comprising the sensitive group rather than a single person in such a group.

EPA's objective, therefore, is to determine whether new or revised primary standards are required, based on the existing scientific evidence, assessment of the uncertainties in this evidence, and a reasonable provision for scientific and medical knowledge yet to be acquired, so as to protect sensitive population groups with an adequate margin of safety. None of the evidence presented in the Criteria Document shows a clear threshold of adverse health effects for NO_2. Rather, there is a

continuum, ranging from NO_2 levels at which health effects are undisputed, through levels at which many, but not all scientists generally agree that health effects have been convincingly shown, down to levels at which the indications of health effects are less certain and more difficult to identify. This does not necessarily mean that there is no threshold, other than zero, for NO_2 related health effects; it simply means no precise threshold can be identified with certainty based on existing medical evidence. Thus, the standard-setting decision does not involve appending an exact margin of safety to a known threshold effect level. Rather, it involves a public health policy judgment that must take into account both the known continuum of effects and any gaps and uncertainties in the existing scientific evidence.

In reviewing the need for any new or revised primary NO_2 standards, EPA must make assessments and judgments in the following areas:

1. Identification of reported effect levels and associated averaging times that medical research has linked to health effects insensitive persons.
2. Characterization of scientific uncertainties with regard to the health effects evidence and judgments concerning which effects are important to consider in reviewing or setting primary standards.
3. Description of the most sensitive population groups and estimates of the size of those groups.
4. Consideration of NO_2 standard levels and averaging times that provided an adequate margin of safety based on NO_2 levels and exposure periods that may affect sensitive population groups, taking into account the various uncertainties.

Assessment of Health Effects Evidence

The OAQPS Staff Paper, which has been placed in the public docket (Docket No. OAQPS 78-9, II-A-7), presents a detailed and comprehensive assessment by EPA staff of the key health effect studies contained in the Criteria Document and critical scientific issues relevant to the review of the existing annual NO_2 standard and the need, if any, for a separate short-term (1 to 3 hour) NO_2 standard. This assessment is summarized below.

A variety of respiratory system effects have been reported to be associated with exposure in humans and animals to NO_2 concentrations less than 2.0 ppm. The most frequent and significant NO_2-induced respiratory effects reported in the scientific literature to date include: (1) Altered lung function and symptomatic effects observed in controlled human exposure studies, (2) increased incidence of acute respiratory illness and symptoms observed in outdoor community epidemiological studies and in indoor community epidemiological studies involving homes with gas stoves, and (3) lung tissue damage and increased susceptibility to infection observed in animal toxicology studies. As the Criteria Document concludes, results from these several kinds of studies collectively provide evidence indicating that certain human health effects may occur as a result of exposures to NO_2 concentrations at or approaching recorded ambient NO_2 levels.

It is important to note that the Criteria Document, OAQPS Staff Paper, and CASAC have identified various limitations and uncertainties that must be considered in interpreting the health effects evidence for NO_2. For example, controlled human exposure studies generally provide information on the effects of NO_2 on healthy adults and certain potentially sensitive population groups exposed to single, short-term exposures to NO_2 or to simple combinations of NO_2 and other pollutants. However, these human exposure studies have not examined the health implications of repeated exposure to such short-term NO_2 concentrations. In addition, controlled human exposure studies tested only for mild "reversible" effects and have excluded certain potentially sensitive population groups (e.g., children and elderly individuals) for ethical reasons. While the various animal studies are very useful for identifying the kinds of effects that may be caused in humans due to exposure to NO_2 and probable mechanisms by which NO_2 may affect the respiratory system, there is not a satisfactory method, at this time, to quantitatively extrapolate to human exposure-response relationships. Finally, the existing community epidemiological studies, which represent real-world conditions, provide information on probable associations between NO_2 exposures and observed health effects, but conclusions from these studies must be qualified because of the presence of other pollutants and other confounding factors.

In assessing the health effects evidence for NO_2 EPA has carefully evaluated each study cited in this preamble, taking into account the limitations and uncertainties discussed in the Criteria Document and by CASAC, as appropriate. However, except as noted, neither CASAC nor the Agency found that these limitations disqualified the studies discussed below for standard-setting purposes.

Animal Toxicology Evidence. Animal toxicology studies improve the understanding of human health effects associated with acute and chronic exposures to NO_2 by providing information on health effects and exposure conditions which would be considered unethical for human testing. Thus, a larger array of potential effects, at known levels of NO_2 exposure, can be evaluated in animals than in humans. The major limitation of animal toxicology studies on NO_2 for standard-setting purposes is that methods for quantitatively extrapolating the exposure-response results from animal studies such as those on NO_2 to humans exposed to NO_2 under ambient conditions are still in the developmental stage.

While the animal toxicology literature does not permit estimation of human effect levels at this time, it does indicate a variety of effects from acute, chronic, and chronic with repeated peak exposures to NO_2. Findings from animal studies (e.g., emphysematous alterations in the lung, (*9*) other morphological changes in the lung, (*10*) and increased susceptibility to infection (*11*), (*12*) involving chronic exposures to 0.5 ppm NO_2 or greater or chronic exposures to 0.1 ppm with repeated peaks of 1.0 ppm NO_2 suggest that chronic exposures to NO_2 may lead to serious adverse health effects in humans. While such exposure levels cannot be quantitatively extrapolated to humans, given the similarities between man and animals, it is likely that the above types of effects observed in several animal species also occur in man, albeit at unknown exposure levels. These effects may include development of chronic respiratory diseases and increased incidence of acute respiratory infection or disease. Less severe and generally reversible effects (e.g., biochemical changes, (*13*), (*14*) interference with hormone metabolism, (*15*) and possible interference with liver metabolism (*16*) have been reported in animals exposed once to NO_2 concentrations in the range 0.2–0.5 ppm.

Interpretation of the community epidemiology studies involving homes with gas stoves, discussed later in this notice, can be aided by supporting evidence from animal toxicology studies indicating increased susceptibility to infection. It has been demonstrated that long-term (21–33 week) exposures of mice to concentrations as low as 0.5 ppm NO_2 with 1-hour peaks of 2.0 ppm NO_2 can cause complete deterioration of alveolar macrophage cells.(*10*) This effect results in a decreased ability of the pulmonary system to defend against

infection. Numerous other animal studies, with exposure periods ranging from three hours to twelve months and exposure concentrations ranging from 0.5 to 7.0 ppm, also show that NO_2 exposures reduce resistance to bacterial lung infections.(*11*),(*12*),(*17–22*)

Controlled Human Exposure Evidence. Controlled human exposure studies provide important data concerning the effects of single, short-term NO_2 exposures on healthy adults and certain groups suspected of being sensitive to NO_2. As discussed above, however, the human exposure studies leave unanswered questions concerning the health impact of repeated short-term exposures or effects on potentially sensitive population groups which have not been tested for ethical reasons, such as children or elderly individuals. Due to current limitations in the sensitivity of pulmonary function testing, controlled human exposure studies are also unable at present to detect any damage to the distal airways of the lung which may be due to NO_2 exposures at or near ambient levels.

The lowest level at which single, short-term peak exposures have been observed to produce effects of definite health concern is approximately 1.0 ppm NO_2. In particular, significant pulmonary function changes have been shown in controlled human exposure studies (*23*), (*24*) in the range of 1.0 to 2.0 ppm for short durations (3 to 10 minutes). The effects were observed in healthy adults and chronic bronchitics at these levels. One study (*25*) indicates that subtle effects that are of uncertain significance for the primary standard, such as mild and reversible symptomatic effects, may occur in some asthmatics after a 2-hour exposure to 0.5 ppm NO_2.

Two controlled human exposure studies (Orehek et al., 1976 (*26*) and Von Nieding et al., 1977 (*27*) report increases in sensitivity to a bronchoconstrictor in asthmatics and healthy adults, respectively, at relatively low levels (0.1 and 0.05 ppm NO_2) for 1–2 hour exposures. The Von Nieding et al. study also involved exposure to 0.025 ppm ozone (O_3) and 0.11 ppm sulfur dioxide (SO_2) in addition to 0.05 ppm NO_2. EPA, however, concurs with the recommendation made by CASAC that these studies not be considered in establishing a lowest observed effect level.(*5*) This conclusion reflects concerns expressed in the Criteria Document and by CASAC over uncertainties in the statistical analysis of the experimental data and uncertainty regarding the significance of responses observed in studies that use a bronchoconstrictor to detect effects. EPA is considering the results of these studies solely as a factor in judging which standard(s) will provide an adequate margin of safety.

Community Epidemiological Evidence. The existing annual primary standard (0.053 ppm) is based in large part on a series of community epidemiology studies (*3*),(*4*),(*5*) conducted in Chattanooga during the late 1960's. The distances of three study communities from a large point source of NO_2 resulted in an apparent gradient of exposure for a six month average of 24-hour values over which illness rates and lung function were determined. The incidence of acute respiratory illness was reported to be higher for each family segment (mothers, fathers, and children) in the high-NO_2 exposure neighborhood than in the intermediate- and low-NO_2 areas. The studies also reported small but statistically significant decreases in lung function in school children living in areas of apparently higher NO_2 concentrations than for children living in areas with lower NO_2 concentrations. However, since measurements of NO_2 for these studies conducted in 1968–1969 employed the Jacobs-Hocheiser method, which was subsequently found to be unreliable, meaningful quantitative estimates of population exposure to NO_2 are not available for the three study areas. In addition, no basis was provided for distinguishing the relative contribution of NO_2 exposures from those of other pollutants present in the study areas. Thus, the Chattanooga studies which used the Jacobs-Hocheiser method to measure NO_2 concentrations provide limited evidence of an association between elevated long-term NO_2 exposures and the occurrence of increased acute respiratory illness and lung function impairment.

In a recently published reanalysis of different acute respiratory illness data collected in Chattanooga in 1972–1973, Love et al. (1982)(*28*) report higher rates of respiratory illness for families living in a designated "high pollution" area compared to families living in "intermediate" and "low pollution" areas. This reanalysis relied on NO_2 monitoring data employing the Saltzman method for 24-hour values and, for part of the study period, continuous chemiluminescent monitoring. The absence of reliable daily NO_2 measurements for part of the study, the small magnitude of differences in annual mean concentrations for the three study areas, and the variability of short-term exposure levels across the three study areas led the authors to conclude that the excesses in illness could not be clearly attributed to specific pollutants or exposure periods. While the Love et al. study appeared after completion of the Criteria Document and has not been reviewed by CASAC, EPA concludes that its findings do not suggest any alteration of EPA's assessment of the health effects evidence.

The only other published outdoor epidemiological study reviewed by CASAC or known to EAP which used valid monitoring techniques and reports effects associated with NO_2 is a Japanese study (*29*) of school children. While impairment of pulmonary function was reported, the effects found in the study were generally not associated with NO_2 alone, but rather with various combinations of air pollutants, including SO_2, particulate matter, and O_3. The data from this study are not sufficient to permit quantitative estimates of specific NO_2 levels that might have been associated with pulmonary function impairment.

In summary, the results of the Chattanooga and Japanese community studies provide some qualitative evidence of a possible association between human exposure to low levels of NO_2 and human health effects, but little, if any, quantitative evidence to relate health effects to specific NO_2 concentrations. The findings of these studies are, however, not inconsistent with the hypothesis, discussed below, that NO_2 in a complex mix with other pollutants in the ambient air adversely affects lung function and/or respiratory illness in children.

Evidence from Epidemiological Studies Involving Homes with Gas Stoves. A series of ongoing epidemiological studies have been conducted in the United States and Britain which investigate the effects of indoor air pollution on individuals living in homes with gas stoves compared to those living in homes with electric stoves. Since several investigators have found significantly higher levels of NO_2 in gas stove versus electric stove homes, these studies provide an opportunity to assess the potential health impacts of repeated, short-term peaks and elevated, long-term exposures of NO_2 on children and adults. The use of data from indoor air pollution studies is solely for the purpose of learning about possible health effects associated with NO_2 and is not related to providing protection from indoor sources.

A series of studies by a British group of investigators (*30–33*) Provide some evidence that children living in gas stove homes experienced an increased incidence of acute respiratory illness

and respiratory symptoms (e.g., coughing, wheezing) compared to children living in homes which use electric stoves. The authors of the British studies have expressed some concern that the effects observed may be due to factors other than NO_2, such as increased water vapor pressure in gas stove homes in Britain. No information is currently available, however, to confirm or refute the possible contribution of other factors, such as increased humidity, to the increases in acute respiratory illness and sysmptoms observed in these studies. Due to the incomplete analysis of possible confounding or covarying factors (e.g., temperature and humidity) and the lack of short-term NO_2 measurements in the homes of the subjects studied, the apparent relationship between NO_2 exposure and respiratory illness in British "gas stove" studies must be qualified at this time.

Initial results from an ongoing prospective epidemiological study (*34*). (*35*) of six communities in the United States ("Six-City Study") provide suggestive evidence that acute respiratory illness was increased in young children before age 2 who were living in homes which used gas stoves for cooking. The Six-City Study also reports small but statistically significant decrements in pulmonary function measurements in children 6 to 9 years of age who lived in gas stove homes. The authors of the study present a biologically plausible hypothesis that the small impairments observed in these children might, if continued over time make them more susceptible to developing respiratory problems during their adult life.

As part of the Six-City Study, 24–hour average NO_2 concentrations were monitored over a 1-year period in the "activity room" (but not the kitchen) of several (5-11) electric and gas stove homes in each of the six communities studies. (*35*) The monitoring results show that NO_2 levels in the gas stove homes were higher than outside levels, while 24-hour average concentration in electric stove homes generally approximated the NO_2 levels observed in the outdoor air. In the same study, (*35*) continuous measurements made in one kitchen of a gas stove home during a 2-week period found that NO_2 levels exceeding 0.25 ppm and even 0.50 ppm can occur during cooking, with such high levels lasting from minutes to hours. The authors speculate that kitchen annual means may exceed 0.06 ppm NO_2 if one extrapolates from other studies. (*35*) Further, short-term hourly NO_2 kitchen levels during cooking were noted as possibly being 5 to 10 times higher than measured mean values. This is in contrast to annual average NO_2 levels of about 0.02 ppm (and no marked peaks) in homes with electric stoves.

The findings from the Six-City Study provide preliminary evidence suggesting that repeated peak short-term exposures to NO_2 may be associated with increased incidence of acute respiratory illness in young preschool-age children and small decrements in lung function in school age children. The hypothesis that such effects are associated with repeated short-term peak NO_2 exposures is based in part on annual average NO_2 levels not being very different in the gas stove versus electric stove homes studied.

A series of studies (*36*), (*37*) by another group of investigators found no association between the use of gas stoves and increased rates of respiratory disease in either children or adults. However, the number of children used in these studies was approximately a factor of 10 smaller than in both the British and Six-City gas stove studies, which yielded an association between increased prevalence of respiratory illness and gas cooking. The relatively small sample size would tend to lessen the likelihood of these studies finding statistically significant differences, since the main health effects being investigated are relatively small differences in disease and symptom prevalence rates.

The cumulative findings from several animal studies support the hypothesis that NO_2 may be the principal agent responsible for the effects observed in the British and Six-City gas stove studies. As discussed previouly, a variety of animal toxicology studies (*11*), (*12*), (*17–22*) in different species have demonstrated that NO_2 exposure impairs respiratory defense mechanisms and increases susceptibility to infection. The findings from these animal studies provide a plausible basis for inferring that NO_2 is associated with the reported increase in incidence of acute respiratory illness in children living in homes with gas stoves. The results from one animal study (*21*) which showed increased susceptibility to infection also suggest that repeated, short-term peak exposures may be a more important factor than long-term, low-level exposures of equivalent dose in causing or contributing to the effects observed in the gas stove home.

Unfortunately, as discussed previously short-term (less than 24-hour) NO_2 values have been monitored in only one home in the Six-City Study to date.(*35*) Based on a review of other studies which have monitored short-term NO_2 levels in American gas stove homes (other than those studied in the Six-City study), (*38*) it would appear that daily maximum 1-hour NO_2 levels rarely exceed 0.5 ppm, but that residents of gas stove homes are exposed frequently to daily peak 1-hour exposures in the range 0.15–0.30 ppm each year. Based on the same review, (*38*) on any given day peak 1-hour NO_2 levels in the kitchen may range from 0.03 to 0.80 ppm. While there is only a small amount of data available to base conclusions on the frequency of exposure to short-term peak NO_2 levels, the data reviewed in the OAQPS Staff Paper suggest that residents, including children, living in American gas stove homes, such as those included in the Six-City Study, might have been exposed to hourly NO_2 concentrations in the range 0.15 to 0.30 ppm on 20 to 50 percent of the days in a year (approximately 75 to 180 days per year).

Population Groups Most Sensitive to NO_2 Exposures

On the basis for the review of the health effects evidence presented in the Criteria Document, EPA believes that the following groups may be more sensitive to NO_2 exposures: young children, asthmatics, chronic bronchitics, and individuals with emphysema or other chronic respiratory diseases. In addition, there is reason to believe that persons with cirrhosis of the liver or other liver, hormonal, and blood disorders, or persons undergoing certain types of drug therapies may also be more sensitive to NO_2 based on the findings from animal studies showing incresased systemic, hematological, and hormonal alterations after exposure to NO_2. Due to the lack of human experimental data for these latter groups, however, EPA is considering the potential effects on such persons only as a factor in providing an adequate margin of safety.

In EPA's judgment, the available health effects data identify young children and asthmatics as the groups at greatest risk from ambient exposures to NO_2. Several epidemiological studies (30),(31),(34) in gas stove homes suggest that young children are at increased risk of respiratory symptoms and infection from exposures to elevated levels of NO_2. Although there are no data on this question, this increased sensitivity may be due to (1) the higher activity level of children which can increase the dose experience, (2) a potential difference in the delivered dose of NO_2, which is independent of activity levels, (3) some inherently greater biological sensitivity of children to NO_2, or (4) a combination of some or all of these potential factors.

One human clinical study (*25*) provides evidence that some asthmatics suffer mild symptomatic effects (e.g., nasal discharge, headaches, dizziness, and labored breathing) after light to moderate exercise during an exposure to 0.5 ppm NO_2 for two hours.

Other groups that may be susceptible to NO_2 exposures are chronic bronchitics and individuals suffering from emphysema. One human clinical study (*24*) reports increased airway resistance in a group of chronic brochitics following approximately three-minute exposures at or above 1.6 ppm NO_2. Although there are no human experimental studies of NO_2 involving individuals with emphysema, it seems reasonable to include such persons in the category of high risk individuals since they suffer from major impairment in breathing capacity even in the absence of NO_2.

The U.S. Bureau of the Census (*39*) estimated that the total number of children under five years of age in 1970 was 17,163,000 and the number between five and thirteen years was 36,575,000. Data from the U.S. National Health Survey (*40*) for 1970 indicate that there were 6,526,000 chronic bronchitics, 6,031,000 asthmatics, and 1,313,000 emphysematics at the time of the Survey. Although there is overlap on the order of about one million persons for these last three categories, it is estimated that over twelve million persons experienced these chronic respiratory conditions in the U.S. In 1970.

Margin of Safety Considerations

Selecting an ambient air quality standard with an adequate margin of safety requires that uncertainties in the health effects evidence be considered in arriving at the standard. While the lowest NO_2 concentrations reliably linked to identifiable health effects due to single or repeated peak exposures appear to be in the range of 0.5–1.6 ppm NO_2 (based in symptomatic effects (*25*) and pulmonary function impairment (*23, 24*), a clear threshold for adverse health effects has not been established. Several factors make it difficult, if not impossible, to identify the minimum NO_2 level associated with adverse health effects.

As discussed earlier, for ethical reasons, clinical investigators have generally excluded from studies individuals who may be very sensitive to NO_2 exposures, such as children, elderly individuals, and people with severe pre-existing cardio-pulmonary diseases. In addition, human susceptibility to health effects varies considerably among individuals. Thus, it is not certain that the available experimental evidence for NO_2 has accounted for the full range of effects and human susceptibility. Finally, there is no assurance that all adverse health effects related to low level NO_2 exposures have been identified.

Factors that have been considered in assessing whether the current NO_2 standard provides an adequate margin of safety include: (1) Concern for potentially sensitive populations that have not been adequately tested, (2) concern for repeated peak exposures and delayed effects seen in animal studies but seldom examined in controlled human exposure studies, (3) implications of the Orehek et al. (1976) study(*26*) in which a bronchoconstrictor was used, (4) possible synergistic or additive effects between NO_2 and other pollutants or environmental stresses,(*27*) and (5) uncertainty about the exposure levels and averaging times associated with effects reported in the "gas stove" studies.

Determinations Concerning the Averaging Time and Standard Level

As discussed previously, EPA is required both to review the adequacy of the existing 0.053 ppm annual NO_2 standard and to determine whether a short-term (less than 3 hours) NO_2 standard is required to protect public health. Although the scientific literature supports the conclusion that NO_2 does pose a risk to human health, there is no single study or group of studies that clearly defines human exposure-response relationships at or near current ambient NO_2 levels. This situation exists because of both methodological limitations of health effects research and the lack of sufficient studies involving population groups suspected of being particularly sensitive to NO_2. Based on the review of the health effects evidence presented in the Criteria Document, however, both EPA and the CASAC have concluded that the studies reviewed above have demonstrated the occurrence of health effects resulting from both short-term and long-term NO_2 exposures. However, the various uncertainties in the health effects data make it impossible to specify at this time the lowest level at which adverse health effects are believed to occur in humans due to either short- or long-term NO_2 exposures.

Annual Standard. In reviewing the scientific basis for an annual standard, EPA finds that the evidence showing the most serious health effects associated with NO_2 exposures (e.g., emphysematous alterations in the lung and increased suceptibility to infection) comes from animal studies conducted at concentrations well above those permitted in the ambient air by the current annual standard. The major limitation of these studies for standard-setting purposes is that currently there is no satisfactory method for quantitatively extrapolating exposure-response results from these animal studies directly to humans. However, the seriousness of these effects, the biological similarities between humans and test animals, and the absence of animal studies showing that these effects do not occur at NO_2 exposure levels at or near ambient concentrations suggest that there is some risk, presently unquantifiable, to human health from long-term exposure to elevated NO_2 levels.

Other evidence suggesting health effects relating to long-term, low-level exposures, such as the community epidemiology and gas stove community studies, provides some qualitative evidence of a relationship between human exposure to near ambient levels of NO_2 and adverse health effects. However, various limitations in these studies (e.g., unreliable monitoring data, lack of sufficient monitoring data, and inadequate treatment of potential confounding factors such as humidity and other pollutants) preclude derivation of quantitative dose-response relationships.

Given the uncertainty associated with the extrapolation from animal to man, the seriousness of the observed effects, and the inability to determine from the available data an effects level for humans, EPA believes it would be prudent public health policy to maintain the current annual standard of 0.053 ppm. While it is not possible currently to quantify the margin of safety provided by the existing annual standard. Two observations are relevant: (1) A 0.053 ppm standard is consistent with CASAC's recommendation to set the annual standard at the lower end of the range (0.05 to 0.08 ppm) cited in the OAQPS Staff Paper to ensure an adequate margin of safety against both long-term and short-term health effects, (*8*) (2) a 0.053 ppm standard would keep annual NO_2 concentrations considerably below the long-term levels for which serious chronic effects have been observed in animals. Therefore, the Agency is proposing to retain the annual standard at 0.053 ppm. The Agency welcomes comments on this proposal, the arguments presented for selecting this standard, and any additional information on the efects of chronic exposure to NO_2.

Short-Term Standard. EPA also has carefully examined the health effects data base to determine whether a separate short-term standard is needed at this time. As discussed previously, adverse health effects (e.g., significant but reversible changes in lung function) in humans resulting from single, short-term peak exposures have been observed only at relatively high NO_2 concentrations (above 1 ppm). However, since such levels do not appear to occur in the ambient air, the Agency does not believe that existing information from clinical studies necessitates a short-term standard designed to limit single hourly exposures. While animal studies report some responses from single, short-term exposures in the range of 0.2 to 0.5 ppm $NO_2$the health significance of these findings for humans has not been established.

Finally, both EPA and CASAC have extensively examined the community indoor epidemiology studies (the "gas stove" studies) and concluded that there is some limited and in-conclusive evidence that repeated peak NO_2 exposures may cause increases in acute respiratory illness and small decrements in lung function in children. The findings from numerous animal studies demonstrating reduced resistance to infection due to NO_2 exposure support the hypothesis that NO_2 is the primary agent responsible for the effects observed in the gas stove studies. While the Criteria Document warns that considerable caution should be used in drawing firm conclusions from the gas stove studies, the tentative conclusion is that the observed health effects can be attributed, at least in part, to NO_2. In addition, findings from animal toxicology studies suggest that short-term, peak exposures probably are more important in causing such effects than long-term peak exposures of equivalent dose. The CASAC also stated that the effects observed in the Six-City Study(*34*) may be caused by repeated, short-term peak exposures rather than long-term, lower level NO_2 concentrations, although this has not yet been conclusively demonstrated. Both CASAC and the study authors have cautioned EPA against overinterpretation of these data in reviewing the basis and need for NO_2 primary standards.

While the findings from the gas stove studies are preliminary and must be qualified, in EPA's judgment they do suggest that multiple exposures to peak short-term NO_2 concentrations may pose some unquantified health risk for young children. This judgement is based on EPA's assessment of (1) community studies reporting adverse health effects for young children potentially exposed to repeated peak NO_2 concentrations in gas stove homes, and (2) several toxicology studies which report biological damage in animals exposed repeatedly to short-term peak NO_2 concentrations. Unfortunately, as previously stated, indoor community studies have not adequately controlled for potential confounding variables (factors that vary with NO_2) that could alter the magnitude of the observed relationship between NO_2, and the health effects variables and the statistical significance of the relationship. Moreover, even if such effects are attributable solely to NO_2, neither the indoor community studies nor the animal toxicology studies adequately address what short-term concentration levels and frequencies of exposure produce them. (Information on NO_2 exposures in gas stove homes is limited to totally separate studies that indicate the 1–2 hour levels in the range of 0.15 to 0.30 ppm may occur on 75 to 180 days per year).(*38*)

Analysis of Short-Term Peaks in the Ambient Air

Despite the uncertainties mentioned above, both the Agency and the CASAC are concerned that frequent and repeated exposures for one to two hours to NO_2 levels in the range of 0.15 to 0.30 ppm may be of concern for children. For that reason, the Agency conducted an analysis of existing ambient air quality data to determine the frequency and levels of short-term ambient concentrations in areas that have annual average concentrations less than or equal to 0.053 ppm (the existing primary standard level). While the evidence concerning the health effects from short-term exposures is limited and uncertain, the purpose of the analysis was to assess the extent to which alternative annual standards would protect against short-term concentrations.

The results of the analysis are discussed in the OAQPS Staff Paper (OAQPS 78–9, II–A–7) for ambient data collected during 1977 through 1979. A similar analysis of ambient data collected during the period 1979–1981 has been placed in the docket (OAQPS 78–9, II–A–9). The Agency is conducting an exposure analysis to determine the actual population exposure to various concentrations given the daily activity patterns of exposed populations and will make it available before promulgation.

The results of the air quality analyses indicate that the number of short-term peak NO_2 concentrations in areas currently experiencing annual levels at the lower end of the CASAC range of 0.05–0.08 ppm is far less than the number of short-term peak concentrations estimated to occur in gas stove homes. Based on a detailed statistical analysis of the new data, if air quality just met the current NO_2 annual standard, EPA's best estimate is that daily maximum 1-hour concentrations would not be expected to exceed even 0.15 ppm (the lowest end of the range of potential concern) on more than 35 days per year. For all counties with annual averages currently at or below the existing 0.053 annual standard and having at least one day with a maximum 1-hour value at or above 0.15 ppm, the mean number of days with daily maximum concentrations exceeding 0.15 ppm is only 7.1 days, and the median is 3.5 days. As mentioned previously, data collected in homes separate from the community health studies indicate that levels in the range of 0.15 to 0.30 ppm NO_2 may have occurred for 1–2 hour periods on 20 to 50 percent of the days in the year (approximately 75 to 180 days per year). (*38*) For the reasons discussed above, it is not clear whether repeated exposures to NO_2 at these levels have any health significance.

Because of the large scatter in the NO_2 air quality data, the Agency could not derive a highly correlated relationship between annual concentrations and one hour levels at the same site. Therefore meeting a specified annual average does not assure that a given specified short-term level will not be exceeded (or depending on the level, will not be exceeded many times). However, there is a trend of lower one hour maxima being associated with lower annual averages. Despite the lack of a firm relationship between these averaging times, it has also been observed that where the annual average is at or below the current 0.053 standard, days with one-hour concentrations in excess of any specified level (including levels in the range of 0.15 to 0.30 ppm) tend to be fewer in number than at locations where the 0.053 ppm level is exceeded. Based on a review of the information presented in the Criteria Document and the OAQPS Staff Paper, CASAC concluded that

> • • • the primary annual standard to control long-term NO_2 concentrations can • • • be set at a level that also provides adequate protection against repeated short-term exposures.

The staff paper suggests an annual standard set within the range of .05–.08 ppm. Based on the above discussion, the need to provide adequate protection against repeated short-term peak exposures, and due to the

uncertainties of the data base, the CASAC recommends that you consider selecting a primary annual standard level at the lower end of the .05–.08 ppm range to ensure an adequate margin of safety of protection against both long-term and short-term health effects.

Proposed Action on Standard. Based on the data presented in the Criteria Document, analyses summarized in the OAQPS Staff Paper and docket report (II–A–9), and CASAC's recommendations, the Agency concludes that the current 0.053 ppm annual average standard adequately protects against adverse health effects associated with long-term exposures and provides some measure of protection against possible short-term health effects. EPA is continuing to evaluate the evidence bearing on whether a separate short-term standard is requisite to protect public health. Consequently, EPA is not proposing to set a separate short-term standard at this time.

On the basis of the preceding analyses and in view of CASAC's recommendation, EPA proposes to retain the existing 0.053 ppm annual standard. In assessing whether this standard will protect the public health with an adequate margin of safety, the Agency has considered the following factors, all of which have been discussed previously in the OAQPS Staff Paper and in this notice: (1) Concern for potentially sensitive populations that have not been adequately tested, (2) concern for repeated peak exposures and delayed effects, seen in animal studies but seldom tested in human clinical studies, (3) implications of the Orehek et al. (1976) study (*26*) in which a bronchoconstrictor was used, (4) possible synergistic or additive effects with other pollutants or environmental stresses (*27*), (5) uncertainty about exposure levels and averaging times associated with effects reported in the gas stove studies, and (6) uncertainties regarding the relationship between annual average and short-term peak NO_2 concentrations based on air quality analyses discussed above.

In view of the uncertainties mentioned above, EPA specifically solicits public comments on the proposal to retain the current 0.053 ppm annual NO_2 primary standard and the need, if any, for a separate short-term primary NO_2 standard. Public comments on this issue should identify any scientific evidence that supports any particular standard level and other relevant elements of the standard, such as averaging time, number of exceedances, and form of the standard.

Welfare Effects and the Secondary Standard

As indicated above, section 109(b) of the Clean Air Act mandates the setting of secondary NAAQS to protect the public welfare from any known or anticipated adverse effects associated with an air pollutant in the ambient atmosphere. A variety of effects on public welfare have been attributed to NO_2 and NO_x compounds. These effects include increased rates of acidic deposition, symtomatic effects in humans, vegetation effects, materials damage, and visibility impairment. The OAQPS Staff Paper (OAQPS 78–9, II–A–7) discusses each of the welfare effects of concern in detail. The following discussion summarizes the welfare-related effects discussed in the OAQPS Staff Paper, and CASAC's comments relating to the secondary NO_2 NAAQS.

The issue of acidic deposition was not directly assessed in the OAQPS Staff Paper because EPA has followed the guidance given by CASAC on this subject at its August 20–22, 1980 public meeting on the draft document, "Air Quality Criteria for Particulate Matter and Sulfur Oxides." The CASAC concluded that acidic deposition is a topic of extreme scientific complexity because of the difficulty in establishing firm quantitative relationships between emissions of relevant pollutants, formation of acidic wet and dry deposition products, and effects on terrestrial and aquatic ecosystems. Secondly, acidic deposition involves, at a minimum, the criteria pollutants of oxides of sulfur, oxides of nitrogen, and the fine particulate fraction of suspended particulates. Finally, the Committee felt that any document on this subject should address both wet and dry deposition, since dry deposition is believed to account for at least one-half of the total acid deposition problem. For these reasons, the Committee felt that a separate comprehensive document on acidic deposition should be prepared prior to any consideration of using NAAQS as a regulatory mechanism for control of acidic deposition. CASAC also suggested that a discussion of acidic precipitation be included in the criteria documents for both NO_x and particulate matter/sulfur oxides as well. In response to these recommendations, EPA is in the process of developing an acidic deposition document that will provide comprehensive treatment of this subject. EPA anticipates that a draft of this document will be reviewed by CASAC in the early summer of this year.

As defined in section 302(h) of the Act, welfare effects include effects on personal comfort and well being. Mild symptomatic effects were observed in 1 of 7 bronchitics and in 7 of 13 asthmatics during or after exposure to 0.5 ppm NO_2 for 2 hours in the Kerr et al. (1979) study. (*25*) The authors indicate that the symptoms were mild and reversible and included slight headache, nasal discharge, dizziness, chest tightness and labored breathing during exercise. In EPA's judgment, these mild symptomatic effects affect personal comfort and well being and could be considered adverse in certain situations. CASAC generally agreed with this judgment, but felt that short-term peaks associated with these effects are rarely observed in areas where the current annual standard of 0.053 ppm was met.

Evidence in the Criteria Document and information provided by plant physiologists (*41–43*) have indicated that visible injury to vegetation due to NO_2 alone occurs at levels which are above ambient concentrations generally occurring within the U.S., except around a few point sources. Several studies (*44–48*) on the effects of NO_2 alone on vegetation have failed to show plant injury at concentrations below 2 ppm for short-term exposures. For long-term exposures, such as a growing season, the lowest concentration reported to depress growth is approximately 0.25 ppm. (*43*) The concentrations which produced injury or impaired growth in these studies are higher than those which would be expected to occur in the atmosphere for extended periods of time in areas attaining a 0.053 ppm annual standard.

In regard to vegetation effects from NO_2 in combination with other pollutants, plant responses to pollutant mixtures appear to vary with concentration, ratio(s) of pollutants, sequence of exposure, and other variables. Studies examining exposure to NO_2 and SO_2 as well as to O_3 and SO_2 (*49*), (*50*) have shown that the synergistic response is most pronounced near the threshold doses of the gas combinations tested and that, as concentrations increase beyond the threshold doses, the synergistic response diminishes, often becoming additive, or in some cases, antagonistic. Therefore, although the limited evidence available indicates that low levels of NO_2 and SO_2 can have a synergistic effect, this type of response is extremely variable and has not been sufficiently documented as to low-level effects. CASAC concurred with EPA's judgment that the data do not suggest significant effects of NO_2 on vegetation at or below current ambient levels and that an annual standard of 0.053 ppm would

provide sufficient protection against significant effects on vegetation.

In regard to visibility impairment due to NO_2, the scientific evidence indicates that light scattering by particles is generally the primary cause of degraded visual air quality and that aerosol optical effects alone can impart a reddish brown color to a haze layer. Thus while it is clear that particles and NO_2 contribute to brown haze, the CASAC concurred with EPA's judgment that the quantitative relationships between NO_2 concentrations and visibility impairment useful in selecting the level of a secondary standard based on visibility have not been sufficiently established.

Finally, while NO_2 has been qualitatively associated with materials damage, CASAC concurred with EPA's judgment that the available data do not suggest major effects of NO_2 on materials for concentrations at or below the current annual standard of 0.053 ppm.

Based on an evaluation of symptomatic effects in humans, vegetation damage, visibility impairment, and materials damage and the levels at which these effects are observed, it is EPA's judgment that the current annual standard provides adequate protection against both long- and short-term welfare effects and that there is no need for a different secondary standard. For these reasons, EPA proposes to retain the secondary standard with the same level, and averaging time as the primary standard.

Form of the Standards

EPA proposes to retain the current form of the primary and secondary NAAQS for NO_2 which specifies that the annual arithmetic average must not exceed 0.053 ppm (100$\mu g/m^3$). However, EPA is considering changing the form of the standards to a statistical form and using the available annual arithmetic averages from the last three years of data to determine compliance. This would mean that the standards would be expressed as an expected annual arithmetic average (i.e., the expected annual average would be determined by averaging the annual arithmetic averages available from several years of data). EPA has previously promulgated or proposed changing from deterministic to statistical forms for the ozone and carbon monoxide standards, both of which have short-term (less then 24-hour) averaging times (44 FR 8202, 45 FR 55066).

This alternative is being considered because the current deterministic form of the standards does not fully take into account the random nature of meteorological variations. In general, annual mean NO_2 concentrations will vary from one year to the next, even if precursor emissions remain constant, due to the random nature of meteorological conditions which affect the formation and dispersion of NO_2 in the atmosphere. This means that with the deterministic form compliance with the standard, and consequently emission control requirements, may be determined on the basis of a year with unusually adverse weather conditions. At the same time, it should be noted that the problem of year to year variability is much less significant for annual average concentration standards than for short-term standards.

A change to a statistical form annual average standard could result in a slightly less stringent standard. This is because control measures would be determined by the average of the annual arithmetic averages available from up to three years of data rather than the single highest annual average in that period. While this difference would probably be small, it is of concern in assessing the health protection afforded by the primary standard and would be considered in choosing the level of the annual standard if EPA decided to restate it in a statistical form.

While EPA does not propose to make a change in the form of the NO_2 standards at this time, comments are solicited from the public on the form of the standards and the desirability of using the average of the available annual arithmetic mean concentrations from the last three years of data for determining attainment of the NO_2 primary and secondary standards.

EPA is proposing to make some minor changes in the Part 50 regulations concerning the NO_2 standards. These include restating the NO_2 primary and secondary standards to improve understanding by the public and explicitly adding a rounding convention to aid in the interpretation of the standards by State and local air pollution agencies.

Significant Harm Levels

Section 303 of the Clean Air Act authorizes the Administrator to take certain emergency actions if pollution levels in an area constitute "an imminent and substantial endangerment to the health of persons." EPA's regulations governing adoption and submittal of SIP's contain a provision (40 CFR 51.16) that requires the adoption by States of contingency plans to prevent ambient pollutant concentrations from reaching specified significant harm levels. The existing significant harm levels for NO_2 were established in 1971 (36 FR 24002) at the following levels:

2.00 ppm (3750 $\mu g/m^3$)— 1-hour average

0.50 ppm (937 $\mu g/m^3$)—24-hour average

On the basis of EPA's reassessment of the early data and assessment of more recent scientific evidence, no modifications are being proposed to the existing significant harm designations. EPA has assessed the medical evidence on exposure to higher NO_2 concentrations that could lead to significant harm. This assessment can be found in Chapter 15 of the Criteria Document. Table 15–3 of the Criteria Document indicates the types and levels of effects reported for exposure to high levels of NO_2.

Regulatory and Environmental Impacts

Regulatory Impact Analysis

As has been noted, the Clean Air Act specifically requires that NAAQS be based on scientific criteria relating to the level that should be attained to protect public health and welfare adequately. The courts (*1*), (*2*) have interpreted the Act as excluding any consideration of the cost or feasibility of achieving such a standard in determining the level of the ambient standards. However, to comply with Executive Order 12291, EPA must judge whether a regulation is a "Major" regulation for which a regulatory impact analysis (RIA) is required. The Agency has judged the NO_2 NAAQS proposal to be a major action, and, therefore, has analyzed the costs and benefits associated with attainment of alternative ambient NO_2 standards. In view of the court decisions mentioned above, EPA's analysis, "Regulatory Impact Analysis of the National Ambient Air Quality Standard for Nitrogen Dioxide (Draft)," has not been considered in issuing this proposal and will not be considered in final action on this proposal. The document is available from the address given above in the Availability of Related Information section of this notice. A final RIA will be issued at the time of promulgation.

Both the RIA and this proposal were submitted to the Office of Management and Budget (OMB) for review under Executive Order 12291. Any comments from OMB and any EPA responses to those comments are available for public inspection at EPA's Central Docket Section, Docket No. OAQPS 78–9, West Tower Lobby, Gallery I, Waterside Mall, 401 M Street, S.W., Washington, D.C.

The draft RIA contains estimates of the projected costs of alternative control

strategies associated with attainment of alternative annual standards and the projected number of urban areas exceeding alternative annual standard levels. EPA's approach to addressing benefits in the RIA focuses on reductions in exposure to short- and long-term NO_2 concentrations that are expected upon attainment of alternative annual standards. Several simplifying assumptions were made so that exposure estimates could be produced for the RIA. EPA is in the process of preparing an exposure analysis report based on the "NAAQS Exposure Model" (NEM) (*51*) which will provide exposure estimates for two urban areas based on fewer simplifying assumptions. That document will be completed and submitted to the public docket (OAQPS 78–9) prior to promulgation. Finally, the draft RIA contains estimates of the incremental cost per exposure reduction associated with attainment of alternative annual standards.

The cost and economic analysis section of the RIA is a hypothetical analysis using generalized data. Because of the complex nature of the task and wide scope of the problem, the analysis cannot be as specific as those performed by States in their SIP development process. Thus, results of the RIA can only be used in a qualitative sense and cannot be used to determine the actual attainment status of an area or the control strategies that should be implemented in a non-attainment area. The analysis predicts that only a few areas of the United States may have ambient levels near or above the proposed 0.953 ppm NO_2 NAAQS. By 1990, depending upon the assumptions used, the RIA estimates that between zero and two urban areas will need controls beyond the federal motor vehicle control program (FMVCP) for cars and trucks. These additional controls could be a motor vehicle inspection and maintenance (I&M) program or retrofit controls for utility or commercial boilers. Net annualized 1990 costs of adding these controls are estimated to be $40–$210 million in constant 1980 dollars. These costs are in addition to approximately $1,970–$2,100 million per year required for the NO_x portion of the FMVCP, and in addition to almost $150–$245 million per year incurred by industry to meet NO_x new source performance standards (NSPS). FMVCP and NSPS expenditures are not directly related to a NO_2 NAAQS, and therefore do not vary with the alternative ambient standards investigated.

Environmental Impacts

Environmental impacts associated with control of NO_x emissions have been examined in a draft environmental impact statement (EIS) that is available in the docket (OAQPS 78–9, II–A–8). The EIS indicates that controlling NO_x emissions probably results in biological, ecosystem, and esthetic benefits.

Impact on Small Entities

The Regulatory Flexibility Act requires that all federal agencies consider the impacts of final regulations on small entities, which are defined to be small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601 et seq.). EPA's analysis pursuant to this Act is summarized in a section of the draft report, "Cost and Economic Assessment of Regulatory Alternatives for NO_2 NAAQS." An NAAQS for NO_2 by itself has no direct impact on small entities. However, it forces each State to design and implement control strategies for those areas not in attainment. Three possible sources of impacts on small entities include (1) the FMVCP for cars and trucks, (2) the I&M program, and (3) the stationary source control program.

FMVCP requirements fall primarily on automobile manufacturers, none of which are classified as small businesses. Additionally, the incremental cost of NO_x control, which is passed on to purchasers of motor vehicles—including small entities—is a small fraction of the purchase price and, thus, the impact to these purchasers should be negligible.

An I&M program for NO_x control may have a slight negative economic impact on small entities, but it may also have a positive economic impact on some small entities. The estimated per vehicle average annual cost for an NO_x I&M program is expected to be less than $25 for a failed vehicle and $0.50 for a passed vehicle. These costs should not impose a significant negative economic impact on small entities. On the other hand, some small entities, such as gas stations and garages will be repairing failed vehicles resulting in a net increase in receipts due to an NO_x I&M program. In addition, if a decentralized I&M program is implemented using small businesses to inspect motor vehicles, then their net receipts will also increase due to receipt of the inspection fee, most of which they retain. (The remainder goes to the governmental unit sponsoring the area-wide I&M program.)

Finally only the largest stationary source NO_x entities hypothetically need to implement controls to attain an annual NO_2 standard. These large entities are among the largest facilities within their standard industrial class, and therefore are not likely to be small entities.

Based on the analysis summarized above, EPA concludes that no small entity group will be significantly negatively affected due to reaffirmation of the 0.053 ppm NO_2 NAAQS. Therefore, pursuant to 5 U.S.C. 605(b) the Administrator certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Impact on Reporting Requirements

There are no reporting requirements directly associated with an ambient air quality standard promulgated under section 109 of the Clean Air Act (42 U.S.C. 7409). There are, however, reporting requirements associated with related sections of the Act, particularly sections 107, 110, 160, and 317 (42 U.S.C. 7407, 7410, 7460, and 7617). EPA anticipates that this proposal will not result in any significant changes in these reportng requirements since it would retain the existing level and averaging times for the primary and secondary standards.

Revisions to Part 50 Regulations

In proposing to reaffirm the annual NO_2 standards, EPA has proposed some minor revisions to Part 50 which are described above in the section Form of the Standards.

Part 51 Regulations and SIP Development

Part D of the Clean Air Act Amendments of 1977 required States to submit revisions to their State implementation plans (SIP's) by January 1, 1979 which provided for attainment of the ambient air quality standards that were not being attained as of the date of those Amendments. Currently, there are several counties in each of three major metropolitan areas (Los Angeles, Chicago, and Denver) that are classified in whole or part as being "nonattainment" for NO_2. Since today's action proposes a reaffirmation of the NO_2 ambient standards upon which the 1979 NO_2 SIP's were based, this action will not alter any requirements of those Part D SIP's.

Federal Reference Method

The measurement principle and calibration procedure applicable to reference methods for measuring ambient NO_2 concentrations to determine compliance with the standards are not affected by this proposal. The measurement principle and the current calibration procedure

are set forth in Appendix F of 40 CFR Part 50. Reference methods—as well as equivalent methods—for monitoring NO_2 are designated in accordance with 40 CFR Part 53. A list of all methods designated by EPA as reference or equivalent methods for measuring NO_2 is available from any EPA Regional Office, or from EPA, Department E (MD-76), Research Triangle Park, N.C. 27711.

Public Participation

Due to the many complex issues which developed as criteria document revision and standard reevaluation proceeded, EPA established a standard review docket on January 31, 1980 (45 FR 6958). With this proposal, the docket already established for criteria document revision (Docket No. ECAO-CD-78-2) is being incorporated in this standard review docket (Docket No. OAQPS 78-9).

As discussed earlier in this notice, EPA has solicited public comments on succesive drafts of the revised Criteria Document and on successive drafts of the OAQPS Staff Paper. Comments on the three drafts of the revised Criteria Document have been considered in the final document, issued simultaneously with this proposal. A summry of EPA's responses to these comments has been placed in the public docket (Docket No. OAQPS 78-9).

The Clean Air Scientific Advisory Committee (CASAC) of EPA's Science Advisory Board has held four public meetings (January 30, 1979; November 12-14, 1980; February 6, 1981; and November 18, 1981) to review various drafts of the revised Criteria Document and OAQPS Staff Paper. Transcripts of all four meetings are available in docket number OAQPS 78-9. The CASAC's June 19, 1981, closure letter (*6*) to the Administrator stated that the Criteria Document was scientifically adequate for standard-setting purposes. The CASAC's July 6, 1982, closure letter (*8*) to the Administrator stated that the revised OAQPS Staff Paper (*7*) was a balanced and thorough interpretation of the scientific evidence pertaining to NO_2. During August 1982, EPA released the final OAQPS Staff Paper (*7*) which reflects the various suggestions and comments made by CASAC and members of the public.

During the CASAC meetings mentioned above and afterwards, comments were received on a variety of issues related to the review of the NO_2 standards. These comments are summarized below and have been considered in the development of this proposal.

During the public review process the areas of greatest controversy centered on various aspects of the primary standard. Many of the health studies of potential relevance to the primary standards were criticized by both the CASAC and members of the public. In particular, some commenters saw the epidemiology studies conducted in Japan by Kagawa and Toyama (1975) (*29*) and in Chattanooga, Tennessee by Shy et al. (1970) (*3,4*) and Pearlman et al. (1971) (*5*) as providing only limited qualitative support for the view that NO_2 may affect lung function and/or the onset of respiratory illness in children. Their criticism was based primarily on problems associated with the collection of air quality data.

Several epidemiology studies assessing NO_2 exposures to people living in homes with gas stoves were carefully reviewed by CASAC and generated considerable public comment. Comments submitted by industrial representatives and individual scientists indicated that various uncontrolled factors (e.g., humidity, carbon monoxide, formaldehyde) may confound the results. In addition, CASAC concluded (*8*) that the Melia et al. studies (*30-33*) do not provide quantitative dose-response data for NO_2 exposures due to the absence of short-term NO_2 measurements in the residences of the subjects evaluated. Similarly, the Speizer et al. study (*34*) was criticized for its scarcity of short-term NO_2 monitoring data.

In trying to identify the lowest convincingly demonstrated health effects level, the CASAC focused primarily on the human controlled exposure studies. With respect to short-term exposures, the Committee concluded (*8*) that "none of the controlled human exposure studies offer definitive evidence that adverse health effects occur at levels below one part per million (ppm)." Two studies in particular which generated much public controversy were conducted by Orehek et al. (1976) (*26*) and Von Nieding et al. (1977).(*27*) These studies reported effects after short-term exposure of human subjects to 0.1 ppm NO_2 or less, but CASAC recommended that the studies "not be considered in establishing a lowest observed effect level." However, CASAC did recommend that these studies be used in judging which standard provides an adequate margin of safety.

After considering these factors, the CASAC advised EPA that, while no single study provides a basis for retaining or revising the primary standards for NO_2, an accumulation of evidence from animal toxicology, human clinical, and epidemiological studies furnishes both qualitative and quantitative support for such action. CASAC also concluded that any revised primary NO_2 standard(s) needs to protect against both short- and long-term effects. However, after reviewing data on the short-term peaks observed in areas meeting alternative annual standards under consideration, CASAC concluded that an annual average standard could provide protection against both short- and long-term exposures of concern. Further, CASAC recommended that the Agency maintain a primary annual standard for NO_2 at the lower end of the 0.05 to 0.08 ppm range to ensure an adequate margin of safety against both long-term and short-term health effects.

Regarding the secondary standard review, CASAC agreed with EPA that acidic deposition was such a complex issue that it should be evaluated separately in a critical assessment document. CASAC concurred with the OAQPS Staff Paper conclusion that an annual secondary standard in the 0.05 to 0.08 ppm range would provide sufficient protection against other adverse effects on the environment and public welfare.

In developing this proposal, EPA has carefully reviewed CASAC's comments and recommendations on the NO_2 standards review, which are summarized in the two closure letters (*6,*)(*8*) to the Administrator. Based on this review, EPA believes that this proposal is consistent with CASAC's recommendations and comments.

List of Subjects in 40 CFR Part 50

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

Dated: February 17, 1984.

William D. Ruckelshaus,

Administrator.

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PART 50—NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

For the reasons set forth in the preamble, EPA proposes to amend Title 40, Chapter I, Part 50 of the Code of Federal Regulations as follows:

1. 40 CFR Part 50 is amended by revising § 50.11 to read as follows:

§ 50.11 National primary and secondary ambient air quality standards for nitrogen dioxide.

(a) The level of the national primary ambient air quality standard for nitrogen dioxide is 0.053 parts per million (100 micrograms per cubic meter) for an annual arithmetic mean concentration.

(b) The level of the national secondary ambient air quality standard for nitrogen dioxide is 0.053 parts per million (100 micrograms per cubic meter) for an annual arithmetic mean concentration.

(c) The levels of the standards shall be measured by:

(1) A reference method based on Appendix F and designated in accordance with part 53 of this Chapter, or

(2) An equivalent method designated in accordance with part 53 of this Chapter.

(d) The standards are attained when the annual arithmetic mean concentration is less than or equal to 0.053 ppm, rounded to three decimal places (fractional parts equal to or greater than 0.0005 ppm should be rounded up).

(42 U.S.C. 7408)

[FR Doc. 84-4813 Filed 2-22-84; 8:45 am]

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H.J. Res. 290/Pub. L. 98–218

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H.R. 2898/Pub. L. 98–219

To declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, and for other purposes. (Feb. 17, 1984; 98 Stat. 11) Price: $1.50

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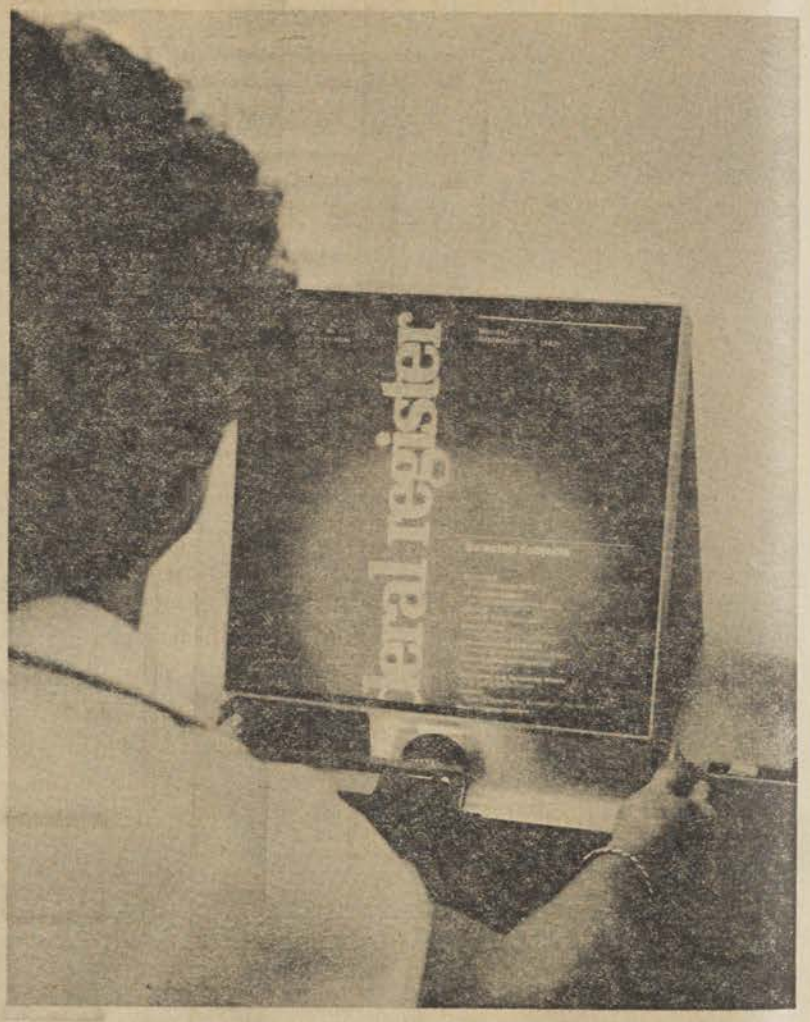

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