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Pages 27729-27918

Federal Register

Friday
July 6, 1984

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Selected Subjects

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

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Motor Carriers
Interstate Commerce Commission

Nuclear Power Plants and Reactors
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Presidential Documents

Title 3—

The President

Proclamation 5216 of July 3, 1984

National Duck Stamp Week

Golden Anniversary Year of the Duck Stamp, 1984

By the President of the United States of America

A Proclamation

Among our most cherished wildlife resources are migratory waterfowl. The ducks, geese, and swans of North America not only fascinate us with their beauty and spectacle, they remind us of the continuing values of a clean, safe, wholesome environment. The health of our waterfowl resources depends on the well-being of their environment. If the Nation's wetlands are lost, these birds and the many other fish and wildlife resources they support cannot thrive. In recognition of the vital link between wildlife and wetlands, the United States has created an extensive system of National Wildlife Refuges. This great array of wild lands and waters provides countless opportunities for our waterfowl to nest and feed. We have so many of these refuges to enjoy today because of the farsighted practices of successive generations of Americans.

This year marks the fiftieth anniversary of the passage of the Migratory Bird Hunting Stamp Act. To implement this law, the first Duck Stamp was issued later that year. The Duck Stamp was the creation of Jay N. "Ding" Darling, an award-winning editorial cartoonist and pioneer conservationist. It was his idea that every waterfowl hunter in this country had a vital stake in wetland and waterfowl conservation and that each should share in the responsibility to maintain that wildlife tradition they held so dear.

In the 50 years that have passed since the introduction of the Duck Stamp, it has become one of the Nation's most successful conservation programs. Almost 90 million of the stamps have been sold, generating more than $285 million for waterfowl conservation. All or part of 186 National Wildlife Refuges—a total of 3.5 million acres—have been acquired through Duck Stamp revenues.

In the last 50 years, Americans have become increasingly aware that wetlands provide essential habitat for ducks and geese and contribute significantly to other wildlife resources including endangered species, open space recreation, commercial and sport fisheries, flood control, groundwater recharge and water purification. A recent study by the Department of the Interior concluded that the United States is losing wetlands at the pace of nearly one-half million acres every year, an area the size of the State of Rhode Island. Clearly, the Duck Stamp program is as important today as it was in 1934.

In recognition of the contributions of the Duck Stamp program, the Congress, by Senate Joint Resolution 270, has designated the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as "Golden Anniversary Year of the Duck Stamp" and authorized and requested the President to issue an appropriate proclamation.

NOW THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of July 1 through July 8, 1984, as National Duck Stamp Week and 1984 as the Golden Anniversary Year of the Duck Stamp. I urge all Americans to observe these occasions with appropriate ceremonies and events, including participating in this program.

IN WITNESS WHEREOF I have hereunto set my hand this third day of July, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 84-18088
Filed 7-3-84; 4:51 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks of July 3, 1984, on the commemoration of the 50th year of the Duck Stamp, see the *Weekly Compilation of Presidential Documents* (vol. 20, no. 27).

Rules and Regulations

Federal Register
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Friday, July 6, 1984

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Revision of User Fees for Cotton Classification, Testing, and Standards

Correction

In FR Doc. 84-17106, beginning on page 26543, in the issue of Thursday, June 28, 1984, make the following corrections:

1. On page 26546, in § 28.956, in the table, in Item No. 2.0, in the first line, "micronair" should read "micronaire"

2. Also on page 26546, in § 28.956, in the table, in Item No. 11.0, in the fifth line, "employing and standard twist miltiplier" should read "employing a standard twist multiplier"

BILLING CODE 1505-01-M

Federal Grain Inspection Service

7 CFR Part 68

Fees for Certain Commodity Inspection Services and Rice Inspection Services

Correction

In FR Doc. 84-17208 beginning on page 26547 in the issue of Thursday, June 28, 1984, make the following corrections:

§ 68.42a [Corrected]

On page 26550, § 68.42a, column two, Table 3, second column, "Fees", entry (7), "7.70" should read "7.60" and in entry (31), "18.90" should read "18.00"

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 924

[Prune Reg. 19, Amdt. 3]

Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, Oregon; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule relaxes the surface color requirement of fresh prunes shipped from the production area from prunes having at least three-fourths purplish color to prunes having at least two-thirds purplish color. This change is necessary to assure shipments of prunes of acceptable quality in the interest of producers and consumers.

EFFECTIVE DATE: July 6, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Washington-Oregon prune crop for the benefit of producers and consumers and will not substantially affect costs for the persons directly regulated.

This amendment to Prune Regulation 19 is issued under Marketing Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Washington-Oregon Fresh Marketing Committee and upon other available information.

Prune Regulation 19 was issued on a continuing basis subject to modification, suspension, or termination upon recommendation by the committee and approval by the Secretary. The committee meets prior to and during each season to consider recommendations for modifications, suspension, or termination of the regulatory requirements for Washington-Oregon fresh prunes. Prior to making any such recommedations, the committee submits to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department reviews committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulatory requirements would tend to effectuate the declared policy of the Act.

The current regulation requiring that at least three-fourths of the surface of the prune shall be purplish in color has been in effect for one year. Prior to that time, the requirement was two-thirds. Purplish color is an indicator of maturity in fresh prunes, and, unless the fruit is mature, it will not ripen properly. The regulation was changed from two-thirds to three-fourths purplish color to advance maturity in fresh prune shipments.

During the early part of the 1983 season prunes arriving at markets were soft or overripe, had internal browning, or a combination of these conditions which are serious grade defects. The committee discussed the problem at its annual meeting on May 23, 1984, and concluded that the stricter color requirement contributed to the defect problems that occurred last season. The committee also concluded that the lower two-thirds purplish color requirement would continue to assure that fresh prunes were mature and thereby provide a satisfactory product to consumers.

Except for the change in the surface color requirement, the current grade requirement applicable to fresh prune shipments would remain unchanged.

Accordingly, the Secretary finds that upon good cause shown it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in other public rulemaking procedures, and postpone the effective date of this final

rule until 30 days after publication in the Federal Register (5 U.S.C. 553) because of insufficient time between the date when information became available upon which this action is based and the effective date necessary to effectuate the declared purposes of the Act. Washington-Oregon fresh prune handlers have been apprised of the new requirement and its effective date, and this action relieves restrictions on the handling of fresh prunes grown in Washington and Oregon. It is found that this action will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 924

Marketing agreements and orders, Prunes, Washington, Oregon.

PART 924—[AMENDED]

Therefore, § 924.319 is revised by amending that part of paragraph (a)(1) which precedes the first proviso as follows:

§ 924.319. Prune Regulation 19.

(a) * * *

(1) Such prunes grade at least U.S. No. 1, except that at least two-thirds of the surface of the prune is required to be purplish in color, and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: * *

* * * * *

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

Dated: June 29, 1984.

Thomas R. Clark,

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

[FR Doc. 84–17890 Filed 7–5–84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Pro Air Services

Correction

In FR Doc. 84–17052 beginning on page 26203 in the issue of Wednesday, June 27 1984, make the following corrections on page 26204: In the first column, in the eighth line, "Naturalization" should read "Nationality" and in the tenth line, "facilities" should read "facilitates"

BILLING CODE 1505-01-M

8 CFR Part 238

Contracts With Transportation Lines; Addition of Gull Air, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States by adding the name of Gull Air, Inc.

EFFECTIVE DATE: June 25, 1984.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with Gull Air, Inc. on June 25, 1984 to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier's name to the present listing and is editorial in nature.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

§ 238.4 [Amended]

Section 238.4 is amended by adding the name "Gull Air, Inc." under "At Freeport"

(Secs. 103 and 238 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103 and 1228))

Dated: June 29, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84–17941 Filed 7–5–84; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 309, 310, and 318

[Docket No. 84-010N]

Sulfonamide and Antibiotic Residues in Young Veal Calves; Reporting and Recordkeeping Requirements

June 22, 1984.

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: OMB reporting and recordkeeping requirements; conformation of effective date.

SUMMARY: This notice announces the approval by the Office of Management and Budget (OMB) of the reporting and recordkeeping requirements set forth in the emergency interim rule published on June 7 1984 (49 FR 23602), concerning sulfonamide and antibiotic residues in young veal calves. The interim rule was effective on June 4, 1984, except for those provisions containing reporting and recordkeeping requirements because OMB approval of such requirements had not yet been obtained. Those requirements are hereby effective.

EFFECTIVE DATE: July 6, 1984.

FOR FURTHER INFORMATION CONTACT: Dr. W.S. Horne, Assistant Deputy Administrator, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3697

SUPPLEMENTARY INFORMATION: As a result of increased levels of sulfonamide and antibiotic residues in young veal calves, the Food Safety and Inspection Service (FSIS) undertook emergency rulemaking to decrease the likelihood that adulterated meat will enter into human food channels. The interim rule intensifies implant testing procedures for detecting violative levels of sulfonamides and antibiotics in young calves up to 3 weeks in age or 159 pounds in weight. Furthermore, the interim rule provides a voluntary certification program for producers of young calves which provides for less intensified testing for such certified calves. Under the certification program,

the producer of the calves certifies that the calves have not been treated with any animal drugs or, if so, that the prescribed withdrawal period for such drugs has passed allowing the drug residues in the animals to be in compliance with tolerances approved by the Food and Drug Administration.

The interim rule was effective on June 4, 1984, except for § 309.16(d) (2)(i) and (3) which contain reporting and recordkeeping requirements. Such requirements were not to be effective until OMB approval had been obtained. The interim rule stated that when OMB had approved the reporting and recordkeeping requirements, FSIS would publish a notice of the effective date of these requirements.

This notice announces that OMB has approved the reporting and recordkeeping requirements set forth in § 309.16(d) (2)(i) and (3) of the interim rule, and that such requirements are hereby effective.

Done at Washington, DC, on June 29, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84-17891 Filed 7-5-84; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning and Preparedness

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulations to relax the frequency of participation by State and local governmental authorities in emergency preparedness exercises at nuclear power reactor sites. This relaxation reflects experience gained in observing and evaluating over 150 emergency preparedness exercises since 1980.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Accident Source Term Program Office, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 443-7615.

SUPPLEMENTARY INFORMATION: On July 21, 1983, the Commission published in the Federal Register a proposed rule relating to emergency preparedness exercises (48 FR 33307). The proposed rule retained the presently required annual, full-participation exercise with a proviso that, if all major elements in the emergency plan are performed in a satisfactory manner during the annual exercise, FEMA may recommend and the NRC may find that another exercise with State and local government participation is not required for up to 2 years. The proposed rule did not relax in any manner the annual requirement for onsite exercises that each licensee is required to conduct which include exercising the control room, technical support center, and emergency operation facility functions.

Immediately after the Commission approved publication of the proposed rule, the Director of FEMA wrote to NRC Chairman Palladino, urging the Commission to "* * * adopt biennial exercise frequency language * * *" in 10 CFR Part 50, Appendix E to assure consistency in the regulations.

FEMA's final regulation, 44 CFR 350, published in the Federal Register on September 28, 1983 (48 FR 44332), reduced State and local participation in emergency preparedness exercises to a frequency of once every 2 years. The FEMA final rule is not consistent with the position taken by the Commission in the NRC proposed rule (an annual frequency with a specific NRC finding necessary for relaxation). This difference was a source of some concern to both agencies and to some of the commenters on the NRC proposed rule. The FEMA regulation requires that a State within the plume exposure pathway EPZ fully participate in an exercise every 2 years with no requirement on the return frequency at a specific site. Typically, therefore, a State with two sites might be expected to fully participate in an exercise at a specific site at least every 4 years, a State with three sites, every 6 years; four sites, every 8 years; five sites, every 10 years, etc. Whereas, the enclosed NRC rule change stipulates that a State within the plume exposure pathway EPZ fully participate in an exercise every 2 years with a return frequency of at least once every 7 years at a specific site. Both rules require a multi-site State, when not fully participating in an exercise at a specific site, to partially participate every 2 years at that specific site in order to support the participation of the appropriate local governments.

The Commission has selected a return frequency of 7 years because presently no State has more than 7 operating and/or planned reactors and States with that number of sites or less would not be required to exercise in a full participation mode more often than about once a year.

Public Comments

The NRC proposed rule was published in the Federal Register with a 60-day comment period on July 21, 1983 (48 FR 33307). Seventy-one comment letters were received and evaluated by the NRC staff.

Those commenters (55) favoring relaxing the frequency of State and local governmental participation in emergency preparedness exercises were utilities, consulting firms representing utilities, two State Governors, State and local governmental agencies, FEMA and private citizens.

Those commenters (14) opposing relaxing the frequency of State and local governmental participation in emergency preparedness exercises were an information service, environmental groups, a State Governor, State and local governmental agencies, EPA and private citizens.

The comments raised several significant issues, to which the Commission responds as follows:

Issue No. 1

Should the Commission adopt a biennial exercise frequency for State and local government participation with a proviso for remedial exercises for the correction of serious deficiencies rather than the exercise frequency contained in the proposed rule?

Discussion: This issue was addressed by many State and local governmental comment letters whose concerns are generaly characterized by the following quote from the FEMA comment letter:

> The NRC proposal will be difficult to administer. For example, objective criteria will need to be developed for use in determining whether State and local governments have performed in a satisfactory enough manner to warrant an exemption from the succeeding year's exercise. It will be difficult to apply such criteria to the satisfaction of State and local governments. The NRC proposal would create complex situations such as what to do if some jurisdictions perform in an unsatisfactory manner and the others in a satisfactory manner. Would all jurisdictions have to exercise the next year or only the unsatisfactory ones? If only the unsatisfactory ones, an unworkable condition would result wherein some jurisdictions would be on annual and others on biennial frequency. Inequities would result. Further, the time involved for evaluating exercise results, including getting commitments from State and local governments to take corrective actions, has proved time consuming in the past. If we add time for the NRC to make a finding after FEMA's recommendation, a good portion of a year could be consumed. This would cause uncertainty and instability in State and local governments, which should be avoided.

Commission Response: The Commission recognizes the implementation difficulties with the proposed NRC approach (annual frequency with a finding to relax). This was pointed out by the NRC emergency preparedness regional inspectors, a majority of the comment letters, the general thrust in two petitions for rulemaking,[1] and the ACRS.

Issue No. 2

Will less frequent exercises result in making personnel and equipment less effective or reliable and therefore reduce the level of safety?

Discussion: A few commenters, primarily citizens and governmental organizations, addressed this issue by pointing out that State and local emergency response organizations must frequently respond to various natural and man-made emergencies. This continuum of real life emergencies exercises personnel, equipment, communication networks and organizational structures on a frequent basis.

The following quote from a comment letter summarizes this concern:

> While an emergency situation at a nuclear power plant may call for some procedures that are different from those used under other emergency situations, many of the response and evacuation measures will be similar, if not identical. A myriad of major and minor emergencies demand the maintenance of a force of personnel trained in these procedures. By responding to other emergency situations such as chemical spills, the emergency response personnel will be rehearsing many of the procedures they would use in the event of an emergency situation at a nuclear power plant. Some examples of these procedures would include notification of appropriate local authorities, establishing communication links between local, regional and state emergency response personnel, and evacuating or finding shelter for the affected population.

Commission Response: Because emergency response personnel at the State and local government level continuously respond to actual emergencies, the Commission does not consider that relaxing the frequency of State and local government participation in emergency preparedness exercises would adversely affect the health and safety of the public.

A provision has been added in the final rule to permit State or local government participation in the licensee's annual exercise. A State or local government may consider its response capability to be less than optimal because of an unusually large personnel turnover or because there have been limited responses to real emergencies in the community. The final rule requires the licensee to provide for State or local government participation if they indicate such a desire.

Issue No. 3

Will the deletion of NUREG-0654[2] as a footnote adversely affect the interface between offsite emergency plans and the licensee's emergency plans?

Discussion: The proposed rule included a provision to delete references to NUREG-0654 throughout the regulations. NUREG-0654 provides specific criteria for the evaluation of the standards in § 50.47 and is titled, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Plants." A few commenters, primarily a utility and a state governmental official, felt that the deletion of the NUREG-0654 footnote in the regulations would preclude its use by reviewers in determining the adequacy of emergency preparedness.

Commission Response: The delegation of a reference to NUREG-0654 will not affect its use as a guidance document for emergency planning. In the 1980 rulemaking, the Commission included this reference as a means of formally approving the use of NUREG-0654. See 45 FR 55402, 55408 (August 19, 1980). NUREG-0654 is endorsed by Regulatory Guide 1.101,[2] and will continue to be used by reviewers in evaluating the adequacy of emergency preparedness at nuclear power reactor sites.

Issue No. 4

Do adequate procedures exist for NRC and FEMA to evaluate whether major elements are performed satisfactorily during an exercise?

Discussion: Many commenters, primarily State and local governmental authorities as well as utilities, pointed out that there is a need for uniform evaluation of exercise performance.

Commission Response: The Commission concurs with the commenters. In order to provide for uniform evaluation of emergency preparedness exercises, FEMA has developed and now uses a document titled "Procedural Policy on Radiological Emergency Preparedness Plan Reviews, Exercise Observations and Evaluations and Interim Findings."[2] These procedures were forwarded to the FEMA regions for use on August 5, 1983.

Having considered all comments received, experience gained since 1980, input from emergency preparedness regional inspectors, the general thrust of two petitions for rulemaking, and ACRS comments, the Commission has concluded that the requirements for frequency of participation by State and local governmental authorities in emergency preparedness exercises around nuclear power reactors should be relaxed. The Commission therefore is promulgating a final rule which:

1. Continues to require licensees to conduct an annual onsite emergency preparedness exercise,
2. Requires that State and local governments participate in emergency preparedness exercises every 2 years with a provision for remedial exercises to assure that deficiencies are corrected,
3. Provides that at least once every 7 years, all States within the plume exposure pathway EPZ of a given site must fully participate in an offsite exercise for that site,
4. Requires licensees to provide an opportunity for State and local government participation in the licensees annual emergency preparedness exercise, and
5. Requires FEMA to determine the need for and extent of remedial exercises.

The final rule is not totally consistent with FEMA's final regulation (44 CFR 350). This inconsistency lies in the area of return frequency for multiple-site states as previously discussed. The FEMA position on return frequency is a significant departure from the NRC's proposed regulation (48 FR 33307) dated July 21, 1983. The Commission believes that more study is needed before deletion of the return frequency requirement can be justified.

The Commission is adopting a biennial exercise frequency for State and local government participation with a proviso for remedial exercises to assure the correction of serious deficiencies. These changes to the emergency preparedness regulations are being made because:

a. Experience in observing and evaluating over 150 exercises has shown that a disproportionate amount of

[1] On March 17, 1982, the Commission received a petition for rulemaking (PRM-50-33) from National Emergency Management Association. On August 30, 1982, the Commission received a petition for rulemaking (PRM-50-34) from the Adjutant General of the State of South Carolina. The general thrust of both petitions urged the relaxation of the frequency of emergency preparedness exercises.

[2] Copies of these documents are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies of these documents may be purchased from the Government Printing Office. Information on current prices may be obtained by writing the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

Guidance for determining the need for, and extent of, remedial exercises is being developed.

Federal, State and local government and licensee resources are being expended in order to conduct and evaluate annual emergency preparedness exercises. As a result of the substantial expenditure of resources for these exercises, fewer resources are available to establish and maintain the essential day-to-day upgraded state of emergency preparedness.

b. State and local governments respond to a variety of actual emergencies on a continuing basis, thus frequently exercising their emergency preparedness capabilities.

c. The flexibility provided for in a biennial frequency will be an incentive for State and local governments to perform in a satisfactory manner in order to avoid conducting remedial exercises.

And lastly, the Commission notes that FEMA has had almost 3 years of experience with evaluating State and local government radiological emergency planning and preparedness. With few exceptions, this experience has revealed a significant increase in the level of State and local government radiological preparedness as demonstrated in joint exercises. FEMA has evaluated approximately 150 exercises. In only five instances did FEMA determine that State and local governments did not demonstrate adequate preparedness. The Commission believes that this enhanced level of preparedness should be recognized by allowing State and local governments to exercise jointly with utilities on a biennial frequency.

On March 17 1982, the Commission received a petition for rulemaking (PRM-50-33) from National Emergency Management Association. On August 30, 1982, the Commission received a petition for rulemaking (PRM-50-34) from the Adjutant General of the State of South Carolina. The petition from the National Emergency Management Association requested the NRC to relax the frequency of full participation by State and local governments in emergency preparedness exercises from annually to biennially. The petition from South Carolina requested that the NRC reduce the frequency with which local governments must participate in a full scale emergency preparedness exercise.

The promulgation of this final rule relaxes the frequency of full participation by State and local governments in emergency preparedness exercises from annually to biennially. This rule completes NRC action by granting both petitions for rulemaking.

Finding of No Significant Environmental Impact

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. See 10 CFR 51.20(a)(1). Moreover, the Commission has determined, pursuant to 10 CFR 51.32, that the final rule has no significant environmental impact. This determination has been made because the Commission cannot identify any impact on the human environment associated with reducing the frequency of full participation of State and local governments in emergency preparedness exercises from annually to biennially.

The alternative approaches that were considered in this rulemaking proceedings were:

1. To retain the annual full participation exercise with a provision to enable relaxation to every 2 years.

2. To incorporate by reference into the NRC's regulations, the FEMA regulations governing the frequency of full participation of State and local governments in emergency preparedness exercises.

3. To relax the frequency of full participation of State and local governments in emergency preparedness exercises from annually to biennially.

There were no environmental impacts identified from any of the alternatives considered.

Because FEMA is directly involved in the evaluation of offsite emergency preparedness exercises and is affected by the promulgation of these amendments, the NRC consulted extensively with FEMA during the development of this rule.

Paperwork Reduction Act Statement

The final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

The Commission has prepared a regulatory analysis of this regulation. The analysis examines the costs and benefits of the rule as considered by the Commission. A copy of the regulatory analysis is available for inspection and copying, for a fee, at the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Michael T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 443-7615.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this final rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The final rule clarifies certain elements and findings necessary for the issuance of an operating license for a nuclear power plant licensed pursuant to sections 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies which own and operate nuclear power plants are dominant in their service areas and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. Accordingly, there is no significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 552 and 553 of Title 5 of the United States Code, notice is hereby given that the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 50 is published as a document subject to codification.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs., 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Sec. 50.7 also issued under Pub. L. 95-601, sce. 10, 92 Stat. 2951 (42 U.S.C. 5851). Secs. 50.57(d) 50.58, 50.91, and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Sec. 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Secs. 50.80-50.81 also issued under sec. 184.

68 Stat. 954, as amended (42 U.S.C. 2234). Secs. 50.100–50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10(a), (b), and (c), 50.44, 50.46, 50.48, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10(b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72; 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§ 50.47 [Amended]

2. In § 50.47 Footnote 1 is removed.

3. In Appendix E, section IV.F is revised to read as follows:

Appendix E—Emergency Planning and Preparedness for Production and Utilization Facilities

* * * * *

IV. *

F. Training.

The program to provide for (1) the training of employees and exercising, by periodic drills, of radiation emergency plans to ensure that employees of the licensee are familiar with their specific emergency response duties, and (2) the participation in the training and drills by other persons whose assistance may be needed in the event of a radiation emergency shall be described. This shall include a description of specialized initial training and periodic retraining programs to be provided to each of the following categories of emergency personnel:

a. Directors and/or coordinators of the plant emergency organization;

b. Personnel responsible for accident assessment, including control room shift personnel;

c. Radiological monitoring teams;

d. Fire control teams (fire brigades);

e. Repair and damage control teams;

f. First aid and rescue teams;

g. Medical support personnel;

h. Licensee's headquarters support personnel;

i. Security personnel.

In addition, a radiological orientation training program shall be made available to local services personnel; e.g., local emergency services/Civil Defense, local law enforcement personnel, local news media persons.

The plan shall describe provisions for the conduct of emergency preparedness exercises are follows: Exercises shall test the adequacy of timing and content of implementing procedures and methods, test emergency equipment and communications networks, test the public notification system, and ensure that emergency organization personnel are familiar with their duties.[3]

1. A full participation [4] exercise which tests as much of the licensee, State and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted for each site at which a power reactor is located for which the first operating license for that site is issued after July 13, 1982. This exercise shall be conducted within 1 year before the issuance of the first operating license for full power and prior to operation above 5% of rated power of the first reactor, and shall include participation by each State and local government within the plume exposure pathway EPZ and each State within the ingestion exposure pathway EPZ.

2. Each licensee at each site shall annually exercise its emergency plan.

3. Each licensee at each site shall exercise with offsite authorities such that the State and local government emergency plans for each operating reactor site are exercised biennially, with full or partial participation [5] by States and local governments, within the plume exposure pathway EPZ. State and local governments that have fully participated in a joint exercise since October 1, 1982, are eligible to fully participate in emergency preparedness exercises on a biennial frequency. The level of participation shall be as follows:

(a) A State shall at least partially participate in each offsite exercise at each site.

(b) A State shall fully participate in at least one offsite exercise every 2 years.

(c) At least once every 7 years, all States within the plume exposure pathway EPZ for a given site must fully participate in an offsite exercise for that site. This exercise must also involve full participation by local governments within the plume exposure pathway EPZ.

(d) Partial participation by a local government during an offsite exercise for a site is acceptable only when the local government is fully participating in a biennial exercise at another site.

(e) Each State within any ingestion exposure pathway EPZ shall exercise its plans and preparedness related to ingestion exposure pathway measures at least once every 5 years.

(f) Licensees shall enable any State or local government located within the plume exposure pathway EPZ to participated in annual exercises when requested by such State or local government.

4. Remedial exercises will be required if the emergency plan is not satisfactorily tested during the biennial exercise, such that NRC, in consultation with FEMA, cannot find reasonable assurance that adequate protective measures can be taken in the event to a radiological emergency. The extent of State and local participation in remedial exercises must be sufficient to show that appropriate corrective measures have been taken regarding the elements of the plan not properly tested in the previous exercises.

5. All training, including exercises, shall provide for formal critiques in order to identify weak or deficient areas that need correction. Any weaknesses or deficiencies that are identified shall be corrected.

4. In Appendix E, footnotes 1 and 4 are removed; footnotes 2 and 3 are renumbered as footnotes 1 and 2; and new footnotes 3, 4, and 5 are added to read as follows:

[3] Use of site specific simulators or computers is acceptable for any exercise.

[4] "Full participation" when used in conjunction with emergency preparedness exercises for a particular site means appropriate offsite local and State authorities and licensee personnel physically and actively take part in testing their integrated capability to adequately access and respond to an accident at a commercial nuclear power plant. "Full participation" includes testing the major observable portions of the onsite and offsite emergency plans and mobilization of State, local and licensee personnel and other resources in sufficient numbers to verify the capability to respond to the accident scenario.

[5] "Partial participation" when used in conjunction with emergency preparedness exercises for a particular site means appropriate offsite authorities shall actively take part in the exercise sufficient to test direction and control functions; i.e., (a) protective action decision making related to emergency action levels, and (b) communication capabilities among affected State and local authorities and the licensee.

* * * *

Dated at Washington, D.C. this 29th day of June 1984.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc 84-17784 Filed 7-5-84; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 50

Reduction of Risk From Anticipated Transients Without Scram (ATWS) Events for Light-Water-Cooled Nuclear Powerplants

Correction

In FR Doc. 84-16839 beginning on page 26036 in the issue of Tuesday, June 26, 1984, make the following corrections:

1. On page 26045, second column, tenth line "outrage" should have read "outage"

2. On page 26042, in the table reading "Guidance Regarding System and Equipment Specifications", the first column was only partially printed, and the table should have read as follows:

GUIDANCE REGARDING SYSTEM AND EQUIPMENT SPECIFICATIONS

System / Guidance	Diverse Reactor Trip System	Mitigating Systems (Recirculation Pump Trip and Automatic SLCS actuation for BWRs. Auxiliary Feedwater Actuation and Turbine Trip for PWRs)*
Safety Related (IEEE-279)	Not required, but the implementation must be such that the existing protection system continues to meet all applicable safety related criteria.	Not required, but the implementation must be such that the existing protection system continues to meet all applicable safety related criteria.
Redundancy	Not required.	Not required.

* Existing recirculation pump trip equipment installed in BWRs in accordance with previous staff requirements for the mitigation of anticipated transients without scram need not be modified.

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

10 CFR Part 1045

National Security Information

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: Executive Order 12356, "National Security Information," April 2, 1982, prescribes a uniform system for classifying, declassifying, and safeguarding National Security Information. In accordance with section 5.3(b) of that Executive Order, this rule contains those regulations that establish Department of Energy information security policy to the extent that they affect members of the public.

EFFECTIVE DATE: July 6, 1984.

FOR FURTHER INFORMATION CONTACT:
Robert T. Duff, Director, Office of Classification (DP-32), U.S. Department of Energy, Washington, DC 20545, (301) 353-3521
Leon Silverstrom, Assistant General Counsel for International Development and Defense Programs (GC-32), U.S. Department of Energy, Washington, DC 20585, (202) 252-6975.

SUPPLEMENTARY INFORMATION:.
I. Discussion
II. Procedural Requirements

I. Discussion

Section 5.3(b) of Executive Order 12356, "National Security Information," requires that agencies that originate or handle classified information shall promulgate implementing regulations. Any unclassified regulations that establish agency information security policy shall be published in the Federal Register to the extent that these regulations affect members of the public. According to 32 CFR 2001.60, those portions of implementing regulations that affect members of the public shall include, at a minimum, information relating to the agency's mandatory declassification review program and instructions for submitting suggestions or complaints regarding the agency's information security program.

These regulations were submitted to the Information Security Oversight Office for review in accordance with section 5.2(b)(3) of Executive Order 12356. These regulations also revoke Subpart B of 10 CFR Chapter X, Part 1045, which is now invalid in that it was issued to fulfill the requirements of Executive Order 12065 revoked on August 1, 1982.

II. Procedural Requirements

A. Administrative Procedures Act

These regulations are exempt from 5 U.S.C. 553 because they involve a "military or foreign affairs function of the United States" and a "matter relating to agency management." Therefore, notice or hearing is not required.

B. Section 501 of the DOE Organization Act

If the Secretary determines under section 501(c) of the Department of Energy Organization Act (42 U.S.C. 7191) that no substantial issue of fact or law exists and that the regulations in question are unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or small businesses, the regulations are exempt from the requirements of subsections (b), (c), and (d) of section 501 of that Act with respect to the promulgation of regulations. Where the Secretary determines that no substantial issue or impact exists, regulations may be promulgated in accordance with section 553 of Title 5 of the United States Code.

The Secretary has determined that this rule does not raise substantial issues of law or fact and will not have a

substantial impact on the Nation's economy or large numbers of individuals or small businesses. Therefore, no public hearing on these regulations is required under section 501. For the reasons stated in II.A., section 553 of Title 5 is not applicable to these regulations.

C. National Environmental Policy Act

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), requires Federal agencies to prepare detailed statements on proposals for major Federal actions significantly affecting the quality of the human environment. The DOE has determined that these regulations do not significantly affect the quality of the human environment; therefore, the preparation of an Environmental Impact Statement is not required.

D. Review Under Executive Order 12291

This Final Rule was reviewed under Executive Order 12291, 46 FR 12193, February 27 1981. DOE has concluded that the rule is not a "major rule" under the Executive Order, because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs of prices for consumers, individual industries, State, Federal, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Pursuant to section 3(c)(3) of Executive Order 12291, this rule was submitted to the Director of OMB for a 10-day review. The Director has concluded his review under that Executive Order.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 (5 U.S.C. 601 *et seq.*), requires, in part, that an agency prepare a final regulatory flexibility analysis for any final rule promulgated under section 553 of Title 5, after being required by that section or any other law to publish a general notice of proposed rulemaking. As stated in II. A. and B., DOE is not required by 5 U.S.C. 553 or section 501 of the DOE Organization Act to publish a general notice of proposed rulemaking in this matter. In the event that such an analysis is not required for a particular rule, the agency must publish a certification and an explanation of that determination in the Federal Register. This rule involves procedures for control of National Security Information. Its economic impact on small business is negligible. Accordingly, pursuant to section 605(b) of the Regulatory Flexibility Act, DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 10 CFR Part 1045

Classified information.

For the reasons set out in the preamble, Subpart B of 10 CFR Chapter X, Part 1045, is removed, and Subpart A of 10 CFR Chapter X, Part 1045, is revised as set forth below.

Issued in Washington, D.C. on June 25, 1984.

Robert L. Morgan,

Deputy Assistant Secretary for Defense Programs.

Part 1045 of 10 CFR Chapter X is amended by removing Subpart B and revising Subpart A to read as follows:

PART 1045—NATIONAL SECURITY INFORMATION

Subpart A—Classification and Declassification

Sec.

1045.1 Purpose.
1045.2 Scope.
1045.3 Definitions.
1045.4 Responsibilities and authorities.
1045.5 Policy.
1045.6 Mandatory review for declassification.
1045.7 Suggestions or complaints.

Authority: E.O. 12356 (47 FR 14874) April 6, 1982; Information Security Oversight Office. Directive No. 1 (47 FR 27836) June 25, 1982.

Subpart A—Classification and Declassification

§ 1045.1 Purpose.

This part establishes policy and procedures to be followed within the Department of Energy (DOE) for the classification and declassification of National Security Information (NSI) to the extent that they affect members of the public. Procedures are established for the submission of mandatory declassification review requests to the DOE made pursuant to section 3.4 of Executive Order (E.O.) 12356, "National Security Information," April 2, 1982. Instructions for submitting suggestions or complaints regarding the DOE's information security program are given.

§ 1045.2 Scope.

This part applies to the original classification and declassification of NSI and the derivative classification and declassification of documents or other material containing or revealing NSI within the DOE and its contractor and subcontractor organizations. Accordingly, Restricted Data and Formerly Restricted Data classified pursuant to the Atomic Energy Act of 1954, as amended, are outside the scope of this part.

§ 1045.3 Definitions.

(a) "Declassification" means a determination that previously classified information, documents, or other material that contain or reveal such information no longer require protection against unauthorized disclosure in the interest of national security.

(b) "Document" means any recorded information regardless of its physical form or characteristics.

(c) "Information" means any knowledge or facts, distinct from its physical form or characteristics, that is owned by, produced by or for, or is under the control of the United States Government.

(d) "Material" means any product or substance on or in which information is embodied.

(e) "National Security Information" (NSI) means information that has been determined pursuant to E.O. 12356 or any predecessor order to require protection against unauthorized disclosure and that is so designated.

(f) "Original classification" means an initial determination that information requires, in the interest of national security, protection against unauthorized disclosure, together with a classification designation signifying the level of protection required.

§ 1045.4 Responsibilities and authorities.

(a) The Assistant Secretary for Defense Programs is responsible for making final determinations on appeals submitted by individuals who have been denied all or part of documents or other material containing or revealing NSI requested under the Mandatory Review for Declassification provisions of this regulation.

(b) The Director of Classification is designated as the Senior Agency Official to direct and administer the Department's information security program, as required by section 5.3(a) of E.O. 12356. In addition, the Director of Classification is responsible for making initial denials of requests submitted by eligible individuals for documents or other material containing or revealing NSI requested under the Mandatory Review for Declassification provisions of this regulation.

§ 1045.5 Policy.

(a) It is DOE policy to classify as NSI, in accordance with the provisions of E.O. 12356, information concerning the national defense and foreign relations of

the United States which, in the interests of the United States and its citizens, must be protected against unauthorized disclosure.

(b) It is DOE policy that only individuals specifically authorized to do so by the Secretary of Energy or his designee may originally classify or declassify information or derivatively classify or declassify documents or other material. Those who possess such authority must ensure that their determinations are made upon proper authority, are in compliance with E.O. 12356 and its implementing directives, appropriate statutes, and Departmental regulations, and are consistent with approved classification policy and guidance.

§ 1045.6 Mandatory review for declassification.

(a) Except as provided in section 3.4(b) of E.O. 12356, all information classified under E.O. 12356 or its predecessor orders (i.e., National Security Information) is subject to a review for declassification by the originating agency, if the request:

(1) Is made by a United States citizen or permanent resident alien, a Federal agency, or a State or local government;

(2) Describes the document or material containing or revealing the NSI in question with sufficient specificity to enable it to be located with a reasonable effort; and

(3) Is sent to the Director of Classification, U.S. Department of Energy, Washington, DC 20545.

(b) Requests for mandatory declassification reviews will be processed as follows:

(1) *Invalid requests.* The requester will be notified promptly by the Office of Classification when his or her request is not valid. This notification letter will contain the reasons why the request cannot be processed and, if applicable, what additional information is needed to allow processing of the request.

(2) *Valid requests.* Upon receipt of a valid request for mandatory declassification review, the Office of Classification shall do the following:

(i) Contact all appropriate organizations within the Department requesting that their files be searched for documents and material responsive to the request.

(ii) Based on the results of the above search, determine if estimated review and coordination time required to process the request precludes a prompt declassification determination, and if so, inform the requester of the additional time needed to process the request.

(iii) Review the documents or other material responsive to the request and determine whether or not the NSI under the purview of the Department contained in or revealed by the documents or other material can be declassified.

(iv) Coordinate with other agencies the review of documents or other material originated by the Department that are responsive to the request and that contain information under the purview of those agencies.

(v) After deletion of all NSI under the purview of the Department, forward a copy of any documents or other material originated by another agency to that agency for further processing and direct response to the requester, including a copy of the request together with recommendations for action and, after consultation with the originating agency, inform the requester of the referral.

(vi) Transmit to the requester the final determination of the Director of Classification as to whether all or part of any documents or other material responsive to the request may be released to the requester. This determination must be made within one year from the date of receipt of the request except in unusual circumstances (e. g., delays caused by coordination of the review of responsive documents or other material originated by the Department with agencies having purview over information contained in or revealed by the documents or other material).

(vii) In those cases where a fee (see 10 CFR 1004.9 for schedule of fees charged for documents or material provided to requesters) is to be charged, notify the requester of the estimated amount of the fee and await confirmation by the requester of willingness to pay the fee.

(viii) In those cases where no fee is to be charged, or where the requester has agreed to pay the fee, and consistent with other applicable law, send the requester copies of declassified documents or other material or declassified portions of classified documents or other material that constitute coherent segments.

(ix) In those cases where all or part of documents or other material responsive to a request cannot be declassified, notify the requester that he or she has the right to administratively appeal the denial within 60 days of receipt of the denial letter. The requester should be notified that the appeal shall specify why the requester believes that the information in question does not warrant classification and, if possible, should include copies of the initial request letter and the denial letter from the Director of Classification. The appeal should be sent to the Assistant Secretary for Defense Programs, U.S. Department of Energy, Washington, DC 20545.

(c) Appeals of denials of mandatory declassification review requests.

(1) Immediately upon receipt of an appeal request, an ad hoc committee will be assembled and headed by a representative from the Office of the Assistant Secretary for Defense Programs and made up or representatives from any Department organizations that have an interest in the subject of the appeal.

(2) The Office of Classification will provide the committee all information, documents, and any other assistance pertinent to the appeal, and will advise the committee with regard to the classification of the information involved.

(3) The committee will review the basis for the denial and transmit its findings and recommendations to the Assistant Secretary for Defense Programs within 15 working days following receipt of the appeal.

(4) Based on the committee report, the Assistant Secretary for Defense Programs shall make a final determination on the appeal within 25 working days following receipt of the appeal. The head of the committee then shall notify the requester, within 30 working days following receipt of the appeal, in writing, of the final determination. Based on this determination and consistent with other applicable law, copies of declassified documents or other material or declassified portions of classified documents or other material responsive to the request will be released to the requester, upon payment of any required fees, and/or the requester will be given a statement as to why some or all of the documents or other material cannot be declassified.

§ 1045.7 Suggestions or complaints.

Any individual who has suggestions or complaints regarding the Department's information security program may direct them in writing to the Director of Classification, U.S. Department of Energy, Washington, DC 20545. Such letters should include a description of the issue or problem, the suggestion or complaint, all applicable background information, and an address to which a response may be sent. The Office of Classification will review such submissions and will respond to the originator of the suggestion or complaint letter.

[FR Doc. 84-17779 Filed 7-5-84; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-AWP-2]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revisions to VOR Federal Airways, Hawaii

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action revokes two and alters 11 VOR Federal Airways in the State of Hawaii as necessitated by the imminent relocation of the Honolulu, HI, Very High Frequency Omni Range and Tactical Air Navigation (VORTAC) facility. Complementary actions to revoke certain and establish new Compulsory Reporting Points associated with this rule are being accomplished by separate rulemaking in Airspace Docket No. 84-AWP-9.

DATES: Effective date—August 30, 1984. Comments must be received on or before August 20, 1984.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 84-AWP-2, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

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: William C. Davis, 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) 426-8782.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves an emergency action to modify the airspace because of an imminent relocation of a navigational facility 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 § 71.127 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke in the State of Hawaii V-9 and V-14 and alter V-11, V-12, V-13 V-15, V-16, V-2, V-20, V-21, V-22, V-4 and V-8. While these actions for the most part would be necessitated by the relocation of the Honolulu, HI, VORTAC, some simply reflect the codification of routes being requested and assigned by air traffic controllers. Coincidentally and in the interests of standardization, the base altitude of certain airways would be lowered to the nonvariation altitude specified in § 71.5 (1,200) feet above the surface). The airways that would have a lowered base altitude are V-12, V-13, V-15, and V-8.

Certain Compulsory Reporting Points would also be revoked and new ones established to complement this action. This would be accomplished under Airspace Docket No. 84-AWP-9. Section 71.127 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

ICAO Considerations

As part of this amendment relates to navigable airspace outside the United States, this action is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state designated by ICAO wherein air traffic services are provided, and also over high seas or in airspace of undetermined sovereignty when a contracting state accepts the responsibility of providing air traffic services in that airspace. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to alter the airspace and routes as necessary for compatibility with the imminent relocation of the Honolulu, HI, VORTAC. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective 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, § 71.127 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., August 30, 1984, as follows:

§ 71.127 [Amended]

V-11 [Revised]

From INT Kona, HI, 323° and Upolu Point, HI, 211° radials; via Upolu Point; INT Upolu Point 349° and Maui, HI, 080° radials; to Maui.

V-12 [Revised]

From INT South Kauai, HI, 245° radial and long. 161°23'22.6" W. via INT South Kauai 245° and Honolulu, HI, 269° radials; Honolulu; Koko Head, HI, to INT Koko Head 050° and Upolu Point, HI, 355° radials.

V-13 [Revised]

From Koko Head, HI, via INT Koko Head 050° and Molokai, HI, 015° radials to INT Molokai 015° and lat. 22°46'00" N.

V-14 [Revoked]

V-15 [Revised]

From INT South Kauai, HI, 288° radial and long. 162°37'11" W. via South Kauai; Lihui, HI; INT Lihui 121° and Honolulu, HI, 269° radials; Honolulu; Koko Head, HI; Molokai, HI; Maui, HI; INT Maui 095° and Hilo, HI, 336° radials; Hilo to INT Hilo 099° radial and long. 151°53'00" W.

V-16 [Revised]

From INT South Kauai, HI, 271° radial and long. 162°45'28.6" W. via South Kauai; INT South Kauai 122° and Lanai, HI, 289° radials; Lanai; Upolu Point, HI; INT Upolu Point 108° and Hilo, HI, 336° radials to Hilo.

V-2 [Amended]

By deleting the words "South Kauai, HI, Lihue, HI, INT Lihue 130° and Honolulu, HI, 269° radials; Honolulu; and substituting the words "Honolulu, HI, via"

V-20 [Amended]

By deleting "134°" and substituting "136°"

V-21 [Revised]

From Honolulu, HI, via INT Honolulu 182° and Lanai, HI, 289° radials; Lanai; INT Lanai 106° and Hilo, HI, 033° radials; INT Upolu Point, HI, 093° and Hilo 078°; to INT Hilo 078° and long. 152°14'00" W. The airspace within R-3104 is excluded.

V-22 [Revised]

From Molokai, HI, via INT Molokai 082° and Maui, HI, 331° radials; Maui; INT Maui 095° and Hilo, HI, 321° radials; Hilo; to INT Hilo 078° radial and long. 152°14'00" W.

V-4 [Revised]

From Honolulu, HI, to INT Honolulu 252° radial and long. 160°53'09" W.

V-8 [Revised]

From Honolulu, HI, via INT Honolulu 182° and Molokai, HI, 265° radials; Molokai; to INT Molokai 067° and Upolu Point, HI, 010° radials.

V-9 [Revoked]

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); (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., June 28, 1984.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 84-17875 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 84-AWP-9]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revocation and Establishment of Compulsory Reporting Points; Hawaii

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes seven Compulsory Reporting Points, editorially corrects the location of another, establishes five others over the Pacific Ocean west and southwest of the State of Hawaii. This action complements the rule issued under Airspace Docket No. 84-AWP-2 which alters the airspace associated with the relocation of the Honolulu air navigation facility.

DATES: Effective date—August 30, 1984. Comments must be received on or before August 20, 1984.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 84-AWP-9, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

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: William C. Davis, 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) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves an emergency action associated with the imminent relocation of the Honolulu, HI, VORTAC 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 helful 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 § 71.215 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to: (1) Revoke BROMS, SILLS, MAKAI, LULUS, VANDA, POTEN, DOGGY and PALMS Compulsory Reporting Points; (2) correct the location of SHARK Compulsory Reporting Point by changing the Upolu Point, HI, 355° radial to 354° radial; and (3) establish Compulsory Reporting Points on routes which are proposed as VOR Federal Airway alterations under Airspace Docket No. 80-AWP-2. The new Compulsory Reporting Points are: (1) CHOKO on revised V-4 at 187 nautical miles southwest of the Honolulu VORTAC; (2) KATHS on revised V-12 at 115 nautical miles southwest of the South Kauai, VORTAC; (3) NONNI on revised V-12 at 170 nautical miles west/southwest of the Honolulu VORTAC; (4) SILVA on revised V-16 at 180 nautical miles west of the South Kauai VORTAC; and (5) CANON on revised V-15 at 180 nautical miles west of the South Kauai VORTAC. The establishment of these Compulsory Reporting Points would enable air traffic controllers to automatically and accurately identify when a transfer of responsibility has taken place between Honolulu Air Route Traffic Control Center and outlying air traffic control facilities. Section 71.215 of Part 71 of the Federal Aviation Regulations was

republished in Handbook 7400.6 dated January 3, 1984.

ICAO Consideration

As part of this amendment relates to navigable airspace outside the United States, this action is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state designated by ICAO wherein air traffic services are provided, and also over high seas or in airspace of undetermined sovereignty when a contracting state accepts the responsibility of providing air traffic services in that airspace. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to revoke certain and establish new Compulsory Reporting Points in the airspace associated with altered airspace created by the relocation of the Honolulu, HI, VORTAC. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective on the next charting date.

List of Subjects in 14 CFR Part 71

Compulsory reporting points.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.215 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., August 30, 1984, as follows:

§ 71.215 [Amended]

Choko: [New]

INT Honolulu, HI, 252° radial and long. 160°53'09" W.

Kaths: [New]

INT South Kauai, HI, 245° radial and long. 161°23'22.6" W.

Nonni: [New]

INT South Kauai, HI, 145° and Honolulu, HI, 269° radials.

Shark [Amended]

By deleting "355°" and substituting "345°"

Silva: [New]

INT South Kauai, HI, 271° radial and long. 162° 45'28.6" W.

Canon: [New]

INT South Kauai, HI, 288° radial and long. 162° 37'11" W.

Broms [Revoked]

Doggy [Revoked]

Makai [Revoked]

Palms [Revoked]

Poten [Revoked]

Sills [Revoked]

Vanda [Revoked]

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves and 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 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 June 29, 1984.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 84-17878 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 24134; Amdt. No. 1272]

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

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

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

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO-230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-8277

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

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

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

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

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment

PART 97—[AMENDED]

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

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

* * * Effective August 30, 1984

Greencastle, IN—Putnam County, VOR/DME-A, Amdt.4
Indianapolis, IN—Eagle Creek Airpark, VOR-A, Amdt. 5
Indianapolis, IN—Indianapolis Intl, VOR RWY 13, Amdt. 22
Indianapolis, IN—Indianapolis Terry, VOR RWY 36, Amdt. 6
Shelbyville, IN—Shelbyville Muni, VOR RWY 18, Amdt. 8
Sheridan, IN—Sheridan, VOR/DME-A, Amdt. 3
Jackson, MI—Jackson County-Reynolds Field, VOR RWY 6, Amdt. 14
Jackson, MI—Jackson County-Reynolds Field, VOR RWY 14, Amdt. 13
Jackson, MI—Jackson County-Reynolds Field, VOR RWY 24, Amdt. 16
Jackson, MI—Jackson County-Reynolds Field, VOR RWY 32, Amdt. 12
Lansing, MI—Capital City, VOR RWY 6, Amdt. 20
Marshall, MI—Brooks Field, VOR RWY 28, Amdt. 9

Effective August 16, 1984

Berlin, NJ—Camden-Burlington County, VOR-A, Amdt. 1, Cancelled
Manahawkin, NJ—Manahawkin, VOR-A Amdt. 1
Princeton (Rocky Hill), NJ—Princeton, VOR-A, Amdt. 6
Point Pleasant, WV—Mason County, VOR/DME-A, Amdt. 2

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

* * Effective August 30, 1984

Indianapolis, IN—Eagle Creek Airpark LOC RWY 21, Amdt. 2
Elko, NV—Elko Muni-J.C. Harris Field, LDA/DME RWY 23, Amdt. 2

* * * Effective August 16, 1984

Albany, GA—Albany-Dougherty County, LOC BC RWY 22, Amdt. 5
Rocky Mount, NC—Rocky Mount-Wilson, LOC BC RWY 22, Amdt. 2
Summersville, WV—Summersville, SDF RWY 4, Amdt. 1

* * Effective August 2, 1984

Schenectady, NY—Schenectady County, LOC RWY 4, Amdt. 2, Cancelled

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

* Effective August 30, 1984

Crawfordsville, IN—Crawfordsville Muni, NDB RWY 4, Amdt. 4
Indianapolis, IN—Eagle Creek Airpark, NDB RWY 21, Amdt. 2
Indianapolis, IN—Indianapolis Intl, NDB RWY 4L, Amdt. 17
Indianapolis, IN—Indianapolis Intl, NDB RWY 31, Amdt. 10
Indianapolis, IN-Indianapolis Terry, NDB RWY 36, Amdt. 2
Jackson, MI—Jackson County-Reynolds Field, NDB RWY 24, Amdt. 9
Valley City, ND—Barnes County Muni, NDB RWY 31, Orig.

* * * Effective August 16, 1984

Baton Rouge, LA—Baton Rouge Metropolitan/Ryan Field, NDB RWY 13, Amdt. 22
Caldwell, NJ—Essex County, NDB-A, Amdt. 3
Caldwell, NJ—Essex County, NDB RWY 22, Amdt. 4
Rocky Mount, NC—Rocky Mount-Wilson, NDB RWY 4, Amdt. 5
Guymon, OK—Guymon Muni, NDB RWY 18, Amdt. 4
Summersville, WV—Summersville, NDB RWY 4, Amdt. 1

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

* * Effective August 30, 1984

Indianapolis, IN—Indianapolis Intl, ILS RWY 4L, Amdt. 20
Indianapolis, IN—Indianapolis Intl, ILS RWY 13, Amdt. 1
Indianapolis, IN—Indianapolis Intl, ILS RWY 22R, Amdt. 5
Indianapolis, IN—Indianapolis Intl, ILS RWY 31, Amdt. 13
Indianapolis, IN—Indianapolis Terry, ILS RWY 36, Amdt. 1
Jackson, MI—Jackson County-Reynolds Field, ILS RWY 24, Amdt. 9

* * Effective August 16, 1984

Denver, CO—Stapleton Intl, ILS RWY 35R, Amdt. 7

Baton Rouge, LA—Baton Rouge Metropolitan/Ryan Field, ILS RWY 13, Amdt. 23

Rocky Mount, NC—Rocky Mount-Wilson, ILS RWY 4, Amdt. 10

* * Effective August 2, 1984

Schenectady, NY—Schenectady County, ILS RWY 4, Orig.

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

Effective August 30, 1984

Indianapolis, IN—Indianapolis Intl, RADAR-1, Amdt. 26

Effective August 16, 1984

Charlotte, NC—Charlotte/Douglas Intl, RADAR-1, Amdt. 17

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

Effective August 30, 1984

Indianapolis, IN—Indianapolis Terry, RNAV RWY 18, Amdt. 4

Effective August 16, 1984

Monroe, MI—Custer, RNAV RWY 20, Orig.

Princeton (Rocky Hill), NJ—Princeton, RNAV RWY 10, Amdt. 2

Effective August 2, 1984

Tucson, AZ—Tucson Intl, RNAV RWY 11L, Amdt. 1, Cancelled

New Orleans, LA—New Orleans Intl (Moisant Field), RNAV RWY 1, Amdt. 6, Cancelled

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

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

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

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 84-17879 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket Nos. 79N-0366 and 83C-0128]

D&C Yellow No. 10; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of April 9, 1984, for the amended portion of the regulations that permanently list D&C Yellow No. 10 as a color additive for general use in drugs and cosmetics excluding use in the area of the eye.

DATE: Effective date confirmed: April 9, 1984.

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

SUPPLEMENTARY INFORMATION: FDA published a final rule on August 30, 1983 (48 FR 39217), amending the color additive regulations by permanently listing D&C Yellow No. 10. The final rule added § 74.1710 (21 CFR 74.1710), which lists D&C Yellow No. 10 for use in coloring drugs, and § 74.2710 (21 CFR 74.2710), which lists D&C Yellow No. 10 for use in coloring cosmetics, excluding use in the area of the eye. The final rule also amended §§ 81.1(b), 81.25 (a)(1), (b)(1)(i), and (c)(1), and 81.27(d) (21 CFR 81.1(b), 81.25 (a)(1), (b)(1)(i), and (c)(1), and 81.27(d)) by removing the entries for D&C Yellow No. 10 from these regulations. Finally, the final rule revised § 82.1710 (21 CFR 82.1710) to state that D&C Yellow No. 10 shall conform in identity and specifications to the requirements of § 74.1710 (a)(1) and (b).

The final rule which permanently listed D&C Yellow No. 10 was stayed by the filing of objections. Because FDA's review and evaluation of the objections required more time than the agency anticipated, FDA extended the closing date for the provisional listing of D&C Yellow No. 10 until March 5, 1984, in a final rule published in the Federal Register of January 3, 1984 (49 FR 61). FDA published its response to the objections in a final rule on March 7, 1984 (49 FR 8429), which terminated the stay, confirmed the September 30, 1983 effective date of the final rules, and further amended the uses and restrictions portion of the August 30, 1983 final rules in §§ 74.1710(c) and 74.2710(b) (21 CFR 74.1710(c) and 74.2710(b)) to provide for use of the color additive in drugs and cosmetics generally, excluding use in the area of the eye, in amounts consistent with current good manufacturing practice.

FDA gave interested persons until April 6, 1984, to file objections or requests for hearing on the amended portion (on uses and restrictions) of the March 7 1984 final rule. The agency received no objecions or requests for a hearing. Therefore, FDA concludes that it should confirm the April 9, 1984 effective date of the amended portion (on uses and restrictions) of the agency's March 7 1984 final rule on D&C Yellow No. 10.

List of Subjects in 21 CFR Part 74

Color additives, Color additives subject to certification, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706 (b), (c), and (d), 52 Stat. 1055-1056 as amended, 74 Stat. 399-403 as amended (21 U.S.C. 371, 376 (b), (c), and (d))) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the March 7 1984 final rule. Accordingly, the amendments promulgated thereby became effective on April 9, 1984.

Dated: June 29, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-17868 Filed 7-5-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CCGD12 84-03]

Special Local Regulations; Sacramento Water Festival

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the annual Sacramento Water Festival on the Sacramento River. The purpose is to

control vessel traffic in designated areas and within the vicinity of the Water Festival. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on July 7 1984 and thereafter annually on the first Saturday and the following Sunday in July.

FOR FURTHER INFORMATION CONTACT: Lt. Bob Olsen, c/o Commander (bt), Twelfth Coast Guard District, Government Island, Alameda, California 94501, (415) 437-3309.

SUPPLEMENTARY INFORMATION: On June 4, 1984, the Coast Guard published a notice of proposed rule making in the Federal Register for these regulations (49 FR 23077). Interested persons were requested to submit comments and no comments were received.

Annual notice of these regulations will be published in the LOCAL NOTICE TO MARINERS. This final rule is made effective in less than 30 days after publication in order to provide for the 1984 Sacramento Water Festival which begins on July 7 1984.

Drafting Information

The drafters of these regulations are Lt. Bob Olsen, Chief Boating Technical Branch, Twelfth Coast Guard District and Lt. Charles Amen, Project Attorney, Twelfth Coast Guard District Legal Office.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Because the marine event closes navigation on a short segment of the Sacramento River for only a total of five two-hour periods during the two day event and provides for the passage of commercial and recreational vessels, it is expected that there will be no significant impact on recreational vessels, commercial vessels, or other marine interests.

Since the impact of these regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding § 100.1202 to read as follows:

§ 100.1202 Sacramento River—Sacramento Water Festival.

The Sacramento Water Festival Association, Sacramento, California sponsors the Sacramento Water Festival annually on the first Saturday and the following Sunday of July. This event will consist of high speed powerboat races over a closed course with 18 foot Formula I powerboats competing, plus raft races, kayak races, jet ski races, water ski exhibitions, fire works display and other activities.

(a) *Effective Dates.* This section is effective from 0900 to 1700 PDT, 7 and 8 July 1984 and thereafter annually on the first Saturday and the following Sunday in July as published in the LOCAL NOTICE TO MARINERS.

(b) *Applicable Areas.* The following areas are designated "Regulated Areas" during the Sacramento Water Festival:

(1) *Special Events Area.* That portion of the Sacramento River east of the Sacramento County/Yolo County line from 200 yards north of the Capitol Avenue Tower Bridge south to 200 yards south of the Pioneer Memorial Bridge, a distance of approximately 1.00 statute mile, will be closed to all navigation from 0900 to 1700 daily.

(2) *Formula I Power Boat Race Course Area.* That portion of the Sacramento River from 200 yards north of the Capitol Avenue Tower Bridge sourth to 200 yards south of the Pioneer Memorial Bridge, a distance of approximately 1.00 statute mile, will be closed to navigation during the Formula I power trials and races as follows:

On Saturday:

9:30 AM to 11:30 AM PDT
12:00 noon to 2:00 PM PDT
2:30 PM to 4:30 PM PDT

On Sunday:

12:00 noon to 2:00 PM PDT
2:30 PM to 4:30 PM PDT

(c) *Regulations.* (1) All vessels not officially involved with the Sacramento Water Festival will remain outside of the regulated areas during periods of closure.

(2) No vessel shall anchor or drift in the area restricted to navigation.

(3) All vessels not officially involved with the Sacramento Water Festival shall proceed directly through the Formula I Power Boat Race Course Area when it is open to navigation in a safe, and prudent manner, staying to the West of the line of buoys marking the Special Events Area.

(4) All vessels in the vicinity of the regulated areas shall comply with the instructions of the U.S. Coast Guard or local enforcement patrol personnel.

(33 U.S.C. 1233; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: June 21, 1984.

C. E. Larkin,

Vice Admiral, U.S. Coast Guard, Commander, Twelfth Coast Guard District.

[FR Doc. 84-17921 Filed 7-5-84; 8:45 am]
BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD13 84-10]

Special Local Regulations; 1984 Clarkston, Washington Limited Hydroplane Races

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for a part of the Snake River at Clarkston, WA from the area west of the confluence of the Snake and Clearwater Rivers, to the area east of the Red Wolf Crossing Bridge. The special regulations will be in effect daily on 6 and 7 July 1984 during the hours 0800-1800 Pacific Daylight Time (PDT), and on 8 July 1984 from 0800 until one hour after the conclusion of the last race. This action is required to promote the safe conduct of the Clarkston, WA Limited Hydroplane Races, an approved marine event, scheduled for this time period. It is intended to restrict general navigation in the area for the safety of spectators and participants in this event.

EFFECTIVE DATES: These regulations become effective on 6 and 7 July 1984 during the hours of 0800-1800 and on 8 July 1984 from 0800 until one hour after the conclusion of the last race.

FOR FURTHER INFORMATION CONTACT: LCDR M. P. TROSETH, Chief, Group Operations Department, U.S. Coast Guard Marine Safety Office, 6767 N. Basin Avenue, Portland, OR 97217, (503) 240-9317.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. Although the application to hold the event was received in time to process the application for a permit, there was not sufficient time to publish

proposed rules in advance of the event or to provide for a delayed effective date. Although this special local regulation is published as a final rule without prior notice, public comment is nontheless desirable to ensure that the regulation is both workable and reasonable. Accordingly, persons wishing to comment may do so to the office listed under "FOR FURTHER INFORMATION CONTACT" above. Comments should include the names and addresses of the persons submitting the comment, identify the docket number for rulemaking, and give reasons for the comments. Based on comments received, the regulation may be changed.

Drafting Information

The principal persons involved in the drafting of this regulation are LTJG K. M. QUANN, USCGR, Project Officer, U.S. Coast Guard Marine Safety Office, Portland, OR, and LT A. W. BOGLE, USCGR, Project Attorney, Thirteenth Coast Guard District Legal Office.

Discussion of Regulations

Each year, the Clarkston, Washington Chamber of Commerce sponsors a limited hydroplane race on the Snake River near Clarkston, WA. The event draws a large number of spectators to the beaches and waters surrounding the race course. A large number of spectators watch the event from numerous pleasure craft anchored near the race course. This special navigation regulation is necessary to provide Coast Guard personnel with the authority to control and coordinate general navigation in the waters surrounding the race course during the event.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5). An economic evaluation of this notice has not been conducted since its impact is expected to be minimal. This regulation affects a short section of the Snake River with only light commercial traffic and will be in effect for only three (3) days, two of those being Saturday and Sunday. During the hours of the races, 6 through 8 July 1984, the Patrol Commander will allow commercial traffic to transit the area between races. It is certified in accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164) that these rules will not have a significant economic impact on a substantial number of small entities. This is clear from the limited, if any, impact on commercial traffic that will occur as a result of this final rule. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended by adding § 100.35–1304 to read as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

§ 100.35–1304 1984 Clarkston, Washington Limited Hydroplane Race.

(a) From 6 to 7 July 1984, this regulation will be in effect from 0800 to 1800 Pacific Daylight Time (PDT). On 8 July 1984, this regulation will be in effect from 0800 until one hour after the conclusion of the last race.

(b) The Coast Guard will restrict general navigation and anchorage by this regulation during the hours it is in effect on the waters of the Snake River at Clarkston, WA from the area west of the confluence of the Snake and Clearwater Rivers, to the area east of the Red Wolf Crossing Bridge.

(c) When deemed appropriate, the Coast Guard may establish a patrol consisting of active and auxiliary Coast Guard vessels in the area described in paragraph (b). The patrol shall be under the direction of a Coast Guard officer or petty officer designated as Coast Guard Patrol Commander. The Patrol Commander is empowered to forbid and control the movement of vessels in the area described in paragraph (b) of this section.

(d) The Patrol Commander may authorize vessels to be underway in the area described in paragraph (b) of this section during the hours this regulation is in effect. All vessels permitted to be underway in the controlled area shall do so only at speeds which will create minimum wake, seven (7) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(e) A succession of sharp, short signals by whistle, siren, or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: June 27, 1984.

H. W. Parker,

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

[FR Doc. 84–18072 Filed 7–5–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD 13 84–03]

Regatta; Establishment of Controlled Navigation Area for Seattle Seafair 7–11 Freedom Cup Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This regulation establishes an area of controlled navigation upon the waters of Lake Washington from August 2 through August 5, 1984. This is necessary due to the Unlimited Hydroplane Races scheduled for this time period as part of Seattle's Seafair 7–11 Freedom Cup Race. The Coast Guard through this action intends to ensure the safety of spectators and participants in this event.

EFFECTIVE DATES: This regulation is effective from August 2 until one hour after the conclusion of the last race on August 5, 1984.

FOR FURTHER INFORMATION CONTACT: Capt. P D. Russell, Chief, Search and Rescue Branch, Thirteenth Coast Guard District, (206)442–5880.

SUPPLEMENTARY INFORMATION: On March 8, 1984, the Coast Guard published a Notice of Proposed Rulemaking in the Federal Register for these regulations (49 FR 8631). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of this regulation are CDR D.H. Hagen, USCGR, Project Officer, Thirteenth Coast Guard District, Search and Rescue Branch, and LT A. W. Bogle, USCGR, Project Attorney, Thirteenth Coast Guard District Legal Office.

Discussion of Comments

No comments were received during the Notice of Proposed Rulemaking for this final rule. Minor editorial changes were made in the final rule to improve the overall clarity of the rule.

Economic Assessment and Certification

This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the Regulations only apply to a small area of Lake Washington. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding section 100.35–1314 to read as follows:

§ 100.35–1314 Lake Washington 1984 Seattle Seafair 7–11 Freedom Cup Race.

(a) From August 2 to August 4, 1984 this regulation will be in effect from 0800 until 1700 Pacific Daylight time. On August 5, 1984, this regulation will be in effect from 0800 until one hour after the conclusion of the last race.

(b) The area where the Coast Guard will restrict general navigation by this regulation during the hours it is in effect is:

(1) The waters of Lake Washington bounded by the Mercer Island (Lacey V Murrow) Bridge,the western shore of Lake Washington, and the east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

(c) The area described in paragraph (b) of this section has been divided into two zones. The zones are separated by a log boom and a line from the southeast corner of the boom to the northeast tip of Bailey Peninsula. The western zone is designated Zone I, the eastern zone, Zone II. (Refer to NOAA chart 18447.)

(d) The Coast Guard will maintain a patrol consisting of active and auxiliary Coast Guard vessels in Zone II. The Coast Guard patrol of this area is under the direction of the Coast Guard Patrol Commander (the "Patrol Commander"). The Patrol Commander is empowered to control the movement of vessels on the race course and in the adjoining waters during the periods this regulation is in effect.

(e) Only authorized vessels may be allowed to enter Zone I during the hours this regulation is in effect. Vessels within Zone II shall maneuver and anchor as directed by Coast Guard Officers or Petty Officers.

(f) During the times in which this regulation is in effect, swimming, wading, or otherwise entering the water in Zone I by any person is prohibited.

(g) Vessels (other than race participants and rescue craft in the case of an emergency) proceeding in either Zone I or in Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake, seven (07) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(h) Upon completion of the daily racing activities, all vessels leaving either Zone I or Zone II shall proceed at speeds of seven (07) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(i) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); 33 CFR 100.35)

Dated: June 21, 1984.

H. W. Parker,

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

[FR Doc. 84–17823 Filed 7–5–84; 8:45 am]
BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 1–84–7]

Drawbridge Operation Regulation; Danvers River, Massachusetts

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of local businessmen, the Coast Guard is changing the regulations for the Route 1A bridge over the Danvers River, between Salem and Beverly, by permitting a one and a half hour noontime closure of the drawspan between June 1 and October 31. This action will accommodate the needs of vehicular traffic between Salem and Beverly and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: July 6, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, Boston, MA 02114 (617–223–0645).

SUPPLEMENTARY INFORMATION: On 15 March 1984, the Coast Guard published a proposed rule (49 FR 9751) concerning this amendment. The Commander, First Coast Guard District also published a proposal concerning an amendment to the existing regulations on 17 January 1984. Interested persons were given until 30 April 1984 to respond.

Drafting Information

The principal persons involved in drafting this rule are: William J. Naulty, Chief, Bridge Branch, First Coast Guard District; and Lieutenant Commander Robert F. Duncan, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of Comment

There were no responses to the Federal Register notice. There were twenty-two (22) responses to the First District notice. Eighteen (18) of these objected to the proposed hourly openings between 8:00 a.m. and 8:00 p.m. from June 1 through October 31. Of the remaining four letters, two suggested two openings an hour, the third asserted that a definite opening schedule would benefit boaters, and the fourth requested that the draw be opened as infrequently as possible for the convenience of the motoring public.

The proposal issued by the First District varied from the proposal in the Federal Register in that it included a 15 minute hourly opening between 8:00 a.m. and 8:00 p.m., June 1 through October 31. This was a variation on the temporary operating schedule employed during the summer of 1983. The temporary schedule required a closure centered on the noon hour. The closure was accepted by all the marine interests. The hourly opening proposal has been eliminated because of the evident opposition to the proposal and the acceptance of the noontime closure by the local commercial fishermen. Two openings an hour and a definite opening schedule would benefit recreational boaters but would penalize commercial fishermen who return in the afternoon. If they arrived at an off time, they would be obliged to wait until the next scheduled opening period. Infrequent openings would penalize commercial fishermen and recreational boaters alike.

The economic impact of these regulations is expected to be minimal assuming the current commercial and recreational use of the river above the bridge continues, as expected and projected, at current levels.

Economic Assessment and Certification:

This final regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this rule is considered to be nonsignificant in accordance with guidelines set out in Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

Final Regulations

In consideration of the foregoing, Part 117 of Title 33 Code of Federal Regulations is amended by revising § 117.595 as follows:

§ 117.595 Danvers River.

(a) The draws of the SRIA bridge, mile 0.0, the Boston and Maine railroad bridge, mile 0.0, and the Essex County bridge, mile 1.0 all at Salem, shall open on signal; except that, from 12 midnight to 8 a.m., the draws shall open as soon as possible after notice is given to the drawtenders either at the bridges during the time the operators are on duty or at their residences after that time.

(b) From June 1 through October 31 the draw of the route SR1A bridge will not be opened between 11:30 a.m. and 1:00 p.m.

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

Dated: July 2, 1984.

R. A. Bauman,

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

[FR Doc. 84-17922 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAR-FRL-2623-8]

Approval and Promulgation of Implementation Plans; Ohio

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

ACTION: Final rulemaking.

SUMMARY: As requested by the State, EPA is revising the Ohio State Implementation Plan (SIP) for volatile organic compounds (VOC). The revision pertains to an alternative emission reduction plan (bubble) and extended compliance schedule for eight vinyl coating lines at B.F Goodrich's (BFG) facility in Washington County, Ohio. This revision will allow BFG additional time to convert to waterborne coatings and inks.

EFFECTIVE DATE: This final rulemaking becomes effective on August 6, 1984.

FOR FURTHER INFORMATIONS CONTACT: Uylaine E. McMahan, (312) 353-0396.

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. 20408

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

Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Uylaine E. McMahan, at (312) 353-0396, before visiting the Region V Office.)

Environmental Protection Agency, Region, V Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

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

SUPPLEMENTARY INFORMATION: On March 9, 1983, the Ohio Environmental Protection Agency (OEPA) submitted a revision to its ozone SIP for BFG. The revision request contains an alternative emission control program (bubble) and an alternative compliance schedule which is in the form of a variance for eight vinyl coating lines located at BFG's facility in Washington County, Ohio.

Under the approved bubble, by December 31, 1985, BFG will convert to waterborne coatings and inks to achieve an emission limitation of 4.8 pounds of VOC per gallon of coating and ink employed, excluding water (lbs VOC/gal coating and ink employed, excluding water), for the eight vinyl coating lines. Compliance with this limitation will be determined on a monthly basis and will represent a 68 percent VOC reduction from the uncontrolled emission limits. In addition, the eight vinyl coating lines are also limited in total to a daily maximum of 6,000 pounds of VOC emissions, based on the reasonable available control technology emission limitation at the historical maximum daily production rate. In the event that the company is unable to achieve the emission limit of 4.8 pounds of VOC by December 31, 1985, BFG must install add-on pollution controls in order to achieve final compliance by December 1, 1987 Any vinyl coating line where add on control equipment is subsequently installed would not be included in the above mentioned bubble. The reader is referred to the February 8, 1984, notice of proposed rulemaking (49 CFR 4796) for a detailed discusssion of this revision to the Ohio SIP

The BFG's facility is located in Washington County, Ohio, an area which has always been attainment for ozone. Therefore, the extended compliance schedule will not interfere with the attainment or the maintenance of the ozone national ambient air quality standards.

EPA has determined that the bubble is consistent with EPA's proposed Emissions Trading Policy Statement and contains enforceable emission limitations. Although the variance and permits each expire 3 years after final approval by USEPA, the emission limitations and other requirements contained therein will remain the enforceable SIP beyond the expiration dates under State law. USEPA is specifically approving not only the permits and variances but also the emission limitations and other permit requirements contained in the SIP revision as discussed in the February 8, 1984, Federal Register.

During the 30-day public comment period, EPA received no comments. Therefore, as proposed, EPA takes final action to approve this Ohio revision for a bubble and to extend the compliance schedule at the BFG's facility.

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 sec. 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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, 1982.

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: July 2, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

Subpart KK—Ohio

1. Section 52.1870 by adding paragraph (c)(59) as follows:

§ 52.1870 Identification of the plan.

* * * * *

(c) * * *

(59) On March 9, 1983, the Ohio Environmental Protection Agency submitted a variance which would establish an alternative emission control program (bubble) for eight vinyl coating lines at B.F. Goodrich in Washington County, Ohio, and an alternative compliance schedule which will allow B.F Goodrich additional time to achieve final compliance through conversion to waterborne coatings and inks by December 31, 1985. If the company is unable to achieve compliance by December 1, 1985, through reformulation, the company must install add-on controls no later than December 1, 1987

* * * * *

[FR Doc. 84-17915 Filed 7-5-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[OAR-FRL-2623-2]

Approval and Promulgation of Implementation Plans; Rhode Island; Prevention of Significant Deterioration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves revisions to the Rhode Island State Implementation Plan (SIP) regulations which provide for preconstruction permitting of new sources and major modifications in attainment areas. The effect of this action is to approve the revisions because they meet the requirements for the prevention of significant deterioration of air quality in accordance with Part C, Subpart I of the Clean Air Act. This action also approves revisions which require a permit to construct, install, or modify any source or process which emits five tons per year or more of lead, and to clarify the definition of the term "Growth Allowance." This action is being taken in accordance with Section 110 of the Clean Air Act.

EFFECTIVE DATE: August 6, 1984.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2313, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street, SW, Washington, D.C. 20460; Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20408 and Room 204, Cannon Building, 75 Davis Street, Providence, RI 02908.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (617) 223-4868.

SUPPLEMENTARY INFORMATION:

I. PSD Plan Revisions

On October 11, 1983 (48 FR 46081), EPA published a notice of proposed rulemaking (NPR) to approve revisions to the Rhode Island SIP proposed by the Department of Environmental Management (DEM). The DEM proposed the revisions to incorporate the requirements for State plans for the prevention of significant deterioration (PSD) found at 40 CFR 51.24. PSD regulations specify the requirements for preconstruction permitting of new major sources and major modifications in attainment areas in accordance with Part C, Subpart 1, of the Clean Air Act.

The NPR stated that EPA's final approval of Rhode Island's PSD plan was contingent upon amendments to the revisions to satisfy six issues. Those six issues were clearly listed in the NPR and will not be restated here. Prior to final adoption at the State level, the DEM amended the revisions to address EPA's concerns.

On February 6, 1984, the DEM formally submitted the adopted revisions for incorporation into the SIP.

Under this program, the State will be issuing permits and establishing emission limitations that may be affected by the current judicial review of stack height regulations promulgated by EPA on February 8, 1982 (47 FR 5864). For this reason, EPA is requiring that the State include the following caveat in all potentially affected permit approvals until the judicial process is completed and the stack height regulations either upheld by the court or revised by EPA:

In approving this permit, DEM has determined that the application complies with the applicable provisions of the stack height regulations promulgated by EPA on February 8, 1982 (47 FR 5864). Portions of these regulations have been overturned by a panel of the U.S. Court of Appeals for the D.C. Circuit. *Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir., 1983). That court decision has been appealed to the U.S. Supreme Court by a group of affected industries. Consequently, this permit may be subject to modification when the judicial process is completed and any regulations revised in response. This may result in revised emission limitations or may affect other actions taken by the source owners or operators.

Rhode Island made an enforceable commitment to include this caveat in all affected permits by letter dated June 5, 1984. This letter is part of the SIP revision EPA is approving today.

Final Action: EPA is approving revisions to Regulation 9 and Section VI, Part II of the associated narrative of the Rhode Island SIP as submitted by the DEM on February 6, 1984 along with a clarifying letter dated January 27, 1984 to satisfy the requirements for the prevention of significant deterioration of 40 CFR 51.24.

II. Lead Attainment Plan Revisions

In its October 11, 1983 NPR, EPA also proposed to approve a revision to the Rhode Island SIP, Regulation 9 at Section 9.3.1(d) to require a permit to construct, install, or modify any source or process with the potential to emit five tons per year (TPY) of lead. In accordance with Regulation 9, Section 9.4.3 of the EPA-approved SIP, the application for a permit must demonstrate that the construction, installation, or modification will not prevent the attainment or maintenance of any applicable ambient air quality

standard, including the National Ambient Air Quality Standards (NAAQS).

Final Action: EPA is approving the revision to Regulation 9, Section 9.3.1(d) of the Rhode Island SIP as submitted by the DEM on February 6, 1984 because it conforms to the federal requirements for State plans to control lead codified at 40 CFR Part 51, Subpart E.

III. Other Issues

In its October 11, 1983 NPR, EPA also proposed to approve a revised definition of the term "Growth Allowance" at Section 9.1.24 of Regulation 9 of the Rhode Island SIP. The revision and EPA's rationale for approving it were explained in the NPR and will not be restated here.

Final Action: EPA is approving a revision to Regulation 9, Section 9.1.24, "Growth Allowance" as submitted by the DEM on February 6, 1984.

Finally, the NPR explained that if the DEM adopted and submitted the following regulatory changes to Regulation 9, EPA would approve them as revisions to the SIP at the time of this rulemaking:

1. Amend Section 9.2.3(b) to make it clear that the general exemptions contained in that Section cannot be used to exempt major new sources and major modifications from new source review (NSR) requirements.

2. Clarify Section 9.11 to insure that emission reductions used as offsets must occur after August 7 1977 and meet the restrictions of 40 CFR 51.18(j)(3)(ii)(C) concerning the use of shutdowns and curtailments as offsets.

The revisions to Section 9.2.3(b) and Section 9.11, specified above, have been adopted and submitted to EPA by the DEM.

Final Action: EPA is approving revisions to Section 9.2.3(b) and Section 9.11 of Regulation 9 of the Rhode Island SIP as submitted by the DEM on February 6, 1984.

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

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

Authority: Sec. 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Note.—Incorporation by reference of the State Implementation Plan for the State of Rhode Island was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 2, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart OO—Rhode Island

1. Section 52.2070 is amended by adding paragraph (c)(22) as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) * * *

(22) Revisions to Regulation 9, "Approval to Construct, Install, Modify or Operate", and Section VI, Part II of the associated narrative of the Rhode Island SIP to incorporate the requirements for the Prevention of Significant Deterioration of 40 CFR 51.24, permitting major stationary sources of lead and other miscellaneous changes as submitted on February 6, 1984 by the Rhode Island Department of Environmental Management. Clarifying letters dated January 27 1984 and June 6, 1984.

2. Section 52.2083 is amended by removing paragraphs (a) and (b) and adding a new paragraph (a) as follows:

§ 52.2083 Significant deterioration of air quality.

(a) The Rhode Island plan, as submitted, is approved as meeting the requirements of Subpart 1, Part C, Title I, of the Clean Air Act.

[FR Doc. 84-17912 Filed 7-5-84; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 52

[OAR-FRL-2623-3]

Approval and Promulgation of State Implementation Plan; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: With this notice, EPA is approving the Tacoma, Washington, Carbon Monoxide (CO) State Implementation Plan (SIP) revision that was submitted to EPA on June 16, 1983. On December 18, 1981 Tacoma was designated a newly discovered nonattainment area for CO (46 FR 61655). State and local officials have determined that the City of Tacoma can meet the CO standard by early 1987 through the implementation of several transportation control measures and the completion of the highway I-705 as a bypass to the nonattainment area. Upon publication of this Notice, the Tacoma CO plan will become a federally enforceable part of the SIP as required by the Clean Air Act.

EFFECTIVE DATE: July 6, 1984.

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

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

Air Programs Branch (10A-83-5), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224 Sixth Avenue, SE., Rowe Six, Buliding #4, Lacey, Washington 98504

Copy of the State's submittal may be examined at: The Office of the Federal Register, 110 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Loren M. McPhillips, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-7369, (FTS) 399-7369.

SUPPLEMENTARY INFORMATION:

I. Introduction

On June 16, 1983, the State of Washington Department of Ecology (DOE) officially submitted to EPA a revision to the CO SIP for Tacoma, Washington. On April 24, 1984 (49 FR 17547), EPA proposed to approve the revision. Today's action gives final approval to that Tacoma CO SIP revision. Additional background information and plan description can be found in the April 24, 1984 proposed rulemaking.

II. Response to Comments

A 30-day public comment period was provided on the proposed rulemaking. One comment was received expressing minor concern over the attainment data selected by EPA. EPA's response is that the attainment date was based upon a detailed technical evaluation of the air quality analysis contained in the SIP and was established during one of the several Transportation Technical Committee's meetings.

III. Summary of Rulemaking Action

With this Notice, EPA approves the Tacoma CO attainment plan and establishes a new attainment date of February 28, 1987 This approval is based on the June 16, 1983, SIP submittal which contains the control strategy, in combination with the already approved July 16, 1982, ozone SIP for the Puget Sound area which contains the monitoring plan and other SIP requirements.

IV. Administrative Review

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)).

(Sec. 110 and 172 of the Clean Air Act [42 U.S.C. 7410(b) and 7502])

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by reference of the Implementation Plan for the State of Washington approved by the Director of the Office of Federal Register in July 1984.

Dated: July 2, 1982.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart WW—Washington

1. In § 52.2470, paragraph (c)(31) is added as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(31) On June 16, 1983, the State of Washington Department of Ecology submitted to EPA, the Tacoma carbon monoxide attainment plan as an official SIP revision. This plan builds upon the July 16, 1982, Ozone SIP for the Puget Sound area.

2. The table in § 52.2478 is revised to read as follows:

§ 52.2478 Attainment dates for national standards.

Air quality control region and nonattainment area	Pollutant						
	TSP		SO_2		NO_2	CO	O_3
	1st	2nd [2]	1st [1]	2nd [2]			
Eastern WA-Northern Idaho Interstate AQCR (WA portion):							
1. Spokane area	c	h	b	b	b	c	b
2. Clarkston area	c	h	b	b	b	b	b
3. Remainder of AQCR	b	b	b	b	b	b	b
Olympic-Northwest Intrastate:							
1. Port Angeles area	a	c	b	b	b	b	b
2. Remainder of AQCR	b	b	b	b	b	b	b
Portland, Oregon-Vancouver, WA Interstate AQCR (WA portion):							
1. Vancouver area	c	h	b	b	b	b	g
2. Longview area	a	h	b	b	b	b	b
3. Remainder of AQCR	b	b	b	b	b	b	b
Puget Sound Intrastate AQCR:							
1. Seattle area							
Duwamish area	c	h	b	b	b	b	d
Central Business District	b	b	b	b	b	f	d
University District	b	b	b	b	b	e	d
Dearborn Street and Rainier Ave. Corridor	b	b	b	b	b	f	d
Remainder of Seattle area	b	b	b	b	b	b	d
2. Bellevue CBD	b	b	b	b	b	f	d
3. Kent area	a	h	b	b	b	b	d
4. Renton area	a	h	b	b	b	b	d
5. Tacoma area	c	h	b	b	b	i	d
6. Seattle-Tacoma O_3 area							d
7. Remainder of AQCR	b	b	b	b	b	b	b
South Central Washington Intrastate AQCR:							
1. Yakima area	b	b	b	b	b	c	b
2. Remainder of AQCR	b	b	b	b	b	b	b

[1] 1st—Primary.
[2] 2nd—Secondary.
a. Air quality levels presently below primary standards.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. December 31, 1982.
d. July 31, 1984.
e. November 1, 1985.
f. January, 1, 1986.
g. December 31, 1987.
h. Attainment date not established.
i. February 28, 1987.

[FR Doc. 84-17913 Filed 7-5-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 61

[OAR-FRL-2622-7]

Delegation of Additional Authority to the State of Arkansas for the National Emission Standards for Hazardous Air Pollutants Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; information notice.

SUMMARY: EPA has delegated the authority to implement and enforce that portion of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the demolition and renovation of buildings containing asbestos to the Arkansas Department of Pollution Control and Ecology (ADPCE). Except as specifically limited, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 61.22(d) are delegated to the ADPCE. Any of such authority and responsibilities may be redelegated by the Department to its Director or staff.

EFFECTIVE DATE: September 30, 1982.

ADDRESS: Copies of the State request and State-EPA agreement for delegation of authority are available for public inspection at the Air Branch, Environmental Protection Agency, Region 6, InterFirst Two Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; (214) 767-1594 or (FTS) 729-1594.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, Air Branch, address above.

SUPPLEMENTARY INFORMATION: On July 1, 1981, the State of Arkansas submitted to the EPA, Region 6 office, a request for delegation to the ADPCE the authority to implement and enforce the NESHAP (40 CFR Part 61) program with the exception of (1)(d), Demolition and Renovation of Buildings Containing Asbestos. This delegation became effective on September 16, 1981.

On August 23, 1982, the State of Arkansas submitted to EPA, Region 6, a request for delegation of additional authority to the ADPCE to implement and enforce that portion of the NESHAP program for the demolition and renovation of buildings containing asbestos. After a thorough review of the

request and information submitted, the Regional Administrator determined that the State's pertinent laws and the rules and regulations of the APDCE were found to provide an adequate and effective procedure to implement and enforce this NESHAP program.

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

Effective immediately, all information pursuant to 40 CFR 61.22(d) required of sources locating in the State of Arkansas should be submitted to the State agency at the following address: Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209.

This additional delegation is issued under the authority of Sections 101 and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7601).

Dated: June 25, 1984.

Frances E. Phillips,

Acting Regional Administrator.

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 61.04(b) is amended by revising paragraph (E) to read as follows:

§ 61.4 Address.

* * * * *

(b) * * *

(E) Program Administrator, Air and Hazardous Materials Division, Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209.

[FR Doc. 84-17909 Filed 7-5-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[OAR-FRL-2623-4]

State of Oklahoma; Designation Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice approves the Oklahoma State Department of Health (OSDH) November 1, 1983, request to change a portion of Oklahoma County's existing nonattainment designation for total suspended particulate (TSP) to attainment and the February 10, 1984, request to change the unclassified portion of Oklahoma County to attainment for TSP On November 29, 1983, the State submitted additional information to support their November 1, 1983, request.

DATE: This action will be effective on September 4, 1984, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Incorporation by reference materials is available for inspection during normal business hours at the following locations:

Environmental Protection Agency; Region 6; Air Branch; 1201 Elm Street; Dallas, Texas 75270

Oklahoma State Department of Health; Air Quality Service: 1000 Northeast 10th Street; Oklahoma City, Oklahoma 73152

FOR FURTHER INFORMATION CONTACT: Kathryn M. Griffith, State Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-9853.

SUPPLEMENTARY INFORMATION: On November 1, 1983, the OSDH submitted a state implementation plan (SIP) revision requesting redesignation of a portion of Oklahoma County to attainment for TSP On November 29, 1983, the OSDH submitted additional information to support their request for redesignation. On February 10, 1984 the OSDH submitted a request to change the unclassified portion of Oklahoma County to attainment for TSP EPA developed an evaluation report [1] based on conformance with criteria from the Clean Air Act of 1977 as amended, section 107(d)(5); 40 CFR 50.6(a) and (b) National primary ambient air quality standards for particulate matter; 40 CFR 50.7(b) National secondary ambient air quality standards for particulate matter; and, the April 21, 1983, Policy Memorandum from Sheldon Myers, Director, Office of Air Quality Planning and Standards, titled "Section 107 Designation Policy Summary." This evaluation report is available for inspection during normal business hours at the EPA Region 6 office and the other addresses listed above. In general, the non-attainment area is a 15 square mile area that includes the Central Business District of Oklahoma City, while the unclassified area is the remainder of Oklahoma County.

The detailed description of the nonattainment area is as follows:

That portion of Oklahoma County inclusive of Sections 19, 20, 21, 22, 30, 29, 28, 27, 31, 32, 33, 34 of Township 12N, Range 3W, and Sections 6, 5, 4, and 3, of Township 11N, Range 3W.

The detailed description of the unclassified area is as follows:

That portion of Oklahoma County west of Range 1W and south of Township 13N but not inclusive of above designation.

The State provided TSP data for the downtown nonattainment monitor at site 372200035F01 and for 5 other sites located in the unclassified area of Oklahoma County. The air quality data was for the last 2 quarters of 1981 through the first 2 quarters of 1983. The nonattainment monitor at site 035 had no violations of either the primary or secondary TSP standards in the last 2 years. The monitor at site 372200033F01, which is located one block from the nonattainment area, had one violation of the secondary standard in 1982. EPA agrees with the State that the data from site 033 should not be considered in this redesignation request. At the time of the violation, a parking garage was under construction adjacent to the building on which site 033 is located.

The February 10, 1984, request asks that the TSP unclassified area of Oklahoma County be redesignated to attainment based on the data submitted previously on November 1, 1983 and November 29, 1983. This request addresses the sites in the unclassified area that experienced problems and asks that we not consider the data. The sites were either improperly sited or had experienced a dust storm day or where adjacent to a major construction area. EPA accepts the State's explanation and did not consider the exceedances in the determination of attainment for Oklahoma County.

The November 29, 1983, submittal from OSDH says that the State fully implemented the measures described in their control strategy. The measures were to: (1) Change their fugitive dust regulation and (2) develop enforcement strategy to implement the requirements of the fugitive dust regulation. This was accomplished.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

Based upon EPA's review of the air quality data for the last 2 years, EPA is redesignating the Oklahoma County nonattainment area and unclassified area to attainment for TSP

[1] EPA Review of Oklahoma's Revisions for redesignation of a portion of Oklahoma County to attainment for TSP.

Because EPA considers today's action to be noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on September 4, 1984. However, if we receive notice by August 6, 1984 that someone wishes to submit critical comments, *then* EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

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 September 4, 1984. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

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

This notice of final rulemaking is issued under the authority of section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: July 2, 1984.

William D. Ruckelshaus,

Administrator.

PART 81—[AMENDED]

Subpart C of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 81.337 Oklahoma, the attainment status designation table for Total Suspended Particulate—TSP is amended by revising the designation for AQCR 184. All of AQCR 184 is "better than national standards." The amended portion of the Oklahoma—TSP Table for § 81.337 reads as set forth below.

§ 81.337 Oklahoma.

OKLAHOMA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 184				X

[FR Doc. 17914 Filed 7-5-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[General Order 16; Docket No. 84-16]

Enforcement of Orders and Subpenas in Formal Proceedings

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This revises the Commission's Rules of Practice and Procedure with respect to enforcement in the event of a party's refusal to obey an order or to comply with a subpena. The revised procedures provide for court enforcement by the Attorney General on behalf of the Commission or private parties injured by the violation or refusal. Advance notice to the Commission is required of a private party's intention to seek court enforcement of subpenas and discovery orders. The purpose of the revision is to clarify existing procedures and implement the statutory provisions of the Shipping Act of 1984.

EFFECTIVE DATE: August 6, 1984.

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

SUPPLEMENTARY INFORMATION: On April 23, 1984, the Commission published in the Federal Register (49 FR 17043) a proposed amendment to the Commission's Rules of Practice and Procedure (46 CFR Part 502 et seq.) to clarify procedures for enforcement of Commission orders and subpenas and to require advance notice to the Commission in cases of private party enforcement. Specifically, it was proposed that 46 CFR 502.210(b) be revised as follows:

(b) *Enforcement of orders and subpenas.* In the event of refusal to obey a Commission order or failure to comply with a Commission subpena, the Attorney General, at the request of the Commission, or any party injured thereby may seek enforcement by a United States district court having jurisdiction over the parties. Such action shall be taken within twenty (20) days of the date of refusal to obey or failure to comply. A private party shall advise the Commission five (5) days (excluding Saturdays, Sundays and legal holidays) before applying to the court of its intent to seek enforcement.

Comments to the proposed rule were filed on behalf of the Chemical Manufacturers Association (CMA) and the nongovernmental members of the Maritime Administrative Bar Association (MABA).

CMA and MABA question the Commission's authority to place limitations on the three-year statute of limitations for enforcement of Commission orders contained in section 14(e) of the Shipping Act of 1984 (1984 Act) (46 U.S.C. app. 1713(e)) with respect to matters other than subpenas and discovery orders. Additionally, while acknowledging the need for prompt action with respect to subpenas and discovery orders and the propriety of advance notice to the Commission in the event of private party enforcement of such directives, MABA feels that the time for enforcement should be increased to 120 days to conform with the time during which discovery must be completed under the Commission's Rules of Practice and Procedure. Lastly, CMA asks that the proposed rule be modified to show that it is applicable to subpenas and discovery orders of the Commission's Administrative Law Judges (ALJs) as well as to orders of the Commission itself.

It was not the Commission's intention to apply the time limitations on enforcement to directives other than subpenas and discovery orders and the language of the rule will be modified to ensure that the time limitations on enforcement contained therein apply only to subpenas and orders related to discovery.

We do not agree, however, that the 20-day period during which subpenas and discovery orders may be enforced should be increased. The 1984 Act, as MABA acknowledges, is designed to foster prompt determination of Commission proceedings (see section 11 (c), (e), 46 U.S.C. app. 1710 (c), (e)) and should not be read to thwart this objective. The legislative history, moreover, indicates that the three-year limitation was designed to relate, not to interim procedural orders, but to orders relating to findings of substantive violations of the Act. *See e.g., Ocean Shipping Act of 1983: Hearing on S. 47 Before the Subcommittee on Merchant Marine of the Senate Committee on Commerce, Science, and Transportation,* 98th Cong., 1st Sess. 130 (February 2, 1983) (Comments of Chemical Manufacturers Assn.).

The 20-day period provided in the present rule has been in effect since 1974, and adverse consequences have

been shown to flow from it. In fact, MABA does not contend that the present 20-day period has created any problems. On the other hand, the 120-day discovery period referred to by MABA is an outside limit which may often prove too lengthy as an enforcement period in particular cases, such as actions with respect to assessment agreements (Fifth paragraph, section 15, Shipping Act, 1916, 46 U.S.C. app. 814; section 5(d), Shipping Act of 1984, 46 U.S.C. app. 1704) and rate investigations in the domestic offshore trades (section 3(b), Intercoastal Shipping Act, 1933, 46 U.S.C. 845), which must be completed within one year. Of course, the 20-day provision can be waived in any case in which it has an unreasonably limiting effect.

In response to CMA's comments and to preserve present practice, the rule will be modified to ensure that it will apply to subpenas and discovery orders of ALJs as well as to orders of the Commission itself. This objective will be accomplished by deleting the word "Commission" before the words "order" and "subpena" in the first sentence of the rule.

List of Subjects in 46 CFR Part 502

Administrative practice and procedure.

PART 502—[AMENDED]

Therefore, pursuant to 5 U.S.C. 553; sections 27 29 and 43 of the Shipping Act, 1916 (46 U.S.C. app. 826, 828 and 841a); and sections 12(a), 14(c) and 17 of the Shipping Act of 1984 (46 U.S.C. app. 1711(a), 1713(c) and 1716), § 502.210(b) of 46 CFR is revised as follows:

§ 502.210 Refusal to comply with orders to answer or produce documents; sanctions; enforcement.

* * * * *

(b) *Enforcement of orders and subpenas.* In the event of refusal to obey an order or failure to comply with a subpena, the Attorney General, at the request of the Commission, or any party injured thereby may seek enforcement by a United States district court having jurisdiction over the parties. Any action with respect to enforcement of subpenas or orders relating to depositions, written interrogatories, or other discovery matters shall be taken within twenty (20) days of the date of refusal to obey or failure to comply. A private party shall advise the Commission five (5) days (excluding Saturdays, Sundays and legal holidays) before applying to the court of its intent to seek enforcement of such subpenas and discovery orders.

* * * *

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84-17925 Filed 7-5-84; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 81-893; FCC 84-269]

Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry)

AGENCY: Federal Communications Commission.

ACTION: Order establishing requirements.

SUMMARY: The Order establishes requirements regarding the removal from regulationed service of currently installed customer premises equipment used in mobile telephone service and owned by American Telephone and Telegraph Company, the Independent telephone companies, or the radio common carriers. The Order is necessary because it constitutes a further step taken by the Commission in removing carrier-supplied customer premises equipment from tariff regulation, consistent with policies established by the Commission in other proceedings. The intended effect of the Order is (1) to establish a transition period for the removal of AT&T's installed mobile CPE from regulated service, in order to ensure adequate protection of the interests of ratepayers, investors, and AT&T's competitors; (2) to provide that installed mobile CPE owned by the Independent telephone companies or the radio common carriers shall be removed from tariff regulation not later than January 1, 1985; and (3) to provide that the state commissions shall have authority to establish the rules under which the installed mobile CPE owned by the Independent telephone companies or the radio common carriers shall be valued for purposes of its removal from regulated service. The Order also clarifies an earlier decision of the Commission that AT&T may adjust lease rates for installed multi-line CPE at eight-month intervals during the two-year transition period established by the Commission.

EFFECTIVE DATE: The effective date of the Order is August 6, 1984, except that the provision clarifying AT&T's authority to adjust multi-line CPE lease rates is effective on June 16, 1984.

FOR FURTHER INFORMATION CONTACT: John Cimko, Jr. (202) 632-9342.

SUPPLEMENTARY INFORMATION:

Second Report and Order

In the matter of Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry); CC Docket No. 81-893.

Adopted: June 15, 1984.
Released: June 29, 1984.

By the Commission.

I. Introduction

1. In this proceeding we shall resolve issues relating to the detariffing of embedded customer premises equipment (CPE) used in mobile telephone service [1] and owned by the American Telephone and Telegraph Company (AT&T), the Independent telephone companies, or radio common carriers (RCCs). We also shall address several points which have been raised by parties regarding our decision detariffing the embedded wireline CPE base owned by AT&T. These points require resolution in advance of our broader reconsideration of that decision. See Part III.C.4, *infra.* Our consideration of embedded CPE used in mobile telephone service represents the continuing application of the principles we developed in *Second Computer Inquiry.*[2] We reached the

[1] For purposes of this proceeding, mobile CPE includes all customer premises equipment used in connection with services licensed under Part 22 of the Rules of the Commission. These services include public land mobile service (including airborne service), rural radio service, and offshore telecommunications service. Embedded CPE used in mobile telephone service includes all such CPE which was acquired by a carrier or manufactured by an affiliated entity before January 1, 1984. See CC Docket No. 81-893, Further Notice of Proposed Rulemaking, FCC 83-506, 48 FR 54668 (released Nov. 7, 1983) (hereinafter Further Notice) at para. 1. We have noted that common carrier paging receivers "were included in the generic categories of CPE deregulated in the Second Computer Inquiry." Deregulation of Mobile Customer Premises Equipment, CC Docket No. 83-372, Notice of Proposed Rulemaking, FCC 83-141, 48 FR 20952 (released April 28 1983) (hereinafter Mobile CPE Notice) at para. 3 n. 8. We have concluded, however, that, because of apparent uncertainty among some carriers regarding the application of Second Computer Inquiry to paging equipment, we will permit all paging equipment which is acquired between January 1, 1983, and January 1, 1984, to be treated as embedded equipment. CC Docket No. 83-372, Report and Order, FCC 83-507, 48 FR 54619 (released Nov. 7, 1983) (hereinafter Mobile CPE Order) at para. 11. Detariffing rules established in this Order are applicable to embedded paging equipment.

Amendment of § 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry), 77 FCC 2d 384 (Final Decision), *reconsideration,* 84

Continued

fundamental conclusion, in that proceeding, that "CPE is a severable commodity from the provision of transmission services and * * * regulation of CPE under Title II [of the Communications Act of 1934] is not required and is no longer warranted." [3] As we began to apply the conclusions of *Second Computer Inquiry* to the detariffing of embedded CPE, we noted that "[w]e * * * take as our starting point our findings that the CPE marketplace is becoming increasingly competitive, and that continued regulation of CPE is not necessary and in fact could impede the further growth of this competition." [4] As we now apply *Second Computer Inquiry* criteria and objectives to the detariffing of embedded CPE used in mobile telephone service, we must center our analysis on an examination of the extent of competition in this particular segment of the CPE marketplace.

2. For the reasons discussed in the succeeding parts of this Order, we shall require AT&T to remove embedded mobile CPE from regulated service in accordance with conditions and requirements which are identical, in substantial part, to the conditions and requirements we established in *Wireline CPE Detariffing Order*. These conditions and requirements relate to valuation, lease rates and sale prices, price predictability, billing services, maintenance and support, the duration of the transition period, and other similar matters we initially addressed in *Wireline CPE Detariffing Order*. With regard to embedded mobile CPE owned by the Independents and the RCCs, we have concluded that the position held by these companies in this competitive market does not require the imposition of any extended transition period before their embedded mobile CPE is removed from regulated service. We shall require that embedded mobile CPE owned by these companies shall be detariffed as of January 1, 1985. After such date, the Independents and RCCs will be free to establish lease rates and sale prices for this equipment without being subject to any regulatory restrictions. For reasons we will subsequently discuss, we shall extend to the state commissions the flexibility to establish valuation standards to be applied at the time these assets owned by the Independents and RCCs are removed from regulated service.

II. Background

3. In April 1983 we proposed to deregulate mobile CPE, in order to conform our treatment of this CPE with treatment of all other CPE. We also proposed to preempt state regulation of mobile CPE to the same extent we had already preempted state regulation of other CPE. *Mobile CPE Notice*, CC Docket No. 83-372, at para. 3. In a subsequent action in that proceeding we decided that the provision of mobile CPE should be deregulated, that state regulation should be preempted, that conventional mobile CPE should not be treated differently from cellular and wireline CPE, and that the general policies adopted in *Second Computer Inquiry* should apply to mobile CPE. *Mobile CPE Order*, CC Docket No. 83-372, at para. 7 We also decided that "[c]onsistent with the procedures established in the *Second Computer Inquiry*, mobile telephone CPE will be deregulated on a bifurcated basis * * " *Id.* at para. 9.

4. In November 1983 we proposed a plan for the detariffing of embedded mobile equipment. We raised issues regarding accounting mechanisms for the provision of embedded mobile CPE on a detariffed basis, asset valuation, the proper role for the states in the detariffing process, and the duration of a transition period for detariffing. *Further Notice* at para. 2. We also proposed that "all embedded mobile CPE should be removed from regulated service not later than December 31, 1987 as we have proposed for [the wireline CPE of] independent telephone companies." *Id.*

5. On December 2, 1983, AT&T filed an emergency petition for reconsideration of *Mobile CPE Order*, CC Docket No. 83-372. AT&T argued that it is not necessary to delay the detariffing of embedded mobile CPE, that competition in the mobile CPE marketplace is sufficient to support immediate detariffing, that the continuation of tariffing after divestiture of the Bell System [5] would force AT&T to incur unwarranted costs, and that Commission concerns would be fully satisfied by the fact that, if AT&T were permitted to transfer embedded mobile CPE to AT&T Information Systems (AT&T-IS) at the time of divestiture, AT&T would immediately begin applying sale and price predictability requirements established in *Wireline CPE Detariffing Order* to this transferred equipment. On December 22, 1983, we decided to permit the transfer of embedded mobile CPE from AT&T to AT&T-IS as of the date of divestiture, concluding that "permitting AT&T to transfer embedded mobile CPE to [AT&T-IS] * * * will serve the public interest and will not in any way prejudice our further consideration of issues relating to this equipment * * * " [6]

6. We further concluded that ratepayers and current customers using mobile CPE would not be disadvantaged by the transfer of this equipment to AT&T-IS and that the transfer would not have an adverse effect upon competition in the mobile CPE marketplace, particularly since "our subsequent action in [the CC Docket No. 81-893 rulemaking proceeding] will provide us with an opportunity to fashion a transition to full deregulation of this equipment which ensures that competition will continue to be promoted." *Mobile CPE Reconsideration Order*, CC Docket No. 83-372, at para. 15. We required that the transfer would be made at adjusted net book value, and that AT&T-IS must continue to lease the equipment at rates equivalent to state tariff rates currently in effect, pending further action by the Commission. *Id.* at para. 18.

III. Mobile CPE Owned by AT&T

A. AT&T Proposal

7. AT&T proposes that valuation of AT&T's embedded mobile CPE should be the same as for its other embedded CPE. AT&T Direct Comments at 2. AT&T notes that, in transferring its embedded mobile CPE to AT&T-IS pursuant to *Mobile CPE Reconsideration Order*, CC Docket No. 83-372, it has valued this CPE at net book and has transferred deferred tax reserves and unamortized investment tax credits in the same manner as established by the Commission in *Wireline CPE Detariffing Order*. AT&T argues that no other valuation adjustments are required. *Id.* at 3.

8. AT&T also proposes a sale and price predictability program for embedded mobile CPE which it argues is consistent with the plan we already have approved for AT&T's wireline CPE.

FCC 2d 50 (1980), *further reconsideration*, 88 FCC 2d 512 (1981), *aff'd sub nom.* computer & Communications Industry Ass'n v. FCC, 693 F. 2d 198 (D.C. Cir. 1982), *cert. denied sub nom.* Louisiana Pub. Serv. Comm'n v. FCC, 103 S. Ct. 2109 (1983).

[3] Final Decision, 77 FCC 2d at 388.

[4] CC Docket No. 81-893, Report and Order, FCC 83-551, 48 FR 57168 (publication of summary) (released Dec. 15, 1983), *reconsideration petitions pending*. Public Notice No. 1445, 49 FR 5672 (released Feb. 6, 1984) (hereinafter Wireline CPE Detariffing Order) at para. 3.

[5] The Bell Operating Companies (BOCs) were divested from AT&T on January 1, 1984. In accordance with a decision of the United States District Court for the District of Columbia in United States v. American Tel. & Tel. Co., 552 F. Supp. 131 (D.D.C. 1982), *aff'd sub nom.* Maryland v. United States, 103 S. Ct. 1240 (1983).

[6] CC Docket No. 83-372, Memorandum Opinion and Order on Reconsideration, FCC 83-538, 49 FR 832 (released Dec. 29, 1983) (hereinafter Mobile CPE Reconsideration Order) at para. 13.

Id. at 6. A sale and lease option for all existing mobile CPE forms the centerpiece of the plan. The reporting and other procedures established by the Commission for wireline CPE also will apply to embedded mobile CPE. The warranty provisions also would apply under AT&T's proposal. AT&T notes that maximum sale prices for embedded mobile equipment have been implemented as of January 1, 1984. *Id.* The prices for this equipment, in accordance with the standards established in *Wireline CPE Detariffing Order*, have been calculated so that revenues from the sale of all of AT&T-IS's multi-line wireline CPE and mobile CPE do not exceed net book value in the aggregate. *Id.* at 7 The maximum sale prices, under AT&T's proposal, would apply for a two-year period. Nationwide lease rates also would be calculated in accordance with *Wireline CPE Detariffing Order;* these rates would not exceed the higher of (1) an amount equal to 70 percent of the highest state tarifff in effect for the equipment involved on March 29, 1983; or (2) the statistical median for all state tariff rates in effect on that date for that piece of equipment. *Id.*

9. AT&T proposes to implement national lease rates for mobile CPE in three stages. First, customers currently paying more than the national lease rate were reduced to the national rate (as of January 1, 1984) and will remain at the level until December 31, 1985. Second, customers paying less than the initial minimum were immediately moved up to the initial minimum. Third customers thus moved up to the initial minimum, and customers paying more than the initial minimum but less than the national lease rates, would be moved up to the national rate in three six-month stages ending on July 1, 1985. *Id.* at 8.[7] AT&T also proposes that the transition period for embedded mobile CPE should be deemed to have begun on January 1, 1984, because all embedded mobile customers were notified in writing that their CPE would be available for purchase as of that date. *Id.* at 9. AT&T proposes that the first monthly lease rate changes be made on July 1, 1984, and include changes which would have been made if the price predictability plan had gone into effect on January 1, 1984. *Id.* at 9–10.

B. Comments

10. Most comments in this proceeding[8] have addressed issues relating to mobile CPE owned by Independent telephone companies and the RCCs,[9] and no commenters have objected to the valuation methods proposed by AT&T or to AT&T's proposal that the sale and price predictability plan for embedded mobile CPA should be the same as for AT&T's wireline CPE. One subsidiary question, however, has been presented. ICA argues that several issues have been raised regarding reconsideration of *Wireline CPE Detariffing Order*, relating to the manner in which AT&T-IS is conducting its multi-line CPE sales plan and the manner in which the duration of the transition period should be calculated. ICA Reply Comments at 3–6. ICA contends that any action we take in this proceeding should not alter or otherwise affect the sale and lease plan procedures, and transition requirements, established in *Wireline CPE Detariffing Order. Id.* at 2.

C. Discussion

11. We have concluded that the public interest, convenience, and necessity will best be served by our approval of the AT&T plan for the detariffing of its embedded mobile CPE. There are two primary reasons for this conclusion. First, we have already determined, in *Wireline CPE Detariffing Order*, that the plan proposed by AT&T in that proceeding, as modified by our action, is sufficient to accommodate the interests of ratepayers, investors, and in-place customers. *See, e.g., Wireline CPE Detariffing Order* at paras. 36–37 It follows that application of this plan, as it has been modified, to AT&T's embedded mobile CPE also will serve to achieve the goals we have established throughout our *Second Computer Inquiry* proceedings.

12. Second, the growth of competition in the mobile CPE marketplace will not be impeded by our approval of the AT&T proposal. We already have concluded that "the sale and transfer plan * * * is the most propitious means for fostering the continued growth of competition in the [wireline] CPE marketplace." *Id.* at para. 39. This conclusion applies with equal force to the mobile CPE marketplace. We already have made the findings that "[t]here is ample evidence that strong competition already exists for [mobile telephone] equipment and that AT&T does not command a dominant position regarding sales of this equipment." *Mobile CPE Reconsideration Order*, CC Docket No. 83–372, at para. 15 (footnotes omitted). Given the robust state of competition in the mobile CPE marketplace, there is no need to make more stringent the detariffing requirements we have applied to AT&T in *Wireline CPE Detariffing Order.*

1. Asset Valuation

13. In approving AT&T's proposal to use adjusted net book value[10] as the basis for asset valuation, we specifically conclude that the application of this approach to AT&T's embedded mobile CPE (in the context of the overall rules and procedures we are adopting in this Order) satisfies the requirements of the *Democratic Central Committee* decision.[11] With respect to AT&T's wireline CPE, we concluded that:

> [W]e can fulfill our responsibilities by using net book value as a surrogate for economic value so long as we adopt rules and procedures which provide investors with a fair opportunity to recover their investment and provide ratepayers with a fair opportunity to capture any gains which have accrued in the value of the embedded equipment. We are adopting the necessary rules and procedures * * and, therefore, the overall sale and transfer plan we have devised permits us to use net book value as a surrogate for economic value.

Wireline CPE Detariffing Order at para. 49. In dealing with AT&T's wireline CPE, we concluded that it was not practical to determine the economic value of the BOCs' embedded base, that net book value would serve as an acceptable surrogate for economic value, and that

[7] AT&T notes that there is pending before the Commission a request for clarification from AT&T regarding whether six months is the appropriate interval for lease rate increases under the terms of Wireline CPE Detariffing Order. AT&T Direct Comments at 8 n. 25. For a discussion of this issue, see Part III. C. 4, *infra.*

[8] In addition to AT&T, direct comments were filed by the People of the State of California and the Public Utilities Commission of the State of California (California), Colton Telephone Company (CTC), Continental Telecom Inc. (Contel), GTE Telephone Companies (GTE), Rochester Telephone Corporation (Rochester), Telocator Network of America (Telocator), United States Telephone Association (USTA), United Telephone System Inc. (United), and the Public Service Commission of Wisconsin (Wisconsin). Reply Comments were filed by AT&T, International Communications Association (ICA), Telocator, and USTA. Summaries of these comments are included in the docket of this proceeding.

[9] See Part IV, *infra.*

[10] Regarding AT&T's wireline CPE, we have permitted the net book value of the embedded assets to be reduced by the amount of deferred tax reserves and unamortized investment tax credits associated with these assets. *See* Wireline CPE Detariffing Order at paras. 143–152 and Appendix A. Our treatment of these tax matters is the subject of reconsideration petitions in that proceeding. *See, e.g.,* Reconsideration Petition of California at 17–20. Our resolution of these tax issues upon reconsideration in that proceeding will have equal application here. In other words, our approval of AT&T's proposal in this Order is subject to actions we may take upon reconsideration in the wireline CPE proceeding.

[11] Democratic Cent. Comm. V. Washington Metro. Area Transit Comm'n, 485 F. 2d 786 (D.C. Cir. 1973). For a listing of companion cases, see Wireline CPE Detariffing Order at para. 56 n.48.

we have fashioned a detariffing and transfer plan which met the requirements of *Democratic Central Committee* even though the economic value of the transferred assets had not been determined. *Id.* at para. 66. We reached these conclusions because of our findings that "Democratic Central Committee stands for the principle that regulators must seek the maximum accommodation of ratepayer and investor interests in connection with the removal of assets from the rate base [and] that there is wide discretion in reaching this accommodation." *Id.*

14. The only possible impediment to our application of the valuation procedure adopted in *Wireline CPE Detariffing Order* to the valuation of AT&T's embedded mobile CPE assets would be the contention that we are compelled in this instance, by the dictates of *Democratic Central Committee,* to fix the economic value of these assets through appraisals or some other means because the impracticality of determining the economic value of AT&T's embedded wireline CPE does not extend to this situation. Although no party has raised this contention in this proceeding, we choose to address it here as a means of presenting a further explication of our reading of the *Democratic Central Committee* requirements. We have concluded that use of adjusted net book as the valuation standard for AT&T's embedded mobile CPE is justified on two broad grounds. First, *Democratic Central Committee* does not compel regulators to use net book or any other valuation standard in connection with the removal of assets from regulated service. That case instead requires that gains or losses resulting from such removal be assigned to those who bore the risk of loss while the assets were in regulated service and, more generally, that the interests of ratepayers and investors be equitably accommodated by regulators as part of overseeing the removal of assets.[12] A proper balancing of ratepayer and investor interests does not require any rigid pursuit of economic value as the only standard for valuing assets removed from the rate base. The method of valuation falls within the broad discretion of the regulatory agency, so long as the agency is able to demonstrate that ratepayer and investor interests have been equitably accommodated. We have made that demonstration in *Wireline CPE Detariffing Order,* and we thus are able to apply the detariffing plan adopted in that proceeding to AT&T's embedded mobile equipment.

15. Second, we do not accept the view that the difficulties of appraising AT&T's wireline embedded base are so distinguishable from the circumstances confronting us regarding AT&T's embedded mobile CPE that we are compelled to abandon net book as a proper valuation standard in this instance. We accept AT&T's assertion that, because AT&T has approximately 20,000 embedded mobile units in service in diverse locations throughout the Nation, "it [would be] unnecessarily onerous and costly to conduct on-site appraisals or other forms of valuation." AT&T Direct Comments at 4. We conclude that the public interest is better served by adoption of our detariffing and price predictability requirements as a means of effecting the transfer of embedded mobile equipment to AT&T–IS, especially since this approach avoids burdensome appraisal costs.[13]

2. Transition Period

16. AT&T has proposed that the transition period for embedded mobile CPE should be construed as having begun on January 1, 1984. AT&T Direct Comments at 9. The only issue necessary to address, in our view, is whether the transition period should not begin until a date subsequent to our decision in this proceeding.[14] The argument for such an approach would be that in-place customers would be disadvantaged if the transition period were permitted to begin before our final decision and that, in effect, they would be deprived of the protection of a full two-year transition. This argument would have more merit if this Order substantially revamped the plan proposed by AT&T, if that were the case, then it would follow that in-place customers should get the benefit of a full two-year transition beginning after the date of our decision, so that the new ground rules established by this Order would be in place for two years. The Order, however, does not carry out such a reworking of the AT&T proposal. This, of course, is primarily the case because the proposal follows point-by-point the detariffing plan we already have adopted in *Wireline CPE Detariffing Order.* As a result of the action we are taking in this Order it can be said that the detariffing plan adopted in the Order has essentially been in effect since January 1, 1984.[15] We conclude, therefore, that there is no need to advance the beginning date of the transition because in-place customers are not disadvantaged by treating January 1 as the beginning date.

17 ICA asserts, as a collateral matter, that AT&T–IS has not sufficiently complied with our wireline CPE sale requirements and that any action we take here regarding the triggering of the transition period for embedded mobile equipment should not be construed to prejudice our resolution of the issues ICA has raised regarding wireline CPE. There are two points to be made regarding ICA's assertions. First, ICA apparently does not challenge the adequacy of AT&T–IS's sale procedures regarding embedded mobile CPE and, as we have noted, we see no reason to refuse to accede to AT&T's proposal to treat the transition period for embedded mobile equipment as having begun on

[12] In an earlier assessment of Democratic Central Committee we found that, under that case, "our task is properly to balance the investor and ratepayer interests so as to apportion gains and losses in the most equitable manner." American Tel. & Tel. Co., Charges for Interstate Telephone Service, Docket No. 19129, Phase II, Final Decision, 64 FCC 2d 1, 66 (1977), *quoted in* Wireline CPE Detariffing Order at para. 58

[13] A further not inconsiderable factor in concluding that adjusted net book value is an appropriate valuation standard is the fact that, in all likelihood, the economic value of AT&T's embedded mobile equipment is less than the net book value of the equipment. This is largely the case because the advent of cellular telephone service will make obsolete the older forms of mobile telephone technology. *See* AT&T Direct Comments at 4–5 & n. 13. To the extent net book exceeds economic value of this equipment, the use of net book benefits AT&T's ratepayers. This ratepayer benefit inherent in the plan we are adopting is balanced by the pricing flexibility and disaggregated pricing rules we are establishing. *See, e.g.,* Wireline CPE Detariffing Order at para. 68. This balancing of interests is at the heart of the regulatory responsibility established in Democratic Central Committee.

[14] No party has raised this issue in comments filed in this proceeding. We choose to examine it here as part of our assessment of whether AT&T's proposed detariffing plan for embedded mobile CPE would serve the public interest, convenience, and necessity. ICA, it should be noted, has argued that AT&T's administration of its plan for wireline CPE is deficient and that we should decide, in our reconsideration of Wireline CPE Detariffing Order, that the transition period for AT&T's wireline CPE should not be treated as having begun on January 1, 1984. ICA argues that our decision here regarding the transition period for AT&T's embedded mobile CPE should not color our consideration of the issues raised by ICA regarding AT&T's wireline CPE. Our conclusions regarding this issue are discussed in para. 17, *infra.*

[15] The primary difference between the plan we are adopting in this Order and the procedures under which AT&T–IS has been administering the embedded mobile CPE base since January 1, 1984, is the fact that, under our adopted plan, AT&T–IS will implement national lease rates whereas, under the interim procedures, all mobile CPE customers have continued to lease their equipment at existing state tariff rates. On balance, however, we do not view the interim continuation of state tariff rates as working any disadvantage upon in-place customers. To the contrary, we already have concluded that this interim continuation of state tariff rates serves to *protect* in-place customers pending our establishment of a detariffing plan. *See* Mobile CPE Reconsideration Order, CC Docket No. 83–372, at para. 14.

January 1, 1984. Second, we wish to make it clear that our conclusion here regarding the triggering of the transition period for embedded mobile CPE in no way prejudices the arguments made by ICA regarding embedded wireline CPE. We will take up the question of whether AT&T-IS has adequately implemented its embedded wireline CPE sale program in connection with our reconsideration of *Wireline CPE Detariffing Order.*

3. Other Detariffing Rules

18. We have noted that, in this proceeding, "we will make any necessary adjustments in the sale program and price predictability period for [embedded mobile] equipment, patterned after the action we have taken in [*Wireline CPE Detariffing Order*]." *Mobile CPE Reconsideration Order,* CC Docket No. 83-372, at para. 18. AT&T has argued that its sale and price predictability plan for embedded mobile CPE has been patterned after the plan we adopted in *Wireline CPE Detariffing Order* and should be approved without any adjustments. *See* AT&T Direct Comments at 6, 10. We have noted our agreement with this assertion. *See* paras. 11 & 16, *supra.* We therefore approve the proposed elements of AT&T's plan for the detariffing of embedded mobile CPE,[16] since we have concluded that no adjustments to the plan are necessary to carry out the goals we are pursuing in this proceeding.

4. Lease Rate Adjustments

19. At issue both in this proceeding and in the AT&T embedded wireline CPE proceeding is the question of whether multi-line CPE lease rates may be adjusted by AT&T-IS during the transition period at six-month intervals, or whether these adjustments may occur only at eight-month intervals. AT&T has sought clarification of *Wireline CPE Detariffing Order* with regard to this issue [17] and ICA has made reference to this dispute in its comments in this proceeding. *See* ICA Reply Comments at 5-6. We have decided to address the issue here with respect to both wireline and mobile CPE lease rates. Our addressing wireline CPE in this Order results from our desire to put an end to the uncertainty which has been engendered by the dispute between AT&T and ICA with regard to the lease rate adjustment intervals. We have deemed it advisable to resolve this dispute in this Order because our reconsideration of *Wireline CPE Detariffing Order* remains pending at this time.

20. AT&T contends that, under a fair reading of *Wireline CPE Detariffing Order,* lease adjustments may be made at eight-month intervals for CPE *not* offered for sale at the date of divestiture but that such adjustments may be made at six-month intervals for CPE which *is* offered for sale as of the divestiture date. Culkin Letter at 1. AT&T argues that the Commission established this distinction to give AT&T an incentive to offer embedded CPE for sale on the divestiture date.[18] AT&T suggests that it opted to offer its multi-line base for sale as of January 1 in order to take advantage of this incentive of using six months as the interval for lease rate adjustments. Trantina Letter at 4. AT&T also asserts that use of the eight-month intervals "would extend the price predictability period well beyond two years because AT&T-IS could not, as a practical matter, further increase its lease rates immediately following the increase which occurred in the 24th month." Culkin Letter at 1.

21. ICA argues that AT&T's interpretation of the Commission's decision "is grossly in error" and that AT&T's proposed approach "would * * * phase-in its maximum national lease prices for all CPE product lines a full *six months sooner* than the plan approved by the Commission." [19] ICA contends that the Commission's decision clearly intends to apply the eight-month phase-in intervals to all CPE, regardlesss of when the CPE is first offered for sale by AT&T-IS. ICA asserts that AT&T has not identified any practical problems which would confront AT&T-IS if maximum lease rates are reached in the 24th month rather than the 18th month. ICA Letter at 5.

22. Our intention in *Wireline CPE Detariffing Order* was to establish a two-year transition period for all multi-line CPE and to permit the adjustment of lease rates at eight-month intervals for all this equipment, regardless of the time at which the equipment is first offered for sale. We now reiterate that this rule shall apply to both embedded wireline and mobile CPE. We made the explicit decision "that the transition period for multi-line equipment shall be two years. Contrary to our tentative finding in the *Notice* * * *, we find that the 18-month period of price predictability for multi-line equipment is not adequate. "*Wireline CPE Detariffing Order* at para. 93. We went on to specify that "[u]nder AT&T's proposal, the three stages of rate increases would have occurred six months apart. We have decided to retain the three-stage approach, adding two months to each stage." *Id.* at para. 106 n. 98. We thus provided that lease rate adjustments could occur at the 8th, 16th, and 24th months of the transition period for each category of equipment. We did not intend any variation of this rule depending upon the point at which a particular category of equipment is offered for sale.

23. AT&T cites language in paragraph 106 of the *Order* as a basis for its conclusion that we intended the eight-month interval to apply *only* to CPE *not* offered for sale at divestiture. It is our view that a closer reading of paragraph 106 indicates that we did not intend any such distinction. We described in paragraph 106 three different situations in which our rules regarding the lease rate ceiling would apply. First, customers paying more than the national lease rate would immediately be moved down to the national lease rate for the full two-year transition period applicable to their CPE. No distinction was made based upon whether the CPE was offered for sale at divestiture. Further, we made it clear that the capped lease rate would be in place for a full two years as a result of our regulatory action, and would not be subject to any adjustment by AT&T-IS after 18 months. Second, customers paying less than the initial minimum would be moved up to the initial minimum at the time of detariffing if AT&T-IS offered their CPE for sale at the time of divestiture. If AT&T-IS's sale offering was not made until sometime after divestiture, then the customers would not be moved up to the initial minimum until the sale offer was made.

24. Third, we provided that:

[C]ustomers currently paying more than the initial minimum but less than the national lease rate will remain at their current rate level until their category of equipment is initially offered for sale by ATTIS. After this initial sale offering, these customers will be moved up to the national lease rate in three

[16] The question of the intervals at which AT&T-IS may adjust multi-line CPE lease rates during the transition period is treated as a separate issue in Part III.C.4, *infra.*

[17] *See* Letter from D.J. Culkin to Chief, Common Carrier Bureau (Jan. 6, 1984) (hereinafter referred to as Culkin Letter). The Common Carrier Bureau, in response to the Culkin Letter, indicated that clarification would have to await further action by the Commission and that AT&T-IS should advise its multi-line CPE customers that the intervals for lease rate adjustments during the transition were subject to dispute and would be clarified by subsequent Commission action. *See* Letter from Chief, Common Carrier Bureau, to D.J. Culkin (Jan. 17, 1984).

[18] Letter from T. L. Trantina to Chief, Common Carrier Bureau (Mar. 1, 1984) (hereinafter referred to as Trantina Letter) at 4.

[19] Letter from Counsel for ICA to Chief, Common Carrier Bureau (Jan. 13, 1984) (hereinafter referred to as ICA Letter) at 4, 5 (emphasis in original). For a further discussion of this issue, see Letter from Counsel for ICA to Secretary, Federal Communications Commission (Apr. 27, 1984) at 7-8.

or fewer stages occurring eight months apart during the transition period.

Id. at para. 106 (footnote omitted). This third situation covers *all* customers paying more than the initial minimum but less than the national lease rate, regardless of when their equipment is offered for sale. If the initial sale offering is made at divestiture, then the customer becomes subject to the lease rate phase-in process at divestiture. In the context of this characterization of *all* customers, regardless of the date of the initial sale offering of their CPE, we made it clear that the interval of lease rate adjustments would be eight months. As we have noted, this was our intention with respect to all the situations described in paragraph 106.

25. Apart from the clarification we have provided regarding our intent in *Wireline CPE Detariffing Order*, we wish to stress that providing that lease rate adjustments during the transition period may be made at eight-month, rather than six-month, intervals serves the broader policy objectives we have established in this proceeding. We have sought to balance the flexibility given to AT&T–IS in setting lease rates [20] with the adoption of a structure which eases rate shock which otherwise might be experienced by multi-line embedded CPE customers. Extending the transition to two years, and limiting rate adjustments to eight-month intervals, is one means we chose in the *Order* to ease the transition for these customers. At the end of the two-year transition AT&T–IS will be able to set its lease rates based solely on its business discretion and without any regulatory restrictions. We have concluded, however, that regulatory control of lease rates for a full two-year transition, and gradual lease rate adjustments at eight-month intervals, are necessary steps to minimize dislocations among multi-line CPE customers.

IV Mobile CPE Owned by Independent Telephone Companies and Radio Common Carriers

A. Transfer of Assets to Detariffed Service

1. Comments

26. Although several commenters support our proposal to establish December 31, 1987 as the deadline for the removal of embedded mobile CPE from tariffed service,[21] there is no consensus regarding this issue. A number of commenters argue that detariffing should be achieved as rapidly as possible.[22] Telocator argues that the factors which led us to establish a transition for AT&T's wireline CPE are not applicable in this setting, and that there is no need for a transitional mechanism in the case of embedded mobile equipment. Telocator Direct Comments at 3. Telocator offers four primary reasons in support of its position. First, there currently is ample competition in the mobile CPE marketplace, and this competition eliminates any need for a transition. *Id.* at 5. Second, embedded mobile CPE customers would not experience any dislocations as a result of immediate detariffing. *Id.* at 6. Third, a gradual transition would burden the Independent companies' general wireline service ratepayers because, asserts Telocator, these ratepayers currently are subsidizing the rates charged by the Independents for mobile CPE. Telocator Reply Comments at 4. Fourth, there are no legitimate interests of the Independent companies which necessitate a gradual transition. Telocator Direct Comments at 7

2. Discussion

27 We initially proposed that the transition period for both wireline and mobile CPE should be permitted to last until the end of 1987.[23] Implicit in this proposal was the assumption that there were similarities in the markets for wireline and mobile CPE, as well as other similarities regarding the offering of these two types of equipment, which warranted similar detariffing requirements and procedures. Our review of the comments, and our continued examination of the circumstances applicable to the provision of wireline and mobile CPE, has led us to conclude that there are substantial differences in these circumstances. Based upon this conclusion, we have decided to require that state commissions must provide for the removal of embedded mobile CPE from tariffed service not later than December 31, 1984.

28. In deciding upon this earlier date for the removal of embedded mobile CPE assets from regulated service, we have examined a number of factors, including the level of competition in the mobile CPE market, the effect of an earlier detariffing deadline on current embedded mobile CPE customers and on ratepayers, and the impact of this shorter transition on the Independent companies' investors. One of the central findings of *Second Computer Inquiry* is that "continued regulation of CPE is not necessary and in fact could impede the further growth of * * * competition." [24] Further, we already have made the finding that strong competition exists regarding the provision of embedded mobile CPE. *See Mobil CPE Reconsideration Order*, CC Docket No. 83–372, at para. 15 & nn. 18–19.[25] We conclude here that this strong competition will not be impeded by an earlier transition deadline and that, in fact, this current level of competition makes it important for us to accelerate the detariffing timetable.

29. A chief reason for our establishment of an extended transition with regard to AT&T–IS in *Wireline CPE Detariffing Order* was our concern that a shorter transition could jeopardize the interests of current embedded CPE customers.[26] We do not find this consideration to be mirrored in the embedded mobile CPE setting. Embedded mobile customers have long had the option to purchase their own mobile CPE, a result of the fact that tariffed lease rates for mobile CPE have been unbundled from transmission services.[27] The advanced state of competition regarding mobile CPE also serves to protect in-place customers from any dislocations resulting from detariffing. In the case of ratepayers, we see no reason to conclude that a longer transition is necessary to protect their interests. We are aware of our responsibilities, under *Democratic Central Committee*, to accommodate ratepayer interests in connection with the removal of assets from regulated service. With respect to mobile CPE, we have satisfied this obligation through the

[20] *See* Wireline CPE Detariffing Order at paras. 107–111.

[21] *See* CTC Direct Comments at 4; Contel Direct Comments at 3–4; USTA Direct Comments at 5; Wisconsin Direct Comments at 2. It should be noted that Wisconsin already has acted to detariff embedded mobile CPE.

[22] *See* California Direct Comments at 1; Rochester Direct Comments at 3–4; Telocator Direct Comments at 3. United indicates that it supports the 1987 deadline but that states could be authorized to detariff embedded mobile CPE as soon as possible if United's suggested approach to valuation were to be placed into effect. United Direct Comments at 4.

[23] *See* CC Docket No. 81–893, Notice of Proposed Rulemaking, 94 FCC 2d 76, 109 (1983) (hereinafter Notice); Further Notice at para. 2.

[24] Wireline CPE Detariffing Order at para. 3, *quoted in* Mobile CPE Reconsideration Order, CC Docket No. 83–372, at para. 11.

[25] We also accept Telocator's view that there is strong competition between wirline carriers and RCCs in the primary geographic markets and that non-carrier CPE suppliers further enhance competition. *See* Telocator Direct Comments at 7. Further, we have made the finding that "[r]obust competition is now reality between RCCs and wireline carriers." Elimination of the Separate Frequency Allocation Structure in the Public Mobil Service (Rules Section 22.501), CC Docket No. 83–1148, Notice of Proposed Rulemaking, FCC 83–477, 48 FR 57572 (released Dec. 12, 1983) at para. 8.

[26] *See, e.g.*, Wireline CPE Detariffing Order at paras. 92–83.

[27] *See* Telocator Direct Comments at 6; Telocator Reply Comments at 4.

approach we are establishing for the valuation of these assets.[28] Since ratepayer interests will sufficiently be taken into account as a result of the valuation rules we are adopting, the establishment of an extended transition become less important as a possible device for serving ratepayer interests.[29]

30. The Independents generally have argued that a gradual transition to detariffing is necessary to ensure that their investors achieve full recovery of their capital investment. *See e.g.*, Contel Direct Comments at 3–4. We do not agree, however, that we should impose a gradual transition upon the states as a means of guaranteeing full capital recovery. Since early detariffing is beneficial to competition and does not adversely affect the interests of ratepayers or embedded mobile CPE customers, we find that there is no justification for further delaying application of the detariffing principles of *Second Computer Inquiry* to this equipment. As we will indicate in succeeding sections, we are anxious for the state commissions to take an active part in establishing detariffing mechanisms which are tailored to the particular circumstances of the various state jurisdictions. We have concluded that the interests of the Independents' investors can be suitably accommodated within this framework. We find this particularly to be the case because the valuation mechanism we are establishing is a sufficient device for balancing ratepayer and investor interests. In light of this, we have concluded that there simply is no basis for extending the imposition of tariff regulation regarding the offering of embedded mobile CPE.

B. Regulatory Role of the States

1. Comments

31. There is widespread agreement among the commenters that the states should play a role in the detariffing of embedded mobile CPE owned by the Independents and the RCCs whose mobile CPE is subject to state regulation and that the states should be given sufficient flexibility to ensure that detariffing requirements and procedures can be tailored to the various circumstances presented by these carriers.[30] Several commenters suggest that this Commission, in delineating detariffing responsibilities of the states, should retain a supervisory role to ensure that the states comply with general guidelines established by this Commission.[31]

2. Discussion

32. We agree with the general thrust of the comments that it is in the public interest for the state commissions to be given a substantial role in providing mechanisms for the detariffing of embedded mobile CPE. We have proposed such a role for the states with regard to the detariffing of embedded wireline CPE owned by the Independents,[32] and we have concluded that the establishment of such a role for the states also may be desirable here.[33] Our establishment of a uniformly applicable detariffing date [34] is not inconsistent with our endeavoring to rely upon the exercise of state authority with regard to the detariffing process. As we have noted, we established this earlier detariffing date because of our conclusion that such an approach is the best means of implementing the goals of *Second Computer Inquiry*, but the creation of a nationwide detariffing date does not foreclose an active role for the states.

33. The principal advantage of state involvement in the detariffing process for Independents and RCCs is the fact that the state commissions have the capability to take into account the diverse circumstances of the numerous carriers subject to their jurisdiction. We recognize that the detariffing of embedded mobile CPE will have varying impacts upon these carriers because of the wide differences in their size, structure, and operations. The states are well positioned to assess these differences and to take action which is appropriate to the particular circumstances of the various carriers. It is our view that the transition to a fully deregulated mobile CPE market can be made more workable through cooperation between this Commission and the states, and it is a primary goal of this Order to foster that cooperation by enabling the states to assume primary responsibility for the establishment of asset valuation requirements and rules. It is also important to point out that our decision in *Wireline CPE Detariffing Order*, to establish a single valuation standard applicable to embedded CPE transferred to AT&T-IS was based upon circumstances substantially different from the circumstances were are addressing here. In our prior decision we were considering the valuation of the nationwide CPE holdings of a single entity—the Bell System—and it would have been administratively cumbersome to subject those CPE holdings to numerous different valuation rules and methods derived from "widely varying premises and assumptions." *Wireline CPE Detariffing Order*, at para. 48.

34. Some commenters have suggested that this Commission should assert a strong supervisory role to ensure strict adherence by the states to the policy directives established in this Order.[35] We wish to stress, however, that we are not attempting here to establish an intricate and rigid set of rules which will require continuous and extensive monitoring of the states by this Commission. Rather, it is our intention to give the states substantial flexibility with regard to detariffing mechanisms. In doing so, we intend to play only a minimal role in supervising state action. The general parameters guiding state action will be defined in this Order, and the states will have the flexibility to

[28] See Part IV. C, *infra*.

[29] Telocator argues that a gradual transition actually would be detrimental to ratepayers because, according to Telocator, general transmission service ratepayers have borne the burden of subsidizing Independent companies' mobile CPE rates even though these ratepayers generally do not use mobile service. Telocator Reply Comments at 4. It is our view that there is not sufficient information in the present record to enable us to make any finding regarding Telocator's assertions, particularly since the question of whether general ratepayers have been paying such a subsidy must be answered separately in each state jurisdiction based upon the ratemaking practices of the various state commissions. We do note, however, that to the extent such subsidies have existed, early detariffing will put an end to the subsidies and our valuation procedures will further ensure that ratepayers are treated equitably by the detariffing process.

[30] *See* California Direct Comments at 1; CTC Direct Comments at 4; Contel Direct Comments at 3. Rochester is the only commenter arguing that the states should not be given flexibility in establishing detariffing plans. Rochester Direct Comments at 3. USTA argues that it would be inappropriate for this Commission to impose a single detariffing plan, and that this Commission should not preempt the states regarding the establishment of valuation and accounting requirements. USTA Direct Comments at 3, 15.

[31] *See* Contel Direct Comments at 5; USTA Direct Comments at 5; United Direct Comments at 4.

[32] *See* Notice, 94 FCC 2d at 109. Our conclusion here is without prejudice to any action we might take with respect to embedded wireline CPE owned by the Independents.

[33] The principal role to be carried out by the state commissions is the establishment of valuation requirements with regard to the removal of embedded mobile CPE assets from regulated service. See Part IV.C, *infra*. At least one commenter argues that we should require that the states may not impose valuation or other requirements on the carriers and that only mechanisms established by mutual agreement between the states and the carriers are permissible. *See, e.g.*, GTE Direct Comments at 1–2; USTA Direct Comments at 4–5. We do not find such an approach necessary or desirable in this instance. The carriers will have ample opportunity to present their views and proposals to the state commissions, and we are confident that the state commissions will effectively carry out their public interest mandates in establishing valuation and other mechanisms.

[34] See para. 27, *supra*.

[35] *See* Contel Directo Comments at 5; USTA Direct Comments at 5; United Direct Comments at 4.

fashion detariffing mechanisms within these parameters. Although we do not foreclose the possibility of our taking action, we do not intend to diminish the role of the states by continuously reviewing their actions regarding the removal of embedded mobile equipment from regulated service.

C. Asset Valuation

1. Comments

35. Most parties commenting on the valuation issue favor the use of net book value or some variant of net book value as the valuation standard.[36] Rochester suggests that net book value should be adjusted by subtracting unamortized tax credits,[37] and Telocator argues that adjusted net book should be applied in the same manner as established by the Commission in *Wireline CPE Detariffing Order*.[38] United asserts that economic value, and not net book should be used as the valuation standard because the use of economic value would eliminate any controversy regarding past depreciation methods or rates set by the state commissions and because use of economic value would ensure that all gains or losses would accrue to the ratepayers.[39]

36. The central debate in the comments regarding asset valuation centers on whether carriers' investors are entitled to receive full recovery of their investment in mobile CPE assets. USTA argues that *Democratic Central Committee* requires full capital recovery and that any rigid application of net book value is not the best means for achieving this recovery. USTA argues that the valuation mechanism should take into account, among other things, the ratemaking practices of the state commissions and particular market conditions. USTA also maintains that *Democratic Central Committee* requires that ratepayers absorb any capital losses upon the removal of assets from regulated service and that, if there is any shortfall, carriers must be permitted to amortize the shortfall above-the-line until the original investment (less salvage) is recovered. USTA Direct Comments at 8–10.

37 Telocator contests USTA's reading of *Democratic Central Committee*, arguing that there is no basis for assuming that ratepayers are responsible for absorbing losses associated with mobile CPE assets. Telocator contends that mobile CPE costs have been charged to general wireline ratepayers and that this practice is improper. According to Telocator, general ratepayers receive only minimal benefits from the offering of mobile services by the carriers, so the ratepayers should not be required to act as guarantors of investments made in demonstrably competitive markets. Telocator Reply Comments at 6–7.

2. Discussion

38. We reiterate at the outset that any effort to establish a valuation mechanism must take into account the *Democratic Central Committee* requirements. We note, however, that we have concluded that the case does not require the use of any particular valuation method but instead stands for the proposition that those who bore the risk of capital losses during the period in which assets are in regulated service are entitled to gains (and must bear the losses) upon the removal of those assets from regulated service.[40] With regard to AT&T, we have concluded that, because of the difficulty and cost of valuing the volume and variety of equipment dispersed throughout the nation, use of net book value is the only practical approach in the case of both wireline CPE[41] and embedded mobile CPE.[42] For other carriers, whose services are concentrated within smaller geographic areas and who have relatively little CPE, a uniformly applicable valuation rule could well distort the balance required by *Democratic Central Committee*. In other words, if this Commission were to impose net book as the exclusive valuation standard for embedded mobile CPE, then the consequence of such an approach would be a failure to identify any instances in which the economic value of the CPE being transferred to detariffed service either exceeds or falls short of the net book value. With regard to the Bell System's embedded wireline CPE, we concluded that "it is not practical to attempt to determine the economic value of the BOC's embedded CPE base. * * *" *Wireline CPE Detariffing Order* at para. 66. We therefore found it necessary to use net book value as a surrogate for economic value and to develop a detariffing and transfer plan which, taken as a whole, fairly balances the interests of ratepayers, investors, and the public, thus satisfying the equitable principles of *Democratic Central Committee*. *See id.* As we address the embedded mobile CPE base owned by the Independents and the RCCs, however, we must recognize that the practical barriers preventing the use of economic value in the case of AT&T may not be evident in the case of Independents and RCCs in many state jurisdictions. We next must recognize that use of economic value as a valuation standard offers a direct and precise means of achieving the balancing of interests required by *Democratic Central Committee* and, therefore, should be utilized to the extent the circumstances which obtain in a particular state jurisdiction make feasible the use of this standard. Finally, we must recognize that there are inherent difficulties in any attempt by this Commission to assess the regulatory history and market conditions in each state jurisdiction in an effort to determine the extent to which economic value is a viable valuation mechanism. Any such effort would demand considerable time and resources and would face the risk of reaching inconclusive findings as a result of the fact that we are a step removed from the regualtory history and market conditions which exist in the various states. Given these circumstances, we have concluded that the establishment of valuation standards for embedded mobile CPE owned by the Independents and RCCs should be the province of the state commissions.

39. USTA's essential argument is that investors have had a reasonable expectation that they would be able to recover their investment in mobile CPE assets, that ratepayers have borne the risk of loss during regulation, and that, therefore, ratepayers must bear any capital losses upon the detariffing of these assets. Telocator's essential argument is that application of *Democratic Central Committee* does not require full capital recovery for investors in this instance because ratepayers have been improperly required to bear losses associated with these assets during regulation.

40. In our view, this dispute regarding capital recovery cannot be resolved without reference to the particular regulatory and market circumstances in each jurisdiction. We have concluded that the state commissions are uniquely situated to undertake this analysis and to establish valuation standards based upon their assessment of these questions. Since differences in market conditions, and in previous ratemaking and other regulatory policies, require particularized attention, we have decided that the state commissions must have substantial flexibility in establishing valuation standards. This

[36] *See* California Direct Comments at 2; CTC Direct Comments at 3.

[37] Rochester Direct Comments at 2. *See* USTA Direct Comments at 10.

[38] Telocator Direct Comments at 5.

[39] United Direct Comments 3–4.

[40] *See* para. 14, *supra*.

[41] *See* Wireline CPE Detariffing Order at paras. 45–51. For a further discussion of our reasons for imposing a single valuation standard in the case of AT&T, see para. 33, *supra*.

[42] *See* para. 13–15, *supra*.

flexibility also will enable the state commissions to assess and take into account the particular circumstances and concerns of the various carriers subject to their jurisdiction. The state commissions will have discretion to use adjusted net book, net book with no adjustments, economic value (as determined by appraisals or in some other manner), or any other valuation standard.[43]

41. We recognize that net book or adjusted net book may be an appropriate standard for some carriers but that economic value may be appropriate for others. We have concluded that the state commissions are well equipped to develop and apply valuation standards which accommodate differences among the various carriers. For example, if a particular state commission concludes that ratepayers have borne the risk of capital losses associated with mobile CPE during regulation and that economic value is the proper means of measuring any shortfalls which must be absorbed by ratepayers upon detariffing, nothing in this Order restricts the authority of the state commission to require appraisals of the equipment and then to require transfers to unregulated service at the appraised value. Our goal is to maximize the flexibility of the states in dealing with these valuation issues.

D. Accounting

1. Comments

42. There is general agreement among the commenters that the accounting rules for detariffed embedded mobile CPE should be the same as for other embedded CPE. CTC, for example, argues that there is no need for different accounting methods for embedded mobile equipment,[44] and Rochester contends that the establishment of special accounting mechanisms for embedded mobile CPE which are separate from existing deregulated mobile CPE leasing accounts would be unnecessarily burdensome.[45] United claims it already has sufficient procedures in place and any requirement for separate books of account would be unnecessary.[46]

2. Discussion

43. It is our intention to establish accounting arrangements of an interim nature in this Order for embedded mobile CPE. Action which we are planning to take at a later time in this docket and in other proceedings will establish permanent accounting requirements for carriers' unregulated activities and for cost allocations between regulated and unregulated activities. The interim accounting requirements we are establishing for embedded mobile CPE are based upon accounting requirements we already have established for unregulated CPE activities by carriers other than AT&T. Revenues, expenses, inventory, and applicable taxes related to the sale of embedded mobile CPE beginning on January 1, 1985, shall be recorded in accounts in accordance with the provisions of *Uniform System of Accounts,* CC Docket No. 79-105, First Report and Order, 85 FCC 2d 818, 837-38 (1981).[47] Accounting requirements regarding the leasing of embedded mobile CPE after detariffing under this Order shall be the same as those established in *Uniform System of Accounts,* CC Docket 82-681, Report and Order, FCC 83-457 48 FR 50534 (released Nov. 2, 1983) at para. 67 [48]

44. USTA has argued that we should provide that embedded mobile CPE sold under regulation before detariffing should be covered by our current accounting rules, under which proceeds are treated as gross salvage and credited to the depreciation reserve. USTA Direct Comments at 13. We shall defer resolution of this issue to our subsequent action in this docket relating to embedded wireline CPE owned by the Independents. *See Wireline CPE Detariffing Order* at para. 159 n. 131. USTA also asserts that the treatment of gains or losses associated with supporting assets which are removed from regulated service together with embedded mobile CPE should be based upon a determination of whether ratepayers or investors bore the risk of loss during regulation. USTA Direct Comments at 10. We agree with USTA and have concluded that the accounting treatment for supporting assets should be determined by the state commissions because of the likelihood that the assignment of risk while these assets are in regulated service varies among the state jurisdictions. In *Wireline CPE Detariffing Order* we preempted the states in establishing our own requirements for the treatment of supporting assets,[49] but in this instance the state commissions will make this determination, taking into account the varying circumstances of the carriers.

E. Removal of Regulatory Controls

45. As we have noted,[50] we have decided that, as of January 1, 1985, carriers other than AT&T will not be subject to any price predictability or sale requirements with regard to their embedded mobile CPE. At that point the regulatory treatment of new and embedded mobile CPE will be the same and we will have achieved the deregulatory goals set out in *Second Computer Inquiry.* In AT&T's case, we have decided to accept AT&T's proposal to include embedded mobile CPE in AT&T-IS's general transition program.[51] In doing so, we have been influenced by the fact that AT&T, while not a dominant player in the mobile CPE market, possesses a substantial market share.[52] In the case of the Independents and the RCCs, however, there is nothing in the record which suggests that the continuation of some form of regulatory control after detariffing would serve the public interest. It has been our goal to free carriers' CPE activities from regulatory restraints,[53] and we have concluded that this step now can be taken for embedded mobile CPE held by the Independents and the RCCs.

V Regulatory Flexibility Certification

46. We invited interested parties in the *Further Notice* to comment upon our initial regulatory flexibility analysis. *Further Notice* at para. 9. Our analysis concluded that our proposed rules would not duplicate, overlap, or conflict with any existing federal rules, and stated our legal basis for taking action in this proceeding. We also stated the

[43] We note that we do not intend our requirement that detariffing be completed by December 31, 1984, to be an impediment to the establishment of valuation standards by the state commissions. In the case of any state commissions which do not complete valuation proceedings by the end of this year, these commissions will have authority to impose valuation requirements in true-up or other proceedings conducted after detariffing.

[44] CTC Direct Comments at 2-3.

[45] Rochester Direct Comments at 2.

[46] United Direct Comments at 2.

[47] These provisions specify that, in the case of companies which do not establish separate subsidiaries for the provision of CPE, revenues and expenses must be recorded in account 316, "Miscellaneous income," inventory must be recorded in account 124, "Merchandise and material held for sale," and applicable taxes must be charged to account 327, "Other non-operating taxes."

[48] If embedded mobile CPE is leased by a telephone company, then the company must use account 103, "Miscellaneous physical property," account 315, "Income from miscellaneous physical property," and account 174, "Other deferred credits," in connection with the leasing of such equipment. *See* Uniform System of Accounts, CC Docket No. 82-681, Report and Order, FCC 83-457, 48 FR 50534 (released Nov. 2, 1983) at para. 38.

[49] *See* Wireline CPE Detariffing Order at paras. 153-57.

[50] *See* para. 2, *supra.*

[51] *See* Part III.C.3, *supra.*

[52] AT&T has estimated its share of mobile CPE sales to be 38.2 percent. *See* Mobile CPE Reconsideration Order, CC Docket No. 83-372, at para. 15 n. 19.

[53] *See e.g.,* Wireline CPE Detariffing Order at para. 2.

tentative views that our proposed policies would have a favorable impact on entities affected by our action. *Id.* at para. 5. None of the parties filing comments regarding the *Further Notice* addressed any of these issues.

47 We hereby conclude that the actions taken in this Order will have a favorable impact on any small businesses directly affected by these actions.[54] It is our view that any small Independent telephone companies and RCCs which are considered to be small businesses under the terms of the Regulatory Flexibility Act, 5 U.S.C. 601–612, will be favorably affected by our actions in this Order because the removal of tariffs and other regulatory restrictions will enable these companies to contend with market forces, to meet the needs of their customers, to take advantage of technological developments affecting mobile CPE, and to control and direct the operations and expansion of their mobile CPE businesses in a more efficient manner.

IV Ordering Clauses

48. Accordingly, it is ordered that, pursuant to sections 4(i), 4(j), 201–205, 213, 218, 220, and 403 of the Communications Act of 1934, 47 U.S.C. 154(i), 154(j), 201–205, 213, 218, 220, and 403, the policies, rules, and requirements set forth in this Report and Order are adopted.

49. It is further ordered, that the provisions of Part III.C.4, *supra*, relating to the manner in which lease rate adjustments may be made by AT&T–IS under *Wireline CPE Detariffing Order* and under this Order, shall take effect on the date following the date of the adoption of this Order. In compliance with the Administrative Procedure Act, 5 U.S.C. 553(d), we hereby find good cause for this effective date with respect to Part III.C.4. because of the need to clarify as expeditiously as possible the fact that AT&T–IS is authorized under the terms of *Wireline CPE Detariffing Order* to adjust lease rates for embedded multi-line CPE at eight-month, rather than six-month, intervals during the transition period. Failure to take immediate action regarding this clarification could unduly interfere with the orderly administration of the price predictability program in accordance with the requirements of *Wireline CPE Detariffing Order*.

50. It is further ordered, that the Secretary of the Commission shall cause a copy of this Report and Order to be published in the Federal Register.

[54] Manufacturers of mobile CPE and retail or wholesale vendors of mobile CPE are only indirectly affected by the actions we are taking in this Order.

51. It is further ordered, That the Secretary of the Commission shall provide for the delivery of a copy of this Report and Order to each state commission.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-17833 Filed 7-5-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 68

[FCC 84-270; File Nos. 100-CX-83, 605-CX-84, 776-CX-84]

Registration of Coin Operated Telephones; Request for Waiver; Registration of Equipment To Be Connected to the Telephone Network

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order interpreting Part 68 of the rules.

SUMMARY: The Commission interprets Part 68 to permit the registration of coin operated telephone equipment. The Part 68 exclusion of "coin service" is interpreted to preclude the registration of devices for connection to telephone company central office implemented coin service, but not the registration of instrument implemented coin telephone devices that can be connected to regular subscriber line services. Accordingly, the Commission dismisses a request seeking waiver of the "coin service" exclusion in order to be able to register coin telephones. The Commission also denies two applications for review of a Common Carrier Bureau order registering two credit card telephone devices.

FOR FURTHER INFORMATION CONTACT: James M. Talens, Chief, Domestic Services Branch, Domestic Facilities Division, Federal Communication Commission, (Common Carrier Bureau), Washington, D.C. 20554, (202) 634–1800.

List of Subjects in 47 CFR Part 68

Telephones.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

In the matters of Registration of Coin Operated Telephones under Part 68 of the Commission's Rules and Regulations, Viking Electronics, Inc. Request for Waiver of § 68.2(a)(1) of the Commission's Rules and Regulations; File No. 100–CX–83; R-Tec System Application under Part 68 of the Commission's Rules for Registration of Equipment to be Connected to the Telephone Network, File No. 605–CX–84; and Western Electric Company Application under Part 68 of the Commission's Rules for Registration of Equipment to be Connected to the Telephone Network, File No. 776–CX–84.

Adopted June 15, 1984.

Released June 25, 1984.

By the Commission.

I. Introduction

1. Part 68 of the Commission's Rules, 47 CFR Part 68, provides the technical and procedural standards under which direct electrical connection of customer-provided telephone equipment, systems and protective apparatus may be made to the nationwide telephone network without harm and without a requirement for carrier-supplied protective connecting arrangements. In this *Memorandum Opinion and Order* (Order), the Commission interprets the "coin service" exclusion of § 68.2(a)(1), 47 CFR 68.2(a)(1), to extend only to central office implemented coin service. By so doing, coin operated telephones [1] will be registrable, and any person purchasing such a coin telephone will have the right to attach it to the services permitted under § 68.2(a). In light of this interpretation of Part 68 to permit the registration of coin operated telephones, we here dismiss the above-referenced waiver request of Viking Electronics, Inc. (Viking). We also here deny Applications for Review of the Common Carrier Bureau Order released March 13, 1984 granting Part 68 registration to credit card telephone equipment in File Nos. 605–CX–84 and 776–CX–84 filed by Gladwin, Inc. (Gladwin) and American Communications Systems Ltd. (ACS).

II. Background

2. The legal principle fundamental to telephone network interconnection enunciated in *Hush-A-Phone* [2] and *Carterfone* [3] has afforded the users of the nationwide telecommunications network flexibility and choice in their use of that network in ways that are privately beneficial without being publicly detrimental.[4] The Commission's

[1] The term "coin telephone" or "coin operated telephone" as used in this Order encompasses all telephones that are capable of accepting payment by specie or paper money. Telephones capable of accepting payment solely by credit card are currently registrable under Part 68. *See infra* note 13.

[2] Hush-A-Phone Corp. v. United States, 238 F.2d 266 (D.C. Cir. 1956).

[3] Carterfone, 13 FCC 2d 420 (1968), *reconsideration denied*, 14 FCC 2d 571 (1968).

[4] As restated in our recent CSU/NCTE (channel service unit/network channel terminating unit) decision, the burden of proof rests squarely on the carriers—not on the users or this Commission—to demonstrate that a particular unit or class of customer-provided equipment would cause harm to the telephone network. Third Notice of Proposed Rulemaking in CC Docket No. 81-216, 94 FCC 2d 5, 14 (1983), *reconsideration denied*, FCC 84-145 (released April 27, 1984). (Rules remain to be promulgated.)

Part 68 registration program removed the unnecessary and discriminatory carrier-imposed tariffs that required interposed connecting arrangements (for which a monthly charge was assessed) in favor of the competitive provision of terminal equipment.[5] Today, eight years after initial implementation of the registration program, some 2,000 persons have registered over 20,000 models of terminal equipment. The program by its own terms governs the direct connection of "all terminal equipment to the public switched network, for use in conjunction with all services other than party line service and coin service." 47 CFR 68.2(a)(1).

3. In the *First Report and Order* in Docket No. 19528, *supra* note 5, the Commission excluded two categories of equipment: Devices used in conjunction with party line service and devices used with coin service. Party line service was excluded from Part 68 because the necessary interconnection criteria had not yet been developed. In a subsequent proceeding, the Commission concluded that the benefits of including party line service under Part 68 by promulgating a complex set of technical and procedural regulations would be outweighed by (1) the administrative burden on the Commission, party line subscribers and telephone companies; (2) the additional potential harms such inclusion portends; and (3) the decreasing number of persons who would benefit from adoption of such rules.[6] Coin telephone service was excluded from Part 68 because, in the words of the *First Report and Order*, "under present regulatory policies only telephone carriers may provide coin telephone service."[7] The Commission further stated that "* * * coin telephones, and equipment connected to party lines will be excluded from the registration program * * *"[8] At the time of the *First Report and Order* in 1975, the only type of coin telephones available were those activated and controlled through the telephone company's central office. That service was then exclusively the province of the telephone companies. Moreover, there were generally no coin telephones available that could be competitively provided by the private sector apart from those used in conjunction with the telephone companies' coin telephone service monopoly. Put simply, in the limited world of coin telephones that then existed, there was no purpose for which a coin telephone could be used other than to provide central office coin telephone service.[9] Thus, the Commission did not specifically address the issue of the registrability of coin telephones for use in conjunction with services other than coin service.

4. Central office implemented coin service (hereinafter "central office coin service" "coin telephone service" or "coin service"), as it has traditionally been provided by local telephone companies, is offered as public telephone service and as semi-public telephone service.[10] In either offering it utilizes an operator on telephone company premises, such as a TSPS (traffic service position system), in conjunction with a terminal device that provides coin insert tones and engages in a unique electrical protocol exchange with central office equipment to control coin deposit. For example, central office coin service utilizes central office coin circuits to verify initial coin deposits, to transmit coin collect and return signals between the central office and the coin instrument, to execute coin collection tests after call disconnection, and to interconnect coin announcement circuits to provide the telephone user with rates and charges.[11] By contrast, coin telephones that do not provide central office coin service are "instrument implemented" i.e., all the circuitry required to execute coin acceptance and other coin-related functions is contained in the telephone instrucment itself, without central office involvement and without special coin service signaling.

5. On October 25, 1982, Viking filed an application seeking to register a telephone capable of accepting coin payment. (Viking and Tonka Toll Restrictor Phone, File No. 100-CX-83).[12] Although the Commission has already processed applications under Part 68 for coinless pay telephones,[13] the Viking application represents the first case in which a telephone capable of accepting coin payment has been submitted for registration under Part 68. Furthermore, the application presents the Commission with its first opportunity to clarify the scope of the Part 68 coin service exclusion.[14] The Commission "provisionally" accepted the application and issued a Public Notice (Notice) soliciting public comment on whether the Viking coin telephone, when connected to the local exchange network constitutes the functional equivalent of "coin service" within the

[5] The Part 68 registration program was established in Docket No. 19528. First Report and Order, 56 FCC 2d 593 (1975), and Second Report and Order, 58 FCC 2d 736 (1976), *aff'd sub nom.* North Carolina Utilities Commission v. FCC, 522 F.2d 1036 (4th Cir. 1977), *cert. denied*, 434 U.S. 874 (1977).

[6] Second Notice of Proposed Rulemaking and Order, CC Docket No. 81-216, 92 FCC 2d 1, 36-39 (1982).

[7] First Report and Order, *supra* n.5, at 600 n.7.

[8] *Id.* at 600.

[9] Furthermore, even if such telephones had been generally available, there would have been no authorized use for them (other than perhaps as novelty items) because resale of telecommunications services was prohibited by telephone company tariffs at the time Part 68 was developed.

[10] A coin telephone is used to provide "public" telephone service when a general need for the service exists in a public location, such as at an airport or street corner, and the telephone is placed at the option of the telephone company and with the agreement of the owner (or agent or lessee) of the property in a location where it is accessible to the public at-large, for whose use it is intended. A coin telephone is used to provide "semi-public" telephone service when there is a combination of transient public and specific customer need for the service on the customer's privately owned premises, such as at a gasoline station, bar, or pizza parlor. *See* Comments of Bell System Operating Companies (BOCs) and American Telephone and Telegraph Company (AT&T) at p.5, in response to public notice of Viking's registration application, File No. 100-CX-83.

[11] *Id.* at pp. 5-8.

[12] The telephone talk path is activated upon coin insertion. The telephone contains toll restriction circuitry that limits the calls, which can be placed from it to numbers containing seven digits; moreover, the telephone is not disigned to function in conjunction with "coin service"

[13] *See* "Charge-A-Call" telephone set, Registration No. BW88T7-68413-TE-T, granted August 19, 1981, which provides telephone service for credit card, collect, third party, emergency or other non-sent paid calls; Order granting registration applications of R-Tec Systems and Western Electric Company, released March 13, 1984. R-Tec Systems' device was granted Registration No. DS30XC-70797-TE-T; Western Electric Company's telephone was assigned Registration No. AS593M-70790-TE-T. Applications for review of the March 13 order were filed on April 11, 1984 by Gladwin and ACS. Neither Application for Review disputes or seeks review of the equipment registration grants awarded in that order. Gladwin expresses concern that language in the March 13 order granting registration to credit card telephone suggested a Commission policy prohibiting registration for coin-operated telephones. In light of the finding by this Memorandum Opinion and Order that coin operated telephones may be registered, Gladwin's Application for Review will be denied. For its part, ACS seeks reconsideration of the Bureau's action dismissing as moot an earlier ACS Motion for Order to Show Cause in which ACS expressed its belief that AT&T and MCI Telecommunications Corporation (MCI) has introduced or were about to introduce credit card telephones which had not been registered under Part 68. Since the coinless pay telephones that ACS alleged were being improperly provided by MCI and AT&T were registered by the March 13 order, we find no error in the Bureau's decision to dismiss the ACS Motion for Order to Show Cause as moot. As regards the provision by MCI and AT&T of other non-registered pay telephones suggested by ACS, ACS presents no specific documentation warranting Commission investigation. Accordingly, we deny ACS's Application for Review.

[14] Viking included in its application a request for waiver of § 68.2(a)(1) so that its application could be processed. Section 68.208 permits waiver from the Part 68 requirements as follows: An application which is not filed in accordance with the requirements of this part or which is defective with respect to completeness of answers to questions, execution or other matters of a formal character, may not be accepted for filing by the Commission and may be returned as unacceptable for filing unless accompanied by a fully supported request for waiver. 47 CFR 68.208.

meaning of § 68.2(a)(1) and is therefore not registrable under Part 68, and whether revisions in state or federal regulatory policies since 1975 bear on Viking's waiver request.

6. The Commission received comments from the following parties in response to its Notice: The Bell System Operating Companies and AT&T (Bell), MCI Telecommunications Corporation (MCI), GNT Automatic Inc. (GNT), GTE Telephone Companies (GTE), Continental Telecom Inc. (Continental), United Telephone System, Inc. (UTS), United States Independent Telephone Association (USITA), the National Telephone Cooperative Association (NTCA), Paul and Sandy Bentayou, and the New York State Department of Public Service (NYDPS). [15] MCI, GNT and the Bentayous urge the Commission to grant Viking's waiver request. MCI claims that AT&T and the BOCs have used their virtual monopoly over public telephones to tighten AT&T's grip on the long distance market, [16] and argues that since the Commission's 1975 decision in Docket 19528 declining to permit registration of coin service telephones, there have been significant regulatory developments endorsing open competition in intercity services and customer premises equipment which have made the coin service monopoly an anachronism. According to MCI, in order to implement these competitive goals, the Commission must permit coin telephones to be registered. For their part, the Bentayous interpret Part 68 as permitting the registration and interconnection of coin telephones, such as the Viking device, that are designed for use on regular local exchange service lines.

7 The Viking waiver request is opposed by UTS, Continental, USITA, GTE and Bell. These parties express concern over various jurisdictional, safety, and other public interest issues raised by the registration of coin telephones, such as: the preemptive effect registration would have on state commission policies governing local service resale; [17] the economic impact of registration upon the telephone companies' public central office coin service; [18] the public safety implications of registering coin telephones which lack dial-tone first and other remergency features generally required at telephone company pay stations; the social implications of telephone designs which may not guarantee the speakers privacy of communication or accommodate hearing impaired or other disabled persons as do public pay telephones; [19] the need to provide detailed user instructions on registered coin telephones without standard public phone features to minimize public confusion and inconvenience; and the possible need for additional technical standards in order to prevent harm to the network from the specialized coin circuits of certain coin telephones. These parties are generally of the view that such factors justify the continued exclusion of coin telephones from the registration program, and, in any event, that a waiver proceeding is an inappropriate forum in which to address these important questions. They urge the Commission to institute a rulemaking proceeding before making any changes to § 68.2(a)(1). Additionally, several parties claim a procedural deficiency in Viking's waiver request in that it fails to supply a public interest rationale and, therefore, is not "fully supported" in accordance with the waiver standard.[20]

8. NYDPS and NTCA, on the other hand, take a more accommodating approach. NTCA acknowledges that registration of coin telephones would increase consumer options, but suggests that because the Viking application raises questions of regulatory policy almost exclusively concerning telephone exchange service generally reserved to the states,[21] the Commission should process the application, but specifically find that such registration does not constitute a preemption of state regulatory policy governing the offering of coin service by other than duly authorized wireline carriers. According to NTCA, the states should be free to decide whether the provision of coin telephones by other than wireline carriers would unfairly deprive the wireline carriers of coin revenues from profitable locations while they are required by state commissions to maintain unprofitable locations, and whether local service resale should be permitted from coin telephones that may not provide the public with operator or emergency assistance, or toll call capability. NYDPS acknowledges the competitive benefits which will flow to the public from coin telephone registration and states that it has "no objection" to Commission registration of the Viking device if such interconnection will not harm the network, and provided that the Commission adopts various labeling requirements. NYDPS proposes that the Commission adopt coin telephone labeling requirements that: (1) Notify end users of the distinctions between traditional local telephone company coin service and the newly registered coin telephones that may not offer emergency calling, dial-tone first capability or privacy of communications, and (2) notify purchasers that use of the device may constitute resale of telephone service which is subject to state regulation. NYDPS notes that New York's telephone service resale ban has been recently lifted, though service resellers remain subject to state reseller certification and tariff regulation limiting the use of their coin-operated telephones to message-rate access lines, as well as to existing telephone utility tariff provisions that would further limit their use primarily to business lines. Such restrictions would, in the view of the NYDPS, protect against the escalation of flat-rate exchange service costs to the telephone ratepayers. NYDPS Comments at 3.

III. Discussion

9. *Central Office Coin Service versus Coin Telephones.* The exclusion in § 68.2(a)(1) regarding "coin service" was directed at coin telephones designed for use in conjunction with the telephone company-provided coin telephone service, i.e., the unique service that uses, for example, a TSPS (traffic service position system) operator on telephone company premises in conjunction with a terminal device that provides coin insert tones and engages in an electrical

[15] Tonka Tools, Inc., the manufacturer and supplier of the major components of the coin-operated telephone which is the subject of the Viking application, filed a motion on February 3, 1983 for leave to file late comments in File No. 100-CX-83 which was denied. Additionally, on February 11, 1984, Gladwin, Inc., a general trades manufacturer of pay station equipment, filed a request that the Commission expedite its action in File No. 100-CX-83.

[16] This BOC/AT&T relationship no longer exists. Under the Modification of Final Judgment (MFJ) entered on August 24, 1982 in United States v. American Telephone and Telegraph Co., 552 F. Supp. 131 (D.D.C. 1982), *aff'd sub nom.* Maryland v. United States, 103 S.Ct. 1210 (1983), the divested BOCs are limited to providing intra-LATA service. As finally approved by the court, the AT&T plan of reorganization pursuant to the MFJ assigned public and semi-public coin telephones and extensions, as well as non-coin "Charge-a-Call" public telephones, to the BOCs. *See* United States v. Western Electric Co., 569 F. Supp. 1057, 1102, n.195 (D.D.C. 1983), *aff'd sub nom.* California v. United States, 104 S. Ct. 542 (1983).

[17] Bell states that coin service was excluded from all state resale and sharing tariffs which were then in effect. Bell Comments at 12.

[18] In this regard, Bell noted that although there was no indication that use of the Viking telephone would be limited to non-public situations, "[w]ere the toll restrictor telephone to be used solely in private places as opposed to those accessible to the public-at-large, the public interest questions we raise here would be different." Bell Comments at 4.

[19] *See infra* note 23.

[20] *See* Comments of Bell at 3, Continental at 2, and *supra* note 14.

[21] *See* Sections 2(b)(1) and 221(b) of the Communications Act of 1934 (Act), 47 U.S.C. 152(b)(1) and 221(b).

protocol exchange with central office equipment to control coin deposit.

10. There is no valid basis, however, upon which to exclude instrument implemented coin telephones from the registration program. The Part 68 coin service exclusion was not formulated in the context of the newly available breed of coin telephone, such as the Viking device, which is connected to services other than telephone company coin service and which does not raise any particular technical or operational difficulties. The technical standards currently outlined in Part 68 are adequate to ensure that customer connection of these new coin telephones will not harm the network.[22] Further, the claim of certain commenting parties that competition from these new coin telephones will have an adverse economic impact upon the telephone companies' traditional public central office implemented coin service, amounts to no more than bare allegation, and as such does not justify interfering with a subscriber's right in the coin telephone area, as in the case of other terminal equipment, reasonably to use the network in ways which are "privately beneficial ;without being publicly detrimental." Moreover, arguments concerning rates and other economic issues should be addressed at the state level. *See* para. 12, *infra*. We therefore believe that the coin service exclusion does not stand in the way of registration of these devices, and that it is now necessary to clarify this matter by interpreting Part 68 to permit registration of coin telephones that do not provide central office coin service, but, rather, are instrument implemented, i.e., contain all the circuitry required to execute coin acceptance and other coin-related functions in the telephone instrument itself, without central office involvement, without line polarity reversal, and without TSPS operator intervention. Like other registered terminal equipment, these coin telephones would be attached not to the central office implemented coin service described above, but to regular telephone company subscriber line services.

11. While permitting the registration of coin telephone instruments that operate in conjunction with authorized services, our decision herein does not disturb the Commission's earlier determination that coin service telephones will not be registered. Telephone companies will be permitted to continue offering central office implemented coin service as they have, without the need to register the terminal devices used in conjunction with it. Any modification to this policy would necessitate a separate proceeding.

12. *State Authority.* A Part 68 registration grant constitutes a federal right to interconnect registered terminal equipment with the public switched telephone network, pursuant to any terms and conditions prescribed by Part 68. Our current rules require, for example, that all coin telephones located on public property or in semi-public locations must, by January 1, 1985, be hearing aid-compatible, and any coin operated telephone submitted for Part 68 registration must comply with the applicable rules regarding hearing aid compatibility.[23] Furthermore, the Commission's decision to register instrument implemented coin telephones does not necessarily affect state policies or regulations governing the resale of intrastate toll and local exchange services, a concern repeatedly expressed by the commenting parties in the Viking proceeding.[24] *See* Comments, *supra*, of UTS, Continental, USITA, GTE, Bell, NYDPS and NTCA. As to the suggestion that the Commission regulate the provision of coin telephones by imposing for example, a requirement that all such telephones display information labels and/or be equipped with dial-tone first capability (which permits a caller to access the operator, "911" or other emergency numbers without coin deposit), we find that although states may establish tariff requirements governing the features or markings to be permitted or required on instrument implemented coin telephones for use within their borders, such regulation does not relate to network harm as defined in § 68.3(g) of the Commission's Rules and therefore is not within the scope of Part 68. We caution, however, that any state restriction affecting the use of registered coin telephones that unreasonably infringes upon the right of customers to interconnect with the network in a way that is privately beneficial and not publicly detrimental will be reviewable by this Commission. *See Telerent Leasing Corp.*, 45 FCC 2d 204 (1974), *aff'd sub nom. North Carolina Utilities Commission* v. *FCC*, 537 F.2d 787 (4th Cir., 1976), *cert. denied*, 429 U.S. 1027 (1976).

IV Conclusion

13. Accordingly, it is ordered pursuant to Sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 154(j), and section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b), that Part 68 of the Commission's Rules and Regulations is interpreted as discussed herein.[25]

14. It is further ordered, that the Viking Electronics, Inc. request for waiver in File No. 100-CX-83 is dismissed.[26]

15. It is further ordered, that the Applications for Review of the Bureau's Order released March 13, 1984 filed by Gladwin, Inc. and American Communications Systems, Ltd. are denied.

[22] Bell itself points out that "Viking's registration application appears to satisfy the technical harms requirements of Part 68." Bell Comments at 7 and 9.

[23] In a recent action implementing the Telecommunications for the Disabled Act of 1982, Pub. L. 97-410 (to be codified at 47 U.S.C. 610), the Commission added §§ 68.4 and 68.112 to Part 68 of its rules, 47 CFR 68.4, 68.112, requiring that beginning January 1, 1985 all newly installed or embedded coin-operated telephones "whether located on public property or in a semi-public location (e.g., drugstore, gas station, private club)," be hearing aid-compatible. 47 CFR 68.4, 68.112. In the Matter of Access to Telecommunications Equipment by the Hearing Impaired and Other Disabled Persons, Report and Order, CC Docket No. 83-427, FCC 83-565, released December 23, 1983, 49 FR 1352 (January 11, 1984), *reconsideration granted in part*, FCC 84-144, released April 17, 1984. That Report and Order acknowledged that coin telephones were not currently registrable, but noted if they were ever made so, for coin telephone registration applications filed on or after April 1, 1984, the grantee would be required either to demonstrate hearing aid compatibility, or to include with each unit of equipment marketed, notice that use of the hearing aid-incompatible coin telephone set is prohibited in public and semi-public locations. *Id.* at 14, note 43. *See* 47 CFR 68.200(i), 68.218(b)(5). All coin operated telephones registered under Part 68 must, therefore, comply with these Part 68 hearing aid-comptability requirements.

[24] This conclusion is consistent with both the treatment accorded "coinless" pay telephones (*see* Common Carrier Bureau order, Mimeo No. 2866, at 4, n.7, released March 13, 1984, registering two credit card devices), and the validity of current local resale restrictions which have governed other FCC-registered terminal equipment. PBXs, for example, have been registered since 1977, but the mere fact of such registration has not been construed as permitting the lines entering the PBX to be used by multiple subscribers on the theory that this registration has implicitly preempted and nullified local tariffs limiting resale. In sum, because interstate MTS and WATS services may be resold, registration of these coin telephones is appropriate; the states continue to determine the conditions under which these instruments may be used for local or intrastate toll services.

[25] In response to NYDPS's suggestion regarding a special registration code for coin telephones, the Commission intends to include the letters "CX" in all coin telephone registration numbers.

[26] Any party seeking to register an instrument activated coin telephone may submit a Part 68 application beginning 20 days from publication of this Order in the Federal Register. Viking's registration application, which is currently "provisionally accepted for filing" will also be formally accepted for filing 20 days from release of this Order in the Federal Register, provided that the application is supplemented by a hearing aid compatibility showing by that date.

16. It is further ordered, that the Secretary shall cause this Memorandum Opinion and Order to be printed in the Federal Register.

17. It is also ordered, that the Secretary shall cause copies of this Memorandum Opinion and Order to be sent to the telephone regulatory agencies of each state.

Federal Communication Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-17930 Filed 7-5-84; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1043

[Ex Parte No. MC-5; Sub-6]

Motor Carrier Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending its existing regulations concerning the minimum levels of financial responsibility for motor carriers of passengers and property by adding a provision that will make them conform at all times with those established by the Secretary of Transportation (Secretary) in 49 CFR Part 387

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Alice K. Ramsay, (202) 275-0854, or Margaret Richards, (202) 275-1538.

SUPPLEMENTARY INFORMATION: In a final rule implementing the provisions of section 30 of the Motor Carrier Act of 1980 (MCA), the Secretary established the minimum levels of financial responsibility which must be maintained by motor carriers of property at the statutory minimum level for a two-year phase-in period from July 1, 1981. Thus, the statutory minimums established in the MCA were to go into effect on July 1, 1983. Under authority of section 406 of the STAA (Pub. L. 97-424, 96 Stat. 2097), the allowable phase-in period was extended to 3½ years, and the Secretary on June 28, 1983 (49 FR 29698), kept in effect the minimum limits levels until July 1, 1984. After consideration of comments in BMCS Docket No. MC-94-2, the Secretary has further extended the phase-in period to the end of the 3½ year period, that is, until January 1, 1985.

On September 23, 1983 (48 FR 43331), the Commission modified its rules implementing the requirement of section 29 of the MCA (49 U.S.C. 10927) that we adopt minimum amounts of insurance at levels at least as high as those prescribed by the Secretary for for-hire motor carriers of property regulated by the Commission. The modifications incorporated the liability limits adopted by the Secretary, further reconciled differences in the two agencies' programs, and eased the affected carriers' filing burden. The modified final rules were made effective November 22, 1983. The rules we adopted also include an increase in the minimum levels of coverage on July 1, 1984. As a consequence of the further extension by the Secretary, we must amend our regulations to conform with the level of minimum limits required by the Department of Transportation (DOT). Should we not do so, we would be imposing higher limits not yet statutorily required and not independently justified on any record made by this Commission.

Accordingly, we are adding a third paragraph to § 1043.2(b) to indicate that our limits requirements for affected carriers will conform with those of DOT at all times. We are also extending the application of the new provision to the minimum limits applicable to passenger carriers in § 1043.2(b)(1)(b) to forestall the possibility of any future disparity or conflict with respect to the required limits for passenger carriers which are subject to similar requirements established by the Secretary. This action is taken with recognition by the Commission that in the future higher limits than those imposed by the Secretary might be warranted in our regulations, but that, in any event, such limits could only be established on an independent record made by this Commission, and the provision added here would be amended accordingly.

Effective Date

We are making the changes effective on July 1, 1984, without notice and comment because of the imminence of that date, pursuant to authority of 5 U.S.C. 553(b)(B). Because the resulting limits will at all times be the least burdensome that we can impose under the law, are less burdensome than those that otherwise would go into effect, and require no short-notice filings by any affected person, no delay is warranted.

Environmental and Energy Consideration

This action does not significantly affect the quality of the human environment or the conservation of energy resources.

Final Regulatory Flexibility Analysis

When we published final rules and modified final rules in Ex Parte No. MC-5 (Sub-No. 1), we included final regulatory flexibility analyses (47 FR 55943 and 49 FR 43331) and concluded that the rules are fully in accord with the Regulatory Flexibility Act's objectives. The amendment represented in the final rules which is adopted and published here does not change that conclusion. It simply brings our regulations into conformance with the regulations of the Department of Transportation. The revision has been made to benefit the substantial number of small entities that will be affected by the financial responsibility requirements and there are no significant alternatives which would accomplish the objectives of this amendment and the statutory mandate of 49 U.S.C. 10927, requiring the filing of evidence of insurance or surety bonds with this Commission.

Copies of this notice of final rules are available to the public and may be obtained from TS Infosystems, Interstate Commerce Commission, Room 2227, Washington, D.C. 20423. A copy of this notice of final rules will be served on the Chief Counsel for Advocacy of the Small Business Administration, the Director of the Office of Management and Budget, and the Federal Highway Administrator of the Department of Transportation.

List of Subjects for 49 CFR Part 1043

Insurance, Motor carriers, Surety bonds.

PART 1043—[AMENDED]

Final Rules

Part 1043, Subtitle B, Chapter X of the Title 49 of the Code of Federal Regulations is amended as follows:

Paragraph (b) of § 1043.2 is amended by adding a new paragraph (3) to read as follows:

§ 1043.2 Security for the protection of the public: Minimum limits.

* * * * *

(b) * * *

(3) Motor carriers subject to the minimum limits governed by this section, which are also subject to Department of Transportation limits requirements, are at no time required to have security for more than the required minimum limits established by the Secretary of Transportation in the applicable provisions of 49 CFR Part 387—Minimum Levels of Financial Responsibility for Motor Carriers.

* * * * *

Authority: 49 U.S.C. 10321, 10927, and 5 U.S.C. 553(b)(B).

Dated: June 29, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84-17972 Filed 7-5-84; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 49, No. 131
Friday, July 6, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. X

[Docket Nos. AO-160-A62-RO2, etc.]

Milk in Middle Atlantic and Certain Other Marketing Areas; Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	AO Nos.
1004	Middle Atlantic	AO-160-A62-RO2.
1001	New England	AO-14-A60.
1002	New York-New Jersey	AO-71-A74-RO1.
1006	Upper Florida	AO-356-A21.
1007	Georgia	AO-366-A23.
1011	Tennessee Valley	AO-251-A26.
1012	Tampa Bay	AO-347-A24.
1013	Southeastern Florida	AO-286-A31.
1030	Chicago Regional	AO-361-A21.
1032	Southern Illinois	AO-313-A32.
1033	Ohio Valley	AO-166-A53.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A48.
1040	Southern Michigan	AO-225-A36.
1044	Michigan Upper Peninsula	AO-299-A23.
1046	Louisville-Lexington-Evansville.	AO-123-A52.
1049	Indiana	AO-319-A33.
1050	Central Illinois	AO-355-A22.
1062	St. Louis-Ozarks	AO-10-A56.
1064	Greater Kansas City	AO-23-A55.
1065	Nebraska-Western Iowa	AO-86-A42.
1068	Upper Midwest	AO-178-A38.
1075	Black Hills	AO-248-A18.
1076	Eastern South Dakota	AO-260-A26.
1079	Iowa	AO-295-A35.
1093	Alabama-West Florida	AO-386-A2.
1094	New Orleans-Mississippi	AO-103-A43.
1096	Greater Louisiana	AO-257-A31.
1097	Memphis	AO-219-A39.
1098	Nashville	AO-184-A46.
1099	Paducah	AO-183-A38.
1102	Fort Smith	AO-237-A32.
1106	Southwest Plains	AO-210-A44.
1108	Central Arkansas	AO-243-A36.
1120	Lubbock-Plainview	AO-328-A25.
1124	Oregon-Washington	AO-368-A13.
1125	Puget Sound-Inland	AO-226-A30.
1126	Texas	AO-231-A52.
1131	Central Arizona	AO-271-A25.
1132	Texas Panhandle	AO-262-A35.
1134	Western Colorado	AO-301-A18.
1135	Southwestern Idaho-Eastern Oregon.	AO-380-A4.
1136	Great Basin	AO-309-A25.
1137	Eastern Colorado	AO-326-A22.
1138	Rio Grande Valley	AO-335-A30.
1139	Lake Mead	AO-374-A9.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Rescheduling of public hearing on proposed rulemaking.

SUMMARY: The hearing on proposed amendments to 45 Federal milk marketing orders, originally scheduled to begin July 11, 1984, has been rescheduled to begin July 25, 1984.

DATE: The rescheduled hearing will convene at 9:00 a.m., local time, on July 25, 1984.

ADDRESS: The rescheduled hearing will be held at the Olde Colony Inn, 625 First Street, Alexandria, Virginia 22314, (703) 548-6300.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

A notice was issued on June 22, 1984 (49 FR 26239), giving notice of a public hearing to be held at the Ramada Hotel Old Town, 901 N. Fairfax Street, Alexandria, Virginia, beginning at 9:00 a.m., local time, on July 11, 1984, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas.

Notice is hereby given, pursuant to the rules of practice applicable to such proceedings (7 CFR Part 900), that the said hearing is rescheduled to be held at the Olde Colony Inn, 625 First Street, Alexandria, Virginia 22314, (703) 548-6300, beginning at 9:00 a.m., local time, on July 25, 1984.

Prior documents in this proceeding:

Notice of Hearing: Issued June 22, 1984; published June 27, 1984 (49 FR 26239).

List of Subjects in 7 CFR Chapter X

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C. on July 3, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-18032 Filed 7-5-84; 8:45 am]
BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Limiting the Use of Highly Enriched Uranium in Domestic Research and Test Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is considering amending its regulations to limit the use of highly enriched uranium (HEU) fuel in domestic research and test reactors (non-power nuclear reactors). The proposed amendment generally would require that new non-power nuclear reactors use low enriched uranium (LEU) fuel and that existing reactors replace HEU fuel with LEU fuel when available.

The Commission considers that currently licensed non-power reactors using HEU fuel are operated without undue risk to the health and safety of the public. The proposed rule is intended to reduce the risk of theft or diversion of HEU fuel used in non-power reactors and the consequences to public health, safety and the environment from such theft or diversion. The reduction in domestic use of HEU fuel may encourage similar action by foreign research reactor operators, and thereby reduce the amount of HEU fuel in international use.

DATE: Comment period expires September 4, 1984. Comments received after this date will be considered if practical to do so, but only those comments received on or before this date can be assured of consideration.

ADDRESSES: Comments should be submitted in writing to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. All comments received will be available for public inspection in the Commission's Public Document Room at 1717 H Street, NW. Washington, DC.

FOR FURTHER INFORMATION CONTACT: William R. Lahs, Jr., Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 443-7874.

SUPPLEMENTARY INFORMATION:
Background

On August 17 1982, The Commission issued a Policy Statement on the use of HEU in research reactors. The Policy Statement indicated that NRC has licensing responsibility for domestic use for export abroad of Special Nuclear Material, including HEU, and is interested in reducing, to the maximum extent possible, the use of HEU in domestic and foreign research reactors. The Policy Statement also noted that as part of a policy to encourage conversion by foreign operators, the Commission would take steps to encourage similar action by U.S. research reactors operators.

Public Commission meetings on this subject were held December 19, 1983, January 27 and February 6, 1984. As discussed at the meetings, the Commission believes that the 31 non-power reactors (25 owned by universities, five by private businesses and one by the Government) presently licensed to use HEU fuel are operated without undue risk to the public health and safety. The proceeding is intended only to cause replacement of HEU fuel. (Target material, special instrumentation or experimental devices using HEU, are not included.) This reduction is desirable because HEU, in appropriate form and quantity, can be used to make an explosive device which can have severe adverse consequences on public health, safety and the environment. LEU has relatively little value for this purpose. The Commission believes that a new rule could reduce the risk of theft or diversion of HEU, could encourage similar actions by foreign operators of non-power reactors, and thereby, could reduce the amount of HEU in international use.

The Policy Statement also describes a continuing program to develop and demonstrate the technology that will facilitate the use of reduced enrichment fuels. The Reduced Enrichment for Research and Test Reactors (RERTR) program was initiated by the Department of Energy (DOE) and is managed by the Argonne National Laboratory (ANL). Its objective is to prove the ability of new low-enriched uranium (LEU) fuels to replace existing HEU fuel without significant changes to existing reactor cores or facilities, or significant decrease in performance characteristics of the reactors. The RERTR program's progress and anticipated continued success over the next five years have encouraged NRC to undertake a rulemaking proceeding which would cause reduction in the use of HEU fuel in domestic research and test reactors.

Detailed information on the RERTR program was presented by Dr. A Travelli, ANL, at the International Symposium on the Use and Development of Low and Medium Flux Research Reactors, held October 17–19, 1983, at the Massachusetts Institute of Technology. A copy of Dr. Travelli's paper, "RERTR Program Activities Related to the Development and Applications of New LEU Fuels" is available for public inspection in NRC's Public Document Room at 1717 H Street, NW., Washington, DC.

One source of information which identifies and classifies the affected university reactors and addresses the range of impacts of converting from HEU to LEU is a contractor's report, "Assessment of the Implications of Conversion of University Research and Training Reactors to Low Enrichment Uranium Fuel," NUREG/CR–3666. The report is available for public inspection and copying for a fee in NRC's Public Document Room at 1717 H Street, NW., Washington, DC. As part of the development of the proposed amendment, Commission briefings, open to the public, were held December 19, 1983, and January 27 1984. At the briefings, information was presented by the DOE, Department of State, Nuclear Engineering Department Heads Organization (NEDHO), NRC staff and other interested persons.

Information considered to date indicates that conversion of several non-power reactors from HEU fuel to LEU fuel is technically feasible and, if the goals of the RERTR program are successfully achieved over the next five years, will be technically feasible for almost all the remaining reactors. The information also shows that a major consideration to operators is the cost of conversion which hinges on the availability of vendor supplied fuel. NRC shares the licensees' expressed view that conversion costs should largely or entire be financed by the Federal Government. Historically, the DOE and its predecessor agencies have provided significant support to research and test reactor programs. The availability of Federal support will be a key factor considered in determining the availability of LEU fuel and schedules for conversion.

Under the proposed rule, non-power reactors woud be required to use LEU fuel unless there is a demonstration that the facility's unique purpose cannot be accomplished without the use of HEU. Licensees now authorized to use HEU fuel would be required to develop and submit to the NRC's Director of the Office of Nuclear Reactor Regulation a proposed schedule for converson to LEU fuel. In preparing the proposed schedule, account will be taken of factors such as the availability of shipping casks, financial support, and reactor usage. Determination that the conversion fuel is available is dependent upon the successful accomplishment of the tasks set out in DOE's RERTR program and the development of commercially available replacement fuel. A final schedule will then be determined by the Director. This schedule will depend upon the availability of LEU fuel readily adapted to use in the licensee's reactor with minimum modifications or adverse impacts on the licensee's program.

A matter of interest to the Commission in requiring conversion and establishing the schedule will be financial considerations. Interested persons are invited to comment on the extent that they believe the economics of conversion should influence Commission actions. Any economic analysis should include estimates of the aversion of risk to the public health, safety and the environment.

Technically, in its simplest form, conversion from HEU fuel to LEU fuel consists of replacing relatively low density HEU by relatively high density LEU. By using a higher density of uranium in the fuel matrix, it is expected that the same amount of U-235 can be present in a fuel element without changing the external dimensions of the element or significantly changing the thermal-hydraulic characteristics of the reactor. Under these conditions it is possile that existing technical specifications will remain unchanged and no unreviewed safety question will be involved. NRC is evaluating the reactor performance and safety aspects of conversion and expects to publish a report prior to reaching a determination on issuance of a final rule.

To facilitate conversion safety reviews, the NRC is considering the development of generic envelopes of safety limits for the several types of non-power reactors. An affected licensee would then submit an analysis showing that both the normal operating and postulated accident conditions of the reactor fall within the limits. These safety limits would be used in establishing limiting conditions of operation (such as coolant flow, coolant pressure, reactivity conditions). Current developments by the RERTR program indicate that these limiting conditions of operation with LEU fuel may not differ significantly from limiting conditions of operation now used with HEU fuel; however, a definitive conclusion on this matter, applicable to all the conversion

candidates will depend on the continued success of the RERTR program over the next several years. Comments are invited on this approach of using generic envelopes of safety limits and limiting conditions of operation.

In cases where conversion from HEU fuel to LEU fuel would neither conflict with the technical specification incorporated in the license nor involve an unreviewed safety question, the conversion could proceed without amendment of the license. In other cases, a license amendment would be required. In view of the significance of this proposed rule to the national interest, the Commission, when implementing the rule, intends to waive any licensing fees that would normally be assessed for amending licenses issued to production and utilization facilities. Interested persons are invited to comment on the possibility that a license amendment will not be required or that an amendment would not present an unreviewed safety question or a conflict with technical specifications.

In summary, the Commission recognizes that successful implementation of the proposed rule, while maintaining the nuclear research and training capability which these reactors provide, depends on (1) the continued success of the DOE funded RERTR program (2) the development of acceptable, and available, replacement fuel, and (3) the extent of financial and operational support provided to affected licensees by the Federal Government through DOE. The Commission also recognizes that the degree of RERTR program success directly impacts the costs attributed to attendant NRC safety reviews. The Commission therefore, is especially interested in public comments on these aspects of the proposed rule.

National Environmental Policy Act Consideration

The Commission has determined, under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in 10 CFR Part 51, that promulgation of this proposed rule will not have a significant effect on the quality of the human environment and that, therefore, an environmental impact statement is not required. (The environmental assessment and finding of no significant impact on which this determination is based are available for public inspection at the NRC Public Document Room 1717 H Street, NW., Washington, DC.)

Paperwork Reduction Act Statement

The proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

Regulatory Analysis

The Commission has prepared a regulatory analysis for the proposed amendment. The analysis examines the costs and benefits of the amendment and the decision criteria considered by the Commission. A copy of the regulatory anaysis is available for inspection and copying for a fee at the NRC Public Document Room, 1717 H Street NW., Washington, DC.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed regulation affects non-power reactor licensees that own and operate nuclear utilization facilities licensed under section 103 and 104 of the Atomic Energy Act of 1954, as amended. These licensees do not fall within the definition of small businesses set forth in section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Businesses Size Standards set forth in 13 CFR Part 121.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 533, notice is hereby given that adoption of the following amendment to 10 CFR Part 50 is contemplated.

1. The Authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Sec. 50.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sec. 50.57(d), 50.58, 50.9 and 50.92 also issued under Pub. L. 97-415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Sec. 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sec. 50.80-50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sec. 50.100-50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c) 50.44, 50.46, 50.48, 50.54 and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. A new § 50.64 is added to read as follows:

§ 50.64 Limitations on the use of high enriched uranium in non-power reactors.

(a) *Applicability.* The requirements of this section apply to all nuclear non-power reactors licensed under §§ 50.21(a), 50.21(c), or 50.22 of this part.

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

(1) "High enriched uranium" (HEU) fuel means fuel in which the weight percent of U-235 in the uranium is 20% or greater. Target material, special instrumentation or experimental devices using HEU are not included.

(2) "Low enriched Uranium" (LEU) fuel means fuel in which the weight percent of U-235 in the uranium is less that 20%.

(3) "Unique purpose" means that the project or program cannot reasonably be accomplished without the use of HEU fuel, and may include:

(i) A specific experiment or program.

(ii) Reactor physics or reactor development based explicitly on use of HEU fuel.

(iii) Research projects based on the neutron flux levels or spectra only attainable with HEU fuel, or

(iv) A reactor core of special design that could not perform its intended function without using HEU fuel.

(c) *Requirements.* (1) The Commission will not issue a construction permit for a new non-power reactor that would use HEU fuel unless the applicant demonstrates that the proposed reactor will have a unique purpose as defined in paragraph (b)(3) of this section.

(2) Unless the Director of the Office of Nuclear Reactor Regulation has determined, based on a request submitted in accordance with paragraph (d)(1) of this section, that the reactor has a unique purpose, each licensee currently authorized to possess and use HEU fuel in connection with the operation of a non-power reactor shall:

(i) Acquire no additional HEU fuel if LEU fuel acceptable to the Commission

for that reactor is available at the time of the proposed acquisition of the HEU fuel by the licensee; and

(ii) Replace all HEU fuel in the licensee's possession with available LEU fuel acceptable to the Commission in accordance with a schedule determined pursuant to paragraph (d)(2) of this section.

(3) If not required by paragraphs (c)(1) and (2) of this section to use LEU fuel, the applicant or licensee must use HEU fuel of enrichment as close to 20% as is available and acceptable to the Commission.

(d) *Implementation.* (1) Any request by a licensee for a determination that a reactor has a unique purpose as defined in paragraph (b)(3), of this section should be submitted with supporting documentation to the Director of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, by [insert a date 6 months after the effective date].

(2) By [insert a date 12 months after the effective date] each non-power reactor licensee authorized to possess and use HEU fuel shall develop and submit to the Director of the Office of Nuclear Reactor Regulation a proposed schedule for meeting the requirements of paragraphs (c) (2) or (3) of this section. The proposed schedule shall be based upon availability of replacement fuel acceptable to the Commission and consideration of other factors such as the availability of shipping casks, financial support, and reactor usage. A final schedule will then be determined by the Director of the Office of Nuclear Reactor Regulation.

(3) If the replacement of HEU fuel with LEU fuel does not change the technical specifications incorporated in the license or involve an unreviewed safety question as defined in § 50.59(a)(2), the holder of a non-power reactor license may replace HEU fuel with LEU fuel without amendment to the license and shall maintain records and furnish reports as defined in § 50.59(b). If replacement of HEU fuel with LEU fuel changes the technical specifications incorporated in the license or involves an unreviewed safety question, the licensee shall file an application for an amendment in accordance with § 50.59(c).

Dated at Washington, DC this 29th day of June 1984.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 84-17785 Filed 7-5-84; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-ASO-14]

Proposed Alteration of Transition Area; Columbia, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase the size of the Columbia, South Carolina, transition area to accommodate Instrument Flight Rule (IFR) operations at Owens Field Airport. This action will lower the base of the additional controlled airspace from 1,200 to 700 feet above the surface in the vicinity of the airport. An instrument approach procedure, based on the Columbia Airport Surveillance Radar (ASR), is being developed to serve the airport and the additional controlled airspace is required for protection of IFR aeronautical activities.

DATES: Comments must be received on or before: August 19, 1984.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Walter H. Wulff, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-ASO-14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Columbia, South Carolina, transition area. This action will provide additional controlled airspace for aircraft executing a new instrument approach procedure to Owens Field Airport. If the proposed alteration of the transition area is found acceptable, the operating status of the airport will be changed from VFR to IFR. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6 dated January 3, 1984.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

The Proposed Amendment

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

§ 71.181 [Amended]

Columbia, SC—[Amended]

By adding the following words to the end of the present text: "within a 6.5-mile radius of Owens Field Airport (Lat. 33°58'28" N., Long 80°59'55" W.)"

(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))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on June 26, 1984.

Jonathan Howe,

Director, Southern Region.

[FR Doc. 84-17877 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 842-3131]

Sentronic Controls Corp., et al; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approved, would require three Chicago, Ill. corporations and three individuals engaged in the advertising, sale and distribution of an ultrasonic pest control product called the "Pest Sentry," among other things, to cease representing that the Pest Sentry or any other ultrasonic pest control device will eliminate cockroaches, rats, mice, and other such pests from a home or place of business; eliminate them within a specified period of time; prevent them from entering or remaining in an area where the product is being used; and serve as an effective alternative to the use of conventional pest control products. The order would also bar the firms from making any performance or efficacy claims for ultrasonic pest control devices unless they possess and rely on competent and reliable substantiating evidence when making those claims.

DATE: Comments must be received on or before September 4, 1984.

ADDRESS: Comments should be directed to: FTC/Office of the Secretary, Room 136, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/H 214, Edwin Dosek, Washington, DC 20580, (202) 523-3660.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Ultrasonic pest control products, Trade practices.

Before the Federal Trade Commission

[File No. 842-3131]

Agreement Containing Consent Order To Cease and Desist

In the matter of Sentronic Control Corporation, a corporation; International Marketing & Manufacturing, Inc. a corporation; Unigraf, Inc., a corporation; Stanley Stewart, Anne K. Stewart, and Richard Muller.

The Federal Trade Commission, having initiated an investigation of certain acts and practices of Sentronic Controls Corporation, a corporation, (hereinafter SCC), International Marketing & Manufacturing, Inc., (hereinafter (IMM), Unigraf, Inc., (hereinafter Unigraf), Stanley B. Stewart, Anne K. Stewart and Richard Muller, individually and as officers of said corporations, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed by and between proposed respondents, individually and as officers of said corporations, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondents SCC and IMM are Illinois corporations with their offices and principal places of business located at 730 North LaSalle Street, Chicago, Illinois.

Proposed respondent Unigraf is an Illinois corporation with its principal place of business located at 60 West Erie Street, Chicago, Illinois.

Proposed respondent Stanley Stewart is an officer of SCC and an officer of IMM. Proposed Respondent Anne K. Stewart is an officer of IMM. Proposed Respondent Richard Muller is a director of SCC and an officer and director of Unigraf.

As such, the individual proposed respondents formulate, direct and control the policies, acts and practices of said corporations, and their business addresses are the same as those for said corporations:

2. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record fo the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and

if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to ceases and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' addressed as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7 Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Consent Order

I

It is ordered that respondents Sentronic Controls Corporation, a corporation, its successors and assigns, and its officers, International Marketing & Manufacturing, Inc., a corporation, its successors and assigns, and its officers, Unigraf, Inc., a corporation, its successors and assigns, and its officers, and Stanley Stewart, Anne K. Stewart and Richard Muller, individually and as officers of said corporations, and respondents' agents, representatives, distributors, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the Pest Sentry (PS-1500) or any other pest control product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission act, do forthwith cease and desist from:

A. Representing, directly or by implication, that respondents' Pest Sentry (PS-1500) or any such ultrasonic product with intensity and frequency equivalent to that of the Pest Sentry (PS-1500), will:

(1) Eliminate cockroaches, rats, mice and other pests from a home or place of business;

(2) Eliminate rodent and insect problems from a home or place of business within two to six weeks, or within any other specified period or time;

(3) Prevent rodents and insects from entering or remaining in an area where the ultrasonic product is in use in a home or place of business;

(4) Protect, from rodent and insect infestations, areas up to 1500 square feet in a home or place of business, or within any other specified square footage area;

(5) Serve as an effective alternative to the use of conventional products such as sprays, powders, traps or other chemicals in providing protection from insect and rodent infestation.

B. Representing, directly or by implication, any performance characteristic of any pest control product unless at the time of making such representation respondents possess and rely upon competent and reliable evidence which substantiates the representation. Evidence shall be competent and reliable only if test, experiments, analyses, research studies, or other evaluations are conducted in an objective manner by persons qualified to do so, using procedures generally accepted in the relevant professions or sciences to yield accurate, reliable, and reproducible results.

C. Representing, directly or by implication, that any pest control product is effective in providing protection from insect and rodent infestation in a home or place of business unless at the time of making such representation respondents possess and rely upon competent and reliable evidence which either directly relates to such home or place of business use conditions or which can properly be applied to such conditions.

II

It is further ordered that for three years after the last date of dissemination of the relevant representation respondents shall maintain and upon request make available to the Federal Trade Commission for inspection and copying copies of all materials relied upon to support any representation covered by Part I of this Order, and copies of all documents in respondents' possession that contradict, qualify, or otherwise call into question any such representations, including complaints from, consumers.

III

It is further ordered that respondents shall for a period of three years:

A. Distribute a copy of this Order to all managerial employees, distributors, independent sales agents and retailers present and future.

B. Notify each present and future distributor or sales representative that the failure to comply with the Order may result in cancellation of the distributorship or other selling agreement with respondents.

C. Require all distributors, independent sales agents and retailers to report to respondents semi-annually all consumer requests for refund and their action taken in response to such requests.

IV

It is further order that for a period of ten years:

A. Respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation that may affect compliance obligations arising out of this Order.

B. The individual respondents named herein shall promptly notify the Commission of the discontinuance of their present pest control product business of employment and of their affiliation with any new pest control product business or employment, stating the nature of the business or employment in which the individual is newly engaged as well as a description of duties and responsibilities in connection with such new business or employment and the address of such new business and employment.

V

It is further ordered that respondents shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the following corporations and individuals:

Sentronic Controls Corporation, 730 North LaSalle Street, Chicago, Illinois
International Marketing & Manufacturing, Inc., 730 North LaSalle Street, Chicago, Illinois
Unigraf, Inc., 60 West Erie Street, Chicago, Illinois
Stanley B. Stewart and Anne K. Stewart, 730 North LaSalle Street, Chicago, Illinois
Richard Muller, 60 West Erie Street, Chicago, Illinois.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will became part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Complaint

The respondents listed above have been and are engaged in the manufacture and marketing of an ultrasonic pest control product called the Pest Sentry (PS-1500). In marketing its Pest Sentry, respondents have said that it is an effective alternative to the use of messy chemicals, sprays, powders or traps. They claim that a home or place of business can "say good-bye to annoying pests;" that the Pest Sentry will eliminate roaches, rats, mice, mosquitoes, flies, water bugs, and other crawling and flying pests from a home; that the Pest Sentry will cover a very large area, 1,500-2,000 square feet (16,000 cubic feet) and will penetrate doors, drywall and plastered rooms; that all insects and rodents will be eliminated from the home or place of business in 4-6 weeks.

In count I of the Complaint, such claims of product efficacy are challenged. According to the complaint, the Pest Sentry will not completely or permanently rid a home or place of business from insect or rodent infestation, nor will it do so within 2 to 6 weeks as claimed.

In count II of the complaint, respondents' claims that the use of the Pest Sentry is an effective alternative to the use of traps, sprays, powders or other chemicals are challenged. The complaint alleges that even though rodents can hear, they rapidly habituate to ultrasound and any reaction by rodents to the Pest Sentry would, at best, only be of short duration. The complaint also alleges that ultrasound has no effect on insects. Therefore, the use of ultrasound is allegedly not an effective alternative to conventional pest control products, contrary to respondents' claims.

Count III of the complaint challenges respondents' claims that the Pest Sentry would effectively cover 1,500 to 2,000 square feet in the home or place of business; that its ultrasound penetrates doors and walls and reaches rodents and insects in cracks and crevices where they feed and nest. The complaint alleges that these claims are false because ultrasound loses intensity as it travels, is absorbed by soft objects, is reflected by hard objects and is unable to penetrate to places of feeding or nesting behind doors or walls. Therefore, respondents area coverage claims for the Pest Sentry are alleged to be false.

Count IV of the complaint charges that respondents do not possess a reasonable basis for the product claims they make because they have not conducted appropriate tests of the performance of the Pest Sentry, or have improperly applied results of tests done by others. Therefore, the claims that the Pest Sentry is effective as a pest control product are alleged to be unfounded and false.

The Order

Respondents have signed an agreement containing a consent order which requires them, jointly and severally, to cease and desist from representing that the Pest Sentry or any other such ultrasonic pest control product of equivalent intensity and frequency will: (1) Eliminate cockroaches, rats, mice or other pests from a home or place of business; (2) eliminate all rodents and insects immediately or within any specified period of time; (3) prevent rodents and insects from entering or remaining in an area where the ultrasonic product is in use; (4) protect, from rodent and insect infestation, areas of the home or place of business up to 1,500 square feet or any other specified square footage area; and (5) serve as an effective alternative to the use of conventional pest control products in providing protection for insect or rodent infestation.

The order further requires respondents to refrain from making any performance claims for the Pest Sentry or any other pest control product unless, at the time they make such claims, they possess and rely upon competent and reliable evidence which substantiates the claims of performance.

The order also requires the corporate respondents to notify the Commission of any proposed changes in their corporate structures, requires individual respondents to notify the Commission of any change of their involvement in the pest control product business, requires respondents to notify all managerial and sales personnel of the order by distributing a copy of the order to each of them, and requires all respondents to file a compliance report.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 84-18322 Filed 7-5-84; 8:45 am]
BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Fees for Contract Market Rule; Enforcement Reviews and Financial Reviews

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: On June 1, 1984, the Commodity Futures Trading Commission published a proposed schedule of fees to cover the Commission's actual costs in conducting contract market rule enforcement reviews and financial reviews. 49 FR 22827. Comments on the fee schedule were to be received no later than July 2, 1984. In light of the substantial interest which this fee proposal has generated and the need for exchanges to analyze thoroughly the data upon which the proposal is based, the Commission has decided to extend the comment period by 15 days. Accordingly, comments on the proposed schedule of fees shall now be submitted to the Commission no later than July 17 1984. Any individual who has already submitted comments is welcome to submit additional material by July 17

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Daniel S. Goodman, Esquire, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-9880.

Issued in Washington, D.C., on June 29, 1984, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17881 Filed 7-5-84; 8:45 am]

BILLING CODE 6351-01-M

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17 CFR Part 145

Fees for Mailed Subscriptions to Weekly Advisory Calendar

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed schedule of fees.

SUMMARY: As part of the Futures Trading Act of 1982, Congress amended Section 26 of the Futures Trading Act of 1978 to allow the Commission to promulgate a schedule of fees "to be charged for services rendered and activities and functions performed by the Commission in conjunction with its administration and enforcement of the Commodity Exchange Act." In this regard, the Commission proposes to establish an annual fee of $65.00 for nonmedia mailed subscriptions to its weekly Advisory Calendar. The fee would enable the Commission to recover its actual costs in publishing and mailing the Advisory Calendar.

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

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC, 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Daniel S. Goodman, Esquire, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington DC, 20581. Telephone (202) 254-9880.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 237 of the Futures Trading Act of 1982, 7 U.S.C. 16a(c), amended section 26 of the Futures Trading Act of 1978 to provide the Commission with specific authority

> to promulgate, after notice and opportunity for hearing, a schedule of appropriate fees to be charged for services rendered and activities and functions performed by the Commission in conjunction with its administration and enforcement of the Commodity Exchange Act: *Provided,* That the fees for any specified service or activity or function shall not exceed the actual cost thereof to the Commission.

The Conference Report accompanying the legislation, H.R. Rept. No. 964, 97th Cong. 2d Sess. 57 (1982), states that "the conferees intend that the fee schedule addressed by the Conference substitute be strictly limited to Commission activities directly related to: * * * (6) publications of the Commission * * *"

Pursuant to this authority, the Commission proposes to add an Appendix D to Part 145 of its regulations to establish an annual fee for mailed subscriptions to the Commission's weekly Advisory Calendar. The Advisory Calendar includes a schedule of Commission activities, a summary of all Commission legal action, and reprints of all Commission advisories and news releases. The annual fee would be set at $65.00, which is a cost of $1.25 per week. The fee would not apply to media subscribers.

II. Calculation of Fee

The cost to the Commission of publishing and mailing its weekly Advisory Calendar is over $100,000 per year. The largest component to this cost is postge. At the current bulk postage rate, it costs $1.15 to mail a single copy of the Advisory Calendar. With approximately 1,600 mail subscriptions, exclusive of media subscriptions, the Commission spends about $1,840 per week, or $95,680 per year, to send the Advisory Calendar to non-media subscribers.

Other costs associated with the production of the weekly Advisory Calendar include staff time and production costs. The staff time, on average, includes two hours per week for a public affairs specialist ($20.64 per hour), two hours per week for a secretary ($6.68 per hour), and six hours per week for an offset duplicating press operator ($10.51 per hour). Total weekly staff costs are thus approximately $117.70 (2×$20.64+2×$6.68+6×$10.51). Applying a 32 percent overhead figure to this total yields a product of $155.36[1] Since 78 percent of the Advisory Calendars go to non-media mail subscribers (1600 divided by 2050), approximately $121 of this product (.78×$155.36) would be recoverable under the proposed fee. This amounts to about 7.5 cents per week for each non-media mail subscribrer ($121 divided by 1600).

Production costs (paper and ink) are about one-half cent per page. At the average Advisory Calendar size of 15 pages, these costs add another 7.5 cents per week for each subscription (.05×$.15). The total weekly cost per mailed subscription is thus $1.30 ($1.15+$0.075+$0.075). To unsure that the Commission is not recovering more than its actual costs of publication, this figure has been rounded down to $1.25 per week, or $65.00 per year (52×$1.25).

The Commission has determined that if this proposed fee is adopted in final form, it would apply to all Advisory Calendars issued on or after October 1, 1984. Any non-media subscriber who is currently receiving mailed copies of the Advisory Calendar would be removed from the mailing list if he did not submit a $65.00 check or money order by September 30, 1984. The fee for each subsequent fiscal year would be due by September 30 of the preceding fiscal year. There would be no refunds for cancelled subscriptions.

Individuals who wished to begin subscribing to the weekly Advisory Calendar during the middle of a fiscal year would be required to submit a check for $1.25 times the number of weeks remaining in the fiscal year. Back issues and single issues of the weekly Advisory Calendar would be available only for the charges listed in 17 CFR Part 145, Appendix B.

III. Regulatory Flexibility Act

The Commission believes that the proposed fee, which is designed only to recover the Commission's actual costs in pubishing and mailing its weekly Advisory Calendar, is small enough that it should not have a significant economic impact on any subscriber. Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C 605(b) that the rule proposed herein, if promulgated, would not have a significant economic impact on a substantial number of small entities. The Commission nevertheless invites comment from any subscriber which believes that the proposed fee would have a significant economic impact upon it.

List of Subjects in 17 CFR Part 145

Commission records and information, Fees, Government publications.

Adding Appendix D to Part 145 of Chapter 1 of Title 17 of the Code of Federal Regulations.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular in seactions 2(a)(11) and 8a(5), 7 U.S.C. 4a(j) and 12a(5); in section 26 of the Futures Trading Act of 1978, as amended by section 237 of the Futures Trading Act of 1982, 7 U.S.C. 16a; and in the Independent Offices Appropriation Act of 1952, as amended by Pub. L. 97-258, 96 Stat. 1051 (Sept. 13, 1982) (*see* 31 USCA 9701), the Commission hereby proposes to amend Part 145 of Chapter 1 of Title 17 of the Code of Federal

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[1] The overhead figure represents the Commission's actual overhead percentage for space, supplies, utilities, etc.

Regulations by adding Appendix D. In taking this action, the Commission has considered the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatry objectives of the Commodity Exchange Act.

PART 145—COMMISSION RECORDS AND INFORMATION

Appendix D—Schedule of Fees for Weekly Advisory Calendar

(a) The annual cost of a mailed subscription to the Commission's weekly Advisory Calendar shall be $65.00. There shall be no cost to media subscribers.

(b) Annual subscriptions to the weekly Advisory Calendar shall run on a fiscal-year basis, from October 1 through September 30. The fee for an annual subscription must be received by the last day of the preceding fiscal year. The fee shall not be refundable.

(c) Payment shall be made by check or money order in the amount of $65.00 made payable to the Commodity Futures Trading Commission. Checks or money orders should be sent to the Office of the Secretariat, Commodity Features Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Payment may be accepted only by personnel in the Office of the Secretariat.

Issued in Washington, D.C. on June 29, 1984, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17874 Filed 7-5-84; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

31 CFR Part 51

Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Proposed rule.

SUMMARY: The Local Government Fiscal Assistance Act Amendments of 1983 were enacted on November 30, 1983. The law amended the Revenue Sharing Act (31 U.S.C. 6701 through 6724). The proposed rule would implement changes, primarily technical, made by the 1983 Amendments.

DATES: Written comments must be received on or before August 20, 1984.

ADDRESSES: Send comments to: Chief Counsel for Revenue Sharing; Office of Revenue Sharing, Treasury Department, Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Richard S. Isen, Chief Counsel or Jacqueline L. Jackson, Attorney, Office of Chief Counsel for Revenue Sharing, Washington, DC. 20226, Telephone: (202) 634-5182.

SUPPLEMENTARY INFORMATION:

Background

On November 30, 1983, the Local Government Fiscal Assistance Amendments of 1983 (Pub. L. 98-185) were enacted to amend the Revenue Sharing Act (31 U.S.C. 6701 through 6724) which established the General Revenue Sharing Program. The Act was previously amended in 1976 by Pub. L. 94-488, and in 1980 by Pub. L. 96-604. The Amendments in 1983 renewed the General Revenue Sharing Program for three years until the end of fiscal year 1986 (September 30, 1986). The Amendments also eliminated the authorization of appropriations to State governments for the three-year period and the proposed use hearing requirement. The audit provision was also amended to require an annual audit for governments that receive more than $100,000 in Revenue Sharing funds. The 1983 Amendments also made certain technical changes to the formula and civil rights provisions in the Act.

The 1983 Amendments necessitate several revisions to the regulations contained in 31 CFR Part 51, which implement the Revenue Sharing Act. The following is a section-by-section analysis of the proposed revisions to the regulations:

Section-by-Section Analysis

Section 51.0 Scope and Application of Regulations.

Subsection (a) of this section currently describes among other things the statutes these regulations implemented. This description is not deemed to be necessary. The Director proposes to eliminate that portion of the provision. Subsection (b) would update the reference to the effect of renewal on pending cases.

Section 51.1 Establishment of Office of Revenue Sharing.

This section reflects the establishment of the Office of Revenue Sharing (hearemafter referred to as the "ORS") and cites the implementing legislation. The proposed rule would update the cite with a reference to the 1983 Amendments.

Section 51.2 Definitions.

Subsection (a) of the proposed rule would amend the definition of "Act" to reflect the 1983 Amendments.

Subsection (b) would provide a new definition of the term "allocation" used primarily in subpart C. This definition, as well as the definition of "entitlement" is added as part of the effort to clarify the proper usage of these terms which in the past have been used interchangeably and in some cases incorrectly.

The proposed rule would redesignate the definitions of the terms "department" and "director" as paragraphs (c) and (d) respectively. A new paragraph would define "entitlement" for the reasons described above with respect to the definition of allocation. The proposed rule would amend the definition of entitlement period to reflect the reauthorization of the Revenue Sharing Program through fiscal year 1986.

The proposed rule would redesignate the definitions of "funded," "Governor," "Indian tribes and Alaskan native villages," "lobbying," and "program" and "activity" as subsections (h), (i), (j), (k) and (l) respectively.

The proposed rule would amend the definition of recipient government to eliminate the reference to the States which were not authorized to be Revenue Sharing recipients by the 1983 Amendments.

The proposed rule would add a new subsection (o) to define "Specific economic dislocation." Section 5 of the Local Government Fiscal Assistance Amendments of 1983 (Pub. L. 98-185) provides relief to local governments which suffer reduced tax receipts and reduced Revenue Sharing allocations due to economic dislocations such as plant closings. Subsection (o) defines the economic dislocation and § 51.22(e), discussed below, describes the relief provided.

The proposed rule would redesignate the definition of State governments as subsection (p). The definition of unit of local government would be redesignated subsection (q) and amended to reflect the technical change to the definition of District of Columbia.

Section 51.10 Definitions.

The proposed rule would amend this section to expand subsection (1) "publication" for clarification purposes. New definitions of the terms "report" and "use report" would also be added.

Section 51.11 Reports to the Director; assurances; procedures for effecting compliance.

Subsection (b) of this section would be amended to require the retention of documentation concerning publication requirements for a three year period rather than a one year period. The amendment would make this record-keeping requirement consistent with similar Revenue Sharing requirements. Paragraph (b) of this section would be

revised to give the Governor of each State the responsibility to contact the Director if he or she wishes to review and commented on the adequacy of the assurances made by local governments within the State.

Section 51.12 Use Reports; reports to Bureau of the Census.

The proposed rule would amend current § 51.12 as part of an overall reorganization of this subpart. Current § 51.12(c) would become part of a new § 51.13. "Publication requirements." Current § 51.19 would be added to § 51.12 as a new subsection (d).

The proposed revisions would not change the substance of the requirements.

Section 51.13 Publication requirements.

Current § 51.13, "Proposed Use Hearing" would be eliminated because the 1983 amendments repealed that requirement in the Revenue Sharing Act. As of October 1, 1983, units of local government were no longer required to conduct proposed use hearings. Only the budget hearing, described in § 51.14 is required.

The proposed rule would add a new § 51.13 which does not add new requirements, but is a reorganization of existing requirements.

Current §§ 51.12(c), 51.14(c)(1), (d), (e) and (h) and §§ 51.17 and 51.18 would now be a part of section 51.13. All provisions requiring or pertaining to the publication of information in newspapers would now be contained in one section. No substantive changes are proposed to these provisions.

Section 51.14 Budget hearing.

The proposed rule would amend this section as described above with respect to proposed § 51.13 above. Further, the subsection (a) would be amended to remove the reference to the proposed use hearing and add a new paragraph (3) to describe what funds are subject to the budget hearing process. Current subsection (c)(2) would be redesignated subsection (c). Current subsection (f) would be eliminated because the provision is no longer applicable. Current subsection (g) would be redesignated subsection (d).

Section 51.15 Modifications to Enacted Budget.

The proposed rule amends this section to reference proposed § 51.13 "publication requirements."

Section 51.20 Data.

The proposed rule would revise subsection (a)(4) to clarify that the most recent tax data will be used to determine allocations of Revenue Sharing funds rather than entitlements of Revenue Sharing funds as those terms would be defined in § 51.2 (b) and (e) respectively. This section would also be amended to reference a revised § 51.22 to describe handling of data affected by economic dislocation.

This section would also be amended to eliminate subsection (c) because it is obsolete and redesignate current subsection (d) as (c).

Section 51.21 Data affected by a major disaster.

The proposed rule would revise subsection (a) to refer to determination of allocations rather than entitlements.

Section 51.22 Adjusted taxes.

The proposed rule would amend subsection (c) to add a new subparagraph (c)(2) to provide that the reduction in adjusted taxes resulting from economic dislocations will be disregarded for the purpose of determining the allocation of Revenue Sharing funds provided that the required conditions are met.

A new subsection (d) would be added to implement the special provision concerning adjusted taxes for units of local government within the State of Massachusetts added by the 1983 Amendments.

Section 51.23 Dates for finalizing data.

The proposed rule would amend subsection (b) of this section to add a new provision to provide for renewal of the Revenue Sharing Program after the beginning of an entitlement period. Generally, data definitions are to be provided to units of local government by at least the day before the beginning of each entitlement period. This cannot be accomplished, however, if the program has technically expired and had not yet been reauthorized. Subsection (b) would provide that in such a circumstance the definitions would be published in the Federal Register within 90 days of enactment of reauthorization legislation.

Section 51.26 Reservation of Funds; adjustment of entitlements and allocations.

The proposed rule would completely revise this section to reflect a change in ORS policy concerning when Revenue Sharing funds will be reserved, and how adjustments will be made to the allocation of entitlement funds. Considerably smaller reserves will be maintained under the new policy. These revisions will restrict permanent withdrawals from the reserves to those necessary to cover allocation adjustments resulting from data revisions of which the Director was notified within the statutory time period but which were not processed soon enough to be included in the final allocation adjustments for the entitlement period. These revisions will also restrict temporary withdrawals from the reserves for the purposes of making allocation adjustments prior to a final allocation for an entitlement period to those which meet a set of criteria established by the Director for such adjustments. Adjustments that do not meet the criteria for withdrawal from the reserve will be made in the next scheduled reallocation for the period. It is expected that this revision will provide for more equitable distribution of Revenue Sharing funds.

Section 51.27 States to maintain transfers to local governments.

This section would be amended to reflect the fact that State governments will not receive Revenue Sharing funds for the current reauthorization of the Revenue Sharing Program and that this section will be inoperative for entitlement periods beginning October 1, 1983.

Section 51.28 Optional formula.

This section would be amended to change the reference from "entitlement" to "allocation" and clarify the proper usage of the terms.

Section 51.29 Notification to adjustment of data factors.

This section would be amended to specifically point out that data challenges must be made in writing. This section would also be amended to remove the reference to "allocations of entitlement funds" to provide proper usage of the terms "allocation" and "entitlement payments."

Section 51.30 Adjustment to allocation; application of adjustments.

The proposed rule would amend this section to reference "allocations," to provide proper usage of the terms, "allocation" and "entitlement payment."

Section 51.31 Separate law enforcement officer.

The proposed rule would provide the correct references to allocations of Revenue Sharing funds and to remove references to the State share of Revenue Sharing funds.

Subpart D

This subpart has been revised by the elimination of three obsolete sections: § 51.40, Matching funds and § 51.41,

Permissible expenditures for local governments and § 51.44, Use of entitlement funds for debt retirement. These provisions were repealed by the 1976 Amendments to the Act. The subpart is also amended by the redesignation of § 51.42 as § 51.40, § 51.43, as § 51.41, § 51.45 as § 51.42 and § 51.46 as § 51.43. Proposed § 51.41, Lobbying, would remove the reference to "General Revenue Sharing Program" as the term "Revenue Sharing Program" is currently in use.

Section 51.100 Definitions.

The proposed rule would amend this section by the addition of a new subsection (b) which defines the term "Auditors report on the study and evaluation of the internal accounting control" The definitions of "financial audit," "financial statements," "generally accepted auditing standards" and "independent audit" would be amended to provide greater clarity.

Section 51.102 Auditing and evaluation.

This section is amended to reflect the changes made to the audit requirement by the 1983 Amendments. Principally, local governments which receive more than $100,000 must conduct annual independent audits. Those receiving at least $25,000 but not more than $100,000 would continue to conduct an independent audit once every three years. Subsection (c), the provision concerning inapplicability of audit requirement would be eliminated as the parallel provision was repealed by the 1983 Amendments to the Revenue Sharing Act. Similarly, subsection (d) would be eliminated because the provision in now obsolete.

Section 51.103 Wavier of audit requirement.

The proposed rule would make minor revisions to this section for greater clarity.

Section 51.104 Audits of secondary recipients.

This section would be amended to reflect the amendments to the audit provision by the 1983 Amendments.

Section 51.107 Scope of audits.

This section would be amended to reflect the revised title of the Comptroller General's generally accepted government auditing standards.

Section 51.108 Public inspection, retention and submission of audit report workpapers.

The proposed rule would amend this secton to implement the requirement added by the 1983 Amendments that the audit report be made available for public inspection 30 days after the audit is completed. A recipient government is also required to publish a notice in a newspaper of general circulation that the report is available for inspection.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Pub. L. 96-354, hereinafter referred to as the RFA) requires that regulations with significant economic impact on a substantial number of "small entities" should undergo regulatory flexibility analyses. With respect to the Revenue Sharing Program, small entities are defined as recipient governments with a population below 50,000.

The proposed regulations implement the 1983 Amendments to the Revenue Sharing Act made by the Local Government Fiscal Assistance Amendments of 1983 (Pub. L. 98-185). The 1983 Amendments renewed the General Revenue Sharing Program for an additional three years, made technical and conforming changes to the statute, and modified or eliminated certain public participation and audit requirements.

The proposed regulations merely implement these statutory changes. The revenue effects of the proposed regulations, if any, flow directly from the statute, and the regulations impose no additional paperwork, compliance, or financial burdens on recipients governments. The proposed regulations are primarily interpretive, providing needed guidance to recipient governments with respect to the Revenue Sharing Program. The proposed regulations are not expected to have a significant economic impact on small governmental units. Accordingly, the provisions of the RFA are not applicable to this regulatory project, and an initial regulatory flexibility analysis is not required.

Executive Order 12291—"Federal Regulation"

The proposed regulations do not constitute a "major rule" within the meaning of Section 1(b) of Executive Order 12291, entitled "Federal Regulation." A regulatory analysis is not required.

List of Subjects in 31 CFR Part 51

Accounting, Administrative practice and procedure, Civil rights, Handicapped, Aged, Indians, Revenue sharing, Reporting and recordkeeping requirements.

Authority

The proposed rule is issued under the authority of the Revenue Sharing Act (31 U.S.C. 6701 through 6724) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342) as amended by Treasury Department Order No. 103-1 dated March 18, 1982.

31 CFR Part 51, is therefore proposed to be amended in the manner set forth below:

Dated: May 30, 1984.

Michael F. Hill,

Director, Office of Revenue Sharing.

PART 51—FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS

1a. Section 51.0 is revised to read as follows:

Subpart A—General Information

§ 51.0 Scope and application of regulations.

(a) *In general.* The rules and regulations in this subpart are prescribed for carrying into effect the Revenue Sharing Act (31 U.S.C. 6701-6724). Subpart A of this part sets forth general information and definitions of terms used in this part. Subpart B of of this part prescribes the reporting, public hearing and publication requirements under this part. Subpart C of this part contains rules regarding the computation, allocation and adjustment of entitlements. Subpart D of this part prescribes prohibitions and restrictions on the use of funds. Subpart E of this part contains the nondiscrimination provisions and procedures applicable to programs funded by units of general local government which receive revenue sharing funds. Subpart F of this part prescribes fiscal procedures and auditing requirements. Subpart G of this part contains rules relating to procedure and practice requirements where a recipient government has failed to comply with any provision of this part. A reference to individuals in the feminine or masculine gender shall not be construed to exclude either gender.

(b) *Effect on pending cases.* The procedural provisions of the Revenue Sharing Act as amended by Pub. L. 98-185 and regulations promulgated thereunder, shall apply to all pending administrative proceedings, including cases commenced by complaints filed prior to October 1, 1983.

2. Section 51.1 is revised to read as follows:

§ 51.1 Establishment of the Office of Revenue Sharing.

There is established, in the Office of the Secretary of the Treasury, the Office of Revenue Sharing. The Office shall be headed by a Director who shall be appointed by the Secretary of the Treasury. The Director shall perform the functions, exercise the powers and carry out the duties vested in the Secretary of the Treasury by the Revenue Sharing Act (31 U.S.C. 6701 through 6724).

3. Section 51.2 is amended by the redesignation of paragraphs (b) as (c), (c) as (d), (e) as (f), (f) as (g), (g) as (h), (h) as (j), (j) as (k), (k) as (l), (l) as (m), (m) as (o), (n) as (p), (o) as (q) and (p) as (v), and the addition of paragraphs (b), (e), and (n) as follows:

§ 51.2 Definitions.

As used in this part (except where the context clearly indicates otherwise, or where the term is otherwise defined elsewhere in this part) the following definitions shall apply:

(a) "*Act*" means the Revenue Sharing Act (31 U.S.C. 6701 through 6724) as amended by the Local Government Fiscal Assistance Amendments of 1983 (Pub. L. 98–185 enacted November 30, 1983).

(b) "*Allocation*" means the amount determined by formula to be a State area or recipient government's portion of the Revenue-Sharing appropriation for an entitlement period.

* * * * *

(e) "*Entitlement*" means the amount a recipient government is scheduled to receive during the entitlement period, determined from adjustments made to the allocation for under or overpayments in prior periods.

(f) "*Entitlement funds*" means the amount of Revenue sharing payments to which a unit of local government is entitled as determined by the Director pursuant to the allocation formula contained in the Act and as established by regulations under this part, including the interest earned on entitlement funds deposited in financial institutions prior to their use, obligation or appropriation.

(g) "*Entitlement period*" means one of the following periods of time:

(1) Entitlement Period One is the 6-month period beginning January 1, 1972, and ending June 30, 1972.

(2) Entitlement Period Two is the 6-month period beginning July 1, 1972, and ending December 30, 1972.

(3) Entitlement Period Three is the 6-month period beginning January 1, 1973, and ending June 30, 1973.

(4) Entitlement Period Four is the Federal fiscal year beginning July 1, 1973, and ending June 30, 1974.

(5) Entitlement Period Five is the Federal fiscal year beginning July 1, 1974, and ending June 30, 1975.

(6) Entitlement Period Six is the Federal fiscal year beginning July 1, 1976, and ending June 30, 1976.

(7) Entitlement Period Seven is the 6-month period beginning July 1, 1976, and ending December 30, 1976.

(8) Entitlement Period Eight is the 9-month period beginning January 1, 1977 and ending September 30, 1977

(9) Entitlement Period Nine is the Federal fiscal year beginning October 1, 1977 and ending September 30, 1978.

(10) Entitlement Period Ten is the Federal fiscal year beginning October 1, 1978, and ending September 30, 1979.

(11) Entitlement Period Eleven is the Federal fiscal year beginning October 1, 1979, and ending September 30, 1980.

(12) Entitlement Period Twelve is the Federal fiscal year beginning October 1, 1980, and ending September 30, 1981.

(13) Entitlement Period Thirteen is the Federal fiscal year beginning October 1, 1981, and ending September 30, 1982.

(14) Entitlement Period Fourteen is the Federal fiscal year beginning October 1, 1982, and ending September 30, 1983.

(15) Entitlement Period Fifteen is the Federal fiscal year beginning October 1, 1983, and ending September 30, 1984.

(16) Entitlement Period Sixteen is the Federal fiscal year beginning October 1, 1984, and ending September 30, 1985.

(17) Entitlement Period Seventeen is the Federal fiscal year beginning October 1, 1985, and ending September 30, 1986.

* * * * *

(m) "*Recipient government*" means a unit of local government, the District of Columbia, Indian tribe, Alaskan native village, as defined in this section, or the office of the separate law enforcement officer for any parish in the State of Louisiana, other than the Parish of Orleans, which directly receives entitlement funds except as otherwise provided.

(n) "*Specific economic dislocation*" means economic distress in the area of a local government which causes the closing of places of employment, declines in assessed values or receipt of taxes from real property, declines in sales, income, or other tax collections of that local government. The decrease in tax collections must also reduce the allocation of that unit of local government by an amount equal to or greater than 20 percent of its allocation for the preceding entitlement period in order to justify the economic dislocation benefit for the local government.

* * * * *

(r) "*Unit of local government*" means the government of a county, municipality, or township, which is a unit of general government as determined by the Bureau of the Census for general statistical purposes. The term "unit of local government" shall also include the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions. The District of Columbia, in addition to being treated as the sole unit of local government within its geographic area is considered a State.

* * * * *

4. Section 51.10 is proposed to be amended by revising paragraphs (l) and (m) and adding a new paragraph (n) to read as follows:

Subpart B—Assurances, Reports, and Public Participation

§ 51.10 Definitions.

* * * * *

(l) "*Publication*" means giving notice, to the citizens of the recipient government, of the date of public hearing, availability of documents for public inspection or other information. Publication is to be effected by publishing the information in a newspaper of general circulation or an alternative method authorized by the Director.

(m) "*Report*" means the written response by a recipient government to any request for information or supporting documentation by the Director.

(n) "*Use report*" means a report required by the Director from each recipient government showing the amounts and purposes for which entitlement funds have been used in relation to the relevant functional items in the recipient government's budget.

5. Section 51.11 (b) and (c) are revised as follows:

§ 51.11 Reports to the Director; assurances; procedure for effecting compliance.

* * * * *

(b) *Retention of documentation concerning public participation requirements.* Documentation establishing compliance with the assurance, reporting and public hearing requirements of this subpart, such as the publication of notices, supplementary budget information, and other information required to be available for public inspection, shall be retained for a period of 3 years. These documents shall be made available to the Director upon request.

(c) *Requisite assurance for receipt of entitlement funds.* In order to qualify for entitlement funds for an entitlement period, the chief executive officer of each recipient government, when requested by the Director, shall file a Statement of Assurances on a form to be provided. The Statement of Assurances will state the recipient government's intention to comply with specified requirements, prohibitions and restrictions of the Act and of Subparts B, D, E, and F of this part, with respect to the use of entitlement funds. The Governor of each State may upon written request to the Director, review and comment on the adequacy of the assurances by units of local government other than Indian tribes and Alaskan native villages, located within the State.

* * * * *

6. Section 51.12 is proposed to be amended by the removal of paragraph (c) redesignating paragraph (d) as (c), and the addition of a new paragraph (d) as set forth below:

§51.12 Use reports; reports to Bureau of the Census.

* * * * *

(b) *Public inspection.* A copy of the use report and documentation necessary to support the statements contained therein shall be made available to any person for a period of three years. Within 30 days after the use report is filed, this information shall be placed at the principal office of the recipient government for public inspection during normal business hours. Where feasible, local public libraries and other public buildings should be used also. If the recipient government has no principal office, the report and supporting documentation shall be made available for public inspection at a public place or places within the boundaries of the recipient government.

* * * * *

(d) *Reports to the Bureau of the Census.* It shall be the obligation of each recipient government to comply promptly with requests by the Bureau of the Census (or by the Director) for data, information and reports relevant to the determination of allocation and the appropriation or use of entitlement funds. Failure of any recipient government to comply may result in the withholding of entitlement payments pursuant to § 51.3(e) of Subpart A and § 51.25(b) of Subpart C of this part.

7 Section 51.13 is revised to read as follows:

§ 51.13 Publication requirements.

(a) *Notice of availability of use reports.* The recipient government shall publish a notice which indicates that the use report required by § 51.12 of this subpart is available for public inspection within 30 days of the filing of the report with the Director or other designated agency. Such notice shall specify the location(s) and hours during which the report and its supporting documentation are available to the public. Publication of the notice shall be made in a newspaper of general circulation serving the recipient government's geographic area.

(b) *Notice of availability of audit report.* A recipient government shall make the audit report available for public inspection and publish notice of the availability of the report within 30 days of completion of the report as provided in § 51.108 (a) and (b) of this part.

(c) *Public notice of budget hearing.* (1) Notice of the budget hearing required by § 51.14 shall be published in a newspaper of general circulation serving the recipient government's geographic area no later than 10 days prior to the scheduled date of the hearing. The notice shall specify the date, place, and time of the public hearing, and that all citizens attending the hearing have the right to provide written and oral comments and ask questions concerning the entire budget and the relationship of entitlement funds to the entire budget. The notice shall state how, in the context of its proposed budget, the recipient government intends to use its entitlement funds, and shall require a budget summary of its entire proposed budget. In addition, the notice shall advise when and where the above information, together with a copy of the entire proposed budget, shall be made available for public inspection.

(2) Whenever State or local law provides for a specified time period within which a recipient government is required to publish notice of a budget hearing or to permit public inspection of its proposed budget for a specified time period, the recipient government shall comply with the time period for publication or public inspection required by its State and local law, provided that it is not less than seven (7) working days.

(d) *Published notice of availability of summary of enacted budget.* Public notice shall be published in a newspaper of general circulation serving the geographic area of the recipient government within 30 days after enactment of the budget. The notice shall state where and when the summary of the enacted budget is available for public inspection.

(e) *Waiver of newspaper publication requirements.* (1) The publication requirements contained in this section may be waived by the Director upon receipt of a written request by the chief executive officer of the recipient government. The request shall include an itemized cost estimate verified by a newspaper, which shows how the cost of publication will exceed fifteen (15) percent of the amount of entitlement funds included in the proposed budget. In addition, the request shall propose an alternative method of publication which provided the citizens of the jurisdiction with adequate notice of the budget hearing and the opportunity to review the budget summary. Any alternative method of publication shall meet the notice and time requirements and include the information required by this section.

(2) When newspaper publication of the notice of the budget hearing and the budget summary is impractical or infeasible, the Director may waive the newspaper publication requirement upon receipt of a written request by the chief executive officer of the recipient government. The request shall indicate the circumstances which make publication in a newspaper impractical or infeasible and shall propose an alternative method of publication. The waiver must be requested and approved before the proposed appropriation of entitlement funds occurs.

(f) *Notification of news media.* Each recipient government shall advise the news media, including minority, bilingual and foreign language news media, serving its geographic area and shall provide the news media with copies of reports, notice, or budget information on request, at the same time that any public report, notice of hearing of budget information is required to be published in a newspaper under this subpart.

(g) *Legal notice rules not applicable.* Whenever any section of this subpart requires the newspaper publication of a report, public notice, budget summary, or any other required information, the recipient government may publish the required information in a newspaper of general circulation serving its geographic area without regard to State or local statutory requirements for the publication of legal notices. Prominently displayed advertisement or new articles may be used to provide newspaper notice required by this subpart. Such article or advertisement must contain all of the required information.

8. Section 51.14 is amended by the addition of a new paragraph (a)(3), removal of paragraphs, (d), (e), (f), (g) and (h), and section 51.13 (c) and (d) are revised to read as follows.

§ 51.14 Budget hearing.

(a) * *

* * *

(3) *Scope of application.* The budget hearing requirement shall apply to all entitlement funds received under the Revenue Sharing Program and interest earned on these funds. Amounts received in excess of estimated allocations or amounts discussed and not appropriated at previous hearings are subject to the notice and hearing requirements of §§ 51.13 (b) and (c) and 51.14.

* * * *

(c) *Public inspection.* At least 10 days prior to the revenue sharing budget hearing a recipient government shall make available for public inspection during normal business hours, at the principal office of such government, a statement of the government's proposed uses of entitlement funds in the context of its proposed budget, a summary of the entire proposed budget, which describes the uses proposed for entitlement funds, general revenues and other funds, and a copy of its entire proposed budget. If a recipient government has no principal office, then making the above materials available at a public place within the political boundaries of the recipient government shall satisfy the requirements of this paragraph. Where feasible, local public libraries and other public buildings should be used for the purpose of providing additional places for public inspection of these materials. Notice shall be provided of the availability of the information for public inspection in the manner provided in § 51.13 of this subpart.

(d) *Summary of enacted budget.* Within 30 days after enactment of a budget as provided by State or local law, a summary of the enacted budget showing the intended uses of entitlement funds and information necessary to support the data in the summary shall be made available for public inspection during normal business hours at the principal office of the recipient government. If a recipient government has no principal office, the summary of the enacted budget and the enacted budget document shall be made available for public inspection at a public place within the boundaries of the recipient government to satisfy the requirements of this paragraph. Where feasible, local public libraries and other public buildings should be used for the purpose of providing additional places at which the public may inspect the budget summary and the enacted budget. Notice shall be provided of the availability of the budget summary and enacted budget for public inspection, in the manner provided in § 51.13 of this subpart.

9. Section 51.15(b) is revised to read as follows:

§ 51.15 Modifications to Enacted Budget.

(b) *Amendments or modifications in absence of State or local law.* In the absence of applicable State or local law, the provisions of §§ 51.13 and 51.14 shall apply to any amendments, modification or revision of an enacted budget when a major change is proposed.

* * * * *

10. Section 51.20 is amended by the removal of paragraph (c) and the redesignation of paragraph (d) as (c). Paragraph (a)(4) is revised to read as follows:

Subpart C—Computation and Adjustment of Allocations and Entitlements

§ 51.20 Data.

(a) * * *

* * * * *

(4) Currency of tax collection. Only that tax data, which is received in the most recent reporting year available from the appropriate agencies prior to the allocation for an entitlement period shall be used in the determination of allocations for that entitlement period, except as provided in §§ 51.21 and 51.22 of this subpart.

* * * * *

11. Section 51.21, the introductory text of paragraph (a) is revised to read as follows:

§ 51.21 Data affected by major disaster.

(a) *In general.* Any change in data otherwise eligible for use in determining the allocation of a recipient government after April 1, 1974, shall be disregarded for a period of 60 months if that change:

* * * * *

12. Section 51.22 is amended by the revision of paragraph (c) and the addition of new paragraph (d) to read as follows:

§ 51.22 Adjusted taxes.

* * * * *

(c) *Validity of adjusted tax data; economic dislocation.* (1) Allocation of funds under the Act will be based on data reported by States and units of local government to the Bureau of the Census and shall be in accordance with definitions established by the Bureau of the Census. No State or unit of local government shall report to the Department of the Treasury or the Bureau of the Census in a manner which attempts to circumvent or frustrate the intent of this section.

(2) The Director will disregard the reduction in the amount of adjusted taxes of a unit of general local government for one entitlement period if this reduction results from a specific economic dislocation as defined in § 51.2(n) of this part.

(d) *Definition of Massachusetts tax effort.* (1) The adjusted taxes of units of local government within the Commonwealth of Massachusetts for the entitlement period beginning October 1, 1983 shall include property taxes levied for the Commonwealth's 1982 fiscal year and recognized as fiscal year 1982 receipts pursuant to Massachusetts General Laws, chapter 59, sections 21 and 23, and chapter 44, sections 35 through 46.

(2) No tax collections credited to any unit of general local government under paragraph (1) for the Commonwealth's 1982 fiscal year shall be credited to that unit of general local government for any other fiscal year for use in determining its adjusted taxes.

13. Section 51.23 is revised by the addition of a new paragraph (b) and the redesignation of former paragraphs (b) as (c), (c) as (d), and (d) as (e) to read as follows:

§ 51.23 Dates for finalizing data.

* * * * *

(b) *Effect of reauthorization upon date definition.* Whenever the Congress enacts reauthorization legislation for the Revenue Sharing Act after the beginning of an entitlement period that is within the scope of the reauthorization, appropriate data definitions, or partial amendments to definitions, for that entitlement period will be published as soon as practicable after the enactment of such legislation.

* * * * *

14. Section 51.26 is revised to read as follows:

§ 51.26 Reservation of Funds; adjustment of entitlements and allocation.

(a) *Reservation for State adjustment reserves.* (1) The Director shall reserve in the State and Local Government Fiscal Assistance Trust Fund a percentage, not to exceed 0.5 percent of the total allocation for all units of local government within a State, except for the District of Columbia, for any entitlement period. The reserve funds shall be used to ensure that there will be sufficient funds available to pay adjustments due, as a result of insufficient or erroneous data or any other reason, after the final allocations of funds and for temporary uses of the reserve as provided in paragraphs (d) and (e) of this section. The reserves

shall be known as State Adjustment Reserves.

(2) Amounts remaining in the reserves shall accumulate until the liabilities of the Trust Fund to the recipient governments within each State are discharged or sufficiently diminished to permit an allocation to recipient governments within the State area. This distribution shall reflect the allocation of Revenue Sharing funds within the State for the most recently completed entitlement period.

(b) *Adjustment to entitlement payments.* (1) Payments shall be made on the basis of the initial allocation, for an entitlement period, subject to adjustment for underpayments and overpayments as reflected in the allocations for prior entitlement periods. Adjustments in the payments to a recipient government due to data corrections reflected in the allocations for an entitlement period will generally be effected through adjustment to subsequent entitlement payments to the recipient government unless circumstances exist as provided for by paragraph (c) of this section.

(2) The final allocation shall be calculated to reflect the most recent data brought to the attention of the Director not later than one year following the end of an entitlement period. Adjustments which reflect data changes pursuant to § 51.20 of this part, after an interim allocation shall be made to subsequent entitlement payments, except as provided for in paragraph (c) of this section.

(3) The Director may demand increases and decreases in payments of governments as a result of the final allocation for an entitlement period pursuant to 31 U.S.C. 6702. The Director shall adjust the payments to each recipient government to reflect the final allocation for each entitlement period.

(c) *Substantial overpayments.* In the event that an overpayment is so substantial as to make repayment by downward adjustment to subsequent payments during the authorized term of the Revenue Sharing Program infeasible, the Director may demand that the amount, that cannot be offset, be repaid immediately to the State and Local Government Fiscal Assistance Trust Fund. Appropriate action to seek collection will be taken in such cases should the recipient government decline to voluntarily repay the amount of the overpayment.

(d) *Allocation adjustments from state adjustment reserves.* (1) Permanent adjustments from the state adjustment reserves may be made only to cover those increases or decreases in allocations which result from data revisions of which the Director is notified in accordance with § 51.29 of this part and which were not included in the final allocation for the entitlement period, except as indicated in paragraph (e) of this section.

(2) Temporary allocation adjustments from the reserve will be limited by the amount in a State's Adjustment Reserve. Temporary allocation adjustments will be permitted from the reserve only pursuant to the following criteria:

(i) When a recipient government has not been notified of data factors, pursuant to § 51.29 of this part, prior to the initial allocation for a particular entitlement period; *or*

(ii) The recipient government notified the Director of data errors pursuant to § 51.29 of this part, but the correction was not made in time for the initial allocation of that period; *and*

(iii) The adjustment increase described in paragraphs (d)(2)(i) and (ii) of this section must represent 30% of the recipient government's initial allocation, the error was caused by a Federal Agency and the request for the temporary adjustment is made in writing to the Director.

(e) *Accounts receivable and reserves.* Funds from the State Adjustment Reserves may be used to cover accounts receivable funds while they are being collected. The State Adjustment Reserves may also be used to cover uncollectible accounts receivable.

15. Section 51.27 the introductory text of paragraph (a) is revised to read as follows:

§ 51.27 State to maintain transfer to local governments.

(a) *General Rule for Entitlement Periods beginning before October 1, 1983.* The payment of Revenue Sharing funds to any State government for any entitlement period beginning before October 1, 1983 for which funds were appropriated for State governments, shall be reduced by the amount (if any) by which—

* * * *

16. Section 51.28 introductory text of paragraph (a) is revised to read as follows:

§ 51.28 Optional formula.

(a) *In general.* A State government may by law provide for the allocation of funds among the county areas, or among units of local government (other than county governments, Indian tribes, and Alaskan Native Villages):

* * * * *

17 Section 51.29 is revised to read as follows:

§ 51.29 Notification and adjustment of data factors.

(a) *Notification of data factors.* The data factors used in computing allocations of funds under the Act for any entitlement period will be made available to each State government and unit of local government as soon as practicable. Each such government will be given a reasonable opportunity to question its data factors in writing by providing factual documentation which demonstrates evidence of error in the data as defined in Section 51.23(a) for that entitlement period, no later than one year from the end of the entitlement period for which the data are applicable.

(b) *Time limit for data changes.* In it is established to the satisfaction of the Federal agency responsible for providing the challenged data, by factual evidence and documentation that the data used in the computation of an allocation are erroneous, an adjustment will be made to the entitlement payment of such government. No adjustment shall be made unless evidence and documentation of the error in the data, as defined for that entitlement period, is provided to the Director for determination within one year of the end of the entitlement period with respect to which the allocation is made. Except for Indian tribes and Alaskan Native Villages, no adjustment of any kind, which is less than $200, shall be made to an entitlement if in the judgment of the Director such adjustment will be burdensome, expensive, or otherwise impracticable.

19. Section 51.30 is amended by revising paragraphs (b)(4), (c), and (e) to read as follows:

§ 51.30 Adjustment to allocations; application of adjustments.

* * * * *

(b) *Local governments (other than a county government, Indian tribe or Alaskan native village)*—

* * * * *

(4) Allocations less than $200. If a unit of local government (except for Indian tribes and Alaskan Native Villages) below the level of a county government, is allocated an amount less than $200 for an entitlement period, the amount of the allocation of that local government for that entitlement period shall become a part of the allocation of the county government of the county area in which the local government is located.

(c) *Fifty percent limitation*— (1) In general. The amount of funds allocated to any unit of local government other than an Indian tribe or Alaskan Native Village under this section for any 12-

month entitlement period shall not exceed 50 percent of the sum of that local government's adjusted taxes, plus its intergovernmental transfers of revenue (other than entitlement funds).

(2) Reallocation of excess amounts due to the fifty percent limitation. In any case in which the amount of funds allocated to a unit of local government other than a county government is reduced pursuant to paragraph (c)(1) of this section, the amount of the reduction shall be reallocated as follows—

(i) The amount shall be added to the county government in which the local government is located, to the extent that the county government may receive funds after application of the provisions of paragraph (a) and (c) of this section.

(ii) If the county government cannot receive such funds, the provisions of paragraphs (d) and (e) of this section shall be applied.

* * * * * *

(e) *Distribution of funds in excess of allocation resulting from adjustments.* Funds which may not be distributed after application of paragraph (d) of this section to the allocation of a recipient government, shall be added on a pro rata basis to all units for local government within the State.

19. Section 51.31 is revised to read as follows:

§ 51.31 Separate law enforcement officers.

(a) *Entitlement of separate law enforcement officers.* (1) The office of the separate law enforcement officer within any parish area in the State of Louisiana, other than the parishes of East Baton Rouge and Orleans, shall be allocated 13.5 percent of the allocation of the governments of the Parish government.

(2) The office of the separate law enforcement officer within the area of the government of the parish of East Baton Rouge, shall be allocated for each entitlement period, beginning on or after January 1, 1977 6.75 percent of the allocation of the governments of Baton Rouge, Baker and Zachary, Louisiana for each such entitlement period.

(b) *Reduction of allocation of parish government.* (1) The governments of each parish [other than East Baton Rouge and Orleans, Louisiana] shall receive for an entitlement period, allocations reduced by 13.5 percent, the full amount due the separate law enforcement officer for such parish.

(2) The governments of Baton Rouge, Baker and Zachary, Louisiana shall receive, for an entitlement period, allocations reduced by an amount equal to 6.75 percent, the full amount due to the separate law enforcement officer for the parish of East Baton Rouge.

(c) *Allocation of the Parish of Orleans.* The provisions of paragraphs (a) and (b) of this section shall not apply to the allocations of the Parish of Orleans.

Subpart D—[Amended]

20. Subpart D is amended by the removal of §§ 51.40, 51.41 and 51.44. Section 51.42 is redesignated § 51.40; § 51.43 is redesignated § 51.41; § 51.45 is redesignated § 51.42; and § 51.46 is redesignated § 51.43. Section 51.41 is revised to read as follows:

§ 51.41 Lobbying.

(a) *In general.* Entitlement funds may not be used by any State or unit of local government for the purpose of lobbying (as defined in § 51.2(j) of this part) concerning the provisions of the Act.

(b) *Activities prohibited.* Prohibited lobbying activities include, but are not limited, to the following:

(1) Personal solicitation of individual members of a legislative body to influence legislation regarding the Revenue Sharing Program by personal interview, letter, financial contributions, and other means.

(2) Employment of a lobbyist to engage in proscribed activities.

(c) *Activities permitted.* Without violation of this section, a recipient government may:

(1) Use Revenue Sharing funds to pay dues to national or state organizations.

(2) Use Revenue Sharing funds to attempt to influence public opinions or to convey opinions and judgments to the public regarding provisions of the Act, by publication, distribution of books, pamphlets and other writings.

21. Section 51.100 is amended by revising paragraphs (b), (c), (d), (e) and (f) to read as follows:

Subpart F—Fiscal Procedures and Auditing

§ 51.100 Definitions.

Unless the context requires otherwise, as used in this subpart, the term:

* * * * *

(b) *"Auditor's report on the study and evaluation of the internal accounting control"* means the report as required by the "Examination and Evaluation (Field Work) and Reporting Standards for Financial and Compliance Audits" as set forth in the *Standards For Audit of Governmental Organizations, Programs, Activities, and Functions* issued by the Comptroller General of the United States.

(c) *"Financial audit"* means the examination of the financial statements of all funds of a recipient government in accordance with generally accepted government auditing standards.

(d) *"Financial statements"* means those statements which:

(1) Show the financial operations for a specific period of time, and

(2) If appropriate, present the financial position as of the end of that fiscal period, and

(3) Present the footnotes required for adequate disclosure.

(e) *"Generally accepted government auditing standards"* means those auditing standards set forth in the financial and compliance element of the *Standards of Audit of Governmental Organizations, Programs, Activities, and Functions,* issued in 1981 by the Comptroller General of the United States, or a subsequent edition of the publication. Reference should be made to the above mentioned publication for additional standards and requirements over the generally accepted auditing standards as pronounced by the American Institute of Certified Public Accountants in its *Statements on Auditing Standards.*

(f) *"Independent audit"* means an audit conducted in a manner consistent with the independence requirements specified in the *Standards for Audit of Governmental Organizations, Programs, Activities, and Functions,* issued by the Comptroller General of the United States.

22. Section 51.102 is revised to read as follows:

§ 51.102 Auditing and evaluation.

(a) *Audit requirement.* (1) Each unit of local government which receives entitlement funds beginning after October 1, 1983, shall have an independent audit of its financial statements conducted for the purpose of determining compliance with the provisions of the Act, in accordance with generally accepted government auditing standards as issued by the Comptroller General of the United States. The audit shall be conducted at least as often as indicated in paragraph (a)(2) of this section. The compliance aspects of the audit and the report of auditor's study and evaluation of the internal accounting controls must be performed for the same year in which the financial audit is performed on the funds into which Revenue Sharing entitlement payments are deposited.

(2) A government which receives at least $25,000, but not more than $100,000 in each of three consecutive fiscal years, shall have an audit made in accordance

with paragraph (a)(1) of this section not less often than once every three years. The required audit would be conducted for any one of three consecutive years in which the entitlement funds were received. A government which receives more than $100,000 of entitlement funds in a fiscal year shall have an audit made in accordance with paragraph (a)(1) of this section for each such fiscal year, except that, if the government establishes to the satisfaction of the Director that it operates on a biennial fiscal period under applicable State and local law, such audit may be made biennially, but shall cover the financial statement or statements for, and compliance with the requirements of this part during, both years.

(3) Audits conducted to comply with the provisions of this section shall be submitted to the Director within eight months from the end of the fiscal year audited.

(4) Where applicable and practicable to do so, recipient governments shall employ the provisions of the Office of Management and Budget's Circular A-102, Attachment P in meeting the requirements of this section. The General Accounting Office publication *Guidelines for Financial and Compliance Audits of Federally Assisted Programs* and the OMB Compliance Supplement shall be used by auditors in the performance of these examinations.

(b) *Election by recipient government.* A recipient government may elect to have the requirements of paragraph (a) of this section not applicable to that government upon filing notice to the Director that the audits are conducted in compliance with State or local law and meet the following requirements:

(1) The performance of the audits of the financial statements are independent as defined in § 51.100(f) of this subpart;

(2) The audits of the recipient governments are conducted in accordance with generally accepted government auditing standards issued by the Comptroller General of the United States; and

(3) The audits will be conducted at least as often as would be required by paragraph (a)(2) of this section; and

(4) A compliance audit and an auditor's report on the study and evaluation of the internal accounting controls, as well as a financial audit are conducted.

(c) *Series of audits.* (1) For local governments which receive at least $25,000 of entitlement funds, but not more than $100,000, in each of three consecutive fiscal years, a series of independent audits may be used as an alternative to the provisions of paragraph (a) of this section if they are conducted in accordance with generally accepted government auditing standards, over a period not to exceed three fiscal years, and cover, in the aggregate, all of the accounts of such recipient governments. When electing a series of audits, a recipient government must perform the compliance audit and the auditor's report on the study and evaluation of the internal accounting controls for the same fiscal year in which the financial audit is performed on the funds into which entitlement funds are deposited. The financial audit reports will be considered in an aggregate as one report for the purpose of determining whether the recipient government has complied with the provisions of this part.

(2) For local governments which receive more than $100,000 of entitlement funds annually and are required to have an audit for each such year, the series may be comprised of several separate financial reports which in aggregate will cover all of the accounts of the recipient government.

23. Section 51.103 is revised to read as follows:

§ 51.103 Waiver of audit requirement.

(a) *Basis of granting waiver.* The Director may waive the provisions of § 51.102 of this subpart in whole or in part, for any recipient government which makes application for such a waiver, for any fiscal period upon determining that:

(1) The accounts of such governments are not auditable and the government is making substantial progress towards making its accounts auditable; or

(2) The government has been autited by a State audit agency which does not follow generally accepted government auditing standards or which is not independent as defined in § 51.100(f) and which is demonstrating progress toward taking the necessary corrective action.

(b) *Procedure for requesting waiver.* (1) The chief executive officer of the recipient government shall apply to the Director in writing for the waiver and provide the following information:

(i) If the waiver is requested due to unaudibility of the government's financial accounts, an assurance that in the course of determining compliance with § 51.102, the independent auditor rendered an opinion that part or all of the financial accounts are not auditable. The waiver request shall further clearly set forth the arrangements which have been made or steps taken toward making such financial accounts auditable.

(ii) If the waiver is requested pursuant to paragraph (a)(2) of this section, an assurance that the State audit agency is demonstrating progress toward performing audits in accordance with generally accepted government auditing standards or becoming independent. The waiver request shall further clearly set forth the arrangements which have been made or steps taken toward establishing the use of generally accepted government auditing standards or achieving independence.

(2) The Director shall determine whether the recipient government or the State audit agency is making substantial progress towards taking the necessary corrective action.

24. Section 51.104 is revised to read as follows:

§ 51.104 Audits of secondary recipients.

A recipient government shall be responsible for an audit of the entitlement funds transferred to any secondary recipient. The frequency of audit requirements for secondary recipients is identical to that of the primary recipients. If a secondary recipient receives $25,000 to $100,000 in entitlement funds from a primary recipient for each of three consecutive fiscal years, the secondary recipient must have a financial and compliance audit of such funds not less often than once every three years. If a secondary recipient receives $100,000 or more in entitlement funds from a primary recipient in any one fiscal year, those funds must be audited for the years in which they are received. Audits shall be conducted pursuant to § 51.102(a) and the commentary on the audit requirements of the 1983 amendments to the Act as published by the ORS and available to each recipient government.

25. Section 51.107(a)(4) is revised to read as follows:

§ 51.107 Scope of audits.

(a) In general.

* * * * *

(4) The audit shall be of the financial and compliance type described in the *Standards for Audit of Governmental Organizations, Programs, Activities, and Functions* as issued by the Comptroller General of the United States.

* * * * *

26. Section 51.108 is revised to read as follows:

§ 51.108 Public inspection, retention and submission of audit reports and workpapers.

(a) *Public inspection.* A copy of the audit report, shall be made available to any person for a period of three years.

Within 30 days after the audit is completed, the report shall be placed at the principal office of the recipient government for public inspection during normal business hours. Where feasible, local public libraries and other public buildings should be used also. If the recipient government has no principal office, the audit report shall be made available for public inspection at a public place or places within the political boundaries of the recipient government to satisfy the requirements of this subsection.

(b) *Notice of availability of audit report.* The recipient government shall publish a notice which indicates that the audit report is available for public inspection within 30 days of completion of the audit. Such nbotice shall specify the location(s) and hours during which the audit report is available to the public. Publication of the notice shall be made in a newspaper of general circulation serving the recipient government's geographic area. Where newspaper publication is impractical or infeasible, atlternative methods of publication shall be used as provided in § 51.13 of this part.

(c) *Submission of audit reports.* The Director may require the chief executive officer of a recipient government to submit a copy of its audit report and other information as may be requested by the Director to determine compliance with the provisions of this subpart.

(d) *Retention of audit workpapers.* Audit workpapers and related reports shall be retained for three years after the issuance of the audit report, and shall be made available upon request to the Director and the Comptroller General or to their representatives. Recipient governments whose audits are performed by independent public accountants, not in their employ, may meet the requirement of this section by informing the firm or individual of this requirement and encouraging them to comply.

[FR Doc. 84-17815 Filed 7-5-84; 8:45 am]

BILLING CODE 4810-28-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Ch. I

[CGD 84-049]

International Regulations for Preventing Collisions at Sea, 1972; Vertical Sector Requirements for Lights on Unmanned Barges

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: Annex I of the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS), contains technical requirements for navigation lights on vessels which proceed beyond the COLREGS demarcation lines. Lights on unmanned barges may not be able to meet the vertical sector requirements due to a lack of electricity producing equipment on board these vessels. The Coast Guard is soliciting comments from interested parties regarding the need to exempt unmanned barges, which proceed past the COLREGS demarcation lines, from the vertical sector requirements of Annex I.

DATES: Comments should be received by October 31, 1984.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/44) (CGD 84-049), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council, room 4402, between the hours of 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: LCDR Kirkpatrick, Project Manager, Office of Navigation (G-NSR-3), room 1418, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593, telephone (202) 245-0108.

SUPPLEMENTARY INFORMATION:

Discussion

The International Regulations for Preventing Collisions at Sea 1972, (COLREGS), require that the lights on vessels comply with the technical requirements listed in Annex I. (33 CFR Part 81 App. A). These regulations apply to all vessels and barges which proceed past the COLREGS demarcation lines. Section 10 of Annex I to the COLREGS requires that the minimum intensity of lights on vessels be maintained at all angles between five degrees above and below the horizontal, and that at least 60% of the minimum required intensity be maintained at all angles between 7.5 degrees above and below the horizontal. (33 CFR Part 81 App. A(10)(a)). The substantial amount of electricity necessary to enable navigation lights to meet these requirements makes the use of batteries impracticable. Consequently, unmanned barges which are not equipped with generators may not be able to comply with these standards. Similar requirements within the Inland Navigation Rules currently exempt unmanned barges (33 CFR 84.19(a)).

The Coast Guard is studying the situation in an effort to determine whether a formal exemption to the COLREGS should be applied to unmanned barges, relieving these vessels of the requirement to comply with the vertical sector requirements of Annex I. Further data is needed regarding the effect of the current Annex I requirements on unmanned barges. Information in the following areas pertaining to unmanned barges which proceed past the COLREGS demarcation lines is specifically requested.

The number of unmanned barges which regularly proceed past the COLREGS demarcation lines.

The number of unmanned barges which do not carry generators on board.

The number of unmanned barges which, as fitted, cannot comply with the vertical sector requirements of Annex I.

The angles, (off horizontal), at which the minimum required intensity of lights on unmanned barges is currently maintained.

The cost of additional equipment necessary to bring the lights on unmanned barges into compliance with the vertical sector requirements in Annex I.

Problems currently encountered by other vessels in sighting unmanned barges.

The public is also invited to comment generally regarding the extent of the problem, the need for an exemption and possible alternative solutions. The Coast Guard will review all comments and data received in an effort to document the extent of the problem and initiate the most practical solution.

Dated: June 28, 1984.

T.J. Wojnar,

Rear Admiral, U. S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 84-17924 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Ch. I

[CGD 84-040]

Vessel Bridge-to-Bridge Radiotelephone Communications on the Great Lakes

AGENCY: Coast Guard, DOT.

ACTION: Request for public comment.

SUMMARY: The Coast Guard is considering modifications to existing VHF/FM radiotelephone regulations which are applicable primarily to commercial vessels operating on the Great Lakes. These vessels are now required to continuously monitor VHF/FM Channel 16 which is a safety, calling, and distress frequency. Use of Channel 16 by recreational boaters has

escalated to the point where large vessels are having difficulty communicating navigational safety information on this frequency. The Coast Guard is requesting public input to determine the extent of the problem, the need to modify existing VHF/FM radiotelephone communications policies and procedures, and alternative solutions to overcome problems identified.

DATE: Comments should be mailed by September 4, 1984.

ADDRESS: Comments should be mailed to: Commandant (G-NSR-3/14), U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593, Att: LCDR Kirkpatrick. Documents received are available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: LCDR Kent Kirkpatrick, U.S. Coast Guard Headquarters, Room 1606, 2100 Second St., SW., Washington, DC 20593. Phone: (202) 245-0108. Office hours: 7:00 am to 3:30 pm.

SUPPLEMENTARY INFORMATION: Vessels operating on the Great Lakes must comply with the "Agreement between the United States of America and Canada for the Promotion of Safety on the Great Lakes by Means of Radio, 1973" (Great Lakes Agreement). Under the terms of the Great Lakes Agreement, certain vessels are required to maintain a continuous listening watch on VHF/FM Channel 16 (156.8 MHz). Many pilots, operators, and organizations are concerned that steadily increased usage of Channel 16 by recreational boaters in the last few years has greatly impaired the ability of larger vessels to make and respond to calls on the frequency. These individuals contend that a dedicated vessel bridge-to-bridge radiotelephone frequency is needed for reliable navigational safety communications between vessels.

One possible solution to the problem would be to lift the exemption to the Vessel Bridge-to-Bridge Radiotelephone Act which currently applies to certain vessels operating on the Great Lakes. This would mean that vessels would be required to maintain a continuous listening watch on Channel 16 according to the Great Lakes Agreement and a continuous listening watch on whatever frequency would be designated as the vessel bridge-to-bridge radiotelephone frequency, possibly Channel 13. It is anticipated that a vessel participating in a vessel traffic service would be required to guard the vessel bridge-to-bridge radiotelephone frequency as well as the designated frequency for the vessel traffic service. In this case, the Channel 16 requirement would be waived. Questions as to whether the exemption would be lifted on all of the Lakes and to what extent Canadian regulations would be affected cannot be answered at this time.

The Canadian counterpart to the Vessel Bridge-to-Bridge Radiotelephone Act is the "VHF Radiotelephone Practices and Procedures Regulations." These regulations specify Channel 16 as the Canadian vessel bridge-to-bridge radiotelephone frequency. Furthermore, these regulations require a continuous listening watch on Channel 16.

The public is invited to express its opinions on lifting the exemption to the Vessel Bridge-to-Bridge Radiotelephone Act and to suggest other alternatives. The Coast Guard is seeking further input regarding the extent and urgency of problems associated with radiotelephone communications on the Great Lakes.

Dated: June 20, 1984.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 84-17834 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAR-10-FRL-2622-5]

Approval and Promulgation of State Implementation Plan; Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: By this Notice EPA proposes to promulgate a Federal Implementation Plan (FIP) for attainment of the National Ambient Air Quality Standard (NAAQS) for lead for the portion of Shoshone County surrounding and including the Bunker Limited Partnership primary lead smelter. This action is pursuant to the requirements of Section 110(c) of the Clean Air Act (hereinafter referred to as the Act). Prior to final promulgation, EPA will hold a public hearing in Kellogg, Idaho to obtain comments on its proposed action. The hearing is scheduled for August 8, 1984.

DATE: Comments must be received or postmarked on or before August 20, 1984.

ADDRESSES: Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. Attention: Docket No. 10A-83-15.

Rulemaking dockets, including the Technical Support Document, may be inspected at the following locations between 8 am and 4:30 pm on weekdays, and a reasonable fee may be charged for copying.

U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery No. 1, 401 M Street SW., Washington, D.C. 20460.

U.S. Environmental Protection Agency, Region 10, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the Technical Support Document may be examined during normal business hours at the following location: Idaho Operations Office, Environmental Protection Agency, 422 W. Washington Street, Boise, Idaho 83702.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-4016 (FTS) 399-4016.

SUPPLEMENTARY INFORMATION

I. Introduction

Today's action is in response to a court ordered schedule resulting from Settlement Agreement reached on July 26, 1983 between EPA and the Natural Resources Defense Council, Inc. (NRDC) (*NRDC* v. *Ruckelshaus*, D.D.C., No. 82-2137). The schedule called for certain states to submit State implementation plans (SIPs) for lead by August 1, 1983. If a SIP was not submitted by a state, EPA was to propose an implementation plan by April 1, 1984. The United States District Court for the District of Columbia granted extensions until June 1, 1984, and then to July 2, 1984, for publication of this notice of proposed rulemaking.

Because the Idaho lead SIP, proposed for approval on December 29, 1983, did not include a control strategy and attainment demonstration for potential emissions from the Bunker Limited lead smelter in Shoshone County, EPA developed its own plan. In this effort EPA used contract assistance to conduct dispersion modeling and to define emissions controls and limits which would demonstrate attainment of the lead standard. Using this technical information EPA developed a Federal Implementation Plan (FIP) which satisfies the requirements of 40 CFR Part 51, Subpart E—Control Strategy: Lead. The following portions of this notice will describe the background of this action; how the FIP satisfies the requirements of

40 CFR Part 51, Subpart E and where the technical support information can be found; and the regulations EPA is proposing to promulgate for the purpose of demonstrating attainment of the lead standard.

As described above, the proposed rule includes a schedule of intermediate dates by which the Company must achieve increments of progress toward full control (*e.g.*, design plan, monitoring, awarding of contracts, etc.). Absent a declaration that the smelter complex is permanently closed, the Company must comply with the intermediate schedule.

Although the smelter is not operating currently, and it is not known whether the Company plans to resume smelter operations, preliminary indications from ongoing investigations by EPA and others suggest that a resumption of smelter operations without the controls described above may pose a serious risk to the health of children living near the smelter. For example, a June 20, 1984 letter from the Center for Disease Control to the Administrator of EPA suggests that a resumption of smelter operation at historic emission levels could result in unacceptably high blood levels.

Therefore, EPA is considering modifying the schedule of intermediate dates to preclude resumption of smelter operations until all the control equipment necessary to comply with the emission limits set forth in Table A of the proposed rule has been installed and is operational. Sections 110 and 303 of the Clean Air Act and other federal statutes, including Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606, provide authority to EPA to limit operations which may endanger public health. EPA specifically requests public comment on, and may further augment the record regarding, the issue of immediately effective controls for the Bunker Limited smelter.

As is stated in the proposed regulation, control technology and emission limits different than those proposed may also demonstrate attainment. EPA welcomes alternate proposals, which consider available technologies and emission limits, demonstrating attainment of the National Ambient Air Quality Standard for lead. EPA may augment the record, extend the comment period, or both, if it receives or develops a viable alternative control strategy which differs significantly from today's proposals.

As part of the promulgation of a FIP under Section 110 of the Act, EPA must provide an opportunity for a public hearing. Because of the importance of this action as it relates to potential future operations of the smelter, EPA plans to hold a public hearing in Kellogg, Idaho on Wednesday, August 8, 1984. Specific information regarding time and location will be published in area newspapers and business journals 30 days prior to the hearing date. Additional information regarding the public hearing can be obtained from EPA's Region 10 office in Seattle, Washington and its Idaho Operations Office in Boise, Idaho.

II. Background

On October 5, 1978, EPA promulgated a National Ambient Air Quality Standard for lead of 1.5 $\mu g/m^3$ averaged over a calendar quarter. Pursuant to the requirements of Section 110(a) of the Act, states then had nine months to submit a plan to implement the standard. EPA had four more months to approve the plan; if EPA disapproved the plan or one was not submitted, EPA had an additional two months to promulgate a federal plan in its place.

Therefore, for states not submitting lead SIPs, EPA had until January, 1980 to promulgate FIPs. When the states and EPA did not complete these actions, the Natural Resources Defense Council (NRDC) sued EPA in July, 1982 (*NRDC* v. *Ruckelshaus*). In response to the suit, EPA negotiated schedules by which those states that had not already submitted sips would complete them and submit them to EPA.

In July, 1983 EPA Signed an agreement with NRDC which called for certain lead SIPs (including Idaho's SIP) to be submitted to EPA by August 1, 1983, or in time to allow EPA to propose approval of the SIP by January 3, 1984. If a state failed to submit a SIP in time to propose approval of it by January 3, 1984, then EPA was to develop a FIP and propose it for promulgation by April 1, 1984.

The State of Idaho agreed to submit a lead SIP by October, 1983. The State submitted a SIP which EPA approved on May 3, 1984 (49 FR 18832). Because the Bunker limited lead smelter was shut down, the State submittal, and EPA's approval (49 FR 18832), did not include a control strategy for attainment of the lead standard under conditions of smelter operation.

Future plans to reopen the smelter are unknown at this time. However, because the smelter currently can not be considered permanently shut down, and might be reopened, EPA policy requires that a plan demonstrating attainment of the standard during periods of smelter operation be developed.

The state of Idaho was not in a position to develop the type of complex control strategy that is required to demonstrate attainment at the Bunker Limited smelter within the deadlines established in the agreement with NRDC. EPA and the State, therefore, agreed that EPA would develop a lead attainment plan for the smelter. A contractor was hired to assist in this effort. After initial work on the plan, the complexities of the analysis made it clear that the April 1, 1984 deadline for proposed promulgation of the plan could not be met. EPA requested the U.S. District Court for the District of Columbia to extend the proposal deadline to June 1, 1984. This request was granted and an order to that effect was issued by the Court on April 2, 1984. An additional extention to July 2, 1984, was requested of, and granted by, the Court.

III. Technical Evaluation

The requirements for an approvable lead implementation plan are contained in 40 CFR Part 51, Subpart E and in draft 1983 guidance on approval and promulgation of lead implementation plans. The Federal Implementation Plan (FIP) developed by EPA, and being proposed for promulgation today, meets these requirements. The following discussion will describe briefly how the requirements are satisfied and indicate where the technical support documentation (TSD) can be found.

Air Quality Data—40 CFR 51.82

The plan must contain: (1) A summary of air quality data measured since January 1978; (2) an evaluation of data reliability, suitability for dispersion model calibration, and representativeness; (3) a discussion of sample procedures; and (4) a tabulation of, or isopleth map showing, maximum air quality concentrations based on projected emissions.

Section B of the FIP presents quarterly summaries of the ambient air quality data from 1978 to present. The network is representative of the emission impacts and has been audited for satisfaction of EPA requirements for monitor location, analysis methods and general quality assurance. The air quality data has been judged suitable for calibrating dispersion models since it is complete and satifies the overall network and quality assurance requirements contained in 40 CFR Part 58.

Section D of the FIP describes the maximum air quality concentrations for current and controlled emission scenarios. The information is presented in tabular form (Table 10) for current emission and on isopleth maps (Figures

8 and 9) for current and controlled emissions, respectively.

Emission Data—40 CFR 51.81

The plan must contain: (1) A baseline emission inventory based on measured emissions or documented emission estimates; (2) projections of lead emissions for the projected attainment date; (3) a description of the projection method; and (4) an identification of the sources of data used in the projections.

Section C of the FIP contains a detailed emission inventory of lead for the Bunker Hill smelter and fully describes the sources of data for measured emissions and methods by which other emissions were estimated. The majority of measured emissions are the result of source testing conducted by the Bunker Hill Company in 1980. The remaining measured emissions were the result of source testing conducted in 1974 and 1975. The derivation of fugitive estimates in described in Figure 6 in the FIP. The most complete meteorological data and ambient air quality data were gathered in 1978. Therefore, for purposes of dispersion model analysis and control strategy development, 1978 was used as the base year for the emission data. This assumes that smelter operation and emissions in 1978 were similar to those in 1980, the year most of the emissions data was collected.

Section D of the FIP also describes the projected emissions rates necessary for attainment of the standard (Table 11). The dispersion model used to project the emissions is described in Section D and discussed in more detail in the TSD.

Control Strategy Demonstration—40 CFR 51.80 and 51.84

The plan must contain a demonstration of attainment of the lead standard around the smelter based on dispersion modeling. It must further demonstrate that the control measures will lead to attainment and maintenance of the standard within the time prescribed by the Act. It must contain a full explanation of emission reductions achieved by application of the control strategy, present resulting emission levels, and describe the effect of the emission reductions on ambient air quality.

Section D of the FIP and the TSD fully describe the method used to demonstrate attainment. Dispersion modeling was used to define emission impacts around the smelter. Available control technology was applied to all smelter processes and the reduced emissions remodeled. Table 11 of the FIP shows the emission limits that must be applied to each source in order to attain the ambient standard for lead (1.5 $\mu g/m^3$) at critical emission receptor points around the smelter. The expected air quality concentrations after control are shown in Figures 9a through 9d.

This control strategy demonstrates attainment at all points of ambient air around the smelter. In order to verify that the air quality standard is not violated, EPA is requiring ambient air quality monitoring for lead to be conducted around the smelter during operation. EPA is also requiring source testing to ensure that emissions from facilities associated with the smelter meet the requirements of the FIP on a continuous basis.

EPA selected the "LONGZ" dispersion model for analyzing air quality impacts of smelter operations. LONGZ was judged as the best model for simulating the effects of emissions in the type of complex terrain surrounding the Bunker Limited lead smelter. However, LONGZ is not included as one of the recommended models in the current version of the EPA Guideline on Air Quality Models. Therefore, EPA conducted identical model analyses using ISCLT, one of the approved guideline models applicable to this situation. The results of the comparative analysis showed that LONGZ better represents the smelter lead emission impacts. A full discussion of EPA's evaluation of the two models is contained in the TSD.

IV Proposed EPA Action

On December 29, 1983 (48 FR 57330) EPA proposed to approve the Idaho lead SIP except as it applies to the Bunker Limited lead smelter and the area immediately surrounding it. On May 3, 1984 (49 FR 18832), EPA published final approval of the partial Idaho lead SIP as satisfying all the requirements for lead SIPs (40 CFR Part 51, Subpart E) and lead air quality monitored (40 CFR Part 58). The only portion of the Idaho SIP that was not submitted and, therefore, not acted upon by EPA, was the portion for the Bunker Limited lead smelter. Today's action proposes to promulgate a control strategy for the smelter that will complete the Idaho lead implementation plan. The control strategy will include source emission limit regulations, a compliance schedule and compliance monitoring measures.

In general, the emission controls consist of the application of available technology to point and fugitive particulate sources by: (1) Initial capture of at least 98 percent of process emissions followed by fabric filtration or equivalent controls providing at least 99.8 percent control efficiency; and (2) process enclosure and/or building evacuation to collect at least 90 percent of the remaining fugitive emissions followed by fabric filtration or equivalent controls providing at least 99.8 percent efficiency. Emissions from the final control are to be ducted to a stack or stacks as described in the following regulation. The owner(s) and operator(s) of the Bunker Limited smelter are directed to develop and engineering design plan and an emission source testing plan based on these criteria.

To apply this technology to each smelter process source, EPA proposes the regulation below.

Interested parties are invited to comment on all aspects of this proposal. Comments should be submitted, preferably in triplicate, to the address listed in the front of this notice. Public comments postmarked by 45 days after publication of this proposal will be considered in any final action EPA takes on this proposal. Pursuant to Section 307(d)(1)(B) of the Act, EPA has established a docket (No. 10A-83-15), which is available for public inspection and copying at EPA's Washington, D.C. Headquarters, address under "ADDRESSES" above. An indentical docket has also been established at EPA's Seattle, Washington Office, also in "ADDRESSES" above.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709). In addition this FIP approval does not have a significant economic impact on a substantial number of small entities because it affects only one large source.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirements of regulatory impact analysis.

In accordance with the definition of a major rule (E.O. 12291, Section 1(b)), this proposed regulation is not judged to be major because: the annual effect on the economy, whether or not the smelter opens or remains closed, is less than $100 million; the increase in costs or prices for various agents is not major; and, the effects on competition, employment, investment, productivity, innovation, and foreign trade are not significant.

It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at the locations listed in the ADDRESSES section above.

List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: June 27, 1984.

Ernesta Barnes,

Regional Administrator.

PART 52—[AMENDED]

For the reasons set out in the preamble, Subpart N, Part 52, Subchapter C, Chapter I of Title 40, Code of Federal Regulations, is proposed to be amended by adding § 52.689 as follows:

Subpart N—Idaho

Section 52.689 is added as set forth below:

§ 52.689 Lead Control Strategy: Eastern Washington-Northern Idaho Interstate Air Quality Control Region.

(a) The requirements of Section 110 of the Clean Air Act are not met, since the Idaho State Implementation Plan for lead does not include a control strategy which demonstrates attainment for lead in the portion of Shoshone County which immediately surrounds the Bunker Limited Lead Smelter.

(b) Regulation for the control of lead from the Bunker Limited lead smelter located in Shoshone County in the Idaho portion of the Eastern Washington-Northern Idaho Interstate Air Quality Control Region.

(1) *Applicability.* The provisions of this paragraph, except paragraph (4)(iii) of this section, apply to the owner(s) and operator(s) of the lead smelter complex located in Shoshone County, Idaho in the Eastern Washington-Northern Idaho Interstate Air Quality Control Region unless the owner(s) of that smelter officially notify the Environmental Protection Agency (EPA) and the State of Idaho Department of Health and Welfare (IDHW) that the smelter is permanently closed. The owner(s) of the smelter, as of the effective date of this regulation, is the Bunker Limited Partnership. Hereinafter this facility is referred to as the Bunker Limited Smelter. Paragraph (b)(4)(iii) applies to the State of Idaho.

(2) *Emission Limitations and Emission Control Requirements.* (i) The owner(s) and operator(s) of the Bunker Limited Smelter shall cause emissions of airborne lead from sources associated with the smelter to comply with the emission limits contained in Table A of this section. These emission limits are to be achieved by accomplishing the following control measures.

(A) All processes shall be hooded so as to collect at least 98 percent of the process emissions. All processes shall be enclosed in new buildings (or existing buildings sealed) and buildings evacuated to collect at least 90 percent of the fugitive process emissions, which would otherwise escape. All collected process and fugitive emissions shall be ducted to control equipment with a collection efficiency of at least 99.8 percent.

(B) The collected emissions shall be ducted to a stack or stacks with characteristics that will produce equivalent or greater effective plume height than the stack characteristics indicated in Table A of this section.

(C) Non-process fugitive emissions, including the tailings areas, the ore and other storage areas, the unpaved parking lot, and plant grounds and roadways, shall be controlled by chemical stabilization, water spraying with appropriate runoff collection, resurfacing, sweeping and revegetation. In addition, the ore concentrates and other active or inactive process materials shall be located and/or physically separated so as to minimize wind disturbance.

(ii) The owner(s) and operator(s) may propose for EPA approval alternative emission limits or control measures which demonstrate attainment of the NAAQS for lead. Submittal and approval of such alternatives shall not affect the requirement for compliance with interim dates contained in paragraph (b)(3) of this section.

(3) *Compliance Schedule.* (i) The owner(s) and operator(s) of the Bunker limited smelter shall apply all non-process fugitive emission controls specified in paragraph (b)(2)(i)(C) of this section at the time of start-up and during any and all periods of smelter operation. A plan identifying all non-process fugitive sources, their respective control measures and a record-keeping system for determining maintenance of control measures, shall be submitted to EPA no later than two (2) months before start-up.

(ii) Within nine (9) months of the effective date of this regulation, the owner(s) and operator(s) of the Bunker Limited smelter shall complete an engineering design plan, describing in detail the lead emission control systems to be used to comply with the requirements of paragraph (b)(2) of this section.

(iii)(A) Within twelve (12) months of the effective date of this regulation the owner(s) and operator(s) of the Bunker Limited smelter shall submit to EPA and IDHW a plan detailing source testing, control and process equipment paramenter monitoring, continuous emission monitoring, opacity limits, and any other methods to be used to demonstrate continuous compliance with all requirements of paragraph (b)(2) of this section. This plan shall be subject to modification and approval by EPA. For source testing, the plan shall include, at a minimum, a description of the testing equipment and procedures to be used and the sampling locations, with appropriate dimensions, showing distances to upstream and downstream gas flow disturbances.

(B) For monitoring of control and process equipment operating parameters, the plan shall include, at a minimum:

(*1*) A detailed description of the paramenters to be monitored for a given process or control device;

(*2*) The method by which these parameters will be monitored, and

(*3*) The method by which a mathematical relationship will be established between each such parameter and the applicable emission limit of Table A of this section.

For continuous emission monitoring, the plan shall include a description of the equipment to be used and the sampling location(s) for each such installation, with appropriate dimensions, showing distance to upstream and downstream gas flow disturbances. All continuous emission monitors shall comply with all applicable provisions of Part 60, Appendix B, of this chapter.

(C) The plan shall identify visible emission limits which, in the belief of the ower(s) and operator(s) provide for enforcement through visible emission observations of each of the emission limits of Table A of this section. The technical basis and justification for each such emission limit shall be clearly identified in this plan. The method for visible emission observations shall be identified as either Method 9 or Method 22 of Appendix A, Part 60, of this chapter for each emission limit of Table A of this section. Following any modifications deemed necessary by EPA, the visible emission limitations shall be incorporated by reference in this regulation and shall thereafter be enforceable requirements.

(iv) Within fifteen (15) months of the effective date of this regulation the owner(s) and operator(s) of the Bunker Limited smelter shall complete the award of all contracts and purchase orders necessary for equipment acquisition and plant construction required to implement the engineering design plan.

(v) Within eighteen (18) months of the effective date of this regulation the owner(s) and operator(s) of the Bunker Limited smelter shall begin construction and installation of the facilities and equipment necessary to ensure that lead emissions from the smelter comply with the requirements of this regulation. A progress report shall be submitted to EPA and IDHW within 24 months of the effective date of this regulation detailing all progress to date. All problems and their resolution shall be clearly described.

(vi) Within thirty three (33) months of the effective date of this regulation the owner(s) and operator(s) of the Bunker Limited smelter shall complete construction and installation of all control systems necessary to comply with the requirements of this regulation.

(vii) Within three (3) years of the effective date of this regulation the owner(s) and operator(s) of the Bunker Limited smelter shall conduct a test on all sources of lead emissions specified in paragraph (b)(2) and Table A of this section. Such test shall demonstrate compliance with all requirements specified in this regulation. Notice must be given to the Region 10 Administrator of EPA and the Director of IDHW at least thirty (30) days prior to conducting such test, to afford them the opportunity to have observers present. Source test methods and analytical procedures used shall be in accordance with provisions of Part 60, Appendix A, Method 12 of this chapter and all provisions of the test plan submitted under paragraph (b)(3)(iii) of this section above, as approved or modified by EPA.

(viii) On and after a date which is three (3) years from the effective date of this regulation, the owner(s) and operator(s) of the Bunker Limited smelter shall cause all emissions of airborne lead from sources associated with the smelter to be in compliance with the requirements of this regulation.

(4) *Compliance Monitoring.* (i) (A) Annually, after the initial performance test required in paragraph (b)(3)(vii) of this section, the owner(s) and operator(s) of the Bunker Limited smelter shall conduct tests of all sources of lead emissions specified in paragraph (b)(2) and Table A of this section. Notice must be given to the Region 10 Administrator of EPA and the Director of IDHW at least fifteen (15) days prior to conducting such test to afford them the opportunity to have observers present. Source test methods and analytical procedures shall be in accordance with provisions of Part 60, Appendix A, Method 12 of this chapter and all provisions of the test plan submitted under paragraph (b)(3)(iii) of this section as approved or modified by EPA.

(B) Compliance with emission limits for non-process fugitives, i.e., road dust, stock piles, etc., shall be determined by site inspection and review of records and logs of fugitive dust suppression activity.

(C) Results of all source testing and compliance determinations shall be submitted to the Regional Administrator of EPA and the Director of IDHW within thirty (30) days after completion of the test and shall be reported in accordance with the EPA Region 10 Source Sampling Report Format.

(ii) *Record keeping.* The owner(s) and operator(s) of the Bunker Limited smelter shall maintain continuous records of plant process and emission control operations as necessary to determine continuous compliance with the requirements of this regulation. Such records shall include reports of all process and control equipment operating parameter data and continuous emission monitoring data identified in the test plan submitted under paragraph (b)(3)(iii) of this section, as approved or modified by EPA. Such records shall also include reports of all types of process upsets and emission control equipment malfunction, function, detailing the nature and duration of the upset or malfunction, the expected effects on emissions, and the corrective actions taken or planned to avoid recurrence. Such records shall be available for inspection by the Region 10 Administrator of EPA and the Director of IDHW or their designated representatives at any time for a period of at least two years.

(iii) *Air Quality Monitoring.* To verify attainment and maintenance of the NAAQS outside the plant boundary and in other areas of ambient air the Idaho Department of Health and Welfare (IDHW) is directed to submit an air quality monitoring plan to EPA within six (6) months from the effective date of this regulation. The plan will describe monitor locations, quality assurance methods, operational responsibilities and will contain a detailed schedule for implementation. All monitoring activity will be conducted in accordance with EPA's procedures for ambient air quality surveillance in Part 53 of this Chapter. After approval by EPA, IDHW shall conduct such air quality monitoring as specified in the plan. Monitoring shall begin within one (1) year of the effective date of this regulation or at the time of plant start-up, whichever is later.

TABLE A—CONTROLLED LEAD EMISSION RATES AND EMISSION PARAMETERS FOR LEAD SMELTER

Source No. and name	Emission limit (lb/hr)	Emission height (mAGL)	Exit temp (°K)	Exit velocity (m/s)	Volume flow (m3/s)	Stack radius (m)
Point (stack) sources:						
1010 Crushing plant stack	0.126					
1020 Processing plant stack	0.005	30.0	235	20.0	1586.0	4.10
1030 Pellet plant stack	0.021					
1040 Sinter plant stack	0.103	20.0	235	20.0	470.0	2.74
1050 Sinter bin stack	0.011	20.0	235	20.0	60.0	1.13
1060 Main smelter stack	13.740	61.0	327	18.8	243.60	2.05
1070 Refinery stack	0.003	30.0	235	20.0	1351.0	3.79
1080 Blast furnace stack	0.015					
1090 EAF stack	0.010	20.0	300	19.0	56.0	1.24
1100 Silver refinery stack	0.004	20.0	235	10.0	23.0	0.94
1110 Zinc fuming main stack	0.033	61.6	346	13.6	82.47	1.39
1120 Zinc fuming plant stack	0.020	20.0	233	20.0	157.0	1.58
Building sources:						
1015 Crushing plant	0.126					
1025 Processing plant	0.005					
1035 Pellet plant	0.021					
1045 Sinter plant	0.113					
1055 Sinter bins	0.013					
1075 Refinery	0.007					
1085 Blast furnace	0.015					
1095 EAF	0.010					
1105 Silver refinery	0.004					
1125 Zinc fuming plant	0.018					
Area sources:						
1210 Active tailings area	0.151					
1220 Ore storage	0.093					
1230 Tailings pond	0.078					
1240 Parking lot	0.030					

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80-170]

Proposed Modifications of the Authorized User Policy; Order Extending Time for Filing Comments and Replies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, Extension of comment/reply comment period.

SUMMARY: This order extends, at the request of RCA Global Communications, Inc., the time for filing comments and reply comments in CC Docket No. 80-170, concerning the Commission's Authorized User Policy.

DATE: Comments must be filed on or before July 6, 1984, and reply comments must be filed on or before July 27 1984.

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

FOR FURTHER INFORMATION CONTACT: John F. Copes, International Policy Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-4047).

Order

In the matter of Proposed Modifications of the Commission's Authorized User Policy concerning Access to the International Satellite Services of the Communications Satellite Corporation; CC Docket No. 80-170; 5-9-84; 49 FR 19684.

Adopted: June 25, 1984.
Released: June 27, 1984.

By the Chief, Common Carrier Bureau.

1. On April 30, 1984, the Commission released its Further Notice of Proposed Rulemaking in the above-captioned matter, FCC 84-151 —— FCC 2d —— calling for submission of comments on or before June 29, 1984, and reply comments on or before July 23, 1984. On June 21, 1984, RCA Global Communications, Inc., (RCAGC) filed a request for an extension of time for filing comments until July 6, 1984, and for an extension of time for filing replies until July 27 1984.

2. In support of its motion, RCAGC cites the "absence of key personnel" needed to prepare its response. RCAGC notes that the four-working-day extension requested will not prejudice any party, or unduly delay the outcome of the proceeding. The request is not opposed.

3. We shall grant the requested extension. The extra time will assist RCAGC and others in preparation of their comments and replies. It does not appear likely to delay the resolution of the issues in this proceeding.

4. Accordingly, it is ordered, pursuant to Section 0.291 of the Commission's Rules and Regulations, 47 CFR 0.291 (1984), that the above-referenced request of RCA Global Communications, Inc. is hereby granted and that the date for filing comments in this proceeding is extended until July 6, 1984, and that the date for filing Reply Comments is extended until July 27 1984.

Federal Communications Commission.

Kenneth A. Levy,

Deputy Chief, Operations, Common Carrier Bureau.

[FR Doc 84-17928 Filed 7-5-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 22

[CC Docket No. 84-637; FCC 84-271]

Policy and Rules Concerning the Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services by the Bell Operating Companies

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to allow the cellular subsidiaries of the Bell Regional Holding Companies to directly market cellular Customer Premises Equipment (CPE) without resort to a separate subsidiary, thereby providing the Bell cellular service companies with the same flexibility as other carriers in organizing corporate functions.

DATES: Comments must be received on or before August 2, 1984 and reply comments on or before August 17 1984.

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

FOR FURTHER INFORMATION CONTACT: Mary L. Brown, Mobile Services Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-6450.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 22

Cellular radio service, Communications common carriers, Mobile radio service, Radio common carriers.

Proposed Rulemaking

In the matter of Policy and Rules Concerning the Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services by the Bell Operating Companies; CC Docket No. 84-637

Adopted: June 15, 1984.
Released: June 26, 1984.

By the Commission.

1. On November 23, 1983, the Commission adopted a *Report and Order* applying the separate subsidiary requirements set forth in the *Computer II*[1] decisions and the *Cellular*[2] decisions to the divested Bell Operating Companies, which have been organized into seven Regional Holding Companies (RHCs). *Report and Order*, CC Docket No. 83-115, (*BOC Separation Order*), FCC 83-522, 49 FR 1190, released December 30, 1983, *reconsideration* FCC 84-252, Mimeo No. 34707 released June 1, 1984. The record developed in the proceeding was insufficient for the Commission to determine if divestiture warrants a change in the policy formerly applied to AT&T, whereby cellular operating subsidiaries were prevented from directly marketing deregulated cellular customer premises equipment (CPE). *Id.* at 1202, n.29. This notice proposes to allow the RHCs to offer cellular CPE through their cellular subsidiaries and invites comments concerning the proposal.

Background

2. In the *Cellular* decisions, *supra*, the Commission required AT&T to establish a separate subsidiary (known as Advanced Mobile Phone Service, Inc.) to provide cellular transmission service. In examining whether the cellular operating company should be permitted to provide cellular CPE, the Commission found no reason to depart from the *Computer II* decisions, *supra*, requiring AT&T to establish a subsidiary separate from the subsidiary offering basic transmission service.[3] Other wireline cellular carriers were exempted from the structural separation requirements imposed on AT&T.[4]

[1] Amendment of Section 64.702 of the Commission's Rules and Regulations (Computer II), 77 FCC 2d 384 (1980), *reconsideration* 84 FCC 2d 50 (1981), *further reconsideration* 88 FCC 2d 512 (1981), *aff'd sub nom. Computer & Communications Industry Ass'n* v. *FCC*, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied*, 103 S. Ct. 2109 (1983).

[2] Cellular Communications Systems (Cellular Order), 86 FCC 2d 469 (1981), *reconsideration* 89 FCC 2d 58 (1982), *further reconsideration* 90 FCC 2d 571 (1982), *appeal dismissed sub nom. United States* v. *FCC*, Civ. No. 82-1526 (D.C. Cir. Mar. 3, 1983).

[3] Cellular Order, 86 FCC 2d at 497, N. 65.

[4] Cellular Reconsideration, 89 FCC 2d at 79. Common carriers not subject to structural separation, however, are required to maintain separate books of account for their CPE offerings. See Section 64.702(e) of the Commission's rules and Computer II (Reconsideration), 84 FCC 2d at 72-75.

3. In the *BOC Separation Order*, the Commission examined whether the structural separation policies of the *Computer II* and *Cellular* decisions should be applied to the divested RHCs.[5] The Commission found that the benefits of requiring the RHCs to establish separate subsidiaries to provide non-cellular CPE, enhanced services and cellular services outweighed the costs of forming and operating subsidiaries.[6] Accordingly, the Commission continued substantially the same structural separation requirements on the divested RHCs as had been imposed on the pre-divestiture AT&T, subject to several modifications.[7] The Commission, however, found the record developed in the proceeding inadequate to resolve the issue of how cellular CPE should be provided. As an interim policy, the Commission decided that cellular CPE may be offered "through the Computer II separate subsidiary but not the cellular subsidiary." *BOC Separation Order, supra* at 1202, n. 29.

Discussion

4. Although our present rule requires structural separation of cellular CPE from cellular service,[8] the decision to require separation was not based on a record which permitted our full consideration of the issue. In the *Cellular Order*, where we first decided to separate cellular CPE from cellular service, the Commission did not rely upon the evidence collected in the cellular docket, but upon evidence collected in the *Computer II* docket. The Commission borrowed the rationale justifying structural separation of landline CPE, stating that:

> We have found no compelling reason to treat cellular mobile equipment differently from landline customer premises equipment, and we therefore have decided to include cellular mobile equipment within the general policies adopted in that proceeding.

Cellular Order, 86 FCC 2d at 497, n. 65. Similarly, in the *BOC Separation Order*, our decision temporarily to maintain the separation rule for cellular CPE was formulated as an interim policy because we lack the record evidence on which to base a different decision. *BOC Separation Order*, 49 FR at 1202, n. 29. In neither case did we address the question of whether our dual policy goals of protecting against anticompetitive practices and furthering the rapid development of cellular technology are served by structural separation of cellular CPE from cellular service. While in our *BOC Separation Order* we decided to apply the general policies set forth in our *Computer II* decisions to the divested RHCs, there may be compelling reasons not to apply structural separation to the provision of cellular CPE. For the reasons discussed below, we find that the public interest will be served by examining the issue in a manner which will afford full and fair consideration of how structural separation affects our goals of deterrence of anticompetitive practices and the advancement of cellular technology in an environment as free as possible from regulatory constraints.

5. *Effect on ratepayers.* In deciding whether to require structural separation of an unregulated activity, the Commission evaluates the probable effect of a separate subsidiary on ratepayers. Of primary concern is whether a separate subsidiary will avoid the problems of cross-subsidy of unregulated activities or of cost-shifting, which allows the regulated firm to enhance its rate base by including costs from the unregulated activities. In our *Cellular* decisions, for example, we found that structural separation of the cellular operating company from the landline company would discourage attempts by AT&T to engage in these practices, and therefore ratepayers would benefit.

6. Cross subsidization of cellular CPE presumes the existence of a monopoly revenue base from which the cellular CPE could be subsidized. The *BOC Separation Order* makes clear that the provision of cellular CPE must be structurally separated from landline telephone service, rendering cross-subsidization from landline revenues unlikely. Therefore, the only remaining source of revenue is the cellular operating company. But these cellular operating companies do not possess a monopoly of bottleneck facilities;[9] each will be competing against a nonwireline carrier, and that competition will constrain the carrier's ability to subsidize the price of CPE from excess profits on transmission rates. Furthermore, cellular systems are expected to expand rapidly for five to ten years, placing intensive capital demands on these companies as additional capacity is required. Thus, it is doubtful that, as a practical matter, there would be a ready source of revenue from which to subsidize cellular sales and leases.

7. Similarly, cost-shifting is unlikely to occur. The presence of a competing nonwireline system makes it unlikely that the RHCs will load the costs of their unregulated CPE business onto the rate-regulated cellular operating companies. An RHC's attempts to inflate its rate base and thereby enhance revenues will therefore be limited. Thus, the presence of a competing system appears to render the benefits to ratepayers of a separate subsidiary for cellular CPE negligible.

8. The provision of cellular CPE by the RHC's cellular companies raises issues different from those addressed in the *BOC Separation Order*. The competitive provision of exchange communications made possible by cellular appears to be a sufficient safeguard against cross-subsidy of cellular CPE. The unique case presented by cellular, therefore, does not require the regulatory intervention imposed by the Commission's *Computer II* policies. We tentatively conclude that the policies to be furthered by structural separation of the RHC's provision of cellular CPE are already adequately served by our creation of a competitive cellular marketplace.

9. *Effects on Competition.* As we stated in the *Cellular* decisions and the

[5] In Computer II, we utilized four guidelines in conducting a cost-benefit analysis. *Id.*, 84 FCC 2d at 72. The Commission found that a separate subsidiary for conventional CPE lessened the potential for anticompetitive conduct and improper cross-subsidization. The Commission further found no benefits to retaining CPE on an integrated basis with landline service, and found that AT&T had sufficient resources to bear the cost of separation. The decisional criteria employed in Computer II, however, may not apply in the context of cellular. As one of the issues raised by this Notice, therefore, we invite comment on what criteria should be utilized in conducting a cost-benefit analysis of the applicability of structural separation to the provision of cellular CPE.

[6] The Commission found that ratepayers benefit because the likelihood of cross-subsidization is lessened. Ratepayers also benefit due to the decreased ability of separate entities to shift costs to the regulated portion of the business. Competition benefits because separation reduces the likelihood of anticompetitive conduct, as well as reducing the degree of regulatory intrusion in comparison to a regulatory scheme requiring auditing of accounting systems. The Commission further found that the cost of establishing separate subsidiaries would not outweigh the benefits. No costs are associated with establishing separate cellular operating subsidiaries because these have been required since the Commission initiated its licensing of cellular service. *BOC Separation Order, supra.*

[7] The modifications are: (1) That the operating company and its CPE subsidiary may engage in joint billing for four years; (2) the operating company may refer customers for transmission services to its CPE company provided the customer is told alternative vendors exist; (3) the companies may engage in joint installation and maintenance of single-line residential and business phones; (4) and the companies may propose to utilize some other organizational structure, such as a division, if the company can demonstrate that ratepayers can be insulated from the losses of the CPE organization and that the other structural separation conditions are met.

[8] Those activities which must be structurally separated under our present rules include sales, leasing, installation and maintenance.

[9] The "headstart" which some RHC cellular companies have achieved should prove to be only a temporary phenomenon. *See generally* Chicago SMSA Limited Partnership, FCC 83-453, Mimeo No. 33821, released October 7, 1983.

BOC Separation Order, the Commission's primary consideration in adopting policies and rules related to cellular is to promote the use of new cellular communications technology. Our efforts have focused on the authorization of competing cellular operating companies and the establishment of vigorous competition for the provision of cellular CPE. Accordingly, our *Cellular Order* prevented AT&T's cellular operating company from marketing cellular CPE directly, because we believed that, as in the case of conventional CPE, AT&T could favor its own cellular CPE over that offered by an independent provider or nonwireline competitor. As a result of the Modification of Final Judgment (*MFJ*),[10] however, the RHCs are prohibited from manufacturing CPE of any type. This mitigates our concern regarding the potential for integration of research, development and manufacturing of cellular CPE with cellular operations.[11] At this time, there does not appear to be an incentive for the RHCs' cellular operating companies to favor one manufacturer's equipment over another's.

10. Furthermore, in the time since our initial cellular decision was issued in 1981, we have observed growth in the number of manufacturers and the widespread sale and installation of cellular CPE by number of entities not affiliated with the RHCs' cellular operating companies.[12] Our network design disclosure requirements and prohibitions against resale restrictions have been successful in stimulating competition in the provision of cellular CPE. A separate subsidiary requirement has the disadvantage of limiting the flexibility of the RHCs' cellular companies in marketing and packaging equipment and services.[13] This appears inconsistent with our goal of encouraging the development of cellular technology and services. It also imposes serious competitive disadvantages on the RHCs in competing with nonwirelines and resellers, who are able to offer the convenience of dealing with one company for service and equipment. Significantly, the RHCs' cellular companies are entering a new market in the provision of cellular CPE, and must compete with nonwireline carriers, resellers and retail companies for a share of the CPE market. We conclude, therefore, that the requirement of separate subsidiaries to market cellular CPE appears to be negligible benefit to our goal of fostering a competitive cellular CPE marketplace and is detrimental to our goal of advancing the implementation of cellular technology.

11. *Costs of separation.* When we imposed the separation requirements in the *Cellular Order*, AT&T and the RHCs comprised a single entity. Under those circumstances, the cost of separation would have been substantially outweighed by the benefits we foresaw. But circumstances changed with the approval of the *MFJ*, under which mobile services, including cellular, were left with the RHCs rather than AT&T. The RHCs may only offer cellular CPE through subsidiaries established in accordance with our *Computer II* rules. It is not clear whether any or all of the RHCs will attempt to serve the relatively small mobile market through their CPE subsidiaries. Cellular companies are small in comparison to their landline counterparts; their small size may justify permitting them to realize efficiencies of shared staff, expenses, plant and equipment if allowed to market cellular CPE directly to subscribers. The separate provision of cellular CPE may thus impose costs on the RHCs' cellular operating companies which are not outweighed by the benefits of requiring a separate subsidiary.[14]

12. The interim capitalization plans submitted by the RHCs pursuant to our *BOC Separation Order* reflect, to a degree, the various organizational methods available for the joint provision of cellular service and CPE.[15] Several of the RHCs propose some form of retail division which would market cellular CPE as well as resell cellular service. At present, The RHCs' cellular operating companies are required to establish separate subsidiaries to market CPE by June 30, 1984, pursuant to the *BOC Separation Order, supra*. As a result, the RHCs' cellular service companies have requested waivers from our existing policy to enable them to market cellular CPE through retail divisions. Because we wish to avoid imposing a capitalization structure on the RHCs' cellular companies which may subsequently be disbanded, we will temporarily grant the waivers requested to allow cellular CPE to be marketed by a division of the RHCs' cellular companies which is separate from divisions responsible for cellular transmission service.[16] In the *BOC Separation Order*, we permitted carriers to form divisions, instead of susidiaries, provided they could meet the separation conditions and could insulate ratepayers from bearing any losses of the division.[17] As the RHCs' cellular companies suggest, organization of retail divisions to market cellular CPE also appears to promote retail of cellular service by centralizing retail functions. Moreover, the requirement that cellular systems provide for resale of services provides a degree of protection from anticompetitive abuses. In the event the Commission elects to maintain our present policy to require a separate subsidiary to market cellular CPE, we will deal with the merits of the waiver requests and oppositions at that time. Three companies have thus far requested a waiver from our present rule: Southwest Bell Mobile Systems, Inc., Bell South Mobility, Inc. and New Vector Communications, Inc., a subsidiary of U.S. West.[18] All three cellular service companies seek to offer cellular CPE through a separate division, instead of a subsidiary. We conclude that grant of interim waivers are warranted in the case of those firms which have requested them. Companies operating under interim waivers are expected to proceed in accordance with plans presently on file with the Commission.

[10] United States v. American Telephone and Telegraph Co., 552 F. Supp. 131, 190–191 (D.D.C. 1982), *aff'd sub nom. Maryland* v. *United States*, 103 S. Ct. 1240 (1983). The RHCs are also barred from favoring procurement of Western Electric equipment in acquiring CPE for marketing purposes.

[11] In the event the Modificaton of Final Judgment is subsequently amended to permit manufacturing, we may consider whether to impose a requirement that the operating company deal with its manufacturing affiliate on an arm's length basis, as is presently required by our Computer II rules. *See BOC Separation Order* 49 FR 1201.

[12] There are presently eight manufacturers whose cellular CPE has been type accepted, an additional applications remain pending. When we issued our initial *Cellular* decision, only three manufacturers were providing cellular CPE. All sales and installation of CPE to date have been performed by agents and resellers rather than by affiliates of the wireline licensees.

[13] Of course, the RHCs must price the various services on an unbundled basis. Cellular Order, *supra*, 86 FCC 2d at 497.

[14] We wish also to point out that the RHCs are treated differently than other wireline cellular licensees for the provision of cellular CPE. For cellular CPE, there may be no basis for such distinctions between RHCs and Independents.

[15] The plans have been consolidated in File No. ENF 84–12. *See* Public Notice "Bell Operating Company Cellular Subsidiaries File Capitalization and Administrative Service Plans Concerning the Provision of Cellular CPE by Cellular Service Subsidiaries," Mimeo No. 3030, released March 19, 1984.

[16] We emphasize that we are not, by our action here, altering our policy of requiring separate subsidiaries to market cellular CPE.

[17] BOC Separation Order, *supra*, 49 FR 1201.

[18] Bell Atlantic, NYNEX and Ameritech Corp. have proposed separated subsidiaries to market cellular CPE. These companies are granted interim authority to operate pursuant to the structure they have proposed. Pacific Telesis has not provided specific information on its capitalization plans with respect to cellular CPE.

13. *Other Issues.* In addition to addressing the issue of the provision of cellular CPE, we invite comment on whether the RHC's cellular operating companies should be permitted to provide other mobile services and deregulated mobile CPE.[19] We believe that the telephone companies ought to have broad flexibility to organize and administer their cellular, paging and conventional two-way mobile service and equipment offerings. Because all the RHCs have cellular service subsidiaries, they may find it advantageous to consolidate all mobile communications activities in these subsidiaries. At present, the RHCs' cellular operating companies are limited to the provision of cellular service. *See* 47 CFR 22.901(c)(2). Competiton in the mobile services and equipment markets appears to be an adequate safeguard to the anticompetitive practices the Commission sought to discourage by resorting to separate subsidiary requirements in *Computer II.* As in the case of cellular CPE, the benefits to ratepayers and competition from the separation of mobile services and deregulated mobile CPE from the cellular service company appear negligible and may impose costs on the RHCs by lessening their flexibility in developing and marketing mobile communications system of all types. Because this issue is closely analogous to the cellular CPE issue addressed in this Notice, we invite comments on these matters as part of this rulemaking.

14. Even though we tentatively conclude that the RHC's cellular operating companies should be permitted to market cellular CPE, we also invite comments on whether some degree of separation should be retained. The obvious possibility, assuming that we do not maintain the status quo, is to forego structural separation in favor of lesser separation techniques such as separate divisions within the cellular subsidiary. In *Computer II,* we decided that all independent telephone companies are required to maintain separate books of account for their unregulatied operations. Thus, in the event we elect not to require structural separation, the RHCs would remain obligated to maintain separate books of account.[20]

Conclusion

15. In *Computer II,* the Commission found that the use of separate subsidiaries does not prevent anticompetitive abuses; it merely makes anticompetitive practices more difficult to undertake without detection. In the case of cellular CPE, the costs of separation appear to outweigh the negligible benefits to ratepayers and to the competitive provision of cellular service generally. In comparison to landline operating companies, the RHCs' cellular operating companies present unique questions regarding the implementation of the Commission's *Computer II* policies. Unlike conventional telephone services, the RHC's cellular service subsidiaries do not possess a monopoly, and are entering an entirely new industry in which every operator will compete for a market share. Parties are invited to comment on these issues or any other issues relevant to our consideration of this subject. In addition, we invite comments on the provision of non-cellular mobile services and deregulated CPE by the RHCs and their cellular companies. Finally, parties are invited to comment on our proposed changes to Part 22 of the rules, updating references to the Bell System to reflect divestiture.

16. *Regulatory Flexibility Act Certification.* Pursuant to Section 605(b) of the Regulatory Flexibility Act (RFA), we hereby certify that this proceeding does not address a "proposed or final rule" that will "have a significant economic impact on a substantial number of small entitites." The pertinent definition of "small entity" is "small business" which has the same meaning as "small business concern" under Section 3 of the Small Business Act. That section defines a small business concern as "one which is independently owned and operated and which is not dominant in its field of operation." 15 U.S.C. 632. Each of the RHCs is in the top 30 of the Fortune 500, and each RHC holds a legal monopoly for its authorized service area. Thus, an RHC is not a "small entity" within the meaning of Section 605(b) of the RFA.

17 In addition, no rules that may arise out of this proceeding will impose any regulatory requirements on, require any action by or cause any direct impacts on any entities other than the RHCs. Thus, because the rules that are the concern of this proceeding are being considered only for application to large entities, the RHCs, there is no danger of violating the RFA's purpose of assuring that "laws and regulations designed for application to large scale entities [are not] applied uniformly to small business." 5 U.S.C. 601. To the extent this proceeding is designed to determine whether RHC operations are likely to be of a scale of requiring structural separation, it shares with the Regulatory Flexibility Act the purpose of "fit[ing] regulatory and informal requirements to the scale of the business subject to regulation." *Id.*

18. *Ex Parte Contact Requirements.* for purposes of this non-restricted notice and comment rulemaking proceeding, members of the public advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rulemaking until the time a Public Notice is issued stating a substantive disposition of the matter is adopted by the Commission, whichever is earlier. In general, and *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission staff that addressess the merits of the proceeding. Any person who submits an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, and a copy must be provided to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

19. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before August 2, 1984, and reply comments on or before August 17, 1984. All relevant and timely comments and reply comments will be considered by the Commission before further action in this proceeding. The Commission may also consider any

[19] At present, all paging CPE and two-way CPE acquired or manufactured after January 1, 1984 has been deregulated. Deregulation of Mobile Customer Premises Equipment, CC Docket 83-372, FCC 83-507, released November 7, 1983, 48 FR 54619 (1983) *reconsideration* FCC 83-598, 49 FR 882 (released Dec. 29, 1983). The Commission has also deregulated embedded two-way CPE. Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services, CC Docket No. 81-893, FCC 84- , released June 1984.

[20] We also take this opportunity to propose revisions to revisions to Part 22 of our rules governing cellular to reflect the post-divestitute Bell System. These changes are non-substantive in nature, and largely reflect changes in nomenclature and the line of business restrictions placed on the BOCs by the *MFJ.* The revised rule substitutes the names of the divested BOCs in place of references to American Telephone and Telegraph in § 22.901(b) of the rules and deletes the provision in § 22.901(c)(2) concerning manufacturing, now barred by the *MFJ.*

other relevant information brought to its attention.

20. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a written summary indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. In accordance with the provision of § 1.419 of the Commission's Rules, an original and 5 copies of all comments, replies, or other documents filed in this proceeding shall be furnished to the Commission. Participants filing the required copies who also desire that each Commissioner receive a personal copy of the comments may file an additional 5 copies. Members of the general public who wish to express their interest by participation informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that Commom Carrier Docket No. 84-637 is specified in the heading. Pleadings will be available for public inspection during regular business hours in the Commission's Public Reference Room, Room 239, 1919 M Street, N.W., in Washington, D.C.

Ordering Clauses

21. Accordingly, it is ordered, That pursuant to the provisions of section 4(i), 4(j), 201, 202, 220, 301, 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201, 202, 301, and 303, Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, and 1.411 *et seq.* of the Commission's Rules, 47 CFR 1.411 *et seq.*., there is hereby instituted a proposed rulemaking including the matters described herein. Members of the public are notified that any policies that may be established in this proceeding may be embodied in the Rules and Regulations of this Commission.

22. It is further ordered, that a temporary waiver of the Commission's policy requiring a fully separated subsidiary to market cellular CPE is granted, pending the completion of this rulemaking, to Southwest Bell Mobile Systems, Inc., Bell South Mobility, Inc. and New Vector Communications, Inc.

23. It is further ordered, that the Secretary shall send a copy of this Notice to the Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*.) (1980).

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix—Proposed Rule

PART 22—[AMENDED]

47 CFR Part 22 is amended by revising paragraphs (b) and (c)(2) as follows:

§ 22.901 Eligibility.

* * * * *

(b) Neither Ameritech Corp., Bell Atlantic, Bell South, NYNEX, Southwestern Bell, Pacific Telesis or U.S. West, nor any affiliated entity, may engage in the provision of cellular service except as provided for in paragraphs (c) and (d), of this section or as otherwise authorized by the Commission.

(c) * * *

(2) Each such separate corporation shall operate independently in the furnishing of cellular service. It shall maintain its own books of account, have separate officers, utilize separate operating, marketing, installation, and maintenance personnel, and utilize separate computer and transmission facilities in the provision of cellular services. Any research or development performed on a joint or separate basis for the subsidiary must be done on a compensatory basis; and

* * * * *

[FR Doc. 84-17931 Filed 7-5-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-503; RM-4759]

TV Broadcast Station in Oshkosh, Wisconsin; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in the proceeding involving the proposed assignment of a noncommercial UHF television channel to Oshkosh, Wisconsin. The State of Wisconsin-Education Communications Board, petitioner, requests the additional time to complete their budgetary process.

DATE: Comments must be filed on or before September 25, 1984, and reply comments on or before October 12, 1984.

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

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

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Oshkosh, Wisconsin); MM Docket No. 84-503, RM-4759, 6-13-84; 49 FR 24406.

Adopted: June 26, 1984.

Released: June 29, 1984.

By the Chief, Policy and Rules Division.

1. On May 15, 1984, a *Notice of Proposed Rule Making* was adopted by the Commission, proposing the assignment of UHF Television Channel *50 to Oshkosh, Wisconsin, in response to a petition filed by the State of Wisconsin-Education Communications Board ("petitioner"). The date for filing comments is July 27 1984 and reply comments is August 13, 1984.

2. On June 19, 1984, counsel for the petitioner submitted a request for extension of time to file comments, stating that additional time is needed to complete the Board's budgetary process, in August or early September, to determine if the Board can represent responsibly to the Commission that they would apply for and construct a new noncommercial educational television station in Oshkosh. Counsel further states that failure to grant the extension of time could result in the petition being dismissed for failure to restate its interest.

3. We believe that the petitioner should be given the additional time to submit comments. An extension to September 25, 1984, as requested, should not adversely affect any other party to the proceeding.

4. Accordingly, it is ordered, that the date for filing comments in Docket 84-503 is extended to and including September 25, 1984. The reply comment date is extended to and including October 12, 1984.

5. This acton is taken pursuant to sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.283 of the Commission's Rules.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-17929 Filed 7-5-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 218 and 225

[FRA Docket No. RSOR-6, Notice No. 6]

Control of Alcohol and Drug Use in Railroad Operations; Change in Date and Meeting Facility for Public Hearing in Denver, Colorado

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Change of public hearing schedule.

SUMMARY: On June 12, 1984, FRA published in the Federal Register a Notice of Proposed Rulemaking (NPRM) on Control of Alcohol and Drug Use in Railroad Operations. FRA has found it necessary to reschedule the Denver, Colorado, public hearing from July 6, 1984, to July 17 1984. This change is necessary because of conflicts with other important business of the agency.

DATES: The public hearing previously scheduled for July 6, 1984, in Denver, Colorado, will be held in Denver on July 17 1984.

ADDRESSES: The Denver hearing will be held at the Sheraton Airport Hotel, 3535 Quebec Street.

Persons desiring to make oral statements at the hearing are requested to notify one of the contacts specified below by telephone or provide written notification to the Docket Clerk, FRA (RCC-1), 400 Seventh, Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Walter Rockey, Special Assistant to the Associate Administrator for Safety, FRA, Washington, D.C. 20590 (Telephone: 202-426-0895); or Grady Cothen, Special Assistant to the Chief Counsel, FRA, Washington, D.C. 20590 (Telephone: 202-426-9416).

SUPPLEMENTARY INFORMATION: FRA has found it necessary to further revise the public participation schedule announced in the Notice of Proposed Rulemaking (NPRM) on Control of Alcohol and Drug Use in Railroad Operations (49 FR 24252; June 12, 1984), which was revised by Notice No. 5 (49 FR 26266; June 27 1984).

The Denver, Colorado, hearing is rescheduled for July 17 1984, at the Sheraton Airport Hotel, 3535 Quebec Street. Readers are requested to note that both the date and hearing facility have been changed.

With these changes, the schedule for participation in the rulemaking will be as follows:

Public Hearings

Denver, Colorado (Tues., July 17 1984 at 9:00 a.m.)—Sheraton Airport Hotel, 3535 Quebec St.

Chicago, Illinois (Thurs., July 19, 1984 at 10:00 a.m.)—Hotel Continental, 505 North Michigan Avenue.

New Orleans, Louisiana (Mon., July 23, 1984 at 10:00 a.m.)—U.S. Post Office Building, 701 Loyola St., Room 2166.

Washington, D.C. (Thurs., Aug. 2, 1984 at 10:00 a.m.)—Nassif Building (DOT Headquarters), 400 Seventh St., SW., Room 2230.

Technical Conference

Arlington, Virginia (Wed., Aug. 1, 1984 at 2:00 p.m.)—Stouffer's Concourse Hotel, 2399 Jefferson Davis Highway, Admiralty Ballroom.

Comment Closing Date

As previously announced, written comments must be submitted not later than close of business (5:00 p.m.) August 15, 1984.

Issued in Washington, D.C., on July 3, 1984.

John M. Mason,

Chief Counsel.

[FR Doc. 84-16091 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 662

[Docket No. 40680-4080]

Northern Anchovy Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of preliminary determination.

SUMMARY: This notice announces the preliminary determination of estimated spawing biomass and harvest quotas for the northern anchovy *(Engraulis mordax)* fishery in the fishery conservation zone for the 1984-1985 fishing season. The harvest quotas have been determined by application of the formulas in the Northern Anchovy Fishery Management Plan (FMP). Regulations implementing the FMP (50 CFR Part 662) require the announcement of the estimated spawning biomass and preliminary determination of harvest quotas to be made on or about July 1 each year. A final determination will be announced on or about August 1, 1984. Public comments on the estimated spawning biomass and preliminary determination are invited.

DATES: Comments must be received on or before July 20, 1984.

ADDRESS: Comments should be addressed to Mr. E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731. Comments also may be made at the next meeting of the Pacific Fishery Management Council on July 11, 1984, at the Bahia Hotel, 938 West Bay Drive, San Diego, California.

FOR FURTHER INFORMATION CONTACT: Mr. Jay Ginter, (Resource Management Specialist, NMFS), 213-548-2518.

SUPPLEMENTARY INFORMATION: In consultation with the California Department of Fish and Game and the Southwest Fisheries Center, NMFS, the Director of the Southwest Region, NMFS (Regional Director), has made a preliminary determination that the spawning biomass of the central subpopulation of northern anchovy is estimated to be 309,000 metric tons (mt). This preliminary determination is based on Administrative Report Number LJ-84-18, Southwest Fisheries Center, NMFS. The report, currently under review, documents the method used to estimate the 1984 central subpopulation of northern anchovy.

This biomass estimate is derived from a method of estimating stock abundance based on egg production which has been found to be more accurate and cost-effective than the original larva census method used since the FMP was implemented in 1978 through 1983. Amendment 5 to the FMP effective April 8, 1984 (49 FR 9572, March 14, 1984), changed certain management measures for determination of commercial harvest quotas and adopted the improved stock estimates of the egg production method. Consequently, the spawning biomass estimates and resulting reduction fishery quotas are significantly smaller than in previous years, notwithstanding natural fluctuations in stock abundance. In addition, Amendment 5 deleted the reduction quota reserve established by Amendment 4, because the uncertainty inherent in the larva census method is substantially reduced by using the egg production method.

The Regional Director has made the following preliminary determination for the 1984-1985 fishing season, applying the formulas in the FMP and in § 662.20 to calculate the harvest quotas and expected processing levels:

1. The total U.S. harvest quota or optimum yield (OY) of northern anchovy is 11,200 mt plus an unspecified amount for use as live bait.

2. The total U.S. harvest quota for reduction purposes is 6,300 mt.

a. Of the total reduction harvest quota, 630 mt is reserved for the reduction fishery in subarea A (north of Pt. Buchon). The maximum reduction fishery in subarea A is the total reduction quota minus the amount taken in subarea B.

b. The reduction quota for subarea B (south of Pt. Buchon) is 5,670 mt. The reduction fishery in subarea B may be limited to less than this amount if more than 630 mt is taken in subarea A.

3. The U.S. harvest allocation for non-reduction fishing (i.e., fishing for anchovy for use as dead bait and direct human consumption) is 4,900 mt. However, non-reduction fishing is not limited until the total catch in both the reduction and non-reduction fisheries reaches the total harvest quota of 11,200 mt.

4. There is no U.S. harvest limit for the live bait fishery.

5. The domestic annual processing (DAP) capacity for the reduction and non-reduction industry is 48,858 mt.

6. The domestic annual harvest (DAH) capacity for the reduction fishery is 48,858 mt.

7 The amount available for joint venture processing is zero because there is not surplus of OY in excess of DAP

8. The total allowable level of foreign fishing is zero because there is no surplus of OY in excess of DAH.

A summary of the information on which this preliminary determination is based has been provided to the Pacific Fishery Management Council (Council). Consultations with the Council will continue through July. In addition, the Regional Director will consider, until July 31, any evidence received from domestic land-based processors that the preliminary DAP should be modified. A final determination of the harvest quotas will be announced on or about August 1, 1984.

List of Subjects in 50 CFR Part 662

Fish, Fisheries, Fishing.

(16 U.S.C. 1801 *et seq.*)

Dated: June 29, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84-17884 Filed 7-2-84; 11:50 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 49, No. 131
Friday, July 6, 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

Food and Nutrition Service

Child Care Food Program; National Average Payment Rates, Day Care Home Food Service Payment Rates and Administrative Reimbursement Rates for Sponsors of Day Care Homes for the Period July 1, 1984–June 30, 1985

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the annual adjustments to the national average payment rates for meals served in centers, the food service payment rates for meals served in day care homes, and the administrative reimbursement rates for sponsors of day care homes to reflect changes in the Consumer Price Index. Further adjustments are made to these rates to reflect the higher costs of providing meals in the States of Alaska and Hawaii. The adjustments contained in this notice are required by the statutes and regulations governing the Child Care Food Program (CCFP).

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 756–3620.

SUPPLEMENTARY INFORMATION:

Classification

This notice has been reviewed under Executive Order 12291, and has been classified as not major because it does not meet any of the three criteria identified under the Executive Order. The action announced in the notice will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation, or on the ability of U.S. enterprises to compete with foreign-based enterprises in domestic or foreign markets.

This notice has also been reviewed for compliance with the requirements of Pub. L. 96–354, the Regulatory Flexibility Act. Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action will not have significant economic impact on a substantial number of small entities. This notice merely complies with a Congressional mandate to adjust reimbursement rates in the CCFP to allow for changes in the Consumer Price Index, thereby maintaining constancy in the Program.

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the *Paperwork Reduction Act of 1980* (44 U.S.C. 3587).

Definitions

The terms used in this notice shall have the meanings ascribed to them in the regulations governing the CCFP (7 CFR Part 226).

Background

Pursuant to sections 11 and 17 of the National School Lunch Act (NSLA), Section 4 of the Child Nutrition Act (CNA) and § 226.4, 226.12 and 226.13 of the regulations governing the CCFP (7 CFR Part 226), notice is hereby given of the new payment rates for participating institutions. These rates shall be in effect during the period July 1, 1984–June 30, 1985.

As provided for under the National School Lunch Act and the Child Nutrition Act, all rates in the CCFP must be adjusted annually on July 1 to reflect changes in the Consumer Price Index (CPI) for the most recent 12-month period. In accordance with this mandate, the Department last adjusted the national averge payment rates for centers, the food service payment rates for day care homes and the administrative reimbursement rates for sponsors of day care homes on July 1, 1983.

ALL STATES EXCEPT ALASKA AND HAWAII

Meals Served in Centers—Per Meal Payment Rates in Cents:	
Breakfasts:	
Paid	9.50
Free	65.50
Reduced	35.50
Lunches and Suppers:	
Paid	12.00[1]
Free	113.50+paid=125.50[1]
Reduced	125.50−40.00=85.50[1]
Supplements:	
Paid	3.25
Free	34.50
Reduced	17.25
Meals Served in Day Care Homes—Per Meal Payment Rates in Cents:	
Breakfast	54.75
Lunches and Suppers	107.50
Supplements	32.00
Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes—Per Home/Per Month Rates in Dollars:	
Initial 50 day care homes	43
Next 150 day care homes	37
Next 600 day care homes	29
Additional day care homes	25

[1] These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to children under the program. Notices announcing the value of commodities and cash-in-lieu of commodities are published separately in the Federal Register.

Pursuant to section 12(f) of the NSLA, the Department adjusts the payment rates for participating institutions in the States of Alaska and Hawaii. The new payment rates for Alaska are as follows:

ALASKA

Alaska—Meals Served in Centers—Per Meal Payment Rates in Cents:	
Breakfasts:	
Paid	15.25
Free	106.25
Reduced	76.25
Lunches and Suppers:	
Paid	19.50[1]
Free	184.00+paid=203.50[1]
Reduced	203.50−40.00=163.50[1]
Supplements:	
Paid	5.00
Free	55.75
Reduced	23.00
Alaska—Meals Served in day Care Homes—Per Meal Payment Rates in Cents:	
Breakfasts	83.75
Lunches and Suppers	174.25
Supplements	52.00
Alaska—Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes—Per Home/Per Month Rates in Dollars:	
Initial 50 day care homes	78
Next 150 day care homes	60
Next 600 day care homes	47
Additional day care homes	41

[1] These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to children under the program. Notices announcing the value of commodities and cash-in-lieu of commodities are published separately in the Federal Register

The new payment rates for Hawaii are as follows:

HAWAII

Hawaii—Meals Served in Centers—Per Meal Payment Rates in Cents:	
Breakfasts:	
Paid	11.00
Free	76.75
Reduced	46.75
Lunches and Suppers:	
Paid	14.00[1]
Free	132.75+paid=146.75[1]
Reduced	146.75—40.00=106.75[1]
Supplements:	
Paid	3.75
Free	40.25
Reduced	20.25
Hawaii—Meals Served in Day Care Homes—Per Meal Payment Rates in Cents:	
Breakfasts	64.25
Lunches and Suppers	126.00
Supplements	37.50
Hawaii—Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes—Per Home/Per Month Rates in Dollars:	
Initial 50 day care homes	57
Next 150 day care homes	43
Next 600 day care homes	34
Additional day care homes	30

[1]These rates do not include the value of commodities (or cash-in-lieu of commodities) which institutions receive as additional assistance for each lunch or supper served to children under the program. Notices announcing the value of commodities and cash-in-lieu of commodities are published separately in the Federal Register.

The changes in the national average payment rates and the food service payment rates for day care homes reflect a 4.4 percent increase during the 12-month period May 1983 to May 1984 (from 318.6 in May 1983 to 332.6 in May 1984) in the food away from home services of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor. The changes in the administrative reimbursement rates for sponsoring organizations of day care homes reflect a 4.2 percent increase during the 12-month period May 1983 to May 1984 (from 297.1 in May 1983 to 309.7 in May 1984) in the series for all items of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

The total amount of payments available to each State agency for distribution to institutions participating in the program is based on the rates contained in this notice.

(Catalog of Federal Domestic Assistance Program No. 10.558)

Authority: Sec. 810 and 820, Pub. L. 97-35, Omnibus Budget Reconciliation Act of 1981; sec. 2, Pub. L. 95-627, 92 Stat. 3603 (42 U.S.C. 1766); sec. 10(a), Pub. L. 95-627, 92 Stat. 3623 (42 U.S.C. 1760).

Dated: June 29, 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 84-17855 Filed 7-5-84; 8:45 am]

BILLING CODE 3410-30-M

National School Lunch, Special Milk, and School Breakfast Programs National Average Payments/Maximum Reimbursement Rates

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the annual adjustments to the "national average payments," the amount of money the Federal Government provides States for lunches and breakfasts served to children participating in the National School Lunch and School Breakfast Programs. The Department also announces adjustments in the "maximum reimbursement rates," the maximum per lunch rate a State can provide a School Food Authority for lunches served to children participating in the school program. Further, this Notice announces the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in *only* the Special Milk Program for Children. The payments and rates are adjusted on an annual basis each July. The annual payments and rates adjustments for the school lunch and school breakfast programs reflect changes in the food away from home series of the Consumer Price Index for All Urban Consumers. The annual rate adjustment for milk reflects changes in the Producer Price Index for Fresh Processed Milk. These payments and rates are in effect from July 1, 1984 to June 30, 1985.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Stanley G. Garnett, Branch Chief, Policy and Program Development Branch, Child Nutrition Division, FNS, USDA, Alexandria, Virginia 22302, (703) 756-3620.

SUPPLEMENTARY INFORMATION:

Classification

This Notice has been reviewed under Executive Order 12291 and has been classified as not major because it does not meet any of the three criteria identified under the Executive Order. The action announced in the notice will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices and will not have a significant impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete with foreign-based enterprises in domestic or foreign markets.

This Notice has also been reviewed with regard to the requirements of Pub. L. 96-354, the Regulatory Flexibility Act. The Administrator of the Food and Nutrition Service has certified that this action will not have a significant adverse economic impact on a substantial number of small entities.

This Notice imposes no new reporting or recordkeeping provisions that are subject to OMB review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3587).

Definitions

The terms used in this Notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program (7 CFR Part 210), the regulations for School Breakfast Program (7 CFR Part 220) and the regulations for Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools (7 CFR Part 245).

Background

Special Milk Program for Children—Pursuant to section 3 of the Child Nutrition Act, as amended (42 U.S.C. 1772), the Department announces the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in *only* the Special Milk Program for Children. This rate is adjusted annually to reflect changes in the Producer Price Index for Fresh Processed Milk.

For the period July 1, 1984 to June 30, 1985, the rate of reimbursement for a half-pint of milk served to a nonneedy child in a school or institution which participates in *only* the Special Milk Program is 9.25 cents. This reflects no change over the current rate because the Producer Price Index for Fresh Processed Milk during the period May 1983 to May 1984 did not change significantly enough to trigger a change in the reimbursement rate.

As a reminder, schools or institutions with pricing programs which elect to serve milk free to eligible children continue to receive the average cost of a half-pint of milk (the total cost of all milk purchased during the claim period divided by the total number of purchased half-pints) for each half-pint served to an eligible child.

National School Lunch and School Breakfast Programs—Pursuant to Section 11 of the National School Lunch Act, as amended (42 U.S.C. 1759a), and Section 4 of the Child Nutrition Act of

1966, as amended (42 U.S.C. 1773), the Department annually announces the adjustments to the National Average Payment Factors, and to the maximum reimbursement rates for lunches served to children participating in the National School Lunch Program. Adjustments are made each July 1, based on changes in the food away from home series of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Lunch Payment Factors—Section 4 of the National School Lunch Act provides general cash for food assistance payments to States to assist schools in purchasing food. There are two section 4 National Average Payment Factors (NAPFs) for lunches served under the National School Lunch Program. The lower payment factor applies to lunches served in School Food Authorities in which less than 60 percent of the lunches served in the school lunch program during the second preceding school year were served free or at a reduced price. The higher payment factor applies to lunches served in School Food Authorities in which 60 percent or more of the lunches served during the second preceding school year were served free or at a reduced price.

To supplement these Section 4 payments, section 11 of the National School Lunch Act provides special cash assistance payments to aid schools in providing free and reduced price lunches. The section 11 NAPF for each reduced price lunch served is set at *40* cents less than the factor for each free lunch.

As authorized under sections 8 and 11 of the National School Lunch Act, maximum reimbursement rates for each type of lunch are prescribed by the Department in this Notice. These maximum rates ensure equitable disbursement of Federal funds to School Food Authorities.

Breakfast Payment Factors—Section 4 of the Child Nutrition Act of 1966, as amended, establishes National Average Payment Factors for free, reduced price and paid breakfasts served under the School Breakfast Program and additional payments for schools determined to be in "servere need" because they serve a high percentage of needy children.

Revised Payments

The following specific Section 4 and Section 11 National Average Payment Factors and maximum payments are in effect through June 30, 1985. Due to a higher cost of living, the average payments and maximum reimbursements for Alaska and Hawaii are higher than those for all other States. The Virgin Islands, Puerto Rico and the Pacific Territories use the figures specified for the contiguous States.

National School Lunch Program Payments

Section 4 National Average Payment Factors—In School Food Authorities which served *less than 60 percent* free and reduced price lunches in School Year 1982–83, the payments are Contiguous States—12.0 cents, maximum rate 20.0 cents; Alaska—19.5 cents, maximum rate 31.25 cents; Hawaii—14.0 cents, maximum rate 23.0 cents.

In School Food Authorities which served 60 percent or more free and reduced price lunches in School Year 1982–83, payments are: Contiguous States—14.0 cents; maximum rate 20.0 cents; Alaska—21.5 cents, maximum rate 31.25 cents; Hawaii—16.0 cents, maximum rate 23.0 cents.

Section 11 National Average Payment Factors—Contiguous States—free lunch 113.5 cents, reduced price lunch 73.5 cents; Alaska—free lunch 184.0 cents, reduced price lunch 144.0 cents; Hawaii—free lunch 132.75 cents, reduced price lunch 92.75 cents.

School Breakfast Program Payments

For schools "not in severe need" the payments are: Continguous States—free breakfast 65.5 cents, reduced price breakfast 35.5 cents, paid breakfast 9.5 cents; Alaska—free breakfast 106.25 cents, reduced price breakfast 76.25 cents; paid breakfast 15.25 cents; Hawaii—free breakfast 76.75 cents, reduced price breakfast 46.75 cents, paid breakfast 11.0 cents.

For schools "not in severe need" the payments are: Continguous States—free breakfast 78.75 cents, reduced price breakfast 48.75 cents, paid breakfast 9.5 cents; Alaska—free breakfast 127.5 cents, reduced price breakfast 97.5 cents; paid breakfast 15.25 cents; Hawaii—free breakfast 92.25 cents, reduced price breakfast 62.25 cents, paid breakfast 11.0 cents.

Payment Chart

The following chart illustrates: the lunch National Average Payment Factors with the Sections 4 and 11 already combined to indicate the per meal amount; the maximum lunch reimbursement rates; the breakfast National Average Payment Factors including "severe need" schools; and the milk reimbursement rate. All amounts are expressed in dollars or fractions thereof. The payment factors and reimbursement rates used for the Virgin Islands, Puerto Rico and the Pacific Territories are those specified for the contiguous States.

SCHOOL PROGRAMS

Meal and Milk Payments to States and School Food Authorities

Expressed in Dollars or Fractions Thereof Effective From July 1, 1984–June 30, 1985

National School lunch program [1]	Less than 60 percent	60 percent or more	Maximum rate
Contiguous States:			
Paid	.1200	.1400	.2000
Reduced Price	.8550	.8750	1.0250
Free	1.2550	1.2750	1.4250
Alaska:			
Paid	.1950	.2150	.3125
Reduced price	1.6350	1.6550	1.8350
Free	2.0350	2.0550	2.2950
Hawaii:			
Paid	.1400	.1600	.2300
Reduced price	1.0675	1.0875	1.2650
Free	1.4975	1.4975	1.6650

[1] Payment listed for Free & Reduced Price Lunches include both Section 4 and 11 funds.

School breakfast program	Non-severe need	Severe need
Contiguous States:		
Paid	.0950	.0950
Reduced price	.3550	.4375
Free	.6550	.7875
Alaska:		
Paid	.1525	.1525
Reduced Price	.7625	.9750
Free	1.0625	1.2750
Hawaii:		
Paid	.1100	.1100
Reduced price	.4675	.6225
Free	.7675	.9225

Special milk program	All milk	Paid milk	Free milk
Pricing programs without free option	$.0925	(1)	(1)
Pricing programs with free option	(1)	$.0925	(2)
Nonpricing programs	$.0925	(1)	(2)

[1] NA.
[2] Average cost ½ pint milk.

(Catalog of Federal Domestic Assistance Nos. 10.553, and 10.555 and 10.558)

Authority: Sec. 4, 8, and 11 of the National School Lunch Act, as amended, (42 U.S.C. 1753, 1757, 1759(a)) and secs. 3 and 4(b) of the Child Nutrition Act, as amended, (42 U.S.C. 1772 and 42 U.S.C. 1773).

Dated: June 29, 1984.
Signed:
Robert E. Leard,
Administrator, Food and Nutrition Service.

[FR Doc. 84-17810 Filed 7-5-84; 8:45 am]
BILLING CODE 3410-30-M

Forest Service

Special Uses; Electronic Communication Sites

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy.

SUMMARY: The Forest Service is proposing new policy for administering and determining fee for communication sites on National Forest System lands authorized under special use permits. The agency seeks to broaden the method of determining fair market value use to establish fees. This would provide flexibility in applying appraisal procedures and sound business management principles, as required by 36 CFR 251.57. The agency further proposes to reduce the number of permit categories to simplify the administration of communication site permits. The Forest Service seeks written comments from Federal, State, and local government agencies, private groups and organizations, and interested individuals.

DATE: Comments must be received by September 4, 1984.

ADDRESS: Comments should be sent to: R. Max Peterson, Chief (2720), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

Comments will be available for review in the offices of the Forest Service Lands Staff, Room 1010, 1621 North Kent Street, Rosslyn, Virginia during regular working hours (8:00 am to 4:30 pm) on regular working days.

FOR FURTHER INFORMATION CONTACT: Paul M. Stockinger, Lands Staff, Forest Service, (703) 235-2410.

SUPPLEMENTARY INFORMATION: The Forest Service manages numerous special use permits for electronic communication sites on National Forest System lands. The agency seeks a simpler, more efficient procedure for administering these sites and for determining the fees charged under the permits.

The present electronic site fee policy for determining annual land use rental fees is a type of schedule or formula. Fees are based on 0.2 percent of the permit holder's total investment value for communication facilities and equipment plus 5 percent of the rental income from building tenants and/or equipment users served by the permit holder. Fees for many permit holders are currently at established minimum levels of $25 to $100.

The Forest Service proposes to revise the present fee formula to relate annual rental fees directly to current market data. Fees would be established through individual site appraisals, fee schedules (including any minimum fee) developed from market evidence, and/or other sound business management principles. Examples of other business management principles that an authorized officer might use to establish fees include the establishment of minimum charges and the use of indices (such as the Consumer Price Index, Producer Price Index, or Treasury note rates) to adjust fees annually. Competitive bidding could also be used as a means of establishing rental rates.

The second major policy proposal would eliminate seven different categories of electronic site users. The Forest Service now requires issuance of separate permits for communication building and/or equiment owners, renters of space or equipment, and holders of either Federal Communications Commission (FCC) or National Telecommunication and Information Administration (NTIA) authorizations that use equipment directly related to the site. The requirement for different permits for different categories of use has proven burdensome to permit applicants and Forest Service administrators alike. The changes also respond to the rapidly changing technology and deregulation of the communications industry.

The proposed revision would authorize permits only for the site itself. A single permit would provide for construction of necessary buildings and towers, suitable rental space to other users, and operation of the electronic equipment.

Permits would no longer be required of the other users such as building tenants or owner/operators of communication equipment located on the site. Accordingly, no special use fee would be charged these secondary users. Following prevailing industry practice, the fee charged to the site permit holder would be adjusted to reflect actual or potential income from these secondary rental sources.

There are also a few minor changes proposed. Separate communication site permits would not generally be required if a communication system serves only to support activities such as ski resorts, lodges, or marinas authorized by separate special use permits. The permit governing the dominant use would incorporate as authorization for the communication system. Conversely, permits for communication sites would specify authorized appurtenant uses, such as the construction of minor access roads across National Forest System lands used solely to reach the site. Separate permits for these associated uses would not be required.

The Forest Service believes the proposed changes would substantially reduce the number of special use permits required to administer communication sites, thereby easing recordkeeping, billing, and other administrative burdens on both permit holders and the government. Fees would be based on market evidence or other sound business management principles rather than strictly on a percentage of investment value and rental income. This would provide for fees that are equitable to users, result in a more efficient use of the land, and assure a fair market return to the public for the permitted use of National Forest System lands. It is anticipated that this method will result in generally higher fees for individual permit holders, but no higher than those charged by knowledgeable private landowners.

A transition period would be necessary to shift from the old system to the new. Because of the wide variety of situations and permit conditions, both systems could co-exist for a few years.

The final policy on electronic communication site permits will be issued through the Forest Service internal directive system. The text of the proposed policy as it would appear in Chapter 2720 of the Forest Service Manual follows:

Title 2700—Land Uses Management

Chapter 2720—Special Uses

2728—Utilities and communications.

2728.2—Communication sites. This category of special uses covers the use of National Forest System lands as sites for electronic communication systems. This includes electronic receiver and electronic transmitter/receiver sites.

The objective of managing communication sites under special use permit is to ensure designation of sites that are suitable for compatible electronic uses, ensure efficient site use, and to ensure that use of the site for electronic communication purposes does not significantly impair resources or other National Forest System uses.

2728.21—General Permit and Fee Requirements.

2728.21a—Permit Requirements. In addition to standard requirements for authorizing special uses and issuing permits, the following requirements pertain to the issuance of communication site permits:

1. The Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (43 U.S.C. 1761) authorizes the use of National Forest System lands for electronic transmission and reception purposes. Permits for these uses must cite the "Act of October 21, 1976 (43 U.S.C. 1761)."

2. Nonfederal operators of electronic transmission equipment must obtain a license from the Federal Communications Commission (FCC)

prior to using such equipment on National Forest System lands.

3. Federal agency operators must obtain a frequency assignment from the National Telecommunication and Information Administration (NTIA) prior to using such equipment on National Forest System lands.

2728.21b—Fee Determinations. Fees shall reflect the fair market value of the rights and privileges authorized as determined by appraisal or other sound business management principles.

Three basic techniques are used to establish the market value for communication site uses. The appraiser or responsible official should apply the following methods or combination thereof as appropriate for the geographic area and in accord with the appraisal policy described in FSM 5410:

1. Prepare individual site appraisals for: large sites where significant income from rental fees is anticipated; major sites situated along main communication corridors between cities; key sites serving major metropolitan areas; and atypical locations and unique types of equipment.

2. Use competitive bidding when several potential users apply for use of the same site. This process uses direct market influence to establish a local rental fee and to ensure the efficient use of scarce resources. See FSM 2712.2 for details on competitive bidding and prospectus preparation.

3. Develop fee schedules based on market studies conducted at established intervals. Such studies may include analyses of typical rentals of communication sites, market use of indices and minimum fees, and comparisons of other sound business management practices found in particular geographic areas. The fee schedules shall provide for periodic rate adjustments.

The responsible officer shall apply the fee policy described in this section immediately for all new applicants and within six months of the next billing cycle for existing permits.

2728.22—Electronic Site Types, Site Designation, and Administration.

2728.22a—Electronic Receiver Sites. These sites are used for the installation of receiving antennas and/or equipment designed for the local reception of electromagnetic waves or signals. The equipment involves systems where electronic energy is neither rebroadcast nor transmitted through the air. Some examples are TV and radio receiving antennas, satellite dishes, and remote Community Antenna TV (CATV) antennas which retransmit by cable only.

Passive reflectors are also included in this category. Passive reflectors guide electromagnetic transmissions, but in themselves do not transmit electronic energy.

The Forest Supervisor shall designate antenna sites and approve site plans and may not redelegate this authority (See also FSM 2728.22b–d for policy on designation and plans). After a site is designated and the plan approved, the Forest Supervisor may delegate authority to District Rangers to issue standard permits (FSM 2710.4) within the constraints and boundaries established by the site plan.

2728.22b—Electronic Transmitter/Receiver Sites. This category of communication use covers strategic sites which, because of such factors as elevation, location, accessibility, and public need, are designated or classified for the installation and operation of electronic transmitting and/or receiving equipment. The typical users of these sites include microwave relay facilities, two-way radio repeaters, and radio and TV broadcasters.

The authority to designate sites for electronic use ir reserved to Regional Foresters and may not be redelegated. After a site is designated, a Regional Forester may delegate the authority to approve site plans to Forest Supervisors. The Forest Supervisor shall require an electronic site plan for each designated site prior to issuing a permit. Following site plan approval, Forest Supervisors may delegate the authority to issue standard permits to District Rangers (FSM 2910.4) within the constraints and boundaries established by the site plan.

The authority to execute easements for electronic sites is also reserved to Regional Foresters and may not be redelegated.

2728.22c—Designating Sites for Electronic Use. Identify and classify electronic sites in accordance with land management planning policy found in FSM 1920 and environmental policy found in FSM 1950. Forest Supervisors are responsible for developing the coordinating requirements for review and approval by the Regional Forester. The Regional Forester must approve site designation prior to authorizing additional electronic uses on presently occupied but undesignated sites.

2728.22d—Application and Site Availability. See FSM 2712 for general requirements for applications. Notify applicants promptly of the status of site availability. Notify any other site users of new applicants at least 30 days in advance of proposed permit issuance.

2728.22e—Frequency Coordination. A Federal Communication Commission (FCC) or National Telecommunication and Information Administration (NTIA) frequency assignment is not an authorization for the occupancy of National Forest System lands. A Forest Service special use permit is required as indicated in FSM 2728.22f. The responsibility for frequency assignment and enforcing the terms of related licenses and assignments rests with either FCC or NTIA. Both agencies hold their licensees/assignees responsible for operating within the assigned frequencies. The parties concerned and the responsible agency must work out any complaints.

On the other hand, the FCC or NTIA is not responsible for interference caused by the close proximity of users or equipment incompatibility, provided that the users are operating within the terms of their FCC oar NTIA authorization. The individual users are responsible for resolving potential electromagnetic compatibility conflicts and protecting existing permit holders and site users.

2728.22f—Permit Categories.

1. *Single User Permit:* This type of permit provides either exclusive use of a site or portion of a site. It is similar to the permits issued prior to this amendment. Authorize new or existing single uses on an interim or short term basis until a multiple user facility is needed. Allow new construction of a permanent nature only for multiple user facilities.

2. *Multiple User Permit:* This type of permit provides third party use of facilities. These third party users may occupy a facility without additional authorizations from the Forest Service providing that they follow the limiting conditions of the permit. Authorize and require the permit holder to manage the site or multiple user portion of the site in accordance with the approved site plan.

3. *Transition Permits:* Permits issued prior to this amendment do not fit the previous categories described in this section. The conditions of these pre-existing permits should remain in effect until the expiration of the permit or until the permit holder voluntarily agrees to revise the permit to conform with the direction of this section. For sites with several existing permit holders, the authorized Forest Service officer may develop a plan to govern the orderly transition from the old permit system to the new.

2728.22g—Resource Telemetry.—Sites used strictly in connection with natural resource and environmental monitoring programs such as remote sensing stations using telemetry devices and equipment for snow pillow installations, precipitation and stream guages,

seismometers, and remote weather stations may not be suited for general electronic use. The authorized officer may exempt these uses from the classification and site plan requirements of this section, but the use shall require an electronic site permit.

2728.22h—Appurtenant Electronic Uses. The responsible official may authorize an on-site communication system, such as at a marina, resort, or ski area, under either the parent area permit or by a separate electronic site permit as appropriate. If off-site communication is proposed, issue a separate electronic site permit, following the established classification and site planning processes of this section.

Dated: June 26, 1984.

F. Dale Robertson,

Associate Chief

[FR Doc. 84-17895 Filed 7-5-84; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Johnsburg Critical Area Treatment RC&D Measure, New York

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 Johnsburg Critical Area Treatment RC&D Measure, Warren County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423-5521.

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, Paul A. Dodd, State Conservationist, has determined that the preparation of an environmental impact statement is not needed for this project.

The measure concerns a plan for reducing critical erosion along a roadbank in the Town of Johnsburg which results from seepage and surface water runoff. The amount of sediment entering Mill Creek will be reduced through the installation of project measures. The planned works of improvement include the installation of a drainage system to intercept seepage, the construction of a berm along the slope to intercept surface runoff, and the reshaping and seeding of the eroding bank.

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 Paul A. Dodd.

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: June 26, 1984.

Paul A. Dodd,

State Conservationist.

[FR Doc. 84-17851 Filed 7-5-84; 8:45 am]

BILLING CODE 3410-16-M

Sue Creek Critical Area Treatment RC&D Measure, Arkansas; 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 Sue Creek Critical Area Treatment RC&D Measure, Clay County, Arkansas.

FOR FURTHER INFORMATION CONTACT: Jack C. Davis, State Conservationist, Soil Conservation Service, 5029 Federal Office Building, 700 West Capitol Avenue, Little Rock, Arkansas 72203, telephone 387-5445.

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, Jack C. Davis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for the land treatment measure on 114 acres of critically eroding areas in Clay County, Arkansas. The planned works of improvement include vegetation, waterways, diversion terraces, grade stabilization structures, and debris basins.

The Notice of a 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 Jack C. Davis.

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. The State of Arkansas' procedure for state and local clearinghouse review of Federal and Federally assisted programs and projects is applicable)

Dated: June 26, 1984.

Jack C. Davis,

State Conservationist.

[FR Doc. 84-17846 Filed 7-5-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended June 29, 1984.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No	Description
June 25, 1984	40983	Northeastern International Airways, Inc., c/o James Lawrence Smith, P.O. Box 21747, Ft. Lauderdale, Florida 33335-1747. Amendment No. 1 to the Application of Northeastern International Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the board's Procedural Regulations, requests that its amended application for certificate authority to operate between any points in the U.S. (Except Miami, Fla.; New York, N.Y.; Boston, Mass.; Seattle, Wash.; Los Angeles and San Francisco, Calif. and Chicago, Ill.) and Montreal, Canada (Mirabel Airport) be approved and that the Civil Aeronautics Board grant such other and further relief consistent with the premises herein, as may be deemed fitting and proper. Answers may filed by July 23, 1984.
June 27, 1984	42209	Cargolux Airlines International, S.A. c/o George E. Farrell, Healey, Farrell & Loar, 1216 Sixteenth Street, NW, Washington, D.C. 20036. Amendment No. 1 to the Application of Cargolux Airlines International, S.A. for renewal of its foreign air carrier to provide additional information to the Board. Answers may be filed by July 25, 1984.
Do	42051	Aerotours Dominicano, C por A, c/o Ralph R. Curry, 2055 North 15th Street, Arlington, Virginia 22201. Amendment No. 1 to the Application of Aerotours Dominicano, C por A pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations with respect to Board Order 84-4-18. Answers may be filed by July 25, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-17882 Filed 7-5-84; 8:45 am]

BILLING CODE 6320-01-M

Application of Alaska Juneau Aeronautics, Inc., d/b/a Wings of Alaska for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (84-6-92).

SUMMARY: The Board is proposing to find Wings of Alaska fit, willing, and able and to issue it a certificate of public convenience and necessity under section 401 of the Federal Aviation Act authorizing it to provide interstate and overseas scheduled air transportation of persons, property, and mail.

DATES: All interested persons wishing to respond to the Board's tentative fitness determination and proposed certificate award shall file, and serve upon all persons listed below no later than July 17 1984, a statement of their response, together with a summary of testimony, statistical data, and other material expected to be relied upon to support any objections raised.

ADDRESS: Responses should be filed in Docket 41425, and addressed to the Docket Section, Civil Aeronautics Board, Washington, DC 20428, and should be served upon the parties listed in Appendix A to the order.

FOR FURTHER INFORMATION CONTACT: Peter M. Bloch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, DC 20428, (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-6-92 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, DC 20428. Persons outside the metropolitan area may send a postcard request for Order 84-6-92 to that address.

By the Civil Aeronautics Board: June 28, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-17883 Filed 7-5-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 27-84]

Foreign-Trade Subzone 78A, Nissan Truck Plant, Smyrna, Tennessee; Request for Approval for Automobile Manufacturing

The period for comments on the application of the Metropolitan Nashville-Davidson County Port Authority for authority to expand the scope of operations conducted under zone procedures at the subzone of Nissan Motor Manufacturing Corp. U.S.A. (Subzone 78A) in Smyrna, Tennessee, currently approved for truck manufacturing operations, to include automobile manufacturing (49 FR 22120, 5/25/84) is extended to July 18, 1984, in response to requests from interested parties for additional time for comments.

Comments in writing are invited during this period. Submissions shall include 5 copies. Material submitted will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Dept. of Commerce, Rm. 1872, 14th & Pennsylvania Ave., NW., Washington, D.C. 20230.

Dated: July 2, 1984.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 84-18063 Filed 7-5-84; 8:45 am]

BILLING CODE 3510-25-M

Office of Economic Affairs

President's Commission on Industrial Competitiveness; Meetings

AGENCY: Office of Economic Affairs, Commerce.

ACTION: Notice of meetings.

SUMMARY: This notice announces the forthcoming meetings 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 abroad, 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

On July 11, 1984, a meeting of the International Trade and Marketing Committee, a subcommittee of the Commission, will be held at the Chicago O'Hare Hilton, O'Hare International Airport, Chicago, Illinois, in Room 2049, from 8:30 A.M. until 12:00 Noon. The agenda for the meeting will include: (1) Export Promotion Recommendations, (2) plans for August Commission Meeting, and (3) future Agenda.

Less than 15 days notice is being given for this meeting. As the Commission's charter expires on December 31, 1984, time is of the essence to complete committee work. Several members of the International Trade and Marketing Committee will be in Chicago for the Co-Chairmen meeting on July 10, and it was deemed essential to hold this short meeting prior to the full Commission meeting in August.

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: J. Paul Royston, President's Commission on Industrial Competitiveness, 736 Jackson Place, NW., Washington, D.C. 20503, telephone: 202/395-4527

Dated: July 3, 1984.

Egils Milbergs,

Executive Director, President's Commission on Industrial Competitiveness.

[FR Doc. 84-18089 Filed 7-5-84; 8:45 am]

BILLING CODE 3510-18-M

International Trade Administration

[A-201-024]

Carbon Steel Wire Rod From Mexico; Termination of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On June 14, 1984, Atlantic Steel Corporation, Continental Steel Corporation, Georgetown Steel Corporation, North Star Steel, Texas, Inc., and Raritan River Steel Company withdrew their antidumping petition, filed on November 23, 1983, on carbon steel wire rod from Mexico. Their letter of withdrawal appears as an appendix to this notice. Based on the withdrawal, we are terminating the antidumping investigation.

EFFECTIVE DATE: June 14, 1984.

FOR FURTHER INFORMATION CONTACT: William D. Kane, 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) 377-1766.

SUPPLEMENTARY INFORMATION:

Case History

On November 23, 1983, we received a petition from counsel for Atlantic Steel Company, Continental Steel Company, Georgetown Steel Corporation, North Star Steel Company, Texas, and Raritan River Steel Company filed on behalf of the U.S. industry producing carbon steel wire rod. In accordance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petitioners alleged that carbon steel wire rod from Mexico is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We and initiated the investigation on December 14, 1983 (48 FR 57579), and notified the ITC of our action On January 9, 1983, the ITC determined that there is a reasonable indication that imports of carbon steel wire rod are materially injuring a U.S. industry.

Petitioners had specifically alleged that sales by Altos Hornos de Mexico (Ahmsa) and Siderurgical Lazaro Cardenas, Las Truchas, S.A. (Sicartsa) had been made in the United States at less than fair value. We investigated both firms, which together produce approximately 85 percent of the exports to the U.S. On May 1, 1984, we preliminarily determined that carbon steel wire rod from Mexico was not being sold at less than fair value.

Scope of Investigation

For purposes of the investigation, the term "carbon steel wire rod" covers wire rods of iron or steel; other than alloy iron or steel; not tempered, not treated, and not partly manufactured; valued over 4 cents per pound. The merchandise is currently classifiable under item 607.1700 of the *Tariff Schedules of the United States Annotated.*

Withdrawal of Petition

On June 14, 1984, petitioners notified us that they were withdrawing their petition, and requested that the investigation be terminated. Under section 734(a) of the Act, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. We have notified all parties to the investigation of petitioners' withdrawal and our intention to terminate, and we consulted with the International Trade Commission. We have determined that termination of this case is in the public interest.

For these reasons, we are terminating our investigation carbon steel wire rod from Mexico.

Dated: June 30, 1984.

Alan F. Holmer.

Deputy Assistant Secretary for Import Administration.

Appendix

June 14, 1984.

Mr. Alan F. Holmer,

Deputy Assistant Secretary for Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20035

Dear Mr. Holmer: On November 23, 1983, Petitioners Atlantic Steel Company, Continental Steel Corporation, Georgetown Steel Corporation, North Star Steel Texas, Inc., and Raritan River Steel Company filed an antidumping petition with the Department of Commerce ("the Department") and the U.S. International Trade Commission ("ITC"), alleging that imports of carbon steel wire rod from Mexico had been and were being sold at less than fair value as defined in Section 731 of the Tariff Act of 1930, as amended, and that as a consequence, the domestic industry was materially injured or threatened with material injury. Preliminary determinations were subsequently made by the ITC (on January 9, 1984) and the Department (on May 1, 1984).

On April 11, 1984, the Government of Mexico unilaterally and independently announced the adoption of an export restraint policy whereby shipments of carbon steel wire rod to the United States will be subject to quantitative limitations over the next three years. In our judgment, this policy if faithfully adhered to by the Mexican government, will serve the objectives of our petition. Accordingly, Petitioners hereby withdraw the petition, pursuant to section 734(a) of the Tariff Act of 1930, as amended, and request the Department to terminate this investigation without prejudice.

Respectfully submitted,

David E. Birenbaum, Fried, Frank, Harris, Shriver & Kampelman, A Partnership Including Professional Corporations, 600 New Hampshire Avenue, N.W., Washington, D.C. 20037.

On Behalf of Atlantic Steel Corp.

Charles Owen Verrill, Jr., Patton, Boggs & Blow, 2550 M Street, N.W., Washington, D.C. 20037, (202) 457-6000.

On Behalf of Continental Steel (formerly Penn-Dixie), Georgetown Steel Corp., North Star Steel-Texas, Inc., Raritan River Steel Company.

[FR Doc. 84-17962 Filed 7-5-84; 8:45 am]
BILLING CODE 3510-DS-M

[C-469-044]

Chains and Parts Thereof, of Iron or Steel, From Spain; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on chains and parts thereof, of iron or steel, from Spain. The review covers the period January 1, 1983 through December 31, 1983. As a result of the review, the Department has preliminarily determined the net subsidy to be 13.95 percent *ad valorem* for the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 6, 1984.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 12, 1983, the Department of Commerce ("the Department") published in the Federal Register (48 FR 46406) the final results of its last administrative review of the countervailing duty order on chains and parts thereof, of iron or steel, from Spain (43 FR 3258, January 24, 1978) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are chains and parts thereof, of iron or steel, imported directly or indirectly from Spain. Such imports are currently classifiable under items 652.2410 through 652.2450, 652.2710 through 652.2740, 652.3010 through 652.3040, 652.3310 through 652.3330, and 652-3510 through 652.3530 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1983 through December 31, 1983, and the following programs: (1) A rebate of indirect taxes upon exportation, under the Desgravacion Fiscal a la Exportacion ("the DFE"), and (2) an operating capital loans program.

Analysis of Programs

(1) Desgravacion Fiscal a la Exportacion ("DFE")

Spain employs a cascading tax system. Under this system, the government levies a turnover tax ("IGTE") on each sale of a product through its various stages of production, up to (but not including) the final sale in Spain. Upon exportation of the product, the government, under the DFE, rebates both these accumulated IGTE indirect taxes and certain final stage taxes.

The Government of Spain provided no response to our questionnaire. Therefore, we are unable to determine the incidence of rebatable indirect taxes borne by this product. Absent this information, the Department considers the entire amount of the DFE to be an overrebate of indirect taxes with respect to this product and, therefore, countervailable in full. The DFE rate, established in Law 6/1979, was 12.50 percent for exports of this merchandise during the period of review. Therefore, we preliminarily determine that the net subsidy conferred under this program is 12.50 percent *ad valorem* for 1983.

(2) Operating Capital Loans

The Spanish government requires banks to set aside funds to provide short-term operating capital loans. These loans are granted for a period of less than one year. For 1983, the Spanish government fixed the interest rate for such loans at 10 percent. To determine the interest rate on comparable commercial loans for 1983, we took the average national prime interest rate for loans of comparable length, added the prevailing interest charge over prime facing borrowers of average creditworthiness and added the legally established fees and commissions. Comparing this benchmark with the 10 percent interest rate established for the operating capital loans program, we found a differential of 9.65 percent in 1983.

The maximum loan principal available to a given exporter is determined as a percentage of the firm's previous year's exports. This amount may be increased by 10 percent if the firm has a government-issued Exporter's Card. We are assuming that exporters of chains and parts thereof, of iron or steel, have such a card, so that the maximum eligibility during the period of review was 15 percent. Because we have no information on actual utilization of this program, we assumed that the maximum allowable amount was borrowed. Therefore, we preliminarily determine the net subsidy conferred under this program to be 1.45 percent *ad valorem* during the period of review.

Effective January 1, 1984, the Spanish government further reduced the maximum percentage of eligibility for operating capital loans to 9 percent. As a result, using the same methodology and the interest rate differential for 1983 as the most recent information available, we preliminarily determine, for purposes of cash deposit of estimated countervailing duties, that the net subsidy currently attributable to this program is 0.87 percent *ad valorem*.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred by the two programs is 13.95 percent *ad valorem* during 1983.

On June 21, 1982, the International Trade Commission ("the ITC") notified the Department that the Spanish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there is material injury or threat of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties in the amount of the estimated duties required to be deposited on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, and through the date of the ITC's notification to the Department of its determination.

Further, as provided by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 13.37 percent of the entered value on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any

hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: June 30, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-17934 Filed 7-5-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Listing Endangered and Threatened Species and Designating Critical Habitat; Action on a Petition To List the North Pacific Fur Seal

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of reopening of comment period.

SUMMARY: The comment period on the Services' notice of determination on a petition to add the North Pacific Fur Seal (*Callorhinus ursinus*) to the U.S. List of Endangered and Threatened Wildlife and request for information on the status of the species (49 FR 14416–14417 April 11, 1984) is reopened until August 17 1984, in response to requests for extension from several interested parties.

ADDRESS: Comments may be sent to the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Carter, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235 (tel. 202/634-7471).

Dated: June 29, 1984.

Richard B. Roe,

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

[FR Doc. 84-17907 Filed 7-5-84; 8:45 am]

BILLING CODE 3510-22-M

Coastal Zone Management; Federal Consistency Appeal by Acme Fill Corporation From Objection by the San Francisco Bay Conservation and Development Commission to Proposed Landfill

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of stay of appeal.

SUMMARY: On March 9, 1984, Acme Fill Corporation (Acme) appealed to the Secretary of Commerce (Secretary) an objection by the San Francisco Bay Conservation and Development Commission (BCDC) to Acme's certification that its proposed 97-acre landfill expansion in Contra Costa County, California is consistent with the Management Program for the San Francisco Bay segment of the California coastal zone. Acme filed the appeal pursuant to subparagraph (A) of section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended (CZMA), 16 U.S.C. 1456(c)(3)(A), and implementing regulations at 15 CFR Part 930 Subpart H.

On June 13, 1984, the Secretary granted Acme's request that he stay consideration of the appeal. The stay will remain in effect until dissolved at the Secretary's discretion. In such event, public notice will be provided setting forth the schedule for further consideration of the appeal.

FOR FURTHER INFORMATION CONTACT: David P Drake, Attorney Advisor, Office of the Assistant General Counsel for Ocean Services, Room 270, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235; (202) 254-7512.

SUPPLEMENTARY INFORMATION: For a description of Acme's appeal the criteria for sustaining an appeal, see the Notice of Appeal published in the Federal Register of Thursday, April 19, 1984 (49 FR 15597).

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

Dated: June 26, 1984.

Robert J. McManus,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 84-17857 Filed 7-5-84; 8:45 am]

BILLING CODE 3510-08-M

Fishery Conservation and Management; Receipt of Foreign Fishing Applications; Correction

This notice corrects the document published June 19 1984, 49 FR 25021, that listed a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the fishery conservation zone.

For further information contact Shirley Whitted or John D. Kelly, 202-634-7432.

The following corrections are made in FR Doc. 84-16239 appearing on pages 25021 and 25022 in the table listing individual vessel applications under Government of Poland.

On page 25021:

1. GRYF POMORSKI vessel type is corrected from "large stern trawler" to "cargo transport" and the activity is corrected from "1" to "3"

2. The fishery for the vessel INDUS is corrected to "BSA, GOA, WOC"

3. Vessel name "LIPUS" is corrected to "LEPUS"· and

1. On page 25022:

1. POMORZE vessel type is corrected from "large stern trawler" to "cargo transport" and the activity is corrected from "1" to "3"·

2. TERRAL vessel type is corrected from "large stern trawler" to "cargo transport" and the activity is corrected from "1" to "3"

Dated: July 2, 1984.

Roland Finch,

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

[FR Doc. 84-17968 Filed 7-5-84; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico and South Atlantic Fishery Management Councils; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico and South Atlantic Fishery Management Councils will convene an intercouncil public meeting of their Spiny Lobster Advisory Panel members to review the effectiveness of the Spiny Lobster Fishery Management Plan. The public meeting will convene on July 16, 1984, at 10 a.m., adjourn at approximately 5 p.m., and will take place at the Marriott Casa Marina Resort, Reynolds Street on the Ocean, Key West, FL. For further information contact the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy

Boulevard, Tampa, FL, telephone: (813)-228-2815.

Dated: July 2, 1984.

Roland Finch,

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

[FR Doc. 84-17965 Filed 7-5-84; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will convene fact-finding meetings on the proposed Atlantic Demersal Finfish Plan for purposes of public input and discussion as follows:

(1) July 11, 1984—7:30 p.m., Toms River, NJ Holiday Inn.

(2) July 12, 1984—7:30 p.m., Riverhead, NY Holiday Inn.

All commercial and recreational fishermen interested in demersal finfish are urged to attend.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: July 2, 1984.

Roland Finch,

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

[FR Doc. 84-17965 Filed 7-5-84; 8:45 am]

BILLING CODE 3510-22-M

Sea Grant Review Panel; Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Partially Closed Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The purpose of the meeting is to discuss the current posture, national issues, and future outlook of the Sea Grant Program. A joint discussion will be held with the Council of Sea Grant Directors on the second day to discuss potential changes impacting operational strategies, legislation, and administrative and fiscal consideration.

The sesson on July 18, 1984, 8:30 a.m.-10:00 a.m. will be devoted to consideration of applications for Sea Grant College designation. This session will be closed since the discussion may disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

DATE: The announced meeting is scheduled for three days; July 16, 17, and 18, 1984, as follows: July 16, 1984, 1:00 p.m.-3:00; July 17, 1984, 9:00 a.m.-12:00 noon, 1:30 p.m.-4:00 p.m., and July 18, 1984, 8:30 a.m.-10:00 a.m. The July 18th session will be closed to the public.

ADDRESS: The meeting will be held at: Sheraton Park Place Hotel, 5555 Wayzata Boulevard, Minneapolis, Minnesota 55416.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur G. Alexiou, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852, (301) 443-8894.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on July 2, 1984, pursuant to Section 10(d) of Federal Advisory Committee Act, that the agenda item covered in this closed meeting may be exempt from the provisions of the act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552(c)(6). The discussions are likely to disclose: Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.)

Dated: July 3, 1984.

Arthur G. Alexiou,

Associate Director for Program Development, National Sea Grant College Program.

[FR Doc. 84-16064 Filed 7-5-84; 8:45 am]

BILLING CODE 3510-08-M

National Technical Information Service

Government—Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 6-288,259 (4,446,648)
Bait Post

SN 6-366,754 (4,446,743)
Method and Apparatus for Edgewise Compression Testing of Flat Sheets

SN 6-445,112
Bagworm Moth Attractant and Plant Protectant

SN 6-456,954 (4,447,456)
Strain of CORYNEBACTERIUM FASCIANS and Use Thereof in Citrus Products

SN 6-491,151 (4,445,902)
Vapor Process for Mineral Dyeing Cellulosic Fabrics

SN 6-527,894 (4,443,222)
Zinc Pyrithione Process to Impart Antimicrobial Properties to Textiles

SN 6-593,058
Visual-Olfactory Habitat Mimic for Assessment of Fruit Fly Response to Behavior-Modifying Chemicals

SN 6-606,069
Postharvest Biological Control of Stone Fruit Brown Rot by Bacillus subtilis

Department of Commerce

SN 6-300,830 (4,445,389)
Long Wavelength Acoustic Flowmeter

SN 6-348,576 (4,444,501)
Stabilization Mechanism for Optical Interferometer

Department of Health and Human Services

SN 6-227,166 (4,447,537)
Tick Cell Lines

SN 6-267,538 (4,443,431)
Neisseria Gonorrhoeae Vaccine

SN 6-304,571 (4,442,205)
Simian Virus Recombinant that Directs the Synthesis of Hepatitis B Surface Antigen

SN 6-314,477 (4,446,234)
Vitro Cellular Interaction with Amnion Membrane Substrate

SN 6-423,241 (4,446,315)
Adenosine 5'-Triphosphate-4-Carboxamide-Ribofuranosylthiazole

SN 6-444,438
Intercalating Agents Specifying Nucleotides

SN 6-582,759
Biocompatible Cementitious Compositions
SN 6-587,682
Monolithic Integrated Flow Circuit
SN 6-596,636
Method for Obtaining Periplasmic Proteins from Bacterial Cells
SN 6-598,602
Piplined Image Processing Engine
SN 6-600,859
Acoustic Thawing of Frozen Food
SN 6-603,839
Administration of Sex Hormones in the Form of Hydrophilic Cyclodextrin Derivatives
SN 6-611,752
Utilizing a Halohydro-Carbon Containing Dissolved Water to Inactivate a Lipid Virus

Department of the Air Force

SN 6-550,286
Radiation Upset Threshold Detector Apparatus
SN 6-559,612
Low Temperature Rate Controller
SN 6-566,130
Quartz Growth on X-Seeds
SN 6-574,434
Narrow Deviation Voltage Controlled Crystal Oscillator
SN 6-580,979
Total Temperature Probe Buffer Amplifier
SN 6-582,496
Accommodative Amplitude and Speed Measuring Instrument
SN 6-586,955
High Power High Voltage Linear Amplifier Apparatus

Department of the Army

SN 6-588,488
A Voltmeter for Remotely Sensing High Voltages
SN 6-597,326
Resonator Insensitive to Paraxial Accelerations
SN 6-603,253
Method of Minimizing the Aging Rate of an Oscillator

Department of the Interior

SN 6-340,925 (4,445,931)
Production of Metal Powder
SN 6-435,534 (4,442,072)
Selective Recovery of Base Metals and Precious Metals from Ores

[FR Doc. 84-17864 Filed 7-5-84; 8:45 am]
BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

June 26, 1984.

The USAF Scientific Advisory Board Foreign Technology Division (FTD) Advisory Group will meet in Building 856, Headquarters FTD, Wright-Patterson AFB, Ohio on August 9-10, 1984.

The purpose of the meeting is a review and discussion of FTD analyses and assessments of foreign achievements in directed energy, to include lasers, charged and neutral particle beam and high energy RF systems. The meeting will convene from 8:00 a.m. to 5:00 p.m. On August 9 and 8:00 a.m. to 1:00 p.m. on August 10.

The meeting concerns matters listed in section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

FOR FURTHER INFORMATION CONTACT: The Scientific Advisory Board Secretariat at 202-697-8845.

Harry C. Waters,
Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 84-17944 Filed 7-5-84; 8:45 am]
BILLING CODE 3910-01-M

Air Force Activities To Be Evaluated for Possible Conversion to Contract

AGENCY: Department of the Air Force, DOD.

ACTION: Notice.

SUMMARY: The Air Force announces the activities identified below are to be evaluated for possible conversion to contract. Activities are identified by state, installation and function; cost studies, where required, will commence no sooner than 30 days after the date of this announcement.

FOR FURTHER INFORMATION CONTACT: Major Mel Martocchia, Telephone (202) 697-4935. For information concerning specific activities, contact the installations involved.

Harry C. Waters,
Alternate Air Force Federal Register Liaison Officer.

AIR FORCE ACTIVITIES TO BE EVALUATED FOR POSSIBLE CONVERSION TO CONTRACT

State and installation	Function
Alabama:	
Maxwell AFB	Commissary warehouse.
Do	Postal Service Center.
Alaska:	
Eielson AFB	Grounds maintenance.
Do	Postal Service Center.
Do	Protective coating.
Do	Refuse collection.
Do	Shelf stock and custodial.
Elmendorf AFB	Grounds maintenance.
Do	Postal Service Center.
Do	Protective coating.
Do	Shelf stock and custodial.
Arizona:	
Davis Monthan AFB	Postal Service Center.
Luke AFB	Do.
Williams AFB	Aircraft Maintenance F-5.
Do	Postal Service Center.
Arkansas:	
Blytheville AFB	Do.
Little Rock AFB	Family housing maint.
Do	Postal Service Center.
Do	Transient aircraft maint.
California:	
Castle AFB	Postal Service Center.
Edwards AFB	Food service (medical).
Do	Postal Service Center.
Do	Refuse collection.
Do	Shelf stock and custodial.
George AFB	Postal Service Center.
Los Angeles AFS	Admin. switchboard.
March AFB	Postal Service Center.
Mather AFB	Family housing maint.
Do	Postal Service Center.
Do	Transient aircraft maint.
McClellan AFB	Audiovisual.
Do	Box mfg. and lumber reclam.
Do	Postal Service Center.
Do	Vehicle ops. and maint.
Norton AFB	Postal Service Center.
Travis AFB	Family housing maint.
Do	Postal Service Center.
Vandenberg AFB	Audiovisual.
Do	Postal Service Center.
Do	Refuse collection.
Do	Schoolbus.
Colorado:	
Air Force Academy	Family housing maint.
Do	Mess attendants.
Do	Postal Service Center.
Lowry AFB	Do.
Peterson AFB	Do.
Delaware: Dover AFB	Do.
District of Columbia:	
Bolling AFB	Family housing maint.
Do	Postal Service Center.
Florida:	
Eglin AFB	Climatic Lab.
Do	Commissary warehouse.
Do	Postal Service Center.
Do	Watercraft.
Homestead AFB	Family housing maint.
Do	Postal Service Center.
Do	Protective coating.
Do	Watercraft.
Hurlburt Field	Postal Service Center.
MacDill AFB	Family housing maint.
Do	Postal Service Center.
Patrick AFB	Do.
Do	Shelf stock and custodial.
Tyndall AFB	Postal Service Center.
Do	Protective coating.
Do	Watercraft.
Georgia:	
Moody AFB	Postal Service Center.
Robins AFB	Box mfg. and lumber reclam.
Do	Dependent schools.
Do	Postal Service Center.
Hawaii:	
Hickam AFB	Do.
Do	Shelf stock and custodial.
Idaho: Mountain Home AFB	Postal Service Center.
Illinois:	
Chanute AFB	Do.
Scott AFB	Do.
Do	Shelf stock and custodial.
Indiana: Grissom AFB	Postal Service Center.
Kansas: McConnell AFB	Do.
Louisiana:	
Barksdale AFB	Do.
England AFB	Dependent schools.
Do	Postal Service Center.

AIR FORCE ACTIVITIES TO BE EVALUATED FOR POSSIBLE CONVERSION TO CONTRACT—Continued

State and installation	Function
Maine:	
Bangor ANGB	Do.
Loring AFB	Family housing maint.
Do	Postal Service Center.
Maryland: Andrews AFB	Do.
Massachusetts: Hanscom AFB.	Do.
Michigan:	
K I Sawyer AFB	Family housing maint.
Do	Postal Service Center.
Do	Schoolbus.
Wurtsmith AFB	Family housing maint.
Do	Postal Service Center.
Mississippi:	
Columbus AFB	Commissary warehouse.
Do	Communication ops. and maint.
Do	Postal Service Center.
Keesler AFB	Audiovisual.
Do	Commissary warehouse.
Do	Postal Service Center.
Do	Shelf stock and custodial.
Do	Transient aircraft maint.
Missouri:	
Whiteman AFB	Postal Service Center.
Do	Transient aircraft maint.
Montana: Malmstrom AFB	Postal Service Center.
Nebraska:	
Offutt AFB	Family housing maint.
Do	Postal Service Center.
Do	Refuse collection.
Nevada:	
Nellis AFB	Data automation.
Do	Postal Service Center.
Do	Protective coating.
New Hampshire:	
Pease AFB	Postal Service Center.
New Boston AFS	Base operating support.
New Jersey:	
McGuire AFB	Family housing maint.
Do	Postal Service Center.
New Mexico:	
Cannon AFB	Family housing maint.
Do	Postal Service Center.
Holloman AFB	Duplication.
Do	Postal Service Center.
Do	Test track.
Kirtland AFB	Admin. switchboard.
Do	Postal Service Center.
Do	Watercraft.
New York:	
Griffiss AFB	Postal Service Center.
Plattsburgh AFB	Family housing maint.
Do	Postal Service Center.
Do	Protective coating.
Do	Refuse collection.
North Carolina:	
Ft Fisher	Mess attendants.
Pope AFB	Postal Service Center.
Seymour Johnson AFB	Do.
North Dakota:	
Grand Forks AFB	Medical facility maint.
Do	Postal Service Center.
Minot AFB	Do.
Ohio:	
Wright-Patterson AFB	Grounds maintenance.
Do	Medical facility maint.
Do	Postal Service Center.
Newark AFS	Base operating support.
Oklahoma:	
Altus AFB	Family housing maint.
Do	Postal Service Center.
Do	Transient aircraft maint.
Tinker AFB	Box mfg. and lumber reclam.
Do	Grounds maintenance.
Do	Postal Service Center.
Vance AFB	Do.
South Carolina:	
Charleston AFB	Do.
Myrtle Beach AFB	Dependent schools.
Do	Family housing maint.
Do	Postal Service Center.
Shaw AFB	Do.
Do	Protective coating.
Do	Shelf stock and custodial.
South Dakota: Ellsworth AFB	Postal Service Center.
Texas:	
Bergstrom AFB	Do.
Carswell AFB	Family housing maint.

AIR FORCE ACTIVITIES TO BE EVALUATED FOR POSSIBLE CONVERSION TO CONTRACT—Continued

State and installation	Function
Do	Grounds maintenance.
Do	Postal Service Center.
Dyess AFB	Do.
Do	Protective coating.
Goodfellow AFB	Postal Service Center.
Kelly AFB	Box mfg. and lumber reclam.
Do	Postal Service Center.
Lackland AFB	Do.
Laughlin AFB	Family housing maint.
Do	Postal Service Center.
Randolph AFB	Audiovisual.
Do	Postal Service Center.
Reese AFB	Do.
Sheppard AFB	Do.
Utah:	
Hill AFB	Audiovisual.
Do	Box mfg. and lumber reclam.
Do	Grounds maintenance.
Do	Postal Service Center.
Do	Range maintenance.
Do	Vehicle ops. and maint.
Virginia: Langley AFB	Postal Service Center.
Washington:	
Fairchild AFB	Medical facility maint.
Do	Postal Service Center.
Do	Schoolbus.
McChord AFB	Family housing maint.
Do	Postal Service Center.
Wyoming:	
F E Warren AFB	Do.
Do	Transient aircraft maint.

[FR Doc. 84-17945 Filed 7-5-84; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Refineries Task Group of the Committee on the Strategic Petroleum Reserve; Meeting

Notice is hereby given that the Refineries Task Group of the Committee on the Strategic Petroleum Reserve will meet in July 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on the Strategic Petroleum Reserve will address various aspects of the Strategic Petroleum Reserve and the long-term availability and movement patterns of tankers worldwide. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Refineries Task Group will hold its third meeting on Thursday, July 19, 1984, starting at 9:00 a.m., in Rooms One and Two, Amoco Oil Company, Third Floor, 200 East Randolph Drive, Chicago, Illinois.

The tentative agenda for the Refineries Task Group meeting follows:

1. Opening remarks by the Chairman and Government Co-Chairman.
2. Review the progress of the data group.
3. Discuss crude quality adjustments for the Standard Sales Provisions
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

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

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

Issued at Washington, D.C., on June 28, 1984.

William A. Vaughan,

Assistant Secretary, Fossil Energy.

[FR Doc. 84-17937 Filed 7-5-84; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Marine Task Group of the Committee on the Strategic Petroleum Reserve; Meeting

Notice is hereby given that the Marine Task Group of the Committee on the Strategic Petroleum Reserve will meet in July 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on the Strategic Petroleum Reserve will address various aspects of the Strategic Petroleum Reserve and the long-term availability and movement patterns of tankers worldwide. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Marine Task Group will hold its fouth meeting on Tuesday, July 24, 1984, starting at 9:00 a.m., in Room 20 of the Sunbrook Conference Center, 601 County Line Road, Radnor, Pennsylvania.

The tentative agenda for the Marine Task Group meeting follows:

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

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

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

Issued at Washington, D.C., on June 28, 1984.

William A. Vaughan,

Assistant Secretary, Fossil Energy.

[FR Doc. 84-17883 Filed 7-5-84; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, SPR Facilities Task Group of the Committee on the Strategic Petroleum Reserve; Meeting

Notice is hereby given that the SPR Facilities Task Group of the Committee on the Strategic Petroleum Reserve will meet in July 1984. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on the Strategic Petroleum Reserve will address various aspects of the Strategic Petroleum Reserve and the long-term availability and movement patterns of tankers worldwide. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The SPR Facilities Task Group will hold its third meeting on Tuesday, July 10, 1984, starting at 9:00 a.m., in the Conference Room of the National Petroleum Council, Sixth Floor, 1625 K Street, NW., Washington, D.C.

The tentative agenda for the SPR Facilities Task Group meeting follows:

1. Opening remarks by the Chairman and Government Co-Chairman.
2. Discuss the Strategic Petroleum Reserve operations and maintenance practices.
3. Discuss the Task Group report format and assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

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

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

Issued at Washington, D.C., on June 28, 1984.

William A. Vaughan,

Assistant Secretary, Fossil Energy.

[FR Doc. 84-17889 Filed 7-5-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2623-1]

Availability of Environmental Impact Statements Filed June 25, Through June 29, 1984 Pursuant to 40 CFR 1506.9

Responsibile Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

EIS No. 840277 Draft, Coe, NJ, Ramapo River Flood Control Plan, Bergen County, Due: August 20, 1984, Contact: Ms. M. Lou Benard, (212) 264-3609

EIS No. 840286, Final, EPS, Reg, Benzene Fugitive Emissions, Petroleum and Chemical Industries, Standards, Due: August 6, 1984, Contact: Gilbert Wood, (919) 541-5578

EIS No. 840287 Draft, FHW MT, Reserve Street Reconstruction, US 93 to South Third Street, Missoula County, Due: August 20, 1984, Contact: William Dunbar (406) 449-5310

EIS No. 840288, Final, USA, NC, Sunny Point Military Ocean Terminal, Navigation Basins and Access Channels Reconfiguration, Brunswick County, Due: August 6, 1984, Contact: Richard Jackson (919) 343-4745

EIS No. 840289, Final, FAA, WI, Kenosha Municipal Airport Improvements, Kenosha County, Due: August 6, 1984, Contact: Glenn Orcutt (612) 725-3346

EIS No. 840290, Draft, NRC, NJ, Hope Creek Generating Station, Operating License, Salem County, Due: August 20, 1984, Contact: David Wagner (301) 492-8525

EIS No. 840291, Draft, FHW, VA, VA-164 Western Freeway Construction, Between I-664 Interchange and Norfolk and Western Railway, Due: August 27 1984, Contact: James Tumlin (804) 771-2371

EIS No. 840292, FSUPPL, FHW, CA, US 101, Crosstown Freeway Construction, Salsipuedes Overhead to Castillo Street Interchange, Santa Barbara County, Due: August 6, 1984, Contact: C. Glen Clinton (916) 440-3578

Amended Notices:

EIS No. 840285, Final, FHW, WA, I-405 High Occupancy Vehicle Project, I-90 Factoria Interchange To WA-520 Northup Interchange, King County, Due: July 30, 1984, Contact: Clyde Slemmer (206) 753-6135. Inadvertently Omitted From 6-29-84 Notice of Availability

EIS No. 840246, Final, COE, CA, Telegraph Canyon Creek Flood Control, San Diego County, Published FR 6-15-85—Officially Retracted Due to Noncompliance of Distribution

EIS No. 840281, DSUPPL, NOA, MXG, ATL Coastal Migratory Pelagic Resources (MACKEREL) Fishery Management Plan, Amendment, Due: August 14, 1984, Published FR 6-29-84 Review Extended and Incorrect Status

EIS No. 840278, Draft, FWS, MT, Charles M. Russel National Wildlife Refuge MGMT., Due: August 15, 1984, Published FR 6-29-84—Review Extended

EIS No. 840197 Draft, MMS, AK, 1985 St. George Basin OCS Oil And Gas Sale, Leasing, Due: 7-13-84, Contact: Bruce Blanchard (202) 343-3891. Published FR 6-22-84—Incorrect Due Date Resulting From Typographical Error In Original Printing of Draft EIS. An Errata Sheet with correct date has been distributed by the Mineral Management Service

EIS No. 840264, Draft, BR, CA, Day Creek Water Project, Grant, San Bernardo County, Published FR 6-22-84, Correction—This Document was Inadvertently filed with the Environmental Protection Agency (EPA) as a Federal Environmental Impact Statement. It's Correct Status is an Environmental Assessment and is Therefore being Official retracted.

Dated: July 2, 1984.

Dave Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 84-17980 Filed 7-5-84; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2622-8]

Intent To Prepare a Draft Environmental Impact Statement for the Proposed Permanent Designation of the Morehead City, North Carolina, Ocean Dredged Material Disposal Site

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The proposed action is the permanent designation of an ocean dredged material disposal site (ODMDS) off Morehead City, N.C., in accordance with the Marine Protection Research and Sanctuaries Act of 1972. The proposed site consists of a part of the present interim designated ODMDS which is greater than 3 nmi from shore and areas adjacent (to the south and west of the interim site). The proposed site is located approximately 3 nmi south of Beaufort Inlet, centered at 34°37.2'N, 76°0'W and covers approximately 8.0 nmi^2

2. Alternatives to the proposed action include: (a) No action, the interim designation of the existing Morehead City ODMDS would expire in February 1985 after which use of the site must be discontinued; (b) permanent designation of the interim designated Morehead City ODMDS; and (c) permanent designation of nearshore or offshore sites on Onslow Bay off North Carolina which have never been used for ocean disposal of dredged material before.

3a. Participation of concerned Federal, State, and local agencies and environmental action groups in the NEPA process is invited. Input will be solicited through this notice of intent published in the Federal Register and by wide distribution of the DEIS for public review and comment.

b. Scoping has included informal contact with Federal and State marine resources/environmental regulatory agencies and academic institutions in the Beaufort/Morehead City, N.C., area. No additional formal scoping procedures or meetings are planned.

4. Significant issues to be addressed in the DEIS will include the effects of ocean disposal of dredged material on human health, welfare, or amenities, and the effects of the ocean disposal of dredged material on marine ecological systems and economic potentialities of the marine environment.

5. The Corps of Engineers will participate as a cooperating agency and will prepare a preliminary DEIS. The preliminary DEIS will be revised as necessary by EPA Region IV and subsequently released by EPA for public review and comment. The estimated date the DEIS will be made available to the public is August 1984.

FOR FUTHER INFORMATION CONTACT: Mr. Reginald Rogers, EPA Region IV, 345 Courtland Street NE, Atlanta, Georgia 30308, (404) 881-7801 or FTS 257-7801.

Dated: July 2, 1984.

Dave Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 84-17931 Filed 7-5-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

June 29, 1984.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of these submissions are available from Doris Peacock, Agency Clearance Officer, (202) 632-7513. Persons wishing to comment on this information collection should contact Martin Wagner, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB No. 3060-0109

Title: Renewal Application Audit Form for Commercial TV Broadcast Stations
Form No.. FCC 303-C
Action: Extension
Respondents: Randomly selected 5% of licensees seeking renewal of license
Estimated Annual Burden: 13 Respondents; 494 Hours.

OMB No. 3060-0111

Title: Renewal Application Form for Noncommercial Educational AM, FM and TV Broadcast Stations
Form No.. FCC 303-N
Action: Extension
Respondents: Randomly selected 5% of licensees seeking renewal of license
Estimated Annual Burden: 22 Respondents; 154 Hours.

OMB No. 3060-0075

Title: Application for Transfer of Control of a Corporate Licensee or Permittee, or Assignment of License or Permit, for an FM or TV Translator Station, or a Low Power Television Station
Form No.. FCC 345
Action: Extension
Respondents: Corporate licensees and permittees of FM and TV translator stations, and low power TV stations
Estimated Annual Burden: 151 Respondents; 1,510 Hours.

OMB No. 3060-0056

Title: Application for Registration of Equipment to be Connected to the Telephone Network
Form No.. FCC 730
Action: Extention
Respondents: Manufacturers of telephone terminal equipment
Estimated Annual Burden: 2,400 Respondents; 57,600 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-17932 Filed 7-5-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 84-641; File No. BP-830324 AB]

Hearing Designation Order; Don R. Davis, et al.

In re Application of Don R. Davis, Los Ranchos de Albuquerque, New Mexico (MM Docket No. 84-641, File No. BP-830324AB) Req: 1050 kHz, 0.5 KW, D; Sally J. Martinez Broadcasting, Los Ranchos de Albuquerque, New Mexico (MM Docket No. 84-642, File No. BP-830930AM) Req: 1050 kHz, 0.5 KW, D, For Construction Permit.

Adopted: June 25, 1984.
Released: June 29, 1984.

By The Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new AM broadcast stations. In addition, we have under consideration petitions to deny or to condition grant filed against both proposals by KOB-AM, licensee of station KOB, Albuquerque, New Mexico.

2. KOB–AM, Inc. alleges in its petitions that these proposals would cause the creation of intermodulation products in the transmitter and possible re-radiation problems to station KOB–AM. Davis agrees and indicates a willingness to accept conditions as part of the construction permit, if granted.[1] KOB, in turn has withdrawn its petition, subject to the imposition of conditions. Therefore the petitions will be dismissed as moot.

3. Both applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

4. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine, which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. It is further ordered, that the petitions to deny or to condition grant filed by KOB–AM, Inc. are dismissed as moot.

6. It is further ordered, that in the event of a grant of either application the construction permit shall contain the following conditions:

(a) Prior to construction of the tower authorized herein, permittee shall notify AM stations KOB, KDEF and KXAK so that, if necessary, the AM stations may determine operating power by the indirect method and request temporary authority from the Commission in Washington, D.C. to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM stations. Both prior to construction of the tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission.

(b) Before program tests are authorized, sufficient data shall be submitted to show that adequate filters, traps and other equipment has been installed and adjusted to prevent interaction, intermodulation and/or generation of spurious radiation products which may be caused by common usage of the same antenna system by station KLTN, and there shall be filed with the license application copies of a firm agreement entered into by the stations involved clearly fixing the responsibility of each with regard to the installation and maintenance of such equipment. In addition, field observation shall be made to determine whether spurious emissions exist and any objectionable problems resulting therefrom shall be eliminated. Prior to commencement of construction station KLTN shall have requested and received authority to determine power by indirect measurement. Following construction, and prior to authorization of program test under this grant, station KLTN shall remeasure antenna resistance and submit Form 302 as application of return to direct measurement of power.

7 It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

8. It is further ordered, that pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of hearing as prescribed in the Rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84–17927 Filed 7–5–84; 8:45 am]

BILLING CODE 6712–01–M

[1] As Martinez Broadcasting has adopted Davis' engineering report, it is presumed that the applicant adopts as well his acceptance of conditions on any construction permit granted.

[MM Docket Nos. 84–643, et al., File Nos. BPH–830616AI, et al.]

Applications for Consolidated Hearing; Delta Radio, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Delta Radio, Inc. (A Washington Corporation); Cheney, WA.	BPH–830616AI	84–643
B. High Tech Industries Inc.; Cheney, WA.	BPH–830818AG	84–644
C. Cheney Broadcasting Company, a limited partnership; Cheney, WA.	BPH–830929AA	84–645

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), B
2. Air Hazard, B
3. Comparative, A,B,C
4. Ultimate, A,B,C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix—Issue(s)

1. If a final environmental impact statement is issued with respect to B. (High Tech) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as

implemented by Section 1.1301–1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 84–17928 Filed 7–5–84; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection: Foreign Branch Report of Condition (OMB No. 3064–0011).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Judy McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 389–4446.

SUMMARY: The FDIC is requesting OMB to approve revisions to the annual Foreign Branch Report of Condition (OMB No. 3064–0011 which expires July 31, 1984). Changes have been adopted to bring the reporting requirements for foreign branches into conformity with those that became effective March 31, 1984, on the Report of Condition for commercial banks with foreign offices (Form FFIEC 031). The Foreign Branch Report of Condition has been converted from an individual agency form to a Federal Financial Institutions Examination Council form (Form FFIEC 030). The three Federal bank supervisory agencies (the Comptroller of the Currency, the Federal Reserve Board and the FDIC) have for some time been requiring all foreign branches of U.S. banks to submit the identical report. The report contains asset and liability information for foreign branches of U.S. banks and is required for regulatory and supervisory purposes. The FFIEC form would be used starting with the report due as of December 31, 1984. No change is anticipated from the current burden of three hours per annual report for each of the 30 foreign branches of insured state nonmember banks.

Federal Deposit Insurance Corporation.

Dated: July 2, 1984.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–17940 Filed 7–5–84; 8:45 am]
BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Determination, National Defense Stockpile Required for Germanium

AGENCY: Federal Emergency Management Agency.

ACTION: Determination that Germanium is Required for the National Defense Stockpile.

SUMMARY: This document provides notice that germanium is a strategic and critical material to be included in the National Defense Stockpile.

DATE: June 29, 1984.

FOR FURTHER INFORMATION CONTACT: Paul K. Krueger, Assistant Associate Director, Resource Preparedness Office, National Preparedness Directorate, Federal Emergency Management Agency (202) 287–3916.

SUPPLEMENTARY INFORMATION: Pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 *et seq.*) and Executive Order 12155, I have determined that, effective June 29, 1984, germanium is a strategic and critical material to be included in the National Defense Stockpile with a goal of 30,000 kilograms. The Committee on Armed Services of the Senate and House of Representatives were notified in writing of this proposed action under date of May 29, 1984.

Dated: June 29, 1984.

Louis O. Giuffrida,

Director.

[FR Doc. 84–17973 Filed 7–5–84; 8:45 am]
BILLING CODE 6718-01-M

[FEMA–715–DR]

Iowa; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Iowa (FEMA–715–DR), dated June 27, 1984, and related determinations.

DATED: June 27, 1984.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington D.C. 20472 (202) 287–0501.

Notice

Notice is hereby given that, in a letter of June 27 1984, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93–288), as follows:

I have determined that the damage in certain areas of the State of Iowa, resulting from severe storms, hail and tornadoes beginning on June 7, 1984, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I therefore declare that such a major disaster exists in the State of Iowa.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93–288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Charles Huyett of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Iowa to have been affected adversely by this declared major disaster:

Keokuk, Kossuth and Mahaska Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718-02)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 84-17872 Filed 7-5-84; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-713-DR]

Missouri; Amendment to Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Missouri (FEMA-713-DR), dated June 21, 1984, and related determinations.

DATE: June 28, 1984.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice

The notice of a major disaster for the State of Missouri dated June 21, 1984, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaratioin of June 21, 1984:

Holt County for Individual Assistance.

Caldwell, Clinton, Gentry and Worth Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718-02)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 84-17871 Filed 7-5-84; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

Hartford Financial Corp., et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 27, 1984.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Hartford Financial Corp.*, Hartford, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of City Bank of Hartford, Hartford, Alabama.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Community State Banschares, Inc.*, Wisconsin Rapids, Wisconsin; to become a bank holding company by acquiring 93.57 percent of the voting shares of Community State Bank, Wisconsin Rapids, Wisconsin.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mississippi Valley Investment Company*, St. Louis, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Southwest Bank of St. Louis, St. Louis, Missouri.

Board of Governors of the Federal Reserve System, June 29, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-17882 Filed 7-5-84; 8:45 am]

BILLING CODE 6210-01-M

U.S. Trust Corp., Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration or resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 25, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *U.S. Trust Corporation*, New York, New York; to engage *de novo* in providing to others data processing and data transmission services and facilities (including data processing and data transmission hardware, software, documentation and operating personnel) or access of such services or facilities by any technologically feasible means for banking, financial, and economic data; and providing to others excess capacity and time sharing on data processing or transmisson equipment or facilities.

Board of Governors of the Federal Reserve System, June 29, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-17883 Filed 7-5-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Office of Policy and Management Systems, GSA.

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) plans to request the Office of Management and Budget (OMB) to review and approve an existing information collection.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to William W. Hiebert, GSA Clearance Officer, General Services Administration (ATRAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Shirley Scott, Public Buildings Service (202-566-1811).

SUPPLEMENTARY INFORMATION:

a. *Purpose.* The form is submitted by contractors and is used to ensure that the labor hours required by the contract are provided.

b. *Annual reporting burden.* This is estimated as follows: Respondents 231, responses 12,012 hours 6006.

c. *Obtaining copies of proposal.* Requestors may obtain copies of the proposal from the Directives and Reports Management Branch (ATRAI), Room 3007 GSA Building, Washington, DC 20405, telephone (202-566-0666).

Dated: June 28, 1984.

Frank J. Sabatini,

Director, Information Management Division.

[FR Doc. 84-17859 Filed 7-5-84; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on June 29.

Public Health Service

Alcohol Drug Abuse, and Mental Health Administration

Subject: Community Mental Health Centers (CMHC) Construction Grantee Checklist)—New
Respondents: Recipients of funding for community mental health center facility construction
OMB Desk Officer: Fay S. Iudicello

Centers for Disease Control

Subject: Epidemiological Investigations of Falls from Ladders Occurring on the Job—NEW
Respondents: Individuals and employees of persons where on the job falls from ladders occurred
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Radioactive Drug Research Committee Report on Research Use of Radioactive Drugs; Membership Summary and Study Summary (0910-0053)—REINSTATEMENT
Respondents: Radioactive Drug Research Committees
Subject: Poisoning Report (0910-0023)—EXTENSION/NO CHANGE
Respondents: Poison control centers located in public or private hospitals, health science universities or local public health agencies
OMB Desk Officer: Bruce Artim

Office of the Assistant Secretary for Health

Subject: 1985 National Ambulatory Medical Care Survey (0937-0128)—REVISION
Respondents: Office based physicians
OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: Request for Approval as a Supplier of ESRD Services in the Medicare Program (0938-0055)—EXTENSION/NO CHANGE
Respondents: End state renal disease facilities and state survey agencies
Subject: End State Renal Disease Facility Survey Report—EXISTING COLLECTION
Respondents: State survey agencies
Subject: Request for Certification as a Rural Health Clinic—Rural Health Clinic Survey Report Form (0938-0074)—EXISTING COLLECTION
Respondents: Rural health clinics and state survey agencies
Subject: Medical Records Review Under PPS—EXISTING COLLECTION
Respondents: Hospitals under the propective payment system
Subject: Request for Hearing—Part B Medicare Claim (0938-0034)—REVISION
Respondents: Medicare beneficiaries and suppliers
Subject: Physical Therapist in Independent Practice Request for Certification in the Medicare Program (0938-0258)—REVISION
Respondents: Physical therapist and state agency surveyors
Subject: Request to Establish Eligibility in the Medicare and/or Medicaid Program to Provide Outpatient Physical Therapy and/or Speech Pathology Services (0938-0065)—EXISTING COLLECTION
Respondents: Providers and state survey agencies
Subject: Monthly Contractor Financial Report (HCFA 1522)/Contractor Draws on Letter of Credit (HCFA 1521)—EXISTING COLLECTION
Respondents: Medicare contractors
Subject: Medicaid Management Information System (MMIS)]0938-0247)—REINSTATEMENT
Respondents: State agencies
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer).

Dated: June 29, 1984.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84-17906 Filed 7-5-84; 8:45 am]

BILLING CODE 4150-04-M

Centers for Disease Control

Cooperative Agreement Program for Capacity Building in Occupational Safety and Health for State, Territorial, and Local Public Health Departments

Correction

In FR Doc. 84-17118 beginning on page 26306, in the issue of Wednesday, June 27 1984, make the following corrections:

1. On page 26306, second column, first paragraph, line nine, "fatility" should read "fatality"

2. On the same page, third column, Background, second paragraph, line three, "effect" should read "effort"

3. On page 26307, column one,

I. Purpose, line nineteen, "that" should appear between "fact" and "there"

4. On page 26308, third column, third paragraph preceded by a dash, line six, "sson" should read "soon"

5. On page 26309, column one, *C. Occupational/Environmental Capacity Building*, line fifteen, "relationships" should read "relationships"

6. On the same page, column one, *1. Laboratory*, line nineteen, "toxicant sin" should read "toxicants in"

7 On page 26310, second column, Methods and Criteria for Review, first paragraph preceded by a dash, line five, "application" should read "applications"

BILLING CODE 1505-01-M

Food and Drug Administration

[Docket No. 84M-0227]

Amersham Corp., Premarket Approval of Alpha-Fetoprotein (AFP) RIA Kit

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Alpha-fetoprotein (AFP) RIA Kit (24-hour test protocol), sponsored by Amersham Corp., Arlington Heights, IL. After reviewing the recommendation of the Immunology Devices Panel (formerly the Immunology Device Section of the Immunology and Microbiology Devices Panel), FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by August 6, 1984.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Center for Devices and Radiological Health (HFZ-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On October 12, 1978, Amersham Corp., Arlington Heights, IL 60005, submitted to FDA an application for premarket approval of the Alpha-fetoprotein (AFP) RIA Kit. The Alpha-fetoprotein (AFP) RIA Kit (24-hour test protocol), is an in vitro device indicated for the quantitative measurement of AFP in maternal serum/plasma (heparinized) at 15 to 20 weeks gestation and amniotic fluid at 15 to 20 weeks gestation. Test results, when used in conjunction with ultrasonography, or amniography, and amniotic fluid acetylcholinesterase testing, are a safe and effective aid in the detection of fetal open neural tube defects. The application was reviewed by the then Immunology Device Section of the Immunology and Microbiology Devices Panel, an FDA advisory committee, which made a recommendation respecting approval of the application. (On April 24, 1984, the Immunology and Microbiology Devices Panel was terminated. Concurrently, FDA established the Immunology Devices Panel (see 49 FR 17446; April 24, 1984).) On June 7 1984, FDA approved the application by a letter to the sponsor from the Director, Office of Device Evaluation, Center for Devices and Radiological Health.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Center for Devices and Radiological Health—contact Charles H. Kyper (HFZ-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 6, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 28, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-17869 Filed 7-5-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-84-1408; FR-1951]

Availability of Funding Under the Community Housing Resource Board Program; Competitive Solicitation

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of funds availability.

SUMMARY: This notice solicits applications from eligible Community Housing Resource Boards for funding under the Community Housing Resource Board (CHRB) Program. Resource Boards must meet eligibility criteria and minimum funding standards for specific project proposals in order to qualify for consideration.

DATE: Applications for funding must be submitted by August 8, 1984.

EFFECTIVE DATE: This notice is effective on the date of publication. The information collection requirements contained in the CHRB Application Kit and periodic monitoring reports have been submitted to the Office of Managememt and Budget (OMB) for approval under the Paperwork Reduction Act. No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control

number, when it is assigned, will be announced by separate notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard Freethey or Kenneth E. Stein, Office of Procurement and Contracts, Room 5256, Office of the Assistant Secretary for Administration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Application kits will be sent only upon written request made after July 9, 1984. Requests should be sent to the Office of Procurement and Contracts at the above address.

SUPPLEMENTARY INFORMATION: This Notice of Funds Availability is issued pursuant to the regulations for the CHRB Program contained in 24 CFR Part 120 in the Federal Register published on March 25, 1982 (47 FR 12926). Interested Resource Boards are urged to review these regulations and the factors for award in the application kit to determine whether or not they should apply under this program.

The program has two categories of funding: (1) Maintenance and (2) Improvement. A Resource Board should apply for *maintenance* funding when its activities have resulted in full implementation of the terms of the Voluntary Affirmative Marketing Agreement (VAMA). Funding in this category will be provided to maintain Resource Board efforts related to the goals of the VAMA.

A Resource Board should apply for *improvement* funding when the terms of the VAMA have not been fully implemented. Funding in this category will be provided to improve the capability of Resource Board efforts related to the goals of the VAMA.

Eligible Resource Boards may apply for funds under only one category. The format and content requirements for applications are described in application kits which will be provided to each Resource Board interested in applying. Application kits will be sent only upon written request, after July 9, 1984. Requests should be sent to the address set forth above. All applicants will receive the same application kits.

Where the factors for award differ for CHRB's seeking funding for the first time and those applying for refunding, such differences are set forth in the application kit. In reviewing applications under the ranking criteria, the Assistant Secretary for Fair Housing and Equal Opportunity will give priority consideration to (1) projects which will have a significant impact in areas with substantial minority populations and (2) for CHRB's seeking refunding, applications with substantial cash or in-kind contributions from private sector individuals, firms or organizations or from local governmental entities. In addition, the Assistant Secretary may take into account the geographic location of projects to assure a broad geographical distribution of projects under the program.

Program Background

Section 808(e) of Title VIII of the Civil Rights Act of 1968 requires the Secretary to "cooperate with and render technical assistance to Federal, State, local and other public or private agencies, organization, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices * * * and administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of [Fair Housing]."

Further, Section 809 requires that the "Secretary commence such education and conciliatory activities as in his judgment will further the purposes of this title call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement."

In order to promote the achievement of the goal of fair housing throughout the United States, the Department of Housing and Urban Development has developed the Voluntary Affirmative Marketing Agreement Program. This nationwide program focuses on local efforts to assure nondiscrimination in connection with the sale, rental or financing of housing and the provision of services and facilities in connection therewith and to promote achievement of a condition in which individuals of similar income levels in the same housing marketing area have available to them a like range of choices in housing regardless of their race, color, religion, sex or national origin.

Consistent with its responsibilities under Title VIII, HUD has entered into Voluntary Affirmative Marketing Agreements (VAMAs) with the National Association of Realtors, the National Association of Real Estate Brokers and the National Association of Home Builders. These agreements are intended to promote a broad equal opportunity program designed to assure that housing will be marketed on a nondiscriminatory basis. In addition, signatories to a VAMA agree to conduct certain programs and activities to acquaint communities with the availability of equal housing opportunities, to establish office procedures to ensure that there is no denial of equal professional service and to make materials available which explain the commitment of signatories to the goal of fair housing.

The VAMAs signed by the above-named housing associations at the national level, are implemented locally, and in addition to providing a program to promote fair housing efforts, commit HUD to provide technical assistance to local housing industry groups who become signatories to the agreements. Assistance in implementing VAMA commitments is provided to the local housing industry group through HUD-established Community Housing Resource Boards composed of representatives of community organizations dedicated to equal housing opportunity.

This program is listed in the Catalog of Federal Domestic Assistance under program number 14.401, Fair Housing Assistance Program. The collection of information requirement contained in this notice has been submitted to OMB for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3505(h)). Please send any comments regarding the collection of information requirement to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh St., S.W., Washington, D.C. 20410.

Eligible Applicants

This Notice is for Resource Boards that have never received funds under the CHRB program *and* for Resource Boards that were funded under the CHRB Program in 1982. In order to be eligible to participate in the program for the first time, an applicant must meet the following critria:

(a) The applicant must be a Resource Board consisting of HUD-appointed representatives from community organizations or agencies dedicated to equal housing opportunities, formed to fulfill HUD's obligation to provide technical assistance to local real estate boards and homebuilder groups in the implementation and monitoring of progress under the VAMA.

(b) The Resource Board must have been in existence at least six months before the publication date of this Notice of Funds of Availability.

To be eligible for refunding, applicants must meet the eligibility criteria stated above for first time applicants and must successfully complete the requirements of its 1982 CHRB grant. A determination of successful completion will be made if the Grant Officer has approved the

CHRB's final payment voucher by the first day of the 30-day application period of this Notice.

Additionally, CHRB's seeking refunding must submit evidence during the grant year that they have (a) carried out at least two activities that specially address the objectives of the VAMA; (b) engaged in the identification of local problems and issues that impede equal housing opportunities; and (c) assessed local housing industry group performance under the VAMA.

CHRBs that have been selected to be funded under HUD's New Horizons Program are ineligible to apply for funding under this Notice. However, CHRBs that applied for New Horizons funding but were not selected are eligible to apply for this funding.

Method of Distribution

Applicants for funding must submit all information required in the application kit, including a separate funding proposal, a budget and one-page synopsis of the proposed project. A maximum of $15,000 will be awarded to CHRBs in jurisdictions with populations under 50,000; a maximum of $25,000 will be awarded to CHRBs in jurisdictions with populations of 50,000 or more.

Funds will first be provided to CHRBs that are seeking funding for the first time. Any remaining funds will be distributed among the top applicants for refunding.

Projects submitted from CHRBs that have never been funded will be evaluated for funding separately from projects submitted from CHRBs seeking refunding. This will avoid disadvantage to less experienced Resource Boards.

In order to be eligible to receive HUD funds, a Resource Board must demonstrate in its application that it meets the criteria specified in §§ 120.15(d), 120.20, 120.25, 120.30 and 120.35 of the CHRB regulations (24 CFR Part 120).

It is important to note that, although funds may be used to cover the operating costs associated with the specific funded activities of the Resource Board program, proposals that use the majority (principal portion) of their funds *for program costs* (as opposed to administrative costs) will receive priority consideration.

Application Requirements

Congress has appropriated $1,675,000.00 to fund the fair housing technical assistance efforts of the Community Housing Resource Boards. HUD intends to allocate most of this funding to first-time proposals for a one-year effort, following which Resource Boards will be required to obtain at least part of their funding for continuing projects from other sources. Accordingly, applications from CHRBs seeking *refunding* will be accepted only if accompanied by letters from one or more of the following sources: (1) Private sector individuals, firms or organizations or (2) local governmental entities. Letters must commit the entity to partial cash or in-kind support for the proposed project commitments and commitments must contribute to the long-term stability and survival of the organization. HUD believes that its funding can provide the assistance necessary to afford existing Resource Boards the capability of rendering more effective assistance to local housing industry groups. As stated above, grant amounts will depend upon the size of the jurisdiction where the Resource Board operates.

Since training is an essential part of this program, all funded Resource Boards are required to set aside 5% of their HUD funds for training purposes. Further information on training requirements will be provided by HUD headquarters during the funding year.

Regional offices will be advised of the CHRBs in their jurisdiction that submit applications for funding and will be informed of the Assistant Secretary's awards in advance of public announcement. In addition, HUD program monitors will be required to submit periodic monitoring reports on the activities of the funded CHRBs to the Government Technical Representative and the Regional Administrator. The selection criteria are as follows:

(a) The determination of which Resource Boards will be funded will depend, to a large degree, upon HUD's evaluation of the implementation of Voluntary Affirmative Marketing Agreements (VAMA) that are in place six months before publication of this Notice of Funds Availability, i.e., whether the VAMA is in the maintenance category or the improvement category.

(b) In addition, projects proposed in applications will be ranked based on the following considerations:

(1) The relationship of the proposed project to the goal of the VAMA;

(2) The extent to which the proposed project will affect the groups the VAMA is designed to reach;

(3) The commitment of the Resource Board members, as indicated through regular attendance at meetings, and by demonstrated results of activities (for Resource Boards requiring maintenance funding), and expected results of activities (for Resource Boards requiring improvement funding);

(4) The amount of relevant professional or organizational experience, including experience in fair housing, available to the Resource Board to implement the projects proposed; and

(5) The extent to which the proposed projects do not duplicate other community efforts.

(c) The relative weight of the criteria for selection will be:

Criteria	Points
Relationship of Projects to VAMA Goals	30
Extent to which groups VAMAs are designed to reach are affected	25
Documentation of Resource Board Commitment	15
Experience available to implement projects	20
Extent to which projects do not duplicate other community efforts	10
Total	100

Notification of Applicants

All applicants will be notified by mail of the action on their applications, as soon as review and evaluation of the applications are completed. No information will be made available to applicants during the period of HUD review and evaluation, except for notification of those applicants that are determined to be ineligible or late.

All awards are expected to be announced by HUD within 120 days of the final submission date. Applications for funding must be submitted by August 8, 1984. No application received by HUD after that date will be considered unless the application is received before awards are made and meets one of the late application exceptions set forth in the application kit.

Authority: Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601–19).

Dated: June 29, 1984.

W. Scott Davis,

General Deputy, Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 84-17963 Filed 7-5-84; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On March 14, 1984, a notice was published in the Federal Register that an application has been filed with the Fish and Wildlife Service by Dr. Donald B. Siniff of the University of Minnesota, for a permit to take 150 Alaskan sea otter (*Enhydra lutra*) for scientific research, and on April 11, 1984 a notice was published that an application has been filed with the Fish and Wildlife Service

by Tulsa Zoological Park, Tulsa, OK, for a permit to import 3 captive-born polar bear (*Ursus maritimus*) for public display.

Notice is hereby given that on June 7, 1984, the Fish and Wildlife Service issued a permit to Dr. Siniff (PRT 678319) and on June 18, 1984 issued a permit to Tulsa Zoological Park (PRT 2-11389), as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), subject to certain conditions set forth therein.

The permits are available for public inspection during normal business hours at the Fish and Wildlife Service's Office in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: June 29, 1984.

R. K. Robinson,

Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 84-17870 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Indian Affairs

The Blackfeet Tribe; Blackfeet Indian Reservation, Browning, Montana; Transfer of Federally Owned Lands

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

On January 20, 1984, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949 as amended by Pub. L. 93-599 dated January 2, 1975 (88 Stat. 1954), the below described property was transferred by the Administrator of the General Services Administration to the Secretary of the Interior without reimbursement to be held in trust by the United States for the benefit and use of the Blackfeet Tribe, Blackfeet Indian Reservation, Browning, Montana:

Tract 25-101

The N½NE¼ and SW¼NE¼ of Section 10, Township 31 North, Range 12 West, Montana Principal Meridian, Glacier County, Montana.

RESERVING TO the United States of America in trust for Joseph Calfbossribs #1 and William Lewis #2, all mineral rights as described in deed dated January 28, 1969, recorded in Book 61, Page 35, records of Glacier County, Montana.

SUBJECT TO a 120-foot-wide right-of-way for movement of livestock and equipment granted to Krebs Brothers, Inc., as described in deed dated March 10, 1972, recorded in Book 65, Page 239, records of Glacier County, Montana.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads, pipelines and to other easements and encumbrances of record.

Tract 25-104

Lots 1 and 2, and the SW¼NE¼ of Section 2, Township 31 North, Range 12 West, Montana Principal Meridian, Glacier County, Montana.

RESERVING TO the United States of America in trust for Ester Longtimesleeping, Charles Longtimesleeping, Patrick Longtimesleeping, Betty Marie Longtimesleeping, and Walter Longtimesleeping, all mineral rights as described in deed dated March 21, 1969, recorded in Book 61, Page 149, records of Glacier County, Montana.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads, pipelines and to other easements and encumbrances of record.

Tract 25-105

A parcel of land located in Section 3, Township 31 North, Range 12 West, Montana Principal Meridian, Glacier County, Montana, lying southeasterly of the southeasterly right-of-way line of U.S. Highway 2, more particularly described as follows:

Beginning at a point of the eastline of section 3, T. 31 N., R. 12 W., M.P.M., located north 00°15'06" west, a distance of 658.60 feet from the southeast corner of said section 3; thence north 00°17'26" west, on and along the eastline of said section 3, a distance of 1,975.77 feet to the east ¼ corner of said section 3; thence north 00°13'24" west, on and along the eastline of said section 3, a distance of 1,108.05 feet to a point of intersection with the southeast right-of-way line of U.S. Highway 2; thence south 36°44'00" west, on and along said right-of-way line a distance of 3,853.95 feet; thence north 89°52'54" east, a distance of 2,319.30 feet to the point of beginning.

SUBJECT TO a reservation of mineral rights in favor of Krebs Brothers, Inc., as contained in deed executed by Krebs Brothers, Inc., to the United States of America dated April 2, 1970, recorded in Book 63, Page 91, records of Glacier County, Montana.

SUBJECT TO a 110-foot-wide easement for highway purposes granted to the State of Montana as described in instrument dated September 9, 1938, and recorded on Page 528, Book of Deeds No. 13, records of Glacier County, Montana.

SUBJECT TO a 110-foot-wide easement for highway purposes granted to the State of Montana as described in instrument dated September 9, 1938, and recorded on Page 530, Book of Deeds No. 13, records of Glacier County, Montana.

SUBJECT TO Special Use Permit No. SP1430-2-065, which expires August 4, 1985, granted by the United States of America, National Park Service, to Three Rivers Telephone Coop., Inc., for the purpose of removing an existing aerial 10-wire telephone toll line and placing it underground at the same location, adjacent to the U.S. Highway 2 southeasterly right-of-way.

SUBJECT TO Special Use Permit No. SP1430-81-003, which expires September 24, 1986, granted to Department of Highways, Montana Highway Commission for a Montana Department of Highways right-of-way for the Two Medicine Bridge east, RF353(11), and RF63-HLJ.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads, pipelines, and to other easements and encumbrances of record.

Tract 25-106

A parcel of land located in the SW¼ of Section 35, Township 32 North, Range 12 West, Montana Principal Meridian, Glacier County, Montana, lying southeasterly of the southeasterly right-of-way line of U.S. Highway 2, more particularly described as follows:

Beginning at the south ¼ corner of section 35, T. 32 N., R. 12 W., M.P.M., thence north 00°02'14" east on and along the north-south midsection line, a distance of 1,951.77 feet to a point of intersection with the southeasterly right-of-way line of U.S. Highway 2; thence south 36°44'00" west, on and along said right-of-way line, a distance of 2,474.93 feet to a point of intersection with the south line of said section 35; thence north 89°56'02" east on and along the south line of said section 35, a distance of 1,478.94 feet to the point of beginning.

SUBJECT TO a reservation of mineral rights in favor of Krebs of Brothers, Inc., as contained in deed executed by Krebs Brothers, Inc., to the United States of America dated April 2, 1970, recorded in Book 63, Page 91, records of Glacier County, Montana.

SUBJECT TO a 120-foot-wide easement for highway purposes granted to the State of Montana, as described in instrument dated November 19, 1938, and recorded on Page 588, Book of Deeds No. 13, records of Glacier County, Montana.

SUBJECT TO Special Use Permit No. SP1430-2-065, which expires August 4, 1985, granted by the United States of America, National Park Service, to Three Rivers Telephone Coop., Inc., for the purpose of removing an existing aerial 10-wire telephone toll line and placing it underground at the same location, adjacent to the U.S. Highway 2 southeasterly right-of-way.

SUBJECT TO Special Use Permit No. SP1430-81-003, which expires September 24, 1986, granted to Department of Highways, Montana Highway Commission for a Montana Department of Highways right-of-way for the Two Medicine Bridge east, RF353(11), and FR63-HLJ.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads, pipelines, and to other easements and encumbrances of record.

Tract 25-109

The NW¼ of Section 10, Township 31 North, Range 12 West, Montana Principal Meridian, Glacier County, Montana.

EXCEPTING THEREFROM a triangular shaped tract lying northwesterly of the northwesterly right-of-way line of U.S. Highway 2.

RESERVING TO the United States of America in trust for William Lewis #2, all mineral rights as described in deed dated January 16, 1969, recorded in Book 61, Page 21, records of Glacier County, Montana.

RESERVING TO the United States of America and its assigns a perpetual easement for highway purposes described as being all of that portion of the above-described property lying within the boundaries of U.S. Highway 2 as shown on Montana State Highway Project Nos. F1-3(7)210 and RF353(11) on file in the Montana State Department of Highways offices and in the official records of the Glacier County Courthouse, Cut Bank, Montana.

SUBJECT TO a 120-foot-wide right-of-way for movement of livestock and equipment granted to Krebs Brothers, Inc., as described in deed dated March 10, 1972, and recorded in Book 65, Page 239, records of Glacier County, Montana.

SUBJECT TO Special Use Permit No. SP1430-81-003, which expires September 24, 1986, granted to Department of Highways, Montana Highway Commission for a Montana Department of Highways right-of-way for the Two Medicine Bridge east, RF353(11), and FR68-HLJ;

SUBJECT TO Special Use Permit No. SP1430-2-065, which expires August 4, 1985, granted by the United States of America, National Park Service, to Three Rivers Telephone Coop., Inc., for the purpose of removing an existing aerial 10-wire telephone toll line and placing it underground at the same location, adjacent to the U.S. Highway 2 southeasterly right-of-way.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads, pipelines, and to other easements and encumbrances of record:

Tract 25-110

The S½S½S½ of Section 3, Township 31 North, Range 12 West, Montana Principal Meridian, Glacier County, Montana.

EXCEPTING THEREFROM all that portion lying northwesterly of the northwesterly right-of-way line of U.S. Highway 2.

RESERVING TO the United States of America in trust for John Norunner, Mollie Blood Manyhides Kickingwoman, John Vincent Norunner, Clarence Norunner and Lawrence Norunner, all mineral rights as described in deed dated April 29, 1970, recorded in Book 62, Page 227, records of Glacier County, Montana.

RESERVING TO the United States of America in trust for James Norunner, Aaron Meltingtallow Shootsfirst, Francis Spottedeagle, Sr., Woodrow Calfrobe, Mathida Spottedeagle Runningwolf and Tressa Eva Spottedeagle, all mineral rights as described in deed dated April 29, 1970, recorded in Book 62, Page 229, records of Glacier County, Montana.

RESERVING TO the United States of America in trust for Irene Norunner Gregg, all mineral rights as described in deed dated March 27, 1970, recorded in Book 62, Page 231, records of Glacier County, Montana.

RESERVING TO the United States of America in trust for Frank James Norunner Harwood, all mineral rights as described in deed dated February 27, 1970, recorded in Book 62, Page 233, records of Glacier County, Montana.

RESERVING TO the United States of America in trust for Bernardino Norunner Gonzales, Arlinda Lou Gonzales, Belinda Sue Gonzales and Juanita June Gonzales, all mineral rights as described in deed dated April 23, 1970, recorded in Book 62, Page 235, records of Glacier County, Montana.

RESERVING TO the United States of America in trust for Francis Spottedeagle, Jr., and Clifford James Spottedeagle, all mineral rights as described in deed dated April 29, 1970, recorded in Book 62, Page 237, records of Glacier County, Montana.

RESERVING TO the United States of America and its assigns a perpetual easement for highway purposes described as being all of that portion of the above-described property lying within the boundaries of U.S. Highway 2 as shown as Montana State Highway Project Nos. F1-3(7)210 and RF353(11) on file in the Montana State Department of Highways offices and in the official records of the Glacier County Courthouse, Cut Bank, Montana.

SUBJECT TO Special Use Permit No. SP1430-2-065, which expires August 4, 1985, granted by the United States of America, National Park Service, to Three Rivers Telephone Coop., Inc., for the purpose of removing an existing aerial 10-wire telephone toll line and placing it underground at the same location, adjacent to the U.S. Highway 2 southeasterly right-of-way.

SUBJECT TO Special Use Permit No. SP1430-81-003, which expires September 24, 1986, granted to Department of Highways, Montana Highway Commission for a Montana Department of Highways right-of-way for the Two Medicine Bridge east, RF353(11), and RF68-HLJ.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads, pipelines and to other easements and encumbrances of record.

Tract 25-111

Lots 3 and 4, S½NW¼ and the SW¼ of Section 2, Township 31 North, Range 12 West, Montana Principal Meridian, Glacier County, Montana.

EXCEPTING THEREFROM a triangular shaped tract in Lot 4 lying northwesterly of the northwesterly right-of-way line of U.S. Highway 2.

RESERVING TO the United States of America in trust for Frank James Norunner Harwood, all mineral rights as described in deed dated February 27, 1970, recorded in Book 62, Page 241, records of Glacier County, Montana.

RESERVING TO the United States of America in trust for Bernardino Norunner Gonzales, Arlinda Lou Gonzales, Belinda Sue Gonzales, and Juanita June Gonzales, all mineral rights as described in deed dated April 14, 1970, recorded in Book 62, Page 245, records of Glacier County, Montana.

RESERVING TO the United States of America in trust for John Norunner, John Vincent Norunner, Clarence Norunner, Lawrence Norunner and James Norunner, all mineral rights as described in deed dated April 29, 1970, recorded in Book 62, Page 243, records of Glacier County, Montana.

RESERVING TO the United States of America in trust for Irene Norunner Gregg, all mineral rights as described in deed dated March 29, 1970, recorded in Book 62, Page 239, records of Glacier County, Montana.

RESERVING TO the United States of America and its assigns a perpetual easement for highway purposes described as being all of that portion of the above-described property lying within the boundaries of U.S. Highway 2, as shown on Montana State Highway Project Nos. F1-3(7)210 and RF353(11), on file in the Montana State Department of Highways offices and in the official records of the Glacier County Courthouse, Cut Bank, Montana.

SUBJECT TO Special Use Permit No. SP1430-2-065, which expires August 4, 1985, granted by the United States of America, National Park Service, to Three Rivers Telephone Coop., Inc., for the purpose of removing an existing aerial 10-wire telephone toll line and placing it underground at the same location, adjacent to the U.S. Highway 2 southeasterly right-of-way.

SUBJECT TO Special Use Permit No. SP1430-81-003, which expires September 24, 1986, granted to Department of Highways, Montana Highway Commission for Montana Department of Highways right-of-way for the Two Medicine Bridge east, RF353(11), and RF68-HLJ.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads, pipelines, and to other easements and encumbrances of record.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Blackfeet Tribe. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 84-17860 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-02-M

Preparation of a Roll of Eastern Creek Indian Descendants; Correction

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice; correction.

SUMMARY: This document corrects an erroneous date contained in the notice of the preparation of a roll of Eastern Creek Indian descendants that appeared at page 24178 in the Federal Register of Tuesday, June 12, 1984 (49 FR 24178). The deadline date for filing application forms shown under **DATE** should read January 24, 1985.

FOR FURTHER INFORMATION CONTACT: Rosella C. Garbow, Branch of Tribal Operations, Muskogee Area Office, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma 74401, telephone number: (918) 687-2314 (FTS 736-2314).

Dated: June 27, 1984.

John W. Fritz,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 84-17896 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Competitive Sale of Public Lands in San Bernardino County, California; Partial Cancellation of Small Tract and Public Use Classifications

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action. Competitive sale of public lands in San Bernardino County, California. Partial cancellation of small tract and public use classifications.

SUMMARY: The following described lands have been examined, and through the development of land use planning decisions based on public input, it has been determined that the sale of these parcels is consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976. The public interest will be well served by offering these lands for sale.

Parcel No.	Serial No.	Legal description	Acres	Fair market value
		T. 2 N., R. 6 E., SBM		x
		Section 3		
1	CA-15392	Lot 4	5.07	$6,375
2	CA-15393	Lot 11	5.02	6,375
3	CA-15394	Lot 12	5.01	6,375
4	CA-15395	Lot 13	5.01	6,375
5	CA-15396	Lot 16	4.93	6,375
6	CA-15397	E½SE¼NE¼NE¼	5.00	6,375
7	CA-15398	NE¼SW¼NW¼NE¼	2.50	4,250
8	CA-15399	E½SE¼NW¼NE¼	5.00	6,375
9	CA-15400	W½NE¼SW¼NE¼	5.00	6,375
10	CA-15401	W½SE¼SW¼NE¼	5.00	6,375
11	CA-15402	W½NE¼SE¼NE¼	5.00	6,375
12	CA-15404	E½SW¼SE¼NE¼	5.00	6,375
13	CA-15405	NW¼SE¼SE¼NE¼	2.50	4,250
14	CA-15403	SE¼NE¼SE¼NE¼	2.50	4,250
15	CA-15406	E½SW¼NE¼NW¼	5.00	6,375
16	CA-15407	W½SE¼NE¼NW¼	5.00	6,375
17	CA-15408	W½SW¼NW¼NW¼	5.00	6,375
18	CA-15409	NW¼SE¼NW¼NW¼	2.50	4,250
19	CA-15410	E½NE¼SW¼NW¼	5.00	6,375
20	CA-15411	SW¼NW¼SW¼NW¼	2.50	4,250
21	CA-15412	SE¼NE¼SW¼	10.00	8,500
22	CA-15413	NW¼NE¼NW¼SW¼	2.50	4,250
23	CA-15414	SW¼NE¼NE¼SE¼	2.50	4,250
24	CA-15415	SW¼SE¼NE¼SE¼	2.50	4,250
25	CA-15416	W½NE¼NW¼SE¼	5.00	6,375
26	CA-15417	SW¼NW¼SE¼	10.00	8,500
27	CA-15418	SE¼SE¼NW¼SE¼	2.50	4,250
28	CA-15419	E½NW¼SW¼SE¼	5.00	6,375
29	CA-15420	SW¼NW¼SW¼SE¼	2.50	4,250
30	CA-15421	W½NE¼SE¼SE¼	5.00	6,375
31	CA-15422	E½NW¼SE¼SE¼	5.00	6,375
32	CA-15423	W½SW¼SE¼SE¼	5.00	6,375
		T. 2 N., R. 6 E., SBM		
		Section 4		
33	CA-15424	W½SE¼NE¼NE¼	5.00	6,375
34	CA-15425	E½NE¼SW¼NE¼	5.00	6,375
35	CA-15426	NW¼NE¼SW¼NE¼	2.50	4,250
36	CA-15427	W½NW¼SW¼NE¼	5.00	6,375
37	CA-15428	E½SE¼SW¼NE¼	5.00	6,375
38	CA-15429	NW¼SE¼SW¼NE¼	2.50	4,250
39	CA-15430	E½NE¼SE¼NE¼	5.00	6,375
40	CA-15431	NW¼NE¼SE¼NE¼	2.50	4,250
41	CA-15432	SW¼NW¼SE¼NE¼	2.50	4,250
42	CA-15433	NE¼SW¼SE¼NE¼	2.50	4,250
43	CA-15434	W½SW¼SE¼NE¼	5.00	6,375
44	CA-15435	NW¼SE¼SE¼NE¼	2.50	4,250
46	CA-15437	SW¼SE¼SW¼NW¼	2.50	4,250
47	CA-15438	NE¼SE¼NW¼	10.00	8,500
48	CA-15439	NW¼SE¼NW¼	10.00	8,500
49	CA-15440	W½NE¼NE¼SW¼	5.00	6,375
50	CA-15441	NE¼NW¼NE¼SW¼	2.50	4,250
51	CA-15442	W½SW¼NE¼SW¼	5.00	6,375
52	CA-15443	E½SE¼NE¼SW¼	5.00	6,375
53	CA-15444	W½NW¼NW¼SW¼	5.00	6,375
54A	CA-15445	E½SW¼SW¼SW¼	5.00	6,375
54B	CA-15886	W½SW¼SW¼SW¼	5.00	6,375
55	CA-15446	W½SE¼SW¼SW¼	5.00	6,375
56	CA-15447	E½NE¼SE¼SW¼	5.00	6,375
57	CA-15448	E½NW¼SE¼SW¼	5.00	6,375
58	CA-15449	E½SW¼SE¼SW¼	5.00	6,375
59	CA-15450	W½SE¼SE¼SW¼	5.00	6,375
60	CA-15451	NE¼NE¼SE¼	10.00	8,500
61	CA-15452	W½NW¼NE¼SE¼	5.00	6,375
62	CA-15453	SW¼NE¼SE¼	10.00	8,500
63	CA-15454	W½SE¼NE¼SE¼	5.00	6,375
64	CA-15887	NW¼NE¼NW¼SE¼	2.50	4,250
65	CA-15888	E½NW¼NW¼SE¼	5.00	6,375
66	CA-15455	W½NE¼SE¼SE¼	5.00	6,375
		T. 2 N., R. 6 E., SBM		
		Section 5		
67	CA-15456	W½SE¼SW¼NE¼	5.00	6,375

Parcel No.	Serial No.	Legal description	Acres	Fair market value
69	CA-15458	E½SE¼SW¼NW¼	5.00	6,375
70	CA-15459	W½NE¼SE¼NW¼	5.00	6,375
71	CA-15460	E½NE¼NE¼SW¼	5.00	6,375
72	CA-15462	E½SE¼NE¼SW¼	5.00	6,375
73	CA-15461	W½SW¼NE¼SW¼	5.00	6,375
74	CA-15463	E½NW¼NW¼SW¼	5.00	6,375
75	CA-15464	W½SW¼NE¼SE¼	5.00	6,375
76	CA-15465	W½NE¼NW¼SE¼	5.00	6,375
77	CA-15466	E½NW¼NW¼SE¼	5.00	6,375
78	CA-15467	E½SE¼NW¼SE¼	5.00	6,375
79	CA-15468	W½NW¼SW¼SE¼	5.00	6,375
80	CA-15469	E½NE¼SE¼SE¼	5.00	6,375
		T. 2 N., R. 6 E., SBM		
		Section 6		
81	CA-15470	Lot 4	4.53	6,375
82	CA-15471	Lot 5	4.57	6,375
83	CA-15472	Lot 11	4.54	6,375
84	CA-15473	Lot 12	4.67	6,375
85	CA-15474	Lot 13	44.72	3,801
86	CA-15475	Lot 14, Lot 15	89.50	7,522
87	CA-15476	W½NE¼SW¼NE¼	5.00	6,375
88	CA-15477	E½NE¼SE¼NE¼	5.00	6,375
89	CA-15479	W½NW¼NW¼SE¼	5.00	6,375
90	CA-15480	NE¼SW¼SE¼	10.00	8,500
91	CA-15481	E½NW¼SE¼SE¼	5.00	6,375
92	CA-15482	W½SE¼SE¼SE¼	5.00	6,375
93	CA-15478	S½NW¼NE¼NW¼	5.00	6,375
		T. 2 N., R. 6 E., SBM		
		Section 7		
94	CA-15490	W½NW¼SE¼NE¼	5.00	6,375
95	CA-15486	E½SE¼NE¼NE¼	5.00	6,375
97	CA-15491	E½NW¼NW¼SE¼	5.00	10,200
98	CA-15483	W½NE¼NE¼NE¼	5.00	6,375
99	CA-15484	W½NW¼NE¼NE¼	5.00	6,375
100	CA-15485	SE¼NW¼NE¼NE¼	2.50	4,250
101	CA-15487	NE¼NW¼NE¼	10.00	8,500
102	CA-15488	NE¼SW¼NE¼	10.00	13,600
103	CA-15489	SW¼NW¼SW¼NE¼	2.50	4,250
		T. 2 N., R. 6 E., SBM		
		Section 8		
104	CA-15492	E½SW¼NW¼SW¼	5.00	6,375
105	CA-15493	NE¼SW¼SE¼	10.00	8,250
		T. 2 N., R. 6 E., SBM		
		Section 9		
106	CA-15494	W½NW¼NE¼NE¼, NE¼NW¼NE¼	15.00	10,625
107	CA-15495	W½NW¼NW¼NE¼	5.00	6,375
108	CA-15496	W½SE¼SW¼NE¼	5.00	6,375
109	CA-15497	NE¼NE¼NW¼	10.00	8,500
110	CA-15498	W½SE¼NE¼SW¼	5.00	6,375
		T. 2 N., R. 6 E., SBM		
		Section 10		
111	CA-15499	W½NW¼NE¼NE¼	5.00	6,375
112	CA-15500	W½SE¼NE¼NE¼	5.00	6,375
113	CA-15501	W½NE¼SW¼NE¼	5.00	6,375
114	CA-15502	NW¼SE¼NE¼	10.00	8,500
115	CA-15503	E½SW¼NW¼NW¼	5.00	6,375
116	CA-15506	W½NW¼SW¼NW¼	5.00	6,375
117	CA-15504	W½NE¼SW¼NW¼	5.00	6,375
118	CA-15505	SE¼NE¼SW¼NW¼	2.50	4,250
119	CA-15507	W½SW¼SW¼NW¼	5.00	6,375
120	CA-15508	E½SE¼SW¼NW¼	5.00	6,375
121	CA-15509	E½NE¼SE¼NW¼	5.00	6,375
122	CA-15510	E½NW¼SE¼NW¼	5.00	6,375
123	CA-15511	SW¼NE¼SW¼	10.00	8,500
124	CA-15512	SE¼NW¼SW¼	10.00	8,500
125	CA-15513	W½NE¼SW¼SW¼	5.00	6,375
126	CA-15514	E½NW¼SW¼SW¼	5.00	6,375
127	CA-15515	NW¼SW¼SW¼SW¼	2.50	4,250
128	CA-15516	E½SW¼SW¼SW¼	5.00	10,200
129	CA-15517	NE¼SE¼SW¼SW¼	2.50	4,250
130	CA-15518	W½SE¼SW¼SW¼	5.00	10,200
131	CA-15519	E½NW¼SE¼SW¼	5.00	6,375
132	CA-15520	E½SW¼SE¼SW¼	5.00	10,200
133	CA-15521	NW¼SW¼SE¼SW¼	2.50	4,250
134	CA-15522	W½SE¼NE¼SE¼	5.00	6,375
135	CA-15523	W½NW¼NW¼SE¼	5.00	6,375
136	CA-15524	W½NE¼SW¼SE¼	5.00	6,375
137	CA-15525	W½NW¼SW¼SE¼	5.00	6,375
138	CA-15889	SW¼SE¼SE¼	10.00	13,600
Total			825.13	

These parcels aggregate 825.13 acres in San Bernardino County, California. The land is not required for any Federal purpose. The location and physical characteristics of each parcel make them difficult and uneconomical to manage as public lands. Disposal is consistent with planning, would not have any significant negative effect on resource values and would best serve the public.

The terms and conditions for the sale include the following procedures. All parcels will be offered as competitive

sales at the appraised fair market value at least 60 days after the publication of this notice and only sealed bids will be accepted. Bids may be submitted by qualified persons either by mail or delivered in person during regular business hours at the California Desert District Office, 1695 Spruce Street, Riverside, California 92507 To be considered, all bids must be received by 10:00 a.m. on September 11, 1984. Sealed bids must be enclosd in an envelope identified with "Public Sale—Landers: Parcel Number ———" on the outside, lower left corner. The enclosure within the envelope must contain the parcel number, the bid, payment of at least 20% of the bid and the bidder's name and mailing address. Certified check, postal money order, band draft or cashier's check made payable to the "Department of the Interior-BLM" are the *only* acceptable forms of payment. No bids will be accepted for less than a parcel's fair market value. A separate sealed envelope and bid are required for each parcel being bid on. If two or more envelopes are received for a parcel, 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 forfeited. All unsuccessful bids will be returned.

Unsold parcels will remain available for purchase until sold or withdrawn from sale by the authorized officer. However, the fair market values will be reviewed and reevaluated periodically to reflect changes in the market conditions. Revised fair market values can be obtained by contacting the Barstow Resource Area office within 30 days of the next bid opening. Sealed bids for unsold parcels will be accepted begining on October 5, 1984, in the Barstow Resource Area Office, 831 Barstow Road, Barstow, CA 92311. All bids received will be opened the first Wednesday of each month beginning on November 7, 1984. To be considered, bids must be received by 10:00 a.m. on the Tuesday prior to the bid opening. The same procedures will be followed as described for the initial sale above.

Portions of Small Tract Classification Orders Numbers 146 (May 18, 1949), 239 (September 29, 1950), 255 (January 26, 1951), 427 (September 21, 1954), 441 (March 7 1955), and 563 (May 15, 1957) are hereby cancelled, effective upon issuance of individual patents. Additional sale terms and conditions are as follows:

1. A right-of-way for ditches and canals will be reserved to the United States under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. The patent will be subject to all valid existing rights and reservations of record.

3. All purchasers must be United States citizens, or in the case of corporations, be authorized to own real estate in the State of California. Political subdivisions of the State and State instrumentalities must be authorized to hold property. Proof of meeting these requirements shall accompany the bid.

4. BLM reserves the right to reject or accept any and all offers, or withdraw any land or interst in land from sale, if in opinion of the Authorized Officer consummation of the sale would not be in the best interest of the United States and consistent with Section 203(a) of the Federal Land Policy and Management Act of 1976 or other applicable laws.

5. Pursuant to Section 208, Federal Land Policy and Management Act of 1976 (43 U.S.C 1761), patents will be subject to a right-of-way around the boundaries of each parcel for roads and public utilities as follows:

(1) The right-of-way located along all section and quarter section lines will be subject to a 40 foot width.

(2) The right-of-way located along all other parcel boundaries will be subject to a 33 foot width.

6. Since a mineral report was done and there are no known mineral values on any parcel the subsurface mineral interests of the United States will be conveyed simultaneously with the surface estate to the designated high bidder. Therefore, the designated high bidder must make, within 30 days of sale, an application for the mineral estate and submit the $50.00 nonrefundable application fee under Section 209(b), Federal Land Policy and Management Act of 1976. Failure to do so will constitute a forfeiture of the initial deposit and will void the sale.

7 Each patented parcel will be subject to all applicable laws, regulations, and ordinances of the State of California, County of San Bernardino, local goverments and special districts. The patent will not provide any stated or implied use and/or development exemption from the legislative and rulemaking authority of the above-mentioned governmental bodies.

8. Conveyance documents for parcel 85, 86, and 96 will contain a covenant which requires all future developments to be in conformance with Ordinance 2417, adopted by the San Bernardino County Board of Supervisors on May 3, 1980. The ordinance regulates development in flood hazard/flood plain areas, and implements National Flood Insurance Program requirements.

9. Upon disqualification of an apparent high bidder, the next high bid will be honored. Bids will only be considered if they are made for at least the fair market value of the land, and bids must include all of the land in the parcel.

10. Southern California Edison Company has applied to covert the rights-of-way they currently hold into perpetual rights-of-way. If granted prior to the sale, these rights-of-way will be reserved to the United States.

11. A reservation for the existing encumbrances will be incorporated into each patent for the following parcels:

File No.	Parcel No.
CA 5485 (pipeline/road).	1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 30, 32, 33, 34, 35, 37, 39, 40, 43, 46, 49, 50, 51, 52, 53, 54A, 54B, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123, 124, 125, 126, 128, 130, 132, 134, 135, 136, 137, and 138.
R 1537 (transmission line.	6, 8, 10, 11, 12, 21, 26, 32, 34, 36, 39, 41, 42, 47, 48, 49, 50, 53, 54A, 54B, 55, 74, 80, 85, 86, 87, 88, 97, 107, 115, 119, 121, 123, 124, 134, and 138.
R 1993 (transmission line).	8.
CA 12725 (telephone line).	10, 34, 37, 61, and 63.
R 1637 (transmission line.	19.
R 825 (telephone line).	26, 29, 30, 31, 49, 53, 54B, 70, 79, 135, and 137.
CA 13384 (telephone line).	51, 126, and 128.
CA 2495 (telephone line).	64, 65.
CA 5232 (pipeline)	67, 69, 72, 75, 78, 85, 92, 97, and 100
R 1335 (transmission line).	72, 73.
R 4414 (telephone line).	92, 125, and 126.
CA 6026 (road)	97.
R 3550 (telephone line).	109.
R 1839 (transmission line).	120.

12. The following parcels have a county road on them under RS 2477: 18, 19, 26, 28, 32, 111, 112.

Dates: The sealed bid opening will be held at the California Desert District Office, 1695 Spruce Street, Riverside, California 92507, on September 12, 1984, at 10:00 a.m.

For further Information: An information packet with a description of the sale area and the sale procedures is available for review at the Barstow Resource Area Office, 831 Barstow Road, California 92311. Additional

information concerning this sale may be obtained by contacting Arnold Schoeck, Realty Specialist, at the Barstow Resource Area Office or at (619)(256-3595.

Supplemental Information: For a period of 45 days from the date of publication of the notice, interested parties may submit comments to the State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: June 27, 1984.

Bary A. Freet,

Acting District Manager, California Desert District.

[FR Doc. 84-17652 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-40-M

[NM-58259]

Navajo Relocation Exchange, Dona Ana County, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent To Do a Planning Amendment and Notice of Realty Action Designating Public Lands for Transfer Out of Federal Ownership in Exchange for Private Lands Selected by the Navajo Tribe for Relocation Purposes.

SUMMARY: Under the provisions of sections 4 and 28 of the Navajo and Hopi Indian Relocation Amendment Act, 1980, 25 U.S.C., 640d-10 and 25 U.S.C. 640d-26, the Navajo Tribe filed a selection application June 30, 1983 for private lands in Apache County, Arizona to be acquired by exchange for public lands in New Mexico. Interest has been expressed by an Arizona private landowner to select the following public lands as part of the compensation for the private lands selected in Arizona by the Navajo Tribe.

New Mexico, Principal Meridian

T. 29 S., R. 2 E.
Sec. 1: All
Sec. 12: All
Sec. 13: Lot 1, lot 2, lot 3, lot 4, N½
T. 28 S., R. 3 E.
Sec. 31: Lot 1, lot 2, lot 3, lot 4, E½W½, E½
T. 29 S., R. 3 E.
Sec. 5: All
Sec. 6: All
Sec. 7: All
Sec. 8: All
Sec. 17: Lot 1, lot 2, lot 3, lot 4, N½

Comprising 5,640.21 acres, more or less, located in Dona Ana County, New Mexico. This notice constitutes a Scoping Notice as required by the National Environmental Policy Act (40 CFR 1501.7) for a Plan Amendment. The action is to determine whether or not the above described lands will be considered as part of the Navajo-Hopi Exchange.

The lands identified for the Plan Amendment in New Mexico are in the Las Cruces/Lordsburg Resource Area, Las Cruces District. Disciplines to be represented are realty, threatened and endangered plants and animals, minerals and cultural resource values.

A public meeting regarding this Plan Amendment is scheduled for July 24, 1984 at 1 p.m. at the Branigan Memorial Library, 200 E. Picacho, Las Cruces, New Mexico 88001. A draft Plan Amendment/Assessment will be printed and made available to the public for a 30-day review and comment period. It is anticipated that this document will be released in the fall of 1984.

In addition to the Scoping Notice and in accordance with the regulations in 43 CFR 2201.1(b), publication of this notice will segregate the public lands, as described above, to the extent that they will not be subject to appropriation under the public land laws, including the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above described lands shall terminate upon issuance of a document of conveyance of such lands into private ownership or upon publication in the Federal Register of a notice of termination of the segregation; or the expiration of 2 years from the date of publication, whichever occurs first.

ADDRESS: Inquiries, comments and protests to these notices should be addressed to the Indian Project Manager, Indian Project Office, 2708 N. 4th Street, Suite B-5, Flagstaff, Arizona 86001, or the Las Cruces District Manager, Las Cruces District Office, 317 North Main, Las Cruces, New Mexico 88004.

Charles W. Luscher,

State Director.

[FR Doc. 84-17867 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-32-M

[C-37744]

Intent To Hold Public Scoping Meetings and To Prepare an Environmental Impact Statement for the Proposed Leasing of 6,400 Acres of Federal Land in Rio Blanco County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public scoping meetings and notice to prepare an EIS.

SUMMARY: This notice advises the public that the Bureau of Land Management intends to hold meetings to gather information and seek assistance in defining the range of issues and concerns for preparation of an Environmental Impact Statement (EIS) for the proposed leasing of 6,400 acres of federal land for the disposal of spent shale and overburden materials, and for facilities siting in support of an open pit mining operation on Federal Prototype Oil Shale Lease Tract C-a. This notice is made in accordance with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality regulations (40 CFR 1501.7 and 1508.22) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

Public meetings will be held in Golden and Meeker, Colorado. An information packet and site location map will be available upon request from the White River Resource Area Office at the address given below after July 25, 1984, and at the public meetings. Meeting dates and places are listed below under **SUPPLEMENTARY INFORMATION.**

Oral testimony and submission of written comments will be received at the meetings or can be mailed to the White River Resource Area Office.

DATES: Public meetings will be held on July 25 and 31, 1984. Written comments will be accepted through August 15, 1984.

ADDRESS: Comments should be addressed to Butch Smith, EIS Project Coordinator, Bureau of Land Management, White River Resource Area, PO Box 928, Meeker, Colorado 81641.

SUPPLEMENTARY INFORMATION: Federal Prototype Oil Shale Lease Tract C-a is currently under a temporary lease suspension due to Rio Blanco Oil Shale Company's contention that an offtract area for disposal of waste materials is crucial to lease development by open pit mining. The Department of Interior lacked the authority to issue an offtract

lease for oil shale related disposal until Pub. L. 97-394 effectively amended the Mineral Leasing Act of 1920. The bill was signed by the President in December 1982, and authorized the Secretary of the Interior to lease up to 6,400 acres to Rio Blanco Oil Shale Company for oil shale operations and disposal of materials. Leasing alternatives that have been tenatively identified include the following: (1) No Action or No Offtract Lease, (2) proposed Action or 84 Mesa, (3) West Fork of Spring Creek, and (4) Philadelphia Creek.

The purpose of the public meetings is to encourage participation from interested persons in defining the significant environmental issues and concerns that relate to the proposed action.

Public scoping meetings will be held as follows:

Place, Date, Time, and Address

Golden, Colorado, July 25, 1984, 7:00 p.m. Holiday Inn West, 14707 W Highway 40, Golden, Colorado

Meeker, Colorado, July 31, 1984, 7:00 p.m., BLM, White River, Resource Area, 73544 Highway 64, Meeker, Colorado

Each witness will be limited to a maximum of 10 minutes of oral presentation. Oral presentations can be made in lieu of or in addition to any written comments submitted. The text of any prepared presentation materials may be given to the EIS Team Leader at the meetings.

The agenda for the scoping meeting will be as follows:

1. Introduction

a. Purpose and intent of meeting.

b. Location and description of alternative sites.

c. Description of previously defined issues identified during pre-analysis to be considered in the EIS.

d. Discussion of possible alternatives to be considered in the EIS.

e. Information available from the BLM for public use in commenting on the EIS process.

2. Solicitation of public comment, recommendations, and issues of major concern to be considered and addressed in the EIS.

Potential issues include: Air quality, hydrology, reclamation, mineral resources, valid existing rights, and other resource issues.

Preparation of the EIS will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality regulations, other required Federal laws and regulations, and Department of the Interior policies and procedures.

Dated June 28, 1984.

Lee Carie,

District Manager, Craig District, Bureau of Land Management, Colorado.

[FR Doc. 84-17850 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-JB-M

Alaska Off-Road Vehicle Designation Decisions

AGENCY: Bureau of Land Management, Interior.

ACTION: Alaska Off-Road Vehicle Designation Decisions.

SUMMARY: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of E.O.'s 11644 and 11989 and regulatioins contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use.

The 466,000-acre area affected by the designations is known as the Tangle Lakes Archeological District in the Denali Block of the Southcentral Planning Unit. Comments received from three public meetings and numerous written responses influenced these designation decisions. The interim designations will remain in effect until evaluations and subsequent justifications for adjustment of the boundaries of the Tangle Lakes Archeological District are developed. These designations are published as final (43 CFR 4.21). An appeal may be filed within 30 days with Interior Board of Land Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203.

The Bureau has consulted with the State Historic Preservation Officer and the Advisory Council on Historic Preservation to assure compliance with Section 106 of the National Historic Preservation Act of 1966.

A. Limited Designation

1. Limited Season of Use—466,000 acres

The Tangle Lakes Archeological District is located west of Paxson, Alaska on the Denali Highway. This area is open to motorized vehicle use from October 16 through May 15 and closed to use from May 16 through October 15, except on designated roads and trails (see list below) to protect cultural resource values.

2. Use Limited to Designated Roads and Trails

Vehicle use in this area is permitted on designated roads and trails which are identified with signs and on maps.

Within the Tangle Lakes Archeological District, the following roads and trails will be open to off-road vehicle use year-around.

1. Maclaren River Road.
2. Sevenmile Lake Trail.
3. Osar Lake Trail (south of Denali Highway to Osar Lake).
4. Swede Lake Trail (to Middle Fork Gulkana River).
5. Landmark Gap Trail (north of Denali Highway to a designated point approximately midway).
6. Glacier Lake Trail (to Glacier Lake).
7. Middle Fork Gulkana River Trail to Dickey Lake.
8. Landmark Gap Trail (south of Denali Highway, both forks to current termini).
9. Alphabet Hills Trail (to edge of Archeological District).
10. Maclaren Summit Trail (also known as Osar Lake trail north of Denali Highway to a point 2.5 miles from trailhead).

Landmark Gap Trail, north of Denali Highway from the midpoint to Landmark Gap Lake and the Yost/Top of the World Trail will be opened in the future as archeological clearances and appropriate mitigations are completed.

Additional trails may be opened in the future as archeological chearances and appropriate mitigations are completed.

These designations become effective upon publication in the Federal Register and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of these designations is available for inspection at the offices listed below.

Distarict Manager, Anchorage District Office, 4700 East 72nd Avenue, Anchorage, AK 99507

Area Manager, Glennallen Resource Area, P.O. Box 147 Glennallen, AK 99588

Wayne A. Boden,

Anchorage District Manager.

Kurt J. Kotter,

Area Manager, Glennallen Resource Area.

[FR Doc. 84-17860 Filed 7-5-84; 8:45 am]

BILLING CODE 4332-JA-M

Intent To Prepare a Planning Amendment for the Parker Mountain Management Frame-Work Plan in Wayne to Garfield Counties, Utah

AGENCY: Bureau Of Land Management, Interior.

ACTION: In accordance with 43 CFR 1610.2 and 40 CFR 1501.7 notice is hereby given that the Richfield District proposes to prepare a planning amendment to the Henry Mountain and Parker Mountain Management Framework Plans.

SUMMARY: The amendment is in reponse to the proposed Met Johnson exchange and the sale of land to the Sandy Ranch.

Exchange (selected) legal

Garfield County

T. 31 S., R. 8 E., Salt Lake Base & Meridian, Utah
Sec. 19 Lots 3, 4. S½NE¼, SE¼NW¼, NE¼-SW¼;
Sec. 30, Lot 1.
T. 31 S., R. 7 E., Salt Lake Base & Meridian, Utah
Sec. 25, SW¼SE¼.

Wayne County

T. 29 S., R. 5 E., Salt Lake Base & Meridian, Utah
Sec. 7 N½SE¼NE¼, E½SW¼SE¼NE¼, SE¼SE¼NE¼, E½SE¼;
Sec. 8, SW¼NW¼, W½SW¼;
Sec. 18, Lots 3 and 4 (exclusive of acrage in R&PP Lease U-6234 in Lot 3);
Sec. 19, Lot 1, NE¼, E½NW¼.
T. 29 S., R. 4 E., Salt Lake Base & Meridian, Utah
Sec. 13, NE¼SE¼;
Sec. 24, S½NE¼.

Sale Legal

T. 31 S., R 7 E.,
Sec. 35 SE¼NW¼;
T. 31., R 8 E.,
Sec. 19 SE¼SE¼;
Sec. 20 NE¼NW¼;
Sec. 30 E½E½ & SW¼SE¼;
Sec. 31 NE¼NE¼.

The general issues involved are that the existing MFPs are silent as for the disposal or retention of lands mantioned in the above land exchange or land sale and that there is a potential loss of grazing use and allocated preference.

An environmental assessment (EA) has been prepared for the Met Johnson Land Exchange which address the resource conflicts and indicates a finding of no significant environmental impacts. A draft EA is being prepared for the land concerned in the proposed sale of land and is scheduled to be available for review on August 10, 1984.

Those wishing to comment or obtain further information on the above EAs or the MFP amendments should contact Carl Thurgood at the Richfield District Office, 150 East 900 North, Richfield, Utah 84701 (telephone number 801-896-8221) within 30 days of printing of this notice in the Federal Register for timely input into the process.

SUPPLEMENTARY INFORMATION: The disciplines to be represented and used in preparation of the planning amendments include lands and realty, and rangeland resources.

Dated: June 27, 1984.

Larry R. Oldroyd,

Associate District Manager.

[FR Doc. 84-17851 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-84-M

[N-39383]

Nevada; Realty Action; Sale of Public Lands in Nye County, Nevada

The following lands have been examined and identified as suitable for disposal by competitive 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 fair market value:

Mount Diablo Meridian, Nevada

T. 6 N., R. 62 E.,
Sec. 8, SW¼SE¼.

The above described public land comprises 40 acres, more or less.

The land is not needed for any resource program and is not suitable for management by the Bureau or another Federal department or agency. The sale is consistent with the Schell Resource Area Land Use Plan which received public review prior to implementation. Disposal would best serve the public interest.

When issued, the patent will reserve to the United States all mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The patent when issued as the result of the sale will be subject to all valid existing rights of record and will contain a reseravtion to the United States for a right-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

The patent when issued will be subject to those rights granted by oil and gas lease N-19600, made under section 29 of the Act of February 25, 1920; 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations for the duration of oil and gas lease N-19600, and any authorized extension of that lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

The parcel is further subject to: Those rights for highway purposes which have been granted to the state of Nevada, Department of Highways, its successors or assigns, by permit N-4216 under section 317 of the Act of August 27, 1958 (72 Stat. 885, 23 U.S.C. sec. 317).

The bidding procedures, time of sale and fair market value of the parcel will be sent 30 days prior to the sale to all interested parties. All persons interested in bidding on the parcel should contact the Ely District Office. Only sealed bids will be accepted for the sale.

The loss of AUMs due to the land transfer will be less than 1 AUM for the grazing allotment; therefore, there will be no reduction in any permittee privileges.

The BLM may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the Authorized Officer, consummation of the sale would not be fully consistent with the Federal Land Policy and Management Act or applicable laws. The land will not be offered for sale sooner than 60 days after the date of this notice.

For a period of 45 days from the date of publication of this notice in the Federal Register interested parties may submit comments to the Ely District Manager. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action. Detailed information concerning the sale, including the land report and environmental assessment report is available for review at the Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301.

Merrill L. DeSpain,

District Manager.

[FR Doc. 84-17858 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-HC-M

Modification of Realty Action, Sale of Public Lands; Socorro and Catron Counties, New Mexico

The Notice of Realty Action—Sale of Public Lands in Socorro and Catron Counties, New Mexico, published in the Federal Register, Volume 49, No. 116, on June 14, 1984 at pages 24604-24605 is hereby modified as follows:

The fair market value of parcels 1a through 1d is corrected as shown:

Parcel No.	Description	Acres	Correct fair market value
1a	T. 3 S., R. 11 W. Sec. 21, W½	320	51,500
1b	T. 3 S., R. 11 W. Sec. 21, E½	320	51,500
1c	T. 3 S., R. 11 W. Sec. 22, NW¼	160	25,800
1d	T. 3 S., R. 11 W. Sec. 22, SW¼	160	25,800

The terms and conditions are modified to show correct information on grazing rights applicable to the above parcels as follows:

The patent will be issued subject to those grazing rights granted by a term permit for grazing lease 2162 including the allowance of continued yearlong grazing of 8 head (96 AUMs) until May 27, 1985, at a cost not higher than the BLM grazing fee scheduled for a given year.

On parcel 12, the land description and acreage of the direct sale to Manuel and Sofie Rosas is modified as follows: Parcel 12 correct legal description: Portion of lots 18, 20, and 21 of Sec. 6, T. 4 S., R. 1 E., NMPM, containing approximately 0.53 acres.

The sale of parcel 2 is suspended due to an appeal of Middle Rio Grande Conservancy District from rejection of their color-of-title application for the land in issue, NM 57068.

Joel Farrell,

Acting Area Manager.

[FR Doc.84-17865 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-FB-M

District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Richfield District Advisory Council Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-479 and 43 CFR Part 1780 that a meeting of the Richfield District Advisory Council will be held on July 25, 1984 at 9:00 a.m. at the District Office, 150 East 900 North, Richfield, Utah. Agenda for the meeting will be:

1. Elections of officers and responsibilities of the council.
2. A brief overview of the District's programs.
3. Proposed land exchange with Met Johnson.
4. Otter Creek Studies.
5. Proposed sale of public land at the Otter Creek Reservoir Dam site.
6. Schedule next meeting.

The meeting is open to the public. Interested persons may make oral statements to the council from 1:00 p.m. to 2:00 p.m. July 12, 1984, or file written statements for the council's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701 by July 9, 1984. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary of the council meeting will be maintained in the District Office and will be available for public inspection and reproduction during the 30 days following the meeting.

Donald L. Pendleton,

District Manager.

June 21, 1984.

[FR Doc. 84-17839 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-DQ-M

[U-32798, U-32936, U-33481, U-33482, and U-33483

Utah; Proposed Reinstatement of Terminated Oil and Gas Leases

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas leases U-32798, U-32936, U-33481, U-33482, and U-33483 for lands in Iron County, Utah, was timely filed and required rentals and royalties accruing from July 1, 1977 the date of termination, have been paid.

The lease has agreed to new lease terms for increased rentals and royalties at rates of $5 per acre or fraction thereof and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of publishing this Notice.

Having met all the requirements for reinstatement of the leases as set out in Section 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the leases effective July 1, 1977 the date of termination, subject to the original terms and conditions of the leases and the increased rental and royalty rates cited above.

W. R. Papworth,

Deputy State Director, Operations.

[FR Doc. 84-17833 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-84-M

[AA-6708-G]

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(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Alaska Peninsula Corporation, as successor in interest to Ugashik Native Corporation, for approximately 40 acres. The lands involved are within the Seward Meridian, Alaska:

T. 30 S., R. 48 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Anchorage Times upon issuance of the decision. For information on how to obtain copies, contact the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in land affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

12. 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 August 6, 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:

U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503

Alaska Peninsula Corporation, Successor in Interest to Ugashik Native Corporation, Box 334, King Salmon, Alaska 99613

Bristol Bay Native Corporation, P.O. Box 100220, Anchorage, Alaska 99510

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-17935 Filed 7-6-84; 8:45 am]

BILLING CODE 4310-JA-M

[F-14921-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. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Tigara Corporation, for 21.47 acres. The lands involved are within Kateel River Meridian, Alaska:

Lot 2, U.S. Survey No. 3515, Alaska, located at Point Hope, Alaska.

Containing 21.47 acres.

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 the 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 August 6, 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:

Tigara Corporation, P.O. Box 4, Point Hope, Alaska 99766

Arctic Slope Regional Corporation, P.O. Box 129, Barrow, Alaska 99723

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-17936 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6747-E]

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(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (ANCSA), will be issued to Alaska Peninsula Corporation, as successor in interest to Qinuyang Limited, for approximately 10 acres. The lands involved are within the Seward Meridian, Alaska:

T. 18 S., R. 44 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Anchorage Times upon issuance of the decision. For information on how to obtain copies, contact 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 Title 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 August 6, 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:

U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503

Alaska Peninsula Corporation, Successor in Interest to Qinuyang Limited, Box 334, King Salmon, Alaska 99613

Bristol Bay Native Corporation, P.O. Box 100220, Anchorage, Alaska 99510

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-17937 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6680-D]

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(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (ANCSA), will be issued to Paug-Vik Incorporated, Limited, for approximately 15 acres. The lands involved are within the Seward Meridian, Alaska:

T. 18 S., R. 44 W.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the Anchorage Times upon issuance of the decision. For information on how to obtain copies, contact 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, 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 August 6, 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:

U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503

Paug-Vik Incorporated, Limited, Naknek, Alaska 99633

Bristol Bay Native Corporation, P.O. Box 100220, Anchorage, Alaska 99510

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 84-17938 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-JA-M

[M59730]

Montana; Notice of Realty Action; Exchange

AGENCY: Bureau of Land Management, Butte District Office Interior.

ACTION: Notice of realty action M59730, exchange of public and private lands in Beaverhead County.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976; 43 U.S.C. 1716:

Principal Meridian Montana

T13S, R6W,
Sec. 23: S½;
Sec. 26: SW¼;
Sec. 27: W½NE¼, SE¼NE¼, N½NW¼, SE¼;
Sec. 28: NE¼;
Sec. 34: E½NE¼, NE¼SE¼;
Sec. 35: N½NE¼, NW¼NW¼.

T13S, R9W,
Sec. 21: N½, N½SW¼.

T12S, R10W,
Sec. 10: W½;
Sec. 15: W½;
Sec. 22: W½.

Aggregating 2,600 acres of public lands.

In exchange for these lands, the United States will acquire the following lands owned by the State of Montana:

Principal Meridian Montana

T11S, R7W,
Sec. 16: All.

T12S, R7W,
Sec. 7: W½NE¼, E½NW¼, N½SE¼;
Sec. 8: SW¼NE¼, SE¼NW¼, N½SW¼.

T13S, R7W,
Sec. 3: S½SW¼;
Sec. 4: S½S½;
Sec. 9: NW¼NE¼, SE¼NE¼, N½SW¼;
Sec. 10: SW¼NW¼;
Sec. 11: S½NW¼, SW¼.

T11S, R8W,
Section 36, All.

T12S, R8W,
Sec. 13: NW¼NE¼, N½NW¼, SW¼NW¼, E½SW¼.

Aggregating 2,600 acres of state lands.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management at the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange, including the environmental assessment and land report, is available for review at the Butte District Office, P.O. Box 3388, Butte, Montana 59702.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to reposition scattered public lands into intensively managed retention areas, resulting in improved state and BLM management efficiency while meeting long-term, multiple-use management goals. The offered state lands and minerals are equal in value to the selected public lands and minerals.

The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. The reservation to the United States of all oil and gas mineral values on the selected public lands being transferred,

together with the right to explore, prospect for, mine and remove same under applicable laws and regulations.

3. The reservation to the State of Montana of all oil and gas mineral values on the offered state lands being transferred, together with the right to explore, prospect for, mine and and remove same under applicable laws and regulations.

4. All valid existing rights (e.g., rights-of-way, easements, leases, and other rights) which have been properly established under federal and state laws and regulations.

5. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with State and local officials. The public interest will be served by completion of this exchange.

Dated: June 29, 1984.

Jack A. McIntosh,

District Manager.

[FR Doc. 84-7950 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-ON-M

Albuquerque District Advisory Council; Meeting Cancellation

AGENCY: Bureau of Land Management, Interior.

ACTION: Cancellation of Albuquerque District Advisory Council Meeting.

SUMMARY: The BLM Albuquerque District Advisory Council meeting scheduled for July 10, 1984, has been cancelled. The sole item of business which was to have been on the agenda is no longer required. The Council was to have met to review nominations for livestock operator Cooperative Management Agreements. Since no nominations were received, the District Advisory Council meeting has been cancelled.

L. Paul Applegate,

District Manager.

[FR Doc. 84-17949 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-FB-M

Craig District Advisory Council; Meeting

In accordance with Pub. L. 94-579, notice is hereby given that there will be a meeting of the Craig District Advisory Council on August 21, 1984.

The meeting will begin at 10 a.m. at the Craig District Office, 455 Emerson Street, Craig, Colorado.

Agenda will include committee reviews of:

1. Piceance Basin Resource Management Plan

2. Oil Shale Tract C-a Offsite Disposal

3. Little Snake Resource Management Plan

The meeting will be open to the public and interested persons may make oral statements to the Council beginning at 10. a.m. The District Manager may establish a time limit for oral statements, depending on the number of people wishing to speak. Anyone wishing to address the Council or file a written statement should notify the District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colorado 81625, by August 17 1984.

Summary minutes of the Council Meeting will be maintained in the Craig District Office and will be available for public inspection and reproduction during regular business hours.

Dated: June 27, 1984.

Lee Carie,

District Manager.

[FR Doc. 84-17956 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-JB-M

Filing of Plat of Survey; Idaho

June 28, 1984.

The plats of survey of the following described lands were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho on the dates hereinafter stated:

Boise Meridian

T. 48 N., R. 4 E., Accepted April 9, 1984, Officially Filed April 20, 1984.
T. 10 S., R. 26 E., Accepted April 23, 1984, Officially Filed May 7, 1984.
T. 47 N., R. 2 W., Accepted April 23, 1984, Officially Filed May 7, 1984.
T. 46 N., R. 2 W., Accepted May 7, 1984, Officially Filed May 15, 1984.
T. 11 S., R. 20 E., Accepted May 4, 1984, Officially Filed May 17, 1984.
T. 4 S., R. 33 E., Accepted May 11, 1984, Officially Filed May 21, 1984.
T. 5 S., R. 11 E., Accepted June 13, 1984, Officially Filed June 18, 1984.
T. 37 N., R. 5 E., Accepted May 18, 1984, Officially Filed June 22, 1984.
T. 12 S., R. 20 E., Accepted June 5, 1984, Officially Filed June 22, 1984.
T. 12 S., R. 19 E., Accepted June 5, 1984, Officially Filed June 25, 1984.
T. 8 N., R. 4 E., Accepted June 13, 1984, Officially Filed June 27, 1984.

The above-listed plats represent supplemental plats, dependent resurveys, section subdivisions, and survey of irregular lots.

Inquiries about these lands should be addressed to Chief, Branch of Cadastral Survey, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706.

Anita F. Mayers,

Acting Chief, Land Services Section.

[FR Doc. 84-17943 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-GG-M

Filing of Plat of Survey, Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands have been officially filed in the Oregon State Office, Portland, Oregon, on the dates hereinafter stated:

Willamette Meridian

T. 29 S., R. 6 W., OR

The plat represents a dependent resurvey of a portion of south and west boundaries and subdivisional lines, and the subdivision of section 31.

T. 3 S., R. 7 W., OR

The plat represents a dependent resurvey of a portion of east boundary and subdivisional lines, and the subdivision of section 12.

T. 30 S., R. 8 W., OR

The plat represents a dependent resurvey of a portion of west boundary and subdivisional lines, and the subdivision of section 19.

T. 30 S., R. 9 W., OR

The plat represents a dependent resurvey of a portion of the subdivisional lines.

All of the above-listed plats were officially filed May 16, 1984.

T. 4 N., R. 18 E., WA

The plat represents a dependent resurvey of a portions of of the First Standard Parallel North in Range 18 E., and the east and west boundaries and subdivisional lines, and the subdivision of sections 12 and 14.

T. 5 N., R. 18 E., WA

The plat represents a dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 14, 23, and 24.

T. 4 N., R. 19 E., WA

The plat represents a dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 7 and 8.

T. 5 N., R. 19 E., WA

The plat represents a dependent resurvey of portions of the First

Standard Parallel North through Range 19 E., the west boundary and subdivisional lines, and the subdivision of sections 8, 15, 18, 19, 20, 22, 23, 30, 31, 32, and 34.

All of the above-listed plats were officially filed May 25, 1984.

T. 7 N., R. 4 E., OR

The plat represents a dependent resurvey of a portion of the subdivisional lines.

T. 15 N., R. 26 E., OR

The plat represents a dependent resurvey of a portion of the east boundary and subdivisional lines.

T. 16 N., R. 1 W., OR

The plat represents a dependent resurvey of a portion of the north, east, and west boundaries, and a portion of the subdivisional lines.

T. 24 S., R. 1 W., OR

The plat represents a dependent resurvey of a portion of the east boundary, T. 24 S., R. 2 W., and a portion of the subdivisional lines, T. 24 S., R. 1 W., and the suvdivision of section 20.

T. 35 S., R. 4 W., OR

The plat represents a dependent resurvey of a portion of the west boundary and subdivisional lines.

T. 21 S., R. 5 W., OR

The plat represents a dependent resurvey of a portions of the subdivisional lines, and the subdivision of sections 29 and 33.

T. 31 S., R. 6 W., OR

The plat represents a dependent resurvey of a portion of the north boundary and subdivisional lines, and the subdivision of section 1.

T. 8 S., R. 7 W., OR

The plat represents a dependent resurvey of a portion of the west boundary and subdivisional lines, and the subdivision of section 25.

T. 38 S., R. 7 W., OR

The plat represents a dependent resurvey of a portion of the north boundary, subdivisional lines, claim lines, and the subdivision of sections 5, 7 and 9.

T. 27 S., R. 10 W., OR

The plat represents a dependent resurvey of a portion of the subdivisional lines.

All of the above-listed plats were officially filed June 18, 1984.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 825 NE Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: June 29, 1984.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-17948 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-33-M

Boise District, Idaho, Grazing Advisory Board; Meeting

ACTIONS: Boise District, Idaho, Grazing Advisory Board Meeting.

SUMMARY: In accordance with Pub. L. 92-483, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Boise District Grazing Advisory Board will meet August 1 & 2, 1984.

SUPPLEMENTARY INFORMATION: On August 1, 1984, the Board will tour the Cascade Resource Area of the Boise District. The tour party will leave the Boise District Office at 8:00 a.m. and return to Boise around 5 p.m. The purpose is to tour range improvements in the Cascade Resource Area. Individuals of the public are invited but must provide their own meals and transportation.

On August 2, 1984, the business meeting will begin at 8:00 a.m. and end at 5:00 p.m. The meeting will be held in the main floor conference room of the BLM Boise District Office. The public is invited and a public comment period has been scheduled from 2:00 p.m. to 3:00 p.m. Major topics for discussion are as follows:

—BLM/State Land Exchange Strategy
—Proposed FY 85 8100 Projects
—Update of FY 84 8100 Project Progress
—Update on Project Maintenance Turnover
—Update on Echo Pipeline
—Proposed Cooperative Management Agreement (CMA)

FOR FURTHER INFORMATION CONTACT: Further information is available from the Boise District, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705, phone (208) 334-1582. Minutes of the meeting will be available for public inspection at the District Office.

Dated: June 28, 1984.

Martin Zimmer,

District Manager.

[FR Doc. 84-17947 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-GG-M

[I—19681]

Realty Action; Competitive Sale of Public Lands in Twin Falls, Idaho

AGENCY: Bureau of Land Management Interior.

ACTION: Notice of Realty Action, I-19681. Competitive Sale of Public Lands in Twin Falls County, Idaho.

SUMMARY: The following land has been examined and, through land use planning which included public input, it has been determined that the sale of this parcel is consistent with section 203(a)(1) of the Federal Land Policy and Management Act of 1976 (FLPMA). The land will be offered for sale using competitive bidding procedures (43 CFR 2711.3-1) for no less than the appraised fair market value. Any bids for less than such value will be rejected as required by FLPMA. Only sealed bids will be accepted. A bid will also constitute an application for conveyance of the mineral rights, except oil and gas. The mineral interests being offered for conveyance have no known monetary value. Each bidder must submit a fifty dollar ($50) (non-returnable for high bidder) filing fee for the mineral conveyance (43 CFR 2720.1-2(c)) and one-fifth of the full bid price (43 CFR 2711.3-1(d)), with the bid. Failure to deposit these sums will result in disqualification as the high bidder, The authorized officer shall than determine whether to accept the next highest bid, withdraw the public lands from the market or re-offer them for sale at a later date.

Legal description	Acres	Appraised fair market value
T. 10 S., R. 14 E., Boise Meridian Sec. 30: NE¼NE¼	40	Available upon request after July 15, 1984.

Upon publication of this Notice in the Federal Register the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the Federal Register prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. A right-of-way for ditches and canals constructed under the Act of August 30, 1890 (43 U.S.C. 945).

2. All oil and gas rights (43 U.S.C. 1719).

In addition, the patent will be subject to the following condition:

1. All valid existing rights and reservations of record.

DATES: All sealed bids must be received by 1:30 p.m. on August 28, 1984.

At this time all bids will be opened at the Burley District Office.

ADDRESSES: Sealed bids will be accepted at the Burley District Office, Rt. 3, Box 1, 200 South Oakley Highway, Burley, Idaho, 83318. Additional information concerning the land, terms and conditions of the sale, and bidding instructions may be obtained from Sharon LaBrecque, Snake River Realty Specialist, at the above address, or by calling (208) 678-5514.

SUPPLEMENTARY INFORMATION: For a priod of 45 days from the date of this notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realy action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

The BLM reserves the right to accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with Sec. 203(g) of FLPMA or other applicable laws.

FOR FURTHER INFORMATION CONTACT: John S. Davis, District Manager, Commercial: (202) 678-5514, FTS; 554-6641.

Dated: June 27, 1984.

John S. Davis,

District Manager.

[FR Doc. 84-17953 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-GG-M

Bureau of Reclamation

Freeman Diversion Improvement Project, United Water Conservation District, Ventura County, California; Intent To Prepare a Joint Draft Environmental Impact Statement—Environmental Impact Report

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (as amended) and section 21002 of the California Environmental Quality Act, the Bureau of Reclamation, Department of the Interior and the United Water Conservation District intend to prepare a joint environmental impact statement—environmental impact report (EIS-EIR). The EIS-EIR will address the impacts from construction and operation of the Freeman Diversion Improvement Project for which a Pub. L. 84-984 loan application is pending with the United States Bureau of Reclamation.

The purpose of the proposed project is to protect the historic diversion of water and to permit additional diversion of water from the Santa Clara River during high river flow conditions. The additional water would be used to reduce the current ground-water overdraft which is causing intrusion of seawater into the aquifers of the Oxnard Plain. This overdraft is occasioned by agricultural, municipal and industrial uses. The proposed project will consist of a 1,200 foot-long overflow-type diversion structure, a 3,300 foot-long conveyance canal and a desilting basin covering 70 acres. The Freeman Diversion Structure would be located about 2.5 miles upstream from the Los Angeles Avenue Bridge (Highway 118), between the community of Saticoy and the city of Santa Paula, about 7 miles northeast of the city of Oxnard.

Alternatives presently under consideration include other diversion structure locations and designs, the use of a diversion canal without a diversion structure, purchase and importation of water from the California State Water Project, and pumping ground water from the Fox Canyon aquifer. A meeting has been scheduled to solicit public input in order to determine alternatives to the proposed project, the scope of the EIS-EIR and to identify the significant issues related to the proposed action. This meeting will be held on August 1, 1984 at 7:00 p.m. in the Ventura Room of the Oxnard Civic Center, 800 Hobson Way, Oxnard, California 93030.

Portions of the proposed site for the Freeman Diversion Improvement Project are within flood plain and wetland areas. Accordingly, the objectives and requirements of Presidential Executive Orders 11988 and 11990, and the Reclamation Instructions, Chapter 376.5, will be considered throughout the planning and preparation of the EIS-EIR. As a joint document, the EIS-EIR will meet the requirements of both the National Environmental Policy Act and the California Environmental Quality Act.

The Federal contact person for this draft EIS-EIR will be Mr. Roderick M. Hall, Regional Environmental Quality Officer, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 484-4792.

The United Water Conservation District contact person will be Mr. G. I. Wilde, General Manager and Chief Engineer, United Water Conservation District, P.O. Box 432, Santa Paula, CA 93060.

Dated: July 2, 1984.

Robert A. Olson,

Acting Commissioner.

[FR Doc. 84-17990 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Development Operations Coordination Document; Kerr-McGee Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5191, Block 114, Vermilion 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 Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on June 28, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico. OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans,* Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert, Minerals Management Service, Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 28, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-17954 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Union Texas Petroleum Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Union Texas Petroleum Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 3561, Block 43, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on June 27 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 25, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-17951 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Upper Delaware National Scenic and Recreational River; Meeting

AGENCY: Upper Delaware Citizens Advisory Council, National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: July 27 1984, 7:00 p.m.

ADDRESS: Town of Tusten, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159. (717) 729-7135.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda will continue a discussion on provisions of a river management plan. The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council, c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: June 28, 1984.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 84-17953 Filed 7-5-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program; Investment Opportunity

The Agency for International Development (A.I.D.) has authorized guaranties of a loan to Jamaica (Borrower) as part of A.I.D.'s overall development assistance program. The proceeds of the loan will be used to finance shelter projects for low income families residing in the country of the Borrower. The following is the address of the Borrower and the loan amount for projects that will soon be ready to receive financing and for which the Borrower will be requesting proposals from U.S. lenders or investment bankers:

Jamaica

Project: 532-HG-012—up to $10,000,000
Jamaica Mortgage Bank, 33 Tobago Avenue, P.O. Box 950, Kingston 5, Jamaica
Attention: Owen X. Smith, Managing Director, Telex: JAMOR

By this notice of investment opportunity, the Borrower is soliciting expressions of interest from U.S. lenders or investment bankers and counsel on market conditions, loan timing and structure and other features, appropriate for the loans or underwritings. Interested investment bankers or lenders should contact the Borrower indicated above by close of business July 17 1984. Expected terms will be floating or fixed rate of interest with

maturity up to 30 years and grace period on repayment of principal of not less than ten years. A three year grace on interest will be another alternative which may be considered. There may be a loan of $4–5 million with one disbursement on or about October 1, 1984. Alternatively, there may be a loan of up to $10 million with two disbursements, the first $4–5 million on or about October 1, 1984; the second $5–6 million on or about April 1, 1985. Alternative bids may be requested for each of these structures. Prepayment options for the borrower may be submitted.

Investors should contact the Borrower as soon as possible and indicate their interest in providing financing for this housing guaranty project. Following these contacts, the Borrower's representative will come to New York the week of July 23, 1984 to finalize the borrowing and will inform interested investors then of the procedures to be followed.

Selection of investment bankers and/or lenders and the terms of the loans are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. The lender and A.I.D. will 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 implementation agreements between A.I.D. and the Borrower.

The full repayment of the loans 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").

Lenders 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, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loans must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rates may be no higher than the maximum rate established from time to time by A.I.D.

Information copies of bids should be sent simultaneously to PRE/H, AID Washington, D.C. 20523, Telex: 892703.

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 and Urban Programs, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632–9637

Dated: July 3, 1984.

John T. Howley,

Deputy Director, Office of Housing.

[FR Doc. 84-18075 Filed 7-5-84; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-184]

Certain Foam Earplugs; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: U.S. 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 settlement agreement: AM—Produkte, GmbH, Walter Schleicher, Eastern Safety Equipment Company, Inc. and Technmed, GmbH.

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 June 11, 1984.

Copies of the initial determination, the settlement 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: July 3, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-18056 Filed 7-5-84; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Peabody Holding Company, Inc., 301 North Memorial Drive, P.O. Box 373, St. Louis, Missouri 63166.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

Gateway Terminals, Inc.—Delaware
Kayenta Mobile Home Park, Inc.—Delaware
Peabody Coal Company—Delaware
Peabody Development Company—Delaware
Peabody Terminals, Inc.—Delaware
Powder River Coal Company—Delaware
Rochelle Coal Company—Delaware
Midco Supply and Equipment Corp.—Illinois
Gibraltar Coal Corporation—Indiana

1. Parent corporation and address of principal offices: Vista Chemical Company, 15990 North Barkers Landing Road, Houston, TX 77079.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Vista Polymers Inc. (Delaware).

James H. Bayne,

Secretary.

[FR Doc. 84-17920 Filed 7-5-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-No. 70)]

Baltimore and Ohio Railroad Co., Abandonment in Scioto and Lawrence Counties, OH; Findings

The Commission has issued a certificate authorizing the Baltimore and Ohio Railroad Company to abandon its 5.44 mile rail line between Valuation Station 1640+00 at or near Firebrick, and Valuation Station 1927+00 at or near South Webster, in Scioto and Lawrence Counties, OH. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27

James H. Bayne,

Secretary.

[FR Doc. 84-18090 Filed 7-5-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Clean Water Act; Koppers Company, Inc.

In accordance with Departmental policy, 28 CFR § 50.7 notice is hereby given that on June 21, 1984, a proposed Consent Decree in *United States* v. *Koppers Company, Inc., et seq,* Civil Action No. 830127-W(K), was lodged with the United States District Court for the Northern District of West Virginia. The complaint filed by the United States alleged violations of the Clean Water Act by Koppers Company, Inc., and Wheeling-Pittsburgh Steel Corporation at their Follansbee, West Virginia facilities due to their failure to meet the requirements of an NPDES permit. The complaint sought injunctive relief to require defendants to comply with the Clean Water Act and civil penalties for past violations. The Consent Decree prohibits further NPDES permit violations; requires preliminary measures to prevent the discharge of phenol contaminated water into the Ohio River; imposes ground water and effluent sampling and monitoring requirements; requires Koppers Company to develop and implement a remedial plan designed to clean up the ground water beneath the Koppers facility; and requires defendants to pay a $25,000 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. *Koppers Company, Inc.,* D.J. Ref. 90-5-1-1-1916.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Northern District of West Virginia, Room 243, Federal Building, 1125-1141 Chapline Street, Wheeling, West Virginia 26003; at the Region III Office of the Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106; and at the Environmental 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 $2.40 (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. 84-17853 Filed 7-5-84; 8:45 am]

BILLING CODE 4410-01-M

Senior Executive Service Membership of Performance Review Boards

AGENCY: Department of Justice.

ACTION: Notice of the Department of Justice's 1984 SES Performance Review Boards.

SUMMARY: Pursuant to the requirement of 5 U.S.C. 4314(c) (4), the Department of Justice announces the membership of its SES Performance Review Boards. The purposes of the Performance Review Boards are to provide fair and impartial review of Senior Executive Service performance appraisals and to make recommendations to the Deputy Attorney General regarding the rating.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Oser, Director, Personnel Staff, Justice Management Divisions, Department of Justice, Washington, D.C. 20530. Telephone: 633-3221.

Harry H. Flickinger,

Executive Secretary, Senior Executive Resources Board.

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Offices of the Attorney General, Deputy Attorney General and Associate Attorney General, Justice Management Division.

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David Margolis,
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Land and Natural Resources Division
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Associate Commissioner, UNICOR,
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Robert E. Kopp,
Director, Appellate Staff,
Civil Division

[FR Doc. 84-17854 Filed 7-5-84; 8:45 am]
BILLING CODE 4410-01-M

Information Collection(s) Under Review

July 2, 1984.

The Office of Management and Budget (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 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 the 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; and,

(10) The name and telephone number of the person or office responsible for the OMB review.

Copies of the proposed form(s) and the supporting documentation may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions regarding the items contained in 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 Clearnace Officer: Larry E. Miesse 202/633-4312

Revision of a Currently Approved Collection

(1) Larry E. Miesse, 202/633-4312.

(2) Bureau of Justice Statistics, Department of Justice.

(3) UNIFORM CRIME REPORTING STUDY—LAW ENFORCEMENT AGENCY SURVEY.

(4) n/a.

(5) One time.

(6) State or local governments. As part of the Study of the Uniform Crime Reporting (UCR) System, the survey will collect information from local law enforcement agencies contributing data to the UCR, in order to assess the current system and to receive input from contributors who may be affected by study recommendations.

(7) 4,047

(8) 4,047

(9) Not applicable under 3504(h).

(10) Robert Veeder, 202/395-4814.

Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in The Method of Collection

(1) Larry E. Miesse, 202/633-4312.

(2) Office of the Comptroller, Office of Justice Assistance, Research and Statistics, Department of Justice.

(3) ACCOUNTING SYSTEM AND FINANCIAL CAPABILITY QUESTIONNAIR.

(4) OJARS Form 7120/1.

(5) On Occasion.

(6) Businesses or other for-profit, non-profit instituations, small businesses or organizations. This form is completed by applicants that are newly-formed firms or established firms with no previous Federal government business. It is used as an aid to determine those applicants/grantees that may require special attention in matters relating to the accountability of Federal funds.

(7) 60.

(8) 300.

(9) Not applicable under 3504(h).

(10) Robert Veeder, 202/395-4814.

(1) Larry E. Miesse, 202/633-4312.

(2) Immigration and Naturalization Service, Department of Justice.

(3) ADJUSTMENT OF STATUS DATA.

(4) I-643.

(5) On occasion.

(6) Individual, or households. Information is required by 8 U.S.C. 1522(a) (8) on situation of refugees at time of adjustment to lawful permanent resident of the United States. Data is used by Office of Refugee Resettlement (HHS) for reports to the Congress as required by 8 U.S.C 1523.

(7) 150,000.

(8) 27,500.

(9) Not applicable under 3504(h).

(10) Robert Veeder, 202/395-4814.

Larry E. Miesse,

Agency Clearance Office, Department of Justice.

[FR Doc. 84-17903 Filed 7-5-84; 8:45 am]

BILLING CODE 4410-1-M

Lodging of Judgment Order Pursuant to Clean Air Act; Central Wayne County Sanitation Authority

In accordance with Departmental policy, 28 CFR 50.7 notice is hereby given that on June 15, 1984 a proposed Judgment Order and Stipulations to Facts and Remedies in *United States* v. *Central Wayne County Sanitation Authority*, Civil Action No. 82-74971 were lodged with the United States District Court for the Eastern District of Michigan. The proposed judgment order and stipulations resolve an action brought to enforce provisions of the Michigan State Implementation Plan regulating the emission of particulate matter at three municipal incinerators owned by Central Wayne County Sanitation Authority (CWCSA). The incinerators were shut down shortly after this suit was initiated and a stipulation was entered that the facilities would not be operated except in accordance with a plan to control emissions approved by EPA.

The proposed Order and stipulations allows CWCSA to reopen the incenerators once pollution control equipment is installed and on the condition that emissions do not exceed specified limitations. CWCSA is also to pay $10,000 in civil penalties to the United States.

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. *Central Wayne Sanitation Authority*, D.J. Ref. 90-5-2-1-533.

The proposed Order and Stipulations may be examined at the office of the United States Attorney, 817 Federal Building, 231 W. Lafeyette, Detroit, Michigan 48226 and at the Region V Office of the Environmental Protection Agency, 2305 S. Dearborn, Chicago, Illinois 60604. Copies of the Order and Stipulations may be examined at the Environmental 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 Order and Stipulations 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 $2.30 (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. 84-17977 Filed 7-5-84; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action for Injunctive Relief and Civil Penalties Under the Federal Water Pollution Control Act Against Interceptor Aviation, Inc. and Carl George

In accordance with Departmental policy, 28 CFR 50.7 notice is hereby given that on June 19, 1984 a proposed Consent Decree in *United States of America* v. *Interceptor Aviation, Inc., et al.*, Civ. No. 82-419, was lodged with the United States District Court for the District of New Hampshire. The proposed consent decree requires Interceptor Aviation, Inc. and Carl George to refrain from engaging in operations that result in the discharge of pollutants except as those discharges are authorized by a National Pollutant Discharge Elimination System ("NPDES") permit, and to pay a civil penalty of $500.00.

The proposed Decree may be examined at the Office of the United States Attorney, District of New Hampshire, 55 Pleasant Street, Concord, New Hampshire 03301; at the Region I Office of the Environmental Protection Agency, 22d Floor, John F. Kennedy Federal Building, Boston, Massachusetts 02203; and at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, 10th 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. Please remit $1.90 ($0.10 per page) by check made payable to the United States Treasurer with any request for a copy of the proposed consent decree.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Interceptor Aviation, Inc.*,

et al., D. New Hampshire, Civil Action No. 82-419, D.J. Ref. 90-5-1-1-1840.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-17976 Filed 7-5-84; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act, Sunrise Enterprises of S.W. Florida, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on June 8, 1984 a proposed consent decree in *United States* v. *Sunrise Enterprises of S.W. Florida, Inc.* was lodged with the United States District Court for the Middle District of Florida. The proposed consent decree concerns the replacement of catalytic converters in a fleet of taxicabs. The United States sought imposition of a $12,500 civil penalty and imposition of injunctive relief to enjoin future violations. The consent decree provides that the defendant will replace the catalytic converters and fuel inlet restrictors on five automobiles, that the Defendant consents to issuance of an injunction restraining future violations and that it will pay an additional $2,000 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 Divison, Department of Justice, Washington, DC 20530, and should refer to *U.S.* v. *Sunrise Enterprises, Inc.*, DOJ Ref. 90-5-2-1-546.

The proposed consent decree may be examined at the office of the U.S. Attorney, 410 Robert Timber Lake Building, 500 Zack Street, Tampa, Florida 33602 and at the Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Divison of the Department of Justice, Room 1517 9th Street & Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or my mail from the Environmental Enforcement Section.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-17978 Filed 7-5-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Native American Programs; Proposed Allocations and Allocation Formula for Program year 1984 Regular Program and Calendar Year 1984 Summer Youth Employment and Training Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This Notice publishes the final Native American allocation, distribution formula and rationale for Program Year 1984 for programs funded under Title IV Section 401 and for Calendar Year 1984 for programs funded under Title II, Part B, of the Job Training Partnership Act (JTPA), (Pub. L. 97-300) of October 13, 1982. This information was published as proposed in the Federal Register, Volume 49; No. 29 of Friday, February 10, 1984 on page 5199. Since no changes have been suggested or made, the proposed information has been adopted as final. Accordingly, the allocation tables are not being repeated in this Notice. The department has also made final the proposed date of July 1, 1984, for the issuance of approved Program Year 1984 notices of obligation to the grantees.

FOR FURTHER INFORMATION CONTACT: Paul A. Mayrand, Acting Director, Office of Special Targeted Programs, 601 D Street, NW., Room 6102, Washington, D.C. 20213, (212) 376-6225.

SUPPLEMENTARY INFORMATION: Pursuant to Section 162 of JTPA, the final allocations and distribution formulas for Native American grantees to be funded under Title IV Section 401 and Title II, Part B, are published below. The amount to be distributed is $62,243,000, for Title IV Section 401, for Program Year 1984 and $13,176,511 for Title II, Part B, for the Summer Youth Employment and Training programs (SYEP) for the Summer of Calendar Year 1984.

The formula for Title IV Section 401 provides that 25% of the funding will be based on the number of unemployed Native Americans in the grantee's area, and 75% will be based on the number of poverty level Native Americans in the grantee's area. Furthermore, for Program Year 1984 no grantee will receive less than 80% of the annualized funding level it received for the period October 1, 1983 through June 30, 1984, unless its territory to be served was increased or decreased. The rationale for the formula is that unemployment and poverty in an area are good indications of the need for employment and training program funds.

The formula for allocating Title II, Part B, SYEP funds divides the funds among eligible recipients based on the proportion that the number of youths in their area bears to the total number of youths in all eligible areas. Further, in Calendar Year 1984 each grantee is guaranteed it will receive at least 80% of the SYEP funds it received in Fiscal Year 1983. The rationale for using the number of youths in the formula is that they are the program beneficiaries. Statistics on youth, unemployed and poverty level Native Americans are derived from the Decennial Census of the Population, 1980. Subject to Congressional appropriation actions, the Department proposes to use a similar methodology for one more year for the Title IV Section 401 program and two more years for the SYP and thereafter allocate to each grantee the amount it would receive by a direct application of the 1980 Census data without a hold harmless provision.

Signed at Washington, D.C., this 29th day of June, 1984.

Paul Mayrand,

Acting Director, Office of Special Targeted Programs.

[FR Doc. 84-17960 Filed 7-5-84; 8:45 am]

BILLING CODE 4510-30-M

Agency Request for Comments Regarding the Numerical Values for the Performance Standards for Title II-A of the Job Training Partnership Act (JTPA) in Program Year (PY) 1985 and Subsequent Years

SUMMARY: On January 31, 1984, the Department issued Job Training Partnership Act (JTPA) performance standards for Title II-A for Program year (PY) 1984. In the preamble to the Federal Register notice (Vol. 49, No. 22, 49 FR 4052, dated 2-1-84), the Department acknowledged that inquiries had been received on the proposed standards asking whether the standards were applicable for one or two years, since Section 106(d)(4)(A) of the Act specifies that the Secretary may modify the standards no more than once every two years. The preamble indicated that the Department would continue to examine the issue.

The purpose of this request is to solicit public comment on the options paper included in the appendix to this request. The options paper lays out two possible approaches for addressing the issue, and the arguments for and against. Commenters may recommend either any of these approaches or other

alternatives, as well as any further reasons for the position supported. Responses to this request will assist the Department in formulating policy on this issue.

EFFECTIVE DATE: Comments must be submitted on or before August 6, 1984.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 601 D Street, NW., Washington, DC. 20213, Attention: Dr. Fred Romero, Administrator, Office of Strategic Planning and Policy Development.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Greene, Telephone (202) 376-6700.

Signed at Washington, D.C., this 29th day of June, 1984.

Patrick J. O'Keefe,

Deputy Assistant Secretary of Labor.

Appendix—Options Paper for Changing the Numerical Values of the Performance Standards Established for Title II-A of the Job Training Partnership Act (JTPA) in Program Year (PY) 1985 and Subsequent Years.

I. Issue

Should the numerical values of the Secretary's performance standards under Title II-A of the Job Training Partnership Act (JTPA) be adjusted each program year?

II. Statutory Authority

Section 106(d)(4)(A) specifies that, "The Secretary may modify the performance standards under this subsection not more often than once every two program years and such modifications shall not be retroactive." While Section 106(d)(4)(A) indicates no changes for two years, Section 106(d)(1) specifies that by January 31, 1984, the Secretary shall prescribe performance standards for the *first* program year.

III. Background

On February 1, 1984, the Secretary published a notice in the Federal Register indicating that JTPA Titles II-A and III performance standards had been transmitted to the Governers for Program Year (PY) 1984. The notice explained that questions had been raised during the comment period for the standards as to why the standards were being issued for PY 1984 only. It had been considered from the outset by the Employment and Training Administration that the Statute at Section 106(d)(4)(A) applied to the measure (adult entered employment rate, etc.), but not necessarily to the numerical value assigned to each measure. Since the national standards for the first program year are based on CETA data from Fiscal Year 1982, it was considered prudent to leave open the opportunity to use more recent economic data and to examine the utility of using the intial nine month JTPA Titles II-A and III performance data for PY 1985 standard setting.

During the Departmental review of the PY 84 standards, questions were raised as to the legal and programmatic propriety of adjusting the PY 1985 numerical values for the standards. As the preamble to the February 1 publication indicates, the Department agreed to continue to examine the issue. The purpose of this paper is to set out the optional responses which might be considered.

IV Optional Approaches

There are two options which can be considered in responding to this issue. Each is listed below along with brief discussion points attendant to each issue.

Option 1

Revise the numerical values for the standards for PY 1985 and/or for future alternative years (PY 87, 89, etc.). FY 1982 CETA data were used for the PY 1984 standards. Data for the initial nine months of JTPA will hopefully be available in time to support the establishment of revised PY 85 numerical values. From the standpoint of using the information which most closely represents the program activity for the period for which standards are being set, the numerical values should be adjusted each year using the most current data. The fact of the matter is that once the nine-month performance levels are obtained, the Department may conclude that certain of the numerical standards were substantially overstated or understated, and should be adjusted to reflect the reality of performance under JTPA.

Alternatively, the Department could conclude that it should not change the numerical levels for PY 85, but still reserve the right to change them in subsequent alternate years (PY 87, 89, etc.). This bridges the initial 21-month period, with its attendant instability and potential reporting problems, and still leaves open the opportunity to adjust the numerical values in subsequent alternate years so as to reflect the most current data available.

From a programmatic standpoint, one may speculate that performance data for the initial nine months of JTPA may not be representative of the program in future years. This view may be taken for two reasons. First, for new Service Delivery Areas (SDAs), the initial nine months is a startup period. Program results for new participants in longer term training activities may not be realized until PY 1984. Secondly, for SDAs which were CETA prime sponsors, many terminees will be former CETA participants who were carried into the JTPA program and then terminated.

A second argument against this option is that a period of stability should be provided to SDAs with regard to performance standards. To the extent that adjustments to the standards are appropriate, the respective Governors can undertake them.

Lastly, there likely may be problems involved with the initial round of collecting annual status reports for each SDA from the States. Past experience with CETA would indicate that significant delays may be encountered in assembling the nine month data, which would seriously complicate respecifying the numerical values for the national standards.

Option 2

Only change the measures and the numerical values once every two years. The national standards would be stabilized so that there would be less pressure on Governors to revise or adjust SDA standards to reflect changing national goals. This would permit States and SDAs to manage their activities with a common set of performance expectations for the full two-year cycle covered by the biennial plans. It would also reduce variations in the performance standards which arise because of the economic and programmatic conditions of a particular year; thereby making them more reflective of conditions over time.

On the other hand, much can happen in the way of changing program performance and economic circumstances which would warrant revising the levels for the second year of the cycle. During that second year, the national standards would be based on data over two years old. As a result, such standards may be quite unrealistic.

[FR Doc. 84-17637 Filed 7-5-84; 8:45 am]

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Pension and Welfare Beneift Programs

[Prohibited Transaction Exemption 84-95; Exemption Application No. D-4546 et al.]

Grant of Individual Exemptions; Morgan Guaranty Trust Company of New York, et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, Apr. 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Morgan Guaranty Trust Company of New York (Morgan) Located in New York, New York

[Prohibited Transaction Exemption 84-95; Application No. D-4546]

Exemption

I. The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply, effective September 6, 1983, to:

A. The use of assets of the U.S. Steel Corporation Plan for Employee Pension Benefits (the USS Plan), the General Motors Hourly-Rate Employees Pension Plan and the GM Frigidare Special Pension Plan (the Hourly Plan), and the General Motors Retirement Plan for Salaried Employees (the Salaried Plan) to fund a construction loan (the C Loan) to South Street Seaport Limited Partnership (SSSLP), an unrelated party, which will use the C Loan proceeds in part to repay interim loans (the I Loans) Originated by the Chase Manhattan Bank (Chase) and Citibank, N.A. (Citibank), parties in interest to the USS Plan, the Hourly Plan and the Salaried Plan (the Hourly Plan and the Salaried Plan hereinafter collectively referred to as the GM Plans);

B. The use of assets of the USS Plan and the GM Plans to fund a permanent loan to SSSLP in part, through the direct purchase from Chase and Citibank of their notes and interests in the mortgages securing that portion of the C Loan funded by Chase and Citibank; and

C. Until the earlier of the retirement of the C Loan or December 31, 1985, any transactions between either Chase or Citibank and employee benefit plans (the Collective Plans) participating in the Commingled Pension Trust Fund (Special Situation Investments—Real Estate) maintained by Morgan to which such restrictions or taxes would otherwise apply merely because Chase or Citibank is a party in interest to the Collective Plans solely due to servicing the C Loan.

II. The exemption set forth in section I above shall not apply unless the following conditions are met with regard to each transaction:

A. Each transaction has been or will be negotiated, approved, and, in an ongoing transaction, monitored by Morgan or another fiduciary of the USS Plan, the GM Plans and the Collective Plans (collectively, the Investor Plans) who is unrelated to the party in interest dealing with the Investor Plans; and

B. Each transaction has been and/or will be effected on terms as favorable to the Investor Plans as those obtainable with unrelated parties.

Effective Date: The exemption is effection September 6, 1983.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 4, 1984 at 49 FR 19160.

For Further Information Contract: Mrs. Mary Jo Fite of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

Equitable Life Leasing Corporation (the Company) Located in San Diego, California

[Prohibited Transaction Exemption 84-96; Exemption Application No. D-4700]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply, effective September 15, 1983, to (1) the extension of credit by a plan with respect to which the Company is a party in interest, arising from the acquisition or holding by the plan of notes (the Notes) as described in the notice of proposed exemption; and (2) the sale by the Company, directly or indirectly, of the Notes to a plan with respect to which the Company is a party in interest, provided that the terms of such extension of credit or sale are at least as favorable to the plan as those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 1, 1984 at 49 FR 18643.

Effective Date: This exemption is effective September 15, 1983.

Written Comments: The Department received one written comment to the proposed exemption, which was submitted by the applicants. The applicants state in their comment letter that the Company first issued Notes on September 15, 1983, and request that the exemption be made retroactive to that date. The applicants state that there have been five separate issuances between September 15, 1983 and November 1, 1983. The purchasers of the

Notes have included, among others, two banks and an insurance company. The applicants do not know if any of the purchasers to date have acted on behalf of any employee benefit plans.

The applicants also describe in their comment letter an amendment to the registration statement for the Notes which was filed with the Securities and Exchange Commission. The exemption application states that interest due under the Notes would be payable semi-annually. The applicants inform the Department in the comment letter that, pursuant to the registration statement amendment, the Notes may be issued with interest payable semi-annually or at other times specified in the Notes and in the applicable prospectus supplement.

After consideration of the entire record, the Department has determined to grant the exemption, retroactive to September 15, 1983.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Ronald L. Chez, Inc. Pension Plan (the Plan) Located in Berkeley, California

[Prohibited Transaction Exemption 84-97; Exemption Application No. D-5100]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) A loan (the Loan) of $75,000 by the Plan to Petrelli Enterprises, Inc., a corporation which is a disqualified person with respect to the Plan; and (2) the guarantee of the Loan by Ronald L. Chez, a disqualified person with respect to the Plan; provided that the terms of such transactions are no less favorable to the Plan than those which the Plan could obtain in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 1, 1984 at 49 FR 20086.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 2nd day of July, 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Fiduciary Standards, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-17865 Filed 7-5-84; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3277] et al.

Proposed Exemptions; The Banks & Campbell Profit Sharing Plan, et al.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this Federal Register Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of pendency of the exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975 (c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are sumarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

The Banks & Campbell Profit Sharing Plan for Self Employed Individuals (the Plan) Located in Knoxville, Tennessee

[Application No. D-3277]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 18471, April 28, 1975). If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale by the Plan of an unimproved parcel of real property located in Knox County, Tennessee and the subsequent extension of credit pursuant to the sale to Mr. Jess D. Campbell (Mr. Campbell), an owner-employee with regard to the Plan as defined in section 401(c)(3) of the Code, provided that the terms of the transactions were not less favorable to the plan than those obtainable in an arm's length transaction with an unrelated party.

The sale and extension of credit involved only the individual Plan account of Mr. Campbell. Section 408(d)(1) of the Act provides that the Department lacks authority to grant an exemption under section 408(a) of the Act for a sale of property or extension of credit by a Plan to an owner-employee. Therefore, the Department cannot grant an exemption under Title I of the Act for the sale of the property or the extension of credit. However, there is jurisdication under Title II of the Act, pursuant to section 4975 of the Code. The applicant recognizes that the exemptive relief proposed herein would not apply to prohibited transactions described in Title I of the Act.

Effective Date: If the proposed exemption is granted, the exemption will be effective May 11, 1979 through July 6, 1981.

Summary of Facts and Representations

1. The Plan is a profit sharing plan providing for individually directed accounts. Mr. Campbell is a participant in the Plan and as such may direct the trustee of the Plan, Southern Industrial Banking Corporation (the Trustee), to invest the assets of his account. If no direction is given by the participant to the Trustee, the funds remain in the passbook savings account. Each plan participant has a separate passbook savings account with the Trustee and no one participant's funds are ever commingled with another.

2. On April 26, 1976, the Plan Trustee on Mr. Campbell's direction purchased all of lot 28 in Block E of Fox Den Village, Unit 2, a subdivision in Knox County, Tennessee (the Property) from James and Irene Sherrod (unrelated parties) for $11,500. The Plan paid $9,000 down and executed a promissory note for the remaining $2,500.

3. On May 11, 1979, the Plan Trustee on Mr. Campbell's direction sold a portion of the Property (⅝ of the Property) to Dr. and Mrs. James C. Britt (the Britts) for $10,000 and sold the remaining portion of the Property (⅜ of the Property, Parcel A) for $6,000 to Mr. Campbell and his wife, Shirley Campbell (the Campbells) on July 5, 1979. The total sales price of $16,000 was determined based on the sale of a lot immediately adjoining the Property several weeks earlier. The applicant represents that both lots are very similar and that the price paid was in line with sales of other lots in the area.

4. The Britts paid $10,000 in cash to the Plan and the Campbells signed a promissory note (the Note) for $6,000 in favor of the Plan secured by a deed of trust on Parcel A. The Note called for 10% annual interest payments beginning on July 5, 1980 and continuing until the Note was paid in full.

5. Before consummating the transaction, Mr. Campbell talked with Mr. Tom Brown (Mr. Brown), an officer of the Trustee. Mr. Brown represents that he had several discussions with Mr. Campbell concerning the sale of the Property and that he believed that the proposed terms including the extension of credit were commercially reasonable at the time and in the Plan's best interest. Mr. Brown represents that the demand note calling for interest at 10%, secured by the Property, was likewise commercially reasonable and in the Plan's best interest. Mr. Campbell represents that at the time of the loan, his account in the Plan had approximately $36,000, so the Note represented approximately 16% of the account's assets.

6. Mr. Campbell paid the $600 interest payment due on July 5, 1980 on September 29, 1979. Mr. Campbell represents that by paying the interest on the Note in advance, the Plan was able to earn an additional $38.50 in interest, thereby, increasing the net return to the Plan to 10.65%. Mr. Campbell decided at the beginning of the Note's second year to increase the interest rate to 20%. As in the preceding year, Mr. Campbell made the interest payment due on July 5, 1981 in advance on June 9, 1980. Mr. Campbell represents that by raising the interest rate and paying the interest in advance the Plan was able to earn an additional $758.29, thereby increasing the net return to the Plan to 22.7%. The promissory note was paid in full on July 6, 1981.

7 The First Tennessee Bank of Knoxville, Tennessee (the Bank) represents that it would have been willing to make a demand loan in the amount of $6,000 to the Campbells on July 5, 1979 with a firm 10% per annum interest rate for the loan's first year. The Bank would have adjusted the interest rate to 12.5% per annum (the Bank's prime rate at the time) at the beginning of the loan's second year. Further, the Bank would have made the loan to the Campbells without requiring any collateral other than their signatures and would not have required the interest on the loan to be prepaid.

8. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 4975(c)(2) of the Code because:

(a) the only assets of the Plan affected by the transactions were from Mr. Campbell's account and he directed that the transactions be consummated;

(b) the purchase price for Parcel A was comparable to that paid for similar parcels in the area; and

(c) the terms of sale were presented to the Plan Trustee who believed that they were fair.

Notice to Interested Persons: Because the only Plan assets involved are those in Mr. Campbell's account, it has been determined that there is no need to distribute notice to interested persons. Comments and hearing requests are due 30 days after publication in the Federal Register.

For Futher Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Alaska Mutual Bank (AMB) Located in Fairbanks, Alaska

[Application No. D-3067]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) as follows:

(I) Effective January 1, 1975, the restriction of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the past and proposed sale, exchange or transfer between AMB and certain

employee benefit plans (the Plans) of multi-family residential and commercial mortgage loans (the Mortgages) or participation interest therein (the Participation Interests) which are originated by AMB provided that:

A. Such sale, exchange or transfer is expressly approved by a fiduciary independent of AMB who has authority to manage or control those Plan assets being invested in Mortgages or Participation Interests;

B. The terms of all transactions between the Plans and AMB involving the Mortgages or Participation Interests are not less favorable to the Plans than the terms generally available in arm's length transactions between unrelated parties;

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is paid to AMB with regard to such sale, exchange or transfer;

D. The decision to invest in a Mortgage or Participation Interest is not part of an arrangement under which a fiduciary of a Plan, acting with the knowledge of AMB, causes a transaction to be made with or for the benefit of a party in interest (as defined in section 3(14) of the Act) with respect to the Plan; and

E. AMB shall maintain for the duration of any Mortgage or Participation interest which is sold to a Plan pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, participant or beneficiary of a Plan.

II. Effective January 1, 1975, the restriction of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a Plan by virtue of providing services to the Plan (or who has a relationship to such service provider described in section 3(14), (F), (G), (H), or (I) of the Act) solely because of the ownership of a Mortgage or Participation Interest by such Plan.

Summary of Facts and Representations

1. AMB is a mutual savings bank owned by its depositors and chartered by the State of Alaska. The range of AMB's investments is limited by statute and consists largely of first mortgages on real estate. AMB is regulated and audited by the Division of Banking of the Alaska Department of Commerce and Economic Development. AMB is a member of the Federal Deposit Insurance Corporation and is subject to the regulations and audits for member banks. As of December 31, 1983 AMB has assets totalling $503,329,590.

Since January 1, 1975, AMB has sold Participation Interests and Mortgages to the Plans and other investors. All past sales of Participation Interests and Mortgages involving employee benefit plans were to the Alaska Teamsters Employer Pension Trust, the Alaska Carpenters Retirement Plan, the Alaska Hotel and Restaurant Employees Pension Trust, the Alaska Electrical Pension Fund and the Alaska Carpenters Pension Trust. With respect to prospective transactions, sales between AMB and the Plans include the above mentioned multiemployer pension funds and other interested plan investors. The Mortgages consist of multi-family residential or commercial permanent first mortgage loans originated by AMB in the ordinary course of its business.

AMB has also requested an exemption for transactions involving the past and proposed sale of single family residential first mortgage loans and participation interests therein by AMB to the Plans. On May 18, 1982, the Department issued a class exemption involving residential mortgage financing arrangements (Prohibited Transaction Exemption (PTE) 82-87 47 FR 21331). PTE 82-87 provides retroactive and prospective relief for the acquisition of residential mortgages and participation interests therein by employee benefit plans. Accordingly, no relief is provided by this exemption for the past or proposed sale of single family first mortgage loans or participation interests therein by AMB to the plans.

2. AMB sells either the entire Mortgage or a Participation Interest therein. Typically, AMB retains a 10% to 25% interest in a mortgage and sells Participation Interests in the balance of the amount outstanding. AMB had no pre-existing relationship with any of the Plans to which it initially sold a Participation Interest or Mortgage. However, by virtue of AMB servicing the Mortgages and Participation Interests it becomes a party in interest with respect to the Plans so that any subsequent sale of Mortgages or Participation Interests becomes a prohibited transaction under section 406(a) of the Act. The applicant represents that the tranactions do not involve a conflict of interest or present a situation where advantage could be taken of the Plans or the trustees of the Plans because all decisions regarding investment in the Mortgages or Participation Interests are made by Plan fiduciaries who are independent of AMB.[1]

3. AMB initiates a Mortgage by reviewing a loan application from a potential mortgagor which includes a mortgage proposal consisting of a summary of facts relating to the loan, setting forth such matters as the terms of the Mortgage, a description of the property securing the Mortgage and an appraisal of the property from a qualified appraiser. AMB has imposed strict underwriting guidelines concerning the applicant's credit worthiness and the value of the collateral which must be satisfied before any decision is made to fund a Mortgage. Once assembled and verified a mortgage package is presented to the AMB loan committee consisting of four members of its board of trustees and the Chairman of AMB who determine whether such Mortgage is a good risk and should be approved. Thereafter, the mortgage package is presented to investors, typically savings and loan institutions, pension plans, [2] or or other

[1] While stating affirmatively that AMB would not make investment decisions regarding the Mortgages or Participation Interests, the applicant was silent about who would make such decisions. In some situations it is possible that investment decisions have been or will be made by trustees of the Plans. The Department notes that where the construction on the property which secures the Mortgage was by a contributing employer to the Plan and a principal of such employer exercise fiduciary authority in approving the Plan's investment in the Mortgage, a separate prohibited transaction under section 406(b) of the Act may occur, which transaction would not be covered by this exemption. See also condition D of Part I of this exemption which has the effect of precluding relief under section 406(a) of the Act for certain transactions undertaken for the benefit of parties in interest.

[2] The Department notes that the application does not address the separate prohibited transactions under section 406(a)(1)(B) of the Act which would exist should any of the Mortgages originated by AMB and subsequently purchased by the Plans involve loans to any party in interest with respect to the purchasing Plan. Accordingly, no relief is afforded by this proposed exemption for such transactions. However, AMB will request from the date of the grant of this exemption potential borrowers to list in their loan application their relationship to any pension plan in an effort to assist a potential purchasing plan in determining whether the borrower may be a party in interest.

financial institutions or federal agencies such as the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

4. Generally, the average loan to value ratio does not exceed 75% for the Mortgages. In the event a greater loan to value ratio is warranted commercial loan insurance would be required. The yield provided to the Plans by the Mortgages or Participation Interests has been and will continue to be the prevailing rate on comparable mortgages at the time of sale. The mortgages or Participation Interests previously sold the Plans have had excellent payment histories with no Plan experiencing any losses. One Mortgage has been foreclosed; however, this Mortgage is adequately secured and neither the Plan involved nor AMB expects any loss.

5. The Plans pay no investment management, investment advisory, sales commission or similar fee to AMB with respect to the acquisition or sale of the Mortgages or Participation Interests. The applicant represents that the Plans have paid and will pay no more for the Mortgages or Participation Interests than have been or would be paid by an unrelated party in an arm's length transaction.

6. All transactions relating to the Mortgages or the Participation Interests are controlled by a servicing agreement (the Servicing Agreement) which AMB represents is typical of bank servicing agreements.[3] The Servicing Agreement, which is submitted to Plan fiduciaries for their review prior to a Plan's purchase of a Mortgage or Participation Interest, requires AMB to represent and warrant the following for each Mortgage or Participation Interest: (a) That the Mortgage is a valid first lien on fee simple absolute title to the mortgaged property; (b) that an American Land Title Association form of mortgagee's title insurance policy for the benefit of the Plan to the extent of the Plan's interest has been obtained; (c) that all relevant security agreements are valid, enforceable and perfected; (d) that AMB has inspected the mortgaged property and all representations as to its value and quality are true; (e) that insurance policies providing coverage for fire and other hazards are maintained on the mortgaged property to the extent of the Plan's Participation Interest; (f) that with respect to those Mortgages which are insured in part by commercial mortgage insurance, AMB agrees to keep such insurance in effect until mutually terminated by the Plan and AMB.

7. AMB's duties under the Servicing Agreement include the following: (a) To collect all payments under the Mortgages or Participation Interests as they become due; (b) to deposit all funds received on behalf of each Mortgage or Participation Interest in a separate account on behalf of the relevant Plan and to apply all sums collected by it on account of each such Mortgage or Participation Interest for principal and interest, taxes, assessments, other public charges, repairs and maintenance and hazard, fire and mortgage insurance premiums; (c) to submit to the relevant Plan at least annually an audit of the balances in each Plan's account together with a certificate that all disbursements were made for proper purposes as well as to make available for inspection by the Plan any records maintained with respect to the Mortgage or Participation Interest; (d) to retain physical possession of the mortgage instruments and policies of insurance; (e) upon default on a Mortgage to give prompt notice of default to the Plan, to foreclose upon the Property, or purchase the mortgaged property at a foreclosure or trustee's sale and, if necessary, manage, maintain or dipose of the property so acquired.[4] Under certain circumstances AMB may be entitled to a fee of 5% of all rentals collected during its management of the mortgaged property. However, decisions regarding foreclosure options and determinations as to property management are made on behalf of the Plans by persons independent of AMB.

8. AMB's compensation for servicing the Mortgages and Participation Interests is agreed to at the time each Mortgage or Participation Interest is accepted by the Plan. The applicant represents the AMB's servicing fee is determined on the same basis as are the fees charged investors other than the Plans who similarly invest in the Mortgages and Participation Interests. Also, AMB's fee is consistent with servicing fees charged throughout the United States for similar services.

9. It is understood by the parties to the Servicing Agreement that the sale of a Mortgage or Participation Interest shall be without recourse. However, the Servicing Agreement states that in the event of a default on any Mortgage, AMB may repurchase from the Plan a Mortgage or Participation Interest upon payment of the unpaid balance of the Mortgage or Participation Interest plus interest to the date of such repurchase.

10. AMB represents that as a result of being a party in interest with respect to a Plan by virtue of servicing the Mortgages it would be prohibited from engaging in other commercial transactions with a Plan, such as the making of loans, which have nothing to do with the Mortgages or Participation Interests held by the Plan. The Department has considered AMB's request for relief for such transactions and has decided that because the servicing relationship is established as a necessary result of the purchase of a Mortgage or Participation Interest by a Plan subsequent transactions between the parties otherwise prohibited by section 406(a) are not likely to present an inherent abuse potential. Accordingly, the Department has determined it would be appropriate to propose the relief from section 406(a) contained in Part II of the proposed exemption.

11. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because: (a) The transactions were and will be between the Plans and AMB (a federally regulated institution) and are transactions made in the regular course of AMB's business; (b) all Plan decisions to invest in Mortgages and Participation Interests were and will be made by Plan fiduciaries who are independent of AMB; (c) the Plans have paid and will pay no more for the Mortgages or Participation Interests than would be paid by an unrelated party in an arm's length transaction; (d) AMB's servicing fee has been and will continue to be similar to fees charged other investors in the Mortgages or Participation Interests and have been and will be consistent with that charged in the open market; (e) the Mortgages were and will be all first liens on commercial and multi-family residential property; (f) the warranties and representations made by AMB regarding the Mortgages and Participation Interests are standard for these type transactions; and (g) the Mortgages and Participation Interests which have been sold by AMB to the Plans have had a long-term history of successful repayment.

[3] No exemption from section 406 of the Act is being granted for transactions pursuant to the Servicing Agreement beyond that which is provided by the statutory exemption pursuant to section 408(b)(2) of the Act.

[4] The Department notes that the application does not address the separate prohibited transaction under section 406(a)(1)(A) of the Act which would exist where upon foreclosure the Plan acquires title to real property and such property or a portion thereof is leased to a party in interest with respect to a Plan. Moreover, if the party in interest under such lease is an employer of employees covered by the Plan, the acquisition of real property by the Plan would result in the acquisition of employer real property which may violate the provisions of section 406(a)(2) and 407 of the Act. Accordingly, no relief is afforded by this proposed exemption for such transactions.

Notice to Interested Persons

In addition to the notice requirement outlined in the general provisions of this notice, AMB agrees to provide a copy of the notice of proposed exemption and any subsequent grant of such exemption to all employee benefit plans with whom AMB may contract in the future to provide services as described herein. Such notification will be provided prior to AMB entering into a contract to provide such services.

For further Information Contact: Louis Campagna of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Honeywell Retirement Plan, Honeywell Pension Plan, Honeywell Protection Services Plan, and Honeywell Hyde Park Pension Plan (collectively, the Plans) Located in Minneapolis, Minnesota

[Application Nos. D-4485, D-4486, D-4487 and D-4488]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed contribution to the Plans of a 8.029% limited partnership interest by Honeywell, Inc. (the Employer), provided that the partnership interest is not valued at more than its fair market value at the time it is contributed.[5]

Summary of Facts and Representations

1. The Plans' assets are held in a master trust (the Trust) administered by the Chase Manhattan Bank as trustee. As of October 31, 1982, the market value of the assets held by the Plains in the Trust equaled $839,875,035. The total number of participants in the Plans on July 1, 1982 was 92,294.

2. The Employer purchases a 12.87% limited partnership interest in New Court Partners (the Partnership) in 1979 for $5 million., The Partnership is a venture capital partnership organized under the Uniform Limited Partnership Act of the State of New York.[6] The applicant represents the further investments by other parties into the Partnership has resulted in a dilution of the Employer's holdings to its present level of 8.029%. The Partnership invests its assets in relatively small but rapidly growing companies. The Partnership holds both actively trade securities and inactive ones.

3. The Employer proposes to contribute for the Plans' year ending June 30, 1983, its 8.029% partnership interest (the Partnership Interest) in the Partnership to the Plans in lieu of part of its $88,732,057 contribution.[7] The applicant represents that the fair market value of the Partnership Interest was $10,199,800.73 as of December 31, 1983 as determined by the valuation procedures provide in section 3.07 of the Partnership agreement. This contribution would constitute about 11.5% of the amount contributed to the Plans with the remainder of the contribution being in cash, and would represent approximately 1% of the Plans' assets held in the Trust. The applicant represents that at the time the contribution of the Partnership Interest is made to the Plans, the Employer will value the Partnership Interest at no more than its fair market value.

4. Bigler Investment Co., Inc. (Bigler), located in Hartford, Connecticut, has agreed to serve as independent fiduciary on behalf of the Plans, for the purpose of determining the appropriateness of the contribution to the Plans of the Partnership Interest held by the Employer. Bigler is a registered investment advisor specializing in inventure capital investing. Bigler was founded by Harold E. Bigler Jr. who was formerly the head of securities investment operations at Connecticut General Life Insurance Company, Chairman, Connecticut General Investment Management Company, and President of the six Connecticut General mutual funds. Currently, Bigler advises Connecticut General/CIGNA on its venture capital activities (assets $105 Million), as well as advising several other larger financial institutions and pension funds on venture capital and early stage emerging growth companies.

Bigler represents that it is independent and has no relationships with the Employer, nor is it a partner of, adviser to, or in any other way associated with the Partnership. Bigler has determined that the contribution of the Partnership Interest to the Plans by the Employer is in the interest of and protective of the Plan and their participants and beneficiaries. In arriving at this conclusion, Bigler examined the Partnership's annual reports for 1981 and 1982, various interim financial statements, quartely investment reports to the limited partners, material submitted to the Partnership's Advisory board, excerpts from the Partnership agreement pertaining to valuation policy and a summary of the criteria used by the Employer is selecting venture capital investments.

Bigler has also examined the valuation procedures followed by the general partners of the Partnership, which will be used by the Employer to value the Partnership, Interest for the contribution, and has determined that they are a fully acceptable method of valuation. Such determination takes into account the opinion of Peat, Marwick, Mitchell Co., the certified public accountants for the Partnership, that the valuation procedures are in confirmity with generally accepted accounting principles.

5. In summary, the applicant represents that the proposed transaction meets the criteria of section 408(a) of the Act because:

(a) Bigler and the Plans' pension and retirement committee represent that the proposed contribution will be in the Plans' interest and protective of the Plans' participants and beneficiaries; and

(b) the valuation procedures used for determining the amount of the contribution were approved by Bigler.

Written Comments and Hearing Requests: Notice will be provided to interested person within 30 days of the date of publication of this notice in the Federal Register. Comments and hearing requests are due within 60 days of publication. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

[5] In this proposed exemption, the Department expresses no opinion as to the prudence of the proposed contribution to the Plans under section 404(a)(1) of the Act. The Department notes that under section 404(a)(1) of the Act, a fiduciary in making investment decisions must act solely in the interest of a plan's participants and beneficiaries and for the exclusive purpose of providing benefits to participants and their beneficiaries.

[6] In the proposed exemption, the Department is not providing relief for any compensation which is received by the general partner of the Partnership beyond that allowed in section 408(b) (2) of the Act.

[7] In this proposed exemption, the Department expresses no opinion as to whether the assets of the Partnership would be considered to be Plan assets.

Emerald Packaging, Inc. Employees Profit Sharing Plan and Emerald Packaging, Inc. Pension Plan (the Plans) Located in Berkeley, California

[Application Nos. D-4992 and D-4993]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply, for a period of five years, to the proposed loans by the Plans of up to 25% of each Plan's assets to Emerald Packaging, Inc. (the Employer), provided that the terms of the transactions are not less favorable to the Plans than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of each transaction.

Temporary Nature of Exemption

The proposed exemption is temporary and, if granted will expire five years after the date of grant with respect to the making of any loan. Subsequent to the expiration of this exemption, the Plans may hold loans originated during this five year period until the loans are repaid. Should the applicant wish to continue entering into loan transactions beyond the five year period, the applicant may submit another application for exemption.

Summary of Facts and Representations

1. The Plans are a pension plan and a profit sharing plan with each plan having 4 participants. The Plans' assets are commingled into one trust fund with combined net assets as of August 31, 1983 of approximately $1,250,000. The Employer is a California corporation involved in the manufacture of various packaging units and materials.

2. The Employer in its normal course of business borrows funds, pursuant to a line of credit (which has been up to $350,000.00 at certain times), from Charter Bank (the Bank). These loans are secured by the Employer's accounts receivable and inventory. The Bank charges the Employer an interest rate on these loans of 11% which is slightly less than the Bank's prime rate.

3. The Plans propose to make a series of loans to the Employer involving up to 25% of each Plan's assets. The loans will supplement or possibly replace part of the Employer's line of credit with the Bank.

4. The proposed loans will be repaid on a quarterly basis with a pro rata portion of the principal amount of the loans plus interest on the total unpaid balance accrued to date, being repaid to the Plans at the end of each quarter. The loan agreement would provide that the Employer could borrow up to an aggregate of 25% of each Plan's assets. The loans will occur over a period of 5 years and each loan would have a maturity date which will not exceed 5 years beyond the exemption period.

The interest rate for such loans will be adjusted quarterly by the independent fiduciary appointed by the Plans (see representation 7) and will be 2% above the prime rate charged by the Bank of America on the first day of the last month of such quarter.

5. The loans will be secured by the accounts receivable of the Employer (the Collateral).[8] The applicant represents that the Employer's accounts receivable at the end of 1983 was approximately $650,000. The Employer's turnaround time for accounts receivable is represented to be approximately 2 months and the Employer's bad debts are less than 3% of its accounts receivable. The Plans will have a perfected first security interest in the Collateral through the execution and filing by the Employer of security agreements on behalf of the Plans.

6. The Plans' trustee will use a promissory note to evidence all loans executed between the Plans and the Employer. The loan documents will indicate that the loans are secured by the Collateral in an amount not less than 175% of the outstanding value of the loans. The principal balance of the loans will be reduced in amount if the Collateral ever falls below an amount equal to 175% of the outstanding principal balance of the loans so that the Collateral will always be not less than 175% of the outstanding principal balance of the loans.

The Employer will have the Collateral independently valued no less frequently than once a year to determine the value of the Collateral. The Employer will bear all and any expense to have such valuation made.

7 Mr. Robert G. Allen (Mr. Allen), a partner in the law firm of Knox, Ricksen, Snook, Anthony and Robbins of Oakland, California, has agreed to serve as an independent fiduciary for the proposed loans.[9] Mr. Allen represents that as an attorney he is aware of his duties, responsibilities and potential liabilities in serving as an independent fiduciary.

Mr. Allen represents that after examining the terms of the proposed loans and the history of the Employer and the Plans, he has determined that such loans would be appropriate and suitable for the Plans. Mr. Allen represents that he will make the same determination immediately prior to the consummation of each loan transaction taking into account the facts and circumstances at the time of such proposed loan transaction. In arriving at this conclusion he has reviewed the proposed loans with respect to: (a) The Plans' overall investment portfolio, (b) the cash flow needs of the Plans, (c) the necessity of the sale of any of the Plans' assets, (d) the diversification of the Plans' assets, both before and after each loan and (e) the terms of each loan as such terms conform with the Plans' investment policy. Mr. Allen represents that the proposed interest rate of 2% above the prime rate charged by the Bank of America is an appropriate rate of interest given the type of loans, the terms of the loans, the amount of the loans and the collateral securing the loans.

Mr. Allen has agreed to accept the responsibility to enforce the terms of the loan agreement between the Employer and the Plans, including making demand for timely payment, bringing suit or other appropriate process against the Employer in the event of default, and keeping accurate records and reporting annually to the Plans' trustees on the performance of the loans. Mr. Allen will take whatever steps are necessary to ensure that the value of the Collateral remains equal to at least 175% of the outstanding balance of the loans during the duration of the loans.

8. In summary, the applicant represents that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The loans will be approved and monitored by an independent fiduciary;

(b) The loans will be secured by Collateral which at all times will be at least equal to 175% of the outstanding loan balances;

(c) The exemption will be for a 5 year period with a repayment date not to exceed 10 years from the date of grant of the exemption; and

[8] The applicant represents that if these loans are to supplement loans taken out from the Bank, the Bank will only have a secondary interest in the Collateral.

[9] The applicant represents that Mr. Allen's firm derives less than .1% of its annual fees for work done for the Employer.

(d) The Plans' independent fiduciary has determined that the transactions are appropriate and suitable for the Plans, in the best interests of the Plans' participants and beneficiaries, and protective of their rights.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Stove Plumbers Supplies Co. Profit Sharing Plan (the Plan) Located in Oakland, California

[Application No. D-4994]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply, for a period of five years, to the proposed loans by the Plan of up to 25% of its assets to Stove Plumbers Supplies Co. (the Employer) and to the guarantee of repayment by Mr. Jack N. Soloman, Sr. (Mr. Soloman), provided that the terms of the transactions are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of each transaction.

Temporary Nature of Exemption

The proposed exemption is temporary and, if granted will expire five years after the date of grant with respect to the making of any loan. Subsequent to the expiration of this exemption, the Plan may hold loans originated during this five year period until the loans are repaid. Should the applicant wish to continue entering into loan transactions beyond the five year period, the applicant may submit another application for exemption.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 4 participants, and net assets as of August 31, 1983 of $1,575,000. The Employer is a California corporation involved in the sale of a wide variety of plumbing, heating and air conditioning supplies.

2. The Employer in its normal course of business borrows funds, pursuant to a $500,000.00 line of credit from the Union Bank of San Francisco (the Bank). These loans are secured by the Employer's accounts receivable and inventory and are guaranteed by Mr. Soloman, the Employer's principal shareholder. The Employer currently has approximately $320,000.00 in loans outstanding with the Bank. The Bank charges the Employer an interest rate on these loans of up to the prime rate plus .25%.

3. The Plan proposes to make a series of loans to the Employer involving up to 25% of the Plan's assets. The loans will be used to supplement or possibly replace part of the Employer's line of credit with the Bank.

4. The proposed loans will be repaid on a quarterly basis with a pro rata portion of the principal amount of the loans plus interest on the total unpaid balance accrued to date, being repaid to the Plan at the end of each quarter. The loan agreement would provide that the Employer could borrow up to an aggregate of 25% of the Plan's assets. The loans will occur over a period of 5 years and each loan would have a maturity date which will not exceed 5 years beyond the exemption period.

The interest rate for such loans will be adjusted quarterly by the independent fiduciary appointed by the Plan (see representation 7) and will be 1% above the prime rate charged by the Bank on the first day of the last month of such quarter.

5. The loans will be secured by all of the inventory of the Employer which consists of various types of plumbing, heating and air conditioning supplies (the Collateral).[10] The loans will also be secured by the personal guarantee of Mr. Soloman, whose net worth is represented to be in excess of $2 million. The Plan will have a perfected first security interest in the Collateral through the execution and filing by the Employer of security agreements on behalf of the Plan. The Employer will incur all costs necessary to obtain and preserve the Collateral, including, but not limited to, the paying of all taxes, assessments, insurance premiums, rent and storage costs. The Collateral will be kept fully insured throughout the term of the loans, and the Plan will be named the insured to the extent necessary to collateralize the outstanding loans.

6. The Plan will use a promissory note to evidence all loans executed between the Plan and the Employer. The loan documents will indicate that each loan is secured by the Collateral in an amount not less than 200% of the outstanding loan value. The principal balance of each loan will be reduced in amount if the Collateral ever falls below an amount equal to 200% of the outstanding principal balance of the loan so that the Collateral will always be not less than 200% of the oustanding principal balance of the loan.

The Employer will have the Collateral independently appraised no less frequently than once a year to determine its value. The Employer will bear all and any expense to have such valuation made.

7 Mr. Robert G. Allen (Mr. Allen), a partner in the law firm of Knox, Ricksen, Snook, Anthony and Robbins of Oakland, California, has agreed to serve as an independent fiduciary for the proposed loans.[11] Mr. Allen represents that as an attorney he is aware of his duties, responsibilities and potential liabilities in serving as an independent fiduciary.

Mr. Allen represents that after examining the terms of the proposed loans and the history of the Employer and the Plan, he has determined that such loans would be appropriate and suitable for the Plan. Mr. Allen represents that he will make the same determination immediately prior to the consummation of each loan transaction taking into account the facts and circumstances at the time of such proposed loan transaction. In arriving at this conclusion he has reviewed the proposed loans with respect to: (a) The Plan's overall investment portfolio, (b) the cash flow needs of the Plan, (c) the necessity of the sale of any of the Plan's assets, (d) the diversification of the Plan's assets, both before and after each loan, and (e) the terms of the loan as such terms conform with the Plan's investment policy. Mr. Allen represents that the proposed interest rate of 1% above the prime rate charged by the Bank is appropriate given the type of loans, the amount of the loans, the terms of the loans and the collateral used to secure the loans.

Mr. Allen has agreed to accept the responsibility to enforce the terms of the loan agreement between the Employer and the Plan, including making demand for timely payment, bringing suit or other appropriate process against the Employer in the event of default, and keeping accurate records and reporting annually to the Plan's trustee on the performance of the loans. Mr. Allen will take whatever steps are necessary during the year to ensure that the value of the Collateral remains equal to at least 200% of the outstanding balance of the loans during the duration of the loans.

[10] Then Bank has agreed to subordinate its interest in the Collateral to that of the Plan's.

[11] The applicant represents that Mr. Allen's firm receives fees from the Employer, but the total fees received represents less than .1% of its total billings.

8. In summary, the applicant represents that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act because:

(a) the loans will be approved and monitored by an independent fiduciary;

(b) the loans will be secured by Collateral which at all times will be at least equal to 200% of the outstanding loan balances;

(c) the exemption will be for a 5-year period with a repayment date not to exceed 10 years from the date of grant of the exemption; and

(d) the Plan's independent fiduciary has determined that the transactions are appropriate and suitable for the Plan, in the best interests of the Plan's participants and beneficiaries, and protective of their rights.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Mainland Pathology Associates, Inc. Employees' Pension Trust (the Plan) Located in La Marque, Texas

[Application No. D-5010]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the prior sale (the Sale) by the Plan of an improved parcel of real property (the Property) to Kurt Weiss, M.D. and Frances J. Weiss, his wife, parties in interest with respect to the Plan.

Effective Date: The effective date of the proposed exemption, if granted, will be April 10, 1979.

Summary of Facts and Representotions

1. At the time the transaction took place, the Plan was a target assumed benefit pension plan with ten participants. The Plan had $185,379.92 in assets as of September 30, 1979, exclusive of the value of the participants' life insurance contracts. During the time of the transaction, Herman Koester, M.D., was the President and one-third shareholder of Mainland Pathology Associates, P.A. (the Employer) and the sole trustee of the Plan. Dr. Weiss was a Plan participant, and one-third shareholder of the Employer and Iver Diaz, M.D. owned the remaining shares of the Employer.

2. In June, 1978, the Plan bought the Property, a parcel of land improved with a house, for $45,000 in cash from Frances V Phelps, an unrelated third party. The Property is located at 1015 Postoffice Street in Galveston, Texas and is 1½ blocks from the University of Texas Medical branch. Dr. Koester represents that his familiarity with the general area in which the Property is located led him to believe that the Property would be readily marketable. Dr. Koester further believed that the influx and turnover of medical students and allied health professionals in the vicinity of the Property would allow for the quick resale of the Property at a profit. Dr. Koester represents that he determined that the $45,000 purchase price was reasonable based on his personal study of asking prices for properties in the vicinity of the Property.

3. In September, 1978, Dr. Koester contacted Charna E. Graber, a licensed real estate agent then employed by Abe Kellner Real Estate with respect to listing and marketing the Property. Ms. Graber inspected the Property and prepared a written appraisal of the market value of the Property, which she determined to be $46,000. Further, Ms. Graber represents that she so advised Dr. Koester of that value. On September 11, 1978, the Plan signed a three month listing contract for the Property with Abe Kellner Real Estate at a listing price of $55,000. The listing price was determined by Dr. Koester Ms. Graber represents that the excess over the market value was within customary allowances for negotiating leverage normally incorporated in listing contracts in Galveston. On November 8, 1978, Elizabeth Dullye, an unrelated third party, presented a written offer for $55,000 contingent upon her obtaining 90% financing. The Plan accepted the offer but Ms. Dullye was unable to secure the financing. In December, 1978, the Plan renewed the listing contract for an additional three months, through March 11, 1979. Ms. Graber represents that at the time the Plan renewed the listing contract, she reminded Dr. Koester of her initial determination of the $46,000 fair market value of the Property in order to persuade him to lower the listing price. Ms. Graber further represents that although Dr. Koester refused to lower the listing price, he did indicate that he would seriously consider an offer of less than $55,000.

4. The Property was listed with Galveston's Multiple Listing Service, was advertised in local newspapers, and was shown to potential buyers. However, no oral or written offers besides the offer of Ms. Dullye were received. In March, 1979, Ms. Graber informed Dr. Koester that the inability of the Property to be sold verified that the fair market value of the Property was $46,000 and that no substantial appreciation had occured since the listing. Also in March, 1979, Dr. Weiss offered to purchase the Property for $50,000, including $10,000 in cash with the Plan lending the difference. On April 3, 1979, the listing was withdrawn and the Sale was effected on April 10, 1979.

5. The Plan seeks an exemption for the Sale to Dr. and Mrs. Weiss for $50,000. Dr. and Mrs. Weiss paid $10,000 in cash and received a $40,000 four year extension of credit from the Plan, which the applicant represents was a participant loan which met the requirements of section 408(b)(1) of the Act.[12] The Plan incurred no expenses in connection with the Sale. During the period in which the Plan held the Property, the Plan incurred the following expenses: property taxes—$555.34; fire insurance—$151.00; windstorm and hail insurance—$212.00; liability insurance—$11.00; miscellaneous maintenance and repairs—$234.02; utilities—$84.78; and painting—$1695.00 (total $2973.14).

6. Dr. Koester, as trustee of the Plan, represents that he determined to sell the Property to Dr. and Mrs. Weiss for the following reasons: (a) The lack of prospective buyers after six months of marketing the Property; (b) maintenance costs were increasing while the Property was producing no income; and (c) interest rates began to rise, making it difficult to sell real property. Additionally, prior to entering into the transaction, Dr. Koester contacted legal counsel, John Schmidt, then of Smith & Herz, P.C. who approved the legality of the Sale. Mr. Schmidt represents that after considerable research he also advised Dr. Koester that $50,000 was a reasonable price because it exceeded Ms. Graber's $46,000 appraisal of fair market value and that the transaction was similar to numerous other transactions for which exemptive relief had been granted by the Department.

7 In summary, the appliant represents that the Sale met the statutory criteria of section 408(a) of the Act because: (a) The Sale price was higher than that established in an appraisal by a licensed real estate agent; (b) the Plan sold the Property to Dr. and Mrs. Weiss only after attempting to sell it for over six

[12] In this proposed exemption, the Department expresses no opinion as to whether the Loan satisfies the requirements of section 408(b)(1) of the Act.

months, during which time the Plan received only one offer from an unrelated party, who was unable to consummate the transaction; and (c) the Plan was able to dispose of an asset whose holding costs were causing a drain on the Plan's other assets.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 523-8681. (This is not a toll-free number.)

The Martin Sprocket & Gear, Inc. Employees Profit Sharing Trust (the Plan) Located in Arlington, Texas

[Application No. D-5121]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406 (b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the continued leasing of certain real property (the Property) by the Plan to Martin Sprocket & Gear, Inc. (the Employer), a party in interest with respect to the Plan, and (2) the possible future cash sale of the Property by the Plan to the Employer if, upon termination of the lease, the Employer exercises its option under the lease to purchase the Property, provided the terms of each transaction are at least as favorable to the Plan as those the Plan could obtain in a similar transaction with an unrelated party; and that any purchase by the Employer is at the then fair market value of the Property and fully paid in cash on the date of the sale.

Effective Date: If the proposed exemption is granted, the exemption will be effective July 1, 1984.

Summary of Facts and Representations

1. The Plan covered approximately 726 participants as of January 9, 1984 and had assets totalling $22,799,567 as of June 30, 1983. The Plan trustees are: Joe R. Martin, Jr., the president and a major shareholder of the Employer; Billy G. Howard, a vice president and a minor shareholder of the Employer; and Robert W. Decker, attorney to the Employer. The Employer is a closely held corporation headquartered in Arlington, Texas, which manufactures sprockets, gears, and conveyors to be used in various types of machinery.

2. Texas American Bank/Fort Worth N.A. (the Bank) has agreed to serve as ancillary trustee to the Plan for purposes of this transaction. The Bank represents that it has no relationship with any party to the subject transaction and that it is knowledgeable of the provisions of the Act and is familiar with the duties, liabilities and responsibilities of fiduciaries thereunder.

3. The Property consists of four parcels of land totalling 6.06 acres, with improvements, and comprising part of a 20-acre tract used by the Employer for its manufacturing facilities. Most of the remaining acreage (13.268 acres) in such tract is owned by the Joe R. Martin, Sr. Trust, the majority shareholder of the Employer, and a small portion (.672 acres) is owned directly by the Employer. The improvements consist of four steel-frame shop buildings, ranging from six to 18 years of age, and two smaller one-story wood-frame buildings, 25 and 40 years old. The Property is located at 3106 Sprocket Drive, Arlington, Texas, in Tarrant County, which is between the cities of Dallas and Forth Worth. The applicant states that this is one of the fastest growing areas in Texas with substantial potential for appreciation and that over the past ten years the Property's value has increased at a yearly rate of 23.8%.

4. Messrs. William S. Winter, M.A.I., and Glenn Garoon, S.R.P.A., M.B.A. have determined that the fair market value of the Property as of December 8, 1983 was $2,400,000 and that the fair rental value of the Property on that date under a net lease was $258,000 per year, based on a pure net lease rental rate of $1.50 per square foot. Their appraisal notes, among other things, that approximately 30 years of economic life remain to the improvements and that the area in which the Property is located can look forward to continued development. Mr. Winter states that in his judgment the fact that the Property is part of the above mentioned 20-acre tract creates no special value for the Property to the Employer inasmuch as the Property contains a predominant portion of the improvements, has adequate accessibility and is a self-sufficient entity. Both appraisers have certified that they have no personal interest or bias with respect to the Property or the parties involved.

5. During the period June 1957 through June 1973, the Plan acquired the four parcels mentioned in 3, above, (then consisting of 6.732 acres) for an aggregate cost of $67,850 from the Employer and two of its major shareholders. On April 24, 1981, the Plan sold .672 acres of same to the Employer for $32,200, which was the higher of two appraisals obtained by the Plan of the fair market value of that portion. The applicant represents that such sale to the Employer was made in accordance with the provisions of section 414(c)(3) of the Act.[13] Prior to July 1, 1973, the Plan leased each of the parcels it owned to the Employer. On June 30, 1973, the Plan purchased the last of the four parcels, leased the entire 6.732 acres to the Employer under a single lease effective July 1, 1973 through June 30, 1983, and extended such lease until June 30, 1984. The rent due under such lease was not reduced to reflect the sale of .672 acres of the leased property in 1981. The Plan's accountants report that for the ten year period ended June 30, 1972, the Plan received an average yearly return of 14.62% on the Property. SAid lease was replaced by a substantially similar lease (the Current Lease) effective January 1, 1984. The applicant states that the Employer has consistently complied in a timely manner with the terms of all previous leases and that both the Current Lease and the previous leases of the Property are and were exempt under the provisions of section 414(c)(2) of the Act.[14] The Plan currently holds additional employer real property in Bergenfield, New Jersey, whose appraised fair market value as of December 5, 1983 was $270,000 and which it intends to sell to the Employer before June 30, 1984, pursuant to the provisions of section 414(c)(3) of the Act.[15] The Plan holds no other employer real property or employer securities (as defined in paragraphs (2) and (1), respectively, of section 407(d)). All other Plan assets as of June 30, 1983 were held in: a common trust fund maintained by a bank, interest bearing accounts, cash, capital stock, and receivables (principally contributions receivable from the Employer and from employees).

6. The Current Lease is a triple net lease for a term of ten years with three five-year extensions thereof possible, contingent upon approval of both parties. The initial rental is $258,042 per year, payable in equal monthly installments. The annual rent is to be adjusted effective July 1, 1984 and July 1 of every year thereafter based upon an appraisal of the fair market value of the Property by an independent MAI appraiser. The rent to be paid for the

[13] The Department is expressing no opinion herein as to the applicability of section 414(c)(3) of the Act to such sale.

[14] The Department is expressing no opinion herein as to the applicability of section 414(c)(2) of the Act to the Current Lease and the previous leases.

[15] The Department is expressing no opinion herein as to the applicability of section 414(c)(3) of the Act to such sale.

year July 1, 1984–June 30, 1985, and for each July 1–June 30 thereafter will be the then current fair rental value of the Property or, if greater, an amount equal to 10% of the Property's fair market value. The Current Lease also provides that the Employer will pay all taxes, maintenance costs, and any other costs of ownership or operation of the Property. The Employer has agreed to insure the Property at its own expense in an amount agreeable to the Plan and also to indemnify and hold harmless the Plan from all penalties, claims, demands, liabilities, expenses and losses of any nature arising from the Employer's use of the Property. The applicant states that the Employer's net worth exceeds $45,000,000. The applicant also represents that the Current Lease provides the Plan a net rate of return of 10.75% per year, disregarding any expected appreciation of the Property.

7 The Current Lease gives the Employer an option to purchase the Property from the Plan at the end of the original term of the Current Lease or at the end of any extension thereof if the Plan then agrees to sell the Property. The sale would be for cash at a price equal to the Property's then fair market value as determined by an independent appraiser or, if greater, the Property's fair market value as determined by the last appraisal. In determining such fair market value, any decrease in value attributable to the Employer's purchase option will be disregarded. The Employer would be required to pay the entire purchase price in cash on the closing date of the purchase.

8. The Bank (see 2, above) has examined the application for exemption, the Current Lease agreement, the Plan document, the appraisal mentioned in 4, above, the Plan's financial statement as of June 30, 1983, and information furnished by the Plan's accountants and has concluded that the terms and conditions of the Current Lease are at least as favorable as those the Plan would be able to receive in a similar transaction with an unrelated party. The Bank also concluded that the steps taken by the Plan in providing for an independent ancillary trustee, providing for independent appraisers to determine and redetermine the fair market rental value, and obtaining a triple net lease, establish significant protection of the rights of Plan participants and beneficiaries. Accordingly, the Bank represents that:

(a) Having examined the subject transactions, the Bank determined prior to the effective date of the proposed exemption that they are appropriate and suitable for the Plan and in the interests of its participants and beneficiaries;

(b) If the proposed exemption is granted, the Bank will monitor the Employer's compliance with the terms and conditions of the Current Lease and will enforce them on behalf of the Plan participants and beneficiaries;

(c) If the proposed exemption is granted, the Bank will examine the subject transactions again immediately prior to the granting of any extension of the Current Lease or immediately prior to any sale of the Property to the Employer and will determine that any such extension or sale is appropriate and suitable for the Plan and in the interest of Plan participants and beneficiaries before any extension or sale is consummated;

(d) The bank believes the Employer's purchase option under the Current Lease is appropriate and commercially reasonable in a lease of this type;

(e) If and when the Employer elects to exercise the purchase option, the Bank will require that the sale price be no less than the fair market value of the Property on the date of sale and be paid in full in cash on such date; and

(f) Unless the Bank determines that the sale of the Property ot the Employer, pursuant to the purchase option under the Current Lease, is in the Plan's best interests and that the sale price meets the requirements mentioned in (e), above, the Bank will block such sale.

9. In summary, the applicant represents that the subject transactions satisfy the exemption criteria set forth in section 408(a) of the Act because (a) the amount of rent payable under the Current Lease during the initial five-year period is at least equal to the fair rental value of the Property as determined by qualified independent appraisers; (b) the rent to be paid under the Current Lease after the initial five-year period will be the then current fair rental value of the Property as determined by an independent MAI appraiser or, if greater, an amount equal to 10% of the fair market value of the Property; (c) the Current Lease also provides that the Employer pays all taxes, maintenance costs, and any other costs of ownership or operation of the Property; (d) the Employer has agreed to insure the Propety at its own expense and also to indemnify and hold harmless the Plan from all penalties, claims, demands, liabilities, expenses and losses of any nature arising from the Employer's use of the Property; (e) the Bank, an independent fiduciary to the Plan, had determined prior to the effective date of the proposed exemption, that the subject transactions are appropriate and suitable for the Plan and in the interests of its participants and beneficiaries; (f) the Bank will monitor the Current Lease and will enforce its terms and conditions on behalf of the Plan; (g) the Bank believes the Employer's purchase option under the Current Lease is appropriate and commercially reasonable in a lease of this type; and (h) if and when the Employer elects to exercise the purcahse option, the Bank will block the sale unless it determiens that the sale of the Property is in the best interests of the Plan and its participants and beneficiaries, the sale price is at least equal to the fair market value of the Property on the date of the sale, disregarding any reduction in value attributable to the purchase option, and the full sale price will be paid in cash on the date of the sale.

For Further Information Contract: Mrs. Miriam Freund, of the Department, telephone (202) 523–8971. This is not a toll-free number.)

Cluett, Peabody & Co., Inc. Master Trust (the Trust) Located in New York, New York

[Application No. D–5140]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to: (1) The lease (the Lease) effective July 1, 1984, of certain improved real property (the Property) by SCP Properties, Inc. (SCP), a title holding company all of whose shares are owned by Manufacturers Hanover Trust Company, as trustee (the Trustee) of the Trust to Cluett, Peabody & Co., Inc. (the Employer), the Plan sponsor; and (2) the possible purchase of the Property by the Employer pursuant to the terms of the Lease, provided that the terms and conditions of the proposed transactions are at least as favorable to the Trust as those obtainable in an arm's-length transaction with an unrelated party.

Effective Date: The effective date of this proposed exemption, if granted, will be July 1, 1984.

Summary of Facts and Representations

1. The Trust is a master trust holding the assets of five defined benefit

pension plans (Cluett, Peabody & Co., Inc. Employee Retirement Plan, the Great American Knitting Mills Employees Annuity Plan, the Employees Pension Plan of Alatex, Inc. and the Duofold, Inc. Employees Pension Plan) and one defined contribution profit sharing plan (the Great American Knitting Mills Employee Benefit Plan). The Trust has approximately 6,680 participants. As of September 30, 1983, the market value of the assets of the Trust was in excess of $75 million. Approximately $15 million of Trust assets are invested in a portfolio of bonds dedicated to pay the pension liabilities of a specific group of retired employees. The balance of the Trust's assets are managed by various independent investment managers appointed by the Employer. Manufacturers Hanover Trust Company is the trustee of the Trust. The Employer is engaged in the manufacture and sale of men's, women's and children's clothing.

2. The Property is a 12 acre parcel of real property improved with an industrial building used by the Employer in its manufacturing business. The Property is currently leased to the Employer by SCP pursuant to a lease dated September 23, 1965 (the 1965 Lease). All of the issued and outstanding stock of SCP a title holding company exempt from Federal income taxation under section 501(c)(2) of the Code, is owned by the Trustee as Trustee of the Trust. The applicant represents that under the transitional rules of section 414(c) of the Act, the 1965 Lease does not constitute a prohibited transaction.[16]

3. An exemption is requested to permit the Employer and SCP to enter into a new Lease, to be dated July 1, 1984. The Lease will be of 15 years duration. The annual rent will be $420,000 payable in equal monthly installments. On or before the fourth, seventh, tenth and thirteenth years of the Lease term, the Trustee shall, at the Employer's expense, obtain an M.A.I. appraisal of the fair market value rent of the Property. The rent for each of the next succeeding three year periods shall be adjusted to the fair market value rent based upon the M.A.I. appraisal. The Lease is a triple net lease with the Employer responsible for the payment of all taxes, insurance and cost of repairs. The Lease permits the Employer to remodel and make structural changes or additions to the improvements on the Property, at the Employer's expense, so long as any remodelling, structural changes or additions do not cause the Property to be in non-compliance with any government regulations and any expense over $50,000 must be approved in writing by the Trustee. The Lease grants SCP an option to require the Employer to purchase the Property for cash at any time during the term of the Lease at a value determined by an M.A.I. appraisal performed at the expense of the Employer. Additionally, the Lease grants the Employer an option to require SCP to sell it the Property at any time during the term of the lease subject to the determination by the Trustee that such a sale would be in the best interests of the plans participating in the Trust. In any such sale, the Employer will pay cash and the value of the Property would be determined by an M.A.I. appraisal performed by an M.A.I. appraiser chosen by the Trustee, at the expense of the Employer.

4. On May 31, 1983, Austin B. Hepburn, S.R.P.A., of the American Appraisal Company appraised the Property and determined that the value of the Property, as if vacant and available, was $3,300,000 as of that date. Mr. Hepburn further determined that as of May 31, 1983, the fair rental value of the Property was $372,900 per year on an absolute net basis or about $2.63 per square foot. However, Mr. Hepburn represents that the improvements on the Property contain special purpose aspects. In a letter dated March 22, 1984, William L. Linville, Assistant Vice President of the American Appraisal Company, stated that based on Mr. Hepburn's appraisal, if the Property were valued on a continued use basis, assuming a purchaser could be found who needed the facilities as they exist with their special purpose adaptations, the market value of the Property would be $3,620,000 and the rent would be $420,000 or approximately $2.95 per square foot on an absolute net basis, both as of May 31, 1983. The initial rental to be paid by the Employer will be $420,000 per year. Any subsequent adjustments to the rental payment will take into account the special purpose aspects of the Property.

5. The Trustee and the Employer have the following business relationships: (a) For the twelve months ending March 31, 1984, the Employer maintained average checking account balances with the Trustee which represent less than 1% of the Trustee's total deposits; (b) for the twelve months ending March 31, 1984, the Employer had average loan balances representing less than 1% of the total outstanding loans of the Trustee; (c) as of April 18, 1984, the Trustee held no shares of Employer stock in its own portfolio. However, the Trustee held 609,479 shares of the Employer's common stock as custodian for various customers. Of that total amount, the Trustee had investment and/or voting responsbility for 23,950 shares; (d) the Employer owns no stock of the Trustee; and (e) the Chairman of the Board of the Employer is one of the 18 directors of the Trustee. The applicant represents that this individual will abstain from any actions taken by the Board of Directors of the Turstee with respect to the Property, including discussions and voting.

6. The Trustee represents that it has reviewed the Leases to its terms and in the context of all the assets of the Trust and has concluded that the Lease is as favorable to the plans participating in the Trust as could be obtained in arm's length negotiations between totally unrelated parties and that the Lease is in the interests of the participating plans. The Trustee represents that it reached these conclusions upon consideration of several factors, including the following: (a) The base annual rent is equal to the fair market rental value of the Property as determined by the American Appraisal Company; (b) the base annual rent will be adjusted every three years based upon an M.A.I. appraisal in order to continue to reflect fair market rental value; (c) the interest of the Trust in the Property will be less than 5% of total Trust assets; (d) the Trustee's option to sell the Property to the Employer for cash, at any time, for an amount based on the Property's fair market value as determined by an M.A.I. appraisal obtained at the Employer's expense; (e) the Employer's option to purchase the Property from the Plan for cash, at any time but subject to the Trustee's approval, for an amount based on the Property's fair market value as determined by an M.A.I. appraisal obtained at the Employer's expense; and (f) a determination by the Trustee that the Employer's past performance has been in accordance with its contractual obligations. The Trustee represents that it will review the above representations on or about July 1, 1984, and that it will execute the Lease only if the Lease is in the best interests of the Trust, its participants and beneficiaries. The Trustee further represents that it will monitor the Employer's compliance with the terms and conditions of the Lease and take all required action to enforce the terms and conditions of the Lease

7 In summary, the applicant represents that the proposed transactions meet the statutory

[16] In this proposed exemption, the Department expresses no opinion as to the applicability of section 414(c) of the Act to the 1965 Lease.

requirements of section 408(a) of the Act because: (a) The initial rent under the Lease is fair market value rent as determined by a qualified, M.A.I. appraisal; (b) the rent shall be adjusted to the fair market value rent every three years, as determined by an M.A.I. appraisal; and (c) the Trustee, acting on behalf of the Plan has determined and will redetermine prior to entering into the Lease, that the Lease is in the best interests of and protective of the participants and beneficiaries of the Trust.

For Further information Contact: David M. Cohen of the Department, Telephone (202) 523-8671. (This is not a toll-free number.)

Retirement Plan of Shape Corporation (the Plan) Located in Grand Haven, Michigan

[Application No. D-5161]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 81471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply, for a period of seven years, to the proposed loans (the Loans) by the Plan of up to 25% of its assets to Shape Corporation (the Employer), the Plan sponsor, provided that the terms of the transactions are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of each transaction.

Temporary Nature of Exemption—The exemption is temporary in nature and will expire seven years after the date of grant with respect to the making and holding of any Loan.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan with 49 participants. As of March 31, 1983, the Plan had assets of $133,924.81. The trustee of the Plan is People's Bank and Trust Company, of Grand Haven, Michigan (the Bank). Abbit Management Corporation (Abbit) is the investment manager of the Plan and has sole discretion with respect to the investment of Plan assets. The Employer is engaged in the cold forming of metals.

2. The applicant seeks an exemption to permit the Plan to enter into the Loans with the Employer for a period of seven years. The Loans will not exceed 25% of the total assets of the Plan. The proceeds of the Loan will be used to finance the purchase of inventory, machinery and equipment.

3. The Loans will bear interest at the prime rate. The prime rate will be established by the Bank at the time of a Loan and will be adjusted as of the first business day of each month. The interest rate will never fall below 9% per annum. The Loans will be for a term of five years, but the Employer may pay off a Loan sooner than five years.

4. The Loans will be amortized over five years and will be in minimum amounts of $15,000. Payments of interest and principal will be made on a quarterly basis, although the Employer may choose to make payments on a more frequent basis. Any Loans outstanding at the end of seven years will be repaid in full unless a new prohibited transaction exemption has been received from the Department for those Loans.

5. The Employer will provide collateral for the Loans in the form of perfected first secured liens on all or part of three pieces of machinery (the Collateral). The Collateral will at all times have a liquidation value equal to at least 200% of the outstanding balance of the Loans. Only so much of the Collateral as is necessary to secure any outstanding Loan balance will be pledged. William B. Levy, President of Turner Industries, Inc., a dealer in new and used metal-working machinery for over 20 years appraised all of the Collateral and determined that it had a fair market value of $350,000 and a liquidation value of $262,500 as of April 25, 1984. Mr. Levy defines fair market value as the price at which a willing seller would sell and a willing buyer would buy, neither being under duress nor compulsion to do so. He defines liquidation value as a "forced sale" at which the seller is under duress or compulsion to sell. Mr. Levy represents that the Employer has accounted for less than one half of one percent of his firm's business. The Employer represents that all of the Collateral is free and clear of all liens and encumbrances.

6. Abbit, as investment manager of the Plan, represents the following: (a) Abbit is unrelated to the Employer and its principals except that Gary Verplank, the president of the Employer, serves as an elected director of the Abbit Fund, an open-end mutual fund for which Abbit is the investment advisor; (b) Mr. Verplank has no other relationships with any organization in control of or controlled by Abbit and will exercise no influence on Abbit with respect to the proposed transactions; (c) Abbit will obtain an independent appraisal of the Collateral to be pledged from a qualified appraiser before authorizing any Loan; (d) Abbit will not authorize any Loans unless the Collateral to be pledged has a liquidation value of at least 200% of the outstanding balances of all Loans; (e) in the event that the liquidation value of the pledged Collateral falls below 200% of the outstanding balances of the Loans, Abbit will require the Employer to provide additional collateral or pay off a percentage of the Loans such that the Collateral has a liquidation value equal to at least 200% of the remaining outstanding balances of the Loans; (f) the interest rate proposed for the Loans is a fair market rate given that the Loans are fully secured and the Employer has a $1,000,000 unsecured line of credit from the Old Kent Bank and Trust Company at prime plus one half percent; (g) Abbit reviewed the Plan's investment portfolio and determined that the Loans fit into the Plan's overall investment scheme; (h) Abbit will not cause any Loan to be made if the rate of return on the Loan is less than the rate of return on the investment in which the proposed Loan funds are then currently invested; (i) Abbit will monitor the repayment of the Loans and call in the Collateral upon default under any of the Loans; and (j) based on the foregoing, the proposed transactions are in the best interest of the participants and beneficiaries of the Plan. Abbit further represents that prior to authorizing the Plan to enter into any particular Loan, Abbit will verify the previously made representations and will specifically determine that entering into a particular Loan is in the best interest of the Plan, its participants and beneficiaries.

7 In summary, the applicant represents that the proposed Loans satisfy the statutory criteria of section 408(a) of the Act because: (a) The Loans will be adequately collateralized; (b) Abbit, the Plan's independent investment advisory, will approve each Loan, monitor their repayment and call in the Collateral in case of default; and (c) Abbit has determined that the Loans are in the best interests of the participants and beneficiaries of the Plan.

For Further Information Contact: David Cohen of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Hastings Construction Co., Inc. Profit Sharing Plan (the Plan) Located in Hastings, Minnesota

[Application No. D-5205]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply for a period of six years to: (1) The proposed sales by Hastings Construction Co., Inc., (the Employer), the sponsor of the Plan, of its interests in contracts for deed or residential first mortgage loans (collectively, the Contracts) to the Plan, provided that the terms and conditions of such sales are at least as favorable to the Plan as those which the Plan could receive in similar transactions with an unrelated party; and (2) the guarantee of the Contracts by the Employer, Donald Gustafson (Gustafson), and his wife and Paul W. Lawrence (Lawrence) and his wife.

Effective Date: If this proposed exemption is granted, the effective date will be May 15, 1984.

Summary of Facts and Representations

1. On May 15, 1981 (46 FR 26949), the Department granted a temporary exemption (PTE 81-37) which permitted for a period of 3 years beginning May 15, 1981 the sales by the Employer of its interests in Contracts to the Plan. The applicant is requesting an exemption herein which will permit the continuation of such sales for a period of 6 years from May 15, 1984.

2. The Plan is a profit sharing plan with nine participants. As of March 31, 1983, the Plan had net assets of $950,836. Lawrence and Gustafson each own 50% of the stock of the Employer. The trustees (the Trustees) of the Plan are Lawrence and Gustafson.

3. The Employer purchases undeveloped real estate, sub-divides the same, constructs homes on the real estate and obtains mortgages thereon. The Employer then sells the homes to purchasers under a contract for deed or a residential first mortgage loan. A contract for deed is a contract whereby the owner in fee simple absolute (the Vendor), or the Vendor's assignee agrees by contract to convey to the buyer (Vendee) by a warranty deed, accompanied by an abstract of title or torrens certificate showing good and marketable title in the Vendor, the fee simple title to the premises upon the payment by the Vendee of the principal and interest due from the Vendee to the Vendor under the contract for deed. A residential first mortgage loan may be a conventional, FHA or VA loan. The Employer is requesting an exemption for a six-year period to sell the above described Contracts to the Plan for a cash purchase price of the lesser of the Employer's cost or the market value of the Contract. If the Employer receives any premium or additional consideration in connection with such contracts, such premium will be passed along to the Plan. The Employer will receive no financial benefit from any Contract sold to the Plan. The proposed exemption would also exempt the guarantee of the Contracts by the Employer, Gustafson and his wife and Lawrence and his wife in such transactions.

4. The Contracts that the Employer is proposing to sell to the Plan are not seasoned in the sense that they have not been in existence for any period of time. The proposed transactions would involve new construction by the Employer. In making residential loans and reviewing residential loan applications, the Employer will follow the Federal National Mortgage Association (FNMA) guidelines. The factors influencing acceptability would include the credit record and financial statements of the loan applicant, the ratio between expenses to be assumed as a result of the loan and the stabilized income of the applicant, verification of employment, the age and condition of the property offered as security (determined by inspection), the value of the security and the ratio of the loan sought to the value of the security. The Plan will not purchase any Contract where the loan to value ratio exceeds 85% and any Contract where the Plan does not have the first interest in the property underlying the Contract.

5. The Plan will not purchase any Contract which upon its purchase would put the value of all Contracts owned by the Plan at 50% or more of the current value of the assets of the Plan. No more than 10% of Plan assets will be invested in any one Contract and the Plan will not purchase more than one Contract from any mortgagor or Vendee. All Contracts purchased by the Plan will meet all FNMA underwriting criteria. Also, there will be an appraisal of the underlying security by an FNMA approved independent appraiser prior to any purchase of a Contract by the Plan. In addition, the purchaser of the property will be required to maintain casualty insurance on the property subject to the contract at all times during the term of the Contract.

6. Prior to any purchase by the Plan of the Employer's interest in a Contract, a party unrelated to the Plan or the Employer, Mr. John Poepl (Poepl), president of the Vermillion State Bank in Vermillion, Minnesota, will determine whether each such transaction is a suitable investment for the Plan and that the terms of the proposed transactions are at least as favorable to the Plan as those which the Plan could receive in the same type of transaction with an unrelated party. Poepl acknowledges his role as an independent fiduciary of the Plan and represents that he is aware of his duties and responsibilities as such under the Act. No Contract will be purchased by the Plan in which the annual return is less than 12%. Poepl will also supervise the servicing of all transactions. The Employer will service the Contracts at no cost to the Plan. In addition, the Trustees represent that the proposed transactions are in the best interests and protective of the participants and beneficiaries of the Plan.

7. The Employer, Gustafson and his wife and Lawrence and his wife jointly and severally guarantee as follows:

To repurchase, at the higher of the Plan's cost or the current market value, any contract with accrued interest more than three months delinquent in payments at any time during the life of the Contract. If the Employer has not purchased the Contract for deed with the accrued interest within ten days of the Contract being three months in arrears in payments, Gustafson and his wife or Lawrence and his wife shall do so within ten days thereafter.

8. As of June 30, 1983, the Employer had total net assets of $1,973,600. As of December 31, 1982, Lawrence and his wife had total assets in excess of $8,000,000 and Gustafson and his wife had assets in excess of $4,500,000.

9. The Plan has invested in contracts for deed since 1967 Since 1967, there have never been any defaults that have not been cured on any contracts for deed or mortgages thereon, except one contract for deed where the house was repossessed and resold at a gain to the Plan. During the period that PTE 81-37 was in effect, the Plan purchased Contracts in the amount of $394,580. As a return on the Contracts, the Plan received yearly $51,481 in interest and $18,625 in discounts which gave the Plan a net return on the Contracts of 17.8%.

10. The applicants represent the proposed transactions will satisfy

section 408(a) of the Act as follows: (1) The Trustees represent that the proposed transactions are in the best interests of the participants and beneficiaries of the Plan; (2) the proposed transactions will be approved and monitored by an independent party; (3) the exemption will be a temporary exemption for six years; (4) the Plan will receive a high rate of return on its investments; and (5) the Employer, Gustafson and his wife and Lawrence and his wife will provide guarantees.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

R.A. Flucke, D.D.S., J.E. Malcolm, D.D.S. & Associates, P.C. Retirement Plan (the Plan) Located in Three Rivers, Michigan

[Application No. D-5210]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth In ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale to Dr. J.E. Malcolm (Dr. Malcolm), a party in interest with respect to the Plan, of a certain parcel of improved real property (the Property) by the individually directed account (the Account) of Dr. Malcolm in the Plan, for cash in the amount of $125,000, provided that such amount is not less than the fair market value of the Property at the time the transaction is consummated.

Summary of Facts and Representations

1. The Plan is a money purchase pension plan which had five participants and net assets of approximately $1,588,214 on September 30, 1983. The Trustees (the Trustees) of the Plan are Dr. R.A. Flucke and Dr. Malcolm, who are also the sole shareholders of R.A. Flucke, D.D.S., J.E. Malcolm, D.D.S. & Associates, P.C. (the Employer). Generally, investment decisions for the Plan are made by the Trustees, however, on May 5, 1980, the Plan was amended to permit participants to direct the investment of all or a portion of the assets in their accounts. Pursuant to this amendment, Dr.Malcolm was granted the authority to direct the investment of a portion of the Account. As of September 3, 1983, Dr. Malcolm had assets of approximately $478,843 in the Account.

2. The Account, at the individual direction of Dr. Malcolm, purchased the Property on May 10, 1980 from an unrelated party for cash in the amount of $116,302.49. Since its purchase by the Account the Property has been leased to various unrelated parties. The applicant represents that the Property has never been used by or leased to a party in interest with respect to the Plan. The Property, which consists of a single family waterfront ranch home located at 505 South Shore Drive, Osprey, Florida, was purchased by the Account with the expectation of appreciation and a favorable rate of return. The applicant states that the anticipated appreciation has not occurred and that the Property has not produced an appropriate rate of return. Based on the income produced and expenditures incurred by the Account with respect to the Property, the Account suffered a net loss from the Property of $955 in 1980, and net annual returns of approximately 4.9 percent in 1981, 2.8 percent in 1982 and 4.8 percent in 1983. The net annual return for 1984 is expected to be approximately 5 percent. The applicant represents that income received by the Account from rentals of the Property has exceeded the total expenses incurred by the account with respect to the holding of the Property.

3. The applicant states that the Property should now be sold and that a sale of the Property would give the Account greater liquidity and would allow the Account to take advantage of investment opportunities in higher yielding securities. The Property was appraised on March 20, 1984 by Mr. John C. Bower (Mr. Bower), R.M., an appraiser with R.W. Gormley and Associates, Inc., Sarasota, Florida. Mr. Bowers, who is independent of Dr. Malcolm and the Employer, stated that the fair market value of the Property as of March 20, 1984, was $125,000. Dr. Malcolm proposes to purchase the Property from the Account for cash in the amount of $125,000. No commissions or fees will be paid by the Plan with respect to the proposed sale.

4. In summary, it is represented that the transaction satisfies the statutory criteria of section 408(a) of the Act because:

(a) The sale will be a one time transaction for cash;

(b) The sale price will be the Property's appraised fair market value of $125,000, provided that such amount is not less than the fair market value of the Property on the date of sale;

(c) No commissions will be paid by the Account:

(d) The sale will allow the Account to dispose of an asset producing a low rate of return and to reinvest the proceeds in other investments;

(e) Dr. Malcolm is the only participant of the Plan to be affected by the transaction; and

(f) Dr. Malcolm has determined that the proposed transaction is appropriate for and in the best interest of the Account, and he desires that the transaction be consumated by the Account.

Notice to Interested Persons

Because Dr. Malcolm is the only participant in the Plan to be affected by the proposed transaction, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and requests for a public hearing are due 30 days after the date of publication in the Federal Register.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8972. (This is not a toll-free number.)

George Kadian, M.D. and Herbert W. Rossin, M.D., P.C. Employees' Pension and Profit Sharing Plans (the Plans) Located in Birmingham, Michigan

[Application Nos. D-5221 and D-5222]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exmeption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed cash sale of an unimproved parcel of real property (the Property) in which each of the Plans has an ownership interest to a partnership, as described herein, which will be a party in interest with respect to the Plans; provided that the price paid for the Property is no less than its fair market value at the time the sale is consummated.

Summary of Facts and Representations

1. The Plans are a defined benefit plan (the Pension Plan) and a defined contribution plan (the Profit Sharing Plan). As of June, 1984, the Pension Plan had 11 participants and the Profit Sharing Plan had 5 participants. Drs. George Kadian and Herbert W. Rossin serve as the trustees of the Plans (the

Trustees) and are responsible for the Plans' investment decisions. The Trustees are the principals of the sponsor of the Plans, the George Kadian, M.D. and Herbert W. Rossin, M.D., P.C. (the Employer). As of May, 1983, the Pension Plan had total assets of $744,085, and as of March, 1983, the Profit Sharing Plan had total assets of $426,881.

2. On September 7 1982, the Plans purchased the Property from Citrin Associates (Citrin), an unrelated party, for $352,113. The Property consists of approximately 2.67 acres of vacant land located in Bingham Farms, Michigan. The Pension Plan acquired an undivided 75% interest in the Property, and the Profit Sharing Plan acquired the remaining 25% interest in the Property. The Property represented approximately 35% of the Pension Plan's assets as of the date of purchase, and approximately 23% of the Profit Sharing Plan's assets as of the date of purchase. The applicant represents that the purpose of the purchase was to obtain an investment for future appreciation. The Employer currently leases office space in a building located near the Property.

On the same date as above, September 7, 1982, RBK Investment Company (RBK), a partnership in which the Trustees have a controlling interest, purchased a parcel of property located adjacent to the Property (the Adjacent Parcel) from Citrin for total consideration of $147,323.

3. Since the date of purchase the Plans have paid real estate taxes with respect to the Property in the total amount of approximately $8,000. Approximately $4,400 of the real estate taxes are city taxes prepaid for the period July 1, 1983, through June 30, 1984, and approximately $3,500 of the taxes are county taxes prepaid for the period December 1, 1983, through November 30, 1984. The Plans paid these taxes according to their respective percentage ownerships in the Property.

4. The applicant represents that there has been interest in the construction and lease of new medical office and clinic space in the area of the Property and the Adjacent Parcel which would need land area greater than either of the above parcels individually. The applicant therefore seeks an exemption for the Plans to sell the Property to a developer which will be a partnership (the Partnership) in which the Trustees and/or RBK will have an interest. The exact composition of the Partnership is not known at this time pending approval of this exemption request. The Partnership will then be able to develop both parcels of property in connection with the construction of the building.[17]

5. Messrs. Leo L. Majzels, S.R.E.A.–A.S.A. and L. Richard Parker, senior appraiser of the Appraisal Division of the firm Cushman & Wakefield located in Southfield, Michigan, appraised the Property and determined that as of March 1, 1984, it had a fair market value of $407,050. Pursuant to the request of the applicant Mr. Majzels made an analysis of the excess value or assemblage value created by combining the Property with the Adjacent Parcel. Because each parcel contributes to the other somewhat more than its own individual value because of the adjacent location of the parcels, Mr. Majzels determined that excess value in the total amount of $24,175 is created by the combination of the two parcels. Mr. Majzels opines that 65% of the special value should be attributed to the Property and 35% of the special value attributed to the Adjacent Parcel thereby rendering the value of the Property, as of March 1, 1984, to be $422,750 (407,050 plus 15,714 (24,175 x 65%)). Pursuant to the determination of an independent fiduciary appointed for the purpose of rendering fiduciary responsibility with respect to the proposed sale of the Property (see paragraph 7 below) the Plans will receive the entire excess value attributed to the parcels thereby realizing a total sales price of $431,225.

6. The Plans propose to sell the Property for its full appraised value of $431,225, provided that this amount is not less than its fair market value on the date of sale. The Plans will also receive a pro-rated reimbursement of the unearned portion of the real estate taxes which they had prepaid. The Plans will receive consideration for the sale according to their respective percentage ownership in the Property. The Plans will not pay any commissions or expenses with regard to the sale of the Property.[18]

7. The First of America Bank-Detroit, N.A. (the Bank) has been appointed to serve as the independent fiduciary for the Plans with respect to the proposed sale of the Property. The Bank acknowledges its duties, responsibilities, and liabilities as a fiduciary for the Plans with respect to the Property. The Bank does not have any commercial, financial or business relationships with the Employer or any other interested party. The Bank has completely reviewed all relevant documents involving the proposed sale including the Plans' financial statements and the appraisals, and has determined that the sale of the Property is in the best interests of the Plans and their participants and beneficiaries. In this regard the Bank represents that it is recommended for the Plans to shift assets out of real estate and into financial assets at this time because it expects that inflation rates will remain low thereby minimizing the appreciation potential on real estate. The Bank represents that the current opportunity to sell the Property may not exist indefinitely thereby rendering a current sale of the Property in the best interests of the Plans. The Bank further represents that the sale of the Property at its appraised market value will enable the Plans to realize a substantial return on investment from the Property.

8. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act because (a) the sale will be a one-time transaction for cash; (b) the Bank will serve as the fiduciary for the Plans with respect to the Property and has determined that the sale of the Property will be in the best interests of the Plans; (c) the Plans will receive the fair market value of the Property as determined by independent appraisers; and (d) the Plans will not incur any expenses with respect to the sale.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Bell, Orr, Ayers and Moore P.S.C. Profit Sharing Plan (the Plan) Located in Bowling Green, Kentucky

[Application No. D-5237]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is

[17] Prior to 1984, the Plans incurred total expenses in the amount of $53,204 in connection with preliminary planning, design and other costs associated with the potential development of the Property. When it was determined that development in conjunction with the Adjacent Parcel was being contemplated by a potential purchaser no further expenses were made by the Plan, and the $53,204 was reimbursed in total to the Plans by an agent of the potential purchaser. To the extent such expenditures by the Plans and repayment by the party in interest constituted prohibited transactions or other violations of Part 4 of Title I of the Act no exemptive relief is proposed herein.

[18] In this proposed exemption the Department expresses no opinion as to whether the Plans' acquisition of the Property violated any provision of Part 4 of Title I of the Act.

granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply, effective July 1, 1984, to the lease of space in an office building by the Plan to Bell, Orr, Ayers, and Moore, P.S.C. (the Employer), the sponsor of the Plan provided that the terms and conditions of the lease are on terms not less favorable than those terms available with an unrelated party.

Effective Date: If granted, this exemption will be effective July 1, 1984.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 17 participants. As of December 31, 1983, the Plan had total assets of approximately $1.7 million. Messrs. Joe B. Orr, Jerry L. Moore and Ms. Barbara Strickler, employees of the Employer, serve as the trustees of the Plan and have investment discretion with respect to its assets. Messrs. Orr and Moore are each shareholders of the Employer.

2. The Employer is a corporation engaged in the practice of law. Nashland, Inc. (Nashland) was a for-profit corporation wholly-owned by the Employer which owned a parcel of real property improved by a three story office building located at 1020 College Street, Bowling Green, Kentucky (the Property). The Property is known as the Chancery Building. The stock of the Nashland was contributed to the Plan in 1971 and 1972 thereby causing the Plan to own and have title to all of the stock of Nashland. On June 9, 1975, a tax-exempt corporation named Chancery Building, Inc. (Chancery) was incorporated and the stock of Nashland was transferred by the Plan to Chancery. Nashland was then disssolved and as part of the liquidation process the Property was conveyed by deed to Chancery. Thus, Chancery, which is owned by the Plan, became the record title owner of the Property.

3. On April 19, 1969, the predecessor partnership to the Employer (Bell, Orr, Ayers, and Moore, partnership) entered into an oral lease (Oral Lease) with Nashland covering the second floor of the building. The other two floors in the building were leased to unrelated parties. Under the terms of the Oral Lease, the lessee was to lease the space and pay a monthly rental sufficient to pay the taxes, expenses, and debt on the building which was then being constructed by Nashland. This amount was determined to be $40,800 per year ($3,400 a month) which equalled $6.28 per square foot. The applicant represents that this rental was well above market at that time, but by July 1, 1984, the expiration date of the initial fifteen year term of the Oral Lease the rental will be below fair market rental value. The Oral Lease was reduced to writing on July 1, 1975. The Plan, upon its acquisition of Nashland stock in 1971 and 1972 acceded to all of the rights of the lessor of the Property and has received rentals from the Employer pursuant to the lease.

The applicant represents that under Kentucky law the Oral Lease constituted a binding contract in effect on July 1, 1974 between the Plan and the Employer, and therefore is provided transitional relief by section 414(c)(2) of the Act.[19]

4. The applicant seeks an exemption for the Plan to continue leasing space in the Property to the Employer beyond June 30, 1984. The applicant proposes to cancel the existing lease and enter into a new lease with the Employer for a period of ten years effective July 1, 1974. The new lease will have an initial monthly rental of $4,915 which equals an amount equal to $9.00 per square foot. The lease would provide that the rental will be adjusted every two years to its then current fair market rental value as determined by an independent appraiser chosen by the Plan's independent fiduciary (see 7 below). The lease provides that the lessor, the Plan, will pay for all costs and expenses associated with the operation of the building except telephone expenses. The Employer manages the operation of the office building.[20]

5. Mr. Harold Brantley, M.A.I., of Harold Brantley Appraisal Company located in Bowling Green, Kentucky, appraised the Property and determined that, as of December 31, 1983, the fair market rental for the office space used by the Employer is $9.00 per square foot. One lessee in the building, the Western Kentucky Gas Company (Western), pays $3.34 per square foot for its space, a substantially lesser rent paid by both the Employer or the other tenant, the Commonwealth of Kentucky ($6.25 per square foot for its space). The lease to Western takes into account the fact that the tenant pays for all of its utilities and pays for its own janitorial services. The applicant represents that the leases to these parties were at fair market rental values when they were entered into. Mr. Brantley also determined that, unencumbered by the below current market rate lease to Western, the Property, as of December 31, 1983, had a fair market value of $780,000. Mr. Brantley determined that the Property as encumbered by the Western lease had a fair market value of $713,500. Because the Employer leases approximately one third of the space in the building the value of the property subject to lease to the Employer (approximately $237,700) constitutes approximately 14% of the Plan's assets. The fair market value of the Property as encumbered by the lease to Western constitutes approximately 42% of the Plan's assets.[21]

6. Chancery also owns on behalf of the Plan a small parking lot located in the vicinity of the Property. This lot was contributed to the Plan by the Employer on July 15, 1975.[22] Mr. Brantley determined that this parcel of property had a fair market value, as of December 31, 1983, of $33,900. The applicant represents that this lot has not been used by the Employer in any manner but has been utilized as a parking lot by employees of the Commonwealth of Kentucky. The Plan does not receive any direct lease payments from the Commonwealth of Kentucky for its use. The right to use the lot is included in the monthly rental paid by the tenant.

7 On March 29, 1984, the Employer entered into an agreement with the Citizens National Bank of Bowling Green, Kentucky (the Bank) to serve as the independent fiduciary for the Plan with regard to the continued holding of the Property by the Plan and the lease of the Property by the Plan to the Employer. The Bank has de minimus relationships with the Employer as the only commercial relationship between the parties has been a checking account maintained by the Employer in the Bank with a maximum balance of $10,000. As well, the Bank represents that it has a policy to employ attorneys to perform certain legal work, such as the probate of a will, when the Bank is prohibited from doing so because it may constitute the unauthorized practice of law. The Bank represents that pursuant to this

[19] The Department expresses no opinion herein as to whether the lease satisfies the requirements for transitional relief under section 414(c)(2) of the Act and the regulations promulgated thereto. In this regard the Department notes the provision of section 414(c)(2) of the Act stating that such lease between a plan and a party in interest must remain at least as favorable to the plan as an arm's-length transaction with an unrelated party would be.

[20] The Department expresses no opinion herein as to whether the Plan's payment of costs and expenses to the Employer in connection with the operation of the building satisfies the statutory provisions of section 408(b)(2) of the Act.

[21] The Department expresses no opinion herein whether the continued holding of the Property is consistent with provisions of Part 4 of Title I of the Act.

[22] To the extent this past contribution of Property to the Plan by the Employer violates provisions of Part 4 of Title I of the Act, the Department is not proposing exemptive relief for such transaction herein.

policy the Employer has been employed on limited occasions.

8. The Bank has had extensive experience with managing employee benefit plan assets. The Bank acknowledges that it is a fiduciary to the Plan with respect to the holding of the Property and states that it understands its duties, liabilities, and responsibilities involved as a fiduciary for the Plan.

9. The elements surrounding the Plan's holding of the Property have been completely reviewed and the Bank has determined that such continued holding is appropriate, suitable and in the best interest of the Plan. Among the factors which have been reviewed are the Property's rental income structure, operating expenses, cash flow generated from the investment and the appreciation in the fair market value of the Property. The Bank has determined that because the Property is fully rented to substantial tenants and is located in a desirable location, that the continued holding of the Property is in the best interest of the Plan. The Bank has the authority to sell the Property if it concludes that the investment does not remain appropriate for the Plan.

10. With respect to the lease, the Bank has reviewed all of the terms of the lease between the Employer and the Plan and has determined that such terms are appropriate, suitable and in the best interest of the Plan. The Bank represents that the fair market rental value of the space to be leased to the Employer as of March 28, 1984, was $4,915 per month ($9.00 per square foot), which is the amount to be paid by the Employer under the lease. The Bank represents that the Plan's payment of real estate taxes, insurance, utilities, maintenance and janitorial services are indirectly reflected in the rental payments. The Bank states that it is customary in the leasing of property where there are several tenants in a multi-story building for the lessor to pay the taxes, insurance, utilities, maintenance and janitorial services and to charge the tenant as rent a gross amount which entitles the tenant to the use of the space without the tenant being required to pay for any of the enumerated additional costs.

11. The Bank will review the payments of rent under the lease and will enforce the rights of the Plan under the lease. The Bank will further review the terms of any extension of the lease beyond June 30, 1994, and insure that the terms and conditions of such renewal continue to be appropriate, suitable and in the best interest of the Plan. The Bank represents that it would not anticipate approving a renewal of the lease unless it contains a provision that monthly rentals would be subject to adjustment at least every two years.

12. In summary, the applicant represents that the transaction satisfies the statutory criteria of section 408(a) of the Act because (a) the Bank, a qualified, independent fiduciary has agreed to serve as the fiduciary for the Plan with respect to the continued holding of the Property and its lease to the Employer, and has determined that such actions are appropriate, suitable, and in the best interests of the Plan; (b) the fair market rental value of the Property has been determined by an independent appraiser and such rental will be adjusted throughout the lease term every two years to fair market rental value as determined by an independent appraiser; and (c) the fair market value of the Property that is leased to the Employer constitutes approximately 14% of the Plan's assets.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8831. (This is not a toll-free number.)

Rainier News, Inc. Profit Sharing Plan (the Plan) Located in Everett, Washington

[Application No. D-5261]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the code shall not apply, effective January 1, 1975, to the loan of $100,000 made on September 14, 1974, by the Plan to Mr. Robert L. Spencer (Mr. Spencer), provided the terms of the loan were not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time the loan was made.

Effective Date: If the proposed exemption is granted, it will be effective January 1, 1975 through May 31, 1984.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with approximately 34 participants. As of December 31, 1982, the Plan's assets had a total market value of approximately $534,800. All decisions regarding the investment of Plan assets are made solely by the trustee, Olympia Bank of Everett, Washington (the Bank).

2. Rainier News, Inc. (the Employer) is a Washington corporation engaged in the wholesale magazine and book business. Mr. Spencer is the president of the Employer.

3. On September 14, 1974, the Plan loaned $100,000 to Mr. Spencer. The loan proceeds were utilized for the construction of corporate offices and a warehouse on a building lot owned by Mr. Spencer located at 1122-80th St. S.W., Everett, Washington (the Property). The Property was subsequently leased by Mr. Spencer to the Employer, and has at all times thereafter been the Employer's headquarters.

4. The loan was repayable over a 20 year period in equal monthly payments of $416.67 principal, plus accrued interest on outstanding balances of the principal. The interest rate was 10%, adjusted on December 31 of each year in accordance with a formula based upon the bank prime rate, with a minimum of 8% and a maximum of 10%. The Bank, which is the Plan's independent fiduciary, represents that the terms of the loan were arm's-length terms based upon customary lending practices in the Everett area during 1974.

5. The collateral for the loan was a first mortgage on the Property. The mortgage was properly recorded under the laws of the State of Washington. The applicant represents that total construction and land costs for the Property were approximately $230,000, so the collateral-to-loan ratio was at least 230% at the time of the loan. The applicant represents that the Insurance Company of North America has determined the estimated building value of the Property to be $418,000 as of June, 1983.

6. The Bank has been responsible for monitoring the loan transaction throughout its duration. The Bank has been responsible for collecting principal and income due on the loan, and has had the power to use legal proceedings to collect any sum of money due the Plan on the loan. The Bank represents that all payments have been made on a timely basis throughout the loan, and that the entire loan has been repaid in full to the Plan as of May 31, 1984.

7. In summary, the applicant represents that the statutory criteria contained in section 408(a) of the Act have been satisfied as follows: (1) The interest rate paid to the Plan for the loan was an arm's-length rate based upon customary lending practices in the area at the time of the loan; (2) the loan was at all times adequately secured by a first mortgage having a fair market value several times the principal amount of

the loan; and (3) all payments on the loan were made on schedule, and the loan has now been repaid in full to the Plan.

Finally, the applicant represents that the loan was entered into prior to the effective date of the Act without knowledge that the transaction would become prohibited on January 1, 1975. As soon as the applicant realized that the loan had become a prohibited transaction, the applicant submitted a good faith request for an exemption instead of terminating the loan transaction.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Metro Bank Corp. Retirement Plan (the Retirement Plan) and the Metro Bank Corp. Profit Sharing Plan (the Profit-Sharing Plan; collectively, the Plans) Located in Denver, Colorado

[Application Nos. D-5404, D-5405]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale by the Plans of two notes (the Notes) to the Metro National Bank (the Employer), the sponsor of the Plans, for cash in the amount of the greater of the outstanding balances of the Notes or the fair market value of the Notes at the time of sale.

Summary of Facts and Representations

1. The Retirement Plan is a defined benefit plan which as of December 31, 1983 had 87 participants and assets of $564,778. The Profit Sharing Plan is a profit sharing plan which as of December 31, 1983 had 89 participants and assets of $414,489. The trustee (the Trustee) of the Plans is the United Bank of Denver, N.A. located in Denver, Colorado. The Trustee, which is independent of the Employer, has discretion with regard to the investment decisions of the Plans. As a part of their assets, the Plans own the Notes. Each Note is held in common by the Plans. One Note in the original principal amount of $250,000 was executed by O.F.C. Investments (OFC), a general partnership. OFC and its general partners are not in any way related to the Employer or the Plans. This Note provided that commencing September 10, 1979, monthly payments of principal and interest of $3,443.78 would be paid by OFC to the Plans with a balloon payment on the date of maturity, which is September 9, 1989. This Note is secured by a mortgage on certain real property located in the State of Wyoming. The interest rate on this Note is 11%. The second Note was in the original amount of $115,000, executed on September 26, 1980 by Vail Valley Partners, a Colorado general partnership. Vail Valley Partners and its general partners are not in any way related to the Employer or the Plans. Such Note bears interest at the rate of 13% per annum and is payable in equal monthly installments of $1,347.80 with a balloon payment on October 1, 1985 of the unpaid balance. This Note is secured by a deed of trust with respect to real property located in the State of Colorado. The current principal balance on the Note from OFC is $166,174.47 of which $86,174.47 is allocated to the Retirement Plan and $80,000 of which is allocated to the Profit-Sharing Plan. The current principal balance on the Note from Vail Valley Partners is $109,613.16, of which $27,403.30 is allocated to the Retirement Plan and $82,209.86 of which is allocated to the Profit Sharing Plan. The payments under each of the Notes are current at the present time.

2. The Employer is requesting an exemption which will permit it to purchase the Notes from the Plans at the greater of the outstanding balances of the Notes or the fair market value of the Notes at the time of sale. The Trustee represents that the proposed transaction is in the best interest of the participants and beneficiaries of the Plans. The Trustee has attempted to sell the Notes on the open market and has not been able to obtain an offer which was at least equal to the outstanding balances of the Notes. In addition, an independent party, the First Interstate Bank (the Bank) located in Denver, Colorado has examined the Notes. The Bank represents that as of February 8, 1984, due to the low fixed interest rates and the "term nature" of the Notes, it would not consider them to be worth the outstanding balances and that in order for the Plans to sell them they would have to discount them, using a realistic market rate.

3. The applicant represents that, if the Plans cannot sell the Notes, the Notes which constitute a significant percentage of Plans' assets, will continue to earn interest for the Plans at a rate which is less than the Plans could obtain in more secure investments. Also, the continued holding of the Notes could constitute liquidity problems for the Plans. In addition, the Plans are subject to some risk in holding the Notes as they are dependent upon the value of the real property securing the Notes. The applicant further represents that the transaction would provide no profit to the Employer and is being proposed only to increase the return and safety of the assets of the Plans.

4. The applicant represents that the proposed transaction will satisfy the criteria of section 408(a) of the Act as follows: (1) The Plans will be able to sell the Notes at a price at least equal to their fair market value; (2) the Trustee represents that the sale is in the best interests of the participants and beneficiaries of the Plans; (3) the Trustee has been unable to sell the Notes at an equivalent price to an unrelated party; (4) an independent party, the Bank, has verified the fairness of the sales price; (5) the sale will enable the Plans to diversify their assets; and (6) the Plans will have cash to invest in a higher yielding investment.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction;

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 2nd day of July, 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Fiduciary Standards, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-17985 Filed 7-5-84; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities Under OMB Review

The following are those packages submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 CFR Chapter 35).

Subject: 12 CFR 702.2 REGULAR RESERVE

The regulation requires an FCU to submit an application in writing to the Regional Director, including board authorization, statement of need, a copy of the FCU's current financial statement, and a current delinquent loan list when an FCU desires to decrease regular reserves or to charge to regular reserve losses other than losses on loans.

Respondents: Federal Credit Unions.

OMB Desk Officer: Judith McIntosh.

Copies of the above information collection clearance packages can be obtained by calling the National Credit Union Administration, Special Projects Officer, on 202-357-1080.

Written comments and recommendations for the listed information collections should be sent directly to the OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503, Attn: Judith McIntosh.

Dated: June 27, 1984.

Rosemary Brady,

Secretary of the NCUA Board.

[FR Doc. 84-17933 Filed 7-5-84; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Overview Section) to the National Council on the arts will be held on July 24-25, 1984, from 9:00 a.m. to 5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on July 24, from 9:00 a.m. to 5:30 p.m. and on July 25, from 9:00 a.m. to 12:30 p.m. The topics for discussion will include: Five-Year Plan, Reauthorization, Educational Projects, Blind Judging and Updates on Music Program Projects.

The remaining sessions of this meeting on July 25, from 1:30 p.m. to 5:30 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: June 29, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-17939 Filed 7-5-84; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Publication of Subagreement No. 1 Between U.S. NRC and the Illinois Department of Nuclear Safety

SUMMARY: Section 274i. of the Atomic Energy Act of 1954, as amended, allows the Commission to enter into agreements with the States "to perform inspections or other functions on a cooperative basis as the Commission deems appropriate." Section 274i MOUs differ from agreements entered into between NRC and a State under the "Agreement State" program; the latter is accomplished only by entering into an agreement under Section 274b. of the Atomic Energy Act. A 274i. MOU can be entered into by a State whether or not it has a 274b. agreement.

In April of 1984, an "umbrella" MOU was signed by the NRC and the State of Illinois, providing principles of cooperation between the State and NRC in areas of concern to the State.

Subagreement #1 provides the basis for mutually agreeable procedures whereby the State may perform inspection functions for and on behalf of the Commission at certain reactor and materials licensees' facilities which generate low-level radioactive waste.

FOR FURTHER INFORMATION CONTACT:

Roland Lickus,
Director, State and Government Affairs, U.S. NRC, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137 (Telephone 312/790-5566).

Dated at Glen Ellyn, IL this 15th day of June 1984.

For the U.S. Nuclear Regulatory Commission.

R. L. Spessard,

Acting Regional Administrator.

Subagreement 1 Pertaining to Low-Level Radioactive Waste Inspection Between the State of Illinois and the U.S. Nuclear Regulatory Commission

The State of Illinois, in fulfilling its obligations under the Low-Level Radioactive Waste Policy Act (Waste Policy Act) Pub. L. 96-573, contemplates that it will make periodic inspections of the areas of low-level radioactive waste packaging and transport activities and premises of generators located within its borders if shipments of such waste are destined for low-level waste disposal facility.

The United States Nuclear Regulatory Commission (NRC or Commission) has the statutory responsibility to inspect its licensees to determine compliance with NRC requirements, including requirements pertaining to the shipment,

packaging and transportation of low-level radioactive waste. In the exercise of this responsibility, the Commission regularly conducts a review of the transportation programs of its licensees including the licensees' procedures for quality assurance, packaging, marking, labeling and loading of vehicles. This transportation program review usually has been found adequate to ensure licensee compliance with the Commission's regulations regarding low-level radioactive waste packaging and transportation without the need for Commission inspection of each individual shipment.

Under Section 274i. of the Atomic Energy Act of 1954, as amended, the Commission in carrying out its licensing and regulatory responsibilities under the Act is authorized to enter into Memoranda of Understanding (agreements) with any State to perform inspections or other functios on a cooperative basis as the Commission deems appropriate. While the Commission does not conduct on-site inspections of every low-level waste shipment of its licensees, it desires to foster the goals of the Waste Policy Act and the State of Illinois.

Accordingly, this Memorandum of Understanding between the State of Illinois and the NRC establishes mutually agreeable procedures whereby the State may perform inspection functions for and on behalf of the Commission at certain NRC reactor and materials licensees' facilities which generate low-level radioactive waste.

It is hereby agreed between the Commission and the State as follows:

1. The Commission hereby authorizes the State to perform, for and on behalf of the commission, the following functions with respect to low-level radioactive waste, as defined in Section 2(16) of the Nuclear Waste Policy Act of 1982, in the possession of Commission licensees located within the State:

(a) Inspections to determine compliance with the Commission's rules and regulations regarding the packaging and transportation of low-level waste destined for disposal at a commercial low-level radioactive waste disposal site, and

(b) Notification of Commission licensees and the Commmission in writing of any violation of Commission regulations disclosed by such inspections. All enforcement action pursuant to this Subagreement resulting from such inspections will be undertaken by the Commission.

The Commission does not normally evaluate the State's ability to perform such functions, however, the State agrees to utilize personnel knowledgeable in radiation safety, waste packaging requirements and packaging and transportation regulations. Such functions as are performed by the State pursuant to hereto shall be performed without cost or expense to the Commission, except for situations where NRC finds it appropriate to provide training to the State.

2. The authority to inspect NRC licensees pursuant to the preceding paragraph is limited to the licensee's low-level waste packaging and transportation procedures.

3. In taking any action authorized hereunder, the State shall call undertake to amend or revoke Commission licenses. This Memorandum, however, shall not be construed to preclude the State from exercising any authority lawfully available to it under its own laws.

4. Efforts will be made by both parties to avoid duplicative enforcement action against an NRC licensee for the same violation. However, this is not meant to preclude appropriate complementary actions for the same violation, such as termination of a user permit by the State and NRC enforcement action.

5. Nothing herein shall be deemed to authorize the State to inspect or otherwise enter the premises of any licensee of the Commission which is a Federal instrumentality without the prior consent of licensee.

6. Nothing herein shall be deemed to preclude or affect in any manner the authority of the Commission to perform any or all of the functions described herein.

7 Nothing herein is intended to restrict or expand the statutory authority of NRC or the State or to affect or vary the terms of any agreement in effect under the authority of Section 274b. of the Atomic Energy Act of 1954, as amended.

8. Nothing herein shall be deemed to permit the State to impose packaging or transport standards beyond those contained in Federal regulations.

9. The principal NRC contact under this Memorandum of Understanding shall be the Emergency Preparedenss and and Radiological Safety Branch Chief for reactor licensees and the Materials and Safeguards Branch Chief or materials licensees. The principal State contact shall be the Manager, Office of Waste and Transportation Management.

10. This MOU shall become effective upon signing by the Director, Department of Nuclear Safety, State of Illinois, and the Regional Administrator, Region III, Nuclear Regulatory Commission and shall remain in effect permanently unless terminated by either party on thirty days prior written notice.

Date this 7th day of June 1984 at Glen Ellyn, IL.

James G. Keppler,

Regional Administrator.

For the State of Illinois:

Don Etchison.

Dated this 11th day of June 1984 at Springfield, IL.

[FR Doc. 84-17681 Filed 7-5-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittees on Class-9 Accidents and Indian Point; Meeting

The ACRS Subcommittees on Class-9 Accidents and Indian Point will hold a combined meeting on July 23, 1984, in Room 1046, at 1717 H Street NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Monday, July 23, 1984—8:30 a.m. Until the Conclusion of Business

The Subcommittees will discuss New York Power Authority's developments in the source term area and the Indian Point PRA with regard to the severe accident policy.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements

and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Alan B. Wang (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., edt.

Dated: July 2, 1984.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 84-17969 Filed 7-5-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-2061-SC; ASLBP No. 84-502-01 SC]

Kerr-McGee Chemical Corp., Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to consider and decide an Answer and Demand for Hearing filed in response to an Order To Show Cause.

Kerr-McGee Chemical Corporation

West Chicago Rare Earths Facility Source Material License No. STA 583 (Kress Creek Decontamination)

This Board is being established pursuant to a Commission Order, dated June 28, 1984, concerning an Order To Show Cause issued on March 2, 1984, by the Director of the Office of Nuclear Material Safety and Safeguards, which ordered the Kerr-McGee Chemical Corporation to show cause why it should not be required to take certain actions with respect to the cleanup of radiologically contaminated areas in and along Kress Creek and the DuPage River, West Chicago, Illinois. 49 FR 9288 (March 12, 1984).

The Board is comprised of the following administrative judges:

John H. Frye, III, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Peter A. Morris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. James H. Carpenter, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland, this 29th day of June, 1984.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 84-17970 Filed 7-5-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Proposed Policy Letter on the Federal Acquisition Regulations System

AGENCY: Office of Management and Budget.

ACTION: Notice for comment.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies and the private sector on a proposed OFPP policy letter on the Federal Acquisition Regulations System.

DATE: Comments are due on or before August 17 1984.

FOR FURTHER INFORMATION CONTACT: William Maraist, Office of Federal Procurement Policy, OMB, (202-395-3300).

SUPPLEMENTARY INFORMATION: The Office of Federal Procurement Policy Act (Pub. L. 93-400 as amended by Pub. L. 96-83 and Pub. L. 98-191) provides, in part, the following:

Section 3(4) the term "single system of Government-wide procurement regulations" means (A) a single Government-wide procurement regulation issued and maintained jointly by the General Services Administration, the Department of Defense, and the National Aeronautics and Space Administration * * and (B) agency acquisition regulations implementing and supplementing the Government-wide procurement regulation

Section 6(a). The Administrator shall provide overall direction of procurement policy and leadership in the development of procurement systems of the executive agencies.

Section 6(d). The functions of the Administrator shall include—(1) providing leadership and ensuring action by the executive agencies in the establishment, development and maintenance of the single system of simplified Government-wide procurement regulations and resolving differences among the executive agencies in the development of simplified Government-wide procurement regulations, procedures and forms.

Section 6(b). In any instance in which the Administrator determines that the DOD, NASA and the GSA are unable to agree on or fail to issue Government-wide regulations, procedures and forms in a timely manner, the Administrator may prescribe Government-wide regulations, procedures and forms which shall be followed by executive agencies

The proposed policy letter: (a) Designates the Federal Acquisition Regulations System as the single system or Government-wide procurement regulations referred to in the OFPP Act; (b) requires certain information flow in the FAR System; (c) requires that issues on which DOD, GSA and NASA are unable to agree be referred to the Administrator for resolution; and (d) requires that decisions not to develop FAR coverage on issues affecting members of both the Defense Acquisition Regulatory Council and the Civil Agency Acquisition Council (leaving such issues to be covered in agency supplementing regulations) shall be referred to the Administrator.

Public Meeting: A public meeting, for the purpose of providing an opportunity for interested parties to present their views in person, is scheduled to be held in Room 2008, of the New Executive Office Building, on August 2, 1984, at 10:00 a.m. Anyone interested in making a presentation or in attending the meeting should contact Margaret Davis (202-395-3300), by August 1, 1984, for clearance to the building.

Comments: Agencies and interested parties are invited to comment on this proposed policy letter. Comments should be forwarded to William Maraist, Office of Federal Procurement Policy, OMB, 726 Jackson Place, NW., Washington, DC 20503 on or before August 17, 1984. Mr. Maraist may be contacted by phone on (202) 395-3300.

Dated: June 29, 1984.

LeRoy J. Haugh,

Associate Administrator for Policy Development.

OFPP Policy Letter 84———

To the Heads of Executive Departments and Establishments

Subject: Federal Acquisition Regulations System

1. *Purpose:* The purpose of this Policy Letter is to implement certain requirements of the Office of Federal Procurement Policy Act (Pub. L. 93-400 as amended by Pub. L. 96-83 and Pub. L. 98-191) concerning the establishment, development and maintenance of the single system of simplified Government-wide procurement regulations. It also rescinds and replaces Policy Letter 80-5 dated July 10, 1980.

2. *Authority:* This Policy Letter is issued pursuant to Section 6 of the Office of Federal Procurement Policy Act, as amended, 41 U.S.C. 405 *et seq.* (the Act).

3. *Background.* Pub. L. 93-400, August 30, 1974, which established the Office of

Federal Procurement Policy (OFPP), required the Administrator to establish a system of coordinated, and to the extent feasible, uniform procurement regulations for the executive agencies. In January 1978, with the cooperation of DOD and GSA, the Administrator launched the Federal Acquisition Regulation (FAR) project.

On July 10, 1980 OFPP issued Policy Letter 80-5 to formally establish the FAR System which consists of; (1) the FAR, to be issued jointly by GSA, DOD and NASA pursuant to their respective regulatory authorities, and (2) agency acquisition regulations implementing or supplementing the FAR.

On September 19, 1983 the FAR was published in the Federal Register by GSA, DOD, and NASA. An effective date of April 1, 1984 was established. Part 1 of the FAR provides for the operation and maintenance of the FAR system including its issuance, arrangement, numbering, implementation, supplementation, and maintenance. A Memorandum of Understanding for FAR Maintenance was executed by the Deputy Under Secretary of Defense (Acquisition Management), the Assistant Administrator for Acquisition Policy of GSA and the Assistant Administrator for Procurement of NASA on February 21, 1984 which provides a uniform basis for the processing of FAR cases and orderly maintenance of the FAR.

Pub. L. 98-191, the Office of Federal Procurement Policy Act Amendments of 1983, signed on December 1, 1983, requires that policies prescribed by the Administrator be implemented in the single system of Government-wide procurement regulations. In addition, it requires that the Administrator provide leadership, ensure action, and resolve differences among the executive agencies in the maintenance of the single regulation.

4. *Single System of Government-Wide Procurement Regulations.* The Federal Acquisition Regulations System is hereby designated the single system of Government-wide procurement regulations defined in section 3(4) of the Act and required by section 6(d)(1) of the Act.

5. *Information of FAR Maintenance.* For the purpose of keeping the FAR councils informed of the content of the FAR System, each executive department and agency shall provide a copy of its FAR implementing and supplementing regulations to the FAR Secretariat.

Quarterly, the FAR Secretariat shall provide OFPP a listing of all assigned FAR cases. The listing shall include the case number, the date submitted, the originator, and the subject of each case. The FAR Secretariat shall also provide OFPP a copy of all proposed and final FAR changes as soon as practicable.

6. *OFPP Resolution of Differences.* When the Defense Acquisition Regulatory Council and the Civil Agency Acquisition Council cannot agree on the resolution of a FAR case, the matter shall be forwarded to the Deputy Under Secretary of Defense for Acquisition Management, DOD; the Assistant Administrator for Acquisition Policy, GSA; and the Assistant Administrator for Procurement, NASA for resolution. In the event an agreement cannot be reached within 30 days for reasons pertaining to substantive differences, the matter shall be deemed a disagreement in accordance with Pub. L. 98-191, and shall be referred promptly to the Administrator for resolution. All such referrals shall be accompanied by an issue paper containing a description of the issue and the relative positions of all executive agencies that have expressed an opinion on the issue. A decision not to develop FAR coverage on an issue affecting members of both councils and leaving such issue to be covered in agency supplementing regulations shall be referred promptly to the Administrator who will determine within five working days whether such decision conforms to the Federal Acquisition Regulations System maintenance concept.

7. *Effective Date.* This Policy Letter will be effective upon issuance.

8. *Concurrence.* This Policy Letter has the concurrence of the Director of the Office of Management and Budget.

Donald E. Sowle,

Administrator.

[FR Doc. 84-17852 Filed 7-5-84; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Agency Information Collection Requirements; Proposed Extension of a Form

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of proposed extension of BRI 49-160, "Annuitant's Report of Income"

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (Title 44, U.S.C. Chapter 35), this notice announces a proposed extension of a form which collects information from the public. BRI 49-160, "Annuitant's Report of Income" was developed by the Office of Personnel Management, Civil Service Retirement System (OPM/CSRS) to identify disability annuitants whose earning capacity has been restored. The form is sent to disability annuitants below age 60 asking what their earned income was for the previous calendar year. Upon receipt of the completed form, OPM/CSRS determines whether or not the disability annuitant is entitled to continue to receive an annuity. For copies of this proposal call John P Weld, Agency Clearance Officer, on (202) 632-7720.

ADDRESSES: Send or deliver comments within ten working days from the date of publication to:

John P Weld, Agency Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, NW, Washington, D.C. 20415,

and

Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Mangement and Budget, Room 3235, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: James L. Bryson, on (202) 632-5472.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 84-17917 Filed 7-5-84; 8:45 am]

BILLING CODE 6325-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Power Planning Council; Draft Annual Report and Opportunity for Public Comment

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council.

ACTION: Notice of availability of draft annual report and opportunity to comment.

SUMMARY: The Northwest Power Planning Council announces the availability of, and solicts public comments regarding, its draft annual report for fiscal year 1984.

DATE AND ADDRESS: Written public comments regardings the draft annual report must be received at the Council's central office, Suite 200, 700 SW. Taylor, Portland, Oregon 97205, by 5 p.m. Pacific time, August 10, 1984.

FOR FURTHER INFORMATION CONTACT: Dulcy Mahar, Director of Public Information and Involvement, 700 SW. Taylor, Suite 200, Portland, Oregon 97205 (toll-free 1-800-222-3355 in Montana, Idaho, and Washington; toll-free 1-800-452-2324 in Oregon; or 503-222-5161).

SUPPLEMENTARY INFORMATION: Section 4(h)(12)(A) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(12)(A)) requires the Council to submit an annual report by October 1 of each year to the Senate Energy and Natural Resources Committee and the House Committees on Interior and Insular Affairs and Interstate and Foreign Commerce. The Act states that such report must describe the actions taken and to be taken by the Council under the Act, the effectiveness of the Council's Columbia River Basin Fish and Wildlife Program and potential revisions or modifcations to that program. The Act also provides that the Councils make a draft of the report available to the public for comment at least 90 days prior to its submission to Congress. The Council must include any comments received (or a summary thereof) in the final report.

The Council now invites public comments on its draft report for fiscal year 1984. Comments should be submitted in writing to the central office at the address noted above. Please mark all comments "Annual Report." Copies of the draft report are available on request from the address and phone numbers noted above.

Commenters will note that certain sections of the draft annual report are not yet complete, such as the report's appendix containing sample comments on the Fish and Wildlife Program amendments. Such gaps will be filled in as soon as the final information is available.

(Sec. 4, Pub. L. 96-501, 16 U.S.C. 839b)

Edward Sheets,

Executive Director.

[FR Doc. 84-17957 Filed 7-5-84; 8:45 am]

BILLING CODE 6900-00-M

Hydropower Assessment Steering Committee and River Assessment Task Force; Combined Meeting

AGENCY: Hydropower Assessment Steering Committee and River Assessment Task Force of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of combined meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Goals study.
- River assessment study.
- Interim site ranking criteria.
- Swan River cumulative effects study.
- Update on Ott contract.
- Other.
- Public comment.

Status. Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming combined meeting of its Hydropower Assessment Steering Committee and River Assessment Task Force.

DATE: July 10, 1984, 9:00 a.m.

ADDRESS: The meeting will be held at the Council Hearing Room in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Peter Paquet, 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-17958 Filed 7-5-84; 8:45 am]

BILLING CODE 6900-00-M

PRESIDENT'S ECONOMIC POLICY ADVISORY BOARD

The President's Economic Policy Advisory Board will meet on July 11, 1984, at the White House, Washington, D.C. from 9:00 a.m. to 1:00 p.m. The purpose of this meeting is to review and discuss:

- Financial Market Developments and Monetary Policy
- Budget and Spending Controls

All agenda items concern matters listed in Section 552b(c) of Title 5, United States Code, specifically sub-paragraphs (1), (4), (8) and (9) thereof, and will be closed to the public.

For further information, please contact the Office of Policy Development, the White House, at (202) 456-6515.

John A. Svahn,

Assistant to the President for Policy Development.

[FR Doc. 84-16053 Filed 7-5-84; 8:45 am]

BILLING CODE 3195-01-M

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; Proposed Changes to System of Records

AGENCY: Railroad Retirement Board.

ACTION: Notice of proposed changes to a system of records.

SUMMARY: The purpose of this document is to give notice of three proposed routine uses to one of the RRB's systems of records.

DATES: The system of records for which the new routine uses are proposed shall be amended as proposed without further notice 30 calendar days from the date of this publication (August 5, 1984) unless comments are received before this date which would result in a contrary determination.

ADDRESS: Send comments to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: LeRoy Blommaert, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, Telephone 312-751-4548.

SUPPLEMENTARY INFORMATION: Proposed routine use "r" to system of records RRB-40, Regional Rail Reorganization Act Title VII Benefit System, would permit the RRB to furnish any information in the system to the Department of Transportation for the purpose of auditing the RRB's administration of this program. Although the RRB was given responsibility for administering the Title VII benefit program, the appropriation of funds to pay benefits and to administer the benefit program were made to the Department of Transportation. The Department of Transportation in turn transferred the funds to the RRB. Because of this arrangement for the appropriation of funds, the Department of Transportation has authority to audit the RRB's administration of the benefit program.

Proposed routine use "s" to this same system of records would permit the RRB to furnish to the Internal Revenue Service for tax administration purposes the following items of information contained in the system: name, SSN, address, amounts of benefits paid, and amounts withheld from benefit payments for income tax purposes. Subsequent to the enactment of the Title VII benefit program, the IRS ruled that benefits payable under this program are fully taxable as personal income. Because of this ruling, the RRB is required to furnish the above items of information to the IRS.

Proposed routine use "t" to this same system of records would permit the RRB to furnish to state and local taxing authorities for tax administration purposes, name, SSN, address, and amounts of benefits paid.

System of records RRB-40, Regional Rail Reorganization Act Title VII Benefit System, was last published in its entirety on September 30, 1983, at 48 FR 44955-957.

The proposed action is not within the purview of the provisions of 5 U.S.C. 552(0) which require the submission of a new or altered system report.

Dated: June 28, 1984.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

New paragraphs "r," "s," and "t" are added to RRB-40 to read as follows:

RRB-40

SYSTEM NAME:

Regional Rail Reorganization Act Title VII Benefit System—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED BY THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

r. Any information in this system of records may be disclosed to the Department of Transportation for the purpose of auditing the RRB's administration of the benefit program.

s. Name, SSN, address, benefits paid, and amounts withheld from benefit payments for tax purposes may be reported to the Internal Revenue Service for purposes of tax administration.

t. Name, SSN, address, and benefits paid may be furnished to state and local taxing authorities for the purposes of tax administration.

* * * * *

[FR Doc. 84-17942 Filed 7-5-84; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-21111; File No. SR-NASD-84-15]

Self-Regulatory Organizations; Proposed Rule Change; Association of Securities Dealers, Inc., Relating to Increased Fine Levels for Violations of Schedule D of the NASD By-Laws

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 June 14, 1984, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association proposes to amend Schedule D of the NASD By-Laws by increasing to $15,000 the maximum fine which may be imposed in disciplinary actions and by increasing to $2,500 the maximum fine in summary complaints alleging violations of Schedule D.

II. Self-Regulatory Organization's Statement Regarding the Proposed 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 Association proposed to amend Schedule D of the NASD By-Laws by increasing to $15,000 the maximum fine which may be imposed in disciplinary actions and by increasing to $2,500 the maximum fine in summary complaints alleging violations of Schedule D. The proposed amendments are the result of a conclusion by the Association's Trading Committee and Board of Governors that the present limitations inhibit their ability in some cases to redress adequately violations of Schedule D.

The proposed amendments to Schedule D are designed to fulfill the responsibility of the Association under 15A(b)(7) of the Securities Exchange Act of 1934, as amended, to discipline its members for any violation of any provision of the Association's rules by expulsion, suspension, fine, censure or any other fitting sanction.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed amendments will not result in any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period as the Commission may designate up to 120 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved

IV Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization located at 1735 K Street, NW., Washington, D.C. 20006. All submissions should refer to the file number in the caption above and should be submitted within (21) days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 28, 1984.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-17939 Filed 7-5-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Airborne Automatic Direction Finding (ADF) Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comment.

SUMMARY: The proposed TSO-C41d prescribes the minimum performance standard that airborne automatic direction finding (ADF) equipment must meet in order to be identified with the marking "TSO-C41d."

DATE: Comments must identify the TSO file number and be received on or before October 5, 1984.

ADDRESS: Send all comments on the proposed Technical Standard Order to: Federal Aviation Administration, Policy and Procedures Branch, AWS-110, Aircraft Engineering Division, Office of Airworthiness—File No. TSO-C41d, 800 Independence Avenue, SW., Washington, DC 20591.

or deliver comments to: Room 335, 800 Independence Avenue, SW., Washington, DC 20591

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Policy and Procedures Branch, AWS-110, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Telephone (202) 426-8395.

Comments received on the proposed Technical Standard Order may be inspected, before and after the comment closing date at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, DC 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submiting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C41d references Radio Technical Commission for Aeronautical (RTCA) Document Nos. DO-179 dated May 13, 1982 for the minimum performance standard and DO-178 dated November 18, 1981, for the software requirement. RTCA Document Nos. DO-179 and DO-178 may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005.

Issued in Washington, DC, on June 5, 1984.

Robert Allen,

Acting Manager, Aircraft Engineering Division.

[FR Doc. 84-17878 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; City of Richmond, Contra Costa County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed new roadway project which will bypass local streets in North Richmond and ultimately connect Interstate Route 580 (currently State Route 17) with Interstate Route 80.

FOR FURTHER INFORMATION CONTACT: David L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, the City of Richmond and Contra Costa County will prepare an Environmental Impact Statement (EIS) on a proposal to construct a new roadway which will bypass North Richmond, California and ultimately connect Interstate 580 (currently State Route 17) and Interstate 80. Upon ultimate completion, the proposed North Richmond Bypass would be an eight mile, four lane high speed (40-50) mile per hour arterial. The new road will extensively reduce truck traffic and other though traffic on local neighborhood streets in the North Richmond Area, Hilltop Area and the City of San Pablo. The proposed Bypass is being developed in six phases.

Phase 1—Castro Street Improvement: The City of Richmond and the Richmond Redevelopment Agency have enlarged Castro Street from two to four lanes between the Gate 31 area of the Standard Oil refinery to Seventh Street, a distance of about 1.2 miles. Improvement of Castro Street between Standard Avenue and Gate 31, about .7 miles, would be undertaken within five years, pending resolution of final alignment between the City and the Standard Oil Company. Environmental impacts of development of a portion of this segment were addressed in an earlier EIR.

Phase 2 and 3—Castro Street to Parr Boulevard: The City would construct this segment, beginning at Castro Street approximately 1,000 feet southwest of Filbert Street and proceeding in a northwesterly direction for approximately 900 feet. At this point the alignment curves northerly to intersect with Parr Boulevard. Initially, one travel lane and a paved should are proposed to be constructed in each direction. The ultimate roadway configuration would consist of two 12-foot travel lanes in each direction divided by a maximum 14-foot median island (measured curb face to curb face). The roadway would have 10-foot shoulders and 10-foot parkway areas.

Initial phase construction of this segment is proposed to begin by April 1985. Rights-of-way have been purchased. Roadway construction is expected to receive FAU funding.

Phase 4—Goodrick Avenue to Giant Highway: This segment consists of a four-lane divided highway planned for completion within 10 to 15 years. No funding has yet been identified.

Phase 5—Giant Highway to San Pablo Avenue: The route would have a generally northeasterly alignment through the Standard Oil Company tank farm area to San Pablo Avenue. This segment is assumed to be completed within five to ten years. Private funding is expected.

Phase 6-San Pablo Avenue to Interstate 80: This segment would be aligned easterly from San Pablo Avenue to a new interchange with I-80. Because of development in the Hilltop area, this segment is assumed to be completed within five years. Environmental impacts of development of this road are covered in the Hilltop Property EIR. Funding sources will be private.

The limits of the EIS are to be Phases 1 through 6 (I-580 to I-80). The environmental impacts will be addressed specifically for Phases 2 and 3 (Castro Street to Part Boulevard) because these Phases are expected to be Federally funded. The environmental impacts will be addressed in a more general way for the overall project.

The alternatives to be considered in the EIS include:

(1) The no-project alternative,

(2) Improvement of existing streets,

(3) Completion of all phases, but Phase 4 (Goodrick Avenue to Giant Highway).

A formal public scoping meeting will be scheduled at a later date. To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: June 25, 1984.

David L. Eyres,

District Engineer, Sacramento, California.

[FR Doc. 84-17862 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Orange County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway widening project in Orange County, California.

FOR FURTHER INFORMATION CONTACT: Glen Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-2804.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) will prepare an Environmental Impact Statement (EIS) on a proposal to wide Interstate 5 (The Santa Ana Freeway), an existing six-lane facility. The limits of the project are between Interstate 405 (The San Diego Freeway) and State Route 55 (The Newport Freeway), a distance of 9 miles. The project is needed to relieve current congestion and to provide capacity for future traffic. This proposal is a Tier II component of a package of muti-modal transportation improvements with the Santa Ana Transportation Corridor (SATC), Orange County, California. A Notice of Intent on the SATC Study was published in the Federal Register on April 29, 1982. An extensive scoping process was undertaken at that time.

Alternatives being considered for the freeway widening project are:

A. Widen by two lanes using minimum design standards.

B. Widen by two lanes using high design standards.

C. Widen by two lanes plus two auxiliary lanes using high design standards.

D. Widen by two lanes which would be reserved for high occupancy vehicles.

E. No Project: a "no build" option.

As an integral component of preparing the DEIS, Caltrans conducted a formal environmental meeting on June 27, 1984, in the City of Tustin, California. Federal, State and local agencies were invited by letter to participate at this meeting in order to identify significant environmental issues to be addressed in the DEIS. An advertisement and press release were published in newspapers in the corridor.

As the DEIS is being prepared, Caltrans will conduct informal public meetings to inform the public of the status of the project.

To insure that the full range of issues relating to these proposed alternatives are addressed and incorporated into the planning process, your comments are being solicited.

Comments and questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided.

Issued on: June 25, 1984

Glen Clinton,

District Engineer, Sacramento, California.

[FR Doc. 84-17955 Filed 7-5-84; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 131
Friday, July 6, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL RIGHTS COMMISSION

PLACE: Room 512, 1121 Vermont Avenue, NW, Washington, DC.

DATE AND TIME: Wednesday, July 11, 1984, 9:00–12:00 noon, 1:30–5:00 p.m.

STATUS OF MEETING: Open to the public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Staff Director's Report
  A. Status of Funds
  B. Personnel Report
  C. Office Directors' Reports
IV. Recommendation re: Staff Director's Contracting Authority
V. Fiscal Year 1986 Budget Package
VI. Review of "A Citizen's Guide to Understanding the Voting Rights Act"
VII. Review of Proposal on "Bigotry and Violence Against Asian and Pacific Island Americans and Recent Asian Immigrants"
VIII. Review of Analysis and Statement on *Firefighters' Union* v. *Stotts*
IX. Summary of Case and Statement on *Hishon* v. *King & Spalding*
X. Civil Rights Developments in the Central States Region
XI. Interim Appointments to Indiana Advisory Committee

FOR FURTHER INFORMATON PLEASE CONTACT: Barbara Brooks, Press and Communications Division, (202) 376–8312.

Lawrence B. Glick,
Solicitor.

[FR Doc. 84-16344 Filed 7-3-84; 1:58 pm]
BILLING CODE 6335-01-M

2

CONSUMER PRODUCT SAFFTY COMMISSION

Agenda

TIME AND DATE: 10:00 a.m., Tuesday, July 10, 1984.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: FY 86 Priorities.

The Commission will conduct a public meeting to obtain views from interested parties about priorities for Commission attention during fiscal year 1986.

For a recorded message containing the latest agenda information, call: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207 301—492–6800.

Dated: July 3, 1984.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 84-16343 Filed 7-3-84; 1:53 pm]
BILLING CODE 6355-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (Eastern Time), Tuesday, July 10, 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. Freedom of Information Act Appeal No. 84–03–FOIA–61–CL, concerning a request for documents from a closed Title VII/ADEA charge file.
4. Freedom of Information Act Appeal No. 84–05–FOIA–CH, concerning a request for the contents of a closed ADEA file.
5. Freedom of Information Act Appeal No. 84–4–FOIA–83–CL, concerning a request for the contents of an ADEA charge file.
6. Freedom of Information Act Appeal No. 84–5–FOIA–83–CL, concerning a request for documents from several closed Title VII/ADEA charge files.
7. Proposed Compliance Manual No. Sec. 614, Retaliation.
8. Proposed Final Regulations Implementing Sec. 4(g) of ADEA.
9. Proposed EPA Opinion Letter Procedures.
10. Proposed Amendment to Regulations for Issuing Opinion Letters under Title VII.
11. Proposed Internal Procedures for Issuing Opinion Letters under Title VII, the ADEA and EPA.

Closed

1. Litigation Authorization; General Counsel Recommendations.
2. Consideration of Commissioner Charge Decisions/Settlements.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

Dated: July 3, 1984.

Treva McCall,
Executive Secretary to the Commission.

[FR Doc. 84-16343 Filed 7-3-84; 1:53 pm]
BILLING CODE 6750-06-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Additional Matter To Be Considered at an Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that, in addition to those matters previously announced, the following matter will be placed on the "discussion agenda" for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 2:00 p.m. on Monday, July 9, 1984, in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C..

Memorandum and Resolution re: Proposed amendments to the Corporation's rules and regulations in the form of new Part 325, to be entitled "Capital Maintenance" which would: (1) Define capital for insured banks; (2) establish minimum standards for adequate capital for all insured banks; and (3) establish standards to determine when an insured bank is operating in an unsafe or unsound condition by reason of the amount of its capital.

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: July 2, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-17975 Filed 7-2-84; 5:09 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 7:25 p.m. on Friday, June 29, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in East Texas Bank & Trust Company, Longview, Texas, which was closed by the Banking Commissioner for the State of Texas on Friday, June 29, 1984; (2) accept the bid for the transaction submitted by Texas National Bank, Longview, Texas, a newly-chartered national bank; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not requre consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and(c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: July 2, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-18033 Filed 7-3-84; 1:40 pm]

BILLING CODE 6714-01-M

6

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, July 10, 1984, 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.

* * * * *

DATE AND TIME: Thursday, July 12, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor)

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential Primary Matching Funds
Draft Advisory Opinion #1984-24
H. Richard Mayberry, on behalf of the Sierra Club Committee on Political Education
Draft Advisory Opinion #1984-27
James F. Schoener, on behalf of The LaRouche Campaign
Draft Advisory Opinion #1984-29
The Honorable Ted Stevens, United States Senate
Reivsed repayment determinations re: Kennedy for President Committee & Reagan for President Committee
Effect of *Kennedy for President Committee* v. *FEC* (D.C. Cir. No. 83-1521) and *Reagan for President Committee* v. *FEC* (D.C. Cir. No. 83-1666) on Presidential candidates who received public funds during the 1980 cycle
Classification for Supply Technician in the Administrative Division—GS6
Classification for Administrative Clerk in the Office of General Counsel GS4/5
Finance Committee Report
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 84-18034 Filed 7-3-84; 1:42 pm]

BILLING CODE 6715-01-M

7

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 2:30 p.m., Thursday, July 12, 1984.

PLACE: Board Room, 6th Floor, 1700 G St. NW., Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6970).

MATTERS TO BE CONSIDERED:

Finance Subsidiaries
Loans to the Federal Savings and Loan Insurance Corporation
No. 89, dated: July 3, 1984.

J. J. Finn,

Secretary.

[FR Doc. 84-18076 Filed 7-3-84; 3:40 pm]

BILLING CODE 6720-01-M

8

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—July 11, 1984.

PLACE: Hearing Room One—1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. Docket No. 83-45: Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Republic of the Philippines Trade—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 84-18045 Filed 7-3-84; 1:58 pm]

BILLING CODE 6730-01-M

9

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, July 11, 1984.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed one-time Survey of Federal Funds Sold and Securities Purchased Under Agreement to Resell.
2. Proposal to implement the Annual and Quarterly Reports of Repurchase Agreements (RP's) on U.S. Government and Federal Agency Securities with Specified Holders.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: July 3, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18077 Filed 7-3-84; 3:48 pm]

BILLING CODE 6210-01-M

10

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 8-84

Announcement in Regard to Commission Meetings and Hearings; Meetings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wednesday, July 18, 1984 at 10:30 a.m.. Consideration of Final Decisions on Hearings on the Record and Final Decisions following oral hearings issued under the Second Czechoslovakia Claims Program. Decisions involving claims for Vietnam Prisoner of War compensation.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 20th Street, NW., Room 409, Washington, DC 20579. Telephone: (202) 653-6155.

Dated at Washington, D.C. on June 29, 1984.

Judith H. Lock,

Administrative Officer.

[FR Doc 84-18030 Filed 7-3-84; 2:40 pm]

BILLING CODE 4410-01-M

11

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 7-84

Announcement in Regard to Commission Meetings and Hearings; Meetings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Oral Hearings on objections to decisions issued under the Second Czechoslovakian Claims Program:

Wed., July 11, 1984 at 9:30 a.m..
CZ-2-1519—Mary Felegy & Mary Folenta
CZ-2-1393—Magdalena Hafter
Thurs., July 12, 1984 at 9:30 a.m..
CZ-2-1335—Mary Bortnik
Tues., July 17, 1984 at 9:30 a.m.:
CZ-2-0320—Michael Novak
CZ-2-0418—Helen Orr
Wed., July 18, 1984 at 9:30 a.m.:
CZ-2-1334—Lawrence & Henry Kroslak
Thurs., July 19, 1984 at 9:30 a.m.:
CZ-2-0436—Stephen & Anna Gajda
CZ-2-0358—Maria Vrablec
Thurs., July 19, 1984 at 2:30 p.m.:
CZ-2-0333—Lillian Prothero
Tues., July 24, 1984:
CZ-2-1242; CZ-2-1490—Eric Protter
CZ-2-1180—Bela Blumenfeld
CZ-2-1181—David Blumenfeld
Wed., July 25, 1984:
CZ-2-0946—Mary, Margaret, & Paul Kocela
CZ-2-0794—Dakunuk Kybal, Cynthia Grant and Alexander Milic Kybal
Thurs., July 26, 1984:
CZ-2-0223—Karla Ptak
Tues., July 31, 1984:
CZ-2-0770—Julius Stern
CZ-2-1318—Henrietta Pardek
Wed., Aug. 1, 1984:
CZ-2-0607—Alois Dryak
CZ-2-1374—Hana Barton
Thurs., Aug. 2, 1984:
CZ-2-1299—Frank Lazar
CZ-2-0857; CZ-2-0858—George Hahn

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 20th Street, NW., Room 409, Washington, DC 20579. Telephone: (202) 653-6155.

Dated at Washington, D.C. on June 29, 1984.

Judith H. Lock,

Administrative Officer.

[FR Doc. 84-18031 Filed 7-3-84; 2:41 pm]

BILLING CODE 4410-01-M

12

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 10 a.m., Tuesday, July 3, 1984.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. 552b(c)(2) (internal personnel rules and practices), (c)(6) (disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy) and (c)(9)(B) (disclose information the premature disclosure of which would * * * be likely to significantly frustrate implementation of a proposed agency action * * *).

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570, Telephone: (202) 254-9430.

Dated, Washington, D.C., July 2, 1984.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 84-18016 Filed 7-3-84; 11:29 am]

BILLING CODE 7545-01-M

13

PAROLE COMMISSION

DATE AND TIME: Wednesday, July 11, 1984—2:30 p.m. to 5:30 p.m.

PLACE: Villa Hotel, 4000 So. El Camino Real, San Mateo, California.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 19 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5937.

Dated: June 27, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84-17993 Filed 7-3-84; 10:50 am]

BILLING CODE 4410-01-M

14

PAROLE COMMISSION

DATE AND TIME:

Thursday, July 12, 1984—9:00 a.m. to 5:30 p.m.
Friday, July 13, 1984—9:00 a.m. to 5:30 p.m.
Saturday, July 14, 1984—9:00 a.m. to 1:00 p.m.

PLACE: Villa Hotel, 4000 So. El Camino Real, San Mateo, California.

STATUS: Open.

MATTER TO BE CONSIDERED:

1. Approval of minutes of open business meeting of April 10 through 12, 1984.
2. Reports from the Chairman, Vice Chairman, Commissioners, General Counsel, Director of Research, Chief of Case Operations, and the Administrative Section.
3. Presentation by David Stephenson, Pardon Attorney.
4. Fiscal Year 1986 Budget and possible Supplemental Budget for Fiscal Year 1985.
5. Revision of severity scale at 28 CFR 2.20 concerning offenses involving very large amounts of cocaine.
6. Revision of rule at 28 CFR 2.12 to allow for 15-year reconsideration hearings.
7 Revision of rule at 28 CFR 2.25 to allow waiver of the regional appeal.
8. Discussion of payment of fines as a condition of parole.
9. Revision of rule at 28 CFR 2.28(f) and realted rules to define new adverse information and clarify special reconsideration hearing procedures.
10. Clarification of 28 CFR 2.63 and related procedures concerning inmate cooperation.
11. Early termination in special parole term cases.

Consent Agenda

The following Consent Agenda Items shall be deemed adopted by consent and will not be discussed at the meeting unless a request to discuss a particular item has been received by July 5, 1984.

12. Revision of 28 CFR 2.20 regarding export offenses.
13. Revision of 28 CFR 2.19(c) concerning findings of not guilty by reason of mental condition.
14. Confirmation as final rule of interim rule provisions at 28 CFR 2.25 and 2.26 concerning quorums.
15. Amendment of § 2.24–02(b) of Procedures Manual concerning Commissioners' review of panel recommendations.

CONTACT PERSON FOR MORE INFORMATION: Peter B. Hoffman, Director of Research, United States Parole Commission, (301) 492–5980.

Dated: June 27, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84–17999 Filed 7–3–84; 10:50 am]

BILLING CODE 4410–01–M

15

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1333]

TIME AND DATE: 1:00 p.m., Monday, July 9, 1984.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

AGENDA ITEMS: Approval of minutes of meeting held on June 26, 1984.

AGENDA ITEM:

A—Budget and Financing

1. Fiscal year 1985 Capital Budget for the Power Program comprising expenditures for ongoing and new projects during the fiscal year and the estimated total project cost for those projects.

a. Major Generating Projects.
(1) Watts Bar Nuclear Plant.
(2) Bellefonte Nuclear Plant.
(3) Hartsville Nuclear Plant A (Indefinitely deferred).
(4) Yellow Creek Nuclear Plant (Indefinitely deferred).

b. Plant Additions and Improvements, Fossil and Hydroelectric Plants.

Ongoing Projects

(1) Bull Run Steam Plant. (a) Removal of existing precipitators and installation of new duct work. (b) Procure automated discharge unit train railcars and related modifications.

(2) Colbert Steam Plant. Rehabilitate and modify boiler turbine.

(3) Cumberland Steam Plant. (a) Boiler bypass system. (b) Replace unit 1 high pressure feedwater heaters. (c) Emergency reclaim facility. (d) Replacement of hot and hot intermediate air preheater baskets.

(4) Gallatin Steam Plant. Replace reheater outlet pendant assemblies, unit 2.

(5) John Sevier Steam Plant. Replace waterwall tubes in front, rear, and side walls.

(6) Paradise Steam Plant. (a) Complete coal receiving facility. (b) Complete unit 1 and 2 scrubbers. (c) Replace inner cylinder, units 1 and 2. (d) Install boiler superheater, units 1 and 2. (e) Acquisition of heavy equipment for dry stacking disposal of scrubber sludge. (f) Installation of automatic condenser tube cleaning system, units 1 and 2. (g) Replacement of combustion and steam temperature controls and related instrumentation, units 1 and 2. (h) Replace cyclones and lower furnace tubes, units 1–3.

(7) Shawnee Steam Plant. (a) Construction dredge settling pond. (b) Replace four tractor-scraper units.

(8) Widows Creek Steam Plant. Sludge removal system.

(9) Blue Ridge Hydro Plant. Increase spillway capacity.

(10) Pickwick Hydro Plant. Turbine modernization and unit rehabilitation.

(11) Wilson Hydro Plant. (a) Replace governors, units 9–18. (b) Replace generator breakers, units 1–18. (c) Replace generator lead cable, units 9–12. (d) Replace scrubber insulated control cables, units 9–18.

New Authorizations

(12) Allen Steam Plant. (a) Purchase of Allen Steam Plant. (b) Construct maintenance facility. (c) Replace secondary superheater elements in unit 1. (d) Replace secondary supeheater elements in unit 3.

(13) Bull Run Steam Plant. Replace existing 480–volt switchgear.

(14) Cumberland Steam Plant. Replace horizontal reheater tubes on main boilers.

(15) Gallatin Steam Plant. (a) Replace about 5 miles of railroad track, 39 switches, and all necessary hardware, ballasts, and crossties. (b) Rehabilitate units 1–4 precipitators.

(16) Paradise Steam Plant. (a) Replace tubes in unit 1 main condenser. (b) Replace tubes in unit 2 main condenser. (c) Replace boiler tubes in auxiliary boilers A and B in unit 3. (d) Modification to live storage piles and associated transfer belts. (e) Wet stack conversion for scrubber sludge disposal.

(17) Widows Creek Steam Plant. (a) Replace low-pressure turbine diaphragms, unit 1. (b) Replace low-pressure turbine diaphragms, unit 2. (c) Relocate and replace ash disposal system, units 7 and 8. (d) Replace reheat scrubber, unit 7.

c. Plant Additions and Improvements, Nuclear Plants.

Ongoing Projects

(1) Browns Ferry Nuclear Plant. (a) Post-accident sampling facility. (b) Modifications for long-term torus integrity program. (c) Replace generating unit process computers. (d) Install prompt notificaton system within 10-mile emergency planning zone. (e) Replace specified switches with analog transmitter/trip unit system. (f) Installation of preaction sprinkler system. (g) Modify scram discharge system. (h) Appendix R electrical modifications. (i) Turbine modification. (j) Piping replacement.

(2) Sequoyah Nuclear Plant. (a) Provide design for technical support center. (b) Add post-accident sampling facility. (c) Add reactor vessel level instrumentation system. (d) Install filter cartridge analyzers for iodine radiation monitoring. (e) Replace nonqualified plant electrical instrumentation equipment as required by NUREG–0588. (f) Modify secondary systems for steam generator preservation. (g) Replace copper alloy tubing in feedwater heaters and main feedpump turbine condensers. (h) Modify condensate demineralizer system. (i) Install fifth battery bank. (j) Security power block and watch towers. (k) Post-accident monitoring instrumentation. (k) Change powerhouse emergency raw cooling water carbon steel piping to stainless steel. (l) Convert elevation 690 power stores area into hot tool and machine shop activity area. (m) Install additional makeup water treatment plant. (n) Office building and power stores.

New Authorizations

(3) Browns Ferry Nuclear Plant. (a) Supplement existing containment radiation monitors with redundant instruments. (b) Increase the heating, ventilation, and air conditioning capacity in the control building.

(4) Sequoyah Nuclear Plant. (a) Install radiation monitor cables in conduit. (b) Replace moisture separator reheater tube bundles. (c) Install steam generator nozzle dams. (d) Install fire protection sprinkler systems in the turbin building. (e) Install additional oil piping on reactor coolant pump motors. (f) Construct temporary office facilities.

d. Other Additions and Improvements

Ongoing Project

(1) Chattanooga Office Complex.

e. Transmission System Facilities. Not included in the projects mentioned below are numerous smaller projects. These smaller projects include communication facilities, static capacitors,

subtransmission projects, voltage regulators, and various similar facilities.

Ongoing Projects

(1) 500-kV Transmission Projects. (a) New 500-kV substation, Union Mississippi. (b) Add synchronism check relaying scheme to all TVA 500-kV terminals. (b) Install tertiary reactors to various 500-kV substations.

(2) 161-kV Transmission Projects. (a) Construct 161–13–kV substation, Shell Oil Company pumping station, Langsford, Mississippi. (b) Strengthen the 161-kV system in the Winchester-Tullahoma-Wartrace area (Tennessee). (c) Increase capacity, Albertsville, Alabama 161-kV substation. (d) Install 161-kV capacitors, East Bowling Green, Kentucky, 161-kV substation. (e) Convert the Savannah, Tennessee 46-kV Substation to 161-kV.

New Authorizations

(3) 500-kV Transmission Project. New 500-kV substation, Maury, Tennessee.

(4) 161-kV Transmission Projects. (a) Increase capacity of Baldwyn, Mississippi 46-kV substation and convert to 161-kV. (b) Uprate the Wheeler-Columbia 161-kV transmission line for 100°C operation.

f. General Service Facilities.

Ongoing Projects

(1) Improvements to the Administrative Telecommunications System.

(2) Rehabilitation of the Old Post Office Building, Chattanooga.

(3) Computing facilities and Equipment. Network control center.

New Authorizations

(4) Transportation Equipment.

(5) Computing Facilities and Equipment. (a) Direct access storage. (b) Distributed ADP equipment. (c) Scientific and engineering computers.

g. Miscellaneous Power Facilities.

Ongoing Project

(1) Complete Muscle Shoals Power Service Shop Building No. 4.

New Authorizations

(2) Purchase and Install 6-Inch Horizontal Milling and Boring Machine.

(3) Purchase and Install a Vertical 9-Foot Boring Mill.

h. Other Capital Requirements.

(1) Chattanooga Office Complex Financing.
(2) Acquisition of Fuel Reserves.
(3) Energy Conservation Programs.
(4) Loan Program Advances.
(5) Other Deferred Charges.
(6) Change in Power Inventories.
(7) Sinking Fund Requirement.
(8) Net Expenditures on Canceled Units.
(9) Changes in Other Working Capital.

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: July 2, 1984.

W. F. Willis,

General Manager.

[FR Doc. 84-17042 Filed 7-3-84; 1:53 p.m.]
BILLING CODE 8120-01-M

Federal Register

Friday
July 6, 1984

Part II

Department of Labor

Employment Standards Administration,
Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

Virginia: VA84-3025

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Connecticut: CT84-3016	June 8, 1984.
Maryland:	
MD81-3031	May 15, 1981.
MD80-3047	Aug. 29, 1980.
New Mexico: NM84-4027	May 18, 1984.
New York: NY83-3018	May 20, 1983.
Texas:	
TX84-4002	Jan. 27, 1984.
TX84-4005	Feb. 22, 1984.
TX84-4020	Apr. 13, 1984.
TX84-4028	May 4, 1984.
TX84-4032	May 11, 1984.
TX84-4036	May 25, 1984.
Virginia: VA82-3035	Dec. 3, 1982.

Supersedeas Decision to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Mississippi: MS82-1052 (MS84-1021)	Oct. 1, 1982.
New Hampshire:	
NH 83-3012 (NH84-3022)	May 20, 1983.
NH81-3013 (NH81-3023)	Jan. 30, 1981.
New Jersey:	
NJ83-3015 (NJ84-3019)	June 17, 1983.
NJ83-3026 (NJ84-3021)	July 29, 1983.
New York: NY8-3030 (NY84-3018	May 1, 1981.

Cancellation of General Wage Determination Decisions

The general wage decision listed below is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting Standard Form-308 (See Regulations

Part 1 (29 CFR), § 1.5). Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR 1.6(c)(3), the incorporation of the cancelled decision in contract specifications where the opening of bids is within ten (10) days of this notice need not be affected.

GA79-1012—Ware County, Georgia—dated January 5, 1979 in 44 FR 1631—Building Construction

Signed at Washington, D.C., this 28th day of June, 1984.

Gordon L. Claucherty,

Acting Assistant Administrator.

BILLING CODE 4510-27-M

NEW DECISION

STATE: VIRGINIA

The city of Newport News (including Langley AFB Fort Eustis and Fort Monroe)

DECISION NO VA84 3025

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up and including 4 stories) Sewer and Water Line Construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	12 55	
BRICKLAYERS	11 90	
CARPENTERS	10 37	
CEMENT MASONS	8 76	
DRYWALL HANGERS & FINISHERS	10 38	
ELECTRICIANS	13 58	1 00+ 10%
ELEVATOR MECHANICS	12 09	2 69+ a+b
ELEVATOR MECHANICS HELPERS	8 46	2 69+ a+b
GLAZIERS	9 25	
IRONWORKERS:		
Structural & Ornamental	9 98	
LABORERS:		
Unskilled	5 40	
Mason Tenders	5 50	
Mortar Mixer	5 95	
LATHERS	11 00	
PAINTERS, BRUSH	8 39	
PILEDRIVERMEN	12 15	1 50
PLASTERERS	11 17	
PLUMBERS	11 09	
ROOFERS	7 18	
SHEETMETAL WORKERS	9 99	
SOFT FLOOR LAYERS	7 93	
SPRINKLER FITTERS	12 50	
STEAMFITTERS	14 30	1 39
TILE SETTERS	11 30	
TILE SETTERS HELPERS	7 10	
TRUCK DRIVERS	5 14	
POWER EQUIPMENT OPERATORS:		
Backhoe	7 49	
Bulldozer	7 84	
Crane	11 07	
Forklift	6 50	
Roller	6 51	

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidential

PAID HOLIDAYS:
A-New Years Day;
B Memorial Day;
C Independence Day;
D Labor Day;
E Thanksgiving Day;
F Christmas Day

FOOTNOTES:
a Holidays: A through F, Day after Thanksgiving

b Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit

SEWER & WATER LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits
Laborers	3 38	
Pipelayers	4 59	
Truck Drivers	3 50	
Loaders	4 69	
Backhoe	6 50	
Cranes	7 90	

MODIFICATIONS P 1

DECISION NO. CT84-3016 - MOD. #2
(49 FR 23980 June 8 1984)
STATEWIDE CONNECTICUT

CHANGE:

	Basic Hourly Rates	Fringe Benefit
ASBESTOS WORKERS		
Area 1	19 74	3 49
BOILERMAKERS	18 16	3 691
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; LATHERS; RESILIENT FLOOR LAYERS:		
BUILDING CONSTRUCTION:		
Area 3	16 85	2 55+b
HEAVY & HIGHWAY		
Area 3	14 95	2 55+ c+d
Area 4	14 90	1 65+d
Area 5	14 45	3 15+d
Area 6	15 60	1 93+d
ELECTRICIANS		
Area 1	19 64	02+26% +e
IRONWORKERS	18 50	5 68+j
LABORERS (Building):		
Group 1	12 65	3 25
Group 2	12 90	3 25
Group 3	13 40	3 25
PAINTERS		
Area 6		
Brush, Sandblasting	14 00	1 77
Tapers	14 35	1 77
Paperhangers	14 50	1 77
Spray	17 00	1 77
Structural Steel	14 25	1 77
PLUMBERS		
Plumbers & Steamfitters:		
Area 1	17 64	3 57
Area 7	19 67	2 50+o
POWER EQUIPMENT OPERATORS (Heavy & Highway)		
Class 1	18 36	3 40+r
Class 2	18 11	3 40+r
Crane with 150 foot boom (excluding jib) - $ 50 extra		
Crane with 200 foot boom (excluding jib) - $1.00 extra		
Class 3	17 63	3 40+r
Class 4	17 33	3 40+r
Class 5	17 08	3 40+r
Class 6	16 81	3 40+r
Class 7	16 47	3 40+r
Class 8	16 36	3 40+r
Class 9	16 82	3 40+r
Class 10	15 72	3 40+r
Class 11	15 28	3 40+r
Class 12	15 11	3 40+r
Class 13	14 57	3 40+r
Class 14	10 01	3 40+r

DECISION NO. NY83-3018 - MOD. #5
(48 FR 22870 - May 20 1983)
DUTCHESS ORANGE, SULLIVAN & ULSTER COUNTIES NEW YORK

CHANGE:

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
ORANGE:		
Commercial	14 12	2 50
Spray, Sandblasting, Taping & other toxic materials	15 12	2 50
Elevated work:		
Structural steel Power plants, Towers	15 12	2 50
Smoke stacks Bridges	15 80	2 50

MODIFICATIONS P 2

	Basic Hourly Rates	Fringe Benefits
DECISION NO. TX84-4002 - MOD. #5 (49 FR 3575 - 1/27/84) Lubbock County Texas		
CHANGE:		
Plumbers & steamfitters:		
Projects where total mechanical contract is over $150,000	$14 65	1 59
Projects where total mechanical contract does not exceed $150,000 & apartments over 4 stories & motel without central heating & air conditioning	10 26	1 59
DECISION NO. TX84-4005 - MOD. #4 (49 FR 7069 - 2/22/84) Collin Dallas, Denton, Ellis, Grayson, Hood, Hunt Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos Texas		
CHANGE:		
Ironworkers	12 88	2 92
Laborers - Zone 2	8 60	1 30
DECISION NO. TX84-4020 - MOD. #5 (49 FR 14839 - 4/13/84) Galveston & Harris Cos, Texas		
CHANGE:		
Asbestos workers	13 23	3 23
DECISION NO. TX84-4028 - MOD. #3 (49 FR 19207 - 5/4/84) Brazos County Texas		
CHANGE:		
Asbestos workers	13 23	3 23

	Basic Hourly Rates	Fringe Benefits
DECISION NO. TX84-4032 MOD. #3 (49 FR 20232 - 5/11/84) Travis County Texas		
CHANGE:		
Elevator constructors:		
Mechanics	$14.75	3 29+a
Helpers	70%JR	3 29+a
Helpers (Prob)	50%JR	
DECISION NO. TX84-4036 - MOD. #2 (49 FR 22189 - 5/25/84) Jefferson & Orange Cos Texas		
CHANGE:		
Asbestos workers:		
Jefferson County	13 23	3 23
Glaziers:		
Northern 1/2 of Jefferson County	15 03	1 79
Painters:		
Northern 1/2 of Jefferson County:		
Brush, drywall, hand cleaning operation	15 03	1 79
Paper & vinyl	15 28	1 79
Spray, sign, power tools operations	15 45	1 79

MODIFICATIONS P 3

	Basic Hourly Rates	Fringe Benefits
DECISION NO. VA82-3035-Mod #7 (47 FR 54747 December 3 1982) York County, & THE CITIES OF HAMPTON & NEWPORT NEWS (INCLUDING LANGLEY AFB, FORT EUSTIS & FORT MONROE)		
OMIT FROM DECISION COVERAGE NEWPORT NEWS (INCLUDING LANGLEY AFB, FORT EUSTIS & FORT MONROE)		
DECISION NO. MD81-3031-Mod #13 (45 FR 27051 May 15, 1981) ALLEGANY & GARRETT CTYS MD		
CHANGE:		
Change Modification #11 published on January 13, 1984 to read: Change modification #9 published on December 23, 1983 to read Modification # 10		
DECISION NO. MD80-3047-MOD. #17 (45 FR 57922 August 29 1980) ALLEGANY & GARRETT CTYS MD		
CHANGE:		
Change Modification #14 published on January 13, 1984 to read: Change modification #12 published on December 23, 1983 to read modification # 13		

	Basic Hourly Rates	Fringe Benefits
DECISION NO. NM84-4027 - MOD. #2 (49 FR 21263 - 5/18/84) Statewide (excluding Eddy & Lea Cos for building const) New Mexico		
OMIT:		
Ironworkers:		
Zones III & IV		
ADD:		
Ironworkers:		
Zones III & IV:		
Construction, erection alteration, repair, modification, addition to or improvement in whole or on part of structures for which the major support system is wood frame construction & will also include apartments over 4 stories convenience stores, fast food restaurants, automobile service stations, motels up to 2 stories high regardless of the type of construction, all pre-engineered metal bldgs. except the structural portion of said bldgs with eave height in excess of 30 ft & all steel fencing	$ 8 23	95
All other construction:		
Zone III	13 55	2 95
Zone IV	14 55	2 95

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: HANCOCK HARRISON JACKSON & PEARL RIVER

DECISION NUMBER: MS84-1021 DATE: Date of Publication

Supersedes Decision No MS82-1052 dated October 1 1982 in 47 FR 43523

DESCRIPTION OF WORK: BUILDING CONSTRUCTION (excludes single family homes and apartments up to and including four (4) stories)

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$10 00	
CARPENTERS:		
Carpenters	11 95	1 20
Millwrights	12 70	1 20
CEMENT MASONS	10 76	
ELECTRICIANS	14 56	12 1/8%
GLAZIERS	9 19	
IRONWORKERS	10 74	
LABORERS:		
General	6 36	
Asphalt Rakers	7 68	
PAINTERS	8 10	
PLUMBERS & PIPEFITTERS	14 18	2 21
ROOFERS:		
Roofers	10 15	
Kettlemen	8 25	
SHEET METAL WORKERS	9 16	
SOFT FLOOR LAYERS	9 28	

	Basic Hourly Rates	Fringe Benefits
SPRINKLER FITTERS	$11 00	
TILE SETTERS	10 00	
TRUCK DRIVERS	8 50	
POWER EQUIPMENT OPERATORS		
Asphalt Spreaders	9 28	
Forklift Operator	9 47	
Backhoe Operator	10 27	
WELDERS - Receive rate for craft performing operation to which welding is incidental		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5 5 (a)(1)(ii)(A))		

SUPERSEDEAS DECISION

STATE: New Hampshire COUNTIES: Hillsborough and Merrimack

DECISION NUMBER: NH84-3022 DATE: Date of Publication

Supersedes Decision No. NH83-3012 dated May 20, 1983 in 48 FR 22867

DESCRIPTION OF WORK: Heavy Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	18 06	3 82
BOILERMAKERS	18 16	3 691
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONEMASONS TERRAZZO WORKERS and TILE SETTERS	14 32	2 26
CARPENTERS:		
Area 1:		
Carpenters and Soft Floor Layers	16 06	4 22
Millwrights	17 10	4 85
Area 2:		
Carpenters and Soft Floor Layers	15 91	4 37
Millwrights	17 10	4 85
Area 3:		
Carpenters and Soft Floor Layers	13 86	1 80
Piledrivermen and Millwrights	14 71	1 80
ELECTRICIANS:		
Area 1	16 77	3 70+ 3%
Area 2	15 85	1 53+ 3%
Area 3	15 85	1 53+ 3%
Area 4:		
General Contracts $100,000 and over	16 27	2 37
General Contracts less than $100,000	11 28	2 37
ELEVATOR CONSTRUCTORS:		
Constructors	12 80	3 00+ a+b
Helpers	8 96	3 00+ a+b
Probationary Helpers	6 40	
GLAZIERS	17 30	3 45
IRONWORKERS:		
Structural, Ornamental and Reinforcing	16 73	3 19

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Linemen	13 50	2.10+ 4 375% +c
Equipment Operator	11 48	2.10+ 4 375% +c
Groundman	7 43	2.10+ 4 375% +c
Driver Groundman	10 80	2 10+ 4 375% +c
PAINTERS	11 85	1 30
PLUMBERS & STEAMFITTERS:		
Area 1	19 37	2 34
Area 2	17.05	2 65
ROOFERS	7.80	
SHEET METAL WORKERS	14 60	2 33
SPRINKLER FITTERS	14 37	2 83
LABORERS:		
Group 1	8 25	2 80+d
Group 2	8 74	2 80+d
Group 3	9 00	2 80+d
POWER EQUIPMENT OPERATORS:		
Class 1	15 83	2 40+f
Class 2	15 63	2 40+f
Class 3	15 43	2 40+f
Class 4	13 53	2 40+f
Class 5	12 83	2 40+f
Class 6	11 68	2 40+f
Class 7	16 33	2 40+f
Class 8	16 83	2 40+f
TRUCK DRIVERS:		
Class 1	6 41	1 30+g
Class 2	6 64	1 30+g
Class 3	6 87	1 30+g
Class 4	7 02	1 30+g

DECISION NO NH84-3022

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTES:

a Employer contributes 8% basic hourly rate for 5 years or more of service as Vacation Pay Credit

b Holidays: New Year s Day, Lincoln s Birthday, Washington s Birthday Memorial day, 4th of July, Columbus Day, Armistic Day, Thanksgiving Day Friday after Thanksgiving, Chiristmas Day

c Hoilday:; New Year s Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day, plus Columbus Day, provided the employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday

d Holidays: Memorial Day Independence Day; and Thanksgiving Day provided employee works the day before and after each holiday

e Holidays: New Year s Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Veteran's Day; Washington's Birthday and Columbus Day

f Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Veteran's Day; Washington's Birthday and Columbus Day

g Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Veteran's Day and Columbus Day provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and first day assigned following the holiday

AREA DESCRIPTIONS

CARPENTERS:
Area 1: Hillsborough County (Pelham Township)
Area 2: Hillsborough County (Greenville Township)
Area 3: Remainder of Hillsborough County & Merrimack County

ELECTRICIANS
Area 1: Hillsborough (Pelham Township)
Area 2: Remainder of Hillsbrough County
Area 3: Merrimack County (Hooksett Township)
Area 4: Remainder of Merrimack County

PLUMBERS & STEAMFITTERS:
Area 1: Hillsborough County (Hudson and Pelham Townships)
Area 2: Remainder of Hillsborough County & Merrimack County

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GROUP DESCRIPTIONS
LABORERS

Heavy Construction

Group 1: Laborers and Pipelayers

Group 2: Pneumatic Tool Operator, Drillers Concrete Vibrators, and Electric Chipping Machines

Group 3: Blasterers and Powderman

POWER EQUIPMENT OPERATORS

Class 1: Shovel, Crawler, Tower Truck and Hydraulic Cranes Derrick, Backhoes, Trenching Machines, Elevating Graders, Gradalls, Piledrivers, Concrete Pavers Engineers on Site Processing Plant Dragline, Clamshell, Cableways

Class 2: Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors) Rock and earth Boring Machine (excluding McCarthy and similar drills), Grader, Front End Loader (4 yds or over)

Class 3: Bulldozer, Push Cats, Scraper (self-propelled or tractor drawn), Self-powered Asphalt Paver (Front End Loader 3/4 to 4 yds) Mechanics, Well Driller, Pumpcrete Machine, Engineer to Fireman on High Pressure Boiler (on job), Well Point Operators

Class 4: Hoists, Conveyors, Self-powered Rollers and Compactors, self-propelled Material Spreaders, Self-powered Concrete Finishing Machine Mixers (2 bags with skip), Front End Loader (under 3/4 yd.), McCarthy and similar Drills, Batch Plant (not a self-loading), Bulk Cement Plant

Class 5: Compressor (315 C F. or over - one or two), Pump 4 or over, Tractor without blades, Drawing Sheeps-foot, Rubber Roller or other type Compactor including Machines for Pulverizing and aerating Soil

Class 6: Compressor (up to 315 C F), Small Mixers with skip Oiler Pumps up to 4 , Grease Truck, Power Heaters, Welding Machines (when 3 or more Welding Machines Class 4 rate applied), A-Frame Forklifts, (where Grease Truck contains powered grease equipment, Engineer in charge shall be paid Class 3 rate)

Class 7: Crane with boom length of 104 feet or more including jib

Class 8: Crane with boom length of 225 feet or more including jib

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TRUCK DRIVERS

Class 1: Two Axle Equipment

Class 2: Three Axle Equipment including Low Beds

Class 3: Special Earth Hauling Equipment other than Conventional Type on the Road Truck and Semi-trailers Ttrailers Dumps

Class 4: Off Highway

Unlisted classifications needed for work not included within the scop of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (a) (1)(ii))

SUPERSEDEAS DECISION

STATE: NEW HAMPSHIRE
DECISION NUMBER NH84 3023
Supersedes Decision No. NH81 3013 dated January 30, 1981
DESCRIPTION OF WORK: Building Construction Projects

COUNTY: MERRIMACK
DATE: Date of Publication in 46 FR 10067

MERRIMACK COUNTY BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	18 06	3 82
BOILERMAKERS	18 16	3 691
BRICKLAYERS	14 32	2 26
CARPENTERS	13 86	1 80
CEMENT MASONS	14 32	2 26
ELECTRICIANS:		
General contracts $100 000 and over	16 27	2 37+ 3%
General Contracts less than $100 000	11 28	2 37+ 3%
ELEVATOR CONSTRUCTORS:		
Mechanic	12 80	3 00+ a+b
Helper	8 96	3 00+ a+b
Probationary Helper	6 40	
GLAZIERS	17 30	3 45
IRONWORKERS:		
Structural, Ornamental and Reinforcing	16 73	3 19
LABORERS	11 18	1 30
PAINTERS	11 85	2 80
PLUMBERS & PIPEFITTERS	17 05	2 65
ROOFERS	7 80	
SHEET METAL WORKERS	14 60	2 33
SPRINKLER FITTERS	14 37	2 83
TRUCK DRIVERS:		
2 axle	6 41	1 30+c
POWER EQUIPMENT OPERATORS:		
Backhoe	15 83	2 40+d
Bulldozer	15 43	2 40+d
WELDER - RATE FOR CRAFT TO WHICH THE WELDING IS INCIDENTAL		

FOOTNOTES:

a Paid Holidays: New Year s Day Lincoln s Birthday, Washington s Birthday Memorial Day 4th of July Columbus Day Armistice Day Thanksgiving Day Friday after Thanksgiving Christmas Day

b Vacation Pay Credit: Employer contributes 6% of basic hourly rate for 6 months to 5 years of service and 8% for 5 years or more of service

c Holidays: A through D plus Washington s Birthday Veteran s Day, and Columbus Day (provided the employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first assigned following the holiday)

d Paid Holidays are New Year s Day Memorial Day Fourth of July, Labor Day Veteran's Day Columbus Day Thanksgiving Day and Christmas Day

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5 5(a)(1)(ii))

SUPERSEDEAS DECISION

STATE: New Jersey

COUNTIES: Bergen, Essex, Hudson Hunterdon, Middlesex Morris, Passaic, Somerset Sussex Union and Warren

DECISION NUMBER : NJ84-3019

DATE: Date of Publication

Supersedes Decision No. NJ83-3015 dated June 17, 1983, in 48 FR 27991

DESCRIPTION OF WORK: Building (does not include single family homes and apartments up to and including 4 stories) Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits
AIR CONDITION and REFRIGERATION MECHANIC:		
Group 1	14 65	1 15+a
ASBESTOS WORKERS		
Zone 1	17 82	4 095
Zone 2	18 05	6 02
BOILERMAKERS	18 27	29+ 38%
BRICKLAYERS, STONEMASONS CEMENT MASONS and PLASTERERS:		
Zone 1	15 97	4 80
Zone 2	17 10	4 97
Zone 3	17 53	4 83
Zone 4:		
Bricklayers and Stonemasons	16 80	3 55
Cement Masons and Plasterers	18 05	3 15
Zone 5	16 18	4 50
Zone 6	17 45	3 32
Zone 7	19 00	2 42
Zone 8	17 49	3 67
Zone 9	15 93	3 34
Zone 10	17 45	3 32
Zone 11	17 40	3 37
Zone 12	16 45	4 32
CARPENTERS, INSULATORS and MILLWRIGHTS:		
Zone 1	17 45	4 53
Zone 2	16 97	5 28
Zone 3:		
Carpenters & Insulators	18 50	20 5%
Millwrights	19 00	20 5%
Zone 4:		
Carpenters & Insulators	18 50	20 5%
Millwrights	19 00	20 5%
Zone 5:		
Carpenters & Insulators	17 25	20 5%
Millwrights	17 75	20 5%
Zone 6:		
Carpenters & Insulators	18 51	20 5%
Millwrights	19 01	20 5%
DIVERS and DIVER TENDERS:		
Zone 1:		
Divers	20 07	6 60
Divers Tenders	16 27	6 60
DOCK BUILDERS and PILEDRIVERMEN	17 66	6 75
DRYWALL TAPER and FINISHERS	10 60	2 10
ELECTRICIANS and CABLE SPLICERS:		
Zone 1	18 10	26.5%
Zone 2	19 05	3.02+ 13.5%
Zone 3	20 11	2 53+ 10%
Zone 4	19 05	3.02+ 13 5%
Zone 5	19 96	26 5%
Zone 6:		
Wiremen	19 56	1.00+ 17%+ 100.00 P/YR
Cable Splicers	20 87	1.00+ 17%+ 100.00 P/YR
Zone 7	19 77	2 50+ 11%
Zone 8	19 77	2 52+ 10%
Zone 9	16 41	2 27+ 10%
Zone 10	20 05	2 53+ 10%
Zone 11	19 80	25%+2
Zone 12	16 00	1 02+ 11%
Zone 13	14 25	1 20+ 11%
ELECTRICIANS:		
Railroad Construction:		
Bergen & Hudson Cos	19 96	26 5%
Commercial Telephone Installation:		
Bergen & Hudson Cos	19 96	26 5%

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	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS:		
Construction:		
Mechanics	18 80	3.69+ b+c+d
Helpers	14 40	3.69+ b+c+d
Probationary Helpers	9 40	
Modernization:		
Mechanics	15 94	3.69+ b+c+d
Helpers	11 95	3.69+ b+c+d
Probationary Helpers	9 40	
Contract Repair:		
Mechanics	15 94	3.69+ b+c+d
Helpers	11 95	3.69+ b+c+d
Probationary Helpers	9 40	
GLAZIERS:		
Zone 1	16 14	7 33
Zone 2	16 90	6 60
Zone 3	17 95	5 55
IRONWORKERS:		
Structural; Reinforcing; and Ornamental:		
Zone 1	18 45	3 70
Zone 2	17 15	6 11
LATHERS	11 40	57
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS:		
Zone 1	12 45	1 73
Zone 2:		
Cutters & Setters	13 93	4 19+c
Carvers	14 40	4 19+c
Polishers	14 89	4 19+c
Crane Op.: Derrickman	12 91	4 34+c
Marble Finisher (Helpers)	12 91	2 19+c
Terrazzo Workers & Mosaic Finishers	15 28	2 71
Tile Setters	15 28	4 335
Tile Setters Finishers	13 84	3 17
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS FINISHERS:		
Zone 1:		
Marble Setters Finishers	8 28	2 32+c
Terrazzo Workers Finishers	9 84	2 71
Zone 2:		
Tile Setters' Finishers	9 35	1 80
PAINTERS:		
Zone 1:		
Commercial & Industrial Tapers (Commercial)	14 60	5 01
Steel (outside), Spray and Paperhangers	16 60	5 01
Zone 2:		
Repaint Rate	14 00	4 12
Regular Rate	15 00	4 12
Premium & Spray	16 25	4 12
Paperhanging & Wall Covering	16 10	4 12
Zone 3:		
Group 1	13 80	2 43
Group 2	12 70	2 43
Group 3	13 30	2 43
Group 4	13 95	2 43
Group 5	12 85	2 43
Group 6	14 40	2 43
Group 7	14 30	2 43
Zone 4:		
Group 1	14 65	4 83
Group 2	14 55	4 83
Group 3	15 05	4 83
Group 4	12 30	4 83
Group 5	12 65	4 83
PIPEFITTERS:		
Zone 1	17 10	4 41
Zone 2	16 62	5 81
Zone 3	18 62	5 06
PLUMBERS:		
Zone 1	18 68	5 00
Zone 2	17 83	5 80
Zone 3	18 62	5 06
ROOFERS:		
Zone 1:		
Composition	18 05	2 55
Zone 2:		
Shingle, Slate or Tile	19 57	2 55
MECHANIC II (For shingle, Slate, or Tile) - Handle and transport all materials, tools and equipment; clean-up debris	8 25	2 55
Zone 3:		
Composition, Damp and Waterproofing, Slate and Tile	18 72	3 00
Zone 4:		
Slate and Tile	16 70	4 75
Slate & Tile Helpers	8 85	4 75
Zone 5:		
Composition, Damp and Waterproofing	18.00	3 50
Slate and Tile	18 125	3 50
Zone 6:		
Composition, Damp and Waterproofing	14 60	8 19
SHEET METAL WORKERS:		
Zone 1	16 40	5 83

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SHEET METAL WORKERS CONT D	Basic Hourly Rates	Fringe Benefits
Zone 2:	14 20	1 63+ 16%
Zone 3	12 80	3 56
Zone 4	15 23	4 39
Zone 5	16 26	3 75
Zone 6	17 70	4 58
SOFT FLOOR LAYERS	16 77	1 00+ 16%
SPRINKLER FITTERS:		
Zone 1	17 68	3 65
Zone 2	16 24	2 43
LABORERS:		
Zone 1:		
Group 1	12 55	3 10
Zone 2:		
Group 1	11 80	3 85
Zone 3:		
Group 1	12 55	3 25
Group 2	12 80	3 25
Zone 4:		
Laborers	13 50	2 15
Zone 5:		
Laborers	12 25	3 40
Zone 6:		
Group 1	11 65	4 00
Zone 7:		
Laborers	11 85	3 80
Zone 8:		
Group 1	12 20	3 20
Group 2	12 45	3 20
Zone 9:		
Group 1	13 05	2 60
Group 2	13 30	2 60
Zone 10:		
Group 1	13 30	2 35
Zone 11:		
Group 1	13 05	2 60
Zone 12:		
Group 1	13 25	2 40
Zone 13:		
Laborers	12 25	3 40
Zone 14:		
Laborers	13 10	2 40
Zone 15:		
Laborers	12 40	3 25
Zone 16:		
Group 1	12 25	3 40
Zone 17:		
Group 1	13 00	2 45
Zone 18:	13 60	2 05
(Heavy and Highway Construction):		
Group 1	12 50	2 45+f
Group 2	12 70	2 45+f
Group 3	13 00	2 45+f
Group 4	13 40	2 45+f
Group 5	13 45	2 45+f
Group 6	15 00	2 45+f

	Basic Hourly Rates	Fringe Benefits
(Free Air Tunnel Jobs):		
Group 1	14 95	2 45+f
Group 2	13 55	2 45+f
Group 3	13 40	2 45+f
Group 4	12 90	2 45+f
(Asphalt Construction):		
Zone 1:		
Street:		
Head Raker	11 30	2 35+f
Rakers and Screen Men	11 15	2 35+f
Tampers, Smoothers, Kettlemen, Painters Top Shovelers and Roller Boys	10 90	2 35+f
Plant:		
Scale Mixers and Burner Men	11 15	2 35+f
Feeders and Dust Men	10 90	2 35+f
Zone 2:		
Street:		
Head Rakers	11 65	2 60+f
Rakers and Screed Men	11 50	2 60+f
Tampers, Smoothers, Kettlemen Painters, Shovelers and Roller Boys	11 25	2 60+f
Plant:		
Scale Mixer and Burner Men	11 30	2 60+f
Feeders and Duct Men	11 05	2 60+f
LINE CONSTRUCTION:		
Zone 1:		
Linemen, Cable Splicers Line Equipment Operators, Line Truck Operators, Groundmen and Welders	16 30	26 75%
Zone 2:		
Linemen and Equipment Operators	19 56	1 50+ 17%+ 100.00 P/YR.
Cable Splicers	20 87	1 50+ 17%+ 100.00 P/YR
Groundmen	70%JR	
Zone 3:		
Linemen, Cable Splicers Equipment Operators & Groundmen	17 00	.58+ 21 75%
Zone 4:		
Linemen, Cable Splicers Line Equipment Operators & Groundmen	16 18	2.00+ 14 25%

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LINE CONSTRUCTION: (Cont d	Basic Hourly Rates	Fringe Benefits
Zone 5:		
Linemen, Cable Splicers Line Equipment Operators and Groundmen	16 18	3.00+ 14 25%
Zone 6:		
Linemen: Cable Splicers; Line Equipment Operators and Groundmen	13 84	.80+ 10 75%
Zone 7:		
Linemen and Equipment Operators	19 23	2.90+ 11%+ 350.00 P/YR
Groundmen and Line Truck Operators	14 56	2.90+ 11%+ 350.00 P/YR
Zone 8:		
Linemen and Equipment Operators	16 45	1.90+ 10.75%
Groundmen	14 59	1.90+ 10 75%
Zone 9:		
Linemen and Equipment Operators	14 01	.80+ 10.75%
Groundmen	12 15	.80+ 10 75%
Zone 10:		
Linemen, Cable Splicers and Groundmen	16 73	1.90+ 10 75%
Zone 11:		
Linemen, Cable Splicers	16 41	2.25+ 10.75
Groundmen	15 56	2.25+ 10 75%
Zone 12:		
Linemen, Equipment Operators and Cable Splicers	19 80	25%
Groundmen Winch Operators	18 90	25%
Zone 13:		
Linemen, Line Truck Operators Equipment Operators and Cable Splicers	13 50	1.00+ 11.75%
Groundmen	7 434	1.00+ 11 75%

	Basic Hourly Rates	Fringe Benefits
Zone 14:		
Linemen, Line Truck Operators Equipment Operators and Cable Splicers	16 00	1.20+ 11 75%
(Railroad Construction ONLY):		
Linemen	16 96	25%
Line Equipment Operators	16 20	25%
Groundmen Winch, Operators, Truck Operator	13 67	25%
Groundmen	11 06	25%
Dynamite Man	14 20	25%
Street Light Mechanic	12 97	25%
Line Equipment Mechanic	12 90	25%
POWER EQUIPMENT OPERATORS: Building Construction Projects in which individual items of work are $100 000 or less (including clearing, and grading excavation, for foundations back filling, storm and sanitary sewers sidewalk street excavation and paving curbing and landscaping, water and gas supply lines)	11 94	4 40+a
OTHER BUILDING CONSTRUCTION PROJECTS: HEAVY HIGHWAY, ROAD, STREET AND SEWER PROJECTS:		
Class A	21 67	4 80+a
Class B	20 08	4 80+a
Class C	18 17	4 80+a
Class D	16 54	4 80+a
Class E	14 83	4 80+a
Class F	23 49	4 80+a
STEEL ERECTION:		
Class A	23 89	4 80+a
Class B	22 58	4 80+a
Class C	21 24	4 80+a
Class D	18 58	4 80+a
Class E	17 58	4 80+a
Class F	15 69	4 80+a
Class G	25 30	4 80+a
TANK ERECTION:		
Class A	23 16	4 80+a
Class B	23 32	4 80+a
Class C	25 30	4 80+a
Class D	21 73	4 80+a
Class E	16 02	4 80+a
OILOSATATIC MAINLINES & TRANSPORTATION PIPELINES:		
Class A	22 30	4 80+a
Class B	20 65	4 80+a

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	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (CONT'D)		
Class C	18 51	4 80+a
Class D	17 61	4 80+a
Class E	15 29	4 80+a
Class F	24 23	4 80+a
TRUCK DRIVERS:		
Zone 1:		
Group 1	7 27	1.43+ h+i
Group 2	7 50	1.43+ h+i
Group 3	7 55	1.43+ h+i
Group 4	7 65	1.43+ h+i
Group 5	7 76	1.43+ h+i
Zone 2:		
Group 1	14 97	2.00+ h+i+j
Group 2	15 20	2.00+ h+i+j
Group 3	15 25	2.00+ h+i+j
Group 4	15 35	2.00+ h+i+j
Group 5	15 45	2.00+ h+i+j
Zone 3:		
Group 1	14 97	2 855+ h+i
Group 2	15 20	2 855+ h+i
Group 3	15 25	2 855+ h+i
Group 4	15 35	2 855+ h+i
Group 5	15 45	2 855+ h+i

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans Day, provided the employee works any of the 3 days in the 5-day workweek preceeding the holiday and the first work day after the holiday

b Employer contributes $8 00 per day per employee to an Annuity Fund

c Holidays: A through F, plus Lincoln's Birthday Washington's Birthday Columbus Day, Election Day, and Armistic Day

d Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation

e Holiday: A half day's pay for Labor Day

f Holidays: A through F, plus Washington's Birthday, Veterans Day and Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such

g Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans' Day providing the employee works any of the 3 days in the 5 days preceeding the holiday and the first work day after the recognized holiday

h All Employees who are assigned to work on Sundays or the following holidays: New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day General Election Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day, and any new holiday proclaimed by the Federal Government (not days of mourning), shall be paid two and one half times the rates listed for all hours worked which includes the holiday pay

i Employees working or receiving pay for 80 days within a year receive one week's vacation (48 hours); 125 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours)

j Employer contribution of $170 00 per month per employee to Health and Welfare Funds

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AREA GROUP and ZONE DESCRIPTOINS

AIR CONDITION and REFRIGERATION MECHANIC:
Group 1: Installation of refrigeration equipment for any type of building where the combined compressor tonage does not exceed 5 tons; Installation of water-cooled air conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); Installation of air-cooled air conditioning that does not exceed 15 tons

ASBESTOS WORKERS:
Zone 1: Hunterdon (Alexander, Bethlehem Bloomsburry, Clinton, Delaware, East Armwell, Flemington, Franklin, Frenchtown Glen Garden, Hampton, High Bridge Holland Kingwood Lambertville, Labanon Milford, Raritan, Readington Stockton, Union, and West Armwell Townships); Middlesex (Cranbury, East Brunswick, Helmatta Jamesburg Milltown Monroe, North Brunswick Plainsboro South Brunswick and Spotswood Townships); Somerset (Branchburg, Franklin Hillsborough, Manville, Millstone, Montgomery and Rocky Hill Townships); and Warren (Franklin, Greenwich Hamony, Lopatcong, Oxford Phillipsburg, Pohotcong, Washington and White Townships) Counties
Zone 2: Bergen, Essex, Hudson, Hunterdon (Remainder of County) Middlesex (Remainder of County), Morris, Passaic Somerset (Remainder of County) Sussex Union and Warren (Remainder of County) Counties

BRICKLAYERS; STONEMASONS, CEMENT MASONS; and PLASTERERS:
Zone 1: Bergen (North Arlington, Lyndhurst - east of Ridge Road and north to Rutherford Avenue and Barry's Creek, west to the Hackensack River); Essex (except Millburn Township); Hudson that portion west of the Jackensack River
Zone 2: Bergen (Wallington, part of East Patterson, Garfield Lodi North Arlington and part of Lyndhurst); Morris (Pompton Plains, Pequannock Lincoln Park Kinnelon, Butler and Riverdale); Passaic and Sussex (that portion north of a line along Route #521 from Dingmans Ferry to Tuttles Corner, along Route #206 to Lafayette then along North Church Road to Route #23 then along Route #23 to Passaic County Line) Counties
Zone 3: Bergen (Remainder of County)
Zone 4: Hudson (Remainder of County)
Zone 5: Middlesex (except Dunellen, South Plainfield, New Market, Middlesex and Oak Tree) and Somerset (Franklin Park only) Counties
Zone 6: Essex (Millburn Township), Morris (Gillette and Sterling Shore Hills Townships) Union (New Providence Springfield Summit and Union Townships)
Zone 7: Hunterdon (Califon Oldwick Annadalle, Lebanon, White House Station, Readington, Stantion and Three Bridges Townships) and Somerset (Remainder of County) Counties
Zone 8: Hunterdon (Remainder of County) Morris (Stephensburg Pleasant Grove, Middle Valley and Parker Townships), Sussex (Branchville, Flatbrookville Swartswood Halsey Newton and Stillwater Townships) and Warren Counties
Zone 9: Morris (Remainder of County) and Sussex (Remainder of County) Counties

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AREA GROUP and ZONE DESCRIPTIONS (Cont d)

BRICKLAYERS, STONEMASONS, CEMENT MASONS, and PLASTERERS: (Cont d)
Zone 10: (Parts of Somerset, Morris and Hunterdon Counties. At Old Mill Inn Route #202 follow Passaic River to the Dean River from thence to Sunset Lake at Pluckemin; follow Chambers Brook to Oldwick to Fairmount Hunterdon County across the County Line to Long Valley in Morris County; thence across from Long Valley into Chester, 3 miles north of Chester to Muskrat, then back across into Ralston, Morris County, then follow Morris-Somerset County Line into Mendham Township; then we go across Morris County Line into Somerset, back to the Old Mill Inn in Bernardsville, Route #202 Somerset County)
Zone 11: Union (Plainfield, Scotch Plains)
Zone 12: Union (Remainder of County)

CARPENTERS, INSULATORS and MILLWRIGHTS:
Zone 1: Bergen County (east of the Hackensack River including but not limited to Cliffside, Fort Lee, Grant Wood, Palisades Park, Ridgefield, Edgewater Fairview, Leonia and Coytesville) and that part of Hudson County east of the Hackensack River
Zone 2: Hunterdon (starts at the south of the town of Frenchtown on the Delaware River, thence following the line in the center of the road to Baptistown to Croton to the City of Flemington to Flemington Junction to Three Bridges thence following the Somerset County Line northward, all territory south of this line including the City of Flemington) and Somerset (all territory south of a line beginning at Armwell on the Coutny Line to Zion to Fairview to Dutchtown to Plainsville to Bell Mead to Griggstown to the Delaware and Raritan Canal) Counties
Zone 3: All of Union, Middlesex, Morris and Sussex; also the Township of Millburn; County of Essex, the following municipalities in Somerset County (Greenbrook, North Plainfield, Watchung and all of the following communities east of King George's Road; Warren County (All Townships) Counties
Zone 4: Essex County and that part of Hudson County west of the Hackensack River
Zone 5: Bergen (Remainder of County)
Zone 6: Passaic County and the City of Garfield and Borough of Lodi and Wallington in Bergen County

DIVERS and DIVER TENDERS:
Zone 1: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris Passaic Somerset Sussex Union, and Warren Counties

ELECTRICIANS and CABLE SPLICERS:
Zone 1: Essex County
Zone 2: Union County (that portion east and north of a line running in a southerly direction from Morris Avenue along Baltusrol Way across Baltusrol County Club to Baltusrol Road, along Baltusrol Road and Summit Lane in Mountainside to and along New Providence Road to and along the Mountainside Line to and along Washington Valley Road, to and along Diamond Hill Road to and along Park Avenue in Scotch Plains, and continuning along Martine Avenue, to and northeast along the Raritan Road, to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line)

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AREA, GROUP, and ZONE DESCRIPTIONS (Cont'd)

ELECTRICIANS and CABLE SPLICERS: (Cont'd)
Zone 3: Union County (that portion south and west of a line running east from Somerset County on Mountain Avenue, in New Providence Borough, to the Diamond Hill Road south on that road to and along Park Avenue, in Scotch Plains and continuing along Martine Avenue, to and Northeast along the Raritan Road, to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and southwest on the railroad to Middlesex County Line)
Zone 4: Union (Remainder of County)
Zone 5: Bergen and Hudson Counties
Zone 6: Passaic County
Zone 7: Morris and Sussex Counties
Zone 8: Hunterdon and Somerset Counties
Zone 9: Middlesex County (that portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road south on Stelton Road to Lincoln Highway along Lincoln Highway to Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River along the Raritan River to the South River, along the South River to the southern boundary to the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing on the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street and the Turnpike to the Millstone River)
Zone 10: Middlesex County (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Road, northeast on Dismal Road to Park Avenue, north on Park Avenue to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line)
Zone 11: Middlesex (Remainder of County)
Zone 12: Warren County (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich Pohatcong Townships and that portion of Mainsfield Township west of Line following the Point Mt -Port Murray Road to Independence Township)
Zone 13: Warren (Remainder of County)

GLAZIERS:
Zone 1: Bergen and Passaic Counties
Zone 2: Middlesex, Somerset (Bernardsville, Basking Ridge and Watchung) and Union (Carteret, Port Reading, Perth, and Woodbridge) Counties
Zone 3: Essex, Hudson, Morris, Somerset (Remainder of County), Sussex, Union (Remainder of County) and Warren Counties

IRONWORKERS:
Zone 1: Warren County
Zone 2: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex and Union Counties

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AREA GROUP and ZONE DESCRIPTIONS (Cont'd)

MARBLE SETTERS; TERRAZZO WORKERS; and TILE SETTERS:
Zone 1: Hunterdon (Remainder of County), Morris (Stephensburg Pleasant Grove, Middle Valley, and Parker Townships), Sussex (Branchville, Flatbrookville, Swartswood Halsey Newton, and Stillwater Townships) Warren Counties
Zone 2: Bergen, Essex, Hudson, Hunterdon (Wertsville Reaville, Flemington Hamden, Clinton, Penwell and Cities east thereof to the County Line) Middlesex Morris (Remainder of County), Passaic Somerset, Sussex (Remainder of County) and Union Counties

MARBLE SETTERS'; TERRAZZO WORKERS and TILE SETTERS' FINISHERS:
Zone 1: Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and Cities east thereof to the County Line), Middlesex, Morris, Passaic, Somerset, Sussex (Colesville, Beermerville, Mt Pisah, Swartswood, Huntsburg and all Cities inclusive to the Morris and Passaic County Line) and Union Counties
Zone 2: Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic Somerset, Sussex, and Union Counties

PAINTERS:
Zone 1: Bergen, Passaic and Sussex Counties
Zone 2: Middlesex (Edison Township south of Metchen, Highland Park New Brunswick North Brunswick East Brunswick and South Brunswick Townships and Monroe Township) and Somerset (Franklin Township) Counties
Zone 3: Essex Hudson (west half of County), Hunterdon, Middlesex (Remainder of County), Morris, Somerset (Remainder of County), Union and Warren Counties:

Group 1: Painters on New Construction and Major Alterations
Group 2: Painters on Repaint Work
Group 3: Spraying or Application of hazardous or dangerous materials on Repaint Work
Group 4: Exterior Work exceeding 3 stories in height for painting of Open Structural Steel and Tanks under 3 stories in height except Flat Tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to Machinery or Equipment located therein)
Group 5: Repaint Work as described in Group 4
Group 6: On Bridges, Television and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers, Sandblasting, Steam Cleaning, Spraying or application of Hazardous materials
Group 7: Paperhanging

Zone 4: Hudson (Remainder of County):

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AREA GROUP and ZONE DESCRIPTIONS (Cont d)

PAINTERS: (Cont d)
Zone 4: (Cont'd)
Group 4: Repainting high rises and old warehouses with Scaffold or extension Ladders
Group 5: Rehab Work - all closets below street level basements, sub-basements Boiler Rooms and Stairways may be sprayed

PIPEFITTERS:
Zone 1: Bergen, Hudson, Morris (Remainder of County), Passaic, Sussex, and Warren (excluding area given in Zone 2 for the same County) Counties
Zone 2: Essex, Hunterdon (Alexandria Alexandria Township Alexauken, Allens Corner, Allertown Amsterdam, Annandale Anthony Baptistown, Bellewood, Bethlehem Townships; Bissell, Bloomsbury, Bunnvale, Buttonwood Corners, Centerville, Charlestown, Cherryville Clinton Cokebury, Coles Mills, Croton, Delaware Townships, Dilts Corner, East Amwell Township, Evittstown, Fairmount, Farmersville, Franklin Township, Frenchtown, Glen Gardner, Grandin, Hamden, Hampton Higginsville, High Bridge, Hoffmans, Holland Township, Hughesville, Johnsons Jutland, King, Kingwood Towsnhip, Klinesville, Landsdowne Lebanon Lebanon Township, Little Brooke, Little Neck Little York, Ludlow, McPherson, Milford Mountainville, Mount Joy Mount Pleasant Mount Salem, Muirshead, New Germantown, New Hampton Newport Norton Oak Grove, Oldwick, Palmyra, Palmyra Corners, Pattenburg Perryville Pittstown Pleasent Run, Polktown, Potterstown, Quakertown Raritan Township, Readington Townships) Warren County (Phillipsburg Township) Counties)
Zone 3: Hunterdon (excluding area given in Zone 2 for the same County), Mercer (excluding Hopewell and Hopewell Township), Middlesex (excluding Dunellen Borough, East Bound Brook, Middlesex New Market, Oak Tree, Piscataway Township, and South Plainfield), and Somerset (excluding area given in Zone 2 for same County) County

PLUMBERS:
Zone 1: Hudson County (Bayonne, Guttenberg, Hoboken Jersey City North Bergen Secaucus Union City, Weehawken West New York Bergen County, Passaic County, Sussex County Warren County (northern half) and Morris County (from Mount Olive straight across Randolph, down to the Essex Border)

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AREA GROUP and ZONE DESCRIPTIONS (Cont d)

PLUMBERS: (Cont d)
Zone 2: Essex, Hudson (East Newark Harrison and Kearney only) Hunterdon (Alexandria Alexandria Township, Alexauken Allens Corner Allertown Amsterdam, Annandale, Anthony Baptistown Bellewood, Bethlehem Township, Bissell, Bloomsbury, Bunnvale, Buttonwood Corners Centerville, Charlestown, Cherryville, Clinton, Clinton Townships, Cokebury, Coles Mills, Croton Delaware Township, Dilts Corner, East Amwell Township Everittstown, Fairmount Farmersville, Franklin Townships, Frenchtown Glen Gardner, Grandin Hamden, Hampton, Higginsville High Bridge, Hoffmans, Holland Township, Hughesville, Johnsons, Jutland King, Kingwood Township Klinesville Landsdowne Lebanon Lebanon Township Little Brook Little Neck Little York, Ludlow McPherson Milford, Mountainville, Mt Joy Mt. Pleasent Mt Salem Muirshead New Germantown, New Hampton, Newport Norton, Oak Grove, Oldwick, Palmyra, Palmyra Corners Pattenburg Perryville, Pittstown, Pleasent Run, Polktown, Potterstown, Quakertown, Raritan Township, Readington Readington Township Reaville, Rileyville, Riverside, Rockafellows, Rowland Mills Sidney, Snydertown, Spring Mills, Stanton, Stanton Station Sunnyside, Sutton, Tewksbury, Tewksbury Township, The Point, Three Bridges, Treasure Island Tumble, Union, Union Township, Unionville, Van Syckle Warren Paper Mills, Wertsville West End, West Portal Whitehouse, Whitehouse Station, Woodglen), Mercer (Hopewell and Hopewell Township only), Middlesex (Dunellen Borough East Bound Brook Middlesex, New Market, Oak Tree, Piscataway Township, and South Plainfield only), Morris (Bartley, Berkshire Valley, Bertland Island, Brookside, Chatham, Chatham Township, Chester, Chester Township, Cooks Bridge, Crestmoore, Gillette, Harding Township, Ironia, Logansville Long Valley Malapardis, Mendham Mendham Township, Middle Valley, Millington, Milltown Milton Mt Freedom, Mt Oliver Township, Mt Paul, Myerstown Naughright, New Vernon, Parker Passaic Township, Pleasent Grove, Ralston, Schooleys, Mt Stanley, Stephensburg, Stirling and Washington Township), Somerset (Amwell, Basking Ridge, Bedminister Bedminister Township Bernards Township, Bernardsville, Blaziers Corner Bound Brook, Bradley Gardens, Branchburg Township, Bridgewater Township, Burnt Mill, Centerville, Chimney Rock, Claver Hill, Dutchtown, Far Hills Borough, Finderne, Flagtown, Frank Fort, Franklin Park Franklin Township, Gallia, Gladstone, Greater Cross Roads Hamilton Harmony, Harmony Colony, Higgins Mills, Hillsborough Township, Lamington, Lanes Crossing Liberty Corners, Lyons Madisonville Manville, Manville Borough Martinsville, Mettler, Millstone Mine Brook, Montgomery, Montgomery Township, Mt Bethel, Mt Horeb, Neshanic, Neshanic Station, North Branch, North Branch Depot, North Plainfield, Peapack, Peapack-Gladstone, Plainville Pluckemin Pottersville Raritan, Ravine Lake Rock Mill, Round Top, Roycefield, Royce Valley, Seeley Mills, Smalleytown Somerset, Somerville, Stone House, Sunset Lake, Union Village, Vliettown Watchung, West Millington, Weston, White Bridge, Woodfern Zarepath, and Zion), Union and Warren (Anderson, Asbury, Beattystown, Brainards Brass Castle, Broadway, Buttzville, Carpentersville, Changewater, Cornish Finesville, Foul Rift Franklin Township, Greenwich Township Harmony, Harmony Station, Harmony Township Haszen, Hope Township, Hutchinson, Karrville Kennedy Lapatcong Lopatcong Township, Lower Harmony, Mansfield Township Montana, New Village, Oxford, Oxford Township Pequest Pleasent Valley, Port Colden Port Murray, Riegelsville Rockport, Rocksbury, Roxburgh, Springtown, Stewartsville, Still Valley Vulcanite, Warren Glen, Washington Washington Township and White Top) Warren (Phillipsburg Township) Counties

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AREA GROUP and ZONE DESCRIPTIONS (Cont d)

PLUMBERS: (Cont d)
Zone 3: Hunterdon (excluding area given in Zone 2 for the same County), Mercer (excluding Hopewell and Hopewell Township), Middlesex (excluding Dunellen Borough, East Bound Brook, Middlesex New Market, Oak Tree, Piscataway Township, and South Plainfield) and Somerset (excluding area given in Zone 2 for the same County) Counties

ROOFERS:
Zone 1: Bergen and Passaic Counties
Zone 2: Hunterdon and Somerset (Rocky Hill, Harlingen, Belle Meade Neshanic, Clover Hill, Montgomery, Zion, Skillman, Stoutsburg Blawenburg, Centerville and Kingston) Counties
Zone 3: Essex, Hudson (west of the Hackensack River), Morris, Somerset (Pottersville, Peapack, Gladstone, Bernardsville Basking Ridge, Bedminister, Far Hills, Mine Brook, Lyons, Liberty Corner Pluckamin, Mt Bethel and Watchung) Sussex Union (remainder of County) and Warren Counties
Zone 4: Bergen, Passaic and Sussex Counties
Zone 5: Middlesex, Somerset (Remainder of County) and Union (Scotch Plains, Planfield, Clark, and Rahway) Counties
Zone 6: Hudson (Remainder of County)

SHEET METAL WORKERS:
Zone 1: Middlesex and Somerset Counties
Zone 2: Essex and Passaic Counties
Zone 3: Bergen and Hudson Counties
Zone 4: Warren County
Zone 5: Morris, Sussex, and Union Counties

SPRINKLER FITTERS:
Zone 1: Bergen, Essex Hudson, Middlesex (New Brunswick, Milltown, Old Bridge, Browntown and North thereof), Morris, Passaic, Somerset (Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, North Plainfield, Martinville and Somerville) and Union Counties
Zone 2: Hunterdon, Middlesex (Remainder of County), Somerset (Remainder of County), Sussex and Warren Counties

LINE CONSTRUCTION:
Zone 1: Essex County
Zone 2: Passaic County
Zone 3: Bergen and Hudson Counties
Zone 4: Union (that portion east and north of a line running in a southerly direction from Morris Avenue along Baltusrol Way, across Baltusrol County Club to Baltusrol Road, along Baltusrol Road and Summit Lane in Mountainside to and along New Providence Road to and along the Mountainside Line, to and along Washington Valley Road, to and along Diamond Hill Road, to and along Park Avenue in Scott Plains, and continuing along Martine Avenue , to and northeast along the Raritan Road, to and easterly along the Westfield-Scotch Plains Line, to the Lehigh Valley Railroad and southwest on the railroad to the County Line) County

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AREA, GROUP, and ZONE DESCRIPTIONS (Cont'd)

LINE CONSTRUCTION: (Cont d)
Zone 5: Union County (that portion south and west of a line running east from Somerset County on Mountain Avenue in New Providence Borough to the Diamond Hill Road south on that road to and along Park Avenue in Scotch Plains and continuing along Martine Avenue, to and northeast along the Raritan Road, to and easterly along the Westfield-Scotch Plains Line to the Lehigh Valley Railroad and Southwest on the railroad to the Middlesex County Line)
Zone 6: Remainder of Union County
Zone 7: Morris and Sussex Counties
Zone 8: Hunterdon (except Tewksbury Township and Califon Borough) and Somerset (that portion south of a line following Mountain Avenue, from the Union County Line west to Hillcrest Avenue in Union Village, north on Hillcrest Avenue to and west on the Passaic River, west on the Dead River, west on Allen Road, north on Somerville Road, west on Howell Road southwest on Mt. Prospect Road west on Martinsville-Pluckemin Road, west on Klines Mill Road, north on John Kane Road to Hunterdon County Line, and also that portion of Montgomery Township west and south of a line following U. S. Highway #206 north from Mercer County to the Harlingen Road, west along that road the Dutchtown - Zinc Road to Hillsboro Township Line) Counties
Zone 9: Hunterson (Remainder of County) and Somerset (Remainder of County)
Zone 10: Middlesex County (that portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Road to Lincoln Highway to Vinyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River, along the Raritan River to the South River, along the South River to the southern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing on to the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street on Main Street and the Turnpike to the Millstone River)
Zone 11: Middlesex County (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Road northeast on Dismal Road to Park Avenue, north on Park Avenue, to the Lehigh Valley Railroad, and northeast along that Railroad to the Union County Line)
Zone 12: Remainder of Middlesex County
Zone 13: Warren County (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich Pohatcong Townships and that portion of Mansfield Township west of line following the Point Mt - Port Murray Road to Independence Township)
Zone 14: Remainder of Warren County

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ZONE and GROUP DESCRIPTIONS (Cont'd)

LABORERS
BUILDING CONSTRUCTION

Zone 1: Passaic County (Townships of Boroughs Passaic, Garfield Lodi, Wallington Delawanna, Allwood, Athenia and Clifton to Piaget Avenue; Paterson, and the Boroughs and Townships of Albion Place, Little Fall, Totowa Borough, West Paterson, Wayne Hawthorne Pompton, Haledon Clifton to Piaget Avenue West Milford, Ringwood Bloomingdale New Jersey and East Paterson to the Garfield boundary Line):

Group 1: Laborers; Air Tool Operators (Jackhammers, Vibrators); Mason Tenders; Mortar Mixers; Pipelayers (concrete and clay); and Plasterer Tenders

Zone 2: Bergen County (Cliffside: Borough of Cliffside Park: Borough of Fort Lee, south of Central Boulevard; Borough of Palisades Park, south of Central Boulevard; Borough of Ridgefield; Borough of Edgewater, and Borough of Fairview; Hackensack: City of Hackensack; Hasbrouck Heights; Little Ferry; South Hackensack; Ridgefield Park; Bogota; Teaneck Township west of Teaneck Road and South of Fort Lee Road; Maywood; Saddle Brook Township; Borough of Paramus east of Sprout Brook; and the Borough of River Edge; New Milford; Teterboro; Bendix; and Rochell Park; Englewood: City of Englewood; Borough of Dumont; Borough of Bergenfield; Borough of Palisades Park, north of Central Boulevard to Edgewater; Fort Lee, to the Hudson River; Borough of Fort Lee, north of Central Boulevard; Township of Teaneck, east of Teaneck Road and north of Fort Lee Road; Borough of Leonia; Borough of Englewood Cliffs; Borough of Tenafly; Borough of Cresskill; Borough of Demarest; Borough of Closter; Borough of Oradell; Borough of Montvale; Borough of Woodcliff Lake; Borough of Park Ridge; Borough of Hillsdale; Township of Wahsington; Borough of Westwood; Borough of Emerson; Borough of Haworth; Borough of Alpine; Borough of Rockleigh; Borough of Norwood; Borough of Harrington Park; Borough of Old Tappan; Borough of Northvale; and Township of Rivervale; Lyndhurst: Rutherford; East Rutherford; Wood-Ridge; Carlton; Carlstadt; North Arlington and Moonachie; Ridgewood: Village of Ridgewood; Borough of Fair Lawn; Borough of Blen Rock; Borough of HoHoKus; Borough of Saddle River; Borough of Upper Saddle River; Borugh of Allendale; Borough of Ramsey; Borough of Waldwick; Borough of Midland Park; Borough of Oakland; Borough of Franklin Lakes; Township of Wykoof; Township of HoHoKus; and Borough of Paramus with the exception of portion of Paramus east of Sprout Brook and Borough of Mahwah):

Group 1: Laborers; Air Tool Operator (Jackhammers Vibrators); Mason Tenders; Mortar Mixers; Pipelayers (concrete and clay); Plasterer Tenders; Wrecking and Excavation

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ZONE and GROUP DESCRIPTIONS (Cont d)

LABORERS - BUILDING CONSTRUCTION (Cont d)

Zone 3: Essex County (City of East Orange Townships of South Orange and Maplewood):

Group 1: Laborers
Group 2: Mortar Mixers; Scaffold Men; Pneumatic Hammer Operators; Bell Men and Carpenter Tenders

Zone 4: Essex County (Orange and Montclair)
Zone 5: Essex (Millburn) and Union (Springfield and Union Townships) Counties
Zone 6: Essex (Remainder of County) and Hudson (Kearny East Newark and Harrison) Counties:

Group 1: Laborers; Air Tool Operators; Mason Tenders; Mortar Mixers and Pipelayers (concrete and clay)

Zone 7: Remainder of Hudson County
Zone 8: Middlesex County (Perth Amboy Carteret Woodbridge and Metuchen Townships):

Group 1: Laborers
Group 2: Vibrator Handler; Power Hammer Handler; Tamper; Fork Lift Operator

Zone 9: Middlesex (Remainder of County) and Somerset (East Millstone and Franklin Townships) Counties:

Group 1: Laborers
Group 2: Vibrator Handler; Power Hammer; Tamper Handler; Fork Lift Operator

Zone 10: Morris (Boonton Boonton Township Montville Lincoln Park Borough Butler, Kinnelon Borough, Pin Brook, Towaco Danville, Mountain Lakes Pequannock Pompton Plains and Riverdale Borough) County:

Group 1: Laborers, Wrecking, Demolition; Concrete Mixers without Hoppers; Drill Runners; Jackhammers; Mason Tenders; Mortar Mixers; Excavation and Foundations; Scaffold Builders; Carpenter Tenders and Grading for Concrete

Zone 11: Morris (Jefferson, Rockaway, Mt Arlington Rockaway Borough, Wharton Mine Hill Dover Netcong Roxbury Mt Oliver and Randolph Townships) and Sussex Counties:

Group 1: Laborers; Air Tool Operators (Jackhammer Vibrator); Mason Tenders; Mortar Mixers Plasterer Tenders; Pipelayers Wreckers and Excavation

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ZONE and GROUP DESCRIPTIONS (Cont'd)
LABORERS - BUILDING CONSTRUCTION (Cont'd)

Zone 12: Morris County (Morristown, Morris Township, Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders Ironia, Mt Freedom Mt Tabor, Parsippany, Troy Hills, Pine Brook Ced Knools Whippany Hanover Township and Long Valley):

Group 1: Laborer; Tenders; Scaffolds; Excavation, Bituminous Concrete and Aggregates; Pipelayers; Underpinning; Lagging; Bracing and Wrecking

Zone 13: Remainder of Morris County
Zone 14: Somerset County (Townships of Bernardsville, Peapack, Gladstone, Far Hills, Bernards, and Bedminster)
Zone 15: Somerset County (Townships of Bridgewater, Branchburg, Raritan, Bound Brook Somerville, Manville Hillsboro, Millstone, Montgomery and Rocky Hill)
Zone 16: Somerset (Remainder of County) and Union (Remainder of County):

Group 1: Laborers; Air Tool Operators; Mason Tenders; Plasterer Tenders and Mortar Mixers

Zone 17: Hunterdon and Warren Counties:

Group 1: Laborers; Hod Carriers; Power Tool Operators and Plasterer Tenders

Zone 18: Middlesex County (South River, Sayreville, South Amboy Madison, East Brunswick Spotwood, Jamesburg, Helmetta, Cranbury, and Monroe)

HEAVY and HIGHWAY CONSTRUCTION

Group 1: Common Laborers; Landscape Laborers; Railroad Track Laborers; Pitmen and Dumpmen; Waterproofing; Bakers and Tempers on Cold Patch work and Wrapping and Coating all Pipe

Group 2: Wagon Drill Operator Helpers; Drill Master Helpers; Powder Carriers and Magazine Tenders; Signalman

Group 3: Sewer Pipe; Laser Men; Conduit and Duct Line Layers; Jackhammer; Chipping Hammers; Pavement Breakers; Power Buggies; Concrete Cutters, Asphalt Cutters; Sheet Hammer and Tree Cutter Operators; Sandblasting, Cutting, Burning, and such other Power Tools used to perform work usually done manually by Laborers

Group 4: Wagon Drill Operator; Timberman; Drill Master

Group 5: Finisher; Form Setter; Rammer; Paver; Gunite Nozzle Man and Stone Cutter

Group 6: Blaster

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LABORERS (Cont'd)
FREE AIR TUNNEL JOBS

Group 1: Blasters

Group 2: Skilled Men (including Miners; Drill Runners; Iron Men; Maintenance Men; Conveyor Men; Safety Miners; Riggers; Block Layers; Cement Finishers; Rodmen; Caulkers; Powder Carriers; all other skilled men)

Group 3: Semi-skilled Men (including Miner s Helpers; Chuck Tenders; Trackmen; Nippers; Brakemen; Derail Men; Cable Men; Hose Men; Grout Men; Gravel Men; Form Men; Bell or Signal Men (top or bottom); Form Workers and Movers; Concrete Workers; Shaft Men; Tunnel Laborers; Caulkers' Helpers all other Semi-skilled Men)

Group 4: All other (including Power Watchmen; Changehouse Attendents; Top Laborers)

ZONE DESCRIPTIONS

LABORERS - Asphalt Construction:
Zone 1: Bergen, Essex, Hudson, Hunterdon, Middlesex (northern half of County), Morris, Passaic, Somerset, Sussex, Union and Warren Counties
Zone 2: Remainder of Middlesex County

POWER EQUIPMENT OPERATORS

Class A: Autograde - Combination Subgrader; Base Metal Spreader and Base Trimmer (CMI and similar types); Autograde Placer, Trimmer, Spreader Combination (CMI and similar types); Autograde Slipform Paver (CMI and similar types); Backhoe; Central Power Plants (all types); Concrete Paving Machines; Cranes (all types, including Overhead and Straddle Travelling type); Cranes; Gantry; Derricks (Land or Floating); Drillmaster, Quarrymaster (down the Hole Drill) Rotary Drill; Self Propelled Hydraulic Drill; Self-powered Drill; Dragline; Elevator Graders; Front End Loaders (5 yds. and over); Gradalls; Grader; Raygo; Locomotive (large); Mucking Machines; Pavement and Concrete Breaker, i.e ; Superhammer and Hoe Ram; Pile Driver; Length of Boom including Length of Leads, shall determine premium rate applicable; Roadway Surface Grinder; Scooper (Loader and Shovel); Shovels; Tree Chopper with Boom; Trench Machines

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POWER EQUIPMENT OPERATORS (Cont d)

Class B: A Frame; Backhoe (combination); Boom Attachment on Loaders (rate based on size of Bucket) not applicable to Pipehook, Boring and Drilling Machines; Brush Chopper; Shredder and Tree Shredder; Tree shearer; Cableways; Carryalls; Concrete Pump; Concrete Pumping System; Pumpcrete and similar types; Conveyors 125 ft. and over; Drill Doctor including Dust Collector Maintenance); Front End Loaders (2 yds. but less than 5 yds); Graders (Finisher); Groove Cutting Machine (ride on type); Header Planer; Hoists: (all types hoists shall also include Steam Gas Diesel, Electric Air Hydraulic, Single and Double Drum, Concrete Brick Shaft Caisson Snorkel Roof, and/or any other similar type Hoisting Machines, portable or stationary, except Chicago Boom type); Hoists (Chicago Boom type); Hydraulic Cranes, 10 tons and under; Hydro-axle; Jacks Screw Air Hydraulic power operated unit or Console type (not Hand Jack or Pile Load Test type); Log Skidder; Pans; Pavers (all Concrete; Pumpcrete Machines; Squeezecrete and Concrete Pumping (regardless of size); Scrapers; Side Booms; Straddle Carrier; Ross and similar types; Winch Truck (hoisting)

Class C: Asphalt Curbing Machine; Asphalt Plant Engineer; Asphalt Spreader; Autograde Tube Finisher and Texturing Machine (CMI and similar types); Autograde Curercrete Machine (CMI and similar types); Autograde Curb Trimmer and Sidewalk; Shoulder; Slipform (CMI and similar types); Bar Bending Machines (power); Batchers; Batching Plant and Crusher on Site; Belt Conveyor Systems; Boom type Skimmer Machines, Bridge Deck Finisher; Bulldozers (all); Car Dumpers (railroad); Compressor and Blower type units (used independently or mounted on Dual Purposes Trucks, on job site or in conjuction with job site in loading and unloading of Concrete Cement, Fly Ash Instancrete or similar type materials); Compressor (2 or 3)(Battery); Concrete Finishing Machines; Concrete Saws and Cutters (ride on type); Concrete Spreaders; Hetzel; Rexomatic and similar types; Concrete Vibrators; Conveyors; under 125 ft ; Crushing Machines; Ditching Machine; Small (Ditchwitch or similar type); Dope Pots (Mechanical with or without Pump); Dumpsters; Elevator; Fireman; Fork Lifts (Economobile; Lull and similar types of equipment); Front End Loaders (1 yd and over but less than 2 yds); Generators (2 or 3) in Battery; Giraffe Grinders; Graders and Motor Patrols; Gunnite Machines (excluding Nozzle); Hammer Vibratory (in conjunction with Generator); Hoist (Roof, Tugger Aerial Platform Hoist and House Cars); Hoppers; Hopper Doors (power operated); Ladders (motorized); Laddervator; Locomotive; Dinky type; Maintenance; Utility Man; Mechanics; Mixers (except Paving Mixers); Motor Patrols and Graders; Pavement Breakers small; Self-propelled Ride on type (also maintaining Compressor or Hydraulic unit); Pavement Breaker; Truck mounted; Pipe Bending Machine (power); Pitch Pump; Plaster Pump (regardless of size); Post Hole Digger (Post Pounder and Auger); Rod Bending Machines (power); Roller; Black Top; Scales; Power; Seaman Pulverizing Mixer; Shoulder Widener; Silos; Skimmer Machines (boom type); Steel Cutting Machine; Services and Maintaning; Tractors; Tug Captain; Vibrating Plants (used in conjunction with unloading); Welder and Repair Mechanics

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POWER EQUIPMENT OPERATORS (Cont'd)

Class D: Brooms and Sweepers Chippers Compressor (single) Concrete Spreaders (small type), Conveyor Loaders (not including Elevator Graders) Engines, Large Diesel (1620 H.P) and Staging Pump, Farm Tractors; Fertilizing Equipment (operation and maintenance) Fine Grade Machine (small type); Form Line Graders (small type); Front Loader (under 1 yd.); Generator (single); Grease, Gas, Fuel and Oil Supply Trucks; Heaters (Nelson or other type including Propane, Natural Gas or Flow-type units); Lights; Portable Generating Light Plants; Mixers; Concrete small; Mulching Equipment (operation and maintenance) Pumps (4 inch suction and over including Sumbersible Pumps); Pumps (2 or less than 4" suction and over including submersible pumps); Pumps (Diesel engine and Hydraulic) immaterial of power Road Finishing Machines (small type); Rollers; Grade; Fill or Stone Base; Seeding Equipment (operation and maintenance of); Sprinkler and Water Pump Trucks Steam Jennies and Boilers Stone Spreader; Tamping Machines Vibrating Ride-on; Temporary Heating Plant (Nelson or other type, including Propane Natrual Gas or Flow type units); Water and Sprinkler Trucks; Welding Machines (gas, diesel, and/or electric Converters of any type, single; two or three in a Battery); Welding System Multiple (Rectifier Transformer type); Wellpoint Systems

Class E: Oiler

Class F: Helicopter Pilot

STEEL ERECTION

Class A: Cranes (all cranes land or floating with booms including jib, 140 ft and over, above ground); Derricks (all Derricks, land or floating with booms including jib, 140 ft and over above ground);

Class B: Cranes (all Cranes, land or floating with booms including jib, less than 140 ft above ground); Derricks (all Derricks, land or floating with booms including jib less than 140 ft above ground)

Class C: "A Frame; Cherry Pickers 10 tons and under; Hoists: all type Hoists shall also include Steam, Gas, Diesel, Electric, Air Hydraulic, single and double drum, Concrete Brick Shaft Caisson, or any other similar type Hoisting Machines Portable or stationary, except Chicago Boom type, Jacks - Screw Air Hydraulic power operated unit or console type (not Hand Jack or Pile Load test type) and Side Booms

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POWER EQUIPMENT OPERATORS (Cont'd)

Class D: Aerial Platform used as Hoist, Compressors, 2 or 3 in Battery, Elevators or House Cars; Conveyors and Tugger Hoists; Fireman; Forklift; Generators; 2 or 3; Maintenance, Utility Man; Rod Bending Machine (power); Welding Machines (gas or electric, 2 or 3 in Battery, including Diesels); Captain, Power Boats; Tug Master, power boats;

Class E: Compressor, single; Welding Machines, single gas, electric Converters of any type diesel; Welding System Multiple (Rectifier Transformer type) and Generator, single

Class F: Straddle Carrier

Class G: Helicopter Pilot

TANK ERECTION

Class A: Operating Engineers on all Cranes, Derricks, etc with Booms including jib, 140 ft or more above the ground

Class B: Operating Engineers on all equipment including Cranes Derricks, etc with Booms including jib, less than 140 ft above the ground;

Class C: Helicopter Pilot

Class D: Air Compressors; Welding Machines and Generators (Gas, Diesel or Electric driven equipment and sources of power from a permanent plant, i.e ; Steam, Compressed air; Hydraulic or other power, for the operating of any machine or automatic tools used in the erection, alteration, repair and dismantleing of tanks and any and all "dual purpose" Trucks used on the construction job site

Class E: Oiler

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Oilostatic Mainlines and Transportation Pipe Lines

Class A: Backhoe; Cranes (all types); Draglines; Front-end Loaders (5 yds and over); Gradalls; Scooper (Loader and Shovel); Koehring and Trench Machines

Class B: A Frame; Backhoe (combination Hoe Loader); Boring and Drilling Machines; Ditching Machine, small; Ditchwitch or similar type; Fork Lifts; Front End Loaders (2 yds and over but less than 5 yds); Graders, finish (fine); Hydraulic Cranes, 10 tons and under (over 10 tons - Crane rate applies); Side Booms; and Winch Trucks (hoisting)

Class C: Backfiller; Brooms and Sweepers; Bulldozers; Compressors (2 or 3 in battery); Front-end Loaders (under 2 yds.); Generators; Giraffe Grinders; Graders and Motor Patrols; Mechanic; Pipe Bending Machine (power); Tractors; Water and Sprinkler Trucks, Welder and Repair Mechanic;

Class D: Compressor (single); Dope Pots (Mechanical with or without pump); Dust Collectors; Farm Tractors; Pumps (4 in suction and over); Pumps (2 or less than 4 in suction); Pumps; Diesel Engine and Hydraulic (Immaterial or power); Welding Machines; Gas or Electric Converters of any type single; Welding Machines, gas or electric converters of any type, 2 or 3 in Battery multiple Welders; Wellpoint Systems (including installation and maintenance)

Class E: Oiler, Grease, gas, fuel and Supply Trucks and Tire Repair and Maintenance

Class F: Helicopter, Pilot

TRUCK DRIVERS ZONES DESCRIPTIONS

Zone 1: Bergen, Hudson, Passaic Cos

Zone 2: Essex, Morris, Sussex, and Union (Remainder of County) Counties

Zone 3: Hunterdon, Middlesex, Somerset, Union (up to Wood Avenue South of Cranford), and Warren Counties

DECISION NO NJ84-3019

TRUCK DRIVERS

Group 1: Mechanic Helper

Group 2: Drivers on the following type vehicles: Straight Dumps Flats, Floats, Pickups, Container Haulers Fuel, Water Sprinkler, road Oil Stringer, Bead, Hot Pass, Bus Dumpcrete, Transit Mixers Agitator Mixer Half Truck, Winch Truck, Side-O-Matic Dymamite Powder X-ray, Welding, Skid, Jeep Station Wagon Stringer, A-frame, All Dual Purpose Trucks, Trucks with mechanical tailgates Asphalt Distributor Batch Trucks Seeding, Mulching, Fertilizer Air Compressor Trucks (intransit), Parts Chaser Escort, Scissor Hi-lift, Telescope Concrete Breaker, Gin Pole Stone Sand, Asphalt Distributor and Spreader, Nipper, Fuel Trucks (drivers on Fuel Trucks including handling of hose and nozzle-entire unit), Team Drivers, Vacuum or Vac-all Trucks (entire unit) Skid Truck (debris container - entire unit) Concrete Mobile Trucks (entire unit), Expediter (parts chaser), Beltcrete Trucks Pumpcrete Trucks Line Truck, Reel Truck, Wreckers, Utility Trucks, Tack Trucks, Warehousemen, Warehouse Parts-men, Yardmen, Lift Truck in Warehouse, Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man Material Checker, Receivers, Shippers, Binning Men (materials), Cardex Man, Helper when required on Broyhill Coal Tar Epoxy Truck and Asphalt and Bituminous Distributor Truck, Drivers on the following type vehicles: Broyhill Coal Tar Epoxy Trucks, Little Ford Bituminous Distributor, Slurry Seal Truck or vehicle Thiokol Track Master Pickup (Swamp Cat Pickup); Bucket Loader Dump Truck and any rubbertired Tractor used in pulling and towing Farm Wagons and Trailers of any discription similar type vehicles Off-site and On-site Repair Shop

Group 3: Drivers on straight 3-axle materials: Trucks and Floats

Group 4: Drivers on all Euclid type vehicles: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors and Wagons, Dumpsters, Straight, Bottom Rear and Side Dumps, Carry-alls and Scarpers (not self loading, loading over the top); Water Sprinkler Trailers; Water Pulls and similar types of vehicles; Drivers on Tractors and Trailer type vehicles: Flat Floats, I-Beams, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil Fuel, Bottom Dump Hopper Rear Dump Office, Shanty, Epoxy, Asphalt, Agitator Mixer Mulching, Stringer Seeding, Fertilizing Pole Spread Bituminous Distributor, Water Pulls (entire unit)(Tractor Trailer) Reel Trailer, and similar types of vehicles

Group 5: Winch Trailers Drivers

Unlisted classifications needed for work not included within the scope of the classifications lsited may be added after award only as provided in the labor standards contract clauses (29 CFR 5 5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: New Jersey

COUNTIES: Bergen Essex Hudson and Passaic

DECISION NO.: NJ84-3021

DATE: Date of Publication

Supersedes Decision No. NJ83-3026 dated July 29, 1983 in 48 FR 34624

DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING & REFRIGERATION MECHANICS:		
Group 1	14 65	1.15+a
ASBESTOS WORKERS	18 05	6.02
BOILERMAKERS	18 27	29+38%
BRICKLAYERS CEMENT MASONS PLASTERERS & STONEMASONS:		
Zone 1	15 97	4 80
Zone 2	17 10	4 97
Zone 3	17 53	4 83
Zone 4:		
Bricklayers & Stonemasons	16 80	3 55
Cement Masons & Plasterers.	18 05	3 15
CARPENTERS, INSULATORS AND MILLWRIGHTS:		
Zone 1:		
Carpenters & Insulators	18 50	20 5%
Millwrights	19 00	20 5%
Zone 2:		
Carpenters & Insulators	18 51	20 5%
Millwrights	19 01	20 5%
Zone 3	17 45	20 5%
Zone 4:		
Carpenters & Insulators	17 25	20 5%
Millwrights	17 75	20 5%
DIVERS & DIVER TENDERS:		
Divers	20 87	5 98
Diver Tenders	16 27	5 98
DOCK BUILDERS AND PILE-DRIVERMEN	17 66	6 75
DRYWALL TAPERS & FINISHERS	10 60	2 10
ELECTRICIANS & CABLE SPLICERS:		
Family residence construction not to exceed 4 unit apartments (Note: Firewalls alone are not a determinative criterion.)	10 36	10%+2¢
Other residential construction:		
Bergen & Hudson Cos	19 96	26 5%
Essex County	18 10	26 5%
Passaic County:		
Wiremen	19 56	1 00+ 17%
Cable Splicers	20 87	1 00+ 17%

	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTION:		
New Construction:		
Mechanics	18 80	3.69+ b+c+d
Helpers	14 10	3.69+ b+c+d
Probationary Helpers	9 40	
Modernization:		
Mechanics	15 94	3.69+ b+c+d
Helpers	11 95	3.69+ b+c+d
Probationary Helpers	9 40	
Contract Repairs:		
Mechanics	15 94	3.69+ b+c+d
Helpers	11 95	3.69+ b+c+d
Probationary Helpers	9 40	
GLAZIERS:		
Bergen & Passaic Cos	16 14	7 33
Essex & Hudson Cos.	17 95	5 55
IRONWORKERS - ORNAMENTAL, REINFORCING & STRUCTURAL	17 15	6 11
LABORERS:		
Zone 1:		
Group 1	12 55	3 10
Zone 2:		
Group 1	11 80	3 85
Zone 3:		
Group 1	12 55	3 25
Group 2	12 80	3 25
Zone 4:		
Laborers	13 50	2 15
Zone 5:		
Laborers	12 25	3 40
Zone 6:		
Group 1	11 65	4 00
Zone 7:		
Laborers	11 85	3 80
LINE CONSTRUCTION:		
Zone 1:		
Linemen, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundman and Welders	16 30	26 75%

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DECISION NO NJ84-3021 LINE CONSTRUCTION CONT D	Basic Hourly Rates	Fringe Benefits
Zone 2:		
Linemen and Equipment Operators	19 56	1 50+ 17%+ 100.00 P/YR.
Cable Splicers	20 87	1 50+ 17%+ 100.00 P/YR
Groundmen	70%JR	
Zone 3:		
Linemen, Cable Splicers Equipment Operators and Groundmen	17 00	.58+ 21 75%
MARBLE SETTERS; TERRAZZO WORKERS & TILE SETTERS:		
cutters & Setters	13 93	4 19+a
Carbers	14 48	4 19+a
Polishers	14 89	2 19+a
Crane Op.: Derrickmen	12 91	4 34+a
Marble Finisher (Helpers)	12 91	2 19+a
Terrazzo Workers & Mosaic Finishers	15 28	2 71
Tile Setters	15 28	4 335
Tile Setters Finishers	13 84	3 17
MARBLE SETTERS, TILE SETTERS AND TERRAZZO WORKER FINISHERS:		
Marble Setters' Finishers	8 28	2 32+a
Terrazzo Workers' Finishers	9 84	2 71
PAINTERS:		
Zone 1:		
Uncontrollable & Repaint Work	12 60	5 01
Other Residential Construction:		
Painters & Tapers	14 60	5 01
Steel Outside & Spray	16 60	5 01
Zone 2: (West half of County) Counties:		
Group 1	13 80	2 43
Group 2	12 70	2 43
Group 3	13 30	2 43
Group 4	13 95	2 43
Group 5	12 85	2 43
Group 6	14 40	2 43

	Basic Hourly Rates	Fringe Benefits
Zone 3:		
Group 1	14 25	4 83
Group 2	14 55	4 83
Group 3	15 05	4 83
Group 4	12 30	4 83
Group 5	12 65	4 83
PIPEFITTERS:		
Zone 1	17 10	4 41
Zone 2	16 62	5 81
PLUMBERS:		
Zone 1	18 68	5 00
Zone 2	17 83	5 80
ROOFERS:		
Zone 1:		
Composition	18 05	4 59
Zone 2:		
Composition, Damp, Waterproofing, Slate & Tile	18 72	3 00
Zone 3:		
Slate & Tile	16 70	4 75
Slate & Tile Helpers	8 85	4 75
Zone 4:		
Composition, Damp and Waterproofing	14 60	8 19
SHEET METAL WORKERS:		
Zone 1	12 80	3 56
Zone 2	14 20	1 63+ 16%
SOFT FLOOR LAYERS	16 77	1 00+ 16%
SPRINKLER FITTERS	17 68	3 65
POWER EQUIPMENT OPERATORS:		
Construction, repairs and alterations of dwellings such as a home, duplex, town house or walk-up apartment, 3 stories or less (including clearing and grading, excavation for foundations back filling storm and sanitary sewers, sidewalks, street excavation and paving, curbing and landscaping water and gas supply lines)	11 94	4 40+a
Other Residential Construction (up to and including 4 stories):		
Group 1	21 67	4 80+a

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DECISION NO. NJ84-3021 POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits
Group 2	20 08	4 80+a
Group 3	18 17	4 80+a
Group 4	16 54	4 80+a
Group 5	14 83	4 80+a
Group 6	23 48	4 80+a
TRUCK DRIVERS:		
Zone 1:		
Group 1	7 27	1.43+ h+i
Group 2	7 50	1.43+ h+i
Group 3	7 55	1.43+ h+i
Group 4	7 65	1.43+ h+i
Group 5	7 76	1.43+ h+i
Zone 2:		
Group 1	14 97	2.00+ h+i+j
Group 2	15 20	2.00+ h+i+j
Group 3	15 25	2.00+ h+i+j
Group 4	15 35	2.00+ h+i+j
Group 5	15 45	2.00+ h+i+j

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A - New Year's Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - Christmas Day

FOOTNOTES:
a Holidays: A through F plus Armistic Day and Washington s Birthday Presidential Election Day and Veterans Day, provided the employee works any of the 3-days in the 5-day workweek preceeding the holiday and the first day work after the holiday.
b Employer contributes $8.00 per day per employee to an Annuity Fund
c Holiday: A through F, Plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Armistic Day
d Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation
e Holiday: A half day's pay for Labor Day
f Holidays: A through F; plus Washington's Birthday, Veterans Day and Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such
g Holidays: A through F, plus Washington s Birthday, Presidential Election Day and Veterans' Day providing the employee works any of the 3 days in the 5 days preceeding the holiday and the first work day after the recognized holiday
h All Employees who are assigned to work on Sundays or the following holidays: New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday, Washington s Birthday Good Friday, Decoration Day, Independence Day, Labor Day General Election Day, Columbus Day Veteran's Day, Thanksgiving Day, Christmas Day, and any new holiday proclaimed by the Federal Government (not days of mourning) shall be paid two and one half times the rates listed for all hours worked which includes the holiday pay
i Employees working or receiving pay for 80 days within a year receive one week's vacation (48 hours); 125 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours)
j Employer contribution of $170 00 per month per employee to Health and Welfare Funds

AREA GROUP and ZONE DESCRIPTIONS

AIR CONDITION and REFRIGERATION MECHANIC:
Group 1: Installation of refrigeration equipment for any type of building where the combined compressor tonage does not exceed 5 tons; Installation of water cooled air conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); Installation of air-cooled air conditioning that does not exceed 15 tons

BRICKLAYERS; STONEMASONS, CEMENT MASONS; and PLASTERERS:
Zone 1: Bergen (North Arlington Lyndhurst - east of Ridge Road and north to Rutherford Avenue and Barry's Creek, west to the Hackensack River); Essex (except Millburn Township); Judson that portion west of the Jackensack River
Zone 2: Bergen (Wallington, part of East Patterson, Garfield, Lodi North Arlington and part of Lyndhurst); Morris (Ponpton Plains, Pequannock Lincoln Part Kinnelon Butler and Riverdale); Passaic and Sussex (that portion north of a line along Route #521 from Dingmans Ferry to Tuttles Corner, Along Route #206 to Lafayette, then along North Church Road to Route #23 to Passaic County Line) Counties
Zone 3: Bergen (Remainder of County)
Zone 4: Hudson (Remainder of County)
Zone 5: Essex (Millburn Township), Morris (Gillette and Sterling, Shore Hills Townships), Union (New Providence Springfield Summit and Union Townships

CARPENTERS, INSULATORS and MILLWRIGHTS:
Zone 1: Essex County and that part of Hudson County west of the Hackensack River
Zone 2: Passaic County and the City of Garfield and Borough of Lodi and Wallington in Bergen County
Zone 3: Bergen County (east of the Hackensack River including but not limited to Cliffside Fort Lee, Grant Wood, Palisades Part, Ridgefield, Edgewater Fairview, Leonia and Coytesville) and that part of Hudson County east of the Hackensack River
Zone 4: Bergen (Remainder of County)

LABORERS BUILDING CONSTRUCTION:
Zone 1: Passaic County (Townships of Boroughs Passaic Delawanna, Allwood Athenia and Clifton to Piaget Avenue; Paterson, and the Boroughs and Townships of Albion Place Little Fall, Totowa Borough West Paterson Wayne, Hawthorne, Pompton, Haledon, Clifton to Piaget Avenue West Millford, Ringwood Bloomingdale, New Jersey and East Paterson to the Garfield boundary line) Bergen County (Townships of Garfield, Lodi and Wallington):
Group 1: Laborers; Air Tool Operators (Jackhammers Vibrators); Mason Tenders; Mortar Mixers; Pipelayers (concrete and clay); and Plasterer Tenders

ZONE and GROUP DESCRIPTIONS (Cont'd)

LABORERS BUILDING CONSTRUCTION (Cont'd):
Zone 2: Bergen County (Cliffside: Borough of Cliffside Park: Borough of Fort Lee, south of Central Boulevard; Borough of Palisades Part, south of Central Boulevard; Borough of Ridgefield; Borough of Edgewater, and Borough of Fairview; Hackensack: City of Hackensack; Hasbrouck Heights; Little Ferry; South Jackensack; Ridgefield Park; Bogota; Teaneck Township, west of Teaneck Road and South of Fort Lee Road; Maywood; Saddle Brook Township; Borough of Paramus, east of Sprout Brook; and the Borough of River Edge; New Milford;Teterboro; Bendix; and Tochell Park; Englewood: City of Englewood; Borough of Dumont; Borough of Bergenfield; Borough of Palisades Park, north of Central Boulevard to Edgewater; Fort Lee, to the Hudson River; Borough of Fort Lee, north of Central Boulevard; Township of Teaneck, east of Teaneck Road and north of Fort Lee Road; Borough of Leonia; Borough of Englewood Cliffs; Borough of Tenafly; Borough of Cresskill; Borough of Demarest; Borough of Closter; Borough of Oradell; Borough of Montvale; Borough of Woodcliff Lake; Borough of Park Ridge; Borough of Hillsdale; Township of Washington; Borough of Westwood; Borough of Emerson; Borough of Haworth; Borough of alpine; Borough of Rockleigh; Borough of Norwood; Borough of Harrington Park; Borough of Old Tappan; Borough of Northvale; and Township of Rivervale; Lyndhurst: Rutherford; East Rutherford; Wood Ridge; Carlton; Carlstadt; North Arlington and Moonachie; Ridgewood: Village of Ridgewood; Borough of Fair Lawn; Borough of Glen Rock; Borough of HoHoKus; Borough of Saddle River; Borough of Upper Saddle River; Borough of Allendale; Borough of Ramsey; Borough of Waldwick; Borough of Midland Park; Borough of Oakland; Borough of Franklin Lakes; Township of Wykoof; Township of HoHoKus; and Borough of Paramus with the exception of portion of Paramus, east of Sprout Brook and Borough of Mahwah):
  Group 1: Laborers; Air Tool Operator (Jackhammers, Vibrators); Mason Tenders; Mortar Mixers; Pipelayers (concrete and clay); Plasterer Tenders; Wrecking and Excavation
Zone 3: Essex County (City of East Orange, Townships of South Orange and Maplewood):
  Group 1: Laborers
  Group 2: Mortar Mixers; Scaffold Men; Pneumatic Hammer Operators; Bell Men and Carpenter Tenders
Zone 4: Essex County (Orange and Montclair)
Zone 5: Essex (Millburn) and Union (Springfield and Union Townships) Counties
Zone 6: Essex (Remainder of County) and Hudson (Kearny, East of Newark and Harrison) Counties:
  Group 1: Laborers; Air Tool Operators; Mason Tenders; Mortar Mixers and Pipelayers (concrete and clay)
Zone 7: Remainder of Hudson County

AREA GROUP, and ZONE DESCRIPTIONS (Cont'd)

PAINTERS:
Zone 1: Bergen Passaic Counties
Zone 2: Essex, Hudson (west half of County) Counties:
  Group 1: Painters on New Construction and Major Alterations
  Group 2: Painters on REpaint Work
  Group 3: Spraying or Application of hazardous or dangerous materials on Repaint Work
  Group 4: Exterior Work exceeding 3 stories in height for painting of Open Structural Steel and Tanks under 3 stories in height except Flat Tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to Machinery or Equipment located therein)
  Group 5: Repaint Work as described in Group 4
  Group 6: On Bridges, Television and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers Sandblasting, Steam Cleaning Spraying or application of Hazardous materials
Zone 3: Hudson (Remainder of County):
  Group 1: Interior of apartment houses; Paperhangers
  Group 2: All extension Ladder work, 36 feet high and over, on all scaffold work except one and two family homes and all boatswains chair work; Structural Steel, Tanks, Bridges, Towers, Smokestacks Radio Towers, Television Towers, Flag Poles (steel or wood construction), Fire Escapes from top to bottom, Cable Work, Hazardous Work
  Group 3: Sandblasting; Spraying
  Group 4: Repainting high rises and old warehouses with Scaffold or extension Ladders
  Group 5: Rehab Work - all closets below street level, basements, sub basements Boiler Rooms and Stairways may be sprayed

PIPEFITTERS:
  Zone 1: Bergen Hudson and Passaic Counties

PLUMBERS:
Zone 1: Bergen, Hudson (excluding East Newark, Harrison, and Kearney) and Passaic Counties
Zone 1: Bergen, Hudson (excluding East Newark, Harrison and Kearney) and Passaic County

Zone 2: Hudson (East Newark, Harrison, and Kearney only) and Essex Counties

AREA GROUP AND ZONE DESCRIPTION (Cont d)

ROOFERS:
Zone 1: Bergen and Passaic Connties
Zone 2: Essex Hudson (West of the Hackensack River) Counties
Zone 3: Bergen Passaic Connties
Zone 4: Hudson (East of Hackensack River) County
SHEET METAL WORKERS:
Zone 1: Bergen and Hudson Counties
Zone 2: Essex and Passaic Counties
LINE CONSTRUCTION:
Zone 1: Essex County
Zone 2: Passaic County
Zone 3: Bergen and Hudson Counties

POWER EQUIPMENT OPERATORS

Class 1: Autograde - Combination Subgrader; Base Metal Spreader and 7 Base Trimmer (CMI and similar types); Autograde Placer, Trimmer Spreader Combination (CMI and similar types); Autograde Slipform Paver (CMI and similar types); Backhoe; Central Power Plants (all types); Concrete Paving Machines; Cranes (all types including Overhead and Straddle Travelling type); Cranes; Gantry; Derricks (Land or Floating); Drillmaster Quarrymaster (down the Hole Drill) Rotary Drill; Self Propelled Hydraulic Drill; Self-powered Drill; Dragline; Elevator Graders; Front End Loaders (5 yds. and over); Gradalls; Grader; Raygo; Locomotive (large); Mucking Machines; Pavement and Concrete Breaker, i.e ; Superhammer and Hoe Ram; Pile Driver; Length of Boom including Length of Leads, shall determine premium rate applicable; Roadway Surface Grinder; Scooper (Loader and Shovel); Shovels; Tree Chopper with Boom; Trench Machines

Class B: A Frame; Backhoe (combination); Boom Attachment on Loaders (rate based on size of Bucket) not applicable to Pipehook, Boring and Drilling Machines; Brush Chopper; Shredder and Tree Shredder; Tree shearer; Cableways; Carryalls; Concrete Pump; Concrete Pumping System; Pumpcrete and similar types; Conveyors 125 ft. and over; Drill Doctor including Dust Collector, Maintenance); Front End Loaders (2 yds. but less than 5 yds); Graders (Finisher); Groove Cutting Machine (ride on type); Header Planer; Hoists: (all types hoists shall also include Steam, Gas Diesel, Electric Air Hydraulic Single and Double Drum, Concrete Brick Shaft Caisson Snorkel Roof, and/or any other similar type Hoisting Machines, portable or stationary, except Chicago Boom type); Hoists (Chicago Boom type); Hydraulic Cranes, 10 tons and under; Hydro-axle; Jacks Screw Air Hydraulic power operated unit or Console type (not Hand Jack or Pile Load Test type); Log Skidder; Pans; Pavers (all Concrete; Pumpcrete Machines; Squeezecrete and Concrete Pumping (regardless of size); Scrapers; Side Booms; Straddle Carrier; Ross and similar types; Winch Truck (hoisting)

POWER EQUIPMENT OPERATORS (Cont d)

Class C: Asphalt Curbing Machine; Asphalt Plant Engineer; Asphalt Spreader; Autograde Tube Finisher and Texturing Machine (CMI and similar types); Autograde Curercrete Machine (CMI and similar types); Autograde Curb Trimmer and Sidewalk; Shoulder; Slipform (CMI and similar types); Bar Bending Machines (power); Batchers; Batching Plant and Crusher on Site; Belt Conveyor Systems; Boom type Skimmer Machines, Bridge Deck Finisher; Bulldozers (all); Car Dumpers (railroad); Compressor and Blower type units (used independently or mounted on Dual Purposes Trucks, on job site or in conjuction with job site in loading and unloading of Concrete Cement, Fly Ash Instancrete or similar type materials); Compressor (2 or 3)(Battery); Concrete Finishing Machines; Concrete Saws and Cutters (ride on type); Concrete Spreaders; Hetzel; Rexomatic and similar types; Concrete Vibrators; Conveyors; under 125 ft ; Crushing Machines; Ditching Machine; Small (Ditchwitch or similar type); Dope Pots (Mechanical with or without Pump); Dumpsters; Elevator; Fireman; Fork Lifts (Economobile; Lull and similar types of equipment); Front End Loaders (1 yd and over but less than 2 yds); Generators (2 or 3) in Battery; Giraffe Grinders; Graders and Motor Patrols; Gunnite Machines (excluding Nozzle); Hammer Vibratory (in conjunction with Generator); Hoist (Roof, Tugger Aerial Platform Hoist and House Cars); Hoppers; Hopper Doors (power operated); Ladders (motorized); Laddervator; Locomotive; Dinky type; Maintenance; Utility Man; Mechanics; Mixers (except Paving Mixers); Motor Patrols and Graders; Pavement Breakers small; Self-propelled Ride on type (also maintaining Compressor or Hydraulic unit); Pavement Breaker; Truck mounted; Pipe Bending Machine (power); Pitch Pump; Plaster Pump (regardless of size); Post Hole Digger (Post Pounder and Auger); Rod Bending Machines (power); Roller; Black Top; Scales; Power; Seaman Pulverizing Mixer; Shoulder Widener; Silos; Skimmer Machines (boom type); Steel Cutting Machine; Services and Maintaning; Tractors; Tug Captain; Vibrating Plants (used in conjunction with unloading); Welder and Repair Mechanics

Class D: Brooms and Sweepers Chippers Compressor (single), Concrete Spreaders (small type), Conveyor Loaders (not including Elevator Graders) Engines, Large Diesel (1620 H.P) and Staging Pump, Farm Tractors; Fertilizing Equipment (operation and maintenance) Fine Grade Machine (small type); Form Line Graders (small type); Front Loader (under 1 yd); Generator (single); Grease, Gas Fuel and Oil Supply Trucks; Heaters (Nelson or other type including Propane, Natural Gas or Flow-type units); Lights; Portable Generating Light Plants; Mixers; Concrete small; Mulching Equipment (operation and maintenance) Pumps (4 inch suction and over including Sumbersible Pumps); Pumps (2 or less than 4" suction and over including submersible pumps); Pumps (Diesel engine and Hydraulic) immaterial of power Road Finishing Machines (small type); Rollers; Grade; Fill or Stone Base; Seeding Equipment (operation and maintenance of); Sprinkler and Water Pump Trucks Steam Jennies and Boilers, Stone Spreader; Tamping Machines Vibrating Ride-on; Temporary Heating Plant (Nelson or other type, including Propane Natrual Gas or Flow type units); Water and Sprinkler Trucks; Welding Machines (gas, diesel, and/or electric Converters of any type single; two or three in a Battery); Welding System Multiple (Rectifier Transformer type); Wellpoint Systems

Class E: Oiler

Class F: Helicopter Pilot

TRUCK DRIVERS ZONES:
Zone 1: Bergen, Hudson and Passaic Counties
Zone 2: Essex County

TRUCK DRIVERS:
Group 1: Mechanic Helper
Group 2: Drivers on the following type vehicles: straight Dumps Flats, Floats, Pickups, Container Haulers Fuel, Water Sprinkler, road Oil Stringer, Bead, Hot Pass, Bus Dumpcrete, Transit Mixers, Agitator Mixer, Half Truck, Winch Truck, Side-O-Matic, Dynamite Powder, X-ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-frame, All Dual Purpose Trucks, Trucks with mechanical tailgates, Asphalt Distributor, Batch Trucks Seeding, Mulching, Fertilizer Air Compressor Trucks (intransit), Parts Chaser, Escort, Scissor Hi-lift Telescope, Concrete Breaker, Gin Pole, Stone Sand, Asphalt Distributor and Spreader, Nipper, Fuel Trucks (drivers on Fuel Trucks including handling of hose and nozzle-entire unit), Team Drivers, Vacuum or Vac-all Trucks (entire unit), Skid Truck (debris container - entire unit), Concrete Mobile Trucks (entire unit), Expediter (parts chaser), Boltcrete Trucks, Pumpcrete trucks Line truck, Reel Truck, Wreckers, Utility Trucks, Tack Trucks, Warehousemen, Warehouse Parts-men, Hardmen Lift Truck in Warehouse, Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man, MaterialChecker, Receivers, Shippers, Binning Men (materials), Cardex Man, Helper when required on Broyhill Coat Tar Epoxy Truck and Asphalt and Bituminous Distributor Truck, Drivers on the following type vehicles: Broyhill Coat Tar Epoxy Trucks, Little Ford Bituminous Distributor, Slurry Seal Truck or vehicle, Thiokol Track Master Pickup (Swamp Cat Pickup); Bucket Loader Dump Truck and any rubbertired Tractor used in pulling and towing Farm Wagons and Trailers of any discription, similar type vehicles, Off-site and On-site Repair Shop
Group 3: Drivers on straight 3-axle materials: Trucks and Floats
Group 4: Drivers on all Euclid type vehicles: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors and Wagons, Dumpsters, Straight, Bottom, Rear and Side Dumps, Carry-alls and Scarpers (not self loading, loading over the top); Water Sprinkler Trailers; Water Pulls and similar types of vehicles; Drivers on Tractors and Trailer type vehicles: Flat, Floats, I-Beams, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil, Fuel, Bottom Dump Hopper, Rear Dump, Office,Shanty, Epoxy, Asphalt, Agitator Mixer Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar typed of vehicles
Group 5: Winch Trailers Drivers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5 5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTIES: CATTARAUGUS CHAUTAUQUA & ERIE

DECISION NO. NY84-3018 DATE: Date of Publication
Supersedes Decision No. NY81-3030 dated May 1, 1981 in 46 FR 24850
DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories) Heavy (except water well drilling) and Highway construction projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	17 35	3 51
BOILERMAKERS	18 75	4 54
BRICKLAYERS		
Area 1:		
Bricklayers Stone Masons, Pointers, Cleaners, Caulkers	16 66	5 00
Marble Setters	16 375	5 00
Tile & Terrazzo Workers	16 28	5 00
Area 2	13 24	2 98
CARPENTERS:		
Area 1:		
Carpenters	15 23	5 375
Millwrights	15 33	5 375
Area 2:		
Building Construction: Carpenters, Millwrights & Soft Floor Layers	15 53	6 00
Piledrivermen & Dockbuilders	15 53	6 00
Heavy & Highway (except Erie County): Carpenters & Piledrivermen	11 09	6 005 +a
Area 3:		
Building Construction: Carpenters	12 51	2 87
Millwrights & Piledrivermen	12 76	2 87
Heavy & Highway: Carpenters	13 21	2 705+a
CEMENT MASONS:		
AREA 1:		
Cement Masons	18 33	3 00
Swing Scaffold	18 60	3 00
Area 2:		
Heavy & Highway	12 50	2 98
ELECTRICIANS:		
Area 1:		
Electrician	17 09	5 15+ 3%
Cable Splicer	18 39	5 15+ 3%
Area 2:		
Electrician	16 05	4.30+ 3 5%
Cable Splicer	16 30	4.30+ 3 5%
ELEVATOR CONSTRUCTORS:		
Area 1:		
Elevator Constructors	18 65	3 69+ b+c
Elevator Constructors Helper	13 055	3 69+ b+c
Elevator Constructors Probationary Helper	9.325	
GLAZIERS	15 48	4 71
IRONWORKERS:		
Area 1:		
Structural, Ornamental Reinforcing Riggers Machinery Movers, Rodman, Fence Erectors & Stone Derrickman	17 98	2 62
Sheeters	19 78	2 62
Any work performed of a renovation, replacement, repair or maintenance character of an existing building equipment, machinery within the limits of plant property	16 90	2 62
Area 2:		
Structural, Ornamental Rodman, Riggers, Reinforcement, Steel Welders, Machinery Mover	15 93	5 66
Sheeter	16 33	5 66
Fence Erector	14 53	4 16
Layout	16 43	5 66
Area 3	17 95	3 62
LABORERS (Building):		
Area 1:		
Class I	13 745	4 21
Class II	13 845	4 21
Class III	13 845	4 21
Class IV	13 945	4 21
Class V	13 995	4 21
Class VI	13 745	4 21

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DECISION NO NY84-3018

	Basic Hourly Rates	Fringe Benefits
LABORERS (Building) Cont d		
Area 2:		
Class I	10 23	2 40
Class II	10 38	2 40
Class III	10 48	2 40
LABORERS (Free Air Tunnel)		
Area 1:		
Class I	13 445	4 21
Class II	13 695	4 21
Class III	14 195	4 21
Class IV	14 295	4 21
Class V	14 695	4 21
Class VI	14 945	4 21
Area 2:		
Class I	15 40	2 30+d
Class II	15 60	2 30+d
LABORERS (Heavy & Highway)		
Area 1:		
Class I	12 945	4 21
Class II	13 145	4 21
Class III	13 345	4 21
Class IV	13 545	4 21
Area 2:		
Class I	11 79	2 30+d
Class II	11 99	2 30+d
Class III	12 19	2 30+d
Class IV	12 39	2 30+d
MARBLE, TILE & TERRAZZO FINISHERS	14 89	3 97
PAINTERS:		
Area 1:		
Brush	14 66	5 36
Tapers	14 91	5 36
Vinyl or Paperhangers; Spray; Swinging Scaffold window jacks, life belts, boatswain chair; Sandblasting or waterblasting; Steel; Steeplejack on steel tanks, smokestacks and church steeples	15 66	5 36
Bridges crossing the Niagara River	16 655	5 36
Repaint (except bridges and tanks)	13 19	5 36
Area 2:		
Base	15 65	3 99
Wallcovering, paperhanging, epoxy or similar coatings, spraying, sandblasting swing & scaffold	15 90	3 99
Taping	16 15	3 99
Skeleton steel where no floors, walls or ceilings are constructed including: radio & T V towers flagpoles watertowers; smoke stacks bridges under 35 ft and cranes	16 40	3 99
Bridges in heights of 35ft or in depth of 35ft from road level	17 565	3 99
Area 3:		
Brush, Roller, Paperhanger, Taping, Swing and Bosun under 3 stories or under 35 ft	11 60	2 29
Swing and Bosun over 3 stories or over 35 ft Steel painting	11 85	2 29
Spraying, Steam cleaning, Sandblasting and Toxic coatings	12 25	2 29
Bridge Tanks & Stacks	12 85	2 29
Area 4:		
Base	11 00	2 46
Taping, Spray, Toxic coatings Wallcovering hanging, Ladder or scaffold above 30 ft Steel painting above 20ft	11 60	2 46
Bridges	12 25	2 46
PLUMBERS & STEAMFITTERS		
Area 1:		
Plumbers	17 62	4 18
Steamfitters	17 22	5 94
Area 2	14 30	1 90
Area 3	17 34	2 13
POWER EQUIPMENT OPERATORS (BUILDING):		
Area 1:		
Group I	17 26	5 36+e
Group II	16 175	5 36+e
Group III	14 97	5 36+e
Group IV	15 98	5 36+e
Group V	15 895	5 36+e
Group VI	13 09	5 36+e
Group VII	15 585	5 36+e
Group VIII	13 175	5 36+e
Group IX	13 02	5 36+e
Group X	15 125	5 36+e
Group XI	15 74	5 36+e
Group XII	13 245	5 36+e

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	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (BUILDING) CONT D		
Group XIII	15 98	5 36+e
Group XIV	12 875	5 36+e
Group XV	16 675	5 36+e
Group XVI	17 175	5 36+e
Group XVII	17 675	5 36+e
POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY):		
Area 1:		
Class I	15 74	5 36+f
Class II	15 54	5 36+f
Class III	14 97	5 36+f
Class IV	14 37	5 36+f
Class V	12 24	5 36+f
Class VI	12 05	5 36+f
Class VII	11 25	5 36+f
Class VIII	12 25	5 36+f
Class IX	11 65	5 36+f
Class X	16 49	5 36+f
Class XI	16 74	5 36+f
Class XII	17 24	5 36+f
Area 2:		
Class I	15 55	5 36+f
Class II	15 25	5 36+f
Class III	14 75	5 36+f
Class IV	13 79	5 36+f
Class V	12 24	5 36+f
Class VI	11 90	5 36+f
Class VII	11 14	5 36+f
Class VIII	11 71	5 36+f
Class IX	11 54	5 36+f
Class X	16 30	5 36+f
Class XI	16 55	5 36+f
Class XII	17 07	5 36+f
ROOFERS:		
Area 1:		
Composition, damp, waterproofers, steep roofers & siders	16 86	2 71
Slate, Tile, Asbestos & Precast tile roofers	17 01	2 71
Area 2	13 85	2 55
SHEET METAL WORKERS:		
Area 1	17 68	4 26+3%
Area 2	14 65	3 86
SPRINKLER FITTERS:		
Area 1	15 54	5 21
Area 2	16 92	3 23
TRUCK DRIVERS:		
Area 2		
Heavy & Highway:		
Class 1	13 49	2 45+g
Class 2	13 54	2 45+g
Class 3	13 59	2 45+g
Class 4	13 74	2 45+g
Class 5	13 89	2 45+g
WELDERS - Rate for craft to which the welding is incidental		
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5 5(a)(1)(ii))		

DECISION NO NY84-3018

FOOTNOTES:

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; Thanksgiving Day; F-Christmas Day

a Paid Holidays: C and D, provided the employee works his scheduled day before and after the holiday and is on the payroll in the payroll week in which the holiday falls

b Paid Holidays: A through F, plus the Friday after Thanksgiving Day

c Employer contributes 6% of basic hourly rate to employees with under 5 years of service Employer contributes 8% of basic hourly rate to employees with over 5 years of service

d Paid Holidays: A through F, provided the employee works the working day before and the working day after the holiday

e Paid Holidays: A through F, plus Election Day

f Paid Holidays: A through F, provided the employee has worked the day before and after the holiday

g Paid Holidays: A through F, provided the employee has worked the day before and after the holiday

AREA DESCRIPTIONS

BRICKLAYERS:
Area 1: ERIE; CATTARAUGUS (Perrysburg Township)
Area 2: CHATAUQUA; CATTARAUGUS (Remainder of County)

CARPENTERS:
Area 1: ERIE (Grand Island north of Whitehaven Road)
Area 2: ERIE (Remainder of County); CATTARAUGUS (Perrysburg and Persia Townships).
Area 3: CHAUTAUQUA; CATTARAUGUS (Remainder of County)

CEMENT MASONS:
Area 1: ERIE.
Area 2: CHAUTAUQUA; CATTARAUGUS

ELECTRICIANS:
Area 1: ERIE; CATTARAUGUS (Ashford, East Otto, Ellicottville, Farmersville, Freedom, Franklinville, Lyndon, Machias, Mansfield, New Albion, Otto, Perrysburg, Persia and Yorkshire Townships)
Area 2: CHAUTAUQUA; CATTARAUGUS (Remainder of County)

ELEVATOR CONSTRUCTORS:
Area 1: ERIE

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AREA DESCRIPTIONS CONTINUED

IRONWORKERS:
Area 1: ERIE (Grand Island north of Whitehaven Road).
Area 2: ERIE (Remainder of County); CATTARAUGUS; CHAUTAUQUA (Sheridan, Dunkirk, Pomfret, Charlotte, Arkwright, Hanover, Villenova, Cherry Creek, Ellington Townships and Brockton in Portland Township)
Area 3: CHAUTAUQUA (Remainder of County)

LABORERS:
Area 1: ERIE.
Area 2: CHAUTAUQUA; CATTARAUGUS

PAINTERS:
Area 1: ERIE (Grand Island north of Whitehaven Road).
Area 2: ERIE (Remainder of County); CHAUTAUQUA (Dunkirk, Portland, Pomfret, Sheridan, Arkwright, Hanover and Villenova Townships); CATTARAUGUS (Perrysburg, Dayton, Persia, Otto, Ashford, Yorkshire, East Otto and Machias Townships)
Area 3: CHAUTAUQUA (Remainder of County); CATTARAUGUS (Leon, Conewango, Randolph, South Valley, Napoli and New Albion Townships)
Area 4: CATTARAUGUS (Remainder of County)

PLUMBERS & STEAMFITTERS:
Area 1: ERIE; CATTARAUGUS (Perrysburg, Dayton, Persia, Otto, Townships); CHAUTAUQUA (Hanover, Sheridan, Dunkirk, Pomfret, Charlotte, Ripley, Westfield and Cherry Creek Townships and portions of the Townships of Ripley, Westfield, Stockton, Charlotte and Villenova north of a line from the State line where the Townships of Ripley and Mina intersect through Balcom in Villenova Township)
Area 2: CATTARAUGUS (East of a north-south line from the Erie County line due south, running 1 mile east of Cold Spring to the Pennsylvania State Line).
Area 3: CATTARAUGUS (Remainder of County); CHAUTAUQUA (Remainder of County)

POWER EQUIPMENT OPERATORS:
Area 1: ERIE.
Area 2: CHAUTAUQUA, CATTARAUGUS

ROOFERS:
Area 1: ERIE.
Area 2: CHAUTAUQUA; CATTARAUGUS

SHEET METAL WORKERS:
Area 1: ERIE.
Area 2: CHAUTAUQUA; CATTARAUGUS

SPRINKLER FITTERS:
Area 1: ERIE.
Area 2: CHAUTAUQUA; CATTARAUGUS

TRUCK DRIVERS:
Area 1: ERIE.
Area 2: CHAUTAUQUA; CATTARAUGUS

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CLASSIFICATION DESCRIPTIONS

LABORERS (BUILDING CONSTRUCTION) - AREA 1

Class I: Laborers.
Class II: Foundation laborers (over 8 in depth); hod carriers; plasterer tender; plasterer scaffold builder; pneumatic, gas electric tool operator (including all forms of busters jackhammers and chipping guns); steel burners
Class III: Mortar mixer
Class IV: Tool operator over 8 in depth; swing scaffold; blaster; plumbing laborers; wagon drill operator
Class V: Bottom man (caisson & cofferdam)
Class VI: Top man; wreckers

LABORERS (BUILDING CONSTRUCTION) - AREA 2

Class I: Laborers
Class II: Work 40 feet and higher
Class III: Blaster; Nozzlemen (gunnite seeding & sandblasting); Curb & form setter (steel, stone, granite); Pipelayer

LABORERS (FREE AIR TUNNEL) - AREA 1

Class I: Laborers; mole nippers; top laborers
Class II: Top bell
Class III: Side or roofbolt driller; conveyor men; block layers; caulkers; track men; nippers; burners; derail men; electrical cablemen; hosemen; groutmen; gravelmen; bottom bell; form workers; movers; shaft men
Class IV: Powder monkey
Class V: Blasters; cement finishers; ironmen; miners
Class VI: Steel erectors; piledrivers; riggers

LABORERS (FREE AIR TUNNEL) - AREA 2

Class I: Laborers; pit and dumpmen; chuck tenders; brakemen; powdermen
Class II: Miners and all machine men; safety miner; shaftwork; caisson work; drilling; blow pipe air tools; tugger; scaling; nipper; guniting pot to nozzle; bit grinder; signalman (top and bottom); concrete man; shield driven tunnels; mixed face and soft ground lines; plate tunnels in free air

LABORERS (HEAVY & HIGHWAY)

Class I: Laborers, drill helpers outboard and hand boats
Class II: Bull float, chain saw, concrete aggregate bin, concrete bootman gin buggy hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper drill doctor tail or screw operator on asphalt paver, water pump operator (1 1/2" and single diaphram) [illegible] (asphalt gunnite seeding and sandblasting), laborers on chain link fence erection, rock splitter and power unit, pusher-type concrete saw and all other gas, electric, oil and air tool operators wrecking laborer

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LABORERS (HEAVY & HIGHWAY) CONTINUED

Class III: All rock or drill machine operators (except quarry master and similar type), acetylene torch operator asphalt raker, powderman
Class IV: Blasters form setter stone or granite curb setters

POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)

Group I: Master Mechanic
Group II: All boom type equipment (100 ft or less) all pan and carry-all operators, archer hoist back and pull hoe operator, blast or rotary drill (track or cat mounted) boiler (when used for power) boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled) head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer mucking machine operator, multiple drum hoist (more than 1 drum in use), Peine crane, shovel operator, skimmer operator test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine, piledriving machine operator, scoopmobile
Group III: Back filling machine operator, kolman loader, roller machine operator snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator.
Group IV: Air hoist operator, cage hoist operator conveyor operator, conveyor system (belt-crete or similar), hoisting engine house elevator (when used for hoisting) industrial tractor, locomotive operator (irrespective of power), pushbutton hoist operator Strato tower tractors (when using winch power)
Group V: Concrete mixer operator (1/2 c y or over), gasoline driven boring machine, hydraulic system pumps hydro hammer, finishing machine operator (asphalt spreader), finishing machine operator
Group VI: Air compressor operator generator, mechanical heater (when 3 are in a battery), power plant (in excess of 10KW) welding machine operator (to and including 3 machines)
Group VII: Bulldozer & tractor (50 h p , drawbar or under) Jeep trencher mulchers, power brooms and rakes, seeders
Group VIII: Firemen.
Group IX: Truck crane driver.
Group X: Aggregate bin operator, cement bin operator, concerete mixer operator (under 1/2 c y), tractor machines
Group XI: Grout machine operator, heating boiler operator (used for temporary heat) lubrication unit on truck pneumatic mixer operator
Group XII: Pump operator (4" or over), pump operator (2-3 in a battery).
Group XIII Bulldozer (over 50 h p), monorail
Group XIV: Oiler mechanical heaters (when 1 or 2 are used), pump operators (one inch), pump operators (2 inches), pump operators (3 inches)
Group XV: Crane with boom over 100 feet.
Group XVI: Crane with boom over 200 feet.
Group XVII: Crane with boom over 300 feet

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POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION)

Class I: Asphalt roller (except rubber tire), automatic fine grade machine, backhoe (except tractor mounted, rubber tired), black top plant (automated) blast or rotary drill (truck or cat mounted) cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4 c.y and over), gradall, grader, head tower, hoist (2 or 3 drum), locomotive (irrespective of size or power) maintenance engineer, mine hoist, micking machine, overhead crane peins crane or similar type, piledriver quarry master or equivalent, shovel skimmer, slip form paver, tractor-drawn belt-type loader, truck crane, tunnel shovel

Class II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor-mounted, rubber-tired), back filling machine belt placer, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs tractor mounted, elevator, front end loader (under 4 c y) hi-pressure boiler (15 lbs and over) hoist (one drum), hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders, maintenance grease man, mixer for stablized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade), scraper, side boom, slip form paver, snorkel, stump chipping machine, trencher, tub finisher, winch, winch truck with A-frame

Class III: Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor, drill core, drill well, electric pump used in conjuction with well point systems, farm tractor with accessories, fine grade machine, fork lift, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point, grout or gunite machine

Class IV: Aggregate plant, boiler, (used in conjunction with production), C.M I and similar type concrete spreaders, cement bin operator, concrete mixer (16s and under), concrete saw (self-propelled), fireman, form tamper, fuel truck, mulching machine, power broom, revinius widener, steam cleaner, tractor

Class V: Compressor (4 or less) exceeding 2000 C F M combined capacity

DECISION NO NY84-3018

POWER EQUIPMENT OPERATOR (CONTINUED)

Class VI: Compressors (4 not to exceed 2000 C F M combined capacity or 3 or less with more than 1200 C F M. but not to exceed 2000 C F M), dust collectors generators, pumps, welding machines (4 of any type or combination)

Class VII: Compressors (3 or less not to exceed 1200 C F M combined capacity), dust collectors, generators pumps, welding machines (3 or less of any type or combination power heaterman

Class VIII: Oilers

Class IX: Oiler-Driver

Class X: Crane with boom over 100 feet

Class XI: Crane with boom over 200 feet

Class XII: Crane with boom over 300 feet

TRUCK DRIVERS (HEAVY & HIGHWAY) - AREA 2

Class 1: Warehouseman, yardmen, truck helper, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen mechanic helpers and parts chaser

Class 2: Tandems, batch trucks, mechanics and dispatcher

Class 3: Semi-trailers, low-boy trucks, asphalt distributors trucks agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

Class 4: Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self-loaded and straddle (ross) carrier

Class 5: Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self-loaded

DECISION NO NY84-3018

LINE CONSTRUCTION:

	B ic Hourly Rates	Fr ge Be ft
Signal Work for Railroads:		
Journeyman Lineman & Technician	14 20	3 95+ 5%+a
Cable Splicer	18 92	3 95+ 5%+a
Groundman Digging Machine Operator Groundman Dynamite Man	12 78	3 95+ 5%+a
Groundman Mobile Equipment Operator, Mechanic First Class Ground Truck Driver	11 36	3 95+ 5%+a
Groundman Truck Driver (Tractor Trailer)	12 07	3.95+ 5%+a
Driver Mechanic, Ground-man - Experienced	10 65	3 95+ 5%+a
All Overhead Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Technician	16 32	3 95+ 5%+a
Groundman Digging Machine Operator Groundman Dynamite Man	14 688	3 95+ 5%+a
Groundman Mobile Equip-ment Operator, Mechanic First Class Groundman Truck Driver	13 056	3.95+ 5%+a
Groundman Truck Driver (Tractor Trailer Unit)	13 872	3 95+ 5%+a
Driver Mechanic Groundman	12 24	3.95+ 5%+a

	B ic Hourly Rates	F l ge B ft
Sub station Switching Substructures (when not part of the line, Elec-trical, Telephone or CATV Commercial Work; Street Ligiting & Signal Systems:		
Journeyman Lineman & Technician	17 20	3 95+ 5%+a
Cable Splicer	18 92	3 95+ 5%+a
Groundman Digging Machine Operator, Groundman Dynamite Man	15 48	3 95+ 5%+a
Groundman Mobile Equip-ment Operator, Mechanic First Class, Groundman Truck Driver	13 76	3 95+ 5%+a
Groundman Truck Driver (Tractor Trailer Unit)	14 62	3 95+ 5%+a
Driver Mechanic Ground man	12 90	3 95+ 5%+a
All Pipe-type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	17 20	3 95+ 5%+a
Certified Lineman Welder	18 06	3 95+ 5%+a
Cable Splicer	18 92	3 95+ 5%+a
Groundman Equipment Operator	17 20	3 95+ 5%+a
Groundman Truck Driver (Tractor Trailer Unit)	14 62	3 95+ 5%+a
Groundman Truck Drivers	13 76	3 95+ 5%+a
Groundman	12 90	3 95+ 5%+a

FOOTNOTE:

a Paid Holidays: New Year s Day, Washington s Birthday, Good Friday Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after the holiday

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Federal Register

Friday
July 6, 1984

Part III

Department of Labor

Office of the Assistant Secretary for Veterans' Employment and Training

Solicitation for Grant Application; Job Training Partnership Act, Title IV, Part C, Program Year 1984; Notice

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Veterans' Employment and Training

Solicitation for Grant Application; Job Training Partnership Act, Title IV, Part C, Program Year 1984

AGENCY: Office of the Assistant Secretary for Veterans' Employment and Training, Labor.

ACTION: Notice.

SUMMARY: This notice sets forth the procedures and schedule for the Solicitation for Grant Application (SGA) for the operation of employment and training programs in accordance with Title IV Part C of the Job Training Partnership Act (JTPA). The regulations at 20 CFR Part 635 provide guidance for the development and administration of programs authorized under this part.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Juarez, Office of the Assistant Secretary for Veterans' Employment and Training, 200 Constitution Ave., NW., Rm. S1316, Washington, D.C. 20210, Telephone (202) 523-9110, or the appropriate State Director for Veterans' Employment and Training Service.

SUPPLEMENTARY INFORMATION: The Office of the Assistant Secretary for Veterans' Employment and Training, Department of Labor announces the availability of $7,780,000 and the schedule for Solicitation for Grant Application and award of funds to implement programs authorized under Title IV Part C of JTPA. This part provides for programs to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam era, and veterans who are recently separated from military service.

On June 4, 1984, the Assistant Secretary for Veterans' Employment and Training mailed to all eligible applicants a Solicitation for Grant Application package which consists of:

Part A—General Program Information and Requirements for Application for Funds under Title IV Part C, JTPA

Part B—Instructions and Forms for Preparation and Submission of Applications

Eligible applicants are limited to (1) State Governors utilizing the JTPA administrative entity in each State and (2) service delivery area administrative entities as described in Sections 101 and 103 of JTPA, including single statewide service delivery areas.

The Solicitation for Grant Application contains proposed funding levels for each State which range from $55,000 to $795,000. Award of funds will be made through a competitive discretionary grant process utilizing the criteria for award specified in the solicitation.

Applicants are advised herein of a revision in the solicitation package in Part A, Section K, addressing the limitation on indirect costs. All administrative costs associated with the program may be a direct program charge only if JTPA represents 100% of the Federal funding source of the potential grantee.

Applications for funds must be received by the appropriate State Director for Veterans' Employment and Training (SDVETS) not later than 4:30 p.m., prevailing time at the SDVETS address cited below on August 1, 1984:

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

SDVETS Robert B. Inman, Veterans' Employment and Training Service, U.S. Department of Labor, CT Department of Labor, 200 Folly Brook Boulevard, Wethersfield, CT 06115, Telephone: (203) 566-3326

SDVETS William J. Rogers, Veterans' Employment and Training Service, U.S. Department of Labor, 522 Lisbon Street, Lewiston, Maine 04240, Telephone: (207) 783-9171

Acting SDVETS Richard A. Brenan, Veterans' Employment and Training Service, U.S. Department of Labor, John F. Kennedy Federal Building, Room 506B, Government Center (506-B), Boston, Massachusetts 02203, Telephone: (617) 223-2759

SDVETS Emile Simard, Veterans' Employment and Training Service, U.S. Department of Labor, 55 Pleasant Street, Room 325, Concord, New Hampshire 03301, Telephone: (603) 224-2589

SDVETS Arthur L. Dawson, Jr., Veterans' Employment and Training Service, U.S. Department of Labor, 507 Federal Building and Courthouse, Providence, Rhode Island 02903, Telephone: (401) 528-4309

SDVETS Charles E. Healy, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 603, Montpelier, Vermont 05602, Telephone: (802) 229-0311-Ext. 390

Region II (New Jersey, New York, Puerto Rico)

Acting SDVETS Alan E. Grohs, Veterans' Employment and Training Service, U.S. Department of Labor, Labor and Industry Building, John Fitch Plaza, Room 1108, Trenton, New Jersey 08625, Telephone: (609) 292-2930

SDVETS Clifford M. Johnson, Veterans' Employment and Training Service, U.S. Department of Labor, State Office Campus, Building 12, Room 503, Albany, New York 12240, Telephone: (518) 457-7465

SDVETS Rafael Pujals, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 14337, Bo Obrero Station, Santurce, Puerto Rico 00916, Telephone: (809) 754-5391

Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

SDVETS Horace H. Best, Veterans' Employment and Training Service, U.S. Department of Labor, Stockton Building, University Plaza, Newark, Delaware 19702, Telephone: (302) 368-6898

SDVETS George H. Joiner, Veterans' Employment and Training Service, U.S. Department of Labor, 500 C Street, NW., Room 327, Washington, D.C. 20001, Telephone: (202) 639-1076

SDVETS Gary Lobdell Veterans' Employment and Training Service, U.S. Department of Labor, 1100 North Eutaw Street, Room 209, Baltimore, Maryland 21201, Telephone: (301) 383-3193

SDVETS Joseph F. Welsh, Veterans' Employment and Training Service, U.S. Department of Labor, Labor and Industry Building, Rm. 1114, Harrisburg, Pennsylvania 17121, Telephone: (717) 787-5834

SDVETS Benjamin I. Trotter, Jr., Veterans' Employment and Training Service, U.S. Department of Labor, 701 East Main Street, Rm. 306, Richmond, Virginia 23219, Telephone: (804) 786-7269

SDVETS David L. Bush, Veterans' Employment and Training Service, U.S. Department of Labor, 112 California, Avenue, Rm. 212, Charleston, West Virginia 25305, Telephone: (304) 348-4001

Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

SDVETS James C. Gates, Veterans' Employment and Training Service, U.S. Department of Labor, 519 Industrial Relations Building, Montgomery, Alabama 36130, Telephone: (205) 832-5089

SDVETS Robert I. Clark, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 1314, Tallahassee, Florida 32302, Telephone: (904) 222-1036

SDVETS Eugene R. Wagner, Veterans' Employment and Training Service, U.S. Department of Labor, IBEW Building, Suite 419, 501 Puliam Street, S.W., Atlanta, Georgia 30312, Telephone: (404) 656-3130

SDVETS Robert M. Barnes, Veterans' Employment and Training Service, U.S. Department of Labor, c/o Bureau for Manpower Services, 275 East Main Street, Frankfort, Kentucky 40621, Telephone: (502) 564-7062

SDVETS Willie H. Cooper, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 1699, Jackson, Mississippi 39205, Telephone: (601) 961-7588

SDVETS S. Marvin Burton, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 27625, Raleigh, North Carolina 27611, Telephone: (919) 733-7402

Acting SDVETS Willie J. Perry, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 1755, Columbia, South Carolina 29202, Telephone: (803) 758-3239

SDVETS Clayton Lamberth, Jr., Veterans' Employment and Training Service, U.S. Department of Labor, 301 James Robertson Parkway, Rm. 317, Nashville, Tennessee 37201, Telephone: (615) 741-2135

Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

SDVETS Samuel L. Parks, Veterans' Employment and Training Service, U.S. Department of Labor, 910 South Michigan Avenue, Rm. 445, Chicago, Illinois 60605, Telephone: (312) 793-4047

Acting SDVETS David Bruce Redmon, Veterans' Employment and Training Service, U.S. Department of Labor, 10 North Senate Avenue, Rm 330, Indianapolis, Indiana 46204, Telephone: (317) 232-6804

SDVETS William F. Wickstrom, Veterans' Employment and Training Service, U.S. Department of Labor, 7310 Woodward Avenue, Suite 407, Detroit, Michigan 48202, Telephone: (313) 876-5613

SDVETS Anthony P. Caligiuri, Veterans' Employment and Training Service, U.S. Department of Labor, 390 North Robert Street, Rm. 537, St. Paul, Minnesota 55101, Telephone: (612) 296-3665

SDVETS Joseph Andry, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 1618, Columbus, Ohio 43216, Telephone: (614) 466-2768

SDVETS James R. Gutowski, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 2539, Madison, Wisconsin 53701, Telephone: (608) 266-3110

Region VI (Arkansas, Louisana, New Mexico, Oklahoma, Texas)

SDVETS Billy R. Threlkeld, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 128, Little Rock, Arkansas 72203, Telephone: (501) 371-1559

SDVETS Merrick W. Swords, Jr., Veterans' Employment and Training Service, U.S. Department of Labor, T9009 Postal Service Building, 701 Loyola Avenue, New Orleans, Lousiana 70113, Telephone: (504) 589-2195

SDVETS Jacob Castillo, Veterans' Employment and Training Service, U.S. Department of Labor, 5301 Central NE., Suite 1214, Albuquerque, New Mexico 87108, Telephone: (505) 841-4593

SDVETS Donald A. Davis, Veterans' Employment and Training Service, U.S. Department of Labor, Will Rogers Memorial Office Building, Room 301, Oklahoma City, Oklahoma 73105, Telephone: (405) 521-3758

SDVETS James H. Cornett, Veterans' Employment and Training, Service, U.S. Department of Labor, P.O. Box 1403, Austin, Texas 78767, Telephone: (512) 397-4964

Regional VII (Iowa, Kansas, Missouri, Nebraska)

SDVETS Howard J. Cloe, Veterans' Employment and Training Service, U.S. Department of Labor, 1000 East Grand Avenue, Des Moines, Iowa 50319, Telephone: (515) 281-5106

SDVETS John A. Hill, Veterans' Employment and Training Service, U.S. Department of Labor, 401 Topeka Boulevard, Topeka, Kansas 66603, Telephone: (913) 296-5032

SDVETS Jonas N. Matthews, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 59, Jefferson City, Missouri 65104, Telephone: (314) 751-3215

SDVETS Robert T. Manifold, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 94600, State House Station, Lincoln, Nebraska 68509, Telephone: (402) 471-5289

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

SDVETS E. William Belz, II, Veterans' Employment and Training Service, U.S. Department of Labor, 251 East 12th Avenue, Rm. 364, Denver, Colorado 80203, Telephone: (303) 837-3836

SDVETS Daniel P. Antonietti, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 1728, Helena, Montana 59624, Telephone: (406) 449-2062

SDVETS Willard M. Williamson, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 1632, Bismarck, North Dakota 58501, Telephone: (701) 224-2865

SDVETS Earl R. Schultz, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 1730, Aberdeen, South Dakota 57401, Telephone: (605) 225-0250

SDVETS J. Dale Madsen, Veterans' Employment and Training Service, U.S. Department of Labor, 178 Social Hall Avenue, Salt Lake City, Utah 84111, Telephone: (801) 524-5703

SDVETS Ernest E. Fender, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 2760, Casper, Wyoming 82602, Telephone: (307) 235-3281

Region IX (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington)

SDVETS Burton Finley, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 3-7000, Juneau, Alaska 99802, Telephone: (907) 465-2723

SDVETS Marco A. Valenzuela, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 6123-SC760E, Phoenix, Arizona 85005, Telephone: (602) 261-4961

SDVETS Ronald Miller, Veterans' Employment and Training Service, U.S. Department of Labor, 800 Capitol Mall, Room W2054, Sacramento, California 95814, Telephone: (916) 440-2426

SDVETS Raymond S. Sumikawa, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 3680, Honolulu, Hawaii 96811, Telephone: (808) 548-3834

SDVETS William A. Hulet, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 35, Boise, Idaho 83735, Telephone: (208) 334-2634

SDVETS Claude U. Shipley, Veterans' Employment and Training Service, U.S. Department of Labor, P.O. Box 3331, Reno, Nevada 89505, Telephone: (702) 885-4632

SDVETS Rex A. Newell, Veterans' Employment and Training Service, U.S. Department of Labor, 304 Employment Division Building, 875 Union Street, NE., Salem, Oregon 97311, Telephone: (503) 378-3338

SDVETS Robert G. Hall, Veterans' Employment and Training Service, U.S. Department of Labor, Olympia, Washington 98507, Telephone: (206) 753-5109

It is anticipated that grant awards will be made no later than December 31, 1984.

Consultation and technical assistance relative to the development of an application under the SGA is available upon request from the appropriate State Director for Veterans' Employment and Training.

Signed at Washington, D.C., this 2nd day of July 1984.

Donald E. Shasteen,

Deputy Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 84-17961 Filed 7-5-84; 8:45 am]

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Federal Register

Friday
July 6, 1984

Part IV

Administrative Committee of the Federal Register

1 CFR Parts 1, 2, 7, 8, 9, 10, 15, 18, 20, and 21

Updating of Publication Procedures; Proposed Rule

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Parts 1, 2, 7, 8, 9, 10, 15, 18, 20, and 21

Updating of Publication Procedures

AGENCY: Administrative Committee of the Federal Register.

ACTION: Proposed rule.

SUMMARY: The Administrative Committee of the Federal Register (ACFR) proposes to update its regulations for the Federal Register system to clarify certain policies and to reflect current procedures. These proposed amendments concern filing for public inspection, cross referencing, authority citations, correction of errors, distribution of official copies, OMB control numbers and technical amendments. This action does not represent a change in policy or increase the burdens on agencies or the public.

DATE: Comments are due September 4, 1984.

ADDRESS: *Mail:* Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

Hand Delivered: Special Projects Unit, Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Martha Girard (202) 523-5240 or Frances McDonald or James Burroughs, (202) 523-4534.

SUPPLEMENTARY INFORMATION:

Filing for Constructive Notice

There has been confusion by agencies and by the public over the difference between the Office of the Federal Register (OFR) receiving a document for publication and filing a document for public inspection. This confusion appears to be over the term "filing" which is not defined in existing regulations on filing at 1 CFR 3.2. Therefore the ACFR proposes to amend its regulations to define the term "filing" and clarify its use by the OFR under the Federal Register Act.

The Federal Register Act (44 U.S.C. Chapter 15) requires that a copy of a document be placed on public inspection when it is filed (44 U.S.C 1503), and states that filing constitutes constructive notice of the contents of the document filed (44 U.S.C. 1507). Thus, because the Federal Register Act directly links filing with the availability of the document for public inspection, a document is filed when it is made available for public inspection.

Before a document can be made available for public inspection it must be processed for publication so that the filed document accurately reflects what will be published in the Federal Register. Processing includes a review for compliance with publication requirements (1 CFR Chapters I and II), classification assignment of a publication date, and editing.

The actual pre-filing processing time for a single document's length and its compliance with 1 CFR. Normally a document is published on the third working day after the day it is received by the OFR. A document is available for public inspection during OFR office hours at least on the working day before its publication in the Federal Register. Before a document is filed, the OFR does not release information concerning it to the public.

Documents are on public inspection at the OFR during office hours. These hours are 8:45 a.m. to 5:15 p.m. (1 CFR 2.3.(d)).

If an agency wishes to provide immediate notice to the public of a document's contents, the agency may request immediate processing and filing for public inspection. A document may be filed on the same day it is rceived if there is sufficient time for the document to be both reviewed by the OFR Staff and inspected by the public.

An agency may wish to meet specific statutory or court ordered requirements by delivering a document to the OFR to be processd for publication. Upon request the OFR will give the agency a receipt varifying the date and time the document was received. The document's status, until it is filed for public inspection, is that it is received and in the publication cycle.

If a document arrives during office hours too late in the day to be filed that day, the agency may substantiate delivery by requesting OFR to stamp a copy of the document or provide a receipt stating the date and time the document was received by the OFR.

Adding the defintion of "Filing" to the regulations in 1 CFR will not change any of the policies or procedures which the OFR now follows. The purpose of adding the definition is to clarify the usage of the term "filing" under the Federal Register Act.

Cross-Reference

The ACFR is responsible for publication of the Code of Federal Regulations (CFR) which is a special edition of the Federal Register (FR). The CFR consists of "complete codifications of the documents of *each* [emphasis added] agency of the Government having general applicability and legal effect, issued or promulgated by the agency * * * " (44 U.S.C. 1510(a)). In publishing the CFR, the ACFR is charged with ensuring its "practical usefulness and economical manufacture" (44 U.S.C. 1510 (b)).

Requests by agencies to cross-reference other agencies' regulations have multiplied in recent years as agencies seek to reduce regulations and save on printing costs paid to the Government Printing Office for material published in the Federal Register and the CFR. However, regulatory burdens are not lessened by shifting them by cross-reference from one agency's regulations to another's. And although the avoidance of duplicative printing by cross-referencing may appear to be a legitimate economy, it conflicts with the statutory requirements that a complete codification of *each* agency's regulations be published and that the codifications be practically useful. Moreover, it casts legal shadows on the orderly giving of notice through the Federal Register system, which is the legislative intent of the Federal Register Act.

From a practical point of view, use of cross-references to replace regulatory text makes the Federal Register system difficult to use. The reader must look outside an agency's regulations to ascertain the nature of the entire regulatory scheme. In some instances an agency will cross-reference the regulations of another agency, while make piecemeal changes to the text of the cross-referenced regulations to fit its needs. This imposes an additional burden on the reader who is required to look at two different versions of regulatory text and to determine, without further guidance, what combination of regulations applies. If the referenced regulations also cross-reference a third agency's regulations, the reader must consult three different agencies' regulations, read them together and try to decide which version or combination of regulations is applicable to the user. The CFR could become a set of arrows pointing from agency to agency rather than self-contained, agency by agency, codifications of regulations. It was precisely because of the lack of a uniform and workable system for providing proper legal notice that the Federal Register Act was passed. The intent of the Act is subverted by cross-referencing.

Cross-referencing also can create procedural problems for an agency. The Administrative Procedure Act (APA) requires agencies to separately state and currently publish in the Federal Register substantive rules of general

applicability (5 U.S.C. 552(a)(1)(D)). In reading the FRA and APA together, the ACFR interprets the requirements to "separately state" and "publish with a view to practical usefulness" to mean that each agency must publish its own rules, not refer the reader to another agency's rules. An untenable situation results when one agency adopts the rules of another agency by cross-referencing. The first agency surrenders to the second control over future amendments to the regulations. An agency could find itself, because the other agency changed its regulations, referencing regulations that are irrelevant or referencing regulations that cannot be enforced, or which no longer exist.

When special situations occur in which agencies must publish joint regulations or the same regulations, the OFR has devised special formats and publications procedures to accommodate the agencies by permitting them to jointly publish these documents in the Federal Register although each agency must publish separately in the CFR. Examples include regulations issued under the Archeological Resources Protection Act (49 FR 1015, January 6, 1984), and proposed regulations on enforcement of nondiscrimination on the basis of handicap in Federally conducted programs (49 FR 1449, January 11, 1984).

Authority Citation

Each document classified as a rule or proposed rule in the Federal Register must contain a citation of the legal authority under which the agency issues the document (1 CFR 21.40). the ACFR is proposing to amend the requirements in 1 CFR for the form and placement of authority citations to conform to the guidance set forth in the OFR Document Drafting Handbook (DDH) 1980, which is clearer and more helpful to drafters of regulations than the present language in 1 CFR.

An agency sets out the full text of the authority citation for each part affected by the document. If a document affects an entire part, the agency places the complete authority citation directly after the table of contents and before the regulatory text. If a document amends only certain sections within a CFR part, the agency presents the complete authority citation before the first item in the list of amendments to the part.

Examples

1. If the authority for issuing an amendment is the same as the authority listed for the whole CFR part, the agency simply restates the authority.

The authority citation for Part 7 continues to read as follows:

Authority: Sec. 5, Pub. L. 93-321, 82 Stat. 370 (34 U.S.C. 7).

17 CFR Part 7 is amended as follows:

(Continue with the proper amendatory instructions and the text of the amendments contained in the document.)

2. If the authority for issuing an amendment changes the authority citation for the whole CFR part, the agency revises the authority citation in its entirety. The agency may specify the particular authority under which certain sections are amended in the revised authority citation.

17 CFR Part 47 is amended as follows:

1. The authority citation for Part 47 is revised to read as follows:

Authority: Sec. 8, Pub. L. 93-328, 82 Stat. 470 (34 U.S.C. 21); sec. 47.10 and 47.11 also issued under sec. 11, Pub. L. 93-329, 82 Stat. 503 (34 U.S.C. 311).

2. In Part 47 §§ 47.1 and 47.11 are revised to read as follows:

(Continue with the new text of §§ 47.10 and 47.11.)

Correction of Errors

Although the correction of errors in printing is addressed in 1 CFR 18.15, the responsibility for identifying errors and procedures to correct them needs to be clarified. To ensure that proper legal notice is given the public, the ACFR believes agencies share in the responsibility for the accuracy of the documents as printed. An agency is in the best position to identify errors found in its published documents; it should routinely and carefully review its own documents for accuracy after publication in the Federal Register. Some agencies have waited years to question the text of a rule that has been codified in the CFR.

If an error was submitted in the original document, the error should be corrected by the immediate filing and publication of a correcting document. Complete responsibility for this type of error rests with the agency.

A significant OFR editing or GPO typographical error will be corrected by the OFR staff as soon as it is found by OFR staff or when the staff is informed by the agency of the error.

Distribution of Official Copies

In the Federal Register Act the ACFR is given the authority to regulate the number of copies of Federal Register publications to be distributed without charge to members of the Government for official use. (44 U.S.C.1506).

The ACFR is proposing to amend its regulations to formalize the long-standing policy of limiting to 300 the number of copies of the individual titles of the CFR sent to an executive agency without charge. Copies of the CFR may be requested in paper and microfiche. If an agency needs additional copies of the CFR, it should order them directly from GPO.

The ACFR also proposes to amend its regulations to change to 12 the number of United States Government Manuals sent routinely to each Senator and each Member of the House of Representatives. Present regulations provide that two (2) Government Manuals annually be sent and that an additional 10 be made available upon a written authorization to the Director of the Federal Register. Because of numerous requests for the additional copies, OFR now routinely sends 12 copies to each Senator and Representative.

OMB Control Numbers

The ACFR is responsible for the manner and form of material appearing in the Federal Register. The OFR has already issued informal guidance on the style and format to be used by agencies for OMB Control Numbers in regulatory text. The ACFR is proposing to formalize this guidance through regulations in 1 CFR. Including these directions in the regulations would give uniformity to the way these OMB numbers are displayed, which would promote orderly codification and aid the reader in finding the numbers.

Updating Regulations

Some of the regulations in 1 CFR are simply out of date. The ACFR, therefore, proposes to delete or change these regulations.

In 1 CFR 15.2, the term "classified material" will be deleted from the second sentence. Neither the ACFR nor the OFR have or receive classified material.

The OFR no longer offers the editorial services mentioned in 1 CFR 15.15–15.18. All lead type that was stored by GPO has been disposed of now that the CFR volumes have been converted to magnetic media as a full text data base. GPO offers agencies CFR data either on magentic tapes or microfiche.

The ACFR proposes to make a nomenclature change in 1 CFR Part 20. The correct title of The United States Government Organizaton Manual is *The United States Government Manual.*

The regulations on headings at 1 CFR 21.16 and 21.17 need clarification and correction. The required headings as described in § 21.16 do not reflect the current style in the Federal Register. The

ACFR proposes to amend § 21.16 to require the listing of the agency name and the CFR title and parts affected rather than the title, chapter, and part as required in current § 21.16.

The subject heading in a document appears directly below the CFR title and part heading unless the agency chooses to include an internal agency number in brackets in the heading of the document. If an agency does wish to use these bracketed numbers, then the subject heading is placed below the bracketed numbers. These bracketed numbers should appear directly below the CFR Title and Part heading. In order to clarify 1 CFR 21.17(a) the ACFR is proposing to add at the end of the sentence "or bracketed numbers if used." The ACFR is therefore also proposing to correct the language in 1 CFR 21.17 from "above the part heading" to "below the part heading."

The ACFR is also proposing to add an additional authority citation to Part 2 and Part 8 of 1 CFR. In Part 2, the authority for publishing the slip laws and Statutes at Large is 1 U.S.C. 112 and 113, and in Part 8 additional authority for publishing the CFR is 44 U.S.C. 1510.

A new cumulative List of Sections Affected has been published. Therefore, the ACFR is proposing to add to 1 CFR 8.5(c) the "List of Sections Affected, 1964–1972" which lists all sections of the Code that have been affected by documents published during the period January 1, 1964–December 31, 1972.

The ACFR is proposing to revise Part 10, Presidential Papers to reflect current publication practices. This revision will simplify the existing regulations and explain that the basic text of the "Public Papers of the Presidents of the United States" is the annual compilation of the "Weekly Compilation of Presidential Documents."

The Federal Register and the CFR are available in both paper copies and microfiche. The ACFR is proposing to amend its regulations to reflect the fact that agencies may request the Federal Register and CFR in either paper or microfiche.

The ACFR is also proposing to reflect in the regulations OFR's policy of requiring reimbursement from agencies for reproductions of original acts and documents filed with the OFR.

General Comments Requested

In addition to the proposed changes, the ACFR would also be interested in receiving comments on the following topics:

Selected Subjects

Although the Selected Subjects on the cover of each Federal Register is not governed by regulation, the ACFR solicits comments on its usefulness. The OFR substituted a list of subjects derived from some of the rule documents published in the same issue of the Federal Register after the more complex Highlights feature, which was previously carried on its cover, was discontinued.

Authority Citations

The ACFR is also interested in receiving comments on the use of United States Code, Statutes at Large and Public Law citations in the Federal Register system. A requirement for citation of the U.S.C. without regard to whether the material cited is positive law or not is also being considered. Use of Statutes at Large and Public Law citations would be optional. This change would conform to the guidance found in the Uniform System of Citation (the Blue Book).

The ACFR is also considering a requirement that the authority citations appearing in the CFR be centralized at the part or subpart level of the regulations. This may be more helpful to the reader than having the authority citations at each section level which causes a greater amount of repetition. Eliminating this repetition would result in fewer pages in the CFR, saving the agencies the cost of paying for unneeded pages. If an agency wishes to specify the authority for a particular CFR section, this could be done within the centalized authority citation.

Machine Readable Documents

At the present time most documents published in the Federal Register are taken from paper copies, although through special arrangements some large regulations have been submitted on magnetic tape. Paper copies in many areas of business and government have been replaced by magnetic tapes or disks carrying information prepared on word processors or computers. The Federal Register Act (44 U.S.C. 1507(3)) creates a rebuttable presumption that "the copy contained in the Federal Register is a true copy of the original." The ACFR will have to devise regulations establishing specifications and formats for machine readable documents.

Replacement of authorized signatures, fulfillment of the public inspection requirement, and methods of copying documents before publication of the printed versions are among issues to be examined. Special schedules may replace the 3 day schedules now in 1 CFR 17.2. The rapidly changing technology in the private and public sectors makes it imperative that the ACFR study the issues carefully before addressing them in regulations. Comments by agencies publishing in the Federal Register system and by users will be of assistance.

Executive Order 12291, Paperwork Reduction Act and Regulatory Flexibility Act

This is not a major rule as defined by Executive Order 12291. The rule will have no impact on small entities as described in the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The rule as proposed does not contain any information collection or recordkeeping requirements as defined in the Paperwork Reduction Act of 1980.

List of Subjects in 1 CFR Parts 1, 2, 7, 8, 9, 10, 15, 18, 20, and 21

Administrative practice and procedure, Government publications.

For the reasons set out in the preamble and under the authority given the Administrative Committee of the Federal Register, it is proposed to amend 1 CFR as follows:

PART 1—DEFINITIONS

1. The authority citation for Part 1 continues to read as follows:

Authority: 44 U.S.C. 1506, sec. 6 E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189.

2. Section 1.1 is amended by adding in alphabetical order a definition of "filing" to read as follows:

§ 1.1 Definitions.

* * * * *

"Filing" means making a document available for public inspection at the Office of the Federal Register during official business hours. A document is filed only after it has been received, processed and assigned a publication date according to the schedule in Part 17 of this chapter.

* * * * *

PART 2—GENERAL INFORMATION

3. The authority citation for Part 2 is revised to read as follows:

Authority: 1 U.S.C. 112; 1 U.S.C. 113; 44 U.S.C. 1506; sec. 6 E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189.

PART 7—DISTRIBUTION WITHIN FEDERAL GOVERNMENT

4. The authority citation for Part 7 continues to read as follows:

Authority: 44 U.S.C. 1506, sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189.

5. 1 CFR Part 7 is amended by revising § 7.1 to read as follows:

§ 7.1 Official Distribution.

Copies of the daily Federal Register in paper and microfiche copies as requested shall be distributed to the following without charge:

(a) *Senators and Congressmen.* To each Senator and each Member of the House of Representatives not more than five copies of each daily issue.

(b) *Committees.* To each Committee of the Senate and the House of Representatives in the quantity needed for official use, upon written request of the Chairman or his delegate to the Director of the Federal Register.

(c) *The Supreme Court.* The Supreme Court is entitled to the number of copies of each daily issue of the Federal Register that it needs for official use.

(d) *Other courts.* Each other constitutional or legislative court of the United States is entitled to the number of copies of each daily issue of the Federal Register that it needs for official use, based on a written authorization submitted to the Director of the Federal Register by the Director of the Administrative Office of the U.S. Courts specifying the number needed.

(e) *Executive Agencies.* Each Federal executive agency is entitled to the number of copies of each daily issue of the Federal Register that it needs for official use. The person in each agency concerned who is authorized under §§ 16.1 and 16.4 of this chapter to list the officers and employees of that agency who need the Federal Register for daily use shall send a written request to the Director of the Federal Register for placement of the names of those officers and employees on the mailing list.

§§ 7.2 and 7.3 [Removed]

6. 1 CFR Part 7 is amended by removing §§ 7.2 and 7.3.

PART 8—CODE OF FEDERAL REGULATIONS

7 The authority citation for Part 8 is revised to read as follows:

Authority: 44 U.S.C. 1506, 1510; sec. 6, E.O. 10530, 19 CFR 2709; 3 CFR 1954–1958 Comp., p. 189.

8. 1 CFR Part 8 is amended by revising, § 8.8(a) introductory text and (a)(4) to read as follows:

§ 8.8 Official distribution.

(a) The Code, in paper or microfiche copies as requested, shall be distributed to the following, without charge:

* * * * *

(4) *Executive agencies.* To officials, libraries, and major organizational units of the executive agencies in the quantity needed for official use up to 300 copies of individual titles per agency, upon the written authorization of the authorizing officer or his alternate designated under § 16.1 of this chapter.

* * * * *

9. 1 CFR Part 8 is amended by revising § 8.5(c) to read as follows:

§ 8.5 Ancillaries.

* * * * *

(c) *List of sections affected.* Following the text of each book or cumulative supplement, a numerical list of sections which are affected by documents published in the Federal Register. (Separate volumes, "List of Sections Affected, 1949–1963" and "List of Sections Affected, 1964–1972" list all sections of the Code which have been affected by documents published during the period January 1, 1949 to December 31, 1963 and January 1, 1964 to December 31, 1972 respectively.) Listings shall refer to Federal Register pages and shall be designed to enable the user of the Code to assure himself of the precise text that was in effect on a given date in the period covered.

PART 9—UNITED STATES GOVERNMENT ORGANIZATION MANUAL

10. The authority citation for Part 9 continues to read as follows:

Authority: 44 U.S.C. 1506; section 6, E.O. 10530, 19 FR 279; 3 CFR 1954–1958 Comp., p. 189.

§ 9.1 [Amended]

11. 1 CFR Part 9 is amended by removing in the Part heading and in § 9.1 the words "United States Government Organization Manual" and inserting in their place the words "The United States Government Manual."

12. 1 CFR Part 9 is amended by revising § 9.3 (a) introductory text and (a)(1) to read as follows:

§ 9.3 Distribution to Government agencies.

(a) The Manual shall be distributed to the following, in the quantities indicated, without charge:

(1) *Members of Congress.* Each Senator and each Member of the House of Representatives shall be furnished twelve copies.

* * * * *

13. 1 CFR Part 10 is revised to read as follows:

PART 10—PRESIDENTIAL PAPERS

Subpart A—Weekly Compilation of Presidential Documents

Sec.
10.1 Weekly Compilation: Publication required.
10.2 Weekly Compilation: Scope and sources.
10.3 Weekly Compilation: Format, indexes, and ancillaries.
10.4 Weekly Compilation: Distribution to Government agencies.

Subpart B—Public Papers of the Presidents

10.10 Public Papers: Publication required.
10.11 Public Papers: Scope and sources.
10.12 Public Papers: Format indexes, and ancillaries.
10.13 Public Papers: Coverage of prior years.
10.14 Public Papers: Distribution to Government agencies.

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 3 CFR 1954–1958 Comp., p. 189.

Subpart A—Weekly Compilation of Presidential Documents

§ 10.1 Weekly Compilation: Publication required.

The Director of the Federal Register shall publish a special edition edition of the Federal Register called the Weekly Compilation of Presidential Documents.

§ 10.2 Weekly Compilation: Scope and sources.

(a) The basic text of each publication consists of oral statements by the President or of writings subscribed by him, and selected from transcripts or texts issued by the Office of the White House Press Secretary, including—

(1) Communications to Congress;

(2) Public addresses and remarks;

(3) News conferences and interviews;

(4) Public messages and letters;

(5) Statements released on miscellaneous subjects; and

(6) Formal executive documents promulgated in accordance with law.

(b) In addition, each publication includes selections, either in full text or ancillary form, from the following groups of documents, when issued by the Press Office:

(1) Announcements of Presidential appointments and nominations;

(2) White House statements and announcements on miscellaneous subjects;

(3) Statements by the Press Secretary of Deputy Press Secretary;

(4) Statements and news conferences by senior administration officials; and

(5) Fact sheets.

§ 10.3 Weekly Compilation: Format, indexes, and ancillaries.

(a) The Weekly Compilation is published in the binding and style that the Administrative Committee of the Federal Register considers suitable for public and official use.

(b) Each publication is appropriately indexed and contains ancillary information respecting Presidential

activities and documents not printed in full text. In general, ancillary texts, notes, and tables are derived from official sources.

§ 10.4 Weekly Compilation: Distribution to Government agencies.

(a) The Weekly Compilation is distributed regularly to Members of the Senate and the House of Representatives and to officials of the legislative, judicial, and executive branches of the Federal Government without charge in the quantities needed for official use. Requests for copies should be made in writing by the authorizing officer to the Director of the Federal Register.

(b) Special needs for selected issues in substantial quantity are filled by the timely submission of a printing and binding requisition to the Government Printing Office on Standard Form 1.

Subpart B—Public Papers of the Presidents

§ 10.10 Public Papers: Publication required.

The Director of the Federal Register shall publish annually a special edition of the Federal Register called the Public Papers of the Presidents of the United States.

§ 10.11 Public Papers: Scope and sources.

The basic text of the Public Papers consists of the documents printed in the Weekly Compilation.

§ 10.12 Public Papers: Format, indexes, and ancillaries.

(a) Each publication covers one calendar year, unless procedures require otherwise, and is divided into books according to the amount of material to be included. The publication is published in the binding and style that the Administrative Committee of the Federal Register considers suitable to the dignity of the Office of the President of the United States.

(b) Each publication is appropriately indexed and contains additional ancillary information and illustrative material respecting significant Presidential documents and activities.

§ 10.13 Public Papers: Coverage of prior years.

The Administrative Committee may authorize the publication of volumes of papers of the Presidents covering specified years before 1945 after consulting with the National Historical Publications and Records Commission.

§ 10.14 Public Papers: Distribution to Government agencies.

(a) The Public Papers is distributed to the following, in the quantities indicated, without charge:

(1) *Members of Congress.* Each Senator and each Member of the House of Representatives is entitled to one copy of each annual publication published during the Member's term in office, upon the Member's written request to the Director of the Federal Register.

(2) *Supreme Court.* The Supreme Court is entitled to 12 copies of each publication.

(3) *Executive agencies.* The head of each executive agency is entitled to one copy of each publication upon application to the Director.

(b) Legislative, judicial, and executive agencies of the Federal Government may obtain copies of the publication, at cost, for official use, by the timely submission of a printing and binding requisition to the Government Printing Office on Standard Form 1.

(c) Each request for extra copies of the publications must be addressed to the Superintendent of Documents, to be paid for by the agency or official making the request.

PART 15—SERVICES TO FEDERAL AGENCIES

14. The authority citation for Part 15 continues to read as follows:

Authority: 44 U.S.C. 1506, sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189.

15. 1 CFR Part 15 is amended by revising § 15.2 to read as follows:

§ 15.2 Information services.

The Director of the Federal Register shall provide for the answering of each appropriate inquiry presented in person, by telephone, or in writing. Each written communication and each matter involving the Administrative Committee shall be sent to the Director, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

16. 1 CFR Part 15 is amended by revising § 15.4 to read as follows:

§ 15.4 Reproduction of certified copies of acts and documents.

The Director of the Federal Register shall furnish to requesting agencies, at cost, reproductions or certified copies of original acts and documents filed with that Office that are needed for official use.

§§ 15.15, 15.16, 15.17, and 15.18 [Removed]

17 1 CFR Part 15 is amended by removing §§ 15.15, 15.16, 15.17, and 15.18.

PART 18—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY

18. The authority citation for Part 18 continues to read as follows:

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189.

19. Part 18 is amended by revising § 18.15 to read as follows:

§ 18.15 Correction of errors in printing.

(a) Typographical or clerical errors made in the printing of the Federal Register will be corrected by insertion of an appropriate notation or a reprinting in the Federal Register published without further agency documentation, if the Director of the Federal Register determines that—

(1) The error would tend to confuse or mislead the reader; or

(2) The error would affect text subject to codification.

(b) The issuing agency shall notify the Office of the Federal Register of printing errors found in published documents immediately after publication in the Federal Register.

(c) If the error was on the document as submitted by the agency, the issuing agency must prepare and publish a correction document.

PART 20—HANDLING OF UNITED STATES GOVERNMENT ORGANIZATION MANUAL STATEMENTS

20. The authority citation for Part 20 continues to read as follows:

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189.

§ 20.1 [Amended]

21. 1 CFR Part 20 is amended by removing in the Part heading and in § 20.1 the words "The United States Government Organizaiton Manual" and inserting in their place the words "The United States Government Manual"

PART 21—PREPARATION OF DOCUMENTS SUBJECT TO CODIFICATION

22. The Authoirty citation for Part 21 continues to read as follows:

Authority: 44 U.S.C. 1506; sec. 6, E.O 10530, 19 FR 2709; 3 CFR 1954–1958 Comp., p. 189.

23. 1 CFR Part 21 is amended by revising § 21.16 to read as follows:

§ 21.16 Required document headings.

(a) The agency name and sub-agency name, if appropriate, shall be set forth in full on separate lines at the beginning of each document.

(b) The ACFR numerical reference to the CFR title and part(s) affected shall be set forth on a separate line following the agency and sub-agency names.

(c) Each CFR section in the regulatory text of the document shall have a brief description heading, preceding the text, on a separate line.

24. 1 CFR Part 21 is amended by revising § 21.17 to read as follows:

§ 21.17 Additional captions.

(a) For the purpose of publication in the Federal Register, a brief caption more specifically describing the scope of a document constituting a partial amendment of the material in a part shall be provided immediately below the part heading or bracketed agency numbers if used.

(b) An agency that uses regulation numbers or other identifying symbols shall place them in brackets centered below the part heading.

25. 1 CFR Part 21 is amended by revising the section heading and adding a new paragraph (c) to § 21.21 to read as follows:

§ 21.21 General requirements: References.

* * * * *

(c) Each agency shall publish its own regulations in full text. References to other agency regulations shall not be used as a substitute for publication in full text. References may be used for information or to add clarity to a document, and when explicitly required by statute or court order.

* * * * *

26. 1 CFR Part 21 is amended by adding § 21.35 to read as follows:

§ 21.35 OMB control numbers.

To display OMB control numbers in agency regulations, those numbers shall be listed at the end of the section or shall be displayed in a codified table.

27 1 CFR Part 21 is amended by revising § 21.40 to read as follows:

§ 21.40 General requirements: Authority citations.

Each section in a document subject to codification must include, or be covered by, a complete citation of the authority under which the section is issued, including—

(a) General or specific authority delegated by statute; and

(b) Executive delegations, if any, necessary to link the statutory authority to the issuing agency.

28. 1 CFR Part 21 is amended by revising § 21.43 to read as follows:

§ 21.43 Placing and amending.

(a) The requirements for placing authority citations vary with the type of amendment the agency is making in a document. The agency shall set out the full text of the authority citation for each part affected by the document.

(b)(1) If a document sets out an entire CFR part, the agency shall place the complete authority citation directly after the table of contents and before the regulatory text.

(2) If a document amends only certain sections within a CFR part, the agency shall present the complete authority citation before the first item in the list of amendments to the part.

(c)(1) If the authority for issuing an amendment is the same as the authority listed for the whole CFR part, the agency shall simply restate the authority.

(2) If the authority for issuing an amendment changes the authority citation for the whole CFR part, the agency shall revise the authority citation in its entirety. The agency may specify the particular authority under which certain sections are amended in the revised authority citation.

§ 21.44 [Removed]

29. 1 CFR Part 21 is amended by removing § 21.44.

By Order of the Committee.

John E. Byrne,

Secretary, Administrative Committee of the Federal Register.

[FR Doc. 84-18021 Filed 7-5-84; 8:45 am]

BILLING CODE 1505-02-M

Federal Register

Friday
July 6, 1984

Part V

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona; Limitation of Handling; Final Rule

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 471]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 300,000 cartons during the period July 8–14, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: July 8, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on July 3, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.771 is added as follows:

§ 910.771 Lemon Regulation 471.

The quantity of lemons grown in California and Arizona which may be handled during the period July 8, 1984, through July 14, 1984, is established at 300,000 cartons.

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

Dated: July 5, 1984.

Thomas R. Clark,

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

[FR Doc. 84-18140 Filed 7-5-84; 11:40 am]

BILLING CODE 3410-02-M

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

S.J. Res. 257 / Pub. L. 98-331

To designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean" (July 2, 1984; 98 Stat. 282) Price: $1.50

H.J. Res. 492 / Pub. L. 98-332

Making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture. (July 2, 1984; 98 Stat. 283) Price: $1.75

S.J. Res. 298 / Pub. L. 98-333

To proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day" (July 2, 1984; 98 Stat. 290) Price: $1.50

S. 1135 / Pub. L. 98-334

To consent to the Goose Lake Basin Compact between the States of California and Oregon. (July 2, 1984; 98 Stat. 291) Price: $1.50