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Monday  
July 9, 1984

# Selected Subjects

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## Selected Subjects

- Air Pollution Control**  
Environmental Protection Agency
- Alcoholism and Drug Abuse**  
Personnel Management Office
- Animal Drugs**  
Food and Drug Administration
- Aviation Safety**  
Federal Aviation Administration
- Commodity Futures**  
Commodity Futures Trading Commission
- Crop Insurance**  
Federal Crop Insurance Corporation
- Education of Handicapped**  
Education Department
- Fishing**  
Indian Affairs Bureau
- Flood Insurance**  
Federal Emergency Management Agency
- Government Property Management**  
General Services Administration
- Hunting**  
Fish and Wildlife Service
- Marine Safety**  
Coast Guard

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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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Title 3—

Proclamation 5217 of July 5, 1984

The President

Veterans' Preference Month, 1984

By the President of the United States of America

### A Proclamation

Forty years ago—on June 27 1944—President Franklin D. Roosevelt signed into law the Veterans' Preference Act. This statute brought together, for the first time, laws, Executive orders, and regulations extending back to the Civil War which granted preference in Federal employment to veterans.

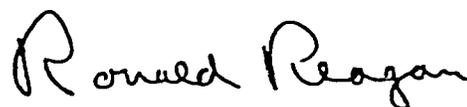
The primary purpose and philosophy of the Veterans' Preference Acts are to assist veterans in obtaining and retaining Federal jobs for which they qualify. They constitute not only a means of rewarding veterans for their service in the Armed Forces, but also a means of preventing them from being penalized, in the search for employment, by the fact that the months or years they spent in the service of their country isolated them from the civilian world. In recognition of the economic disadvantage suffered by this service, these Acts seek to give these veterans a favorable position in competing for Federal employment. At the same time, the veterans' preference laws have been drafted so that they are compatible with the merit principle of public employment.

Veterans' preference is but a partial recognition of the great debt of gratitude that the country owes to those who have served in the Armed Forces. Its success is evidenced by the fact that 40 years after World War II, 30 years after Korea and 10 years after Vietnam, veterans comprise 39 percent of the non-Postal Federal work force and 52 percent of the Postal work force.

In recognition of the fortieth anniversary of the Veterans' Preference Act, and to honor the men and women who have served their country in the Armed Forces, the Congress of the United States, by Senate Joint Resolution 297 has designated June 1984 as "Veterans' Preference Month," and has authorized and requested the President to issue a proclamation in observance of that month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim June 1984 as Veterans' Preference Month.

IN WITNESS WHEREOF I have hereunto set my hand this fifth 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 ninth.





# Rules and Regulations

Federal Register

Vol. 49, No. 132

Monday, July 9, 1984

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

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

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 792

#### Federal Employee Health and Counseling Programs; Regulatory Requirements for Alcoholism and Drug Abuse Programs and Services for Federal Civilian Employees

**AGENCY:** Office of Personnel Management.

**ACTION:** Interim rulemaking.

**SUMMARY:** OPM is issuing interim regulations to implement the requirements for Federal civilian employee alcoholism and drug abuse programs contained in the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970" and the "Drug Abuse Office and Treatment Act of 1972." These regulations establish OPM and agency responsibilities in providing prevention, treatment, and rehabilitative services to Federal civilian employees with alcohol or drug problems.

**DATES:** Effective date: August 8, 1984. Comments must be received on or before September 9, 1984.

**ADDRESS:** Send or deliver written comments to Mrs. Ruby Giddings, Alcoholism/Drug Abuse Program, Employee Health Services Branch, WED/OPerM, Room 7H31, U.S. Office of Personnel Management, P.O. Box 14080, Washington, D.C. 20044.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Ruby Giddings, (202) 632-5558.

**SUPPLEMENTARY INFORMATION:** Public Laws 91-616 of December 30, 1970, and 92-255 of March 21, 1972, as amended by Public Laws 93-282, 96-180 and 96-181, provide that the Office of Personnel

Management shall be responsible for developing and maintaining, in cooperation with the Secretary of Health and Human Services and with other Federal departments and agencies, appropriate prevention, treatment and rehabilitation programs and services for Federal civilian employees with alcohol or drug problems. Such agencies and departments are encouraged to extend, to the extent feasible, these programs and services to the families of alcohol and drug abusing employees and to employees who have family members who are alcoholics or drug abusers. Such policies and services shall make optimal use of existing governmental facilities, services and skills.

OPM has not previously proposed regulations implementing these two laws, but has issued policy and guidance in the Federal Personnel Manual (FPM). The intent of the interim regulation is to make clear those elements of the alcoholism and drug abuse program that are mandatory and binding upon Federal agencies.

Pursuant to section 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because a clear definition of agency responsibilities is needed as soon as possible.

#### E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects Federal employees and their families.

#### List of Subjects in 5 CFR Part 792

Alcoholism, Drug abuse, Federal employees.

U.S. Office of Personnel Management.  
Donald J. Devine,  
*Director.*

Accordingly, OPM is amending 5 CFR by adding Part 792, to read as follows:

## PART 792—FEDERAL EMPLOYEES' HEALTH AND COUNSELING PROGRAMS

### Subpart A—Regulatory Requirements for Alcoholism and Drug Abuse Programs and Services for Federal Civilian Employees

Sec.

792.101 Statutory requirements.

792.102 General.

792.103 Coverage.

792.104 Responsibilities of the Office of Personnel Management.

792.105 Agency responsibilities.

### Subpart B—[Reserved]

Authority: Pub. L. 91-616, 84 Stat. 1848, as amended, and 92-255, 86 Stat. 65, as amended; 42 U.S.C. 4541 *et seq.* and 21 U.S.C. 1180 *et seq.*

### Subpart A—Regulatory Requirements for Alcoholism and Drug Abuse Programs and Services for Federal Civilian Employees

#### § 792.101 Statutory requirements.

Section 201(a) of Pub. L. 91-616, 84 Stat. 1849, as amended, and section 413(a) of Pub. L. 92-255, 86 Stat. 84, as amended, provide that the Office of Personnel Management shall be responsible for developing and maintaining, in cooperation with the Secretary of the Department of Health and Human Services, and with other Federal departments and agencies, appropriate prevention, treatment, and rehabilitation programs and services for Federal civilian employees with alcohol or drug problems.

#### § 792.102 General.

It is the policy of the Federal Government to offer appropriate prevention, treatment, and rehabilitation programs and services for Federal civilian employees with alcohol or drug problems. Short-term counseling and/or referral, or offers thereof, shall constitute the appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse, alcoholism, and drug abuse required under 21 U.S.C. 1180(a) and 42 U.S.C. 4561(a). This part requires Federal departments and agencies to establish programs to assist employees with these problems in accordance with the legislation cited in § 792.101.

**§ 792.103 Coverage.**

This part applies to all positions in Executive agencies as defined in section 105 of Title 5 of the United States Code, and to those positions in the legislative and judicial branch of the Federal Government which are in the competitive service.

**§ 792.104 Responsibilities of the Office of Personnel Management.**

OPM shall provide overall leadership for the Government-wide alcoholism and drug abuse program in cooperation with the Secretary of Health and Human Services. To accomplish this, OPM shall develop and issue policy and program guidance, provide technical assistance to agencies, and determine the overall effectiveness of the Government-wide program, as well as those programs at individual agencies, based on program information required of agencies.

**§ 792.105 Agency responsibilities.**

(a) Agencies shall establish and administer programs through which officials knowledgeable in counseling and referral services can offer and provide employees with alcohol and drug abuse problems short-term counseling and/or referral for long-term counseling or treatment.

(b) Agencies shall issue internal instructions implementing the requirements of Pub. L. 91-616 (section 201) and 92-255 (section 413) and this regulation.

(c) Whenever a manager/supervisor becomes aware that a Federal employee's use of alcohol or other drugs may be contributing to a performance or conduct deficiency, the manager/supervisor shall recommend and refer the employee to the agency counseling program (should an employee fail to participate in a rehabilitative program or, having participated, the employee fails to improve performance or conduct to a satisfactory level, the agency should rate the employee accordingly and initiate and appropriate performance-based or adverse action at that time).

(d) As requested, agencies shall annually submit a report to OPM on their counseling activities for the past fiscal year at a time, and in a manner, set by OPM.

**Subpart B—[Reserved]**

[FR Doc. 84-18118 Filed 7-6-84; 8:45 am]

BILLING CODE 6325-01-M

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service****9 CFR Part 3**

[Docket No. 83-122]

**Animal Welfare, Marine Mammals****Correction**

In FR Doc. 84-17061 beginning on page 26674 in the issue of Thursday, June 28,

$$\text{Volume} = \frac{(\text{Average Adult Length})^2}{2} \times 3.14 \times \text{depth.}$$

BILLING CODE 1505-01-M

**9 CFR Part 92**

[Docket No. 84-052]

**Ports Designated for the Importation of Animals**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule.

**SUMMARY:** This document affirms the interim rule which amended the regulations concerning ports designated for the importation of animals (1) by adding Los Angeles, California, to the list of air and ocean ports having Veterinary Services (VS) inspection and quarantine facilities necessary for a quarantine station for the importation of animals and (2) by providing that quarantine space at the VS facility at Los Angeles will be allotted on a priority basis for horses that are to participate in the 1984 Olympics in Los Angeles. The facility began receiving animals on April 15, 1984. It is necessary to add Los Angeles to this list of air and ocean ports to reflect the existence of the VS facility at Los Angeles so that importers can make arrangements for the importation of animals. It is necessary to allot quarantine space on a priority basis for horses that are to participate in the 1984 Olympics in Los Angeles in order to efficiently handle their entry into the United States.

**EFFECTIVE DATE:** July 9, 1984.

**FOR FURTHER INFORMATION CONTACT:** Dr. M.P. Dulin, VS, APHIS, USDA, Room 843, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

**SUPPLEMENTARY INFORMATION:****Background**

The regulations in 9 CFR Part 92 (referred to below as the regulations),

1984, make the following correction on page 26684. In § 3.104(b)(3)(i), the second formula should have read:

among other things, list ports which are designated for the importation of animals and birds into the United States. Prior to the interim rule, § 92.3(a) of the regulations listed Newburgh, New York, Miami, Florida, and Honolulu, Hawaii, as air and ocean ports having Veterinary Services (VS) inspection and quarantine facilities necessary for quarantine stations for the importation of animals. On March 28, 1984, an interim rule was published in the Federal Register (49 FR 11823-11824) which amended the regulations in § 92.3(a) by adding Los Angeles, California, as an air and ocean port having VS inspection and quarantine facilities necessary for a quarantine station for the importation of animals, and by providing that quarantine space at the VS facility at Los Angeles will be allotted on a priority basis for horses that are to participate in the 1984 Olympics in Los Angeles.

The interim rule was made effective on March 28, 1984. Comments were solicited for 60 days following publication. No comments were received. The factual situation which was set forth in the interim rule still provides a basis for the amendment.

**Executive Order 12291 and Regulatory Flexibility Act**

This action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this action will not have an annual effect on the economy of \$100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will

not cause significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

In addition to air and ocean ports, the regulations list Canadian border ports, Mexican border ports, and a number of other ports where Veterinary Services maintains facilities for the importation of certain animals. The regulations also provide a mechanism for allowing the importation of horses or birds at ports with privately operated facilities.

It appears that the addition of the port of Los Angeles to the list of air and ocean ports will not have a significant impact on the importation of animals into the United States. It provides another alternative facility for importation of animals and will reduce costs of importation for certain importers. Prior to the interim rule, almost all of the animals imported into the United States at Los Angeles were horses imported at one privately operated facility. This addition of a VS facility at the port of Los Angeles impacts on this privately operated facility.

Under these circumstances, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly, the interim rule which was published at 49 FR 11823-11824 on March 28, 1984, is adopted as a final rule.

Authority: Sec. 2, 32 Stat. 792, as amended; secs. 2, 4, and 11, 76 Stat. 129, 130, 132, (21 U.S.C. 111, 134a, 134c, and 134f); 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 2nd day of July 1984.

K.R. Hook,

*Acting Deputy Administrator, Veterinary Services.*

[FR Doc. 84-18078 Filed 7-6-84; 8:45 am]

BILLING CODE 3410-34-M

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 30, 33, 34, 35, and 40

#### Application Consolidation to NRC Form 313; Application for Material License

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

**SUMMARY:** The NRC is amending its regulations concerning the domestic licensing of source and byproduct material to provide for consolidation of five application forms into one simplified form for applications for material licenses. The consolidation simplifies the regional review process and provides an improved format for automatic data entry of information submitted.

**EFFECTIVE DATE:** July 9, 1984.

**FOR FURTHER INFORMATION CONTACT:** Bernard Singer, Chief, Material Certification and Procedures Branch, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-427-4236.

**SUPPLEMENTARY INFORMATION:** On May 27 1982 (47 CFR 23138), the Nuclear Regulatory Commission (NRC) amended its rules on the domestic licensing of nuclear materials to begin decentralization of its licensing program to the Regional Offices. As a part of this program, currently used NRC Forms 2 and 313 I, M, R, and T are being combined into a new NRC Form 313, "Application for Material License." This standardization of forms will foster the uniformity of the review process. Additionally, the applicant will not have to determine which of five forms is the correct one to use for its application.

There is no change in the information collection required for the submission of an application or issuance of an NRC license. There are, however, four added voluntary questions at the end of the form that request certain economic data. This change is for the convenience of the NRC. The new format will simplify the work of the reviewers by having information of the same type, i.e., "Radiation Protection" appear in the same location for all types of applications thereby saving the reviewer orientation time in reviewing different types of license applications. The continuing move toward automatic data entry of information from license applications dictated that a uniform format be developed to assist in this important function. The revised

provisions in §§ 30.32, 33.12, 34.3, 35.4 and 40.31 specify that applications for use of byproduct and source material may be submitted in duplicate on NRC Form 313, "Application for Material License." These amendments do not apply to Agreement States, but do apply to all licensees and applicants in non-Agreement States and the District of Columbia.

Because this is an amendment dealing with agency practice and procedure, the notice provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). The amendment is effective upon publication in the Federal Register, because good cause exists to dispense the usual 30 day delay in the effective date. The amendment is of a minor and technical administrative nature dealing solely with agency procedure. The rule simplifies the license application process and establishes uniformity in the NRC license review.

#### Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget under control number 3150-0120.

#### List of Subjects

##### 10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

##### 10 CFR Part 33

Byproduct material, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

##### 10 CFR Part 34

Packaging and containers, Penalty, Radiation protection, Radiography, Reporting and recordkeeping requirements, Scientific equipment, Security measures.

##### 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

##### 10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear

materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552, the following amendments to 10 CFR Parts 30, 33, 34, 35 and 40 are published as a document subject to codification.

The authority citation for this document is:

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242, as amended (42 U.S.C. 5841).

**PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL**

1. In § 30.32, paragraph (a) is revised to read as follows:

**§ 30.32 Application for specific licenses.**

(a) A person may file an application in duplicate on NRC Form 313, "Application for Material License," in accordance with the instructions in § 30.6 of this chapter. Information contained in previous applications, statements or reports filed with the Commission or the Atomic Energy Commission may be incorporated by reference, provided that the reference is clear and specific.

\* \* \* \* \*

**PART 33—SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL**

2. Section 33.12 is revised to read as follows:

**§ 33.12 Applications for specific licenses by broad scope.**

A person may file an application for specific license of broad scope in duplicate on NRC Form 313, "Application for Material License," in accordance with the provisions of § 30.32 of this chapter.

**PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS**

3. Section 34.3 is revised to read as follows:

**§ 34.3 Applications for specific licenses.**

A person may file an application for specific license for use of sealed sources in radiography in duplicate on NRC Form 313, "Application for Material License," in accordance with the provisions of § 30.32 of this chapter.

**PART 35—HUMAN USE OF BYPRODUCT MATERIAL**

4. Section 35.4 is revised to read as follows:

**§ 35.4 Application form for specific licenses.**

A person may file an application for specific license for human use under §§ 35.11, 35.12, and 35.13 of this part in duplicate on NRC Form 313, "Application for Material License," in accordance with the provisions of § 30.32 of this chapter.

**PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL**

5. In § 40.31, paragraph (a) is revised to read as follows:

**§ 40.31 Applications for specific licenses.**

(a) A person may file an application for specific license in duplicate on NRC Form 313, "Application for Material License," in accordance with the instructions in § 40.5 of this chapter. Information contained in previous applications, statements or reports filed with the Commission may be incorporated by reference provided that the reference is clear and specific.

\* \* \* \* \*

Dated at Bethesda, Maryland this 21st day of June 1984.

For the Nuclear Regulatory Commission,  
William J. Dircks,  
*Executive Director for Operations.*

[FR Doc. 84-18119 Filed 7-8-84; 8:45 am]  
BILLING CODE 7590-01-M

**SMALL BUSINESS ADMINISTRATION**

**13 CFR Part 121**

**Small Business Size Standards; Definition of Small Business**

**AGENCY:** Small Business Administration.  
**ACTION:** Interim emergency rule.

**SUMMARY:** SBA is immediately establishing, on an interim emergency basis, five new size standards—four at \$3.5 million average annual receipts and one at 1,500 employees. These are for business and secretarial schools, vocational schools, job training services, child care services, and telephone communication. This action is necessary because no published size standards presently exist for these industries and size standards are needed for purposes of affording financial and procurement assistance for otherwise eligible businesses.

**DATES:** Effective July 9, 1984. Comments on what should be the permanent size

standards for these industries should be submitted by September 7 1984.

**ADDRESS:** All comments to: Andrew A. Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

**FOR FURTHER INFORMATION CONTACT:** Andrew A. Canellas, (202) 653-8373.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Small Business Act, 15 U.S.C. 631, *et seq.*, and 13 CFR 121.10(b), in urgent situations, SBA may put into effect interim emergency size standards when needed for program purposes if no size standard exists for the industry in question. SBA believes there is an urgent need for the immediate establishment of the size standards set forth below in order to facilitate the operation and availability of our financial and procurement assistance programs. Otherwise eligible applicants for assistance would be denied the opportunity to apply for such assistance without the existence of a relevant size standard. These size standards therefore are made effective upon publication. The standards are hereby being established on an interim basis at \$3.5 million average annual receipts for four service industries and 1,500 employees for telephone communications. SBA's rationale supporting the establishment of each of these standards is set forth below. Public comments, however, are invited as to what size standard in each case should be permanently established. This procedure is being undertaken in conformity with Section 8 of Executive Order 12291 and section 608 (5 U.S.C. 608) of the Regulatory Flexibility Act, as well as section 553(b)(A) of the Administrative Procedure Act, 5 U.S.C. 553(b)(A). There are no recordkeeping or paperwork requirements inherent in this document. SBA will publish final size standards for each of these industries as soon after the expiration of the comment period on these interim emergency standards as possible.

**List of Subjects in 13 CFR Part 121**

Small business, Small business size standards.

**Job Training and Vocational Rehabilitation Services, SIC-8331**

Initial research indicates that in 1982 there were 1,807 firms in this industry with \$1.6 billion annual sales. Average sales and employment per firm were \$869,000 and 14 persons. The median size firm (half larger and half smaller) had about \$350,000 in sales and 25 employees.

The industry appears to be competitive and unconcentrated, which

is typical for the services sector. The 26 top firms each employed 500 or more persons yet, together, controlled only 12 percent of industry sales. For these reasons, the lowest general size standard for services, \$3.5 million average annual receipts, is established on an interim basis.

**Vocational Schools, SIC-8249**

The definition for this industry differs from the previous industry in that the job training industry is often concerned with disadvantaged, handicapped, or undereducated persons, usually in a government sponsored program. On the other hand, vocational schools include the more conventional trade schools, commercial art schools, practical nurse schools, and similar.

This industry had 2,332 firms in 1982 with \$1.7 billion in sales. Average sales and employment per firm were \$724,000 and 30 persons. The median size firm had about seven employees and \$182,000 in sales.

The industry appears to be competitive, unconcentrated, and with low average firm size; typical for services. The 16 largest firms each employed 500 or more persons and together accounted for 19 percent of total industry sales. Similar to the reasons stated in the previous industry, the size standard is established on an interim basis at \$3.5 million average annual receipts.

**Business and Secretarial Schools, SIC-8244**

This industry had 574 firms with \$386 million in 1982 sales. Average sales and employment were \$672,000 and 30 employees. The median size firm had about \$330,000 sales with 15 employees.

Typical of services, firm size is low and the industry is unconcentrated. The three largest firms each had between 500 and 1,000 employees and controlled only 4 percent of industry sales. These three firms each had average annual sales of \$6.4 million in 1982.

A size standard of \$3.5 million would include about 97 percent of all firms in this industry. A size standard of \$3.5 million average annual receipts is established on an interim basis.

**Child Care Services, SIC-8351**

This industry, which is growing rapidly, had 6,294 firms in 1982 with \$1.2 billion in annual sales. Average sales and employment per firm were \$191,000 and 16 employees. The median size firm had about \$60,000 in sales and eight employees.

Like most service industries, this one is competitive, unconcentrated, and has very low average firm size. The seven

largest firms together controlled only 5 percent of industry sales. The lowest general size standard for services, \$3.5 million, is established on an interim basis.

**Telephone Communication (Wire or Radio), SIC-4811**

While this industry was substantially restructured in 1983 as a result of the AT&T divestiture, giant firms continue to dominate it. Even though there were 1,457 firms in this industry in 1982, the four largest producers controlled at least 90 percent of total sales of \$82 billion. Average sales and employment per firm were \$56 million and 775 persons. SBA's maximum size standard of 1,500 employees would encompass about 98 percent of industry firms, but only about 1 percent of sales. Because of the concentrated nature of this industry and large average firm size, a size standard of 1,500 employees is established on an interim basis.

**PART 121—[AMENDED]**

Accordingly, pursuant to 15 U.S.C. 634(b)(6), SBA hereby amends § 121.2(c)(2) of Part 121 of 13 CFR by publishing on an interim emergency basis five new size standards:

**§ 121.2 [Amended]**

- (c) \* \* \*
- (2) \* \* \*

Major Group 48—Communication		
4811	Telephone Communication (Wire or Radio)...	1,500
Major Group 82—Educational Services		
8244	Business and Secretarial Schools.....	\$3.5
8249	Vocational Schools.....	\$3.5
Major Group 83—Social Services		
8331	Job Training and Vocational Rehabilitation Services.....	\$3.5
8351	Child Care Services.....	\$3.5

\* \* \* \* \*

Dated: June 29, 1984.  
James C. Sanders,  
*Administrator.*  
[FR Doc. 84-18101 Filed 7-8-84; 8:45 am]  
BILLING CODE 8025-01-M

**13 CFR Part 121**

**Small Business Size Standards**

**AGENCY:** Small Business Administration.  
**ACTION:** Temporary emergency rule.

**SUMMARY:** SBA is temporarily amending § 121.5(b)(2) of its regulations by adding a new paragraph (v) that will delay the

implementation of the "nonmanufacturer" rule as it applies to Government procurement requirements from the Defense Fuel Supply Center for certain refined petroleum products, commonly referred to as the Posts, Camps and Stations program. This is being issued as a temporary rule because of the emergency relief necessary to alleviate the dislocations and hardship caused by the immediate application of the nonmanufacturer rule to 8(a) awards from the Defense Fuel Supply Center for such products and to provide a transition period to allow compliance with the nonmanufacturer rule or full competitive bidding on such awards at the end of the transition period.

**DATES:** This temporary emergency rule is effective June 29, 1984 and will remain effective through December 31, 1984.

**ADDRESS:** Comments should be addressed to: Charles L. Dean, Chief Counsel for Special Programs, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, 202-653-6699.

**FOR FURTHER INFORMATION CONTACT:** Charlie L. Dean, (202) 653-6699.

**SUPPLEMENTARY INFORMATION:** SBA published a final rule February 9, 1984 (49 FR 5029), effective March 12, 1984, revising Part 121 of Title 13 of the Code of Federal Regulations. A new section of the revised rule, § 121.4(b)(2), requires for the purposes of the Minority Small Business and Capital Ownership Development Assistance (Section 8(a)) program that once a concern is admitted in the Section 8(a) program, the concern must certify to SBA that it is a small business for the purpose of performing each individual contract which it is awarded. SBA, in turn, will verify such certifications. This requirement did not exist prior to March 12, 1984.

This size requirement operates in conjunction with the "nonmanufacturer" rule (13 CFR 121.5(b)(2)). This rule requires that any concern which submits a bid or offer in its own name, on a contract other than a construction or service contract, and which proposes to furnish a product which it did not itself manufacture, is deemed a small business only when it furnishes the product of a small business manufacturer or producer, which end product is manufactured or produced in the United States. In its application to the Section 8(a) program, the rule is intended to promote the development of small businesses and limit brokering and other similar arrangements.

Virtually all of the Government's requirements for motor gasoline and

heating fuels are purchased by the Defense Fuel Supply Center (DFSC) through its Posts, Camps and Stations Program (PC&S). As applied to motor gasoline and heating fuel dealers, the nonmanufacturer rule would require that such dealers furnish the product of a small oil refinery in the United States. Failure to meet this requirement would result in the dealer's inability to certify itself as "small" under these size regulations.

Consequently, the immediate application of the nonmanufacturer provision to the award of 8(a) contracts by SBA would cause a temporary hardship to a segment of the 8(a) portfolio who had reasonable expectations of the awards for the current procurement cycle.

Many of these firms may have committed a great deal of economic resources in contemplation of continued program participation and may have incurred financial obligations based upon the continued availability of contact support. SBA is convinced that to discontinue immediately the availability of contract support to those firms would cause serious and undue financial hardship.

The immediate application of the current rules would also disrupt the planned procurement of refined petroleum products under the DFSC PC&S program from certified 8(a) concerns throughout the United States. DFSC has already planned its procurement cycle to include a certain amount procured through the 8(a) program. Some 8(a) firms have submitted their proposals to DFSC and price negotiations are proceeding. If these 8(a) contracts to SBA and subcontracts with the affected 8(a) concerns do not proceed as planned, the established procurement cycle will be adversely affected.

DFSC's annual expenditure for these standard commercial products is approximately \$1 billion which consists of approximately 1,000 contracts annually. There are currently 41 active refined petroleum product dealers in the Section 8(a) program, and for fiscal year 1983 they sold approximately \$167 million worth of fuel to the DFSC under contracts awarded under the 8(a) program.

Presently, DFSC acquires the remainder of its PC&S requirements by open competitive awards. Because of the inability of otherwise small dealers to comply with the nonmanufacturer rule, DFSC has not implemented a small business set-aside program. The largest number of contracts are, however, awarded to firms which—aside from the nonmanufacturer rule—qualify as

"small" dealers. Since these awards are not formally set aside for small businesses, the nonmanufacturer rule does not apply to those procurements.

This temporary emergency rule will add a new paragraph (v) to 13 CFR 121.5(b)(2) which will have the effect of providing, for a limited period of time, an alternate requirement to the nonmanufacturer rule for refined petroleum product dealers who would otherwise be small businesses. The rule will apply to Government procurements for refined petroleum products in the Defense Fuel Supply Center (DFSC) Posts, Camps and Stations Program (this excludes procurements under the DFSC Bulk Fuel Program).

The transition period provided by this temporary rule permits affected firms to continue 8(a) operations only long enough to allow an orderly rearrangement of financial obligations incurred in reliance on program participation. Further, the rule is critical to insure that the PC&S requirements of the Government are met in a satisfactory manner within the statutory mandate of the Small Business Act.

In accordance with 5 U.S.C. 553, the Administrator of SBA finds that good cause exists for the immediate adoption of this temporary rule. The Administrator bases his finding of good cause on the following:

1. Immediate application of the nonmanufacturer rule would create hardship during the current procurement cycle to a significant number of 8(a) firms which have had reasonable expectations of receiving awards under the PC&S program and have incurred significant costs in reliance on the anticipated contract awards.

2. DFSC has already identified certain requirements for the 8(a) program with the expectation that awards be made on or after July 2, 1984. Immediate application of the nonmanufacturer rule would, in all likelihood, prohibit such awards and thereby cause significant disruption to the current procurement cycle of DFSC and might not allow DFSC sufficient opportunity for a satisfactory alternative means of procurement.

SBA has issued this temporary rule to allow affected 8(a) firms and DFSC a sufficient transition period to plan and make alternative arrangements for the following procurement cycle. This temporary rule is one-time exception to the nonmanufacturer rule and SBA will not issue any further exceptions or delays for fuel oils after December 31, 1984. Further, for the reasons mentioned above, this rule is being published in response to an emergency which makes timely compliance with the requirements

of Section 604 of Title 5 of the United States Code impracticable. SBA hereby delays completion of those requirements according to 5 U.S.C. 608(b).

#### List of Subjects in 13 CFR Part 121

Inventions and patents, Small business.

Accordingly, pursuant to Section 3(a) of the Small Business Act, 15 U.S.C. 632(a), SBA hereby amends Part 121 to add a new § 121.5(b)(2)(v) as follows:

#### § 121.5 Small business for Government procurement.

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

\* \* \* \* \*

(v) In the case of Government procurements for refined petroleum products (i.e., motor gasoline and heating fuels) in the Defense Fuel Supply Center (DFSC) Posts, Camps and Stations Program reserved for small businesses pursuant to Section 8(a) of the Small Business Act;

(A) The bidder or offeror, including affiliates, has less than 500 employees; and

(B) The bidder or offeror maintains a place of business in which petroleum products of the general character described by the specifications and required under the contract are bought for the account of the bidder or offeror and are sold to the public in the usual course of business, and whose principal business is such purchase and sale of such petroleum products; and

(C) The bidder or offeror owns, operates or maintains petroleum distribution equipment, or, the bidder or offeror owns, operates or maintains storage in which petroleum products of the general character described by the specifications and required under the contract are kept in stock and sold to the public in the usual course of business.

If the bidder or offeror otherwise qualifies under the criteria described in this paragraph (b)(2)(v), then such concern shall qualify as a small business concern, regardless of whether it furnishes, in the performance of the contract, the product of a small manufacturer or producer, provided that the end product is manufactured or produced (i.e., refined) in the United States.

This temporary rule shall lapse and be of no effect after December 31, 1984.

Dated: June 29, 1984.

James C. Sanders,  
Administrator.

[FR Doc. 84-17799 Filed 7-6-84; 8:45 am]  
BILLING CODE 8025-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 84-ACE-03]

#### Alteration of Transition Area; Lebanon, Missouri

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** The nature of this Federal action is to alter the 700-foot transition area at Lebanon, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Lebanon/Floyd W. Jones Airport, Lebanon, Missouri, utilizing the Lebanon Nondirectional Radio Beacon (NDB) as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

**EFFECTIVE DATE:** August 30, 1984.

**FOR FURTHER INFORMATION CONTACT:** Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:** To enhance airport usage a new instrument approach procedure to the Lebanon/Floyd W. Jones Airport, Lebanon, Missouri, is being established utilizing the Lebanon NDB as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Lebanon, Missouri, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

#### Discussion of Comments

On pages 18508 and 18509 of the Federal Register dated May 1, 1984, the Federal Aviation Administration

published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lebanon, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., August 30, 1984, by altering the following transition area:

#### Lebanon, Missouri,

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Lebanon/Floyd W. Jones Airport (Latitude 37°38'59"N; Longitude 92°39'22"W) and within 3 miles each side of the LBO NDB (Latitude 37°34'37"N; Longitude 92°39'29"W) 182° bearing, extending from the 5-mile radius area to 11 miles south of the airport. (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 108(g) (Revised, Pub. L. 97-149, Jan. 12, 1983); and Sec. 11.69 of the Federal Aviation Regulations (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 Kansas City, Missouri, on June 27, 1984.

Murray E. Smith,  
Director, Central Region.

[FR Doc. 84-17895 Filed 7-6-84; 8:45 am]  
BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 84-ACE-06]

#### Alteration of Transition Area; Beatrice, Nebraska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** The nature of this Federal action is to alter the 700-foot transition area at Beatrice, Nebraska, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Beatrice Municipal Airport, Beatrice, Nebraska, utilizing the Beatrice VOR as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

**EFFECTIVE DATE:** August 30, 1984.

**FOR FURTHER INFORMATION CONTACT:** Dale L. Carmine, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:** To enhance airport usage a new instrument approach procedure to the Beatrice Municipal Airport, Beatrice, Nebraska, is being established utilizing the Beatrice VOR as a navigational aid. The establishment of this new instrument approach procedure based on this navigational aid entails alteration of the transition area at Beatrice, Nebraska, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

#### Discussion of Comments

On pages 19312 and 19313 of the Federal Register dated May 7, 1984, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Beatrice, Nebraska. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., August 30, 1984, by altering the following transition area:

## Beatrice, Nebraska

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Beatrice Municipal Airport (latitude 40°18'01"N, longitude 96°45'16"W) and within 5 miles each side of the Beatrice VOR (latitude 40°18'05"N, longitude 96°45'16"W) 323°, radial extending from the 6.5-mile radius to 14 miles northwest of the VOR.

(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, Jan. 12, 1983); and Sec. 11.69 of the Federal Aviation Regulations (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 Kansas City, Missouri, on June 27 1984.

Murray E. Smith,  
Director, Central Region.

[FR Doc. 84-17996 Filed 7-9-84; 8:45 am]  
BILLING CODE 4910-13-M

## FEDERAL TRADE COMMISSION

## 16 CFR Part 13

[Docket No. 9114]

General Motors Corporation;  
Prohibited Trade Practices, and  
Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

**SUMMARY:** This order dismisses Commission's July 19, 1978 complaint alleging that a Detroit, Ill., motor vehicle manufacturer had violated the Robinson-Patman Act and section 5 of the Federal Trade Commission Act by failing to make promotional allowances available on proportionally equal terms to all competing rental and leasing firms. The Commission noted in its Opinion that "in light of the Commission's public interest mandate" the Commission and the courts must be careful "not to expand the ambit of legislation beyond that set forth by Congress" and the Commission will therefore "eschew efforts to broaden application of the

Robinson-Patman Act beyond that established by law."

**DATES:** Complaint issued on July 19, 1978. Final Order issued June 21, 1984.\*

**FOR FURTHER INFORMATION CONTACT:** FTC/I-600-F Renee S. Henning, Washington, D.C. 20580, (202) 724-1149.

**SUPPLEMENTARY INFORMATION:** In the Matter of General Motors Corporation, a corporation.

## List of Subjects in 16 CFR Part 13

Motor vehicles, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

## Before the Federal Trade Commission

[Docket No. 9114]

In the Matter of General Motors Corp., a corporation.

## Final Order

This matter has been heard by the Commission upon the appeals of complaint counsel and respondent General Motors Corporation from the Initial Decision and upon briefs and oral argument in support of, and in opposition to, the respective appeals. For the reasons stated in the accompanying Opinion, the Commission has determined to affirm the Initial Decision regarding dismissal of Count I of the Complaint and to reverse, insofar as the Decision failed to dismiss the remaining Count II, and found liability under that Count. Accordingly, the appeal of respondent General Motors Corporation is granted and the appeal of Complaint Counsel is denied, and

*It is ordered,* That the complaint is dismissed in its entirety.

By the Commission. Commissioner Pertschuk dissented. Commissioner Bailey concurred in part and dissented in part.

Issued: June 21, 1984.

Emily H. Rock,  
Secretary.

## Dissenting Statement of Commissioner Pertschuk in General Motors Corp.

[Docket No. 9114]

June 21, 1984.

Most fundamentally, the majority's opinion is an exercise in lawmaking in the guise of law interpretation. On the grounds that Congress did not have "consumer welfare" in mind when it passed the Robinson-Patman Act, the majority has decided to reject every applicable legal precedent in order to construe the Act as narrowly as possible and avoid finding liability. The practical

\*Copies of the Complaint, Initial Decision, and Opinion of the Commission are filed with the original document.

result is that the majority has substituted its own understanding of "consumer welfare" for the version that previous court opinions and Congress have expressed.

The key legal issue in the Commission's decision to dismiss the complaint is whether the prohibition on the type of discriminatory promotional allowances examined here is subject to a *per se* or rule of reason analysis if it is addressed under the FTC Act rather than the Robinson-Patman Act.<sup>1</sup> The majority cannot quite bring itself to concede that discriminatory promotional allowances are *per se* unlawful if analyzed under the Robinson-Patman Act, though the law is quite clear that the *per se* standard applies.<sup>2</sup>

Furthermore, long series of court opinions have held that when the Commission is analyzing conduct closely analogous to practices prohibited as *per se* by the Robinson-Patman Act, the *per se* standard should apply under Section 5 analysis as well.<sup>3</sup>

As the Second Circuit Court of Appeals explained in *Grand Union*:<sup>4</sup>

[S]ection 2(d) defines an offense which is illegal *per se*. There is no reason why this rule should not apply to the buyer as well as to the seller. Since section 5 is here utilized to reach an integral part of a violation of section 2(d), and the rationale of the proceeding is to fulfill the policies of that prohibition, it would seem an unwarranted amendment of the legislative scheme to apply a different standard on the question of competitive effects to the buyer than it applies to the seller. 300 F.2d at 99 (citations omitted)

Not surprisingly, in view of the unanimity of the prior opinions on this point, complaint counsel and respondent dispensed with the issue of competitive impact and did not submit proof on it. Nevertheless, the majority now concludes that a *per se* theory is not appropriate. The reader will find little explanation for this departure from precedent other than an extensive recitation of the line of cases that it is abandoning and an attempt to rely on

<sup>1</sup>I agree with the Commission's decision that the highly technical requirements of the Robinson-Patman Act are not met here because promotional allowances from automobile manufacturers for car leasing firms are not provided "in connection with the processing, handling, sale or offering for sale" as provided in 2(d) of the Act.

<sup>2</sup>See the qualified language in the majority opinion at pp. 18-19. In fact, the *per se* standard under 2(d) is well established. *FTC v. Simplicity Pattern Co.*, 360 U.S. 55 (1959); *Alterman Foods, Inc. v. FTC*, 497 F.2d 933 (5th Cir. 1974); *Grand Union Co. v. FTC*, 300 F.2d 92 (2d Cir. 1962).

<sup>3</sup>See the cases cited at p. 16, fn. 2 of the Majority Opinion.

<sup>4</sup>*Grand Union Co. v. FTC*, 300 F.2d 92 (2d Cir. 1962).

the Commission's decision in *Ethyl Corp.*<sup>5</sup> in *Ethyl*, a rule of reason case, the Commission stated that the FTC Act prohibits conduct which does not violate the Sherman Act and Clayton Act "when there is good evidence that the challenged practices have anticompetitive effects very similar to those prohibited by those two acts and when prohibiting such practices are not inconsistent with any other legislative goal of the antitrust laws."<sup>6</sup> The majority would like to read this language to mean all conduct analyzed under Section 5 that does not technically violate the Clayton Act or Sherman Act should be subject to a rule of reason analysis, even if the conduct is closely analogous to conduct which is prohibited under a *per se* standard under the Clayton or Sherman Acts.

If the Commission in *Ethyl* had wanted to abandon prior precedent on this point, it would have said so. It did not. In fact, it is clear that Congress or the courts may decide that some types of conduct are "so plainly anticompetitive that no elaborate study of the industry is needed to establish their illegality—they are illegal *per se*."<sup>7</sup> As the court of appeals put it in *Grand Union*: "In making some, but not all, of the practices outlawed by the Robinson-Patman Act illegal *per se* Congress indicated that those selected for *per se* treatment always led to the undesired effects on competition."<sup>8</sup> Consequently, it is perfectly appropriate for the Commission to dispense with proof of anticompetitive effects when Congress determined that the closely analogous practices under the Clayton Act are *per se* unlawful.

Does the majority believe that the competitive effects of the discriminatory allowances at issue here are different from the effects of the conduct prohibited as *per se* unlawful by Section 2(d)? Apparently, since the majority opinion does not identify a single reason why the effect might be different. Indeed, I suspect that the majority would prefer not to find the practices prohibited by section 2(d) unlawful either, without an economic analysis of competitive effects. It is perfectly proper to hold that opinion and to try to counsel Congress to change the law. But it is not acceptable to legalize conduct on the ground that Congress is "protectionist" rather than concerned about "consumer welfare," and that the

Commission's judgment about what is best for the public interest can be substituted for a Congressional policy.

Finally, one might reasonably ask—if the parties and the ALJ applied an improper legal standard, particularly when the standard announced by the majority is an abandonment of prior precedent, shouldn't the case be remanded? The majority rejects the alternative of remanding, in part because "having entered into a stipulation it seems unfair to now force respondent *in this case* to face yet another trial on a different theory of this case." (Majority Op. at 20, fn. 4; emphasis in original) The stipulation, entered into by GM and complaint counsel provided: "Injury to competition is not a prerequisite to finding a violation under complaint counsel's [Section 2(d) and Section 5 theories] and "GM agrees \* \* \* that complaint counsel's Section 5 *per se* theory reflects an accepted principle of law under prior decisions of the Commission." The stipulation further stated: "neither the effects on competition nor the lack of effects on competition of the GM acts and practices covered by the complaint are in issue in this case" and "evidence regarding the competitive effects \* \* \* is irrelevant and inadmissible."<sup>9</sup> Despite the stipulation, GM felt content to argue in its brief that its practices are procompetitive.<sup>10</sup> When a party stipulates that a case should be tried on a particular, established legal theory and avoids an adverse result because the reviewing body adopts a different legal theory, I fail to see any possible unfairness in a retrial based on the newly announced standard.

Statement of Commissioner Patricia P. Bailey Concurring in Part and Dissenting in Part, General Motors Corp.

[Docket No. 9114]

June 21, 1984.

I agree with the majority that the Robinson-Patman count in this complaint should be dismissed. However, I do so on the narrow ground that the Robinson-Patman Act is a highly technical, specific statute which is not subject in this instance to the creative reading urged by complaint counsel. It is precisely because of the rigid nature of the statute that, in the past, it has been necessary to call upon Section 5 of the Federal Trade Commission Act to "fill the gaps". See, e.g., *Grand Union Co. v. FTC*, 300 F. 2d 92 (2d Cir. 1962). However, granting that the statute was not drafted with much

interpretive latitude is not to presume that Congress intended it to be construed narrowly because of Congressional concern that the Act was protectionist or anticonsumer. That, I take it, is the majority's position (Slip op. at 10); my reading of the legislative history is otherwise.

It is quite clear that the drafters of the Robinson-Patman Act perceived no conflict between consumer welfare and the even-handed treatment of business which the statute mandates. For example, in introducing the bill to the House, sponsor Representative Patman said: "This bill is designed to accomplish what so far the Clayton Act had only weakly attempted, namely, to protect the independent merchant, *the public whom he serves*, and the manufacturer from whom he buys, from exploitation by his chain competitor." (79 Cong. Rec. 9078 (1935) (emphasis added)). The Report of the House Committee on the Judiciary concludes in most emphatic terms:

There is nothing in [the recommended bill] to penalize, shackle or discourage efficiency, or to reward inefficiency.

It is not believed that the restoration of equality of opportunity in business will increase prices to consumers. Unfair trade practices and monopolistic methods which in the end destroy competition, restrain trade, and create monopoly have never in all history resulted in benefit to the public interest. On the contrary, for the most part, they have been symbolic of lower wages, longer hours, lower prices paid producers, coercion of independent manufacturers, domination of that field of industry and in the end high prices to the consumers and large profits to the owners. H.R. No. 2287, Pt. 1, 74th Cong., 2d Sess. 17 (1935).

I am aware that these Congressional assumptions about the Act's consumer benefits have been severely criticized by economists, lawyers, certain business groups and even government task forces. However, the statute has survived virtually unchanged for nearly half a century now, so I must presume that the original intent is unaltered when making my decision to enforce the law. I am certainly uncomfortable with discovering, at this late date, that Congress meant its clearly expressed policy to be supplanted by whatever views of consumer welfare are currently in vogue.

As to the section 5 count of the complaint, I would remand, not dismiss. Whether the Commission uses the gap-filling powers of section 5 in a *per se* or rule of reason mode is discretionary with the Commission, turning upon both the facts of the case and the nature of the touchstone law. In this matter, the

<sup>5</sup> *Ethyl Corp.*, 101 F.T.C. 425 (1983), *rev'd*. — F.2d (2d Cir. 1984).

<sup>6</sup> 101 F.T.C. at 597.

<sup>7</sup> *National Society of Professional Engineers v. U.S.*, 435 U.S. 679, 692 (1978).

<sup>8</sup> 300 F.2d at 99.

<sup>9</sup> See §§ 2-4, 5, 0 of the Stipulation adopted as part of the pretrial order of April 29, 1982.

<sup>10</sup> See, e.g., GM's appeal brief, 6, 19, 20, 41-42.

Commission's complaint may have intended to specify the rule of reason approach. In Paragraph 9 of the complaint the commission arguably imposed upon itself the burden of demonstrating that the challenged acts and practices had "the tendency and effect of preventing and hindering competition." Complaint counsel exceeded their authority in stipulating away this provision without informing the Commission. Such a significant change in the focus of any case should be accomplished by certification to the Commission for approval, under Commission Rule of Practice 3.15.

I would restore the Complaint to its original form (section 5 counts only) and remand for trial on the issue of competitive effects.

[FR Doc. 84-18087 Filed 7-6-84; 8:45 am]

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## 16 CFR Part 13

[Docket No. 9141]

### Champion Spark Plug Company; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Dismissal order.

**SUMMARY:** In this Final Order, the Commission denied appeals of respondent and complaint counsel, accepted the Administrative Law Judge's Initial Decision and Order of May 10, 1983, as its own, and dismissed complaint charging a spark plug manufacturer with violating Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act through its acquisition of the Anderson Company, the nation's largest manufacturer of replacement windshield wiper products.

**DATES:** Complaint issued July 29, 1980. Final Order issued June 20, 1984.\*

**FOR FURTHER INFORMATION CONTACT:** FTC/G-402-2, Robert C. Jones, Washington, D.C. 20580, (202) 254-7001.

**SUPPLEMENTARY INFORMATION:** In the Matter of Champion Spark Plug Company, a corporation.

#### List of Subjects in 16 CFR Part 13

Windshield wiper products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Commissioners: James C. Miller III, Chairman, Michael Pertschuk, Patricia P. Bailey, George W. Douglas, Terry Calvani.

Copies of the Complaint and Initial Decision are filed with the original document.

In the matter of Champion Spark Plug Company, a corporation, Docket No. 9141.

#### Final Order

This matter having been heard by the Commission upon the appeal of respondents and complaint counsel from the initial decision; and

The Commission having considered the oral arguments of counsel, their briefs, and the whole record;† and

The Commission having denied in full the appeals of respondent and complaint counsel; and

The Commission having determined that the initial decision and order contained therein shall become the decision and order of the Commission.

Therefore, it is ordered, that the initial decision and the order contained therein shall become the decision and the order of the Commission on the date of issuance of this order.

By the Commission. Commissioner Pertschuk voted in the negative.

Issued: June 20, 1984.

Emily H. Rock,  
Secretary.

**Dissenting Opinion of Commissioner Michael Pertschuk in Champion Spark Plug Company, Docket No. 9141**

June 20, 1984.

The majority of the Commission today summarily affirms the Initial Decision in this case and dismisses charges against Champion Spark Plug Company. The majority fails to explain the reasons for its decision even though the Bureau Director conceded that the central question urged on appeal by complaint counsel was largely unaddressed by the ALJ in the Initial Decision.

In his Initial Decision, the ALJ concluded that there were high levels of concentration within the windshield wiper products industry and that Champion, had it not acquired Anco, would have entered the market *de novo* and significantly deconcentrated the market. Consequently, I do not discuss these issues below. However, the ALJ also found that Champion's acquisition did not violate the law because the market remained "reasonably competitive." The basis for the ALJ's conclusion stemmed primarily from the rapid change in the windshield wiper product market in the last fifteen years and his finding that there were numerous potential expanders and entrants.

† By this action the Commission also denies Respondent's Motion to Strike four tables and references thereto from Complaint Counsel's Reply Brief.

Complaint counsel do not dispute that there has been significant change in the market. Fifteen years ago, Anco and Trico, protected by patents, were the sole manufacturers of windshield wiper products which were retailed solely through auto repair shops, oil company service stations, and car dealers. In the late 1960's, when Anco's and Trico's patents expired, Roberk, a small auto parts manufacturer, developed a new universal windshield wiper replacement blade and refill that could easily be installed by consumers on most cars. Marketed directly to consumers through such "mass merchandisers" as K-Mart and Sears, Roberk and other manufacturers quickly achieved substantial market share.

Nevertheless, complaint counsel assert that the market is not competitive. The heart of complaint counsel's argument is that the market is actually divided into two distinct channels, with the more significant "traditional" channel dominated by Anco and Trico and protected from effective competition by entry and mobility barriers. While Roberk and others have been free to enter and *expand* the market by appealing to a new group of consumers, complaint counsel argue that they have been unable to break into the "traditional" channel. As a result, Anco's and Trico's prices have been insulated from effective competition. Complaint counsel argue that Champion was uniquely situated to enter the traditional channel and create effective competition.

I would reverse the ALJ's decision because I find that complaint counsel have shown that such market segmentation exists and that there are significant mobility and entry barriers which have prevented would-be entrants and expanders from challenging the duopolistic structure of the significant "traditional" channel of the market. Given the high levels of concentration in this industry, and the evidence supporting the presumption of poor performance, including the lack of price competition within the traditional channel, complaint counsel have shown that Champion's acquisition of Anco deprived the market of the independent entry of the potential entrant which was in fact most likely to enter and most likely to challenge Anco and Trico.

#### *I. Persistence of the Traditional Channel*

It is clear that members of the industry themselves perceive the existence of a "traditional channel," involving sales to warehouse distributors ("WD"), oil companies, and

OES firms, and a "mass market channel" involving sales either directly to retail outlets or indirectly to mass merchant feeders. (ID 138)<sup>1</sup> Further, firms deliberately develop marketing strategies which take into account the different demands of the two segments. Anco, Trico, Ideal, Fram, Bosch, and Nefco all compete primarily in the traditional market, making relatively few sales to mass merchants. (ID 97, 152, 163, 173) Roberk and Pylon compete primarily in the mass merchant market, making relatively few sales to traditional distributors. (ID 119) Indeed, attempts to market the same product to both channels have largely failed. (ID 132-133 (Roberk); CPF 2-67 (Fram); CPF 2-75 (Tridon); ID 280-282 (Anco "Rainy Day")) As a result, it is not surprising that Roberk and Pylon together account for 69.6 percent of the sales of WWP in the mass merchant channel, while Anco and Trico continue to dominate the traditional channel, accounting for 87.1 percent of the sales in that channel. (CPF 5-7)

The "traditional" channel—distribution from the manufacturer, through the WD and jobber to the auto repair shop, oil company service station, auto dealership, or consumer—remains the dominant method of distribution of replacement windshield wipers and blades.<sup>2</sup> The evidence indicates that about 72% of replacement windshield wipers and blades, measured in unit sales, still move through the traditional channel.<sup>3</sup>

Perhaps the most telling evidence indicating that there are two separate channels is the evidence of price independence between the two channels. CX 2511 *in camera* shows that Anco and Trico were able to raise prices while Roberk and Pylon were lowering theirs.<sup>4</sup> Thus the evidence

<sup>1</sup> Citations are made to Initial Decision Findings (ID); Complaint Counsel's Proposed Findings (CPF); Complaint Exhibit (CX); Respondent Proposed Findings (RPF); and Complaint Counsel's Reply (C. Rep. to RPF); and Transcript (Tr.).

<sup>2</sup> The distinction between the traditional channel and the mass market channel does not depend on who does the installation, but rather on how the product is distributed through the channel.

<sup>3</sup> (CPF 5-7) The ALJ erred in finding that mass marketers accounted for 45% of the market (ID 233); since that figure was based only on a 1975 projection. (C. Rep. to RPF 408) Complaint Counsel's figures, on the other hand, are based on a detailed analysis of actual 1978 sales. (CPF 5-7)

<sup>4</sup> Respondent does not deny that it increased its prices as those of Roberk and Pylon were falling. It argues, however, that CX 2511 *in camera* is misleading. (R. Ans. 17, n.43) However, much of respondent's argument simply goes to the issue that its prices were higher than those of Roberk and Pylon, which, by itself, may be explained by higher costs and higher quality. The only argument which it offers to explain the increasing spread between prices is that the price data for Anco includes the

shows that prices appear to be determined separately in the two different channels. As complaint counsel's expert economic witness, Dr. Winter, testified:

Price sensitivity is relevant (to the level of competition) when we are trying to assess the degree of connectedness between different segments of the market. If the customers are highly sensitive to price, as opposed to other considerations, then you expect them to move back and forth among sellers in such a way as to impose something like a single price discipline on the market as a whole, whereas if they are less sensitive to price and if they are concerned about other attributes of the product or conditions of purchase, then the market may tolerate substantial price differentials among its segments for extended periods of time. (Winter, Tr. 1779)

Respondent is clearly correct that there is some overlap between the two channels and that there is some limited evidence of competition between the two channels. For example, Anco and Trico may be able to compete in the mass market channel, even though the mass market manufacturer has great difficulty competing in the traditional channel. (CAB 29) But the fact that the precise boundary lines may be blurred does not refute the strong evidence that there are in fact two distinct distribution channels within the overall market. The evidence is persuasive that competition within channels is greater than competition between channels.

Notwithstanding the evidence of separate channels, respondent argues that it is not insulated from competition from the new entrants. While not directly denying that it has raised prices while Roberk and Pylon prices have declined, respondent points to its declining market share, its eroding profits, and its inability to raise prices to cover increased costs—all evidence purporting to show that the overall market is reasonably competitive.

It is evident that Anco and Trico have both suffered losses of market share, and that Roberk and Pylon have gained market share. (ID 183) But there is little evidence to support the implication that Roberk and Pylon have captured sales that otherwise would have been made by Anco and Trico. Indeed, the preponderance of the evidence shows

sales of lower-priced Rainy Day products up until 1978, when the line was dropped. The implication is that the apparent price increase is due solely to this factor.

An examination of the record materials, however, clearly rebuts the implication that the inclusion of the Rainy Day sales data could explain the increase in the price spread. After subtracting the "mass merchandisers" dollar and unit sales listed in CX 1337P *in camera* from the gross dollar and unit sales listed in CX 3065 *in camera*, it is clear that excluding Rainy Day products has very little impact on the trend of Anco's average unit prices.

that Pylon and Roberk have gained sales primarily by developing part of the market which had largely been ignored by Anco and Trico. While unit sales have increased as a result of the growth of the "mass market,"<sup>5</sup> both Anco and Trico have, on average, been able to maintain at least their 1975 level of unit sales. Given the record evidence showing that Anco and Trico have largely been willing to cede the mass merchant portion of the market to other manufacturers, the loss of market share in the overall market, under the circumstances here, is not a convincing sign of competitiveness.<sup>6</sup>

Respondent also argues that, by pleading a single replacement windshield wiper and blade market, complaint counsel cannot now contend that there are, in effect, submarkets. But complaint counsel argue, correctly, that proving that there is an overall market for replacement windshield wipers and blades is not inconsistent with demonstrating that areas within that market are less susceptible to competition and that the loss of Champion as a potential entrant substantially lessened competition within a segment of the overall market. Furthermore, respondent had ample notice of complaint counsel's theory.<sup>7</sup>

<sup>5</sup> The other new entrants—Fram, Bosch, Ideal, Tridon, and Nefco—have garnered a modest increase in market share (as measured in unit sales) from 0.6% to 11.1% from 1975 through 1980. (ID 183) Some of that increase can be ascribed to increased sales to the mass merchant channel, rather than diverted sales from Anco and Trico in the traditional channel. (ID 106 (Tridon); ID 152 (Fram))

<sup>6</sup> Respondent's argument that its profitability has suffered turns primarily on data showing a decline in return on sales ("ROS"). For a variety of reasons, ROS data is of limited use in determining the profitability of an industry, which is more appropriately measured by return on investment ("ROI"). While the evidence on ROI does not permit a conclusion that Anco's profits are supracompetitive, the available evidence is consistent with a practice of a noncompetitive industry. For example, even the ALJ's findings show that Anco's return on sales since 1976 has been above 1976 levels, with the exception of 1980, a year of industrywide slump.

<sup>7</sup> Paragraph 19 of the complaint charges that "[B]arriers to entry into and to effective competition in the manufacture and sale of windshield wiper products for the United States replacement market are high." (Emphasis added) In response to respondent's interrogatories, complaint counsel, eight months before the trial, explained: A new entrant may fail to create effective competition if it continuously operates on a small scale or is limited to particular channels of the market so that its presence does not demonstrably affect the structure, conduct, or performance of the market.

Complaint Counsel's Answers to Respondent's First Set of Interrogatories, July 9, 1981, at 25. (Emphasis added) Complaint counsel also indicated in those answers that Pylon and Roberk were confined to "one segment of the market"—"the mass merchant channel." *Id.* at 22.

## II. Mobility Barriers and Barriers to Entry

The persistence of the two channels seems to stem largely from different demand characteristics. The mass market channel serves the demand for a lower-priced, universal replacement windshield wiper or blade that can be easily installed by "do-it-yourselfers." (CPF 3-38 to 3-45)

The ultimate consumer is the same in either channel. But in the traditional channel, the WD is in reality the primary customer of the traditional channel manufacturers. As Champion's President and Chairman of the Board observed:

When you are talking about brand consciousness you have to get it back down to the marketing people, the distributors, the jobbers, the retailer, whoever it is. They are the ones in this case, that you are trying to sell a given brand to. Not the consumers. (Stranahan Dep. CX3007-Z-89)

The WD's demands differ to some extent from the usual retail consumer. The WD is more concerned with quality, full coverage, and assurances that the product will move through the distribution system. (CPF 3-49 to 3-97)

In turn, these demand differences can result in entry or mobility barriers. Entry barriers can be established when potential entrants are so disadvantaged that the expected rate of return on their entry investment is too low to justify entering, while incumbent firms continue to realize rates of return higher than normal. When the would-be entrant already has a toehold within some segment of the industry, the same disadvantages can be termed "mobility barriers," since they prevent the firm from expanding into other segments of the market.<sup>8</sup>

The preponderance of the evidence

Whatever question there may have been in respondent's mind about the theory of complaint counsel's case, respondent admits that it was put on notice about the "two channel" theory by complaint counsel's pre-trial brief, filed on January 29, 1982. (Tr. 6532-6533)

Complaints Counsel's Answers to Respondent's First Set of Interrogatories, July 9, 1981, at 25. (Emphasis added) Compliant counsel also indicated in those answers that Pylon and Roberk were confined to "one segment of the market"—"the mass merchant channel." *Id.* at 22.

Whatever question there may have been in respondent's mind about the theory of complaint counsel's case, respondent admits that it was put on notice about the "two channel" theory by complaint counsel's pre-trial brief, filed on January 29, 1982. (Tr. 6532-6533)

<sup>8</sup>See, e.g., *Caves and Porter, From Entry Barriers to Mobility Barriers: Conjectural Decision and Contrived Deference to New Competition*, 91 Q. J. of Econ. 241, 254 (May 1977).

<sup>9</sup>In the FTC's Policy Statement on Horizontal mergers, we also noted: Besides mere entry,

indicates that there are no major technological barriers to the production of low quality replacement windshield wipers and blades. The WD's demand for high-quality replacement windshield wipers and blades, however, creates technological mobility or entry barriers.

While the expertise needed to develop and produce high-quality replacement windshield wipers and blades may not involve the significant capital barriers typical of "high-technology" products, the evidence shows that extended testing and product development is indeed necessary to produce a high-quality product. Virtually all of the entrants have experienced significant difficulty in developing wipers and blades of sufficient quality and coverage to be attractive to the traditional channel. (ID 107-108; (Tridon); ID 132-133 (Roberk); ID 142-143 (Ideal); ID 153 (Fram); ID 180-181 (Gates)) Many of those manufacturers blame their quality problems for difficulties in attempting to sell to the traditional channel. See, e.g., CPF 5-58 (Fram); CPF 5-79 (Tridon). While most of the manufacturers ultimately overcame most of those problems, they did so only after substantial investment of resources.

The WD's demand for quality and marketing assistance throughout the distribution chain also leads to distributional barriers into the traditional channel. Incumbents who have demonstrated consistent high quality have a market advantage over newcomers who must demonstrate quality. As a result, brand name associated with high quality is an important factor in the traditional channel,<sup>9</sup> and the lack of a brand name may operate as a barrier. Perhaps more importantly, buyers in the traditional channel do not want to be stuck with unwanted merchandise. As a result, the traditional channel demands that the

effective competition might also depend upon a firm's achieving a certain scale of operation. Evidence of substantial expansion by firms already in an industry, especially non-dominant firms, may persuasively indicate that barriers to larger scale are not high. Conversely, evidence of frequent entry, but on a small scale, without significant expansion by fringe firms, may also suggest the existence of barriers to larger scale. *Statement of Federal Trade Commission Concerning Horizontal Mergers* at 5. (June 14, 1982)

Alternatively, manufacturers may seek OE supplier status as a means of establishing a quality reputation. While there are no distributional barriers to obtaining such status, there are clearly substantial costs in both obtaining OE status and in developing the technology needed to develop windshield wipers and blades of sufficient quality to meet OE specifications. For example, it took seven years of extensive product development before Tridon produced blades which could pass General Motor's specifications. (CPF 4-215)

manufacturer promote the product and work with all levels of distribution to promote the sale of the products, a method known as "pull-through marketing." (CPF 3-88 to 3-97) Again, incumbents who have a proven track record in their ability to move their product through the entire chain have an advantage over new entrants. New entrants must either invest substantial amounts in advertising and product promotion, reduce prices, or offer significant marketing assistance through direct sales forces. These requirements are not insignificant. The two dominant firms, Trico and Anco, spent \$2 million and \$3 million respectively each year on product promotion.

Finally, the traditional channel's requirements for marketing assistance and for a product line with wide coverage lead to substantial scale economy barriers in distribution. The best means of meeting the demand for pull-through marketing is the use of a direct factory sales force, rather than manufacturer's representatives. (CPF 4-87 to 4-102) Both Anco and Trico have traditionally employed direct sales forces. Direct sales forces, however, require a large sales volume, precluding firms with smaller volumes from using it. While firms not using direct sales forces have been able to penetrate the mass market, none have been able to garner more than a very small share of the traditional channel.

## III. Historical Attempts to Enter the Traditional Channel

The evidence that there are significant mobility and entry barriers to the traditional channel is strongly buttressed by the direct evidence of a variety of unsuccessful attempts to enter the traditional channel. Other than Pylon and Roberk, who have largely catered exclusively to the mass market channel, none of the other four existing replacement windshield wipers and blades manufacturers, despite years of effort, have succeeded in gaining more than 3% of the overall market.

The record also contains evidence of at least six other attempts to enter the market—some of which were targeted at the traditional segment—which ended in failure and exit from the market. (ID 182)

The only fair conclusion that can be drawn from the historical record is that entry into the traditional channel has been extraordinarily difficult. While some firms have been able to maintain a small share of the traditional segment

(Fram,<sup>10</sup> Tridon,<sup>11</sup> Bosch,<sup>12</sup> Nefco,<sup>13</sup> Ideal,<sup>14</sup>), none—with the possible

<sup>10</sup>Despite ten years of promotion, Fram has never been able to become more than a fringe manufacturer. Its initial attempts in 1972 to sell to the traditional market were supplemented in 1978 by efforts to sell to mass marketers in an attempt to increase moribund sales. But Fram has largely been unsuccessful in either channel, due primarily to continuous product quality problems.

<sup>11</sup>Tridon, a Canadian manufacturer of automotive products, including replacement windshield wipers and blades, attempted entry into the traditional channel in a joint venture with Gates Rubber Company in 1971. (ID 107) After experiencing major quality problems, Tridon withdrew from the field. After further extensive product improvement and development, Tridon sought to obtain OE approval beginning in 1977. (ID 108) After obtaining OE business of Ford, and some OE business of other manufacturers, Tridon began efforts to reenter the replacement market. By 1980 Tridon's sales were heading up, largely as a result of landing several large mass merchant accounts, including Sears (ID 183, 270, 441-442), but Tridon was continuing to lose money on its replacement windshield wipers and blades. (CPF 5-144, 5-147) While Tridon's management projected continuing increases in sales (ID 447), by the end of 1980 Tridon had still failed to capture any significant WD business.

<sup>12</sup>Robert Bosch GmbH is a German manufacturer and supplier of automotive parts throughout the world. (ID 156) In Europe, Bosch is an OE supplier for major European car manufacturers. Bosch's wiper line for the U.S. replacement market is largely limited to covering European imports for which Bosch was the OE supplier. (ID 162) Bosch has aimed its sales efforts primarily at OES services and WDs serving the import market. All the evidence shows that Bosch has aimed its efforts at selling wiper replacement for imports, which account for a relatively small percentage of total unit sales of replacement wipers and blades. While the record shows that Bosch has plans to increase coverage (ID 470), those plans primarily address increasing coverage of Japanese, as well as European, imports. (ID 471; CPF 5-21) Indeed, in 1977 Bosch decided not to expand into the U.S. domestic market, in part because it recognized that it lacked the means to distribute the product through the traditional channel and would only be able to garner a negligible market share. (CPF 5-17) By 1980, Bosch had only a 1.2 percent share of the overall market. (ID 183)

<sup>13</sup>Despite promotions of its replacement windshield wipers and blades to the traditional channel since 1973, Nefco has remained a manufacturer of minor significance, capturing only 3 percent of market share (in unit sales) in 1980. (ID 183) Nefco has lost money in every year but one. (CPF 5-73) While Nefco has had problems in producing a line with sufficiently broad coverage, its primary difficulty, in the eyes of Anco, lies in its lack of marketing assistance. (CPF 5-70)

<sup>14</sup>Recognizing the traditional channel's demand for higher quality, Roberk's parent company, Parker-Hannifin, attempted in 1979 to enter the traditional channel through a separate subsidiary, Ideal. (CPF 5-45) Even here, however, Ideal envisioned placing itself only as a "second line" to be carried by jobbers along with a "primary" Anco or Trico line, not a line that would replace an Anco or Trico account. (CPF 5-46) Even with these limited goals and a commitment to produce a high quality product, Ideal by the end of 1980 had secured less than 2% of the overall market. (ID 183)

exception of Tridon—appear to be poised to compete directly with Anco and Trico to take additional market share. Despite years of promotion, Fram, Nefco and Bosch have been able to retain only a small and, in some instances, declining market share. While the evidence is necessarily less conclusive with respect to the newer entrants, Tridon and Ideal, Ideal's own limited marketing goals seem to preclude a major competitive challenge to the dominant producers.

#### IV Conclusion

In assessing potential entrants and expanders, it is necessary to evaluate each firm's interest, incentive and capability to determine whether it is reasonably probable that the firm will enter the market and cause significant deconcentration or other procompetitive effects. *Yamaha Motor Co. v. FTC*, 657 F.2d 971, 978 (8th Cir. 1981); *Heublein, Inc.*, 96 F.T.C. 385, 584 (1980).

Given the technological and distributional barriers to entry into the traditional channel, none of the present WWP manufacturers can reasonably be considered to have the incentive or capability to expand into the traditional channel.<sup>15</sup>

The ALJ found that there were twelve potential entrants, including Champion. The ALJ's principal error here is in his apparent conclusion that firms can be considered potential entrants if they manufacture or distribute some automotive product and have sufficiently large financial resources to purchase the requisite technology to enter the *overall* market. When each of the firms are examined on the attributes required to become a significant competitor in the *traditional* channel, however, it becomes clear that only Champion possesses the relevant capabilities, interest, and incentives. (CAB 72 to 78)

Given the conclusion that the market is not, as the ALJ found, reasonably

<sup>15</sup>The only possible candidate in this group would be Tridon, who possesses a product with OE approval status, wide application, and efficient production capabilities. (ID 422-477) Nevertheless, Tridon's prior attempts to enter may have given its product a reputation of low quality, it still lacks the sales force necessary for pull-through marketing and it has failed to promote the product aggressively. (ID 107, 112, 440; CPF 5-146) While these negative features may well explain Tridon's failure to obtain significant WD business, the record does not permit as strong a conclusion about its lack of future potential as the other present manufacturers. Even if Tridon were a potential expander, however, that fact would not bar a finding that Champion's acquisition of Anco violated Section 7, since we need find only that the acquisition eliminated one of a "limited number" of other firms reasonably likely to enter or expand in the relevant market. *Heublein, supra*, at 588.

competitive, and the further finding that there are few, if any, other expanders or potential entrants as well suited as Champion to cause significant deconcentration, I conclude that Champion's acquisition of Anco effectively deprived the market of the benefit of Champion's *de novo* entry. Accordingly, I would find that Champion's acquisition of Anco violated Section 7 of the Clayton Act by substantially lessening competition in the replacement windshield wipers and blades market, and that divestiture should be ordered.

[FR Doc. 84-16083 Filed 7-9-84; 8:45 am]  
BILLING CODE 6750-01-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 5

#### Fees for Applications for Contract Market Designation

AGENCY: Commodity Futures Trading Commission.

ACTION: Temporary waiver of fee for withdrawn applications.

**SUMMARY:** On August 23, 1983, Appendix B to Part 5 of the Commission's regulations (17 CFR) became effective. 48 FR 38214 (Aug. 23, 1983). Appendix B requires that each application for designation as a contract market be accompanied by a \$10,000 fee. If the application was pending prior to August 23, 1983, the \$10,000 fee must be submitted no later than August 23, 1984. The Commission has determined to provide a 45-day period in which a board of trade may withdraw any pending applications for contract market designation without liability for the \$10,000 fee. The Commission believes that this opportunity will be beneficial to the Commission as well as to the exchanges.

**DATE:** Effective for 45 days, beginning on July 9, 1984.

**FOR FURTHER INFORMATION CONTACT:** Stacy Dean, Counsel to the Executive Director, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254-7360.

**SUPPLEMENTARY INFORMATION:** The Futures Trading Act of 1982 (Pub. L. No. 97-444, 96 Stat. 2294, 2396, Jan. 11, 1983) amended Section 26 of the Future Trading Act of 1978 (7 U.S.C. 16a) specifically to authorize the Commission to promulgate fees "for services rendered and activities and functions performed by the Commission in

conjunction with its administration and enforcement of the Commodity Exchange Act." In the regard, the Commission adopted a fee for applications for contract market designation which became effective on August 23, 1983. 17 CFR, Part 5, Appendix B. See 48 FR 38214 (Aug. 23, 1983).

Appendix B provides that any application for contract market designation submitted to the Commission after August 23, 1983, must be accompanied by a fee of \$10,000. As set forth in Appendix B, the Commission also provided that for any application which was pending on August 23, 1983, a fee of \$10,000 would be due to the Commission no later than the earlier of 3 business days following final Commission action on the application or one year following the effective date of the fee (i.e. August 23, 1984). As part of the final notice on fees for applications for designation as a contract market, exchanges were given 30 days to withdraw, without paying the fee, any contracts that were pending. Any application withdrawn after that 30-day period was subject to the \$10,000 fee.

On the 56 contracts pending of August 23, 1983, 28 were withdrawn by the exchanges before September 23, 1983. As of June 13 1984, the Commission had 28 applications pending for futures contracts and 12 applications pending for option contracts. Of the pending applications, 23 futures contracts and 1 option contract were submitted before the August 23 effective date.

The Commission believes that it is appropriate at this time temporarily to waive its current requirement that there be no opportunity for withdrawal of these contracts without incurring the \$10,000 fee. Therefore, the Commission is making effective upon publication a waiver of the fee requirement with respect to any applications for designation as a contract market currently pending before the Commission which are withdrawn within a 45-day period. Thus, a board of trade may at any time within the 45-day period withdraw any pending futures or options contract market application and relieved of the obligation to pay the \$10,000 fee. Where a board of trade seeks to withdraw a contract for which a fee has not been submitted, no fee will be due. If a fee has been submitted, the Commission will apply the \$10,000 to a pending application for which a fee has not been submitted or, if there is no such pending application, to the next contract market designation application

submitted by the exchange. No actual refunds will be made.

In order to take advantage of this temporary waiver, an exchange must notify the Office of Secretariat no later than 45 days after publication of this notice which, if any, contracts are being withdrawn. Adoption of this temporary waiver does not relieve the exchanges of the obligation to pay a \$10,000 fee for any new contract applications submitted during the 45-day period and for any application approved during that period. Thus, a new contract market application must be accompanied by the \$10,000 fee, unless the exchange has received a credit as described above. Moreover, by August 23, 1984, a \$10,000 fee must be paid for all applications which have not been withdrawn during the 45-day period and which have not received a credit as described above.

The Commission is adopting this temporary waiver as a onetime opportunity for exchanges to withdraw contracts subject to the \$10,000 fee. As the Commission and the exchanges adjust to the time requirements for consideration of contract market designations, 7 U.S.C. 8, and to the \$10,000 fee, the Commission believes that it and the exchanges may both benefit by the exchanges' reconsidering their interest in and the potential viability of their pending contracts without the obligation of a \$10,000 fee. The Commission has no intention of permitting any similar waiver opportunity at a later date.

In recalculating the fee for applications for contract market designation in future years, the Commission will not include in its computations any application withdrawn pursuant to this temporary waiver. The commission believes that good cause exists for making this temporary waiver effective immediately and that all parties concerned will benefit from this approach, through cost savings to the government as well as to the exchanges.

#### List of Subjects in 17 CFR Part 5

Commodity futures, Fees for applications for contract market designation.

Issued in Washington, D.C. on July 2, 1984, by the Commission.

Jane K. Stuckey,  
Secretary of the Commission.

[FR Doc. 84-18123 Filed 7-6-84; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 2 and 271

[Docket No. RM84-8-001]

#### Petition of Ashland Oil, Inc., et al. for Expedited Establishment of Procedures for the Collection of Excess Royalty Payments; Order Granting Rehearing for the Purpose of Further Consideration

Issued: July 3, 1984.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order granting rehearing for the purpose of further consideration.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) denied a petition for rulemaking filed by Ashland Oil Company, Inc., requesting that the Commission issue a rulemaking establishing procedures for granting a special relief rate under sections 104, 106, and 109 of the Natural Gas Policy Act for excess royalty payments. Ashland filed a petition for rehearing of the Commission's order denying their petition for rulemaking. The Commission is granting rehearing of Ashland's petition solely for the purpose of further consideration.

**EFFECTIVE DATE:** July 3, 1984.

**FOR FURTHER INFORMATION CONTACT:** Ken Malloy, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 8602-A, Washington, D.C. 20426, (202) 357-8033.

#### SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa and Oliver G. Richard III.

On May 8, 1984, the Federal Energy Regulatory Commission (Commission) issued an order denying a petition for rulemaking filed by Ashland Oil, Inc. (Ashland). The petition requested that the Commission initiate a rulemaking to establish, on an expedited basis, procedures for the collection of excess royalty payments. The Commission's order denied the petition for rulemaking stating that it would address the issue of excess royalties on a case-by-case basis, not a generic basis. Petition of Ashland Oil, Inc., et al., for Expedited Establishment of Procedures for the Collection of Excess Royalty Payments, 49 FR 21914 (May 23, 1984) (Order Denying Petition for Rulemaking).

On June 7 1984, the Commission received a timely petition for rehearing

of this order from Ashland Oil, Inc., *et al.* To have sufficient time to consider the issues raised in this petition, the Commission grants rehearing of its order solely for the purpose of further consideration. This order is effective on the date of issuance. This action does not constitute a grant or denial of the petition on its merits, either in whole or part. As provided in § 385.713 of the Commission's Rules of Practice and Procedure (18 CFR 385.713), no answers to this petition will be entertained by the Commission because this order does not grant rehearing on any substantive issue.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-18120 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

### 18 CFR Part 154

[Docket Nos. RM84-6-000, RM84-6-001, RM84-6-002]

#### Refunds Resulting From BTU Measurement Adjustments; Order Granting Rehearing for the Purpose of Further Consideration

Issued July 2, 1984.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order granting rehearing for the purpose of further consideration.

**SUMMARY:** On May 3, 1984, the Federal Energy Regulatory Commission, (Commission) issued an interim rule in Docket No. RM84-6-000, 49 FR 19293 (May 7 1984), requiring producers of natural gas to refund the overcharges resulting from Btu measurement adjustments. This rule also provides that interstate pipelines must pass the refunds through in a lump-sum cash payment to those customers actually overcharged.

The Commission received two timely petitions for rehearing of the interim rule. By this order, the Commission grants rehearing solely for the purpose of further consideration of those petitions.

**EFFECTIVE DATE:** July 2, 1984.

**FOR FURTHER INFORMATION CONTACT:** Joseph Hartsoe, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8033.

#### SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa and Oliver G. Richard III.

On May 3, 1984, the Federal Energy Regulatory Commission (Commission) issued an interim rule that amended its regulations to establish refund procedures for overcharges resulting from adjustments to the calculation of the energy content of natural gas (measured in terms of British thermal units (Btu's)) sold pursuant to the Natural Gas Policy Act of 1978. 49 FR 19293 (May 7, 1984). In so doing, the Commission implemented the decision in *Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission*, 716 F.2d 1 (D.C. Cir. 1983), *cert. denied*, 104 S. Ct. 1616 (1984).

The Commission has received timely petitions for rehearing and stay of this interim rule from the Process Gas Consumers Group, the American Iron and Steel Institute, the Council of Industrial Boiler Owners, The Brick Institute of America, and Kimberly-Clark Corporation (Docket No. RM84-6-001), and Texas Eastern Transmission Corporation (Docket No. RM84-6-002).

To have sufficient time to consider the issues raised in these petitions, the Commission grants rehearing of the interim rule solely for the purpose of such further consideration. This order is effective on the date of issuance. This action does not constitute a grant or denial of any petition on its merits, either in whole or part. As provided in § 385.713 of the Commission's Rules of Practice and Procedure, 18 CFR 385.713 (1983), no answers to these petitions will be entertained by the Commission because this order does not grant rehearing on any substantive issue.

By the Commission.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-18114 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

### 18 CFR Part 271

[Docket No. RM79-76-088 (Texas--15); Order No. 387]

#### High-Cost Gas Produced From Tight Formations; Texas

Issued: July 6, 1984.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule.

**SUMMARY:** Under section 107(c)(5) of the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission designates certain types of natural gas as high-cost gas. High-cost gas is produced under conditions which

present extraordinary risks or costs and once designated may receive an incentive price. Under section 107(c)(5), the Commission issued a rule designating natural gas produced from tight formations as high-cost gas. Jurisdictional agencies may submit recommendations of areas for designation as tight formations. Here the Federal Energy Regulatory Commission adopts the recommendation of the Railroad Commission of Texas that a portion of the Lower Vicksburg Formation located in Starr County, Texas, be designated as a tight formation under § 271.703(d).

**EFFECTIVE DATE:** August 6, 1984.

**FOR FURTHER INFORMATION CONTACT:** Elisabeth Pendley, (202) 357-8511; or Walter W. Lawson, (202) 357-8556.

#### SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa and Oliver G. Richard III.

Based on a recommendation made by the Railroad Commission of Texas (Texas), the Commission amends its regulations<sup>1</sup> to include a portion of the Lower Vicksburg Formation in Starr County, Texas, as a designated tight formation eligible for incentive pricing. The Director of the Office of Pipeline and Producer Regulation issued a notice proposing the amendment on October 27, 1981.<sup>2</sup>

Evidence submitted by Texas supports the assertion that the Lower Vicksburg Formation, located in Starr County, Texas, meets the guidelines contained in § 271.703(c)(2). The Commission adopts this recommendation.

This amendment shall become effective August 6, 1984.

#### List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

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

<sup>1</sup>18 CFR 271.703(d) (1983).

<sup>2</sup>46 FR 54384, November 2, 1981. The original recommendation also included a portion of the Deep Vicksburg Formation in Starr County, Texas. However, by letter dated April 19, 1984, Texas requested that the Lower Vicksburg Formation recommendation be considered on its own merits. The Deep Vicksburg Formation is awaiting additional information from Texas. Comments on the proposed rule were invited and one comment from Champlin Petroleum Co. supporting the recommendation was received. No party requested a public hearing and no hearing was held.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

**PART 271—[AMENDED]**

Section 271.703 is amended as follows:

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

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

2. Section 271.703 is amended by adding paragraph (d)(171) to read as follows:

**§ 271.703 Tight formations.**

(d) *Designated tight formations.* \* \* \*  
(171) *Lower Vicksburg Formation in Texas.* RM79-76-088 (Texas—15).

(i) *Delineation of formation.* The Vicksburg Formation is located in Railroad District 4, in the eastern half of Starr County, Texas.

(ii) *Depth.* The top of the Vicksburg Formation is defined as the top of the Rincon Sand and the base as the top of the Yegua Sand. Specifically, it is defined as that interval on the log of the Corpus Christi Oil and Gas Company, Heard No. 1 Well that occurs between a measured depth of 8,620 feet to 10,837 feet, which yields a gross thickness of 2,217 feet.

[FR Doc. 84-18115 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 201 and 310**

[Docket No. 75N-0062]

**Labeling for Oral Hypoglycemic Drugs of the Sulfonylurea Class; OMB Approval and Confirmation of Effective Date**

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

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that the Office of Management and Budget (OMB) has approved reporting and recordkeeping requirements that are generally applicable to the content and format of labeling for human prescription drugs. Revised labeling for oral hypoglycemic drugs of the sulfonylurea class must meet those requirements. FDA is also confirming the effective date for submission of

revised labeling to the agency and the date revised labeling must accompany affected drug products.

**EFFECTIVE DATES:** Effective July 10, 1984, for submission of revised labeling under § 201.59. Effective October 9, 1984, for the addition of new warning information under § 310.517 and for revision of labeling under § 201.59 for oral hypoglycemic drug products of the sulfonylurea class initially introduced or initially delivered for introduction into interstate commerce.

**FOR FURTHER INFORMATION CONTACT:** Robert D. Bradley, Center for Drugs and Biologics (HFN-364), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857 301-443-6490.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of April 11, 1984 (49 FR 14303), the agency published a final rule requiring that labeling for oral hypoglycemic drugs of the sulfonylurea class contain a specific warning statement in boldface type about the possibility of increased cardiovascular mortality associated with the use of these drugs (21 CFR 310.517). The final rule also amended § 201.59 by revising the dates that labeling, complying with the labeling format for prescription drugs under §§ 201.56, 201.57 and 201.100(d)(3), must be submitted for review to the agency and subsequently must accompany marketed products.

In the same issue of the Federal Register (49 FR 14441), the agency issued a notice announcing the availability of guideline labeling for oral hypoglycemic drug products of the sulfonylurea class that was developed in accordance with the prescription drug labeling requirements under §§ 201.56, 201.57 and 201.100(d).

In the final rule under "VI. Paperwork Reduction Act" (49 FR 14329), the agency advised that the reporting and recordkeeping requirements in §§ 201.56, 201.57, 201.59, and 201.100(d), which set forth the content and format of labeling for human prescription drugs and the effective dates when revised labeling must meet these requirements, had been submitted for approval to OMB. The OMB review did not apply to the new warning information required by § 310.517 because that warning statement is not a collection of information as defined by OMB (5 CFR 1320.7(c)). The agency advised that the requirements under § 201.59, as amended in the April 11 final rule, would not be effective until FDA obtained OMB approval of these recordkeeping and reporting requirements. The agency also advised that it planned to publish a notice

concerning OMB review of these requirements prior to July 10, 1984.

The agency has received OMB approval (OMB control number 0910-0187) for the recordkeeping and reporting requirements discussed above.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050-1053 as amended, 1055 (21 U.S.C 352, 355, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), the effective dates for the April 11 final rule are confirmed as follows: For oral hypoglycemic drugs of the sulfonylurea class, revised labeling should be submitted to the agency by July 10, 1984, and, effective October 9, 1984, revised labeling must accompany affected products initially introduced or initially delivered for introduction into interstate commerce.

Dated: July 2, 1984.  
William F. Randolph,  
*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 84-18013 Filed 7-6-84; 8:45 am]  
BILLING CODE 4160-01-M

**21 CFR Part 558**

**New Animal Drugs For Use in Animal Feeds; Tylosin**

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

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Cadco, Inc., providing for manufacturing 20-gram-per-pound tylosin premixes. The premixes are used to make finished feeds for swine, beef cattle, and chickens.

**EFFECTIVE DATE:** July 9, 1984.

**FOR FURTHER INFORMATION CONTACT:** Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

**SUPPLEMENTARY INFORMATION:** Cadco, Inc., P.O. Box 3599, 10100 Douglas Ave., Des Moines, IA 50322, is sponsor of a supplement to NADA 91-783 submitted on its behalf by Elanco Products Co. This supplement provides for the manufacture of 20-gram-per-pound premixes subsequently used to make finished feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The supplement is approved and the

regulations are amended to reflect the approval.

The firm presently holds an approval for the manufacture of a 40-gram-per-pound premix for such use. The basis for approval of the 20-gram-per-pound premix is the same as for the approval of the 40-gram-per-pound premix. The supplement to NADA 91-783 providing for the 40-gram-per-pound premix was approved by a final rule published in the Federal Register of July 26, 1983 (48 FR 33865). The freedom of information summary made available under the provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), which consisted of a summary of safety and effectiveness data and information submitted to support approval of the previous approval for the 40-gram-per-pound premix, applies also to this application and may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857 from 9 a.m. to 4 p.m., Monday through Friday.

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

#### List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(4) to read as follows:

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

\* \* \* \* \*

(b) \* \* \*

(4) To No. 011490: 4 and 8 grams per pound, paragraph (f)(1)(vi)(a) of this section; 10, 20, and 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

\* \* \* \* \*

Effective date. July 9, 1984.

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

Dated: June 29, 1984.

Richard A. Carnevale,

Acting Associate Director for Scientific Evaluation, Center for Veterinary Medicine.

[FR Doc. 84-18015 Filed 7-8-84; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 249

#### Off-Reservation Treaty Fishing—Fraser River Convention; Sockeye and Pink Salmon Fishery

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Interim rule and request for comments.

**SUMMARY:** These regulations implement the 1984 treaty Indian fishing schedule for sockeye and pink salmon in treaty fishing areas located in waters coming under the Convention between the United States and Canada for the Protection, Preservation, and Extension of the Sockeye and Pink Salmon Fisheries of the Fraser River System.

**DATES:** This document will become effective July 9, 1984. Comments are due by August 8, 1984.

**ADDRESS:** Written comments should be mailed to Robert D. Ringo, Fishery Management Biologist, Fisheries Assistance Office, U.S. Fish and Wildlife Service, 2625 Parkmont Lane, Bldg. A., Olympia, Washington 98502.

**SUPPLEMENTARY INFORMATION:** The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This interim rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Department of the Interior is responsible for the supervision and management of Indian Affairs under 43 U.S.C. 1451 et seq., 25 U.S.C. 2 and 9, and the Reorganization Plan No. 3 of 1950 (64 Stat. 1262), including the protection and implementation of off-reservation fishing rights secured by the Treaty of Point Elliott, 12 Stat. 927 (1859); Treaty with the Makah, 12 Stat. 939 (1859); and Treaty of Point No Point, 12 Stat. 933 (1859), as affirmed in *Washington v. Fishing Vessel Association*, 443 U.S. 658 (1979). Such treaty Indian fisheries include a sockeye and pink salmon fishery in treaty fishing places in waters coming under the United States Convention with Canada

respecting the sockeye and pink salmon fisheries of the Fraser River.

On February 24, 1984, the International Pacific Salmon Fisheries Commission (IPSPFC) forwarded to the Governments of Canada and the United States, for the approval required by the Convention, the regulations applicable in Convention Waters during the 1984 fishing season. On May 9, 1984, the United States, acting through the Department of State, approved the regulations except as to treaty Indians fishing in accordance with regulations promulgated by this Department providing for the exercise of fishing rights secured by United States treaties. The IPSPFC assumes control over United States Convention Waters on June 24, 1984, with the season opening on or about July 22, 1984. These regulations are necessary to implement domestic law of the United States to provide treaty Indian tribes the full opportunity to harvest one-half of the United States' share of sockeye and pink salmon in Convention Waters in a manner consistent with the United States' obligations to Canada under the Fraser River Convention. The regulations are promulgated by the Department of the Interior to apply only to Indians exercising fishing rights secured to them by treaties with the United States. The all-citizen fisheries are regulated by 50 CFR Part 371, published by the Department of Commerce, National Marine Fisheries Service.

The United States has two primary obligations to Canada under the Fraser River Convention. The first such obligation is to assure the proper escapement of sockeye and pink salmon into the Fraser River. The second obligation is to assure the equal division of the catch between Canadian and United States fishermen fishing in Convention Waters. The United States also has treaty obligations to certain Northwest Indian tribes to assure that such tribes have the full opportunity to harvest one-half of the fish that pass through tribal usual and accustomed fishing areas.

As in the 1983 Fraser River Convention fishery, regulation of the treaty Indian fishery in 1984 will be consistent with fulfilling the United States' obligation to provide the treaty tribes full opportunity to catch one-half of the United States' share and to comply with the United States' obligations to Canada under the Convention.

The fishing season provisions of § 249.17 have been revised in order to reflect yearly changes in run timing and abundance that affect achievement of

escapement goals and division of catch between the two countries. Provisions of § 249.20 are again being amended to exempt treaty Indians fishing in State Area 7B from the prohibition of that section when such fishing is conducted pursuant to tribal regulations authorizing a chinook salmon fishery restricted to seven (7) inch or greater mesh size, and in State Areas 4B, 5 and 6C from prohibitions of that section during authorized Indian troll fisheries for other species.

The United States' action and these regulations implement the regulatory system which the United States has used since 1977 to meet its obligations both to Canada and to United States treaty Indians. The Supreme Court approved this regulatory system in *Washington v. Fishing Vessel Association*, 443 U.S. 658 (1979). This year, as in previous years, the affected treaty tribes will regulate their fisheries concurrently and in a manner consistent with the regulations of the Department.

In order to allow the affected tribes to exercise their treaty fishing rights in a timely manner, these regulations are issued on an emergency basis and are subject to frequent modification in-season to accommodate changes in run timing and run abundance that can affect achievement of escapement goals and division of catch between the two countries. Given the time constraints, court imposed requirements, and international obligations under the Convention, the Department finds there is good cause to make these regulations effective immediately and they will expire on October 14, 1984. The effective date provision complies with the exception provided in 5 U.S.C. 553(d) (3).

The policy of the Department of the Interior is, whenever, practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding this interim rule to the location identified in the Addresses section of this preamble. Comments must be received on or before the date specified in the Date section of this preamble.

The Bureau of Indian Affairs has determined that this rule is not a major rule within the terms of Executive Order 12291 because it will not have a major effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. Furthermore, because of these factors it does not have a significant economic effect on a substantial number

of small entities within the terms of the Regulatory Flexibility Act.

An environmental assessment has been completed and it has been concluded that the implementation of a treaty Indian fishery by these regulations is not a major Federal action which would significantly affect the environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969.

This rule does not contain any information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3504(h) *et seq.*

The primary author of this document is Robert D. Ringo, Fishery Management Biologist, Fisheries Assistance Office, United States Fish and Wildlife Service, 2625 Parkmont Lane, Olympia, Washington 98502, telephone number (206) 753-9466.

#### List of Subjects in 25 CFR Part 249

Fisheries, Fishing, Great Lakes, Indian, Reporting and recordkeeping requirements.

Certain sections of 25 CFR Part 249, Subpart B, are revised to read as follows:

#### PART 249—OFF-RESERVATION TREATY FISHING

##### Subpart B—Fraser River Convention Sockeye and Pink Salmon Fishery

1. Section 249.17 is revised to read as follows:

#### § 249.17 Fishing seasons.

(a) No treaty Indian shall fish in United States Convention Waters (State Areas 4B, 5 and 6C) from Sunday, June 24, 1984, to Wednesday, July 18, 1984, both dates inclusive except for a three-night ceremonial fishery for the Makah Tribe from Saturday, June 30, 1984, to Tuesday, July 3, 1984, conducted on salmon with a maximum catch composition of 100 sockeye while following the same procedures and limitations of previous years.

(b) No treaty Indian shall fish for sockeye or pink salmon with nets in United States Convention Waters (State Areas 6, 6A, 7 and 7A) from Sunday, June 24, 1984, to Sunday, July 22, 1984, both dates inclusive.

(c) No treaty Indian shall fish for sockeye and pink salmon in United States Convention Waters in State Areas 4B, 5 and 6C except with lawful gear from:

(1) 6:00 p.m. Thursday, July 19, 1984 to 9:00 a.m. Friday, July 27, 1984.

(2) 6:00 p.m. Saturday, July 28, 1984 to 9:00 a.m. Friday, August 3, 1984.

(3) 6:00 p.m. Saturday, August 4, 1984 to 9:00 a.m. Friday, August 17, 1984.

(4) 6:00 p.m. Saturday, August 11, 1984 to 9:00 a.m. Friday, August 17, 1984.

(5) 6:00 p.m. Saturday, August 18, 1984 to 9:00 a.m. Friday, August 24, 1984 (after which the IPSFC is scheduled to relinquish control on August 28, 1984).

(d) No treaty Indian shall fish for sockeye or pink salmon in United States Convention Waters in State Areas 6, 6A, 7 and 7A except with lawful gear from:

(1) 5:00 a.m. Monday, July 23, 1984 to 9:30 a.m. Thursday, July 26, 1984.

(2) 6:00 p.m. Saturday, July 28, 1984 to 9:00 p.m. Tuesday, July 31, 1984.

(3) 6:00 p.m. Saturday, August 4, 1984 to 9:00 p.m. Tuesday, August 7, 1984.

(4) 6:00 p.m. Saturday, August 11, 1984 to 9:00 p.m. Tuesday, August 14, 1984.

(5) 6:00 p.m. Saturday, August 18, 1984 to 9:00 p.m. Tuesday, August 21, 1984 (after which the IPSFC is scheduled to relinquish control on September 9, 1984, except for the area around Point Roberts).

(e) State Area 7B(1) Fishing regulations will be the same as for Areas 5, 6A and 7 and 7A except after July 22, when retention of incidentally caught sockeye and pink salmon will be allowed when taken in nets having a mesh size of seven inches or greater as authorized for the taking of chinook pursuant to treaty Indian fishing regulations.

(f) State Area 7D(1) closed to commercial fishing for sockeye and pink salmon from Sunday, June 24, 1984 to Saturday, July 21, 1984, both dates inclusive (after which IPSFC is scheduled to relinquish control).

(g) Notwithstanding the foregoing provisions, no treaty Indian shall fish for sockeye or pink salmon in the United States Convention Waters lying westerly of a straight line drawn from the low water range marker in Boundary Bay on the International Boundary across the east tip to Point Roberts to the East Point Light on Saturna Island from September 9, 1984 to September 29, 1984, both dates inclusive.

(h) The foregoing regulations shall not apply to the following United States Convention Waters:

(1) High seas United States Convention Waters westerly of the Bonilla-Tatoosh line.

(2) State Areas 6B, 6D and 7C.

(3) Preserves previously established by the Director of Washington Department of Fisheries of the State of Washington for the production and preservation of other species of food fish.

2. Section 249.20 is revised to read as follows:

**§ 249.20 Unlawful possession.**

No treaty Indian shall possess sockeye or pink salmon on board a fishing vessel which is engaged in a fishery for other species in United States Convention Waters during the times Convention waters are closed to sockeye and pink salmon fishing by the regulations in this subpart, except that this prohibition will not apply after July 22, 1984, to any treaty Indian fishing pursuant to treaty tribe fishing regulations authorizing a chinook salmon fishery in State Area 7B, when such fishery is restricted to a seven inch (7) or greater mesh size, or after June 24, 1984, to any treaty Indian fishing pursuant to treaty tribe fishing regulations authorizing troll fisheries for other species in State Areas 4B, 5 and 6C.

Dated: June 22, 1984.

Kenneth Smith,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 84-18050 Filed 7-6-84; 8:45 am]

BILLING CODE 4310-02-M

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[COTP LA-84-01]

**Safety Zone; Ports of Los Angeles and Long Beach, and San Pedro Bay, CA**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule will establish a Safety Zone in the Los Angeles-Long Beach harbor area during the 1984 Summer Olympic Games including Olympic pre-game and post-game related activities that may generate port congestion and related port safety and security problems. Within the Safety Zone, Captain of the Port Los Angeles-Long Beach (COTP LA-LB) may (1) restrict or prohibit movement of vessels and cargo, the operation of certain waterfront facilities, and related maritime activities; (2) establish areas of limited or prohibited access; and (3) require additional security measures on certain vessels and waterfront facilities. This Rule will promote safety and security, during a period of expected high port congestion.

**EFFECTIVE DATES:** This regulation becomes effective on July 9, 1984. It terminates on August 22, 1984.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Paul C. Golden, Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Ave., Long Beach,

California 90802, Phone Number: 213-590-2315.

**SUPPLEMENTARY INFORMATION:** On May 4, 1984, the Coast Guard published a Notice of Proposed Rulemaking in the Federal Register for these regulations (49 FR 19032). Interested persons were requested to submit comments and three comments were received from the public and other agencies. Several internal Coast Guard comments were also received.

**Drafting Information**

The drafters of this notice are Lieutenant Commander Paul C. Golden, project officer, Marine Safety Office Los Angeles-Long Beach, and Lieutenant Catherine M. McNally, project attorney, Eleventh Coast Guard District Legal Office.

**Discussion of Comments**

One comment was concerned about the enforcement of this rule outside the territorial sea. The rule has been clarified to indicate it is only applicable within the territorial sea.

Another comment was concerned about the use of the word "contraband." Contraband has a wider definition than was intended in this rule. The rule has been changed to make clear the intent of the Coast Guard to maintain a safe port for ships and persons embarked or in the vicinity.

Another comment noted that the proposed rule gave no specific guidelines for vessels approaching the Olympic Yachting race areas. Specific delineation of the location of Olympic Yachting race courses, and a description of those areas the Coast Guard is regulating and that conduct the Coast Guard is proscribing, were published in a separate Notice of Proposed Rulemaking on April 17, 1984, (49 CFR 18093). In an effort to clarify the rules pertaining to vessels approaching Olympic Yachting race areas, the details of the NPRM of April 27, 1984, 49 FR 18125, which relate to those areas have been incorporated into this Final Rule.

Another comment requested a larger restricted access zone around the offshore petroleum structures and islands because of dangerous construction and logistics operations. The rule has been changed to restrict access within fifty (50) yard of these structures and islands.

This rule is being made effective in less than 30 days after publication in the Federal Register. Delaying the effective date would be contrary to the public interest since immediate action is needed to provide for the safety of persons and property during this period of expected high port congestion.

Therefore, the Coast Guard has determined that good cause exists for making this rule effective upon publication in accordance with 5 U.S.C. 553(d)(3).

**Economic Assessment and Certification**

This proposed regulation is considered to be insignificant 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 regulation is of limited duration, limits access to certain port areas without denying access to those who require it, will not cause delays to vessels transiting the area, and prohibits only large shipments of a few hazardous substances. Based on 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 165**

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

**Final Regulation**

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165.T1142 to read as follows:

**§ 165.T1142 Ports of Los Angeles and Long Beach, and San Pedro Bay, California Safety Zone.**

(a) *Purpose.* (1) This temporary regulation is intended to manage the expected increase in traffic congestion in the San Pedro Bay, Ports of Los Angeles and Long Beach, and their environs during the period from early July through the 1984 Summer Olympic Games, in order to provide a safe and secure area for all members of the maritime community. Because a large number of visiting boats and dignitaries are expected to arrive early in July and remain in the Ports beyond the end of the Olympic Games, the Safety Zone will be in effect from July 9, 1984 through August 21, 1984 to insure adequate port safety and security. The Captain of the Port (COTP LA-LB) may cancel the Safety Zone at an earlier date if safety and security considerations permit.

(2) This temporary regulation adds to all existing regulations applicable to the affected areas, and does not replace or supercede any regulation in effect during the term of this temporary regulation.

(3) Upon written application and good cause shown, COTP LA-LB may grant a waiver of any requirement of this temporary regulation.

(b) *Effective Dates.* Unless otherwise indicated in an individual subsection below, this temporary regulation is effective from July 9, 1984 through and including August 21, 1984.

(c) *Regulated Areas.* All waters and waterfront facilities located within the following boundaries constitute a Safety Zone:

(1) San Pedro Bay and Port Facilities. All navigable waters and water front facilities located north of a line extending from Point Fermin Light easterly along the shoreline to the west end of the San Pedro Breakwater, easterly along that breakwater across the Los Angeles Main Channel Entrance, along the Middle Breakwater, across the Long Beach Channel Entrance, along the Long Beach Breakwater to its east end, then continuing easterly along the COLREGS Demarcation Line (33 CFR 80.1135(a)) to the south end of the Anaheim Bay West Jetty, then southerly to the end of the East Jetty and then easterly along the East Jetty to the shoreline. This includes all navigable waters and waterfront facilities within the Ports of Los Angeles and Long Beach and adjacent coastal areas including Anaheim Bay.

(2) Commercial Anchorage F (Outside of the Long Beach Breakwater) (33 CFR 110.214(a)(6)).

(3) The Regulated Navigation Area defined in 33 CFR 165.1109. This area includes Commercial Anchorage G (33 CFR 110.214(a)(7)), the Los Angeles Pilot Area, and the Long Beach Pilot Area.

(4) The Catalina Cruises terminals at Newport Beach, California and Santa Catalina Island; and all waters under and within 10 yards of public ferries transiting between Santa Catalina Island and Long Beach, Los Angeles or Newport Beach, California while said ferries are operating on the navigable waters of the United States.

(5) The area bounded seaward from the west end of the Long Beach breakwater ("Queen's Gate") due south to the U.S. Territorial Waters boundary and then southerly along the territorial boundary line to the 33°38' parallel and then due east to the shoreline. This area of the Safety Zone will encompass those parts of the Olympic race courses lying within the territorial sea or internal waters.

(d) *Definitions.* (1) Bulk Shipments of Cargos of Particular Hazard—Those quantities of cargos listed in 33 CFR 126.10, greater than the volume of one standard shipping container.

(2) Designated Waterfront Facility—A facility including piers and pierside warehouses or storage tanks that handle Designated Dangerous Cargos or Cargos of Particular Hazard as defined in 33 CFR Part 126.

(3) Merchant Vessels—Any vessel carrying cargos of commercial value for commercial purposes. Not included in this definition are commercial fishing, sport fishing, diving, whale watching, or harbor tour boats, water taxis, tug or tow boats and all non-self-propelled barges.

(4) Offshore Structure—Any oil island, oil drilling platform, pipeline, or floating platform permanently fixed or anchored to the ocean bottom within the Safety Zone.

(5) Passenger Vessel—Any vessel carrying more than 100 passengers which has overnight accommodations for all.

(6) Pleasure Craft—Any sail or power vessel operated for recreational purposes (including bareboat charters) and not carrying paying passengers. Not included in this definition are commercial fishing, sport fishing, diving, whale watching, or harbor tour boats, water taxis, tug or tow boats, all non-self-propelled barges, merchant vessels or passenger vessels as defined above.

(7) Vessel—Any water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

(e) *Regulations.* (1) No vessel may enter or transit those portions of the following areas which lie within the territorial sea or internal waters without prior approval from the officials indicated.

(i) *Todd Shipyard, San Pedro, California.*

(A) All waters within 100 yards of Berths 102 through 110, Port of Los Angeles, California.

(B) Manager, Todd Shipyard or COTP LA-LB.

(ii) *Military Transportation Management Command (MTMC).*

(A) All waters within 10 yards of Berths 54 and 55, East Channel Port of Los Angeles, California.

(B) Commanding Officer, MTMC or COTP LA-LB.

(iii) *United States Naval Station, Long Beach, California: (See 33 CFR 207.617.)*

(A) All waters in the Naval Station West Basin west of a line from LB Berth 122 to the eastern end of the Naval Station Mole.

(B) Commanding Officer, Long Beach Naval Station or COTP LA-LB.

(iv) *United States Naval Weapons Station Seal Beach, Anaheim Bay, California: (See 33 CFR 110.215, 33 CFR 204.195.)*

(A) All waters in the Anaheim Bay entrance marked and buoyed off as restricted waters.

(B) Commanding Officer, Naval Weapons Station or COTP LA-LB.

(v) *United States Navy Fuel Piers; Port of Los Angeles, California:*

(A) All waters within 10 yards of LA Berths 37 through 39.

(B) Commanding Officer, Military Sealift Command Long Beach or COTP LA-LB.

(vi) *Olympic Yachting Events:*

(A) Area Alpha: Area Alpha will be bounded by the following coordinates:

A1 33-43-24N 118-10-21W Daybeacon on Long Beach Breakwater

A2 33-44-25N 118-09-47W Island Freeman

A3 33-44-33N 118-09-37W Island Freeman

A4 33-44-49N 118-09-22W Buoy "A1" (During Olympics)

A5 33-44-49N 118-09-00W Buoy "A2" (During Olympics)

A6 33-44-25N 118-08-22W Island Chaffee

A7 33-44-22N 118-08-13W Island Chaffee

A8 33-43-23N 118-08-10W Long Beach Breakwater, East End

(B) Areas Bravo, Charlie and Delta will be in an area bounded by the following coordinates:

B1 33-42-00N 118-09-41W

B2 33-43-08N 118-08-38W

B3 33-42-24N 118-07-06W

C1 33-42-57N 118-06-29W (Buoy R "2" Entrance Anaheim Bay)

C2 33-43-25N 118-06-06W

C3 33-42-45N 118-04-40W

C4 33-41-24N 118-04-11W

D1 33-40-45N 118-04-58W

D2 33-38-02N 118-03-47W

D3 33-37-55N 118-06-04W

D4 33-38-38N 118-07-37W

(C) Summer Olympic Yachting Event: From 10:00 a.m. to 7:00 p.m. each race day, July 29 through August 10.

(D) Buoys and Coast Guard spectator control boats will mark race course areas and will control access to those race course areas lying within the territorial sea and internal waters.

(E) Patrolling law enforcement vessels, Long Beach Race Organizing Committee (LBROC) boats, COTP LA-LB.

(2) The regulations listed below apply to all Olympic Yachting Events:

(j) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agency vessels and event committee boats shall remain in or enter those portions of the Olympic Yachting race areas which lie within the territorial sea or internal waters during the periods set forth for each event, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(ii) Between July 10 and August 12, 1984, no person may set fishing gear, nets, crab or lobster pots, marker buoys or similar obstructions in those portions of the Olympic Yachting race areas which lie within the territorial sea or internal waters. Any such obstructions in those areas shall be removed by their owners prior to July 10, 1984 and shall not be re-set until after August 12, 1984.

(iii) When hailed by Coast Guard or Coast Guard Auxiliary vessels patrolling a regulated area, vessels shall come to an immediate stop. Vessels shall comply with all directions of the designated Coast Guard Regatta Patrol.

(3) Except with the prior permission of the operator of the waterfront facility, structure, or vessel, or the COTP LA-LB; no vessel may berth, anchor, tie up to, or loiter within:

(i) Ten yards of any waterfront facility, or fifty yards of any offshore facility or structure, which handles Dangerous Cargos, Designated Dangerous Cargos, or Cargos of Particular Hazard as defined in 33 CFR Part 126. Such facilities and structures will display prominent signs prohibiting access by unauthorized persons.

(ii) Any passenger vessel, Catalina public ferry, or merchant vessel at anchorage or at any berth.

(4) No vessel may block, loiter in, or impede the through transit of vessels in any channel entrance, channel, harbor, or basin or in any charted approach, lying within the territorial sea or internal waters. (Navigational Rules of the Road will always apply.)

(i) The term "charted approach, channel entrance, channel, harbor, or basin" includes but is not limited to the following areas:

(A) Long Beach Pilot Area, Long Beach Channel Entrance, Long Beach Channel, Southeast Basin, Basin Six, Middle Harbor, East Basin, Inner Harbor, Channel Two, and Channel Three.

(B) Los Angeles Pilot Area, Los Angeles Channel Entrance, Main Channel, West Channel, East Channel, Fish Harbor, Turning Basin, West Basin, Slip No. 1, Slip No. 5, East Basin

Channel, East Basin, and Cerritos Channel.

(5) Nothing in paragraph (e) of this section is intended to deny the right of continuous transit through the areas listed except where prior approval has been specifically required.

(6) No person may engage in any skin diving, scuba diving, or snorkeling within 100 yards of any merchant vessel, passenger vessel, Catalina Ferry, waterfront facility (as defined by 33 CFR 6.01-4) or offshore structure within a regulated area, except with the prior permission of COTP LA-LB.

(7) Pleasure Craft:

(i) Any pleasure craft desiring to remain overnight in the Safety Zone and not having an assigned slip, berth or mooring in a marina or recreational boating anchorage in the Safety Zone, will be required to moor in General Anchorage P (33 CFR 110.214(a)(12)) and conform to regulations set forth in 33 CFR 110.214(b). The City of Long Beach Marine Bureau is primarily responsible for the management of General Anchorage P and may impose additional requirements for the use of this anchorage (for additional information (213) 432-4496). This anchorage will be marked with temporary buoys; operational restrictions will be provided by Marine Department patrol boats and announced in the Local Notice to Mariners and by Marine Safety Broadcasts.

(ii) Direct transits within the Safety Zone between slips, berths or moorings and the sea, waterfront recreational boat facilities (e.g., waterfront restaurants, small boat yards, fuel piers), or designated recreational boating areas are allowed, except in areas where prior approval is indicated.

(iii) Recreational boating inside the port breakwater from sunset to sunrise, including cruising, racing, fishing, sightseeing, anchoring or related activities is prohibited except in the following designated recreational boating areas:

(A) Recreational boating is allowed inside the breakwater south of a line running between the southern end of LA Berth 47 (Union Oil Terminal (Light "2")) and the west end of the Middle Breakwater ("Angel's Gate") except where prohibited (see (e)(1)) or limited (see (e)(2)-(4)) by this regulation (e.g. keep at least 10 yards from the Navy Fuel Piers and the Union Oil Terminal and any vessels berthed there).

(B) Recreational boating is allowed inside the breakwater east of a line running between the southeast corner of Long Beach Pier J (Light "J") and the east end of the Middle Breakwater ("Queen's Gate") except where

prohibited (see (e)(1)) or limited (see (e)(2)-(4)) by this regulation (e.g., keep at least 10 yards from merchant ships, Catalina ferries, oil islands, and outside Olympic race courses).

(C) Recreational boating outside the Los Angeles-Long Beach breakwater and Anaheim and Alamitos Bays is allowed except where prohibited (see (e)(1)), or limited (see (e)(2)-(4)) by this regulation (e.g., remain outside U.S. Naval Weapons Station prohibited areas and outside the Olympic race courses).

(iv) Additional safety and crowd control restrictions during Olympic race periods may be imposed as circumstances require. These restrictions will be announced in the Local Notice to Mariners and by Marine Safety Broadcasts.

(8) Cargo Handling and Security (Effective from July 21, 1984 through and including Aug. 14, 1984.):

(i) All bulk shipments of Cargos of Particular Hazard, are prohibited without the prior approval of COTP LA-LB.

(ii) No vessel carrying "radioactive materials" as defined by 49 CFR 173.403(y), excepting those vessels carrying only "limited quantities of radioactive materials" as defined by 49 CFR 173.403(m), may enter or transit the Safety Zone unless:

(A) The vessel or agent gives COTP LA-LB 72 hours advance notice of the vessel's arrival, transit, or departure; and

(B) COTP LA-LB has given prior approval to enter, transit, or depart. The approval will be based on the security measures taken by the vessel's master and operator to protect the vessel and its cargo while in the Safety Zone.

(iii) While bulk Dangerous Cargos, Designated Dangerous Cargos, or Cargos of Particular Hazard are present, a Designated Waterfront Facility shall provide the equivalent of a minimum security level of 3 guards, each with radio communications. The facility shall station one guard at each open gate, one guard on fence patrol, and one guard on pier patrol. The supervising guard shall also monitor Channel 22A VHF-FM. This guard shall report any dangerous circumstances to the COTP LA-LB on this radio channel, or by telephone if circumstances permit.

(9) Vessel Security (Effective from July 21, 1984 through and including August 14, 1984.):

(i) Merchant Vessels.

(A) A merchant vessel at berth or at anchor shall maintain continuous port and starboard weather deck patrols (one

person on each side) to maintain waterside and shoreside security.

(B) A merchant vessel at berth or at anchor shall maintain a continuous bridge watch. The bridge watch shall monitor Channel 22A VHF-FM and report any dangerous circumstances to the COTP LA-LB on this radio channel.

(C) A merchant vessel at berth or at anchor shall conduct a positive identification check of all persons embarking, and shall check all baggage, stores and cargo being loaded for weapons, explosives, and other devices which may hazard the safety of the vessel, its cargo and crew.

(D) A merchant vessel at anchor shall keep the accommodation ladder in the raised position, except while actively embarking or disembarking persons.

(E) A merchant vessel at anchor shall block its hawsepipes by shields or by any other equivalent means to prevent access to the vessel via the anchor chain.

(F) Prior to entry into the Safety Zone from another port, the master of the merchant vessel shall certify to COTP LA-LB by radio or message that his vessel has been thoroughly searched for weapons, explosives, and other devices which may hazard the safety of the vessel, its cargo and crew.

(ii) Passenger vessels.

(A) A passenger vessel at berth or at anchor shall maintain continuous port and starboard weather deck patrols (one person on each side) to maintain waterside and shoreside security.

(B) A passenger vessel at berth or at anchor shall maintain a continuous bridge watch. The bridge watch shall monitor Channel 22A VHF-FM and report any dangerous circumstances to the COTP LA-LB on this radio channel.

(C) A passenger vessel shall provide and maintain a system of positive identification passes for passengers, guests, crew and related ship support personnel.

(D) A passenger vessel shall have at least one armed security guard at each entry point on the vessel and shall conduct a positive identification check of all persons embarking. All persons, baggage, stores and cargo being loaded shall be checked for weapons, explosives, and other devices which may hazard the safety of the vessel, its passengers and crew.

(E) A passenger vessel at anchor shall keep the accommodation ladder in the raised position, except while actively embarking or disembarking persons.

(F) A passenger ship at anchor shall block its hawsepipes with shields or by any other equivalent means to prevent access to the vessel via the anchor chain.

(G) Prior to entry into the Safety Zone from another port, the master shall certify to COTP LA-LB by radio or message that his vessel has been thoroughly searched for weapons, explosives and other devices which may hazard the safety of the vessel, its cargo and crew.

(iii) Catalina Ferry Vessels.

(A) All vessels carrying 50 or more passengers on scheduled runs between Santa Catalina Island and Long Beach, Los Angeles or Newport Beach, California shall provide a continuous security watch at the subject ferry terminals and docked ferry vessels, and

(B) Monitor Channel 22A VHF-FM while at berth or anchor, and report any dangerous circumstances to the COTP LA-LB; and

(C) Check all persons, baggage, stores and cargo being loaded for weapons, explosives, and other devices which may hazard the safety of the vessel, its cargo and crew. Knives, hatchets, and related camping accessories when packed and secured inside camping packs, or similar luggage, may be exempt from security controls other than detection, at the discretion of the ferry operator.

(f) Violations.

(1) Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated this regulation shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation.

(2)(i) Any person who willfully and knowingly violates this regulation shall be fined not more than \$50,000 for each violation or imprisoned for not more than five years, or both.

(ii) Any person who, in the willful and knowing violation of this regulation, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce this regulation, shall, in lieu of the penalties prescribed in subparagraph (2)(i) be fined not more than \$100,000, or imprisoned for not more than ten years, or both.

(3) Any vessel which is used in violation of this regulation shall be liable in rem for any civil penalty assessed.

(33 U.S.C. 1221-1231; 49 CFR 1.46(n)(4); 33 CFR Part 6; 50 U.S.C. 191; 49 CFR 1.46(b))

Dated: July 3, 1984.

J. H. Guest, Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach.

[FR Doc. 84-18079 Filed 7-6-84; 8:45 am] BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 1

[WH-FRL-2624-1]

State and Local Assistance; Amendment

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: This notice explains how EPA plans to allot funds remaining after the first round of awards under section 3012 of the Resource Conservation and Recovery Act (RCRA). On February 7, 1983, the Environmental Protection Agency (EPA) published a notice in the Federal Register (48 FR 5684) announcing the availability of \$10 million for States to implement section 3012 of RCRA. In the preamble to the notice, EPA stated that any funds not obligated in the first round of awards will be made available for a second round of application. EPA also stated that it will provide notice in the Federal Register concerning the allotment of these funds. As of this date, approximately \$30,500 is unobligated. The funds remaining were originally allotted to:

Region I (Rhode Island) .....	\$20,000
Region VI (Oklahoma) .....	10,000
Region X (Idaho) .....	500
Total .....	30,500

Although this is not a large amount of money, it is sufficient to supplement some limited efforts and purchases in a few States.

EPA has decided to make the remaining funds available to those three States for whom they were originally allocated. To obtain these funds, the three States must apply to the Regional Administrator on or before August 1, 1984. If these States do not request their funds by that date, then other States located in the Region with unobligated funds may request the funds. This request for funds must be submitted to the Regional Administrator by August 30, 1984. The Regional Administrator will award any remaining funds to one or all of the States in order to accomplish the objectives of the program.

EFFECTIVE DATE: July 9, 1984.

FOR FURTHER INFORMATION CONTACT: Lucy Sibold, Hazardous Site Control Division (WH548E), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 382-2454.

Dated: June 29, 1984.

Lee M. Thomas,

Assistant Administrator for Solid Waste and  
Emergency Response.

[FR Doc. 84-17916 Filed 7-6-84; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 52

[OAR-FRL-2624-3]

### Approval and Promulgation of State Implementation Plan; Washington

AGENCY: Environmental Protection  
Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This action approves the state-wide lead implementation plan (SIP) developed jointly by the Puget Sound Air Pollution Control Agency (PSAPCA) and the Washington State Department of Ecology (WDOE) and submitted to EPA on September 13, 1983. It was developed pursuant to the requirements of section 110 of the Clean Air Act (hereinafter referred to as the Act).

**EFFECTIVE DATE:** July 9, 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, M/S 532 (10A-83-  
13), Environmental Protection Agency,  
1200 Sixth Avenue, Seattle, WA 98101  
State of Washington Department of  
Ecology, 4224 6th Avenue, SE., Rowe  
Six, Building #4, Lacey, Washington  
98504

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

**FOR FURTHER INFORMATION CONTACT:**

Richard F. White, Air Programs Branch,  
M/S 532, Environmental Protection  
Agency, 1200 Sixth Avenue, Seattle, WA  
98101, Telephone No. (206) 442-4016,  
FTS: 399-4016

**SUPPLEMENTARY INFORMATION:**

#### I. Background

On October 5, 1978 EPA promulgated a standard for lead. The National Ambient Air Quality Standard (NAAQS) for lead is 1.5 micrograms/m<sup>3</sup> averaged over a calendar quarter (43 FR 46258). The Clean Air Act requires the states to submit SIPs nine months after a criteria pollutant is promulgated—in this case by July 5, 1979. EPA then had four months, until November 5, 1979, to

approve the state plans or promulgate its own.

In 1979 Washington State Department of Ecology (WDOE) began development of a lead control plan for Harbor Island, Washington, and a corridor along Interstate-5 through Seattle. WDOE submitted the plan to EPA on July 30, 1980. Major problems with the control strategy for the secondary lead smelter on Harbor Island, Seattle, were identified.

A special project to better characterize emissions from the secondary lead smelter was begun in 1981 and completed in December 1982. With additional dispersion modeling and economic evaluation assistance supplied by EPA, a revised SIP was developed. A joint WDOE and Puget Sound Air Pollution Control Authority (PSAPCA) public hearing was held on July 14, 1983. At that hearing the plan was adopted by the PSAPCA Board of Directors and officially submitted to WDOE. WDOE submitted the lead SIP to EPA on September 13, 1983. The SIP was adopted and submitted with the understanding that an attainment demonstration for lead emissions from ASARCO (American Smelting and Refining Company) during normal operation was to be submitted before EPA took final approval action.

On December 30, 1983 EPA published a proposal to approve the Washington lead SIP (48 FR 57537), with the understanding that the ASARCO demonstration of attainment would be submitted before EPA took final action. No comments were received on EPA's proposal.

The demonstration of attainment was submitted to EPA on June 15, 1984 and is part of the SIP docket file.

#### II. Technical Evaluation Lead SIP

The requirements for an approvable lead SIP are contained in 40 CFR Part 51, Subpart E. The technical evaluation document (TED) prepared by EPA and included in the Washington State Lead SIP Docket, contains EPA's evaluation of the Washington Lead SIP in terms of each requirement in Subpart E. A summary of the SIP in terms of the Subpart E requirements is contained in EPA's proposal dated December 30, 1983 (48 FR 57537).

The TED has been revised to include a demonstration of attainment of the lead standard around the ASARCO copper smelter in Tacoma.

#### New Source Review

The currently approved SIP (46 FR 62064) includes statewide review for all new and modified sources in WAC 173-400. The purpose of the review is to

assure that no new violations will occur and that attainment will not be delayed.

#### Air Quality Monitoring

The SIP also contains a description of the current statewide lead monitoring network. WDOE's lead monitoring network meets the requirements of 40 CFR Part 58 (Ambient Air Quality Surveillance). In addition lead ambient air quality analysis method satisfies the EPA requirements in 40 CFR Part 50.

#### III. Comments

No comments were received on EPA's proposed approval.

#### IV. EPA Action

Based on evaluation of WDOE's submittal, EPA approves the Washington lead SIP and the lead air quality monitoring program.

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

Under section 307(b)(1) of the Act, petition for judicial review of this Action must be filed in the United States Court of Appeals for the appropriate circuit by September 7, 1984. This action may not be challenged later in proceeding to enforce its requirements. (See section 307(b)(2) of the Act.)

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirements of regulatory impact analysis. This regulation is not judged to be major, since it merely approves actions taken by the state and does not establish any new requirements.

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 that authority of sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601).

#### 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 Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register in July 1982.

Dated: June 29, 1984.  
Alvin L. Alm,  
Deputy Administrator.

#### PART 52—[AMENDED]

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

##### Subpart WW—Washington

Section 52.2470 is amended to add paragraphs (c)(29) and (30) to read as follows:

##### § 52.2470 Identification of plan.

\* \* \* \*

(c) \* \* \*

(29) On September 13, 1983 the State of Washington Department of Ecology submitted a revision to add a lead strategy to the Washington Implementation Plan.

(30) On June 15, 1984 the Washington Department of Ecology submitted a demonstration of attainment of the lead standard for the area around a primary copper smelter in Tacoma, Washington.

[FR Doc. 84-18041 Filed 7-6-84; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 52

[OAR-FRL-2624-2]

#### Approval and Promulgation of State Implementation Plans; Montana Implementation Plan Revision for Lead

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rulemaking.

**SUMMARY:** This notice approves the Montana State Implementation Plan revision for lead, submitted by the Governor on September 29, 1983. The Plan focuses on the East Helena area, the only place in the State where violations of the National Ambient Air Quality Standards for lead have occurred. The Plan calls for the lead standard to be achieved in the East Helena area within three years of the date of EPA's approval of the plan.

Approval of this revision will enable Montana to continue its efforts to achieve and maintain the National Ambient Air Quality Standard for lead.

**DATE:** This action will be effective on August 8, 1984.

**ADDRESSES:** Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency,  
Montana Office, 301 S. Park, Drawer  
10096, Helena, MT 59626

Environmental Protection Agency,  
Region VIII, Air Programs Branch,  
1860 Lincoln Street, Denver Colorado  
80295

Environmental Protection Agency,  
Public Information Reference Unit,  
Waterside Mall, 401 M Street SW.,  
Washington, D.C. 20460  
Office of the Federal Register, 1100 L  
Street NW., Washington D.C. 20408.

**FOR FURTHER INFORMATION CONTACT:**  
Thomas O. Harris, Environmental  
Protection Agency, Montana Office,  
Federal Building, Drawer 10096, 301  
South Park, Helena, Montana 59626, 8-  
264-2525 (212) 264-2525.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On December 29, 1983, EPA published a notice in the Federal Register (48 FR 57327), proposing to approve the revision to the Montana State Implementation Plan for lead. Public comments were solicited but none were received. The deadline for comments was January 30, 1984. A technical support document is available for review at the addresses listed above.

**Action:** EPA is approving the Montana State Implementation Plan for lead.

Under 5 U.S.C. 605b, 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).

Under section 307(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 7, 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 the Executive Order 12291.

#### List of Subjects in 40 CFR Part 52

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

This rulemaking is issued under the authority of section 110 of the Clean Air Act (42 U.S.C. 7410).

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

Dated: July 2, 1984.  
Alvin L. Alm,  
Deputy Administrator.

#### PART 52—[AMENDED]

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

##### Subpart BB—Montana

1. Section 52.1370 is amended by adding paragraph (c)(15) to read as follows:

##### § 52.1370 Identification of plan.

\* \* \* \*

(c) \* \* \*

(15) On September 29, 1983, the Governor submitted the Montana State Implementation Plan revision for lead.

[FR Doc. 84-18039 Filed 7-6-84; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 81

[OAR-FRL 2610-7]

#### Approval and Promulgation of State Implementation Plans; Section 107—Attainment Status Designations—Colorado

**AGENCY:** Environment Protection Agency.

**ACTION:** Final rulemaking; correction.

**SUMMARY:** This action is to correct typographical errors in the final rulemaking for the Colorado attainment status published on April 20, 1984 (49 FR 16780), and to add revised tables for CO and NO<sub>2</sub> which were inadvertently omitted from the April 20, 1984 rulemaking.

The errors were in the regulatory portion of the notice; the preamble was correct.

**EFFECTIVE DATE:** April 20, 1984.

**FOR FURTHER INFORMATION CONTACT:**  
Dale Wells, Air Programs Branch,  
Environmental Protection Agency, 1860  
Lincoln Street, Denver, Colorado 80295,  
(303) 844-6131.

**SUPPLEMENTARY INFORMATION:** The original notice redesignating the Colorado areas was to have been effective on June 18, 1984, unless adverse or critical comments were received by May 21, 1984. No comments were received, and since the corrections being made in this notice are only to correct typographical errors, the effective date of the redesignations will not change. Also included in this correction action are revised tables for CO and NO<sub>2</sub> which were inadvertently omitted from the April 20, 1984

rulemaking. The regulatory portion of the April 20, 1984 notice is replaced by the one provided with this notice.

This rulemaking is issued under the authority of Sections 110, 172 and 176 of the Clean Air Act (42 U.S.C. 7410, 7502 and 7506).

List of Subjects in 40 CFR Part 81

Dated: June 8, 1984.

Air pollution control, National parks, Wilderness areas.

John G. Welles,  
Regional Administrator.

COLORADO—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 1				X
AQCR 2—Cities of Fort Collins and Greeley		X		
Remainder of AQCR 2				X
AQCR 3—Denver Urbanized Area	X			
Boulder Urbanized Area		X		
Remainder of AQCR 3				X
AQCR 4—Colorado Springs 3-C Urbanized Area	X			
Remainder of AQCR 4				X
AQCR 5				X
AQCR 6—City limits of Lamar			X	
Remainder of AQCR 6				X
AQCR 7				X
AQCR 8				X
AQCR 9—City limits of Telluride and Pagosa Sprgs.			X	
Remainder of AQCR 9				X
AQCR 10—City limits of Delta			X	
Remainder of AQCR 10			X	
AQCR 11—Grand Junction Urbanized Area	X			
Remainder of AQCR 11 including the City of Craig			X	
AQCR 12—City limits of Aspen, Eagle, Vail & Steamboat Sprgs.			X	
Remainder of AQCR 12				X
AQCR 13				X

COLORADO—SO<sub>2</sub>

Designated Area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Entire State				X

COLORADO—O<sub>3</sub>

Designated Area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 1		X
AQCR 2—		X
AQCR 3—Counties of Boulder (excluding Rocky Mtn. National Park), Denver, Jefferson, and Douglas; Western portions of Adams and Arapahoe Counties	X	
Remainder of AQCR 3		X
AQCR 11		X
Remainder of State		X

COLORADO—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 1		X
AQCR 2—Ft. Collins and Greeley urbanized areas	X	
Remainder of AQCR 2		X
AQCR 3—Denver and Boulder urbanized and additional designated areas	X	
Remainder of AQCR 3	X	
AQCR 4—Colorado Springs 3-C urbanized area	X	
Remainder of AQCR 4		X
AQCR's 5-13		X

COLORADO—NO<sub>2</sub>

Designated area	Better than national standards
Entire State.....	X

[FR Doc. 84-17512 Filed 7-6-84; 8:45 am]  
 BILLING CODE 6560-50-M

**40 CFR Part 461**

[WH-FRL-2624-8]

**Battery Manufacturing Point Source Category, Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards**

**AGENCY:** Environmental Protection Agency.  
**ACTION:** Final rule, correction.

**SUMMARY:** This document corrects the promulgated effluent limitations and standards for the Battery Manufacturing Point Source Category that appeared in the Federal Register on Friday, March 9, 1984, at 49 FR 9108. This notice is necessary to correct a typographical error that appeared in that document.

**ADDRESSES:** Technical information about the Battery Manufacturing regulation may be obtained by writing to Ms. Mary L. Belefski, Effluent Guidelines Division (WH-552), EPA, 401 M Street SW., Washington, D.C. 20460, or by calling (202) 382-7126. Copies of the technical and economic documents may be obtained from the National Technical Information Service, Springfield, VA 22161, (703) 487-4600.

The Record is available for public review in EPA's Public Information Reference Unit, Room 2004 (Rear) (EPA Library), 401 M Street SW., Washington, DC. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Ernst P Hall, (202) 382-7126.

**SUPPLEMENTARY INFORMATION:** This notice corrects a typographical error which was detected after the publication of the promulgated regulation. This correction of a typographical error reduces one mercury value from 0.10 to 0.010 mg/kg or from 0.10 to 0.010 pounds per 1 million pounds in the final regulation.

Dated: June 29, 1984.

Jack E. Ravan,  
*Assistant Administrator for Water.*

In FR Doc. 84-6236 beginning on page 9108 in the issue of Friday, March 9, 1984, make the following correction:

**§ 461.44 [Corrected]**

1. On page 9144, column 2, § 461.44(a)(1); for maximum for any one day standards for mercury; change: "0.10" to "0.010"

[FR Doc. 84-18038 Filed 7-6-84; 8:45 am]  
 BILLING CODE 6560-50-M

**40 CFR Part 712**

[OPTS-82004Q; FRL TSH-2595-4]

**Amendment Adding Chemicals Recommended by the Interagency Testing Committee**

*Correction*

In FR Doc. 84-16939 beginning on page 25856 in the issue of Monday, June 25, 1984, make the following correction on page 25857. In the first column, the twenty-second line should read "25852-70-4 Acetic acid, 2, 2',2" "

BILLING CODE 1505-01-M

**DEPARTMENT OF LABOR**

**Office of Federal Contract Compliance Programs**

**41 CFR Chapter 60; 41 CFR Part 60-999**

**OMB Control Numbers for OFCCP Information Collection Requirements**

**AGENCY:** Office of Federal Contract Compliance Programs (OFCCP), Labor.  
**ACTION:** Final rule.

**SUMMARY:** The Office of Federal Contract Compliance Programs is codifying the control numbers that have been issued by the Office of Management and Budget (OMB) for information collection requirements in OFCCP rules that are approved under the Paperwork Reduction Act. OMB control numbers will no longer appear at the end of the table of contents for each Part of the regulations containing the information collection requirement, but will be centrally located in a new Part 60-999.

**EFFECTIVE DATE:** June 29, 1984.

**FOR FURTHER INFORMATION CONTACT:** Leonard J. Biermann, Director, Division

of Program Policy, Office of Federal Contract Compliance Programs, 200 Constitution Avenue, NW., Room C3324, Washington, D.C. 20210, telephone (202) 523-9426.

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520 (1982), and the Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (1983) provide for OMB review of certain information collection requirements imposed by agency rules. Upon approval of the information collection requirement, OMB assigns a control number. OMB regulations require that the agency display this control number as part of the regulatory text in order to inform the public that the information collection requirement has been approved by OMB.

**I. Background**

In OFCCP's initial implementation of the Paperwork Reduction Act, the control numbers were published at the end of the table of contents for each Part of the regulations at 41 CFR Chapter 60. The OFCCP will no longer display control numbers in this manner. Rather, consistent with the OMB regulations, the OFCCP is establishing a new Part 60-999 which will contain a table of all control numbers that have been issued for its regulations. The table provides columns displaying both the CFR citation of the information collection requirement and the applicable OMB control number. OFCCP believes that this format will provide an easy reference to the numbers for the public and will make it easier to accomplish updating of the collection requirements and OMB approvals.

Accordingly, OFCCP is removing all control numbers which appear in individual Parts of 41 CFR Chapter 60 and adding a new Part 60-999 that lists all control numbers in a single display table. Additions or changes to this display will be published periodically as notices of approval from OMB are received for information collection requirements in OFCCP regulations.

**II. Regulatory Flexibility Act; Waiver of Proposed Rulemaking and Delay in Effective Date**

No substantive changes are being made to the OFCCP regulations, all of which have been promulgated in accordance with appropriate procedures, as applicable, under the Administrative Procedure Act (5 U.S.C. 551-553), the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and Executive Order 12291 (46 FR 13193, February 19, 1981). As this document is technical in

nature and intended merely to amend one aspect of the regulatory configuration in the CFR by establishing a new Part 60-999 for the centralized display of control numbers assigned by OMB for approved information collection requirements contained in OFCCP regulations, the Regulatory Flexibility Act and Executive Order 12291 are not applicable. Further, publication in proposed form and delay of the effective date are unnecessary and would serve no useful purpose. We, therefore, find good cause to waive notice of proposed rulemaking and the usual 30-day delay in effective date.

**List of Subjects in 41 CFR Part 60-999**

Reporting and recordkeeping requirements, Paperwork Reduction Act, OMB control numbers.

In consideration of the foregoing, a new Part 60-999 is added to Chapter 60, Title 41, Code of Federal Regulations, as set forth below.

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

Susan R. Meisinger,  
Acting Director, OFCCP.

1. A new Part 60-999 is added to read as follows:

**PART 60-999—OMB CONTROL NUMBERS FOR OFCCP INFORMATION COLLECTION REQUIREMENTS**

Sec.  
60-999.1 Purpose  
60-999.2 Display

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520 (1982).

**§ 60-999.1 Purpose.**

This Part collects and displays control numbers assigned to information collection requirements of the Office of Federal Contract Compliance Programs by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980. This Part fulfills the requirements of Section 3507(f) of the Paperwork Reduction Act which requires that agencies display a current control number for each agency information collection requirement approved by the Director of OMB.

**§ 60-999.2 Display.**

41 CFR Part where the information collection requirement is located	Current OMB control No.
Part 60-1	1215-0072, 1215-0131
Part 60-2	1215-0072
Part 60-3	3046-0017
Part 60-4	1215-0072
Part 60-20	1215-0072
Part 60-30	1215-0072
Part 60-40	1215-0072
Part 60-50	1215-0072
Part 60-60	1215-0072
Part 60-250	1215-0072, 1215-0131

41 CFR Part where the information collection requirement is located	Current OMB control No.
Part 60-741	1215-0072, 1215-0131

**CHAPTER 60—[AMENDED]**

2. In 41 CFR Chapter 60, all references to OMB control numbers appearing at the end of the table of contents for Parts 60-1, 60-2, 60-3, 60-4, 60-20, 60-30, 60-40, 60-50, 60-60, 60-250, and 60-741 are removed.

[FR Doc. 84-17971 Filed 7-9-84; 8:45 am]  
BILLING CODE 4510-27-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 83-1140; RM-4554]

**FM Broadcast Stations in Worland, Wyoming; Table of Assignments**

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** Action taken herein substitutes FM Channel 241 for Channel 240A at Worland, Wyoming, and modifies the license of Station KENB-FM to specify operation on the new channel, at the request of KWOR, Inc. The assignment and modification could provide Worland with its first wide-area coverage FM service.

**EFFECTIVE DATE:** September 10, 1984.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Worland, Wyoming), MM Docket No. 83-1140, RM-4554.

Adopted: June 28, 1984.  
Released: July 3, 1984.

By the Chief, Policy and Rules Division.

1. The commission has before it the notice of proposed rule making, 48 FR 51663, published November 10, 1983, proposing the substitution of Class C Channel 241 for Channel 240A at Worland, Wyoming, and modification of the license for Station KENB-FM to specify operation on the new channel. The Notice was issued in response to a

request from KWOR, Incorporated ("petitioner"). Petitioner filed comments and reply comments reiterating its interest in operating on the Class C channel. No oppositions or other expressions of interest have been received.

2. The channel can be assigned in compliance with the Commission's minimum distance separation and other technical requirements. It is noted that the assignment will infringe upon the 16 kilometer buffer of Station KLWD, Channel 243, Sheridan, Wyoming. However, as the petition for rule making was filed prior to March 1, 1984, the date on which the buffer zone was established, it is not necessary that such protection be afforded. See, Memorandum Opinion and Order, BC Docket 80-90, 49 FR 10260, published March 20, 1984, and Public Notice, Implementation of BC Docket 80-90, The Commission Does Not Contemplate a General Freeze, Mimeo No. 1306, December 9, 1983.

3. After careful consideration of the proposal, we conclude that the public interest would be served by the channel substitution at Worland. The substitution can provide a first wide-coverage service to this area. In addition, we are herein authorizing a modification of petitioner's license for Station KENB-FM to specify operation on Channel 241 since there have been no other expressions of interest in the Class C channel. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

4. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective September 10, 1984, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the community listed below, to read as follows:

City	Channel No.
Worland, Wyoming	241

5. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, that the license of Station KENB-FM, Worland, Wyoming, is modified to specify operation on Channel 241, subject to the following conditions:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental

impact statement pursuant to Section 1.1301 of the Commission's Rules.

6. It is further ordered, That this proceeding is Terminated.

7 For further information concerning the proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 84-18059 Filed 7-8-84; 8:45 am]

BILLING CODE 6712-01-M

# Proposed Rules

Federal Register

Vol. 49, No. 132

Monday, July 9, 1984

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

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 411

[Doc. No. 1112S; Amdt. No. 4]

#### Grape Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend Appendix A to the Grape Crop Insurance Regulations (7 CFR Part 411) to include additional counties recently approved by FCIC's Board of Directors for grape crop insurance, to list counties inadvertently omitted from previous county listing publications, and to republish Appendix A in its entirety to reflect all counties currently designated for grape crop insurance. The intended effect of this rule is to update the list of counties wherein grape crop insurance is otherwise authorized to be offered under the provisions of the Grape Crop Insurance Regulations and to notify all interested parties in the additional affected counties that they are now eligible to participate in the program.

**DATE:** Written comments, data, and opinions on this proposed rule must be submitted not later than August 8, 1984, to be sure of consideration.

**ADDRESS:** Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in Departmental Regulation No. 1512-1 (December 15, 1983). This action does not constitute a review as to the need, currency, clarity,

and effectiveness of these regulations under that memorandum. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action: (1) Is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), because it will not have an annual effect on the economy of \$100 million or more; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

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

As set forth in the notice related to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, requiring intergovernmental consultation with State and local officials, are excluded from the provisions of Executive Order No. 12372.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

Under the provisions of 7 CFR 411.1, before any insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which grape crop insurance shall be offered. The Board of Directors has approved additional counties for grape crop insurance and the Manager proposes to make crop insurance available in those counties effective with the 1984 and succeeding crop years. The proposed additional counties are listed and identified in Appendix A by an asterisk ("\*").

In reviewing the county listing for grape crop insurance, FCIC noted that several counties had been inadvertently omitted from previous regulations published in the Federal Register. These counties are included in Appendix A and are identified by two asterisks ("\*\*").

To be sure that Appendix A lists every county wherein grape crop insurance is otherwise authorized to be offered, FCIC is republishing Appendix A in its entirety.

The public is invited to submit written comments, data, and opinions on this proposed rule for 30 days after publication in the Federal Register. All comments made pursuant to this action will be available for public inspection in

the Office of the Manager during regular business hours, Monday through Friday.

#### List of Subjects in 7 CFR Part 411

Crop insurance, Grape.

#### Proposed Rule

#### PART 411—[AMENDED]

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Grape Crop Insurance Regulations (7 CFR Part 411), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority Citation for 7 CFR Part 411 is:

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

2. 7 CFR Part 411 is amended by revising and reissuing Appendix A thereto to read as follows:

#### Appendix A.—Counties Designated for Grape Crop Insurance

The following counties are designated for Grape Crop Insurance under the provisions of 7 CFR 411.1

	<b>Arkansas</b>
*Benton	*Washington
	<b>California</b>
*Alameda	*Sacramento
*Contra Costa	**San Benito
Fresno	**San Bernardino
Kern	San Joaquin
Kings	**San Luis Obispo
*Lake	*Santa Barbara
Madera	*Santa Clara
**Mendocino	*Solano
Merced	**Sonoma
**Monterey	Stanislaus
**Napa	Tulare
**Riverside	*Yolo
	<b>Michigan</b>
*Berrien	*Van Buren
	<b>New York</b>
**Cattaraugus	Schuyler
Chautauqua	Seneca
*Columbia	Steuben
**Erie	*Ulster
Niagara	*Wayne
Ontario	Yates
	<b>Ohio</b>
Achtabula	
	<b>Pennsylvania</b>
Erie	

Washington

Benton \*Walla Walla  
Franklin Yakima  
\*Grant

Done in Washington, D.C., on May 11, 1984.

Pefer F. Cole,  
Secretary, Federal Crop Insurance Corporation.

Dated: June 5, 1984.

Edward Hews,  
Acting Manager.

[FR Doc. 84-15724 Filed 7-6-84; 8:45 am]  
BILLING CODE 3410-08-M

7 CFR Part 422

[Amdt. No 3]

Potato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) proposes to amend the Potato Crop Insurance Regulations (7 CFR Part 422), effective for the 1984 and succeeding crop years, to provide procedures for insuring potatoes planted with non-certified seed in those counties where such potatoes are produced. The intended effect of this rule is to amend the potato crop insurance policy to provide coverage for non-certified seed potatoes in certain counties where such insurance is offered.

**DATE:** Written comments, data, and opinions on this proposed rule must be submitted not later than August 8, 1984, in order to be sure of consideration.

**ADDRESS:** Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

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

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 (December 15, 1983). This action does not constitute a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not

a major rule as defined by Executive Order No. 12291 (Feb. 17 1981), (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

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

As set forth in the final rule related notice to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, requiring intergovernmental consultation with State and local officials, are excluded from the provisions of Executive Order No. 12372.

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

The present potato crop insurance policy does not provide for coverage on any acreage planted with non-certified seed potatoes. The potato crop insurance program was expanded to include several counties in Colorado for the 1984 crop year. Since potato acreage in Colorado is normally planted with non-certified seed potatoes, it is necessary to amend the potato crop insurance regulations to provide for insurance coverage on such acreage.

This provision is found in subsection 2(d) of the policy and is amended herein.

Merritt W. Sprague, Manager, FCIC, has determined that, because of the limited time available for placing these amendments on file to be applicable for the 1984 crop year, a public comment period of less than 60 days is warranted. Therefore, ECIC is soliciting public comment on this proposed rule for 30 days after publication in the Federal Register.

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

List of Subject in 7 CFR Part 422

Crop insurance, Potatoes..

Proposed Rule

PART 422—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Potato

Crop Insurance Regulations (7 CFR Part 422), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 422 is:

Authority: 506, 516, Pub. L. 75-430, 57 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR Part 422.7(d) is amended by revising the introductory text of paragraph (d) and paragraph 2.(b)(1) of the Policy to read as follows:

§ 422.7 The application and policy.

\* \* \* \* \*

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

Potato Crop Insurance Policy

\* \* \* \* \*

2. \* \* \*  
(b) \* \* \*

(1) Planted with non-certified seed, except where otherwise provided by the actuarial table,

\* \* \* \* \*

Done in Washington, D.C. on February 27, 1984.

Peter F. Cole,  
Secretary Federal Crop Insurance Corporation.

Approved by:  
Edward Hews,  
Acting Manager.

Dated: June 5, 1984.

[FR Doc. 84-15670 Filed 7-6-84; 8:45 am]  
BILLING CODE 3410-08-M

7 CFR Part 436

[Doc. No. 1113S; Amdt. No. 3]

Tobacco (Guarantee Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend Appendix A to the Tobacco (Guarantee Plan) Crop Insurance Regulations (7 CFR Part 436) to include additional counties recently approved by FCIC's Board of Directors for Tobacco crop insurance, to list counties inadvertently omitted from previous county listing publications, and to

republish Appendix A in its entirety to reflect all counties currently designated for tobacco crop insurance. The intended effect of this rule is to update the list of counties wherein tobacco crop insurance is authorized to be offered under the provisions of the Tobacco (Guarantee Plan) Crop Insurance Regulations and to notify all interested parties in the additional affected counties that they are now eligible to participate in the program.

**DATE:** Written comments, data, and opinions on this proposed rule must be submitted not later than August 8, 1984, to be sure of consideration.

**ADDRESS:** Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established in Departmental Regulation No. 1512-1 (December 15, 1983). This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under that memorandum. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action: (1) is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), because it will not have an annual effect on the economy of \$100 million or more and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

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

As set forth in the notice related to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, requiring intergovernmental consultation with State and local officials, are excluded from the provisions of Executive Order No. 12372.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

Under the provisions of 7 CFR 436.1, before any insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which tobacco crop insurance shall be offered. The Board of Directors has approved additional

counties for tobacco crop insurance and the Manager proposes to make crop insurance available in those counties effective with the 1984 and succeeding crop years. The proposed additional counties are listed and identified in Appendix A by an asterisk ("\*").

In reviewing the county listing for tobacco insurance, FCIC noted that several counties had been inadvertently omitted from previous regulations published in the Federal Register. These counties are included in Appendix A and are identified by two asterisks ("\*\*").

To be sure that Appendix A lists every county wherein tobacco crop insurance is otherwise authorized to be offered, FCIC is republishing Appendix A in its entirety.

The public is invited to submit written comments, data, and opinions on this proposed rule for 30 days after publication in the Federal Register. All comments made pursuant to this action will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

#### List of Subjects in 7 CFR Part 436

Crop insurance, Tobacco (guarantee plan).

#### Proposed Rule

#### PART 436—[AMENDED]

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. *et. seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Tobacco (Guarantee Plan) Crop Insurance Regulations (7 CFR Part 436), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority Citation for 7 CFR Part 436 is:

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

2. 7 CFR Part 436 is amended by revising and reissuing Appendix A thereto to read as follows:

#### Appendix A.—Counties Designated for Tobacco (Guaranteed Production Plan) Crop Insurance

The following counties are designated for Tobacco (Guaranteed Production Plan) Crop Insurance under the provisions of 7 CFR 436.1.

#### Connecticut

\*\*Hartford  
\*\*Middlesex  
\*\*Tolland

#### Maryland

\*\*Anne Arundel  
\*\*Calvert  
Charles  
\*\*Prince Georges  
St. Marys

#### Massachusetts

\*\*Franklin  
\*\*Hampden  
\*\*Hampshire

#### Pennsylvania

\*\*Berks  
\*\*Chester  
\*Cumberland  
\*Dauphin  
Lancaster  
\*\*Lebanon  
\*Snyder  
\*Union  
\*\*York

Done in Washington, D.C., on May 11, 1984.

Peter F. Cole,  
Secretary, Federal Crop Insurance Corporation.

Dated: June 5, 1984.

Edward Hews,  
Acting Manager.

[FR Doc. 84-15723 Filed 7-6-84; 8:45 am]  
BILLING CODE 3410-06-M

#### 7 CFR Part 437

[Doc. No. 1102S; Amdt. No. 31]

#### Sweet Corn Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend Appendix A to the Sweet Corn Crop Insurance Regulations (7 CFR Part 437) to include additional counties recently approved by FCIC's Board of Directors for sweet corn crop insurance, to list counties inadvertently omitted from previous county listing publications, and to republish Appendix A in its entirety to reflect all counties currently designated for sweet corn crop insurance. The intended effect of this rule is to update the list of counties wherein sweet corn crop insurance is otherwise authorized to be offered under the provisions of the Sweet Corn Crop Insurance Regulations and to notify all interested parties in the additional affected counties that they are now eligible to participate in the program.

**DATE:** Written comments, data, and opinions on this proposed rule must be submitted not later than August 8, 1984, to be sure of consideration.

**ADDRESS:** Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

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

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA

procedures established in Departmental Regulation No. 1512-1 (December 15, 1983). This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under that memorandum. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 (Feb. 17 1981), because it will not have an annual effect on the economy of \$100 million or more, and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

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

As set forth in the rule related notice to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities are excluded from the provisions of Executive Order No. 12372, requiring intergovernmental consultation with State and local officials.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

Under the provisions of 7 CFR 437.1, before any insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which sweet corn crop insurance shall be offered. The Board of Directors has approved additional counties for sweet corn crop insurance and the Manager proposes to make crop insurance available in those counties effective with the 1984 and succeeding crop years. The proposed additional counties are listed and identified in Appendix A by an asterisk ("\*").

In reviewing the county listing for sweet corn crop insurance, FCIC noted that several counties had been inadvertently omitted from previous regulations published in the Federal Register. These counties are included in Appendix A and are identified by two asterisks ("\*\*").

To be sure that Appendix A lists every county where sweet corn crop insurance is otherwise authorized to be offered, FCIC is republishing Appendix A in its entirety.

The public is invited to submit written comments, data, and opinions on this proposed rule for 30 days after publication in the Federal Register. All comments made pursuant to this action will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

## List of Subjects in 7 CFR Part 437

Crop insurance, Sweet corn.

### Proposed Rule

#### PART 437—[AMENDED]

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Sweet Corn Crop Insurance Regulations (7 CFR Part 437), effective for the 1984 and succeeding crop years, in the following instances:

#### 1. The Authority Citation for 7 CFR Part 437 is:

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

2. 7 CFR Part 437 is amended by revising and reissuing Appendix A thereto to read as follows:

#### Appendix A—Counties Designated for Sweet Corn Crop Insurance

The following counties are designated for Sweet Corn Crop Insurance under the provisions of 7 CFR 437.1.

	<b>Idaho</b>
*Canyon	*Payette
*Cassia	*Twin Falls
*Gooding	
	<b>Illinois</b>
*Boone	*Lee
*De Kalb	*Ogle
*Iroquois	*Vermilion
*La Salle	
	<b>Iowa</b>
*Franklin	*Kossuth
	<b>Minnesota</b>
**Blue Earth	**Olmsted
**Brown	*Pope
**Carver	**Redwood
**Dakota	Renville
**Dodge	*Rice
Faribault	*Scott
*Freeborn	**Sherburne
Goodhue	*Sibley
*Kandiyohi	**Steele
*Le Sueur	*Swift
McLeod	**Wabasha
Martin	**Waseca
*Meeker	**Watsonwan
**Mower	*Wright
**Nicollet	
	<b>Oregon</b>
*Benton	*Marion
*Calhoun	*Multnomah
*Lane	*Polk
*Linn	*Washington
*Malheur	*Yamhill
	<b>Washington</b>
*Benton	*Lewis
*Franklin	*Walla Walla
**Grant	*Whatcom
**Kittitas	**Yakima

## Wisconsin

Adams  
\*\*Barron  
Brown  
\*\*Calumet  
\*\*Clark  
Columbia  
Dane  
Dodge  
Fond Du Lac  
\*\*Grant  
Green Lake  
\*\*Iowa  
Jefferson  
\*\*Kewaunee  
\*\*Manitowoc

Marinette  
\*\*Oconto  
Outagamie  
Ozaukee  
\*\*Polk  
Portage  
Rock  
St. Croix  
Sauk  
Sheboygan  
Walworth  
Washington  
Waushara  
Winnebago

Done in Washington, D.C. on May 8, 1984.

Peter F. Cole,  
Secretary, Federal Crop Insurance Corporation.

Dated: June 5, 1984.

Edward Hews,  
Acting Manager.

(FR Doc. 84-15720 Filed 7-8-84; 8:45 am)  
BILLING CODE 3410-08-M

## Rural Electrification Administration

### 7 CFR Part 1772

#### REA Bulletin 345-89, REA Specification for Filled Telephone Cables With Expanded Insulation, PE-89

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

**SUMMARY:** REA proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by issuing a revised ~ Bulletin 345-89, REA Specification for Filled Telephone Cables with Expanded Insulation, PE-89. This revision will allow the use of 19 AWG conductor size, as well as the use of pair sizes below 200 pairs, and the establishment of end product requirements associated with the options mentioned above. This will impact REA borrowers in that they will be able to install a full range of filled telephone cables with expanded insulation at reduced cable costs without degradation in cable quality. It will affect petroleum producers in that it will decrease the consumption of petroleum used in telephone cables thereby preserving natural resources. Finally, it will not adversely affect cable manufacturers because no design changes in their presently manufactured products will be required.

**DATE:** Public comments must be received by REA no later than September 7 1984.

**ADDRESS:** Submit written comments to Joseph M. Flanagan, Director, Telecommunications Engineering and

Standards Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:**

M. Wilson Magruder, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382-8667. The Draft Impact Analysis describing the options considered in developing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend 7 CFR 1772.97 Incorporation by Reference of Telephone Standards and

Specifications, by issuing a revised Bulletin 345-89, REA Specification for Filled Telephone Cables with Expanded Insulation, PE-89. REA Bulletin 345-89 was approved for Incorporation by Reference by the Director of the Office of the Federal Register on December 30, 1983 (Volume 48, No. 252, pages 57469-57471). Due to substantive changes that will occur as a result of this proposed revision, REA will seek reapproval for Incorporation by Reference from the Director of the Office of the Federal Register prior to the issuance of final rule. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not (1) have an annual effect on the economy of \$100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major." This action does not fall within the scope of the Regulatory Flexibility Act. This program is listed in the Catalog of Federal Domestic Assistance as 10.851, Rural Telephone Loans and Loan Guarantees and 10.852, Rural Telephone Bank Loans.

Copies of the document are available upon request from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

**Background**

The current REA Specification PE-89 limits the pair size and conductor gauge of filled cable with expanded insulation

that can be manufactured by cable suppliers and installed by REA borrowers. These limitations were placed on this cable because the design was a radical departure from existing REA practices and we wished to control its initial installation until further field studies had been performed indicating satisfactory performance at no sacrifice in quality. These field studies have been completed indicating that filled cables with expanded insulation in 19 AWG conductor sizes and pair sizes below 200 pairs have been providing satisfactory field service without a sacrifice in quality.

This action will establish REA requirements for filled cables with expanded insulation using the proposed stated options without affecting current designs or manufacturing techniques of cable manufacturers. This action will also affect REA borrowers in that they will be able to install a full range of filled telephone cable with expanded insulation at reduced cable cost without degradation in cable quality. It will affect petroleum producers in that it will decrease the consumption of petroleum in telephone cables.

A Notice of Proposed Rulemaking was published in the Federal Register on February 25, 1983, Volume 48, No. 39, page 8084. Several interested parties commented on this proposal. A summary of the areas addressed in their comments and REA's response is as follows:

1. The requiring of tighter near-end crosstalk (NEXT) levels at 772 kHz for TI screened cable than industry stated levels.

2. The requiring of the filling compound to satisfy and 80 °C drip temperature.

3. The disallowance of service pairs in screened telephone cables.

4. The disallowance cable designs to operate at the TIC carrier frequency.

The answer to these comments is summarized as follows:

1. REA is proposing the tighter NEXT values for TI screened cables for the following reasons:

A. The original digital system engineering rules were based on three spans in tandem; today's system often exceed three spans in tandem.

B. The additional 3 dB NEXT margin provides for the following: (a) 48 channel duobinary and ternary encoded systems; (b) the engineering of TI subscriber systems which are not as "pure" as TI trunk systems and (c) new digital subscriber systems under development where NEXT requirements are not yet defined. Since the 3 dB NEXT margin can be of value in meeting

both present and future digital system needs, REA will maintain the higher NEXT levels at 772 kHz.

2. REA is proposing that the filling compound comply with an 80 °C drip temperature to avoid filling compound separation when this cable is installed in an aerial application. Compound separation cannot be tolerated in cellular insulated cables because there is the possibility of oil migration into the cells which will change both the physical and electrical characteristics of the insulation. There is also the possibility that the voids left by the migrating oils from the filling compound will offer sites for water collection which will certainly change the electrical characteristics of cable. Because of these reasons REA will maintain the 80 °C flow requirement of the filling compound for expanded-insulated filled cable.

3. REA has never incorporated the use of service pairs into the specification because the majority of our borrowers have a small subscriber base and do not require the added capacity that a screened cable for carrier transmission affords. In addition, when a REA borrower used a screened cable not all the cable pairs were utilized for carrier transmission leaving the unused pairs for service pair needs. But with our borrowers' continuing growth, service pair becomes an increasing necessity. Therefore, REA included in the specification the allowance of service pairs in screened cables.

4. The reason that cable requirements for TIC carrier systems were not incorporated into the specification was due to the small quantity of TIC systems used by our borrowers. However, the option of TIC carrier systems does not offer an alternative growth pattern for REA borrowers. Since TIC carrier systems are alternative growth patterns, REA changed the specification to include requirements for cables intended for TIC carrier applications to insure that cables are of the highest quality. Because REA has made significant changes in the first proposal, by incorporation of service pairs in screened cables and cable requirements for TIC carrier application into the specification, a second proposal containing the changes is being submitted for public comment.

In view of the above, the Administrator is proposing to issue a revised Bulletin 345-89, REA Specification for Filled Telephone Cables with Expanded Insulation, PE-89.

**List of Subjects in 7 CFR Part 1772**

Loan programs—communications,  
Telecommunications.

Dated: July 2, 1984.

Harold V. Hunter,  
*Administrator.*

[FR Doc. 84-18121 Filed 7-6-84; 8:45 am]

BILLING CODE 3410-15-M

**DEPARTMENT OF THE TREASURY****Customs Service****19 CFR Part 141**

**Proposed Customs Regulations  
Amendment Relating to Additional  
Information Required on Invoices for  
Imported Footwear; Reopening of  
Comment Period**

**AGENCY:** Customs Service, Treasury.

**ACTION:** Reopening of comment period.

**SUMMARY:** This document extends the time for comments from interested members of the public with respect to a proposal to amend the Customs Regulations by updating the information required on invoices of imported footwear. A notice inviting the public to comment on the proposal was published in the Federal Register on May 1, 1984 (49 FR 18543). Comments were to have been received on or before July 2, 1984. Customs has been requested to extend the comment period because of the complexity of the issues involved. Inasmuch as the request has merit, additional time for comments is warranted before a final determination is made on the proposed change. Therefore, the comment period is being extended to August 3, 1984.

**DATE:** Comments must be received on or before August 3, 1984.

**ADDRESS:** Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229

All comments received in response to this notice will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and § 1.6, Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9 a.m. to 4:30 p.m. on normal business days, at the Regulations Control Branch, Headquarters, U.S. Customs Service, Room 2426, 1301 Constitution Avenue NW., Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:**

Legal Aspects: Donald F. Cahill,  
Classification and Value Division,  
(202-566-8181);

Operational Aspects: Alex Olemck,  
Duty Assessment Division, (202-566-  
2957);

U.S. Customs Service, 1301  
Constitution Avenue NW,  
Washington, D.C. 20229.

Dated: July 2, 1984.

John P. Simpson,  
*Director, Office of Regulations and Rulings.*

[FR Doc. 84-18117 Filed 7-6-84; 8:45 am]

BILLING CODE 4820-02-M

**DEPARTMENT OF LABOR****Office of Pension and Welfare Benefit Programs****29 CFR Part 2520**

**Employee Benefit Plans; Rules and  
Regulations for Reporting and  
Disclosure**

**AGENCY:** Office of Pension and Welfare  
Benefit Programs, Labor.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** This document withdraws a proposed rule of the Department of Labor under the Employee Retirement Income Security Act of 1974 (ERISA) which would have provided a plan administrator with an alternative means of complying with the statutory requirement to furnish an updated summary plan description (SPD) to participants and beneficiaries at five year intervals for those plans which have adopted amendments during the five year period.

**FOR FURTHER INFORMATION CONTACT:**  
John Malagrú, Office of Pension and  
Welfare Benefit Programs, U.S.

Department of Labor, Washington, D.C.,  
(202) 523-8684, or Shelby J. Hoover, Esq.,  
Plan Benefits Security Division, Office of  
the Solicitor, U.S. Department of Labor,  
Washington, D.C., (202) 523-8658 (these  
are not toll-free numbers).

**SUPPLEMENTARY INFORMATION:****Background**

On April 26, 1983, the Department of Labor (the Department) published a notice of proposed rulemaking which would have amended Part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations by adding a new § 2520.104b-6 (48 FR 18838). This proposed amendment would have provided relief from both the ERISA section 104(b)(1) requirement that the plan administrator furnish the participants and beneficiaries of a plan

an updated SPD the fifth year after the plan becomes subject to part 1 of title I and the section 104(a)(1)(C) requirement to file with the Department a copy of that updated SPD.

After consideration of the various comments received in response to the proposed rule, the Department has decided not to adopt the rule. Accordingly, the Department is withdrawing the proposed rule thereby terminating the rulemaking proceeding.

**Withdrawal of Proposed Rule**

In view of the foregoing, the proposed rule relieving plan administrators from the requirements of sections 104(a)(1)(C) and 104(b)(1) of ERISA (published at 48 FR 18838, April 26, 1983) is hereby withdrawn.

Signed at Washington, D.C., this 2nd day of July 1984.

Robert A.G. Monks,  
*Administrator, Office of Pension and Welfare  
Benefit Programs, U.S. Department of Labor.*

[FR Doc. 84-18020 Filed 7-6-84; 8:45 am]

BILLING CODE 7708-01-M

**VETERANS ADMINISTRATION****38 CFR Part 21**

**Dependents' Educational Assistance;  
Entitlement**

**Correction**

In FR Doc. 84-17083 beginning on page 26609 in the issue of Thursday, June 28, 1984, make the following correction:

**§ 21.3044 [Corrected]**

On page 26610, second column, in § 21.3044(c)(1), sixth line, "§ 1.237(d)" should have read "§ 21.4237(d)"

BILLING CODE 1505-01-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[OAR-FRL-2624-4]

**Insular Territories of American Samoa,  
Guam and the Commonwealth of the  
Northern Mariana Islands**

**AGENCY:** Environmental Protection  
Agency (EPA)

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Insular Territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands have submitted their Territorial Implementation Plans for Lead. These Plans provide for the maintenance of the

Lead National Ambient Air Quality Standard (NAAQS). Today's notice proposes under the Clean Air Act to approve these plans.

**DATES:** Comments may be submitted up to August 8, 1984.

**FOR FURTHER INFORMATION CONTACT:**

David P. Howekamp, Director, Air Management Division, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, Attn: Thomas Rarck, (415) 974-7641.

**ADDRESSES:** Comments may be sent to: Air Management Division, Air Programs Branch, State Implementation Plan Section (A-2-3), Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region 9 office at the above address, and at the following locations:

American Samoa Government, Office of the Governor, Pago, Pago, American Samoa 96799

Guam Environmental Protection Agency, P.O. Box 2999, Agaña, Guam 96910

Department of Public Health and Environmental Services, Division of Environmental Quality, Saipan, Mariana Islands 96950

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On November 22, November 24, and December 15, 1982 the Governors of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (respectively) submitted their Lead Territorial Implementation Plans, as required by section 110 of the Clean Air Act and the October 5, 1978 promulgation of a National Ambient Air Quality Standard for Lead (43 FR 46256). In addition, NSR provisions for the lead SIPs were published on September 22, 1983, May 30, 1984, and June 1, 1984, (respectively).

Each of the above mentioned Territorial Implementation Plans consist of a negative declaration and a new source review provision for Lead. The negative declarations were submitted based upon the fact that the Insular Territories have no Lead polluting industries and a minimal amount of automobile generated Lead emissions.

The new source review regulations submitted provide a preconstruction review program for new sources, including stationary sources of Lead (regardless of size). The review programs ensure that no project will be approved if it will potentially result in a violation of the Lead Standard. The

above SIP elements, though minimal, satisfy the applicable requirements of 40 CFR Part 51 for Lead.

**EPA Actions**

EPA is proposing to approve the Lead Implementation Plans for the Insular Territories of American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. EPA is proposing to approve these plans with the understanding that a public hearing will be held by November 30, 1984 in order to allow EPA to publish a notice of final rulemaking by January 1, 1985 pursuant to the United States District Court for the District of Columbia's July 26, 1983 Order in *NRDC v. Ruckelshaus*, No. 82-2137 [See 48 FR 36250 (1983) for a discussion of this case].

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

**List of Subjects in 40 CFR Part 52**

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

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

**Dated:** June 28, 1984.

John Wise,

*Acting Regional Administrator.*

[FR Doc. 84-18040 Filed 7-8-84; 8:45 am]

**BILLING CODE 6560-50-M**

**GENERAL SERVICES ADMINISTRATION**

**41 CFR Part 101-45**

**Sale of Personal Property**

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration (GSA) proposes to amend its regulations to apply the government-wide policies, procedures, and requirements of Federal Acquisition Regulation (FAR) Section 9.4 on suspension, debarment, and ineligibility to contractors who purchase Federal personal property. The proposed changes are expected to provide a unified system to exclude nonresponsible firms and individuals

from purchasing Federal personal property.

**DATE:** Comments are due by September 7, 1984.

**ADDRESS:** Send comments to: General Service Administration (VP), Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward Loeb, Procurement Analyst, Office of GSA Acquisition Policy and Regulations (202-566-1224).

**SUPPLEMENTARY INFORMATION:** The General Services Administration has determined that this rule is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

**List of Subjects in 41 CFR Part 101-45**

Government property management, Reporting and recordkeeping requirements, Surplus Government property.

GSA proposes to amend Part 101-45 as follows:

**PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY**

**Authority:** Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

1. The table of contents for Part 101-45 of Subchapter H is amended by revising the entries for Subpart 101-45.6 to read as follows:

Subpart 101-45.6—Debarred, Suspended, and Ineligible Contractors

Sec.

101-45.600 Scope of subpart.

101-45.601 Policy.

101-45.602 Use of consolidated list.

Subpart 101-45.6—Debarred, Suspended, and Ineligible Contractors

2. Section 101-45.600 is required as follows:

§ 101-45.600 Scope of subpart.

This subpart prescribes policies and procedures governing the debarment or suspension of contractors for

contracts involving the sale by the Government of personal property.

3. Sections 101-45.601 and 101-45.602 are revised to read as follows:

**§ 101-45.601 Policy.**

(a) Agencies shall solicit offers from, award contracts to, and consent to subcontracts with only responsible contractors.

(b) The policies, procedures, and requirements of Federal Acquisition Regulation (FAR) 9.4 are incorporated by reference and made applicable to contracts for, and to contractors who engage in the purchase of Federal personal property.

(c) Consistent with FAR 9.405(a) and 9.406-3(c)(7), the debarment or suspension of a contractor has Government-wide effect and precludes any agency from entering into any contract with that contractor, including contracts for the sale of personal property.

**§ 101-45.602 Use of consolidated list.**

Each agency shall establish procedures for the use of the Consolidated List of Debarred, Suspended and Ineligible Contractors (FAR 9.404) to ensure that the agency does not solicit offers from, award contracts to, or consent to subcontracts with listed contractors, except as provided in FAR 9.405(a).

**§ 101-45.603 [Removed]**

4. Section 101-45.603 is removed.

Dated: June 5, 1984.

Allan W. Beres,  
Assistant Administrator for Acquisition Policy.

[FR Doc. 84-17957 Filed 7-6-84; 8:45 am]  
BILLING CODE 6820-61-M

**FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

**44 CFR Part 67**

[Docket No. FEMA-6122]

**Proposed Flood Elevation  
Determinations**

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Proposed rule; revision.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Bismarck, North Dakota.

Due to recent engineering analysis, this proposed rule would revise the proposed determinations of base (100-year) flood elevations published in 46

FR 39624 and 39625 on August 4, 1981 and in the *Bismarck Tribune*, published on or about July 3, 1981, and July 10, 1981, and hence would supersede those previously published rules for the areas cited below.

**DATES:** The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

**ADDRESSES:** Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Planning Department, 209 N. 7th Street, Bismarck, North Dakota.

Send comments to: the Honorable Eugene Leary, P.O. Box 1578, Bismarck, North Dakota 58502.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in the City of Bismarck, North Dakota, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until

the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

**List of Subjects in 44 CFR Part 67**

Flood insurance. Flood plans.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
Missouri River.....	500 feet upstream from center of Burlington Northern Railroad.	*1,636
Apple Creek.....	200 feet upstream from center of Soo Line Railroad	*1,642
Hay Creek .....	200 feet upstream from center of Interstate Highway 94.	*1,693

(National Flood Insurance Act of 1968) (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968, as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator

Issued: June 21, 1984.

Jeffrey S. Bragg,  
Federal Insurance Administrator, Federal Insurance Administration.

[FR Doc. 84-18023 Filed 7-6-84; 8:45 am]  
BILLING CODE 6718-03-M

**FEDERAL COMMUNICATIONS  
COMMISSION**

**47 CFR Part 73**

[MM Docket No. 84-640; RM-4714]

**FM Broadcast Station Texarkana,  
Arkansas; Proposed Changes Made in  
Table of Assignments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** Action taken herein, at the request of Charles D. Smith, proposes the assignment of Channel 292A to Texarkana, Arkansas. The assignment could provide that community with its second FM service.

**DATES:** Comments must be filed on or before August 24, 1984, and reply

comments on or before September 10, 1984.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**Proposed Rulemaking**

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Texarkana, Arkansas); MM Docket No. 84-640, RM-4714.

Adopted: June 25, 1984.

Released: July 3, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed December 9, 1983 by Charles D. Smith ("petitioner") which proposes the assignment of Channel 292A to Texarkana, Arkansas, as the community's second FM assignment. Petitioner has expressed an intention to apply for the channel, if assigned.

2. A site restriction of approximately 6.9 miles southeast of Texarkana, is required to avoid a short-spacing to Station KKBI(FM) in Broken Bow, Oklahoma.

3. In view of the possible provision of a second FM broadcast service to Texarkana, Arkansas, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the following community:

City	Channel No.	
	Present	Proposed
Texarkana, Arkansas	296A	292A, 296A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

**Note.**—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before August 24, 1984, and reply comments on or before September 10, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Mr. Charles D. Smith, 905 New Boston Road, Texarkana, Texas 75501 (Petitioner).

E. Harold Munn, Jr., 100 Airport Road, Coldwater, MI 49036 (Consultant).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7 For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1032; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

**Appendix**

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits

or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in the Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding on persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 84-18062 Filed 7-8-84; 8:45 am]; BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 84-638; RM-4689]

**Television Broadcast Station in Hillsboro, Ohio; Proposed Changes Made in Table of Assignments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** Action taken herein proposes the assignment of UHF TV Channel 55 to Hillsboro, Ohio, as that community's first local commercial television channel. The assignment was requested by Marsha Boone.

**DATES:** Comments must be filed on or before August 24, 1984, and reply comments on or before September 10, 1984.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 47 CFR Part 73-**

Television broadcasting.

**Proposed Rule Making**

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Hillsboro, Ohio); MM Docket No. 84-638, RM-4689.

Adopted: June 25, 1984.

Released: July 3, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by Marsha Boone ("petitioner") seeking the assignment of UHF TV Channel 55 to Hillsboro, Ohio, as that community's first local commercial television channel. It is currently assigned UHF TV Channel \*24, reserved for noncommercial educational use. Petitioner has stated her intention to apply for the channel, if assigned.

2. Hillsboro (population 6,356<sup>1</sup> the seat of Highland County (population 33,477), is located in southern Ohio approximately 78 kilometers (48 miles) east of Cincinnati. The proposed assignment can be made in compliance with the Commission's minimum distance separation requirements provided the transmitter is located at

least 12.1 miles east of Hillsboro in order to avoid short-spacing to Station WCET, Channel 48, Cincinnati, Ohio.

3. Hillsboro is located within 400 kilometers (250 miles) of the U.S.-Canadian border. Therefore, coordination with the Canadian Government is necessary.

4. In view of the foregoing and the fact that the proposed assignment could provide a first local commercial television service to Hillsboro, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Hillsboro, Ohio.....	*24+	*24+, 55+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before August 24, 1984, and reply comments on or before September 10, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Edward M. Johnson & Associates, Inc.,  
One Regency Square, Suite 450,  
Knoxville, Tennessee 37915.  
(Consultant to Petitioner).  
Marsha Boone, 5914 Buffalo Avenue, No. 18, Van Nuys, California (Petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel

assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

**Appendix**

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b), of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are

<sup>1</sup> Population figures are derived from the 1980 U.S. Census.

filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *notice of proposed rule making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-18060 Filed 7-8-84; 8:45 am]  
BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 84-639; RM-4703]

#### TV Broadcast Station in Lafayette, Tennessee; Proposed Changes Made in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** Action taken herein proposes the assignment of UHF TV Channel 69 to Lafayette, Tennessee, at the request of Macon County Publishing Company. The assignment could provide Lafayette with its first local television facility.

**DATES:** Comments must be filed on or before August 24, 1984, and reply

comments on or before September 10, 1984.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 47 CFR Part 73

Television broadcasting.

##### Proposed Rulemaking

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Lafayette, Tennessee); MM Docket No. 84-639, RM-4703.

Adopted: June 25, 1984.1

Released: July 3, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a petition for rule making filed by Macon County Publishing Company ("petitioner") requesting the assignment of UHF TV Channel 69 to Lafayette, Tennessee, as that community's first television channel. The channel can be assigned in compliance with the Commission's minimum distance separation and other technical requirements. Petitioner has stated its intention to apply for use of the channel, should it be assigned.

2. Lafayette (population 3,808)<sup>1</sup>, the seat of Macon County (population 15,700), is located in north central Tennessee, approximately 72 kilometers (45 miles) northeast of Nashville.

3. The Commission believes the public interest would be served by seeking comments on the proposed assignment in order to provide Lafayette with its first television service. Accordingly, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules, with respect to the community listed below:

City	Channel No.	
	Present	Proposed
Lafayette, Tennessee		69-

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

**Note.**—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before August 24, 1984.

<sup>1</sup>Population figures are taken from the 1980 U.S. Census.

and reply comments on or before September 10, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Edward M. Johnson & Associates, Inc.,  
One Regency Square, Suite 450,  
Knoxville, Tennessee 37915  
(Consultant to petitioner).

Macon County Publishing Company, 200  
Times Avenue, Lafayette, Tennessee  
(Petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1063, 1032; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Scholt,

Chief, Policy and Rules Division, Mass Media Bureau.

#### Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as

set forth in the notice of proposed rule making to which this Appendix is attached.

**2. Showings Required.** Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

**3. Cut-off Procedures.** The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comment. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

**4. Comments and Reply Comments; Service.** Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), (c) of the Commission's rules.)

**5. Number of Copies.** In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

**6. Public Inspection of Filings.** All filings made in this proceeding will be available for examination by interested parties during the regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-18061 Filed 7-6-84; 8:45 am]  
BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 84-646; RM-4719]

**FM Broadcast Station in Stevens Point, Wisconsin; Proposed Changes Made in Table of Assignments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** Action taken herein proposes the assignment of FM Channel 285A to Stevens Point, Wisconsin, as that community's third FM channel, at the request of Stevens Point Broadcasters. **DATES:** Comments must be filed on or before August 24, 1984, and reply comments on or before September 10, 1984.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects in 47 CFR Part 73**

Radio broadcasting;

**Proposed Rule Making**

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Stevens Point, Wisconsin); MM Docket No. 84-646, RM-4719.

Adopted: June 25, 1984.

Released: July 3, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by Stevens Point Broadcasters ("petitioner") requesting the assignment of FM Channel 285A to Stevens Point, Wisconsin, as that community's third local FM channel. Petitioner has indicated its intention to apply for the frequency, if assigned. Channel 285A may be assigned to Stevens Point in compliance with the Commission's minimum distance separation

requirement if the transmitter is sited at least 2.6 miles southwest of the community to avoid a short-spacing to Station WRLO, Channel 287 at Antigo, Wisconsin.

2. We believe good cause has been shown to propose the assignment of a third FM channel at Stevens Point. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the community listed below as follows:

City.	Channel No.	
	Present	Proposed
Stevens Point, Wisconsin.	244A, 250	244A, 250, 285A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filings requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties will file comments on or before August 24, 1984, and reply comments on or before September 10, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows: Eugene T. Smith, Esq., 715 G Street, S.E., Washington, D.C. 20003 (Counsel to petitioner).

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation

required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

#### Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rule making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to

file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable

procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 84-15003 Filed 7-9-84; 2:45 am]

BILLING CODE 6712-01-M

# Notices

Federal Register

Vol. 49, No. 132

Monday, July 9, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Bill Williams Mountain Ski Area Concept, Kaibab National Forest, Coconino County, Arizona; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for management of land on Bill Williams Mountain to provide opportunity for the potential development of an Alpine Winter Sports Site.

An environmental assessment was prepared and published in January 1982 that addressed management of Bill Williams Mountain for potential ski area opportunity. The assessment determined that such management would constitute a major Federal action significantly affecting the quality of the human environment and the Forest Supervisor decided management of the area for potential ski area development would be evaluated in the EIS for the Forest Land and Resource Management Plan which had been scheduled for completion in September of 1983. The California vs. Block decision requiring the Forest Service to reevaluate roadless areas and revised standards for forest plan analysis have caused a substantial delay in the projected completion date. Consequently, I have decided that preparation of a separate EIS is now appropriate.

Prior to the preparation of the January 1982 Environmental Assessment an extensive "scoping" and public involvement process was undertaken to identify issues, concerns, and opportunities. As a result of this early

public involvement a proposed action and possible range of alternatives have been developed for consideration in the EIS.

The proposed action provides for management of land on the north slopes of Bill Williams Mountain for potential alpine winter sports and subsequent issuance of a prospectus requesting specific proposals to construct a new ski area with an initial skier capacity of approximately 2,000 persons at one time.

One alternative would continue the existing situation on Bill Williams Mountain, i.e., the continued operation of a small ski area with the capacity of approximately 200 persons at one time. Another alternative will consider increasing the capacity of the existing ski area through the construction of additional ski trails and upgrading of lift facilities. Another alternative will consider removal of the existing facilities and restoration of the area to natural condition.

Federal, State, and local agencies, and other individuals or organizations who may be interested in or affected by the decision are invited to participate in refining or identifying any new issues to be considered. Written comments and suggestions concerning preparation of the EIS should be sent to: Leonard A. Lindquist, Forest Supervisor, Kaibab National Forest, 800 South Sixth Street, Williams, Arizona 86046 by August 15, 1984. Questions should be directed to R. Dennis Lund, Recreation Staff Officer, Kaibab National Forest, phone (602) 635-2681.

M. J. Hassell, Regional Forester of the Southwestern Region in Albuquerque, New Mexico is the responsible official.

Preparation of the EIS is expected to take about 12 months. The draft EIS should be available for public review by January 1985. A final EIS will be prepared after considering comments received on the draft EIS. The final EIS and Record of Decision is expected to be completed by June 1985.

Dated: June 26, 1984.

M. J. Hassell,  
Regional Forester.

[FR Doc. 84-18116 Filed 7-6-84; 8:45 am]  
BILLING CODE 3410-11-M

## CIVIL RIGHTS COMMISSION

### Florida Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 1:30 p.m. and will end at 5:00 p.m., on July 26, 1984, at the Holiday Inn Crowne Plaza, Ball Room East, 950 N.W. LeJeune Road, Miami, Florida 33126. The purpose of the meeting is to plan for the State Advisory Committee Regional Conference and to discuss status of the Florida Project—*Followup to Confronting Racial Isolation in Miami*.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Southern Regional Office at (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

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

John I. Binkley,  
Advisory Committee Management Officer.

[FR Doc. 84-17987 Filed 7-6-84; 8:45 am]  
BILLING CODE 6335-01-M

### Utah Advisory Committee; Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Utah Advisory Committee to the Commission originally scheduled for July 19, 1984, at Salt Lake City, Utah (FR Doc. 84-17421, on page 42767) has been cancelled.

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

John I. Binkley,  
Advisory Committee Management Officer.

[FR Doc. 84-17988 Filed 7-6-84; 8:45 am]  
BILLING CODE 6335-01-M

### Utah Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Utah Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 6:00

p.m., on July 31, 1984, at the Salt Lake Hilton Inn, 150 W. 500 S., Salt Lake City, Utah 84101. The purpose of the meeting is to conduct a mini-forum to explore civil rights issues in Utah.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Rocky Mountain Regional Office at (303) 844-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

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

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 84-17989 Filed 7-6-84; 8:45 am]

BILLING CODE 6335-01-M

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-479-063]

#### Animal Glue and Inedible Gelatin From Yugoslavia; Preliminary Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of Preliminary Results of Administrative Review of Antidumping Finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on animal glue and inedible gelatin from Yugoslavia. The review covers the one known exporter of this merchandise to the United States and the period December 1, 1982 through November 30, 1983. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits of estimated antidumping duties on future entries equal to the margins calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** July 9, 1984.

**FOR FURTHER INFORMATION CONTACT:** Dennis U. Askey or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 5, 1983, the Department of Commerce ("the Department") published in the Federal Register (48 FR 35684-85) the final results of its last administrative review of the antidumping finding on animal glue and inedible gelatin from Yugoslavia (42 FR 64116-7, December 22, 1977) and announced its intent to begin its 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 shipments of animal glue and inedible gelatin, of which there are two principal types, hide glue and bone glue. Animal glue is an organic colloid of protein derivation. There is no significant difference between animal glue and inedible gelatin. Animal glues are odorless, dry, hard, hornlike materials. They are used as general purpose adhesives in industries producing abrasives, paper containers, book and magazine bindings, and leather goods. They are also used as sizing agents and as colloids in emulsions and cleaning compounds. Animal glue and inedible gelatin are currently classifiable under items 455.4000 and 455.4200 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of Yugoslavian animal glue and inedible gelatin to the United States, Kemija-Impex, and the period December 1, 1982 through November 30, 1983. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

##### Preliminary Results of the Review

As a result of our review, we preliminarily determine that, as provided in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 9.7 percent, based on the most recent margin for the firm, shall be required on any shipment of Yugoslavian animal glue and inedible gelatin entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this 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. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: June 28, 1984.

Alan F. Holmer,

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 84-18068 Filed 7-6-84; 8:43 am]

BILLING CODE 3510-05-M

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## Export Trade Certificate of Review

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of applications.

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

**DATE:** Comments on these applications must be submitted on or before July 30, 1984.

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

Comments should refer to these applications as "Export Trade Certificate of Review, application number 84-00024 and/or 84-00023."

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

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 48 FR 10596-10604 (Mar. 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it

from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export trade, export trade activities, and methods of operation specified in the certificate and carried out during its effective period in compliance with its terms and conditions

#### Standards for Certification

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

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,
2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,
3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and
4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

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

#### Request for Public Comments

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

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

The OETCA has received the following applications for Export Trade Certificates of Review:

Applicant: Gerhardt's Inc., 819 Central Avenue, P.O. Box 10161, Jefferson (New Orleans), LA 70181.

Application No. 84-00024.

Date Received: June 22, 1984.

Date Deemed Submitted: June 25, 1984.

Members in Addition to Applicant: Gerhardt's Inc. has three wholly owned subsidiaries: Gerhardt's, Inc., Houston, Texas; Gerhardt's Inc., Odessa, Texas and Gerhardt's International, Inc., Houston, Texas.

#### Summary of the Application

##### A. Export Trade

Gerhardt's Inc. is a Louisiana corporation, which directly or indirectly represents a number of manufacturers for the sale and service of a variety of engine-related products. The products and services Gerhardt's Inc. will export on a regular basis are: Diesel fuel injection systems; hydraulic, mechanical, pneumatic and electrical governors; automatic lubrication systems; turbochargers; starters, generators and alternators; industrial ignition; oilfield engines and parts; and engine accessories, instruments and test devices. (From time to time a variety of other products may be exported.) In addition, the applicant may provide engineering, technical, and retrofitting services and training and marketing advice concerning the products in connection with export transactions.

##### B. Export Markets

Gerhardt's Inc. is seeking certification for its export trade worldwide.

##### C. Export Trade Activities and Methods of Operation

The applicant intends to enter into exclusive or non-exclusive arrangements with various U.S. suppliers. Such agreements may include an arrangement by the applicant not to export the products of a competing supplier.

The applicant will normally purchase the products from suppliers at domestic warehouse distributors prices, but may arrange to receive lower prices from suppliers in order to compete more effectively in foreign markets.

The applicant may also enter into exclusive and non-exclusive arrangements with foreign export intermediaries. These export intermediaries may provide the applicant with information relating to export sales opportunities.

The applicant may refuse to sell products to a foreign purchaser.

Applicant: *Stone Export Trading Company ("Stonex")*, 360 N. Michigan Avenue, Chicago, Illinois 60601.

Application No. 84-00023.

Date Received: June 19, 1984.

Date Deemed Submitted: June 25, 1984.

Members in Addition to Applicant: Stone Container Corporation and other producers of unbleached kraft packaging and industrial converting paper and paperboard, semi-chemical paperboard, and combination furnish paperboard that contract to have Stonex serve as their exclusive export agent or broker.

Controlling Entity: Stone Container Corporation, 360 N. Michigan Avenue, Chicago, Illinois 60601.

##### A. Export Trade and Export Markets

Stonex intends to export, on a worldwide basis, unbleached kraft packaging and industrial converting paper and paperboard, semi-chemical paperboard and combination furnish paperboard (the "products"). To facilitate Export Trade, Stonex may take title to goods, make or specify shipping arrangements, and assume the risk of loss in shipment.

##### B. Export Trade Activities and Methods of Operation

Stonex intends to serve as an exclusive export agent or broker for Stone Container Corporation and other U.S. producers as may contract with it. Stonex proposes to exchange information with Stone Container Corporation and the other contracting producers concerning quantities of the products to be produced for export and prices to be received, market conditions and export marketing in general.

Contracts between Stonex and the producers may have one or more of the following terms, provisions or covenants:

1. Stonex may be named as the exclusive agent of any such producers for Export Trade.

2. Said producers may be prohibited from selling the products in the Export Market except through Stonex.

3. Stonex may have the right to establish the preliminary price at which the producers will sell the products to Stonex for export, and to make such adjustments and payments as it deems appropriate in light of the price received from export sales.

4. Stonex may be given the exclusive right to determine the price at which the products subject to said contracts shall be sold in the Export Market.

5. Stonex may have the right to select the producer that is to supply the products for any export sale.

6. Said contracts may fix and allocate or grant Stonex the right to fix and allocate the quantity and grade of each product to be supplied to Stonex by each producer, either directly or as a portion of Stonex's total sales for export of each product.

7. Said contracts may have a term of up to five years, and may be automatically self-renewing unless the contracting producer elects to terminate the contract by providing one year's advance notice to Stonex.

8. After the termination of its contract with Stonex, or subsequent to a producer's withdrawal therefrom, a producer may be barred from selling any product covered by said contract in Export Trade for two years or some other reasonable period.

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

Dated: July 3, 1984.

Irving P. Margulies,  
General Counsel.

[FR Doc. 84-18068 Filed 7-6-84; 8:45 am]  
BILLING CODE 3510-DR-M

[A-122-036]

### Instant Potato Granules From Canada; Preliminary Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of preliminary results of administrative review of antidumping finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on instant potato granules from Canada. The review covers the two known manufacturers and/or exporters of this merchandise to the United States currently covered by the finding and the period September 1, 1982, through August 31, 1983. The review indicates the existence of no dumping margins during the period.

As a result of the review, the Department has preliminarily determined not to assess dumping duties on sales during the period.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** July 9, 1984.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Fargo or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255.

**SUPPLEMENTARY INFORMATION:**

#### Background

On November 7 1983, the Department of Commerce ("the Department") published in the Federal Register (48 FR 51168-67) the final results of its last administrative review of the antidumping finding on instant potato granules from Canada (37 FR 20175, September 27 1972) and announced its intent to conduct its 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 shipments of instant potato granules from Canada. This merchandise is currently classifiable under items 140.5000, 140.7000, and 141.8610 through 141.8630 of the Tariff Schedules of the United States Annotated.

The review covers the two known manufacturers and/or exporters of Canadian instant potato granules to the United States currently covered by the finding, Vauxhall Foods Limited and McCain Foods Limited, and the period September 1, 1982, through August 31, 1983.

#### United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as appropriate, as defined in section 772 of the Tariff Act. Purchase price and exporter's sales

price were based on the delivered, packed price to the first unrelated U.S. purchaser with deductions, where applicable, for U.S. and Canadian inland freight, cash discounts, early payment discounts, U.S. customs duties, sales commissions to unrelated parties, and the U.S. subsidiary's selling expenses. No other adjustments were claimed or allowed.

#### Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the delivered, packed price to unrelated purchasers with adjustments, where applicable, for inland freight, cash discounts, volume rebates, and sales commissions to unrelated parties. We also made an adjustment for indirect selling expenses to offset U.S. selling expenses for ESP calculations.

No other adjustments were claimed or allowed.

#### Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that no dumping margins exist for Vauxhall Foods Limited and McCain Foods Limited for the period September 1, 1982, through August 31, 1983.

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 the administrative review including the results of its analysis of any of such comments or hearing.

The Department shall instruct the Customs Service not to assess antidumping duties on all appropriate entries.

Further, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, or any shipments of Canadian instant potato granules entered, or withdrawn from warehouse for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: July 2, 1984.  
 Alan F. Holmer,  
 Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18070 Filed 7-6-84; 8:45 am]  
 BILLING CODE 3510-DS-M

[A-588-058]

**Metal-Walled Above Ground Swimming Pools From Japan; Preliminary Results of Administrative Review of Antidumping Finding**

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of preliminary results of administrative review of antidumping finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on metal-walled above ground swimming pools from Japan. The review covers the three known manufacturers and/or exporters and one known third-country reseller of this merchandise to the United States and the period September 1, 1982 through August 31, 1983. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits of estimated antidumping duties on future entries equal to the margins calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** July 9, 1984.  
**FOR FURTHER INFORMATION CONTACT:** Laurie A. Lucksinger or Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-1130.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 30, 1983, the Department of Commerce ("the Department") published in the Federal Register (48 FR 39287-8) the final results of its last administrative review of the antidumping finding on metal-walled above ground swimming pools from Japan (42 FR 44811, Sept. 7 1977) and announced its intent to conduct immediately 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 shipments of metal-walled above ground swimming pools, currently classifiable under items 657.2590 and 774.5595 of the Tariff Schedules of the United States Annotated.

Metal-walled above ground swimming pools exported from third countries which contain walls, frames, and vinyl liners manufactured in Japan are within the scope of the finding.

The review covers the three known manufacturers and/or exporters and one known third-country reseller of Japanese metal-walled above ground swimming pools to the United States and the period September 1, 1982 through August 31, 1983. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

**Preliminary Results of the Review**

As a result of our review, we preliminarily determine that, as provided for in section 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties equal to the following percentages of the entered value shall be required.

Manufacturer/exporter	Cash deposit (percent)
Asahi Chemical Industry Co., Ltd.....	1 20.40
Senwa Sangyo Co., Ltd.....	1 72.00
Hakuyo Sangyo .....	1 72.00
Third-Country Reseller (Country): Irwin Toy, Ltd. (Canada).....	1 20.40

<sup>1</sup> No shipments during review period.

For any future entries from a new exporter not covered in this or prior reviews, whose first shipments occurred after August 31, 1983 and who is unrelated to any reviewed firm, a cash deposit of 20.40 percent shall be required. These deposits requirements are effective for all shipments of Japanese metal-walled above ground swimming pools entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this 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. The Department will publish the final results of the administrative review including

the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: June 29, 1984.  
 Alan F. Holmer,  
 Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-16069 Filed 7-6-84; 8:45 am]  
 BILLING CODE 3510-DS-M

[A-588-D68]

**Steel Wire Strand for Prestressed Concrete From Japan; Preliminary Results of Administrative Review of Antidumping Finding and Intent To Revoke In Part**

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice of preliminary results of administrative review of antidumping finding and intent to revoke in part.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan. The review covers 13 of the 14 known manufacturers and/or exporters of this merchandise to the United States currently covered by the finding and generally two consecutive periods from December 1, 1980 through November 30, 1982. The review indicates the existence of dumping margins for certain firms in particular periods.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of their sales during the periods of review. When company-supplied information was inadequate, we used the best information available for assessment and estimated antidumping duties cash deposit purposes.

The Department intends to revoke the finding with respect to Sumitomo Electric Industries, Ltd.

Interested parties are invited to comment on these preliminary results and intent to revoke in part.

**EFFECTIVE DATE:** July 9, 1984.

**FOR FURTHER INFORMATION CONTACT:** Michael Galbraith or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department

of Commerce, Washington, D.C. 20230, telephone: (202) 377-1130/5255.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 6, 1983, the Department of Commerce ("the Department") published in the Federal Register (48 FR 45586-88) the final results of its last administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan (43 FR 57599, Dec. 8, 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 shipments of steel wire strand, other than alloy steel, stress-relieved and suitable for use in prestressed concrete. Steel wire strand for prestressed concrete is currently classifiable under item 642.1120 of the Tariff Schedules of the United States Annotated.

The review covers 13 of the 14 known manufacturers and/or exporters of Japanese steel wire strand for prestressed concrete to the United States currently covered by the finding and generally two consecutive periods from December 1, 1980 through November 30, 1982. We are deferring review of Mitsui & Co., Ltd. in light of the guilty plea to customs fraud by its wholly-owned subsidiary, Mitsui & Co. (U.S.A.) Inc. We will cover that firm in a subsequent review.

Three firms did not ship Japanese steel wire strand for prestressed concrete to the United States during the periods. The estimated antidumping duties cash deposit rates for those firms will be the most recent rate for each firm. One firm, Tokyo Rope Mfg. Co., Ltd., failed to supply an adequate response to our questionnaire. For that non-responsive firm, we used the best information available to determine the assessment and estimated antidumping duties cash deposit rates. The best information available is the fair value rate for that firm.

##### United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on either the packed delivered price to unrelated purchasers in the United States or to unrelated Japanese trading companies for export to the United States, as appropriate. Where applicable, we made deductions for inland freight, f.o.b.

charges, ocean freight, and insurance. No other adjustments were claimed or allowed.

##### Foreign Market Value

In calculating foreign market value the Department used either home market price when there were sufficient quantities of such or similar merchandise sold in the home market to provide a basis for comparison, or prices to a third country (Malaysia for the period Dec. 1, 1980 through Nov. 30, 1981, and the Philippines for the period Dec. 1, 1981 through Nov. 30, 1982) when there were insufficient quantities of such or similar merchandise sold in the home market to provide a basis for comparison, both as defined in section 773 of the Tariff Act. We made adjustments, where applicable, for inland freight, rebates, differences in technical services, credit, and packing costs. We made a further adjustment, where applicable, for differences in the physical characteristics of the merchandise (differences in diameter, lead patenting, and billet-grinding). No other adjustments were claimed or allowed.

##### Preliminary Results of the Review and Intent To Revoke in Part

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Kokoku Steel Wire, Ltd./all exporters (except Mitsui & Co., Ltd.)	12/01/80-11/30/81	10
	12/01/81-11/30/82	10
Shinko Wire Co., Ltd./Mitsubishi Corp./Freysinet International	12/01/80-11/30/81	0
	12/01/81-11/30/82	10
Shinko Wire Co., Ltd./all other exporters (except Mitsui & Co., Ltd.)	12/01/80-11/30/81	0
	12/01/81-11/30/82	0
Sumitomo Electric Ind., Ltd./all exporters (except Mitsui & Co., Ltd.)	01/01/81-12/31/81	0
	01/01/82-05/20/82	10
Suzuki Metal Industry Co., Ltd./Mitsubishi Corp.	12/01/80-11/30/81	0
	12/01/81-11/30/82	0
Suzuki Metal Industry Co., Ltd./Nissho-Iwai Co., Ltd.	12/01/80-11/30/81	0
	12/01/81-11/30/82	0
Suzuki Metal Industry Co., Ltd./all other exporters (except Mitsui & Co., Ltd.)	12/01/80-11/30/81	0
	12/01/81-11/30/82	0
Teikoku Sangyo Co., Ltd./all exporters (except Mitsui & Co., Ltd.)	12/01/80-11/30/81	0
	12/01/81-11/30/82	0
Tokyo Rope Mfg. Co., Ltd.	12/01/80-11/30/81	4.5

Manufacturer/exporter	Time period	Margin (percent)
Tokyo Rope Mfg. Co., Ltd./all exporters (except Mitsui & Co., Ltd.)	12/01/80-11/30/81	4.5
	12/01/81-11/30/82	4.5

<sup>1</sup> No shipments during the period.

As a result of our review we intend to revoke the finding on steel wire strand for prestressed concrete from Japan with respect to merchandise manufactured and exported to the United States by Sumitomo Electric Industries, Ltd. Sumitomo made all sales at not less than fair value during the period April 1, 1978 through May 20, 1982, the date of our tentative determination to revoke with respect to Sumitomo. As provided for in § 353.54(e) of the Commerce Regulations, Sumitomo has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that Japanese steel wire strand for prestressed concrete manufactured and exported to the United States by Sumitomo is being sold at less than fair value. If the finding is revoked with respect to Sumitomo, it shall apply to unliquidated entries of steel wire strand for prestressed concrete manufactured and exported by Sumitomo, and entered, or withdrawn from warehouse, for consumption on or after May 20, 1982.

Interested parties may submit written comments on these preliminary results and intent to revoke in part 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 the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the most recent of the above margins shall be required for those firms. For any shipment from a new exporter not covered in this or prior

administrative reviews, whose first shipments of steel wire strand for prestressed concrete occurred after November 30, 1982 and who is unrelated to any covered firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of Japanese steel wire strand for prestressed concrete entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This administrative review, intent to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1),(c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53 and 353.54).

Dated: June 28, 1984.

Alan F. Holmer,  
Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18097 Filed 7-8-84; 8:45 am]  
BILLING CODE 3510-DS-M

### National Oceanic and Atmospheric Administration

#### Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will convene a public meeting on August 1-2, 1984, to discuss the Surf Clam and Ocean Quahog Fishery Management Plan (FMP); Striped Bass FMP; joint venture policy, and other fishery management and administrative matters. The Council also may convene a closed session to discuss employment and/or national security matters. The public meeting will take place at the Ramada Inn, Philadelphia International Airport, 76 Industrial Highway, Essington, PA; (telephone: 215-521-9600), and may be lengthened or shortened depending upon progress on the agenda items. A detailed agenda will be made available to the public around July 20, 1984.

**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. 84-18088 Filed 7-8-84; 8:45 am]  
BILLING CODE 3510-22-M

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Adjusting the Import Limits for Certain Cotton and Man-Made Fiber Textile Products From the People's Republic of China

July 3, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on July 9, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377-4212.

#### Background

A CITA directive establishing import limits for specified categories of cotton and man-made fiber textile products, including Categories 339, 340, 347/348, 445/446 and 641, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1984, was published in the Federal Register on December 22, 1983 (48 FR 58626). Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, the Government of the People's Republic of China has notified the Government of the United States of its intention to use flexibility in the form of swing to be applied to the current-year limits for these categories. The limits for Categories 333, 337, 363 and 648 are being reduced accordingly to account for swing being applied to Categories 339, 340, 347/348, 445/446 and 641.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

July 3, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,  
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 19, 1983 from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain

specified categories of cotton and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1984.

Effective on July 9, 1984, the directive of December 19, 1983 is hereby further amended to adjust the previously established levels of restraint for Categories 333, 337, 339, 340, 347/348, 363, 445/446, 641 and 648 to the following under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983:<sup>1</sup>

Category	Adjusted 12-month level of restraint <sup>1</sup>
333.....	44,330 dozen.
337.....	790,638 dozen.
339.....	973,258 dozen.
340.....	650,816 dozen.
347/348.....	1,927,749 dozen.
363.....	17,939,338 numbers.
445/446.....	270,454 dozen.
641.....	944,580 dozen.
648.....	642,833 dozen.

<sup>1</sup> The levels have not been adjusted to reflect any imports exported after December 31, 1983.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-18071 Filed 7-8-84; 8:45 am]

BILLING CODE 3510-DR-M

### COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

#### Procurement List 1984; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Additions to Procurement List.

**SUMMARY:** This action adds to Procurement List 1984 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

**EFFECTIVE DATE:** July 9, 1984.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

<sup>1</sup> The Agreement provides, in part, that (1) with the exception of Category 315, any specific limit may be exceeded by not more than 5 percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent square yard equivalent decrease in one or more other specific limits in that agreement year; (2) the specific limits for certain categories may be increased for carryforward, and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

**FOR FURTHER INFORMATION CONTACT:**  
C. W. Fletcher, (703), 557-1145.

**SUPPLEMENTARY INFORMATION:** On February 3, February 17, March 2, and March 30, 1984 the Committee for Purchase from the Blind and Other Severely Handicapped published notices [49 FR 4229, 49 FR 6145, 49 FR 7844 and 49 FR 12735] of proposed additions to Procurement List 1984, October 18, 1983 (48 FR 48415).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

- a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.
- b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.
- c. The actions will result in authorizing small entities to produce or provide commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to the Procurement List 1984:

**Class 7330**

Pad, Bakery: 7330-00-379-4439  
(For GAS Regions 1,2,4,7,9,10)

**Class 7530**

Folder, File: 7530-00-811-7469

**Class 8135**

Chupboard: 8135-00-579-8457

**Class 8415**

Cover, Helmet, Chemical Protective: 8415-01-111-9028  
(75,000 each annually)

**SIC 7349**

Janitorial Service, IRS Center, 4800 Buford Highway, Chamblee, Georgia

Janitorial Service, U.S. Post Office and U.S. Courthouse, 245 East Capitol Street, Jackson, Mississippi

E. R. Alley, Jr.,

*Acting Executive Director.*

[FR Doc. 84-18083 Filed 7-8-84; 8:45 am]

BILLING CODE 6820-33-M

**Procurement List 1984; Proposed Additions**

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed Additions to Procurement List.

**SUMMARY:** The Committee has received proposals to add to Procurement List 1984 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

**DATE:** Comments must be received on or before: August 15, 1984.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

**FOR FURTHER INFORMATION CONTACT:**  
C. W. Fletcher, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind and other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1984, October 18, 1983 (48 FR 48415):

**Class 6530**

Bag, Urine Collection: 6530-01-074-6600  
Paper Sheeting, Examination Table: 6530-00-786-4790

**Class 7520**

Marker, Tube Type: 7520-00-138-7981

**Class 7530**

Tape, Postage Meter: 7530-00-912-3924, 7530-00-912-3925

**Class 8105**

Bag, Currency (24x35½"): 8105-00-NIB-0006

**U.S. Postal Service Items**

Divider, Steel: P.S. Item No. 124-C-114, P.S. Item No. 124-C-234, P.S. Item No. 124-R-54, P.S. Item No. 124-R-114

(Requirements for USPS Western Region Only)

**SIC 7349**

Janitorial Service, Federal Building, U.S. Courthouse, 401 S.E. First Avenue, Gainesville, Florida

Janitorial/Custodial, Federal Supply Service Depot, 4100 West 76th Street, Chicago, Illinois

Janitorial Service, Gerald R. Ford Federal Building and U.S. Courthouse, 110 Michigan Street, N.W., Grand Rapids, Michigan

Janitorial Service, U.S. Post Office and Courthouse, 455 Broadway, Albany, New York

Janitorial Service, U.S. Courthouse, 68 Court Street, Buffalo, New York

Janitorial Service, Jacob K. Javits Federal Building including U.S. Court of

International Trade, 26 Federal Plaza, Centre Street Garage, 203-209 Centre Street, New York, New York

Janitorial Service, Clifford Davis Federal Building, 167 North Main Street, Memphis, Tennessee

Janitorial Service, U.S. Courthouse, 10th and Main Streets, Richmond, Virginia

E. R. Alley, Jr.

*Acting Executive Director.*

[FR Doc. 84-18082 Filed 7-8-84; 8:45 am]

BILLING CODE 6820-33-M

**DEPARTMENT OF DEFENSE****Office of the Secretary****DOD Inventory of Commercial Activity for Fiscal Year 1983**

**AGENCY:** Office of the Secretary, Defense.

**ACTION:** Notice.

**SUMMARY:** This notice announces the publication of the DoD Commercial Activities Inventory Report and Five Year Review Schedule for Fiscal Year 1983. This document may be obtained by writing to the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, referring to stock number 008-000-00404-8, and enclosing a check in the amount of \$17.00, payable to the Superintendent of Documents.

**SUPPLEMENTARY INFORMATION:** This document is published under the provisions of OMB Circular A-76, which requires the Department of Defense to publish an annual inventory report of all commercial activities, both in-house and contract support services. The OMB also requires that the Department of Defense publish a five-year schedule for reviewing all in-house and contract commercial activities. The purpose of the review is to determine whether the contract method of operation should continue or whether an in-house versus contract cost comparison should be performed to determine the most cost effective method of operation.

Dated: July 2, 1984.

M. S. Healy,

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

[FR Doc. 84-18025 Filed 7-8-84; 8:45 am]

BILLING CODE 3810-01-M

**Department of the Army****Army Science Board; Closed Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Date of meeting: Thursday & Friday, 26 & 27 July 1984

Times of meeting: 0830-1700 hours, both days (Closed)

Place: 26 July at Foreign Science and Technology Center (FSTC), Charlottesville, Virginia; 27 July at the Pentagon, Washington, DC

Agenda: The Army Science Board Ad Hoc Subgroup on Chemical/Biological Warfare Intelligence will meet on 26 July for classified briefings and discussions with FSTC CW/BW (chemical warfare/biological warfare) intelligence analysts. On 27 July a series of classified CW/BW Threat briefings will be presented to the Subgroup by various Service agencies. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,  
Administrative Officer, Army Science Board.

[FR Doc. 84-18024 Filed 7-6-84; 8:45 am]

BILLING CODE 3710-08-M

## Department of the Army Performance Review Boards

### ACTION: Notice.

**SUMMARY:** Notice is hereby given of the name of members of the Performance Review Boards for the Department of the Army for 1984.

**EFFECTIVE DATE:** June 20, 1984.

**FOR FURTHER INFORMATION CONTACT:** Carol D. Smith, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310, (202) 697-2204.

**SUPPLEMENTARY INFORMATION:** Section 4314(c)(1) through (5) of Title 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority or rating official relative to the performance of the senior executives. Each board's review and recommendation will include only those senior executive's appraisals from their respective commands or activities. A consolidated board has been established for those commands who do

not have enough senior executives to warrant the establishment of separate boards. Publication of this notice rescinds notice published in 48 FR, No. 123, dated 24 June 1983; to account for additions and deletions to the membership of those boards previously published.

The members of the Performance Review Board for the U.S. Army Materiel Development and Readiness Command are:

1. Brigadier General Jimmy D. Ross, Headquarters, U.S. Army Materiel Development and Readiness Command.
2. Major General Niles Fulwyler, U.S. Army Test and Evaluation Command.
3. Brigadier General James R. Klugh, U.S. Army Armament, Munitions and Chemical Command.
4. Brigadier General Ronald K. Anderson, U.S. Army Aviation Systems Command.
5. Brigadier General Donald R. Infante, U.S. Army Missile Command.
6. Brigadier General Claude B. Donovan, III, U.S. Army Tank-Automotive Command.
7. Ms. Marie B. Acton, HQ, U.S. Army Materiel Development and Readiness Command.
8. Mr. Burton M. Blair, HQ, U.S. Army Materiel Development and Readiness Command.
9. Mr. Edward Greiner, HQ, U.S. Army Materiel Development and Readiness Command.
10. Mr. Robert O. Black, U.S. Army Materiel Development and Readiness Command.
11. Mr. Archie D. Grummett, HQ, U.S. Army Materiel Development and Readiness Command.
12. Dr. Herbert C. Puscheck, HQ, U.S. Army Materiel Development and Readiness Command.
13. Mr. Donald R. Lathrop, U.S. Army Armament, Munition and Chemical Command.
14. Mr. Donald W. Schmitz, U.S. Army Aviation Systems Command.
15. Dr. Richard L. Haley, HQ, U.S. Army Materiel Development Readiness and Command.
16. Mr. Loren D. Diedrichsen, U.S. Army Communications-Electronics Command.
17. Mr. Dale F. Kinney, U.S. Army Depot System Command.
18. Mr. Walter W. Pattishall, U.S. Army Electronics Research and Development Command.
19. Mr. William L. Clemmons, U.S. Army Missile Command.
20. Mr. Henry B. Jones, U.S. Army Tank-Automotive Command.
21. Dr. Robert J. Byrne, U.S. Army Troop Support Command.

22. Dr. Robert E. Singleton, U.S. Army Research Office.

23. Mr. Keith A. Myers, U.S. Army Materiel Systems Analysis Activity.

24. Major General John B. Oblinger, Jr., HQ, U.S. Army Materiel Development and Readiness Command.

25. Major General Andrew H. Anderson, U.S. Army Test and Evaluation Command.

26. Brigadier General Robert W. Pointer, Jr., U.S. Army Armament, Munitions and Chemical Command.

27. Mr. James Bruce King, HQ, U.S. Army Materiel Development and Readiness Command.

28. Mr. George A. Hosler, HQ, U.S. Army Materiel Development and Readiness Command.

29. Mr. Marvin L. Hancks, U.S. Army Armament, Munitions and Chemical Command.

30. Ms. Catherine I. Hansen, U.S. Army Armament, Munitions and Chemical Command.

31. Mr. Billy R. Gilliland, U.S. Army Communications-Electronics Command.

32. Mr. Grady H. Banister, U.S. Army Test and Evaluation Command.

33. Mr. Jack R. Isom, U.S. Army Missile Command.

34. Mr. Douglas R. Newberry, U.S. Army Tank-Automotive Command.

35. Mr. Harry J. Peters, U.S. Army Test and Evaluation Command.

36. Dr. John D. Weisz, U.S. Army Human Engineering Laboratory.

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2. Mr. Michael A. Janoski, Deputy Auditor General, Army Audit Agency.

3. Mr. Thomas A. Grant, Director, Personnel and Force Management Audits, Army Audit Agency.

4. Mr. Henry J. Fischer, Director, Acquisition and System Audits, Army Audit Agency.

5. Mr. Michael R. DiFulgo, Director, Logistical & Financial Audits, Army Audit Agency.

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14. Dr. Harold F. O'Neil, Director, Training Research Laboratory, U.S. Army Research Institute for the Behavioral and Social Sciences.

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20. Mr. Leroy E. Hoole, Jr., Deputy Director of Army Budget for Budget Management, Office of the Comptroller of the Army.

21. Brigadier General Charles E. Williams, Director of Operations and Maintenance, Army, Office of the Comptroller of the Army.

22. Brigadier General Terrence L. Arndt, Deputy Comptroller of the Army for Finance and Accounting, Office of the Comptroller of the Army.

23. Mr. Wayne M. Allen, Director of Cost Analysis, Office of the Comptroller of the Army.

24. Mr. Clyde E. Jeffcoat, Jr., Deputy Director, U.S. Army Finance and Accounting Center.

25. Brigadier General Eugene Fox, Commanding General, Ballistic Missile Defense Systems Command.

26. Dr. Carl G. Davis, Director, Data Processing Directorate, Ballistic Missile Defense Advance Technology Center.

27. Mr. Jack H. Kalish, Deputy BMD Program Manager, Ballistic Missile Defense Program Office.

28. Mr. Charles N. Davidson, Technical Director, U.S. Army Nuclear Agency.

29. Mr. Martin B. Zimmerman, Deputy Assistant Chief of Staff for Auto & Comm, Office of the Deputy Chief of Staff for Operations and Plans.

30. Major General James H. Johnson, Assistant Deputy Chief of Staff for Operations and Plans.

31. Brigadier General Wayne C. Knudson, Deputy Director, Force Development, Office of the Deputy Chief of Staff for Operations and Plans.

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36. Mr. Robert Thornett, Assistant Director for Resource Management, Office of the Deputy Chief of Staff for Logistics.

37. Mr. William L. Jackson, Chief, Security Assistance Policy Coordination Office, Office of the Deputy Chief of Staff for Logistics.

38. Mr. Joseph P. Cribbins, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office, Office of the Deputy Chief of Staff for Logistics.

39. Ms. Mary Ellen Harvey, Assistant Director for Supply Management, Office of the Deputy Chief of Staff for Logistics.

40. Major General William G. T. Tuttle, Jr., Commanding General, U.S. Army Operational Test and Evaluation Agency.

41. Brigadier General Donald W. Hansen, Commanding General, U.S. Army Legal Services Agency.

42. Brigadier General James W. Shufelt, Deputy Assistant Chief of Staff for Intelligence.

43. Brigadier General Joseph L. Ecoppi, Deputy Director, U.S. Army Concepts Analysis Agency.

44. Brigadier General Connie L. Slewitzke, Chief, Army Nurse Corps, Office of The Surgeon General.

45. Mr. Woodson W. Bercaw, Deputy Director, Office of Toxic Substances, Environmental Protection Agency.

46. Mr. Joseph L. Miller, Management Evaluation & Improvement, Office, Assistant Secretary of the Army (Installations, Logistics, & Financial Management).

47. Brigadier General Lynn H. Stevens, Director, Materiel Plans and Programs, Office, Deputy Chief of Staff for Research, Development, and Acquisition.

48. Brigadier General Donald P. Whalen, Director, Weapons System, Office, Deputy Chief of Staff for Research, Development, and Acquisition.

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1. Major General Allen K. Ono, Deputy Chief of Staff for Personnel, Admin & Log. HQ Training and Doctrine Command.

2. Mr. Larry C. Hanson, Assistant Deputy Chief of Staff for Resource Management, U.S. Army Training and Doctrine Command.

3. Major General Robert H. Forman, Chief of Staff, U.S. Army Training and Doctrine Command.

4. Major General James E. Drummond, Commander, U.S. Army TRADOC Combined Arms Test Activity and Deputy Chief of Staff for Test and Evaluation, TRADOC.

5. Mr. Walter N. Howell, Civilian Personnel Director, U.S. Army Training and Doctrine Command.

6. Lieutenant General Robert L. Bergquist, Commanding General, U.S. Army Logistics Center.

7. Mr. Leon F. Goode, Jr., Director, TRADOC System Analysis Activity.

8. Mr. Darrell Collier, Scientific Advisor, TRADOC Combined Arms Test Activity.

9. Mr. Wilbur B. Payne, Director, TRADOC Operations Research Activity.

10. Mr. Arthur C. Christman, Jr., Scientific Advisor ODCS for Combat Development, U.S. Army Training and Doctrine Command.

11. Dr. Marion R. Bryson, Scientific Advisor, Combat Development Experimentation Command, U.S. Army Training and Doctrine Command.

12. Major General William G. O'Leary, Deputy Chief of Staff for Personnel, U.S. Army Forces Command.

13. Brigadier General John M. Brown, DCS Comptroller, U.S. Army Forces Command.

14. Mr. William S. Fraum, Civilian Personnel Director, U.S. Army Forces Command.

15. Mr. William M. Wilkinson, Deputy Comptroller, U.S. Army Forces Command.

16. Brigadier General Bruce R. Harris, Commanding General, U.S. Army Communications System Agency, U.S. Army Communications Command.
  17. Mr. Leonard J. Mabius, Senior Technical Director/Chief Engineer, U.S. Army Communications Command.
  18. Mr. Feliciano Giordano, Technical Director, U.S. Army Communications Systems Agency.
  19. Major General Archie S. Cannon, Jr., Deputy Chief of Staff for Personnel, U.S. Army, Europe.
  20. Mr. Andrew F. Foreman, Assistant Deputy Chief of Staff, Personnel (Civilian Personnel), United States Army, Europe.
  21. Brigadier General Donald C. Smith, USAF Vice Commander, Headquarters, Military Traffic Management Command.
  22. Mr. Phillip G. Hillen, Senior Transportation Advisor, Headquarters, Military Traffic Management Command.
  23. Mr. Allen J. Dowd, Special Assistant for Transportation Engineering, Headquarters, Military Traffic Management Command.
  24. Mr. Lee G. Wentling, Jr., Director for Joint Forces & Strategy, U.S. Army Concepts Analysis Agency.
  25. Dr. Robert G. Priddy, Special Assistant to the ACSI, Office of the Assistant Chief of Staff for Intelligence.
  26. Mr. Isaac E. Barbre, Director, Audit Policy, Plans and Resources, Army Audit Agency.
  27. Ms. Joann H. Langston, Director, Study Program Management Office, Office of the Chief of Staff, Army.
  28. Major General Carl H. McNair, Jr., Deputy Chief of Staff for Combat Development, HQ, Training and Doctrine Command.
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1. Major General Edward J. Huycke, M.D., Deputy Surgeon General.
  2. Major General H. Thomas Chandler, D.D.S., Assistant Surgeon General for Dental Services/Director of Personnel.
  3. Major General Garrison Rapmund, M.D., Commander, U.S. Army Medical Research and Development Command.
  4. Brigadier General Girard Seitter, III, M.D., Director of Health Care Operations.
  5. Brigadier General Thomas M. Geer, M.D., Director of Professional Services.
  6. Brigadier General Frank A. Ramsey, Assistant for Veterinary Services/Chief, Veterinary Corps, Office of The Surgeon General.
  7. Dr. Gunter F. Bahr, M.D., Chairman, Department of Cellular Pathology, Armed Forces Institute of Pathology.
  8. Dr. Louis S. Baron, PhD, Chief, Department of Bacterial Immunology, Walter Reed Army Institute of Research.
  9. Dr. William R. Beisel, M.D., Deputy for Science, U.S. Army Medical Research Institute of Infectious Diseases.
  10. Dr. Daniel H. Connor, M.D., Chairman, Department of Infectious and Parasitic Disease Pathology, Armed Forces Institute of Pathology.
  11. Dr. Bhupendra P. Doctor, PhD, Director, Division of Biochemistry, Walter Reed Army Institute of Research.
  12. Dr. Franz M. Enzinger, M.D., Chairman, Department of Soft Tissue Pathology, Armed Forces Institute of Pathology.
  13. Dr. Samuel B. Formal, PhD, Chief, Department of Bacterial Diseases, Walter Reed Army Institute of Research.
  14. Dr. Elson D. Helwig, M.D., Chairman, Department of Skin and Gastrointestinal Pathology, Armed Forces Institute of Pathology.
  15. Dr. Nelson S. Irey, M.D., Chairman, Department of Environmental and Drug Induced Pathology, Armed Forces Institute of Pathology.
  16. Dr. Kamal G. Ishak, M.D., Chairman, Department of Hepatic Pathology, Armed Forces Institute of Pathology.
  17. Dr. Frank B. Johnson, M.D., Chairman, Department of Chemical Pathology, Armed Forces Institute of Pathology.
  18. Dr. Karl M. Johnson, M.D., Program Director, Hazardous Viruses, U.S. Army Medical Research Institute of Infectious Diseases.
  19. Dr. Arthur D. Mason, Jr., M.D., Chief, Laboratory Division, U.S. Army Institute of Surgical Research.
  20. Dr. Fathollah K. Mostofi, M.D., Chief, Laboratory Division, U.S. Army Institute of Surgical Research.
  21. Dr. Henry J. Norris, M.D., Chairman, Department of Gynecologic and Breast Pathology, Armed Forces Institute of Pathology.
  22. Dr. Howard E. Noyes, PhD, Associate Director for Research Management, Walter Reed Army Institute of Research.
  23. Dr. Donald E. Sweet, M.D., Chairman, Department of Orthopedic Pathology, Armed Forces Institute of Pathology.
  24. Dr. James A. Vogel, PhD, Director, Exercise Physiology Division, U.S. Army Research Institute of Environmental Medicine.
- The members of the U.S. Army Corps of Engineers Performance Review Board are:
1. Major General Richard M. Wells, Deputy Commander, U.S. Army Corps of Engineers.
  2. Brigadier General C. E. Edgar III, Deputy Director, Civil Works, HQ, U.S. Army Corps of Engineers.
  3. Brigadier General Forrest T. Gay III, Commander, U.S. Army Engineer Division, Missouri River.
  4. Brigadier General Mark J. Sisnyak, Commander, Missouri River Division.
  5. Brigadier General George K. Withers, Jr., Deputy Assistant Chief of Engineers for Facilities and Housing, HQ, U.S. Army Corps of Engineers.
  6. Mr. Fred H. Bayley III, Chief, Planning Division, Lower Mississippi Valley Division, Vicksburg, MS.
  7. Mr. Kisuk Cheung, Chief, Engineering Division, Pacific Ocean Division, Ft Shafter, HI.
  8. Mr. Lloyd A. Duscha, Deputy Director, Directorate of Engineering & Construction, HQ, U.S. Army Corps of Engineers.
  9. Mr. Lester Edelman, Chief Counsel, HQ, U.S. Army Corps of Engineers.
  10. Mr. Cecil G. Goad, Chief, Operations & Readiness Division, Directorate of Civil Works, HQ, U.S. Army Corps of Engineers.
  11. Mr. Richard B. Gomez, Physical Scientist (Atmospheric Science) Directorate of Research and Development, HQ, U.S. Army Corps of Engineers.
  12. Mr. John Harrison, Chief, Environmental Laboratory, Waterways Experiment Station.
  13. Mr. Alfred P. Hutchison, Chief, Construction-Operations Division, Southwestern Division, Dallas, TX.
  14. Mr. Bory Steinberg, Chief, Programs Division, Directorate of Civil Works, HQ, U.S. Army Corps of Engineers.
  15. Mr. Achiel E. Wanket, Chief, Engineering Division, U. S. Army Engineer Division, South Pacific Division.
- The members of the Performance Review Board for the Office, Secretary of the Army are:
1. Mr. Robert K. Dawson, Principal Deputy Assistant Secretary (Civil Works), Office, Assistant Secretary of the Army (Civil Works).
  2. Brigadier General Charles D. Bussey, Deputy Chief of Public Affairs, Office Chief of Public Affairs.
  3. Ms. Juanita P. Watts, Director, Office of Small and Disadvantaged Business Utilization, Office, Secretary of the Army.
  4. Mr. Kenneth P. Bergquist, Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs), Office, Assistant Secretary of the Army (Manpower and Reserve Affairs).

5. Mr. Dick M. Lester, Chief, Forces and Readiness, Office Under Secretary of the Army (Operations Research).

6. Mr. Peter Stein, Deputy Administrative Assistant to the Secretary of the Army, Office, Secretary of the Army.

7. Mr. Stanley N. Nissel, Deputy General Counsel (Logistics), Office, General Counsel.

8. Mr. Joseph L. Miller, Deputy for Management Evaluation and Improvement, Office, Assistant Secretary of the Army (Financial Management).

9. Mr. Jack E. Hobbs, Deputy for Management and Programs, Office, Assistant Secretary of the Army (Research, Development and Acquisition).

10. Mr. Paul W. Johnson, Deputy for Installations and Housing, Office, Assistant Secretary of the Army (Installations and Logistics).

11. Ms. Eileen Siedman, Technical Advisor to the Inspector General, Department of Commerce.

Carol D. Smith,  
Chief, Senior Executive Service Office.

[FR Doc. 84-18169 Filed 7-8-84; 8:45 am]

BILLING CODE 3710-08-M

**SUMMARY:** On April 23, 1984 an application notice establishing closing dates for transmittal of applications for certain discretionary grant programs under the Handicapped Children's Early Education Program was published at 49 FR, pp. 16966-16967

On page 16967 first column, fourth paragraph from the top, under *Planning Grants*, the first sentence is changed to read "This grant is available for a maximum of two years"

Dated: July 3, 1984.

Madeleine Will,  
Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 84-18058 Filed 7-8-84; 8:45 am]

BILLING CODE 4000-01-M

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket Nos. ST80-299-002, et al.]

**Acadian Gas Pipeline Corp., et al., Extension Reports**

July 2, 1984.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. Three other symbols are used for transactions pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations. A "G(HS)" indicates transportation, sale or assignments by a Hinshaw pipeline; A "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before July 27, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

**DEPARTMENT OF EDUCATION**

**Office of Special Education and Rehabilitative Services**

**Handicapped Children's Early Education Program**

**AGENCY:** Department of Education.

**ACTION:** Correction—Handicapped Children's Early Education Program under Section 623 of Part C of the Education of the Handicapped Act, as amended; Application Notice for Transmittal of New Applications for Fiscal Year 1984.

Docket No.	Transporter/seller	Recipient	Dated filed	Part 284 subpart	Effective date
*ST80-299-002	Acadian Gas Pipeline Corp., 1200 Milam, Suite 2700, Houston, TX 77002	Louisiana Industrial Gas Supply System	06-08-84	C	08-01-84
ST81-71-002	Delhi Gas Pipeline Corp., 1700 Pacific Ave., Dallas, TX 75201	Transcontinental Gas Pipe Line Corp.	06-06-84	C	10-02-84
ST82-94-003	Colorado Interstate Gas Co., P.O. Box 1087, Colorado Springs, CO 80344	Tennessee Gas Pipeline Co.	06-01-84	G	09-01-84
ST82-296-001	Shreveport Intrastate Gas Transmission, Ltd., 209 Texas St., Shreveport, LA 71101	United Gas Pipe Line Co.	06-11-84	C	09-17-84
ST82-465-001	Louisiana Resources Co., P.O. Box 3102, Tulsa, OK 74101	Faustina Pipe Line Co.	06-14-84	C	09-17-84
ST82-469-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Northern Natural Gas Co.	06-15-84	G	09-15-84
ST82-470-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Northern Natural Gas Co.	06-15-84	G	09-15-84
ST82-471-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Northern Natural Gas Co.	06-15-84	G	09-15-84
ST82-472-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Northern Natural Gas Co.	06-15-84	G	09-15-84
ST82-474-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Northern Natural Gas Co.	06-15-84	G	09-15-84
ST82-477-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Northern Natural Gas Co.	06-15-84	G	09-15-84
ST82-479-001	Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301	Louisiana Intrastate Gas Corp.	06-15-84	B	09-16-84
ST82-482-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Tennessee Gas Pipeline Co.	06-08-84	C	09-23-84
ST82-485-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	United Gas Pipe Line Co.	06-15-84	G	09-14-84
ST83-10-001	El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978	Pacific Interstate Transmission Co.	06-01-84	G	09-01-84
ST83-30-001	Producer's Gas Co., 4925 Greenville Ave., Dallas, TX 75206	El Paso Hydrocarbons Co.	06-13-84	B	09-13-84
ST83-50-001	Producer's Gas Co., 4925 Greenville Ave., Dallas, TX 75206	Florida Gas Transmission Co.	06-07-84	C	09-16-84
ST83-51-001	Southern Natural Gas Co., P.O. Box 2563, Birmingham, AL 35202	Panhandle Eastern Pipe Line Co.	06-07-84	C	09-24-84
ST83-78-001	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77001	Texas Eastern Transmission Corp.	06-07-84	G	10-20-84
ST83-84-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Northern Natural Gas Co.	06-13-84	G	10-21-84
ST83-141-001	Producer's Gas Co., 4925 Greenville Ave., Dallas, TX 75206	United Gas Pipe Line Co.	06-12-84	G	09-13-84
		ANR Pipe Line Co.	06-07-84	C	11-01-84

Docket No.	Transporter/seller	Recipient	Dated filed	Part 284 subpart	Effective date
*ST83-200-001.....	Houston Pipe Line Co., 1200 Travis, Box 1188, Houston, TX 77001.....	El Paso Natural Gas Co.....	06-06-84	C	09-01-84
*ST83-201-001.....	Oasis Pipe Line Co., 1200 Travis, Box 1188, Houston, TX 77001.....	El Paso Natural Gas Co.....	06-06-84	C	09-01-84

\*These extension reports were filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.  
 Note.—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 84-18001 Filed 7-6-84; 8:45 am]  
 BILLING CODE 6717-01-M

[Docket No. CP84-454-000]

**ANR Pipeline Co., Request for Blanket Authorization**

July 2, 1984.

Take notice that on June 1, 1984, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84-454-000 a request, pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205), that ANR proposes to transport natural gas for The Dow Chemical Company (Dow), an eligible end-user, at Dow's facility near Freeport, Brazoria County, Texas, under the authorization issued in Docket No. CP82-480-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is stated that the transportation service would be provided pursuant to a transportation agreement dated January 18, 1984 among ANR, Dow, and Funk Exploration, Inc. (Funk), an eligible seller. ANR submits that Dow has entered into a gas purchase agreement dated April 27, 1984, with Funk for the purchase of natural gas. ANR states that, to effectuate delivery of the purchased volumes, ANR commenced transportation services on behalf of Dow on February 27, 1984, pursuant to the automatic 120-day authority granted at § 157.209(e)(1) of the Regulations and has agreed, subject to approval, to provide transportation services for Dow of up to 25,000 dt equivalent of natural gas per day (the contract quantity) through June 30, 1985. ANR states that pursuant to the agreement dated January 18, 1984, Dow would cause Funk to tender the purchased gas to ANR for Dow's account through its affiliate, Funk Fuels Corporation (FFC), at an existing interconnection with FFC in Texas County, Oklahoma. It is stated that ANR would transport and deliver the purchased volumes to Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), for Dow's account at the existing interconnection of the pipeline systems of ANR and Northern at Greensburg, Kansas. ANR submits that

Northern would provide additional transportation service for Dow.

ANR further states that it would charge 9.9 cents per dt equivalent of natural gas per day for all gas transported and delivered to Northern for Dow's account.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,  
 Secretary.

[FR Doc. 84-18002 Filed 7-6-84; 8:45 am]  
 BILLING CODE 6717-01-M

[Docket No. QF84-365-000]

**The Arbutus Corp., Application for Commission Certification of Qualifying Status of a Small Power Production Facility**

July 2, 1984.

On June 15, 1984, the Arbutus Corporation (Applicant), of 4041 MacArthur Boulevard, Suite 230, Newport Beach, California 92660 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 7 megawatt wind facility will be located near Palm Springs, California in Riverside County. There will be no use in the facility of natural gas, oil or coal.

Any person desiring to be heard or objecting to the granting of qualifying

status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
 Secretary.

[FR Doc. 84-18003 Filed 7-6-84; 8:45 am]  
 BILLING CODE 6717-01-M

[Docket No. ER84-499-000]

**Connecticut Light and Power Co., Filing**

July 2, 1984.

The filing Company submits the following:

Take notice that on June 18, 1984, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated November 12, 1983 between: (1) CL&P and Western Massachusetts Electric Company (WMECO and together with CL&P the NU Companies) and (2) Massachusetts Municipal Wholesale Electric Company (MMWEC).

CL&P states that the Transmission Agreement provides for transmission services to MMWEC's participant municipal electric systems for the wheeling of their purchases for the City of Holyoke, Massachusetts Gas and Electric Department (HG&E) of an entitlement in Holyoke Unit No. 10 during the period from November 12, 1983 to September 30, 1984.

CL&P further states that the transmission charge rate is a weekly rate equal to one-fifty-second of the estimated annual average cost of

transmission service on the electric transmission system of the NU Companies determined in accordance with Appendix A and Exhibits I, II and III thereto, of the Transmission Agreement. The weekly transmission charge is determined by the product of: (i) The transmission charge rate (\$/kW-week), and (ii) the number of kilowatts MMWEC is entitled to receive during such week. The weekly transmission charge is reduced by up to 50% to give due recognition for payments made by MMWEC to other electric utility systems for providing transmission service.

CL&P requests an effective date of November 12, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon WMECO and MMWEC.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-18004 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP84-489-000]

### El Paso Natural Gas Co., Request Under Blanket Authorization

July 2, 1984.

Take notice that on June 14, 1984, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP84-489-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that El Paso proposes: (1) To abandon the existing certificated sale to the City of Morton (Morton) for resale to E. C. White, Jr., a right-of-way grantor and (2) to initiate the delivery of natural gas to Westar Transmission Company (Westar) for resale to E. C. White, Jr., through the utilization of the existing tap and valve assembly located in Hockley County, Texas, under the authorization issued in

Docket No. CP82-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that by Commission order issued November 11, 1975, in Docket No. CP76-75, El Paso was granted authorization *inter alia*, to construct and operate a 1-inch O.D. tap and valve assembly on El Paso's existing 24-inch O.D. Dumas-Eunice pipeline located in Hockley County, Texas, and provide natural gas service for domestic use and pumping purposes, through Morton, the distributor in the area, to E. C. White, Jr., a right-of-way grantor of El Paso. It is further stated that deliveries to Morton at the E. C. White, Jr. tap were made pursuant to the currently effective service agreement dated December 15, 1974, as amended (service agreement), which provides, *inter alia*, for the sale and delivery of natural gas to Morton for resale and distribution in and about the City of Morton, Texas, and environs.

El Paso states that E. C. White, Jr. has elected to change from the current natural gas distributor, Morton, to distribution of natural gas by Energas Company (Energas). Due to the change in distribution companies, El Paso further states it has received a written request from Westar for natural gas service, to be provided by Energas, through the existing tap facility previously utilized by Morton to serve E. C. White, Jr.

To accommodate Westar's request, El Paso proposes to abandon the existing certificated sale to Morton which is presently rendered by El Paso and initiate the delivery of natural gas to Westar for resale to E. C. White, Jr., through Energas. It is stated that such deliveries are proposed to be made through the utilization of the existing 1-inch O.D. tap and valve assembly (E. C. White, Jr. Tap), on El Paso's existing 24-inch O.D. Dumas-Eunice pipeline in Hockley County, Texas. It is averred that no new or additional facilities would be required by El Paso in order to serve Westar. It is further averred that El Paso would not incur any new or additional costs in undertaking the proposed activities. El Paso states that the volumes of natural gas to be sold to Westar at the E. C. White, Jr. Tap would be delivered at a pressure of 150 psig. El Paso further states that Energas would install a meter and regulator, with necessary appurtenances, for measurement of deliveries to the E. C. White, Jr. Tap.

It is averred that the quantities of natural gas to be delivered would be sold by El Paso to Westar for resale to E. C. White, Jr., in order to accommodate

existing Priority 2(a) requirements. It is further averred that the Priority 2(a) service would not alter Westar's entitlements under El Paso's permanent allocation plan approved in Docket No. RP72-6, *et al.*, which was placed into operation on May 1, 1981. In addition, it is submitted that the continued sale of natural gas is permitted by and consistent with the high-priority load growth provisions set forth in Section 11.5(b), *Growth Provision*, of the General Terms and Conditions contained in El Paso's FERC Gas Tariff, First Revised Volume No. 1.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-18005 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP84-490-000]

### El Paso Natural Gas Co., Request Under Blanket Authorization

July 2, 1984.

Take notice that on June 14, 1984, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP84-490-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205), that El Paso proposes to install and operate a sales tap and valve assembly to be located in Lea County, New Mexico, in order to permit the delivery of natural gas to Southern Union Gas Company (SUG) for resale to Parabo, Inc. (Parabo), under the authorization issued in Docket No. CP82-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is stated that El Paso presently sells and delivers natural gas to SUG for

distribution and resale to consumers situated in various communities and areas in the State of New Mexico, pursuant to a service agreement dated February 1, 1970 (service agreement), between El Paso and SUG.

It is further stated that El Paso has received a written request from SUG for natural gas service at a location on El Paso's existing 16-inch O.D. Fullerton Loop pipeline in Lea County, New Mexico. It is averred that the requested quantities of natural gas would be utilized as boiler fuel requirements of Parabo associated with the reclamation and treatment of waste crude oil.

To accommodate the subject request for natural gas service, El Paso proposes to install one 1-inch O.D. sales tap and valve assembly on El Paso's existing 16-inch O.D. Fullerton Loop pipeline. The volumes of natural gas to be sold to SUG at the proposed tap would be delivered at a pressure of 150 psig. It is stated that SUG would install a meter and regulator, with appurtenances, for measurement of deliveries to Parabo. SUG has projected that the estimated annual and maximum peak day deliveries required to serve Parabo during the third full year of service are 96,000 Mcf per year and 266 Mcf per day.

El Paso states that the additional quantities of natural gas to be delivered would be sold by El Paso to SUG for resale to Parabo to accommodate projected Priority 3 requirements. El Paso submits that the anticipated Priority 3 load growth would be accommodated within the Monthly Average Day End Use Profiles that currently limit the quantities available to SUG from El Paso for service to Priority 3 requirements under the operation of El Paso's Permanent Allocation Plan, which is set forth on Original Sheet No. 527 of El Paso's FERC Gas Tariff, First Revised Volume No. 1. El Paso states that it believes that the proposed sale of natural gas to SUG at the Parabo Tap would have a negligible effect upon its peak day and annual deliveries.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for

filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 84-18006 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER84-497-000]

**Kansas City Power & Light Co., Filing**

July 2, 1984.

The filing Company submits the following:

Take notice that on June 18, 1984, Kansas City Power & Light Company (KCPL) tendered for filing the following thirteen initial schedules for new transmission services to Union Electric Company, Kansas Power and Light Company, and the Cities of Garnett, Osawatome, and Ottawa, Kansas: Supplements No. 4 and 5 to Service Schedule V (KCPL Rate Schedule FPC No. 63) for delivery of power and energy at 161 kv to Union Electric Company's Excelsior Springs delivery point; Service Schedules F-1 and F-2 (KCPL Rate Schedule FERC No. 55) for delivery of power and energy at 161 Kv from Empire District Electric Company to Kansas Power and Light Company; Service Schedules E-MPA-4, E-MPA-5 and E-MPA-6 (KCPL Rate Schedule FPC No. 78) for delivery of power and energy at 34.5 Kv from Empire District Electric Company to the City of Garnett, Kansas; Service Schedules E-MPA-4, E-MPA-5 and E-MPA-6 (KCPL Rate Schedule FPC No. 77) for delivery of power and energy at 34.4 Kv from Empire District Electric Company to the City of Osawatome, Kansas; and Service Schedules E-MPA-5, E-MPA-6, and E-MPA-8 (KCPL Rate Schedule FERC No. 90) for delivery of power and energy at 34.5 Kv from Empire District Electric Company to the City of Ottawa, Kansas.

KCPL states that the rates for the services covered by the above mentioned schedules are and will be KCPL's rates and charges for similar services in effect during the periods covered by the schedules. KCPL states that the transmission services to be provided to Union Electric under Supplement No. 5 to Service Schedule V to KPL under Service Schedule F-2, to Garnett under Service Schedule E-MPA-6, to Osawatome under Service Schedule E-MPA-6, and to Ottawa under Service Schedule E-MPA-7 are the same rates and charges for similar transmission services proposed in the Joint offer of Settlement submitted on May 31, 1984 in Docket No. ER83-665-

000. Service under those schedules will commence when service is begun under the schedules submitted with that Joint Offer of Settlement upon its acceptance and approval by the Commission. KCPL requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 or the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 84-18007 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP84-497-000]

**Mississippi River Transmission Corp.,  
Request Under Blanket Authorization**

July 2, 1984.

Take notice that on June 18, 1984, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP84-497-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that MRT proposes to abandon in place a 4-inch lateral pipeline used to transport gas for Arkansas Louisiana Gas Company (Arkla) and to construct and operate a new 6-inch pipeline near Monticello, Drew County, Arkansas, as a replacement for the pipeline to be abandoned under authorization issued in Docket No. CP82-489-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

MRT states that it currently provides service to Arkla at Monticello, Arkansas, by means of 6.12-mile, 4-inch pipeline that is 55 years old and that the pipeline is mechanically joined and badly deteriorated and in need of replacement. MRT proposes to construct and operate 5.42 miles of new 6-inch pipe and 0.70 mile of 4-inch pipe using

the existing right-of-way of the 4-inch pipeline to be abandoned in place.

MRT states the new pipeline would alleviate an excessive pressure drop in the old line and provide for potential increased demand anticipated in the Monticello service area.

MRT estimates the total cost of the replacement project would be \$500,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-16033 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER84-416-000]

**Nevada Power Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Granting Summary Judgment, and Establishing Hearing Procedures**

Issued: June 29, 1984.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa and Oliver G. Richard III.

On May 1, 1984, Nevada Power Company (NPC) submitted for filing a proposed two-step increase in its rates to CP National Corporation (CP National). NPC is also proposing two separate rates, one for CP National's load in Nevada and one for its load in California. The proposed Phase I rates would produce increased revenues of approximately \$1.2 million (40.3%) for the twelve month test period ending February 28, 1985. The Phase II rates would result in an additional increase of about \$170,000 (5.95%). NPC requests an effective date of July 1, 1984, for the Phase II rates. If, however, the Phase II rates are suspended for five months, NPC requests that the Phase I rates be

<sup>1</sup> See Attachment A for rate schedule designations.

made effective, subject to refund, during the suspension of the Phase II rates.

Notice of NPC's filing was published in the Federal Register with comments or motions to intervene due on or before May 23, 1984. Timely motions to intervene were filed jointly by CP National and its customer, the City of Needles, California (Needles), and by the Nevada Attorney General's Office of Advocate for Customers of Public Utilities (Nevada Advocate). The Public Service Commission of Nevada filed a timely notice of intervention. Neither the Nevada Advocate nor the Nevada Commission has raised any substantive issues.

CP National and Needles protest the filing, request a five month suspension, and seek summary judgment with respect to two issues. The allege that summary disposition is warranted with regard to: (1) NPC's proposal to exclude from the wholesale cost of service the costs related to its purchases of low cost hydroelectric power from the Federal Hoover Dam project; and (2) NPC's inclusion of Electric Power Research Institute (EPRI) dues in the wholesale cost of service. In support of their request for a maximum suspension, the intervenors contend that NPC has: (1) Utilized incorrect allocation of income taxes; (2) improperly excluded Hoover Project costs from its cost allocation study; (3) failed to include a revenue credit for interruptible sales; (4) claimed excessive cash working capital; (5) improperly functionalized A&G expenses; (6) claimed excessive fuel inventory; and (7) used an improper wholesale demand allocation factor. Additionally, the intervenors claim that NPC has improperly proposed separate rate schedules for CP National's loads in Nevada and in California, and has improperly implemented the rate design for the two schedules.

On June 7, 1984, NPC filed a response to the motions for summary judgment of CP National and Needles. NPC acknowledges that summary disposition is appropriate with respect to EPRI contributions, but requests that the Commission deny summary judgment as to the company's allocation of Hoover Project costs. While conceding the existence of company-specific precedent contrary to its position, NPC contends that it should be permitted to relitigate this issue. NPC has also responded to certain of the intervenors' cost of service challenges and asserts that a five month suspension is not warranted.

**Discussion**

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the

unopposed notice and motions to intervene serve to make the Nevada Commission, CP National, Needles, and the Nevada Advocate parties to this proceeding.

As noted, CP National and Needles have requested summary disposition with respect to NPC's exclusion of low-cost purchases from the Hoover Project from its cost allocation study and from its fuel adjustment clause. First, we note that the company's proposed exclusion of hydro costs from its fuel clause calculations is contrary to our fuel clause regulations, 18 CFR 35.14. Furthermore, in Opinion Nos. 768 and 768-A, issued July 7, 1976, and September 3, 1976,<sup>2</sup> and in three succeeding NPC rate cases,<sup>3</sup> the Commission has required the company to roll-in the costs associated with Hoover Project power. The Commission's action was subsequently affirmed by the United States Court of Appeals for the Ninth Circuit.<sup>4</sup> NPC argues that the issue presented in the instant docket "is not precisely the same as the issues previously decided." However, NPC has presented no new facts or evidence. Rather, its alleged "new" issue is simply an argument that "good regulatory policy" supports NPC's position.

This Commission has followed the principle "[i]t is contrary to sound administrative practice and a waste of resources to relitigate issues in succeeding cases once those issues have been finally determined." *Central Kansas Power Company, Inc.*, Docket No. ER76-533, 5 FERC ¶ 61,291 61,621 (1978). Here, the Commission is confronted with a series of company-specific decisions precluding the treatment advocated by NPC and, while the company infers that some factual issue remains to be decided, it has suggested no changed circumstances to justify a departure from the consistent precedent. Therefore, we shall grant the intervenors' request for summary disposition.

Summary disposition is also warranted, as conceded by NPC, with regard to the inclusion of EPRI contributions in the wholesale cost of service. In addition, two other matters are ripe for summary action. First, we note that NPC has used a

<sup>2</sup> *Nevada Power Company*, Docket No. E-6721, 55 FPC 84 (1976), *aff'd on reh'g* 55 FPC 1356 (1976).

<sup>3</sup> *Nevada Power Company*, Docket No. ER76-875, 3 FERC ¶ 61,273 (1978); *Nevada Power Company*, Docket No. E-8104, 53 FPC 1011 (1977); and *Nevada Power Company*, Docket No. ER76-49, 53 FPC 62 (1977).

<sup>4</sup> *Nevada Power Co. v. FPC*, 553 F.2d 1602 (9th Cir. 1976).

nonsynchronized interest expense deduction in its income tax calculations. Our consistent precedent requires that the interest deduction be calculated as the product of the utility's weighted long-term debt cost and the allocated rate base.<sup>5</sup> Second, NPC has reflected the amortizable portion of its investment tax credits as an addition to its income tax calculation rather than a subtraction. Investment tax credits represent a reduction to the company's tax liability, and the ratable portion must be deducted from the income tax allowance. We shall require NPC to file revised cost of service statements and revised rates incorporating each of the adjustments discussed.

Our preliminary review of NPC's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we explained that where our preliminary review indicates that a proposed increase may be unjust and unreasonable, and may be substantially excessive, as defined in *West Texas*, we would generally impose a maximum suspension. Here, our preliminary examination indicates that both the Phase I and II rates, after summary disposition, may be substantially excessive. Accordingly, we shall suspend the Phase II rates for five months. Because it was the company's stated intent to have the Phase I rates in place only during any suspension of the Phase II rates and because both increases would otherwise be suspended for the same period, we shall deem the Phase I rates to have been withdrawn.

*The Commission orders*

(A) Summary disposition is hereby ordered, as discussed above, with respect to: (1) The exclusion of Hoover Project costs from NPC's cost allocation study and from its fuel adjustment clause; (2) the inclusion of EPRI contributions in NPC's wholesale cost of service; (3) failure to synchronize interest expense for tax purposes; and (4) addition of investment tax credits to the income allowance. Within thirty (30) days of the date of this order, NPC shall file revised rates and cost support statements to reflect these adjustments.

<sup>5</sup> E.g., *Gulf States Utilities Company*, Docket No. ER82-375-000, 20 FERC ¶ 61,039 (1982).

(B) NPC's Phase II rates are hereby accepted for filing, as modified by Paragraph (A) above, and are suspended for five months from 60 days after filing to become effective on December 1, 1984, subject to refund. NPC's proposed Phase I rates are deemed withdrawn.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of NPC's rates.

(D) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

**Attachment A**

*Nevada Power Company Rate Schedule Designations Docket No. ER84-416-000*  
*Designation and Description*

- (1) Supplement No. 13 to Rate Schedule FPC No. 1 (Supersedes Supplement No. 1 to Supplement No. 11)—Phase II-Schedule CPN-CP National Nevada
- (2) Supplement No. 14 to Rate Schedule FPC No. 1—Phase II-Schedule CPN-CP National California

[FR Doc. 84-18009 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER84-498-000]

**Pacific Power & Light Co., Filing**

July 2, 1984.

The filing Company submits the following:

Take notice that on June 18, 1984, Pacific Power & Light Company (Pacific) tendered for filing the Two-Way Operation and Maintenance Agreement (Agreement) dated September 14, 1983, between Pacific and the Bonneville Power Administration (Bonneville). The Agreement provides for a reciprocal arrangement, between Pacific and Bonneville, for the operation and maintenance of electrical transmission and substation facilities owned by one party and installed in the system of the other party.

Pacific requests an effective date of July 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Washington Utilities and Transportation Commission, the Oregon Public Utility Commissioner and Bonneville Power Administration.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-18010 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER84-500-000]

**Southern California Edison Co., Filing**

July 2, 1984.

The filing Company submits the following:

Take notice that on June 18, 1984, Southern California Edison Company (Edison) tendered for filing a Letter Agreement amending the Edison-Anaheim Interruptible Transmission Service Agreement ("Agreement"), which has been executed by Edison and the City of Anaheim, California ("Anaheim").

Edison states that a Letter Agreement provides for the addition of Vincent Substation 500 kV bus as an additional Point of Receipt and also clarifies two

other matters associated with the Agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Anaheim, California.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-18011 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

[Project Nos. 6341-001, et al.]

#### Hydroelectric Applications (Bibb County, Ga. and Columbia, Tenn., Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: 5 MW Exemption.

b. Project No: 6341-001.  
c. Date Filed: March 1, 1984.  
d. Applicant: Bibb County, Georgia.  
e. Name of Project: Lake Tobesofkee Hydroelectric Project.  
f. Location: On Tobesofkee Creek, Macon County, Georgia.  
g. Filed Pursuant to: Section 403 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 *as amended*).

h. Contact Person: Mr. Emory Greene, Chairman, Bibb County Commission, Bibb County Courthouse, Macon, Georgia 31201.

1. Comment Date: August 6, 1984.  
j. Description of Project: The proposed project is owned by Bibb County, Georgia, and will consist of: (1) An existing reservoir with a surface area of 1,756 acres and with a storage capacity of 24, 880 acre-feet; (2) an existing 850-foot-long and 54-foot-high dam consisting of two earthfill sections and a 256-foot-long concrete spillway; (3) the

proposed construction of a 100-foot-long and 50-foot-wide intake channel to be excavated from the earthen section of the dam just to the right of the spillway; (4) the proposed installation of four 140-foot-long penstocks through the earthen dam, three of which will be 72 inches in diameter and one of which will be 36 inches in diameter; (5) the installation of 4 turbine/generator units operating at a hydraulic head of 38 feet for a total installed capacity of 1403 KW; (6) the proposed construction of a 150-foot-long and 50-foot-wide tailrace to be excavated at the toe of the dam just to the right of the spillway; (7) a proposed 325-foot-long, 12-kv transmission line; and (8) appurtenant facilities. The Applicant estimates the average annual energy production to be 3.5 GWh.

k. Purpose of Project: The Applicant intends to sell the power generated at the proposed site to the Georgia Power Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

2a. Type of Application: Preliminary Permit.

b. Project No: 8135-000.  
c. Date Filed: February 29, 1984.  
d. Applicant: City of Columbia, Tennessee.  
e. Name of Project: Old Columbia Hydro Project.

f. Location: On Duck River in Maury County, Tennessee.

Filed Pursuant to: Federal Power Act 16 U.S.C 791(a)-825(r).

H. Contact Person: Mr. William Carroll, Columbia Board of Public Utilities, P.O. Box 633, Columbia, Tennessee 38401.

1. Comment Date: August 6, 1984.  
j. Competing Application: Project No. 7661-000; Date Filed: September 28, 1983.

k. Description of Project: The proposed project would utilize the existing Old Columbia Dam and Reservoir, owned by the City of Columbia, Tennessee, and would consist of: (1) An existing concrete gravity dam approximately 572 feet long and 22 feet high, with four spillway sections; (2) a reservoir having minimal pondage; (3) an existing powerhouse, located near the center of the dam, to be renovated and equipped with 2 turbine-generator units having a total rated capacity of 730 kW; (4) a tailrace returning flow to the

river immediately downstream from the dam; (5) a new transmission line about 0.25 mile long; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4,380,000 kWh. Project energy would be utilized by the Applicant's central water treatment would be utilized by the Applicant's central water treatment Plant.

l. This notice also consists of the following standard paragraphs: A8, A9, B, C, D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be \$30,000.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION" "PROTEST" or "MOTION TO INTERVENE" as applicable, and the Project Number of the particular application to which the filing is in

response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

**A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity**—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

**A8. Preliminary Permit**—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the

specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

**D2. Agency Comments**—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**D3a. Agency Comments**—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days

from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: July 2, 1984.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-17984 Filed 7-6-84; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 7334-000, et al.]

### Hydroelectric Applications (Double-O Hydro Co., et al., Applications Filed With the Commission)

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

- 1a. Type of Application: Minor License.
- b. Project No: 7334-000.
- c. Date Filed: June 3, 1983.
- d. Applicant: Double-O Hydro Co., et al.
- e. Name of Project: Grave Creek Hydropower Project.
- f. Location: Partially in the Nezperce National Forest, on Grave Creek, near Riggins, in Idaho County, Idaho.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).
- h. Contact Person: Mr. Carl L. Myers, P.E., 750 Warm Springs Avenue, Boise, Idaho 83702.
1. Comment Date: August 17 1984.
- j. Description of Project: The proposed project would consist of: (1) A 2-foot-high, 18-foot-long concrete diversion structure across Grave Creek, at elevation 3400 feet, equipped with a Parshall Flume to provide for instream flow releases and fish passage; (2) an intake structure upstream of the diversion containing trash racks, fish screens, and control and sluice valves and gates; (3) an 8,700-foot-long, 20-inch-diameter steel penstock; (4) a reinforced concrete powerhouse at elevation 2,660 feet containing a single generator with a rated capacity of 814 kW and an annual energy production of 2.6 GWh; and (5) a 3-mile-long, 25-kV transmission line to an existing line. The applicant intends to market the power produced at this facility to the Idaho Power Company. The project cost is estimated to be \$936,000.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, D1

2a. Type of Application: Minor License.

b. Project No: 7986-000.

c. Date Filed: January 18, 1984.

d. Applicant: Ford Hydro Limited Partnership.

e. Name of Project: Ford Power Project.

f. Location: On Jim Ford Creek, near Weippe, in Clearwater County, Idaho.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Archie R. Ford, Idaho Hydro, Inc., P.O. Box 1940, Orofino, Idaho 83544.

1. Comment Date: August 20, 1984.

j. Description of Project: The project would consist of: (1) A 5-foot-high, 52-foot-long concrete diversion structure at elevation 2958 feet; (2) a 6900-foot-long, 54-inch-diameter low pressure conduit; (3) a surge-tank; (4) a 1140-foot-long, 36-inch-diameter steel penstock; (5) a powerhouse containing four generating units with a total installed capacity of 1499 kW; (6) a switchyard; and (7) a 1-mile-long, 110-kV transmission line connecting to an existing transmission line. The Applicant estimates that the average annual production would be 7.4 million kWh. The cost to construct the project, in 1982 dollars, would be \$1,800,000.

k. Purpose of Project: The project power would be sold to a nearby public utility.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, & D1.

3a. Type of Application: Preliminary Permit.

b. Project No: 8087-000.

c. Date Filed: February 15, 1984.

d. Applicant: The Nuclear Energy Group, Inc.

e. Name of Project: Morgantown Lock and Dam.

f. Location: On the Monongahela River, in Monogalia County, West Virginia.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Brian B. Hegarty, The Nuclear Energy Group, Inc. Hydro Systems Division, 1000 RIDC Plaza, Suite 312, Pittsburgh, Pennsylvania 05238.

1. Comment Date: August 13, 1984.

j. Description of Project: The proposed run-of-river project would utilize the U.S. Army Corps of Engineers' Morgantown Lock and Dam on the Monongahela River and would consist of: (1) A new power-house at the dam, replacing the easternmost gate, with 2 turbine-generator units with a total installed capacity of 2,640 kW; (2) a new 0.1-mile-long transmission line; and (3) other appurtenances. Applicant estimates an average annual generation of 16,651,000 kWh.

k. Purpose of Project: Project energy would be sold to the Monongahela Power Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be \$50,000.

4a. Type of Application: License (Under 5 MW).

b. Project No: 8178-000.

c. Date Filed: March 5, 1984.

d. Applicant: Eveready Machinery Company and McCallum Enterprises, Inc.

e. Name of Project: Falls Dam.

f. Location: On the Naugatuck River, in New Haven County Connecticut.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: E. J. McCallum, Jr., 2245 Nichols Avenue, Stratford, Connecticut 06604.

1. Comment Date: August 15, 1984.

j. Description of Project: The proposed run-of-river project would consist of: (1) An existing 200-foot-long and 17-foot-high masonry stone dam owned by the New Haven Copper Company, with a spillway crest elevation of 74 feet NGVD; (2) new 18-inch-high flashboards on top of the dam; (3) a small reservoir with a surface area of 5 acres after flashboard installation; (4) a new intake structure at the north side of the dam; (5) a new powerhouse with 2 turbine-generator units with a total installed capacity of 769 kW; (6) a new 300-foot-long and 13.8-kV transmission line; and (7) other appurtenances. Applicant estimates an average annual generation of 2,995,040 kWh.

k. Purpose of Project: Project energy would be sold to Northeast Utilities.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

5a. Type of Application: Preliminary Permit.

b. Project No: 8186-000.

c. Date Filed: March 21, 1984.

d. Applicant: Stockport Associates.

e. Name of Project: Claverack Project.

f. Location: On the Claverack Creek, in the Town of Stockport, Columbia County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)-825(r).

h. Contact Person: Joel Kirk Rector, CFS Financial Center, 324 South State Street, Salt Lake City, Utah 84117

1. Comment Date: August 15, 1984.

j. Description of Project: The proposed project would consist of: (1) A 12-foot-high, 200-foot-long existing concrete gravity dam; (2) a reservoir having a surface area of 1 acre, negligible storage, and a normal water surface elevation of 190 feet m.s.l.; (3) a proposed 80-foot-long, 40-foot-diameter steel penstock; (4) an existing powerhouse containing one new generating unit with an installed capacity of 400 kW; (5) a 50-foot-wide tailrace 20 feet long; (6) a new 200-foot-long, 12.5-kV transmission line; and (7) appurtenant facilities. The Applicant estimates the average annual generation would be 1,800,000 kWh. The dam and existing project facilities are owned by Columbia County, New York and John Fiorillo.

k. Purpose of Project: All project power would be sold either to Niagara Mohawk Power Company or local municipalities.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be \$150,000.

6a. Type of Application: Preliminary Permit.

b. Project No: 8187-000.

c. Date Filed: March 21, 1984.

d. Applicant: Cuddebackville Associates.

e. Name of Project: Cuddebackville Project.

f. Location: On the Neversink River, in Village of Cuddebackville, Orange County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Joel Kirk Rector, CFS Financial Center, 324 South State Street, Salt Lake City, Utah 84111.

1. Comment Date: August 17, 1984.

j. Description of Project: The proposed project would consist of: (1) A 300-foot-

long, 35-foot-high existing concrete gravity dam; (2) a reservoir having negligible storage, a surface area of 2 acres, and a water surface elevation of 540 feet m.s.l.; (3) an existing 4,000-foot-long power canal; (4) a new 10-foot-diameter, 25-foot-long steel penstock; (5) a new powerhouse containing one generating unit with an installed capacity of 1,200 kW; (6) an existing tailrace; (7) a new 100-foot-long, 12.5-kV transmission line; and (8) appurtenant facilities. The Applicant estimates the project would generate approximately 4.0 GWh annually. The existing dam and project facilities are owned by the Village of Cuddebackville, New York, and Delaware and Hudson Canal Associates.

k. Purpose of Project: All project power would be sold to either a local utility or a local municipality.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be \$150,000.

7a. Type of Application: Preliminary Permit.

b. Project No.. 8276-000.

c. Date Filed: April 30, 1984.

d. Applicant: Cranberry Creek Hydro.

e. Name of Project: East Fork Nookachamps Creek.

f. Location: On East Fork Nookachamps Creek, near the town of Big Lake, in Skagit County, Washington State.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Douglas B. Shepard, V.P., Cranberry Creek Hydro, Inc., P.O. Box 95, Coupeville, Washington 98239.

1. Comment Date: August 27 1984.

j. Description of Project: The proposed project would consist of: (1) A 5-foot-high concrete weir at elevation 1,200 feet; (2) a 4,500-foot-long, 24-inch-diameter buried steel penstock; (3) a concrete powerhouse with 3 pelton type turbine-generators with a capacity of 2,200 kW and an average annual generation of 13,000 MWh; (4) a 2.7-mile-long transmission line; and (5) a 1,500-foot-long access road.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of \$35,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold to Puget Power.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, & D2.

8a. Type of Application: Major License, Less than 5 MW.

b. Project No.. 4940-001.

c. Date Filed: August 1, 1983.

d. Applicant: Eastern States Energy and Research, Inc.

e. Name of Project: Barren River Lock and Dam No. 1.

f. Location: On the Barren River, near the town of Greencastle, in Warren County, Kentucky.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Edward Curland, National Renewable Resources, 1700 Broadway, Suite 2501, New York, New York 10019.

1. Comment Date: August 31, 1984.

k. Description of Project: The proposed project would utilize the retired Corps of Engineers' Barren River Lock and Dam No. 1 and would consist of: (1) Breakaway flashboards four feet high raising the crest height to 416 feet MSL and increasing the storage capacity to 1,100 acre feet; (2) a new reinforced concrete powerhouse measuring 38 by 132 feet and housing one turbine/generator unit rated at 4.0 MW at a net head of 19.5 feet; (3) a new switchyard adjacent to the powerhouse containing the switchgear, step-up transformer and transmission takeoff structure; (4) the upgraded, three phase, 12-kV transmission line 4 miles long; and (5) appurtenant electrical and mechanical facilities. The Applicant estimates the average annual energy production to be 17.5 GWh.

l. Purpose of Project: The Applicant intends to sell the power generated at the proposed facility to either the Tennessee Valley Authority or the Warren Rural Electric Corporation.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C, D1.

9a. Type of Application: Exemption from licensing (5MW or less).

b. Project No.. 5737-003.

c. Date Filed: April 11, 1984.

d. Applicant: Santa Clara Valley Water District.

e. Name of Project: Anderson Dam.

f. Location: On Coyote Creek in Santa Clara County, California.

g. Filed Pursuant to: Energy Security Act of 1980, section 408, 16 U.S.C. 2705 and 2708, as amended.

h. Contact Person: David Gill, Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, California 95118.

1. Comment Date: August 9, 1984.

j. Description of Project: The proposed project would consist of: (1) Applicant's existing 240-foot-high, 1,385-foot-long Anderson Dam; (2) Applicant's existing Anderson Reservoir with a surface area of 1,240 acres and a storage capacity of 91,280 acre-feet; (3) a new 54-inch-diameter, 2,800-foot-long penstock; (4) a new powerhouse with a total installed capacity of 800 kw., under a head of 165 feet; and (5) a 100-foot/long transmission line connecting with an existing Pacific Gas and Electric Company (PG&E) transmission line located adjacent to the site.

k. Purpose of Project: The estimated 4,177 MWh of power generated annually by the project would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

10a. Type of Application: Preliminary Permit.

b. Project No.: 8127-000.

c. Date Filed: February 24, 1984.

d. Applicant: Beaverhead Hydro Partners.

e. Name of Project: Clark Canyon Dam.

f. Location: Beaverhead River, Beaverhead County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. William S. Fowler, MITEX Inc., 91 Newberry Street, Boston, Massachusetts 02116.

1. Comment Date: August 10, 1984.

j. Completing Application: Project No. 7664-000.

Date Filed: October 3, 1983. Due Date: February 17 1984.

k. Description of Project: The proposed project would utilize the existing U.S. Bureau of Reclamation's Clark Canyon Dam. The proposed project would consist of: (1) A proposed nine-foot-diameter penstock, approximately 150 feet long; (2) a proposed powerhouse with an installed capacity of 4,000 kW (3) a 15-mile-long, 60 kV transmission line to connect with the existing power grid, and (4) appurtenant facilities. The estimated average annual generation is 18,000,000 kWh.

l. Purpose of Project: The power produced at the project would be sold to a utility in the area.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C and D2.

n. Proposed Scope and Cost of Studies under Permit: A preliminary does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. Applicant estimates the cost of the work under the permit would be \$75,000.

11a. Type of Application: Preliminary Permit.

b. Project No: 7905-000.

c. Date Filed: December 12, 1983.

d. Applicant: Adobe Hydro Partners.

e. Name of Project: Pueblo Dam Power Project.

f. Location: Pueblo County, Colorado, Arkansas River.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Bruce J. Wrobel, Mitex, Inc., 91 Newbury Street, Boston, MA 02116.

1. Comment Date: August 27, 1984.

j. Description of Project: The proposed project would utilize an existing U.S. Bureau of Reclamation dam and reservoir. Project No. 7905 would consist of: (1) The utilization of an existing 700-foot-long diversion and bypass conduit where an existing concrete plug would be removed; (2) a proposed 75-foot-long conduit running from the existing conduit to the powerhouse; (3) a proposed bypass facility at the proposed powerhouse to replace the flow requirements of the river outlet works; (4) a proposed powerhouse to be built 75 feet downstream from the river outlet works in the old river channel with the installation of two turbine/generator units, operating at a hydraulic head of 130 feet, with a total installed capacity of 9.0 MW; (5) a proposed 2-mile-long, 69 kV transmission line; and (6) appurtenant facilities. The Applicant estimates the average annual energy production to be 32.0 GWh.

k. Purpose of Project: The Applicant intends to sell the power generated at the proposed facility to the South Colorado Power Division.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be \$60,000.

12a. Type of Application: Major License—Less than 5 MW.

b. Project No: 7612-000.

c. Date Filed: March 14, 1983.

d. Applicant: Eastern States Energy and Resources, Inc.

e. Name of Project: Green River Lock and Dam No. 5.

f. Location: On the Green River, in Warren and Butler Counties, Kentucky.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Edward Curland, Eastern States Energy and Resources, Inc., Suite 2501, 1700 Broadway, New York, New York 10019.

1. Comment Date: August 31, 1984.

j. Description of Project: The proposed project would utilize the retired Corps of Engineers Green River Lock and Dam No. 5 and would consist of: (1) New breakaway flashboards 4 feet high, raising the pool level to 416 feet MSL and the storage capacity to approximately 1,000 acre feet; (2) a new reinforced concrete powerhouse measuring 56 by 120 feet and housing two turbine/generator units with a total capacity of 4.9 MW when operating under a head of 20 feet; (3) a new switchyard containing the switchgear, step-up transformer and transmission take-off structure; (4) a new tailrace channel extending one hundred feet downstream; and (5) a 12-kV transmission line approximately 10 miles long upgraded to three-phase capacity; and (6) appurtenant facilities. The Applicant estimates the average annual energy production to be 10.5 GWh.

k. Purpose of Project: The Applicant intends to sell the power generated at the proposed facility to the Tennessee Valley Authority or the Warren Rural Electric Cooperative.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

13a. Type of Application: License (Over 5 MW).

b. Project No.. 5505-001.

c. Date Filed: July 29, 1983 and supplemented March 9, 1984.

d. Applicant: Southeastern Hydro-Power, Inc.

e. Name of Project: New Savannah Bluff Project.

f. Location: On the Savannah River in Richmond County, Georgia and Aiken County, South Carolina.

g. Filed Pursuant to: Federal Power Act, U.S.C. 791(a)-825(r).

h. Contact Person: Charles B. Mierek, Southeastern Hydro-Power, Inc., 838 Arlington Drive, Tucker, Georgia, 30034.

1. Comment Date: August 27, 1984.

j. Description of Project: The proposed run-of-river project would be located at the U.S. Army Corps of Engineers' New Savannah Bluff Lock and Dam, and would consist of: (1) A proposed headrace canal beginning approximately 500 feet upstream of the existing lock and dam; (2) a new powerhouse containing one horizontal bulbtype turbine/generator with a rated installed capacity of 7.2 MW; (3) a new tailrace approximately 750 feet long; (4) two proposed transmission lines, one on the South Carolina side of the river consisting of a 4-mile-long 46 kV line, and one on the Georgia side of the river consisting of a 4-mile-long 13.8 kV line; and (5) appurtenant facilities. The Applicant estimates that the average annual generation would be 45,290 MWh. Project energy would be sold to the Municipal Energy Agency of Georgia, South Carolina Electric and Gas Company, Oglethorpe Power Corporation and/or Georgia Power Company. The Applicant is the Permittee for Project No. 5505.

k. This notice also consists of the following standard paragraphs: A3, A9, B and C.

4a. Type of Application: Minor License.

b. Project No.. 8121-000.

c. Date Filed: February 21, 1984.

d. Applicant: Warren B. Nelson.

e. Name of Project: Deer Creek.

f. Location: On Deer Creek, tributary of Payette River, in Boise County, Idaho, near the Town of Banks on lands managed by the Bureaus of Land Management and Reclamation.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Thomas A. Nelson, 1320 W. Washington, Meridian, Idaho 83642.

1. Comment Date: August 27, 1984.

j. Description of Project: The proposed project would consist of: (1) A 10-foot-high, 30-foot-long, diversion structure at

elevation 4,140 feet; (2) a 14-inch-diameter, 11,000-foot-long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 383 kW, operating under a head of 1,200 feet; (4) a buried tailrace; and (5) a 300-foot-long connection to an existing powerline.

The estimate average annual energy output is 2,410,000 kWh.

The estimated project cost is \$360,000.

k. Purpose of Project: Project power will be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

15a. Type of Application: Preliminary Permit.

b. Project No.. 8144-000.

c. Date Filed: March 1, 1984.

d. Applicant: County of Amador.

e. Name of Project: Cross County Water and Power.

f. Location: On Mokelumne River in Amador County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Kenneth Deaver, Chairman of the Board, County of Amador, 108 Court Street, Jackson, California 95642.

1. Comment Date: August 31, 1984.

j. Description of Project: The proposed project would consist of: (1) An intake structure at elevation 2,300 feet, within the north bank of the existing Tiger Creek Reservoir (part of FERC Project No. 137), drawing waters diverted from the Applicant's upstream Devil's Nose Reservoir; (2) a 15-mile-long conduit leading to; (3) the existing Petty Forebay, to be rehabilitated, with water surface elevation of 2,129 feet; (4) a 5,000-foot-long penstock; (5) a powerhouse, on Mokelumne river, containing three generating units with a combined rated capacity of 10.8 MW, operating under a head of 1,475 feet; (6) a ¼-mile-long transmission line connecting the powerhouse with the existing Pacific Gas and Electric Company's (PG&E) Electra substation south of the powerhouse; (7) a second conduit, 13 miles long, would carry water from Petty Forebay to; (8) a 5,000-foot-long penstock leading to; (9) a second powerhouse, on Dry Creek, containing three generating units with a combined rated capacity of 12 MW, operating under a head of 1,600 feet; and (10) a 6-mile-long transmission line connecting the Dry Creek Powerhouse to a 60-kV PG&E line south of the powerhouse.

Applicant states that its proposed project would not impact any existing or proposed FERC projects. Applicant lists the following projects to be in close proximity with its proposed project:

FERC Projects Nos. 137 567 2916, 4289, 4414, 4510 and 4589.

k. Purpose of Project: The estimated 49.2 million kWh of project energy would be sold to public or private utility.

l. This notice also consists of the following standard paragraphs: A5, A7 A9, B, C, & D2.

16a. Type of Application: 5 MW Exemption.

b. Project No.. 7783-000.

c. Date Filed: October 13, 1983.

d. Applicant: Bullock Industries.

e. Name of Project: Cedar Falls Hydroelectric Project.

f. Location: Deep River, Randolph County, North Carolina.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Lynwood N. Bullock, Bullock Industries, 6898 Coltrane Mill Rd., Greensboro, North Carolina 27406.

1. Comment Date: August 9, 1984.

j. Description of Project: The proposed project is located on the Applicant's land and will consist of: (1) An existing reservoir behind the upstream dam of two existing dams in the project, with a surface area of 2.5 acres and a storage capacity of 9.0 acre-feet; (2) an existing 125-foot-long, 6-foot-high concrete slab and buttress, upstream dam; (3) an existing 80-foot-long, 9-foot-high dam 300 feet downstream from the upstream dam and located on the left side of an island that splits the Deep River into two streams; (4) the use of 70 feet of an existing 15-foot-wide, 300-foot-long intake canal; (5) a proposed penstock off the right side of the intake canal; (6) a proposed powerhouse with the installation of two turbine/generator units operating at a hydraulic head of 16 feet for a total installed capacity of 275 kW; (7) a proposed 50-foot-long transmission line; and (8) appurtenant facilities. The Applicant estimates the average annual energy production to be 2.6 GWh.

k. Purpose of Project: The Applicant intends to sell the power generated at the proposed facility to the Carolina Power and Light Company.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

17a. Type of Application: Exemption (5 MW or Less).

b. Project No.. 7987-000.

c. Date Filed: January 18, 1984.

d. Applicant: Cook Industries, Inc.

e. Name of Project: High Falls Hydroelectric Project.

f. Location: On Deep River, in Moore County, North Carolina.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. George S. Cook, 4701 High Point Road, Greensboro, North Carolina 27407

1. Comment Date: August 10, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing stone gravity dam 9 feet high and approximately 700 feet in length; (2) an existing 5 acre impoundment with a storage capacity of approximately 30 acre-feet at a normal maximum water surface elevation of 389.50 feet m.s.l., (3) an existing gate structure; (4) an existing millrace, approximately 50 feet long and 20 feet wide; (5) a proposed powerhouse approximately 56 feet by 22 feet housing three generator units with a total installed capacity of 600 kW; (6) an existing tailrace; (7) a proposed 13.2 kV transmission line, 20 feet long; and (8) appurtenant facilities. The average annual energy generation is estimated to be 3,154,000 kWh.

k. Purpose of Project: The Applicant anticipates that project energy will be sold to Carolina Power and Light Company or Randolph Electric Membership Corporation.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

18a. Type of Application: Conduit Exemption.

b. Project No.. 6282-001.

c. Date Filed: March 22, 1984.

d. Applicant: City of Boulder, Colorado.

e. Name of Project: Betasso Power Plant.

f. Location: Adjacent to the Betasso Water Treatment Plant, Boulder County, Colorado.

g. Filed Pursuant to: Section 30 of the Federal Power Act.

h. Contact Person: Mr. Andrew Hollar, Utilities Director, City of Boulder, Utilities Division, P.O. Box 791, Boulder, Colorado 80306.

1. Comment Date: August 9, 1984.

j. Description of Project: The proposed project would be located on an existing water supply pipeline, and adjacent to an existing surge tank which is immediately south of the Boulder County Water Treatment Plant, and would consist of: (1) A proposed 40 feet of 20-inch-diameter buried steel penstock, diverting water from the existing water supply pipeline to the proposed powerhouse; (2) a proposed

powerhouse, 34 feet by 36 feet, housing one turbine-generating unit with an installed capacity of 3,000 kW; (3) approximately 30 feet of proposed 30-inch-diameter turbine discharge pipeline connecting to the existing surge tank; (4) approximately 250 feet of proposed 4,160-volt buried electrical cable connecting the powerhouse to the proposed transformer and switchyard; (5) approximately 190 feet of new 24,900-volt overhead transmission line; and (6) appurtenant facilities.

k. Purpose of Project: The Applicant anticipates that project energy will be sold to the Public Service Company of Colorado.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D3b.

19a. Type of Application: Preliminary Permit.

b. Project No: 8098-000.

c. Date Filed: February 16, 1984.

d. Applicant: Iowa Hydropower Development Corporation.

e. Name of Project: Littleton Dam.

f. Location: On the Wapsipumicon River, in Buchanan County, near Littleton, Iowa.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Jean-Pierre Bourgeacq, Iowa Hydropower Development Corporation, 228 Melrose Court, Iowa City, Iowa 52240.

i. Comment Date: August 27, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing concrete dam, 280 feet long and 9 feet high; (2) a proposed powerhouse contiguous with the dam, housing a siphon type generating unit with an installed capacity of 320 kW; (3) an existing impoundment, extending approximately 6,000 feet upstream from the dam, containing approximately 400 acre-feet of storage capacity at normal water surface elevation of 915 feet msl; (4) a proposed 4.16-kV transmission line approximately 300 feet long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy generation would be 1,400,000 kWh. Owner of the dam is the Iowa Conservation Commission.

k. Purpose of Project: The Applicant anticipates that project energy will be sold to the utility company serving the area.

l. This notice also consists of the following standard paragraphs: A5, A7 A9, B, C & D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would

prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an applicant for an FERC license. Applicant estimates the cost of the studies under the permit would be \$10,000.

20a. Type of Application: Preliminary Permit.

b. Project No: 8173-000.

c. Date Filed: March 14, 1984.

d. Applicant: Incorporated County of Los Alamos, New Mexico.

e. Name of Project: Heron Power Project.

f. Location: On Willow Creek in Rio Arriba County, New Mexico.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Ronald C. Jack, County Administrator, Incorporated County of Los Alamos, New Mexico, 2300 Trinity Drive, P.O. Box 30, Los Alamos, New Mexico 87544.

i. Comment Date: August 27, 1984.

j. Description of Project: The proposed project would utilize the existing U.S. Bureau of Reclamation's Heron Dam and reservoir and would consist of: (1) A new penstock utilizing the existing outlet works near the left dam abutment; (2) a new powerhouse to contain one turbine-generator unit rated at 4,000 kW; (3) a tailrace returning flow to the creek immediately downstream of the dam; (4) a new 24.9-kV transmission line about 3 miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 15,700,000 kWh. Project energy would be utilized by the Applicant with the possibility that some may be marketed to area utilities.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B C & D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an applicant for FERC license. Applicant estimates that the cost of the studies under permit would be \$80,000.

21a. Type of Application: License (5MW or Less).

b. Project No.. 3552-003.

c. Date Filed: March 29, 1984.

d. Applicant: Oakdale and South San Joaquin Irrigation Districts.

e. Name of Project: Goodwin Dam.

f. Location: On Stanislaus River in Tuolumne County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. J. W. Southern, Tri-Dam Project, Star Route, Box 1303, Sonora, California 95370.

i. Comment Date: August 27, 1984.

j. Description of Project: The proposed project would consist of: (1) The existing 79-foot-high, 480-foot-long Goodwin Dam, owned and operated by the Applicant; (2) the existing reservoir with a surface area of 70 acres and a storage capacity of 502 acre-feet at 537 feet msl; (3) an 11-foot-diameter, 100-foot-long penstock; (4) a powerhouse with a total installed capacity of 5 MW, operating under a head of 61 feet; and (5) a 100-yard-long, 17-kV transmission line connecting with an existing transmission line of Southern California Edison Company (SCE). No recreational facilities are proposed by the Applicant.

k. Purpose of Project: The estimated 16.53 million kWh generated annually by the proposed project would be sold to SCE.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

22a. Type of Application: Preliminary Permit.

b. Project No.: 8129-000.

c. Date Filed: February 27, 1984.

d. Applicant: Greer Commission of Public Works.

e. Name of Project: Lake Robinson Water Power Project.

f. Location: South Tyger River, Greenville County, South Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Kenneth Smith, Manager, Greer Commission of Public Works, P.O. Box 216, Greer, South Carolina 29651.

i. Comment Date: August 27, 1984.

j. Description of Project: The proposed project would consist of: (1) An earthfill dam, presently under construction for use in a municipal water supply system about 1,000 feet long and 75 feet high; (2) a proposed reservoir with a surface area of about 800 acres and a storage capacity of about 4,500 acre-feet; (3) a proposed intake structure; (4) a proposed penstock, 48 inches in diameter and 417 feet long; (5) a proposed powerhouse containing a single 248 kW generating unit; (6) a proposed short tailrace section leading to the main river channel; (7) a proposed 2.2-mile-long 12,470-volt transmission line; and (7) appurtenant facilities.

k. Purpose of Project: The estimated average annual generation of 1,037

MWh would be used in applicant's electric system.

l. This notice also consists of the following standard paragraphs: A5, A7 A9, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. Applicant estimates the cost of the work under the permit would be \$35,000.

23a. Type of Application: Major License.

b. Project No.. 4154-001.

c. Date Filed: October 17 1983.

d. Applicant: Three City Mississippi River Hydropower Agency.

e. Name of Project: Three City Mississippi River Hydropower (Mississippi Lock and Dam No. 11).

f. Location: On the Mississippi River, approximately 3 miles upstream from Dubuque, Iowa, in Dubuque County, Iowa, and Grant County, Wisconsin.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Dave Heier, City Hall, Bellevue, Iowa 52031.

i. Comment Date: August 31, 1984.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Lock and Dam No. 11 and Reservoir and would consist of: (1) A proposed power plant intake structure; (2) a proposed concrete powerhouse, approximately 200-feet wide by 175-feet long, housing 5 turbine-generator units with a total installed capacity of 18,400 kW; (3) a proposed tailrace channel; (4) a proposed 69 kV transmission line, approximately 2.7 miles long; and (5) appurtenant facilities. Applicant estimates that the average annual energy generation would be 108,000,000 kWh.

k. Purpose of Project: The Applicant anticipates that project energy will be utilized by the Cities of Sabula, Preston and Bellevue, Iowa, with the remaining sold to various utility systems.

l. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

24a. Type of Application: Exemption (5 MW or Less).

b. Project No: 6335-001.

c. Date Filed: March 29, 1984.

d. Applicant: Virginia Electric and Power Company.

e. Name of Project: North Anna Water Power.

f. Location: On the North Anna River in Louisa and Spotsylvania Counties, Virginia.

g. Filed Pursuant to: Section 408, Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 as amended.

h. Contact Person: Mr. R. H. Leasburg, Virginia Electric & Power Co., P.O. Box 26666, Richmond, Virginia 23261.

i. Comment Date: August 13, 1984.

j. Description of Project: The project would utilize the existing Virginia Electric and Power Company Lake Anna Dam and Reservoir. The project would consist of: (1) An existing earthfill and concrete spillway dam, approximately 5,000 feet long and 90 feet above river bed; (2) an existing reservoir with a surface area of 9,600 acres and a storage capacity of 305,000 acre-feet at the normal water surface elevation of 250 feet, NGVD; (3) a proposed 60-inch-diameter steel penstock; (4) a proposed power platform supporting two generating units with a total installed capacity of 855 kW, and producing an average annual generation of 3,960,000 kWh; (5) switches and transformers; and (6) appurtenant facilities. The applicant is the permittee for Project No. 6335.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

l. Purpose of Project: The applicant anticipates a mutual agreement with the Rappahannock Electric Cooperative to wheel project energy to applicant's grid.

m. This notice also consists of the following standard paragraphs: A1, A9, B, C & D3a.

25a. Type of Application: License (5MW or Less).

b. Project No.. 6049-002.

c. Date Filed: October 5, 1983.

d. Applicant: Placer County Water Agency.

e. Name of Project: Hayford Pipe.

f. Location: On Lower Boardman Canal in Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667 Forresthill, California 95631.

i. Comment Date: August 13, 1984.

j. Competing Application: Project No. 6716-000; Date Filed: 9/23/82; Noticed on: 4/13/83; expired: 9/22/83.

k. Description of Project: The proposed project would consist of: (1) An intake structure at elevation 415 feet; (2) a 30-inch-diameter, 2,740-foot-long penstock; (3) a powerhouse at elevation 330 feet containing a generating unit with a rated capacity of 112 kW; (4) a 100-foot-long transmission line tying into the existing Pacific Gas and Electric Company's line; and (5) a 20-foot-long tailrace feeding back into the Lower Boardman Canal system. The Applicant estimates a 495,800 kWh annual energy production.

l. Purpose of Project: Power will be sold to a local utility.

m. This notice also consists of the following standard paragraphs: A4, B, C, and D1.

26a. Type of Application: Preliminary Permit.

b. Project No.. 8304-000.

c. Date Filed: May 11, 1984.

d. Applicant: The Jamaica Waterpower Company.

e. Name of Project: Ashuelot Paper Power.

f. Location: On the Ashuelot River in Cheshire County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: David F. Buckley, 18 Bridge Street, Bellows Falls, Vermont 05101.

i. Comment Date: August 13, 1984.

j. Competing Application: Project No. 7791-000; Date Filed: November 1, 1983.

k. Description of Project: The proposed run-of-river project would consist of: (1) The existing 110-foot-long and 10-foot-high Ashuelot Paper Company Dam owned by the Ashuelot Paper Company; (2) new 3-foot-high flashboards; (3) a small reservoir with a surface elevation of 365 feet mean sea level; (4) a new intake structure at the north abutment of the dam; (5) a new 12-foot diameter and 1,800-foot-long penstock; (6) a new powerhouse with an installed capacity of 3,300 kW; (7) a new 100-foot-long tailrace; (8) a new 4,160-volt and 1,000-foot-long transmission line; and (9) other appurtenances. Applicant estimates an average annual generation of 14,500,000 kWh.

l. Purpose of Project: Project energy would be sold to the Public Service Company of New Hampshire.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C & D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a

preliminary permit for a period of 18 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would prepare an application for an FERC license. Applicant estimates that the cost of the studies under permit would be \$37,000.

#### Competing Applications

**A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity**—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

**A2. Exemption for Small Hydroelectric Power Project under 5MW Capacity**—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric exemption will not be accepted in response to this notice.

**A3. License or Conduit Exemption**—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to

the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

**A4. License or Conduit Exemption**—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectric exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

**A5. Preliminary Permit: Existing Dam or Natural Water Feature Project**—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.33 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

**A6. Preliminary Permit: No Existing Dam**—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or where there are proposed major modifications, must submit to the Commission on or before the specified comment date for the particular

application, the competing application itself, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33 (a) and (d).

**A7. Preliminary Permit**—Except as provided in the following paragraph, any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

**A8. Preliminary Permit**—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric

exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

**A9. Notice of Intent**—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

**B. Comments, Protests, or Motions To Intervene**—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

**C. Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION" "PROTEST" or "MOTION TO INTERVENE" as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

**D1. Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**D2. Agency Comments**—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**D3a. Agency Comments**—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have

none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**D3b. Agency Comments**—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: July 3, 1984.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 84-16080 Filed 7-6-84; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP84-379-002]

**United Gas Pipe Line Co., Petition To Amend**

July 3, 1984.

Take notice that on June 29, 1984, United Gas Pipe Line Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-379-002 a petition to amend the order issued May 31, 1984, in Docket No. CP84-379-000 pursuant to section 7(c) of

the Natural Gas Act so as to authorize a reduction in the rates applicable to sales under Petitioner's discount rate schedule (DRS), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that in Docket No. CP84-379-000 it was authorized to sell gas from June 1, 1984, to December 31, 1984, in accordance with its DRS. It is stated that the DRS provides Petitioner's customers a discount rate for gas purchased from Petitioner above a certain threshold volume. It is said that for present customers under Petitioner's Rate Schedules DG and G, the threshold volume equals the volume purchased during the corresponding month of 1983, and that for customers under Petitioner's Rate Schedule PL-N, the threshold volume equals each customer's current minimum bill volume computed in accordance with the minimum bill provision of Rate Schedule PL-N in effect as of March 1, 1984. It is further stated that those volumes in excess of the threshold volume and for certain other volumes that each customer may designate (discount volumes) a price discount of 15.0 cents per Mcf is applicable: For G and DG customers, discount volumes are sold at a rate equal to the Rate Schedule DG commodity rate for the zone in which the gas is purchased less 15.0 cents per Mcf; discount volumes to Rate Schedule PL-N customers are sold at a rate equal to the commodity rate less 15.0 cents per Mcf. Petitioner proposes to amend the rate to provide a rate for all discount volumes equal to \$3.09 per Mcf. Petitioner claims this rate is equal to the "average unit cost of purchased gas related to all Rates After Current Adjustment" as shown on Revised Sixty-sixth Revised Sheet No. 4 of Petitioner's Tariff plus 4.98 cents per Mcf. This rate is said to be contingent upon approval of that Revised Tariff Sheet No. 4. The discount provided by the new rate would be derived solely from a cut in Petitioner's margin, it is claimed.

Concurrently with the filing of the petition to amend Petitioner filed tariff sheets which purport to implement the proposed rate for the DRS. These sheets are identified as First Revised Sheet No. 34A and First Revised Sheet No. 34B of First Revised Volume No. 1 of Petitioner's FERC Gas Tariff. Petitioner has proposed that these tariff sheets be effective July 1, 1984.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1984, file with the Federal

Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
*Secretary.*

[FR Doc. 84-18113 Filed 7-9-84; 8:45 am]  
BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL-2622-4]

### Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the Federal Register a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget for review. The ICR describes the nature of the solicitation and the expected impact, and, where appropriate, includes the actual data collection instrument. The following ICRs are available to the public for review and comment.

**FOR FURTHER INFORMATION CONTACT:** Martha Chow; Office of Standards and Regulations; Regulation and Information Management Division (PM-223); U.S. Environmental Protection Agency; 401 M Street, SW., Washington, DC. 20460; telephone (202) 382-2742 or FTS 382-2742.

### SUPPLEMENTARY INFORMATION:

#### Toxics Programs

- Title: Significant New Use Rules for Existing Chemicals (EPA #1188).

Abstract: Chemical manufacturers planning significant new use of an existing chemical substance must submit notice of their intentions to EPA. The Agency will evaluate effects of the

significant new use on human health and the environment.

Respondents: Chemical manufacturers.

### Agency PRA Clearance Requests Completed by OMB

EPA #0003, Pretreatment Fundamentally Different Factors Variance Request, was approved 17 June 1984 (OMB #2040-0017).

EPA #0005, Industrial Pretreater Slug Load Notification, was approved 18 June 1984 (OMB #2040-0023).

EPA #0006, Pretreatment Net/Gross Request, was approved 18 June 1984 (OMB #2040-0018).

EPA #0088, Industrial User Self-Monitoring Report, was approved 17 June 1984 (OMB #2040-0024).

EPA #0146, POTW Pretreatment Compliance Schedule Progress Report, was approved 19 June 1984 (OMB #2040-0013).

EPA #0147, Industrial User Compliance Schedule Report, was approved 17 June 1984 (OMB #2040-0014).

EPA #0148, Removal Credit Pretreatment Self-Monitoring Report, was approved 17 June 1984 (OMB #2040-0025).

EPA #0149, Industrial User Compliance Attainment Report, was approved 17 June 1984 (OMB #2040-0011).

EPA #0375, National Water Quality Inventory Report to Congress, was approved 18 June 1984 (OMB #2040-0071).

EPA #0586, Preliminary Assessment Information—Manufacturers Reporting, was approved 25 May 1984 (OMB #2000-0420).

EPA #0397, Tolerance Petitions and New Inert Ingredient Clearance, was approved 22 May 1984 (OMB #2070-0024).

EPA #0922, Data Call-In/Registration Standards Program, was approved 22 May 1984 (OMB #2000-0468).

EPA #0340; Reporting and Recordkeeping of Ambient Air Quality, Precision, Accuracy and Related Data; was approved 23 May 1984 (OMB #2000-0003).

EPA #0377, Steam-Electric Plant Operation and Design Report, was approved 21 May 1984 (OMB #2010-0010).

EPA #1014 Certification for Exemption from Monitoring and Notification of Process Changes in Effluent Guidelines, was approved 18 June 1984 (OMB #2040-0033).

EPA #1123, Wastewater Solvent Management Plan, was approved 19 June 1984 (OMB #2040-0074).

EPA #1153, NESHAP for Benzene Fugitive Emissions, was approved 24 May 1984 (OMB #2060-0068).

Comments on all parts of this notice should be sent to:

Martha Chow (PM-223), U.S. Environmental Protection Agency, Office of Standards and Regulations, Regulation & Information Management Division, 401 M Street, SW., Washington, DC. 20460

and

Carlos Tellez, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, DC. 20503

Dated: June 29, 1984.

Daniel J. Fiorino,  
*Acting Director, Regulation and Information,  
Management Division.*

[FR Doc. 84-17910 Filed 7-6-84; 8:45 am]  
BILLING CODE 6560-50-M

[OAR-FRL-2624-6]

**Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to Hawaiian Independent Refinery, Inc. (EPA Project Number HI 83-02), Honolulu, Hawaii**

**AGENCY:** Environmental Protection Agency (EPA), Region.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that on May 9, 1984 the Environmental Protection Agency issued a PSD permit to the applicant named above granting approval to construct a 14 long ton per day Claus sulfur recovery unit to be located in the Campbell Industrial Park, Island of Oahu, Hawaii. This permit has been issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including an allowable emission rate as follows: SO<sub>2</sub> at 138 lbs/hr.

**FOR FURTHER INFORMATION CONTACT:** Copies of the permit are available for public inspection upon request; address request to: Rhonda Rothschild, U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, 8-454-8153 or (415) 974-8153.

**SUPPLEMENTARY INFORMATION:**

Best Available Control Technology (BACT) requirements include the use of the Claus sulfur recovery unit. Air Quality Impact modeling was required for SO<sub>2</sub>. Continuous monitoring is required and the source is not subject to New Source Performance Standards.

**DATE:** The PSD permit is reviewable under section 307(b)(1) of the Clean Air

Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by September 7 1984.

Dated: June 25, 1984.

Carl C. Kohnert,  
*Deputy Director.*

[FR Doc. 84-18051 Filed 7-6-84; 8:45 am]  
BILLING CODE 6560-50-M

[OAR-FRL-2624-7]

**Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to Nevada Cement Company (EPA Project Number NV 82-01), Fernley, Nevada**

**AGENCY:** Environmental Protection Agency (EPA), Region 9.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that on May 9, 1983 the Environmental Protection Agency issued a PSD permit to the applicant named above granting approval to install a third portland cement kiln at their existing facility located in Lyon County, Nevada. This permit has been issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including an allowable emission rate as follows: SO<sub>2</sub> at 15.7 lbs/hr and NO<sub>x</sub> at 109.2 lbs/hr.

**FOR FURTHER INFORMATION CONTACT:** Copies of the permit are available for public inspection upon request; address request to: Rhonda Rothschild U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, 8-454-8153 or (415) 974-8153.

**SUPPLEMENTARY INFORMATION:**

Best Available Control Technology (BACT) requirements include the kiln and burner designs and the cement manufacturing process. Air Quality Impact modeling was required for SO<sub>2</sub> and NO<sub>x</sub>. Continuous monitoring is required and the source is subject to New Source Performance Standards.

**DATE:** The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by September 7 1984.

Dated: June 25, 1984.

Carl C. Kohnert,  
*Deputy Director.*

[FR Doc. 84-18036 Filed 7-6-84; 8:45 am]  
BILLING CODE 6560-50-M

[OAR-FRL-2624-5]

**Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to Calcofen (EPA Project Number SCC 83-01) 100 Embarcadero, San Francisco, California**

**AGENCY:** Environmental Protection Agency (EPA), Region 9.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that on April 26, 1984 the Environmental Protection Agency issued a PSD permit to the applicant named above granting approval to construct a 28-megawatt cogeneration facility to be located at the California Polytechnic Institute, San Luis Obispo, California. This permit has been issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including an allowable emission rate as follows: NO<sub>2</sub> at 36.4 lbs/hr.

**FOR FURTHER INFORMATION CONTACT:** Copies of the permit are available for public inspection upon request; address request to: Rhoda Rothschild, U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, 8-454-8153 or (415) 974-8153.

**SUPPLEMENTARY INFORMATION:** Best Available Control Technology (BACT) requirements include the use of water injection. Air Quality Impact modeling was required for NO<sub>2</sub>. Continuous monitoring is required and the source is subject to New Source Performance Standards.

**DATE:** The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by September 7 1984.

Dated: June 15, 1984.

Carl C. Kohnert,  
*Deputy Director.*

[FR Doc. 84-18052 Filed 7-6-84; 8:45 am]  
BILLING CODE 6560-50-M

**FEDERAL HOME LOAN BANK BOARD**

[No. AC-385]

**Prepetual American Bank, F.S.B., Alexandria, Virginia; Final Action Approval of Conversion Application**

June 29, 1984.

Notice is hereby given that on June 5, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the Application of

Perpetual American Bank, F.S.B., Alexandria, Virginia, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, P.O. Box 56527 Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board,  
John M. Buckley, Jr.,  
*Acting Secretary.*

[FR Doc. 84-16037 Filed 7-6-84; 8:45 am]  
BILLING CODE 6729-01-M

## FEDERAL MARITIME COMMISSION

[Fact Finding Investigation No. 9]

### Possible Rebates and Similar Malpractices in the United States Foreign Commerce; Extension and Republication of Order of Investigation

This nonadjudicatory proceeding was originally instituted by Order of the Commission on July 6, 1976 (41 FR 30062, July 21, 1976), into the practices of rebates, absorptions, allowances in excess of these set forth in the tariff, and any other method of obtaining, attempting to obtain, or allowing others to obtain transportation of property at less than the rates or charges which would otherwise be applicable, in the United States foreign commerce.

Since its inception, Fact Finding Investigation No. 9 (F.F. 9) has been utilized as an essential element of the Commission's program to investigate rebates and other similar malpractices. The original term of F.F. 9 was for a two-year period which has been extended on a number of occasions. In addition, other amendments have been published at various times.

On March 20, 1984, the President of the United States signed the Shipping Act of 1984 (46 U.S.C. app. 1701-1720) which became effective by June 18, 1984 and continued and proscriptions against rebates and similar malpractices in foreign commerce (sec. 10 at 46 U.S.C. app. 1709). Additionally, sections 11 and 12 of the 1984 Act (46 U.S.C. app. 1710-1711) provide the Federal Maritime Commission with full authority to hold nonadjudicatory proceedings such as this.

At the same time, however, the Shipping Act of 1984 amended the Shipping Act, 1916 (46 U.S.C. app. 801, et seq.), by limiting to the domestic offshore trades, most of the latter

statute's provisions, including this proceeding's original authorizing sections, i.e., 22 and 27 (46 U.S.C. app. 821 and 826).

Accordingly, the Commission has decided to continue this investigation into malpractices in United States foreign commerce for an additional two-year period under the new statutory authorization. Moreover, we will retain the authorization of the 1916 Act to ensure that practices engaged in prior to June 18, 1984 can be fully investigated. Certain other changes are also being made at this time.

Due to organizational reassignments, Daniel J. Connors is designated Investigative Officer replacing John Robert Ewers. The internal six month reporting requirement is amended to provide such reports be made to the Director of Programs on an annual basis. Finally, in order to provide additional flexibility, the Investigative Officer is given the authority to delegate to the Commission's District Directors, responsibility to take statements under oath.

In order to bring F.F. 9 into conformance with the Shipping Act of 1984 and to consolidate the various amendments published since the proceeding was instituted in 1976, we are republicating the Order in its entirety.

Therefore, it is ordered, That pursuant to sections 22 and 27 of the Shipping Act, 1916 (46 U.S.C. app. 821 and 826), sections 11 and 12 of the Shipping Act of 1984 (46 U.S.C. app. 1710 and 1711) and section 214(a) of the Merchant Marine Act of 1936 (46 U.S.C. app. 1124(a)), a nonadjudicatory investigation is hereby instituted into the practices of rebates, absorptions, allowances in excess of those set forth in the tariff and any other methods of obtaining, attempting to obtain, or allowing other persons to obtain transportation of property at less than the rates or charges which would otherwise be applicable, in the United States foreign commerce. Said investigation is to be conducted pursuant to Subpart R of the Commission's Rules of Practice and Procedure (46 CFR 502.281-502.291).

It is further ordered, That the Investigative Officer shall be Daniel J. Connors, and the Assistant Investigative Officer, Tony P. Kominoth, and they will be assisted by the Bureau of Hearing Counsel, and such other members of the staff as they may designate, with full authority to hold investigatory proceedings which shall be non-public, to resort to all compulsory processes authorized by law or Commission rule, including the issuance of subpoenas, to administer oaths, including authority to

delegate to the Commission's District Directors the responsibility to take statements under oath, and to perform such other duties as may be necessary in accordance with the laws of the United States and the regulations of the Commission;

It is further ordered, That said Investigative Officer shall issue to the Commission's Director of Programs interim progress reports annually and a final report of findings and recommendations no later than two years after publication of this Order in the Federal Register, all such reports to remain confidential unless and until the Commission rules otherwise;

It is further ordered, That this proceeding shall be discontinued upon the issuance of the final report by the Investigative Officer;

It is further ordered, That Notice of this Order be published in the Federal Register.

By the Commission,  
June 23, 1984.  
Francis C. Hurmay,  
*Secretary.*

[FR Doc. 84-16037 Filed 7-6-84; 8:45 am]  
BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### First Bank System, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources,

decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 26, 1984.

**A. Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Bank System, Inc.*, Minneapolis, Minnesota; to acquire Metropolitan Insurance Agency, Wahpeton, Inc., Wahpeton, North Dakota, thereby engaging in general insurance agency activities in a town with a population exceeding 5,000. Applicant asserts it may perform these activities pursuant to sections 4(c)(8)(D) and 4(c)(8)(G) of the Bank Holding Company Act of 1956, as amended. These activities would be conducted in Wahpeton, North Dakota and the surrounding area extending approximately 20 miles both north and south from Wahpeton and approximately 15 miles both east and west.

Board of Governors of the Federal Reserve System, July 2, 1984.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 84-18017 Filed 7-8-84; 8:45 am]

BILLING CODE 6210-01-M

#### **North Fork Bancorporation, Inc., et al., Applications To Engage de Novo in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal

Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 26, 1984.

**A. Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *North Fork Bancorporation, Inc.*, Mattituck, New York; to engage *de novo* through its subsidiary, Acudata Service Corp., in providing financial, banking, and economic data processing and data transmission services.

**B. Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mountain Bancshares, Inc.*, Yellville, Arkansas; to expand the service area for its previously approved real estate appraisal activity to the following states: Arkansas, Oklahoma, Missouri, Texas, Louisiana, Mississippi, and Tennessee.

**C. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Commerce Bancshares, Inc.*, Houston, Texas; to engage *de novo* through its subsidiary, Texas Commerce Brokerage Services, Inc., Houston, Texas, in providing discount brokerage services and related credit services. These activities would be performed in the State of Texas.

Board of Governors of the Federal Reserve System, July 2, 1984.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 84-18018 Filed 7-8-84; 8:45 am]

BILLING CODE 6210-01-M

#### **Valley National Bancorp, 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 New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Valley National Bancorp*, Clifton, New Jersey; to acquire 100 percent of the voting shares of First National Bank and Trust Company of Kearny, New Jersey.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Tower Bank Corporation*, Hialeah Gardens, Florida; to become a bank holding company by acquiring 80 percent of the voting shares of Tower Bank, N.A., Hialeah Gardens, Florida.

**C. Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *City National Bancorp, Inc.*, Metropolis, Illinois; to become a bank holding company by acquiring at least

80 percent of the voting-shares of The City National Bank, Metropolis, Illinois.

Board of Governors of the Federal Reserve System, July 2, 1984.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 84-16019 Filed 7-6-84; 8:45 am]

BILLING CODE 6210-01-M

## GENERAL SERVICES ADMINISTRATION

### Office of the Administrator Advisory Board; Meeting

Notice is hereby given that the General Services Administration (GSA) Advisory Board will meet on July 17 1984 from 9:30 a.m. to 3:15 p.m. in room 6120, GSA Central Office, 18th & F Streets N.W., Washington, D.C. The agenda shall relate to discussions of GSA's internal management control strategy, including a report by the Board's subcommittee on Finance; GSA initiatives to improve the outleasing of vacant space; a status report covering the GSA/Public Buildings Service "Opportunity Buy Program"; GSA efforts to automate its procurement process; a report by the Board covering private sector employee motivation programs; and, a review of the challenges facing Federal and private sector managers resulting from changes in the telecommunications market. This meeting shall be open to the public.

Less than 15 days notice is being given due to scheduling conflicts.

Questions regarding this meeting should be directed to Mr. James Dean on (202) 566-0382.

Dated: July 3, 1984.

Thomas J. Simon,

*Director, Office of Program Initiatives.*

[FR Doc. 84-16074 Filed 7-6-84; 8:45 am]

BILLING CODE 6820-28-13

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control

#### Cooperative Agreements for Development of Model Surveillance Systems; Availability of Funds for Fiscal Year 1984

The Centers for Disease Control (CDC) announces the availability of funds in Fiscal Year 1984 for new cooperative agreements for the development of Model Surveillance Systems. These cooperative agreements are authorized by section 301(a) of the Public Health Service Act (42 U.S.C. 241(a)), as amended. The Catalog of

Federal Domestic Assistance Number is 13.283.

The objective of these cooperative agreement programs is to assist States to develop innovative State morbidity and mortality surveillance systems that will lead to the more complete and timely identification of disease and other adverse health outcomes. Such systems will promote rapid and effective communication between local, State, and federal health personnel. The official public health agencies of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa are eligible to apply for these agreements. Applicants must currently have an operational automated disease surveillance system.

The cooperative and programmatic involvement of CDC and recipients of funds is as follows:

#### A. Recipient Public Health Agency Activities

1. Design and operate a computer-based surveillance system for communicable diseases and adverse health outcomes occurring in the public health agency's jurisdiction.

2. Establish a system involving the electronic transmission of surveillance data between local and State health departments.

3. Establish a system involving the electronic transmission of surveillance data between the State health departments and CDC.

4. Establish computer-based reporting systems utilizing already existing systems for reporting health events.

5. Evaluate the use of indirect measures of morbidity and mortality such as motor vehicle accident reports, injury reports, drunken driving arrests, and homicide and suicide reports, as methods for identifying health risk trends in the community.

6. Transmit surveillance data summaries to local health departments. These data will include tabulations of geographic, temporal, and personal data.

7. Establish an epidemiology bulletin board and a private message system for field, local, and State health department staff.

8. Evaluate the effectiveness of these surveillance approaches, including their impact on the timeliness, quality, and cost of disease data collection.

9. Analyze, present, and publish the results of these surveillance activities.

### B. Centers for Disease Control Activities

1. Collaborate in the design, development, and implementation of the model disease surveillance system.

2. Provide software and technical support for the development of the model surveillance system.

3. Assist State agencies in the evaluation of various aspects of the model surveillance system including cost, effectiveness, timeliness, and quality of surveillance data.

Approximately \$180,000 will be available in Fiscal Year 1984 to award two to three cooperative agreements for a 1-year budget period and a 2-year project period.

During Fiscal Year 1984, the funding criteria will be:

1. The applicant's experience and current activities in surveillance and experience, especially those pertaining to the computerization, tabulation, and transmission of data.

2. Details of how the applicant will develop and implement the model surveillance system, including establishing and maintaining sentinel and active reporting sites in hospitals, clinics, and physicians' offices.

3. The description of the proposed staff including qualifications, time allocations, and a description of how the project will be administered.

4. Demonstration of close collaboration and working relationships between State health departments and local health agencies, medical institutions, and potential surveillance reporting sites.

5. Proposed schedule for accomplishing the activities of this cooperative agreement, including time frames and a plan for project evaluation.

There will be one annual review cycle for applications. The original and two copies of the application must be submitted on or before 4:30 p.m. (e.d.t.) on Friday, August 10, 1984, to Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road NE., Room 107A, Atlanta, Georgia 30305.

#### Deadlines

Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or

2. Sent on or before the deadline date and received in time for submission to the independent review group.

(Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal

Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

#### Late Applications

Applications which do not meet the criteria in either paragraph 1. or 2. above are considered late applications and will not be considered for review or funding.

Applications are subject to the review requirements of the National Health Planning and Resources Development Act of 1974, as amended, but are not subject to intergovernmental review pursuant to Executive Order 12372.

Information on application procedures, copies of application forms, and other material may be obtained from Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, at the above address, telephone (404) 262-6575 or FTS 236-6575. Technical assistance may be obtained from Dr. Philip Graitcer, Epidemiology Program Office, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 329-3048 or FTS 236-3048.

Dated: June 26, 1984.

James O. Mason, M.D., Dr. P.H.,  
Director, Centers for Disease Control.

[FR Doc. 84-18073 Filed 7-8-84; 8:45 am]

BILLING CODE 4160-18-M

#### Food and Drug Administration

##### Advisory Committee Meeting; Cancellation

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is cancelling the meeting of the Ophthalmic Devices Panel scheduled for July 16 and 17 1984. The meeting was announced by notice in the Federal Register of June 18, 1984 (49 FR 24951).

**FOR FURTHER INFORMATION CONTACT:** George C. Murray, Center for Devices and Radiological Health (HFZ-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

Dated: June 29, 1984.

William F. Randolph,  
Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 84-18014 Filed 7-3-84; 10:58 am]

BILLING CODE 4160-01-M

[Docket No. 81N-0314]

##### Sulfiting Agents; Reexamination of GRAS Status; Announcement of Study Request for Comments and Additional Information

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that the Federation of American Societies for Experimental Biology (FASEB), Life Sciences Research Office, is about to begin a study through its ad hoc Review Panel on the Reexamination of the GRAS Status of Sulfiting Agents of available information on health effects of sulfiting agents. The ad hoc Review panel is inviting submission of additional scientific data, information, and reports on health effects of sulfiting agents. The Panel then will prepare a tentative report and provide an opportunity for public comment on the tentative report at an open meeting. FDA will announce in the Federal Register in the future the date, time, and place of the meeting.

**DATE:** Additional data and information may be submitted until September 15, 1984.

**ADDRESSES:** Additional information and data should be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857 and the Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814. Two copies of the additional information and data should be submitted to FDA's Dockets Management Branch and 5 copies should be submitted to the Life Sciences Research Office.

##### FOR FURTHER INFORMATION CONTACT:

Sue Ann Anderson, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814, 301-530-7030; or Mary C. Custer, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-9463.

**SUPPLEMENTARY INFORMATION:** FDA is announcing its intention to reexamine the generally recognized as safe (GRAS) status of sulfiting agents (potassium metabisulfite, sodium bisulfite, sodium metabisulfite, potassium bisulfite, sodium sulfite, and sulfur dioxide) as direct human food ingredients. In 1976, the Select Committee on GRAS Substances evaluated the GRAS status

of these substances. This report (PB-285 508) is available from the National Technical Information Service, 5205 Port Royal Rd., Springfield, VA 22161.

Based in part on this evaluation and other information and data in FDA files, in the Federal Register of July 9, 1982 (47 FR 29956), FDA proposed to reaffirm that potassium metabisulfite, sodium bisulfite, sodium metabisulfite, and sulfur dioxide are GRAS, with specific limitations, as direct human food ingredients. In addition, FDA proposed not to reaffirm as GRAS potassium bisulfite and sodium sulfite as direct human food ingredients. The proposal established specific levels and types of foods for use of sulfiting agents.

FDA has received a large number of comments in response to the July 9, 1982 proposal. Comments from industry identified current uses of sulfiting agents that were not included within the scope of FDA's proposal of July 9, 1982. The agency is concerned that the newly reported uses of sulfiting agents may represent a substantial increase in the consumption level of sulfites over that considered by the Select Committee in 1976.

Additionally, a number of the comments to the proposal concerned experiences involving allergic-type reactions apparently caused by foods containing sulfiting agents. Many reports of these reactions were related to the relatively new use of sulfiting agents of fresh fruits and vegetables at restaurant salad bars.

The Life Sciences Research Office has established the ad hoc Review Panel on the Reexamination of the GRAS Status of Sulfiting Agents upon the recommendation of the Scientific Steering Group for FASEB's contract with FDA (No. 223-83-2020). This ad hoc Review Panel is about to begin a reexamination of all relevant scientific data that bear on the human health effects of sulfiting agents. The ad hoc Review Panel is composed of former members of the Select Committee who were involved in the first review and evaluation of the GRAS status of sulfiting agents, and other experts. A list of the members of the Panel may be obtained by writing to the contact person for FASEB, Sue Ann Anderson, at the address given above. In accordance with 21 CFR 14.15(b)(1) notice is given that the ad hoc Review Panel will hold a closed meeting on July 9 and 10, 1984, for organizational purposes. The ad hoc Review Panel's reexamination of information, data, and reports will include preparing a tentative report, making the tentative report publicly available (through an

FDA notice of availability), and providing opportunity to comment on the tentative report at an open meeting. The ad hoc Review Panel will consider evidence cited in the 1976 report of the Select Committee and will draft its tentative report based on this evidence as well as information published or made available since 1976. The deadline for receipt of any new written information is September 15, 1984. New information expected to be examined will include recent scientific publications and unpublished data. An open meeting on the safety of sulfiting agents as food ingredients will be held following the release of the tentative report. An announcement of the date for the open meeting and the availability of the tentative report will be published in the Federal Register on or before August 17, 1984. Persons who wish to receive single copies of the tentative report or who wish to present scientific information or data at the open meeting should contact Sue Ann Anderson at the address given above.

This notice requests submission of scientific information, data, and reports for consideration by the ad hoc Review Panel. Scientific information or use data submitted to FDA in response to the July 9, 1982 proposal need not be resubmitted. Two copies of any information and data should be submitted to FDA's Dockets Management Branch (address above) and should be identified with the docket number listed in the heading of this document. Five copies of any information and data should be submitted to the Life Sciences Research Office (address above).

Dated: July 3, 1984.  
William F. Randolph,  
*Acting Associate Commissioner for  
Regulatory Affairs.*

[FR Doc. 84-18012 Filed 7-6-84; 8:45 am]  
BILLING CODE 4160-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### Arizona, Safford District Grazing Advisory Board Meeting

**AGENCY:** Bureau of Land Management,  
Interior.

**ACTION:** Notice of meeting of the Safford  
District Grazing Advisory Board.

**DATE:** Friday, August 3, 1984; 9:00 a.m.  
**ADDRESS:** BLM Office, 425 E. 4th Street,  
Safford, Arizona 85546.

**SUMMARY:** The agenda for the meeting  
will include:

1. Election of Chairman and Vice-Chairman.
2. State Land exchange program.
3. Progress on 1984 Range Improvements and proposed Range Improvement projects for Fiscal Year 1985.
4. Results of grazing utilization studies.
5. Update on protests and appeals.
6. BLM management update.
7. Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. A written copy of the oral statement may be required to be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546, by 4:15 p.m., Thursday, August 2, 1984.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: June 28, 1984.

Vernon L. Saline,  
*Acting District Manager.*

[FR Doc. 84-16223 Filed 7-6-84; 8:45 am]  
BILLING CODE 4310-32-M

[A-5321, A-7154, A-7730, A-8762, A-19271]

#### Realty Action; Exchange of Public Lands and Cancellation of Public Land Sales

**AGENCY:** Bureau of Land Management,  
Interior.

**ACTION:** Exchange; Public Land in  
Graham and Cochise Counties, Arizona  
and cancellation of four public land  
sales.

**SUMMARY:** The following described  
lands are suitable for transfer by  
exchange to the State of Arizona under  
the provisions of section 206 of the  
Federal Land Policy and Management  
Act of 1976.

Gila and Salt River Meridian  
*Cochise County, Arizona*

- T. 13 S., R. 19 E.,  
Sec. 1: Lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 12: E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 20 S., R. 32 E.,  
Sec. 15: E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 23: Lots 3 and 4.

*Graham County, Arizona*  
T. 6 S., R. 26 E.,

- Sec. 32: Lots 3 and 4.  
T. 8 S., R. 26 E.,  
Sec. 3: SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 4: NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 10: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 15: W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 18: E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 20: SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 21: W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22: S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 23: NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 9 S., R. 29 E.,  
Sec. 6: Lot 4.

The lands described above comprise 473.78  
acres in Cochise County and 1,207.07 acres in  
Graham County, more or less.

The above described lands will be  
segregated from entry under the mining  
laws, except the mineral leasing laws,  
effective upon publication of this notice  
in the Federal Register. The segregative  
effect will terminate upon issuance of  
patent to the State of Arizona or upon  
expiration of two years from the  
effective date, or by publication of a  
Notice of Termination by the Authorized  
Officer, whichever comes first.

In exchange, the State of Arizona has  
offered the following described lands to  
the United States.

Gila and Salt River Meridian

*Graham County, Arizona*

Black Rock Unit

- T. 5 S., R. 21 E.,  
Sec. 32: S $\frac{1}{2}$ , NE $\frac{1}{4}$ ;  
Sec. 36: All lying south of the San Carlos  
Indian Reservation Boundary

Gila Mountain Unit

- T. 2 S., R. 22 E.,  
Sec. 2: Lots 1 through 4, inclusive;  
Sec. 36: S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , S $\frac{1}{2}$ .  
T. 3 S., R. 22 E.,  
Sec. 36: N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ .  
T. 4 S., R. 22 E.,  
Sec. 2: Lots 1 through 4, inclusive.  
T. 3 S., R. 23 E.,  
Sec. 2: Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 16: All.  
T. 3 S., R. 24 E.,  
Sec. 32: All.  
T. 4 S., R. 24 E.,  
Sec. 2: NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 32: All;  
Sec. 36: SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 5 S., R. 24 E.,  
Sec. 2: S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ .

*Cochise County, Arizona*

Dos Cabezas Unit

- T. 13 S., R. 27 E.,  
Sec. 25: Lots 1 through 4, inclusive,  
W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ;  
Sec. 36: Lots 1 through 4, inclusive,  
W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ .  
T. 14 S., R. 28 E.,  
Sec. 16: N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

*Gila County, Arizona*

## Needles Eye Unit

T. 3 S., R. 16 E.,

Sec. 16: Lots 1 through 4, inclusive, S $\frac{1}{2}$ S $\frac{1}{2}$ ;

T. 3 S., R. 17 E.,

Sec. 16: Lots 1 through 4, inclusive, S $\frac{1}{2}$ S $\frac{1}{2}$ .*Pinal County, Arizona*

## (Compromise Settlement)

CIV-83-1752-PHX-EHC

T. 5 S., R. 9 E.,

Sec. 14: Parcel A described as follows: Being that part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , lying northwesterly of the west bank of the Florence-Casa Grande Canal and more particularly described as follows:

Beginning at the west quarter corner of said section 14, thence east along the east-west mid-section line to the west bank of the Florence-Casa Grande Canal; thence southwesterly along the west bank of the Florence-Casa Grande Canal to the intersection of the west line of said section 14; thence northerly along the westline of said NW $\frac{1}{4}$ SW $\frac{1}{4}$  to the point of beginning.

T. 6 S., R. 9 E.,

Sec. 6: Parcel B described as follows: Being a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , lying westerly of the west bank of the Florence-Casa Grande Canal; more particularly described as follows:

Beginning at the south quarter corner of said section 6 thence northerly 100 feet along the north-south mid-section line; thence S 89°51'E being parallel with the south line of said section to a point, from which the westerly bank of said Florence-Casa Grande Canal lies S 89°51'E 100 feet; thence northeasterly and parallel with the west bank of said canal 50 feet to a point; thence S 89°51'E 100 feet to the westerly bank of said canal; thence southwesterly along said westerly bank of the canal to the south line of said section 6; thence N 89°51'W along said south line to the point of beginning.

The above described lands contain 7,025.17 acres more or less.

The above identified non-federal lands, with the exception of those in Pinal County, are being acquired to enhance resource management programs and initiate the land tenure adjustment program prescribed in the land use plan. The over-all exchange program will block up Federal and State-owned lands and consolidate ownership and management with the predominant land holder for the areas involved. The two parcels of State land in Pinal County are being acquired for the benefit of the Bureau of Indian Affairs in accordance with the compromise settlement and dismissal of law suit filed by the State of Arizona, et

al., against the United States. The public interests will be well served.

The values of the lands to be exchanged are approximately equal and the acreages will be adjusted to equalize values upon completion of the final appraisal of the lands.

Reservations applicable to the public lands are:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. A reservation to the United States of a right-of-way granted to El Paso Natural Gas Company under serial number PHX-084911 for a natural gas pipeline under the authority of the Act of February 25, 1920 (41 Stat. 449; 43 U.S.C. 185), affecting the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 29, T. 8 S., R. 26 E.

The public lands will also be patented subject to all valid existing rights and the terms and conditions of the following authorized uses:

1. A right-of-way to Graham County Electric Cooperative under permit AR 033289 for an electric transmission line, affecting the N $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 15, T. 8 S., R. 26 E.

2. A right-of-way to Graham County Board of Supervisors under permit A-5312 for a diversion dyke, affecting the E $\frac{1}{2}$ NW $\frac{1}{4}$  of Sec. 18, T. 8 S., R. 26 E.

3. A right-of-way to Graham County Board of Supervisors under permit A-16130 for a road, affecting the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 28, T. 8 S., R. 26 E.

4. A right-of-way to Graham County Electric Cooperative under permit A-5341 for a powerline, affecting the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Sec. 28, T. 8 S., R. 26 E.

5. A right-of-way to Mountain States Telephone and Telegraph Company under permit A-8656 for a telephone line, affecting Lot 3, Sec. 32, T. 6 S., R. 26 E.

6. A right-of-way to Graham County Board of Supervisors under permit A-19066 for a road, affecting the E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 21, T. 8 S., R. 26 E., and the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 28, T. 8 S., R. 26 E.

7. An Oil and Gas Lease A-11779, issued to Amoco Production Company, affecting the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3; the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 9; the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  and the W $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 10; the NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  and the N $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 15, T. 8 S., R. 26 E.

8. An Oil and Gas Lease A-13939, issued to Atlantic Richfield, affecting the E $\frac{1}{2}$ SE $\frac{1}{4}$  Sec. 15 and Lots 3 and 4, Sec. 23, T. 20 S., R. 32 E.

9. An Oil and Gas Lease A-16361, issued to Estancia Petroleum Corporation, and assigned July 1, 1982 to

RDM Interests, Ft. Worth, Texas, affecting the NW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 4; the E $\frac{1}{2}$ NW $\frac{1}{4}$  Sec. 18; the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 20; the S $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 22; the NW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 29, T. 8 S., R. 26 E.

On public lands where no grazing waivers have been obtained, the patentee will be subject to: (1) Honoring the existing grazing use for the remainder of the two year notification period; (2) honoring the terms/conditions of the existing grazing authorizations regarding AUMs of use, numbers of animals, seasons or periods of use, range improvements, and other special terms that may exist; and (3) charging no more than the BLM grazing fee scheduled for a given year. If no prior notification has been given, publication of this notice will serve as the beginning date for the two year notification.

The State lands, when conveyed to the United States, will be subject to such terms and conditions as are necessary to protect the permittees and lessees. The permittee/lessee will be able to either continue his/her use under the existing terms of the State's authorization or may be issued a new authorization by the Bureau of Land Management.

Publication of this notice will cancel the following public sales and terminate their segregative effect.

A-5321 Published in the Federal Register January 27 1983.

A-7730 Published in the Federal Register January 27, 1983.

A-7154 Published in the Federal Register February 10, 1983.

A-8762 Published in the Federal Register June 9, 1983.

**DATE:** For a period of 45 days from date of publication in the Federal Register interested parties may submit comments to the Safford District Manager, 425 E. 4th Street, Safford, Arizona 85546 or to the State Land Commissioner, 1024 W. Adams, Phoenix, Arizona 85004. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Interior.

**SUPPLEMENTARY INFORMATION:** Detailed information concerning the exchange, including the land use plan supporting this exchange and the environmental considerations reviewed in making this decision to exchange, are available for review at the Safford District Office.

Dated: June 27, 1984.

Vernon L. Saline,  
Acting District Manager.

[FR Doc. 84-18026 Filed 7-6-84; 8:45 am]  
BILLING CODE 4310-32-M

[A-19270]

### Realty Action Mineral Exchange

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Exchange; Federal minerals in Cochise County, Arizona.

**SUMMARY:** The Federal mineral estate underlying the following described State land has been determined to be available for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona

T. 13 S., R. 26 E.,  
Sec. 9: SW¼  
T. 13 S., R. 28 E.,  
Sec. 2: Lots 1 to 4, S½N½, S½  
T. 13 S., R. 29 E.,  
Sec. 36: W½.

Comprising 1,119.72 acres in Cochise County, more or less.

In exchange for the above described 1,119.72 acres, the State of Arizona offers the following described State-owned minerals underlying Federal surface in Cochise County and Graham County.

Gila and Salt River Meridian, Arizona

T. 6 S., R. 21 E.,  
Sec. 2: Lots 1 to 4, S½N½, S½  
T. 14 S., R. 27 E.,  
Sec. 2: Lots 1 to 4, S½N½, SW¼  
T. 14 S., R. 28 E.,  
Sec. 16: S½SE¼.

Comprising 576.28 acres in Cochise County and 545.24 acres in Graham County, more or less.

The purpose of the exchange is to improve land management by uniting split estate lands. The Federal government would receive State-owned minerals under Federal surface in the Dos Cabezas and Jackson Mountains. In exchange, the State would receive Federal minerals under State surface in the Bowie area and in the Dos Cabezas Mountains. The Federal surface areas are adjacent to BLM wilderness study areas.

This action as provided in 43 CFR 2201.1(b) shall segregate the Federal minerals described above, effective on the date of publication in the Federal Register, to the extent that they will not be subject to appropriation under the mining laws but excepting the mineral leasing laws, subject to any valid existing rights.

The segregative effect created by this Notice shall terminate upon patent of the mineral estate to the State of Arizona for two years from its effective date, whichever comes first; or it may be terminated by an order of the Authorized Officer prior to that time, published in the Federal Register.

Upon completion of the environmental assessment, a final Notice of Realty Action will be published. The Notice will provide a final description of the Federal and state mineral estates to be exchanged, including any reservations to be made by either party to the exchange.

**DATE:** For a period of forty-five (45) days from date of this publication, interested parties may submit comments to the District Manager or the Arizona State Land Commissioner at the following addresses.

**SUPPLEMENTARY INFORMATION:** Detailed information concerning the exchange proposal may be obtained from the District Manager, Safford District Office, 425 E. 4th Street, Safford, Arizona 85546, or the Arizona State Land Commissioner, Arizona State Land Department, 1624 W. Adams, Phoenix, Arizona 85007

Dated: June 27, 1984.

Vernon L. Saline,  
Acting District Manager.

[FR Doc. 84-18027 Filed 7-6-84; 8:45 am]  
BILLING CODE 4310-32-M

### Salem District Advisory Council Meeting

Notice is hereby given in accordance with section 309 of the Federal Land Policy and Management Act of 1976 that the rescheduled first meeting of 1984 of the Salem District Advisory Council will be held July 30, 1984, at 1:30 p.m. at the BLM Salem District Office, 1717 Fabry Road SE, Salem, Oregon.

Agenda for the Meeting will include:

- 1—Election of Officers
- 2—Status report on the Yaquina Head Outstanding Natural Area
- 3—Review of the Bureau of Land Management Plans
- 4—Implementation of Timber Management Plans
- 5—Oral statements from public

The meeting is open to the public. Anyone wishing to make an oral statement must notify the District Manager at the Salem District Office, 1717 Fabry Road SE, Salem, Oregon, 97302, by July 26. Written comments will also be received for the council's consideration.

Summary minutes will be maintained in the District Office and will be

available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: June 29, 1984.

Joseph C. Dose,  
District Manager.

[FR Doc. 84-18029 Filed 7-6-84; 8:45 am]  
BILLING CODE 4310-33-M

[N-33989]

### Realty Action; Exchange of Public and Private Lands in Elko County, Nevada

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:

Mount Diablo Meridian

T. 35 N., R. 57 E.  
Sec. 2:  
Sec. 10, E½, E½W½, SW¼SW¼;  
Sec. 12, N½, N½S½.  
T. 36 N., R. 57 E.  
Secs. 4; 14; 16; 24; 26; 36.  
T. 38 N., R. 57 E.  
Sec. 18, NE¼, NE¼NW¼, W½W½,  
N½SE¼, SE¼SE¼;  
Sec. 28, E½NE¼, W½NW¼, SE¼NW¼.  
T. 35 N., R. 59 E.  
Sec. 6.  
T. 36 N., R. 59 E.  
Secs. 18; 20; 30;  
Sec. 32, N½, W½SW¼, SE¼SW¼,  
E½SE¼.

Containing 9,241.83 acres.

In exchange for these lands, the United States will acquire the following described lands from Glaser Land and Livestock Co..

Mount Diablo Meridian

T. 36 N., R. 56 E.  
Sec. 5.  
T. 37 N., R. 56 E.  
Sec. 2, lot 1, SW¼NE¼.  
Sec. 3:  
Sec. 5, lots 1 and 2, S½NE¼;  
Sec. 9, NE¼;  
Sec. 15, NE¼;  
Sec. 23;  
Sec. 33;  
Sec. 35, W½, SE¼.  
T. 38 N., R. 59 E.  
Sec. 11, S½;  
Sec. 13, S½;  
Sec. 14, SW¼NE¼;  
Sec. 15;  
Sec. 21;  
Sec. 23;  
Sec. 24, SW¼SE¼, SE¼SW¼;  
Sec. 25;  
Sec. 27;  
Sec. 31, NE¼;  
Sec. 33;  
Sec. 34, S½SW¼, SW¼SE¼;  
Sec. 35;  
Sec. 36, W½SW¼, SE¼SW¼.  
T. 38 N., R. 57 E.

Sec. 8, lot 7  
 Sec. 8, N½SW¼, S½SE¼;  
 Sec. 31.  
 Containing 10,063.12 acres.

The purpose of the exchange is to acquire non-Federal land that contains demonstrated wildlife values and recreation potential. Range management techniques for both parties will also be improved. The exchange is consistent with the Bureau's land use plans and the public interest will be well served. No mineral estates will be exchanged. The Bureau intends to consummate the exchange during the Fall of 1984.

The above lands will be subject to an appraisal to determine the value of the lands to be exchanged. The described lands may change to reflect equal value following the completion of the appraisal.

Lands to be transferred from the United States will be subject to the following reservations:

1. A right-of-way for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (26 Stat. 391; U.S.C. 945).
2. All minerals will be reserved to the United States.
3. A 30 foot wide easement for public access shall be reserved along the west section line in section 26, T. 36 N., R. 57 E.
4. A 60 foot wide easement for public access shall be reserved along the west section line in section 14, T. 36 N., R. 57 E.

And will be subject to:

1. Those rights granted by oil and gas leases, N-16153, N-17758, N-18004, N-18747, N-18748, N-18755, N-18763, and N-32135 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 the oil and gas leases, and any authorized extension of those leases. Upon termination or relinquishment of said oil and gas leases, this reservation shall terminate.
2. The rights for telephone line purposes which have been granted to Nevada Bell, its successors or assigns under Permit Nos. Elko-01655 and CC-021089, under the Act of March 4, 1911 (36 Stat. 1253, 43 U.S.C. 961, as amended).
3. Those rights for railroad line purposes which have been granted to Southern Pacific Railroad Co., its

successors or assigns under Permit Nos. Elko-04086 under the Act of July 1, 1862 (12 Stat. 489) and Nev-043256 under the Act of March 3, 1875 (18 Stat. 482; 43 U.S.C. 934-939).

4. Those rights for railroad line purposes which have been granted to Western Pacific Railroad Company, its successors and assigns by Permit No. CC-04691 under the Act of March 3, 1875 (18 Stat. 482; 43 U.S.C. 934-939).

5. Those rights granted to the Nevada Department of Highway, its successors or assigns, by Permit Nos. CC-020107 and CC-022746 under the Act of November 9, 1921 (42 Stat. 212), Nev-058170, Nev-058998, Nev-064883, and Nev-065047 under Section 317 of the Act of August 27, 1958 (72 Stat. 885; 23 U.S.C.) and N-24180 under the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

6. Those rights for powerline purposes which have been granted to Sierra Pacific Power Co., its successors or assigns, by Permit Nos. CC-021208, CC-023716, and Nev-04914 under the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961) as amended.

7. Those rights for telephone line purposes which have been granted to C. P. National, its successors or assigns, under Permit No. N-5321 under the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

8. Those rights for powerline purposes which have been granted to Wells Rural Electric Co., its successors or assigns, by Permit No. N-11194 under the Act of March 4, 1911 (36 Stat. 1253; U.S.C. 961) as amended.

Publication of this Notice in the Federal Register will segregate the selected lands from all forms of appropriation under the public land laws including the mining and mineral leasing laws. This segregation will terminate upon the issuance of a patent or two years from the date of this Notice, or upon publication of a Notice of Termination.

Detailed information concerning the exchange is available for review at the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801. For a period of 45 days from the date of publication in the Federal Register, interested parties may submit comments to the District Manager at P. O. Box 831, Elko, Nevada 89801. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. If no action is taken by the State Director, this realty action will become the final

determination of the Department of the Interior.

Rodney Harris,  
 District Manager.

[FR Doc. 84-18112 Filed 7-9-84; 8:45 am]  
 BILLING CODE 4310-HC-M

## National Park Service

### Availability of Plan of Operations and Environmental Analysis for the Purpose of Conducting Subsurface Geophysical Exploration; Amoco Production Co. (USA); Padre Island National Seashore, Texas.

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Amoco Production Company (USA) a Plan of Operations for the purpose of conducting subsurface geophysical exploration within Padre Island National Seashore, Kenedy County, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418. Copies of the document are available from Padre Island National Seashore and will be sent, upon request, to individuals or groups at a charge of \$9.50 per copy, pursuant to the Freedom of Information Act. The document is 95 pages in length.

Dated: June 26, 1984.

Robert I. Kerr,  
 Regional Director, Southwest Region.

[FR Doc. 84-17993 Filed 7-8-84; 8:45 am]  
 BILLING CODE 4310-70-M

### Availability of Plan of Operations and Environmental Analysis for the Purpose of Drilling the Exploratory Oil and Gas Well, Doty-Jackson X Well, No. 34-1; Elsbury Production, Inc., Big Thicket National Preserve, Texas

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Elsbury Production, Incorporated, a Plan of Operations for the purpose of drilling the Exploratory Oil and Gas Well, Doty-Jackson X Well, No. 34-1, within the Jack Gore Baygall/Neches Bottom Unit, Big Thicket National Preserve, Texas.

The Plan of Operations and Environmental Analysis are available

for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Big Thicket National Preserve, 8185 Eastex Freeway, Beaumont, Texas; and the Jefferson County Courthouse, in Beaumont, Texas. Copies of the documents are available from the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Dated: June 28, 1984.

Robert I. Kerr,

*Regional Director, Southwest Region.*

[FR Doc. 84-17994 Filed 7-6-84; 8:45 am]

BILLING CODE 4310-70-M

### Office of Surface Mining Reclamation and Enforcement

#### Availability of Final Environmental Impact Statement on the Proposed Montco Mine, Rosebud County, Montana

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of availability of final environmental impact statement.

**SUMMARY:** The Office of Surface Mining (OSM) is making available a final environmental impact statement (EIS) on the proposed Montco mine. This EIS has been prepared to assist the Department, in accordance with the Montana State—Federal cooperative agreement, in making a decision on whether to concur with the Montana Department of State Lands decision on the permit application by Montco for surface mining near the Tongue River in Rosebud County, Montana.

**ADDRESSES:** Copies of the final EIS are available at the following OSM offices:

Office of Surface Mining, U.S. Department of the Interior, Room 134, Interior South Building, 1951 Constitution Avenue, NW., Washington, DC 20240 (telephone: 202-343-5854).

Office of Surface Mining, U.S. Department of the Interior, Western Technical Center, Administration's Office, Brooks Towers, 1020 15th Street, Denver, Colorado 80202 (telephone: 303-837-5421).

**FOR FURTHER INFORMATION CONTACT:** Anna May Orellana, Office of Surface Mining, Room 134, Interior South Building, 1951 Constitution Avenue, NW., Washington, DC 20240 (telephone: 202-343-5854).

**SUPPLEMENTARY INFORMATION:** This EIS analyzes the impact on the human environment that would result from

concurrence by OSM with the decision of the Montana Department of State Lands (DSL) on the permit application of Montco for the proposed Montco mine in Rosebud County, Montana. OSM concurrence with the DSL decision is required by Article V.B.8. of the Montana State—Federal cooperative agreement (46 FR 20993, April 8, 1981). The analysis in this EIS was prepared by OSM with input from DSL. Concurrent with this EIS, DSL is preparing a corresponding EIS under the Montana Environmental Policy Act.

**Applicant's proposal:** Montco proposes to open a surface coal mine in the Tongue River Valley near Ashland, Montana. The initial permit application proposes to mine at a maximum rate of 6 million tons per year from about 500 acres in the proposed permit area. About 5,000 acres would be mined over the 24-year life of the mine. Annual production would reach 12 million tons by the year 2000 and would employ about 560 workers. The coal would be shipped via a new rail line that would connect with the Burlington Northern mainline along the Yellowstone River.

**Alternatives:** This EIS evaluates four alternatives that cover the range of decisions available to OSM regarding the DSL decision on the Montco permit application.

Alternative A (The no-action alternative) is not reasonable because part of the proposed facilities for the Montco mine would lie on Federal lands, and therefore a decision by OSM is required by the Montana State—Federal cooperative agreement.

Alternative B is OSM's preferred alternative in which OSM could concur with any of the five alternatives proposed by DSL in its draft EIS on the Montco mine as published in May 1982. These DSL alternatives are (1) approve the permit as proposed, (2) no action, (3) deny the permit, (4) selective denial of the permit, or (5) approve the permit with stipulations (conditions) or mitigating measures.

Alternative C is concurrence with the DSL decision with additional conditions proposed by OSM.

Alternative D would be to withhold concurrence.

Dated: July 3, 1984.

Allen O. Perry,

*Acting Assistant Director, Technical Services and Research.*

[FR Doc. 84-18054 Filed 7-0-84; 8:45 am]

BILLING CODE 4310-05-M

### INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30461]

#### Illinois Central Gulf Railroad Company—Abandonment Exemption—in Perry County, MS

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Interstate Commerce Commission exempts the abandonment by the Illinois Central Gulf Railroad Company of 3.77 miles of railroad in Perry County, MS, subject to conditions for protection of employees.

**DATES:** The exemption is effective on August 8, 1984. Petitions for reconsideration must be filed by July 30, 1984. Petitions for stay must be filed by July 19, 1984.

**ADDRESSES:** Send pleadings referring to Finance Docket No. 30461 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
- (2) Petitioner's Representative: John W. Adams, Jr., P.O. Box 8271, Mobile, AL 36608.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 29, 1984.

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

James H. Bayne,

*Secretary.*

[FR Doc. 84-18032 Filed 7-6-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 21755 (Sub-1)]

#### Missouri Pacific Railroad Company—Control—Chicago & Eastern Illinois Railroad Co.

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Proceeding reopened and modified procedure scheduled.

**SUMMARY:** By a petition filed February 6, 1984, Missouri Pacific Railroad Company seeks reopening for the limited purpose of removing certain traffic protective conditions imposed in

**Missouri Pac. R. Co.—Control—Chicago & E.I.R. Co., 327 I.C.C. 279 at 385-6 (1965).** This proceeding is reopened and modified procedure is instituted. Interested persons shall give notice of their intent to participate.

**DATES:** Notices of intent to participate are due on August 8, 1984. All evidence and arguments in support of removing the conditions are due on September 24, 1984. Statements in opposition to removal of the conditions are due on November 6, 1984. Rebuttal is due on December 6, 1984.<sup>1</sup>

**ADDRESSES:** Send an original plus 1 copy of each notice of intent to participate and an original plus 10 copies of all other pleadings referring to Finance Docket No. 21755 (Sub-No. 1) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

Send one copy of each notice of intent to participate and pleading to: James C. Stroh, Missouri Pacific Railroad Co., 1416 Dodge Street, Omaha, NE 68179.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision in Finance Docket No. 19315 (Sub-No. 1), *et al.* To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227 Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 29, 1984.

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

James H. Bayne,  
Secretary.

[FR Doc. 84-18097 Filed 7-6-84; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 27773 (Sub-1)]

**Missouri Pacific Railroad Co.—Merger—the Texas & Pacific Railway Co. and Chicago & Eastern Illinois Railroad Co.**

**AGENCY:** Interstate Commerce Commission.

<sup>1</sup> Pleadings filed under this docket number pursuant to ordering paragraph 4 of the decision in *Traffic Protective Conditions*, 366 I.C.C. 112 (1982), will not be considered in this reopened proceeding unless they are refiled pursuant to this notice because the burden of proof here is on persons seeking removal of conditions, whereas in proceedings (now reversed) that were to be generated under *Traffic Protective Conditions*, the burden of proof was on persons seeking retention of conditions.

**ACTION:** Proceeding reopened and modified procedure scheduled.

**SUMMARY:** By a petition filed February 6, 1984, Missouri Pacific Railroad Company seeks reopening for the limited purpose of removing certain traffic protective conditions imposed in *Missouri Pac. R. Co.—Merger—T&P and C&EL*, 348 I.C.C. 414 (1976). This proceeding is reopened and modified procedure is instituted. Interested persons shall give notice of their intent to participate.

**DATES:** Notices of intent to participate are due on August 8, 1984. All evidence and arguments in support of removing the conditions are due on September 24, 1984. Statements in opposition to removal of the conditions are due on November 6, 1984. Rebuttal is due on December 6, 1984.<sup>1</sup>

**ADDRESSES:** Send an original plus 1 copy of each notice of intent to participate and an original plus 10 copies of all other pleadings referring to Finance Docket No. 27773 (Sub-No. 1) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

Send one copy of each notice of intent to participate and pleading to: James C. Stroh, Missouri Pacific Railroad Co., 1416 Dodge Street, Omaha, NE 68179.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision in Finance Docket No. 19315 (Sub-No. 1), *et al.* To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227 Interstate Commerce Commission, Washington, D.C. 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 29, 1984.

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

James H. Bayne,  
Secretary.

[FR Doc. 84-18095 Filed 7-6-84; 8:45 am]  
BILLING CODE 7035-01-M

<sup>1</sup> Pleadings filed under this docket number pursuant to ordering paragraph 4 of the decision in *Traffic Protective Conditions*, 366 I.C.C. 112 (1982), will not be considered in this reopened proceeding unless they are refiled pursuant to this notice because the burden of proof here is on persons seeking removal of conditions, whereas in proceedings (now reversed) that were to be generated under *Traffic Protective Conditions*, the burden of proof was on persons seeking retention of conditions.

[Finance Docket No. 28586 (Sub-2)]

**Missouri Pacific Railroad Co.—Merger—Missouri Pacific Railroad Co., et al.**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Proceeding reopened and modified procedure scheduled.

**SUMMARY:** By a petition filed February 6, 1984, Missouri Pacific Railroad Company seeks reopening for the limited purpose of removing traffic protective conditions entered into by stipulation and approved by the Commission *Missouri Pacific Railroad Company—Merger*, 360 I.C.C. 6 at 222 (1978). This proceeding is reopened and modified procedure is instituted. Interested persons shall give notice of their intent to participate.

**DATES:** Notices of intent to participate are due on August 8, 1984. All evidence and arguments in support of removing the conditions are due on September 24, 1984. Statements in opposition to removal of the conditions are due on November 6, 1984. Rebuttal is due on December 6, 1984.

**ADDRESSES:** Send an original plus 1 copy of each notice of intent to participate and an original plus 10 copies of all other pleadings referring to Finance Docket No. 28586 (Sub-No. 2) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

Send one copy of each notice of intent to participate and pleading to: James C. Stroh, Missouri Pacific Railroad Co., 1416 Dodge Street, Omaha, NE 68179.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision in Finance Docket No. 19315 (Sub-No. 1), *et al.* To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227 Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 29, 1984.

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

James H. Bayne,  
Secretary.

[FR Doc. 84-18094 Filed 7-6-84; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 28614 (Sub-2)]

**Newrail Co., Inc.—Purchase—The Western Pacific Railroad Co.****AGENCY:** Interstate Commerce Commission.**ACTION:** Proceeding reopened and modified procedure scheduled.

**SUMMARY:** By a petition filed February 6, 1984, Union Pacific Railroad Company, successor in interest to Western Pacific Railroad Company, seeks reopening for the limited purpose of removing certain traffic protective conditions imposed in *Newrail Co., Inc.—Pur.—The Western Pac. R. Co.*, 354 I.C.C. 884 (1979). This proceeding is reopened and modified procedure is instituted. Persons interested in participating shall give notice of their intent to participate.

**DATES:** Notices of intent to participate are due on August 8, 1984. All evidence and arguments in support of removing the conditions are due on September 24, 1984. Statements in opposition to removal of the conditions are due on November 6, 1984. Rebuttal is due on December 6, 1984.

**ADDRESSES:** Send an original plus 1 copy of each notice of intent to participate and an original plus 10 copies of all other pleadings referring to Finance Docket No. 28614 (Sub-No. 2) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

Send one copy of each notice of intent to participate and pleading to: James C. Stroo, Western Pacific Railroad Co., 1416 Dodge Street, Omaha, NE 68179.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision in Finance Docket No. 19315 (Sub-No. 1), *et al.* To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227 Interstate Commerce Commission, Washington, DC 20423, or call 283-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 29, 1984.

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

James H. Bayne,  
*Secretary.*

[FR Doc. 84-18093 Filed 7-6-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 19315 (Sub-No. 1)]

**Spokane International Railroad Co. Control****AGENCY:** Interstate Commerce Commission.**ACTION:** Proceeding reopened and modified procedure scheduled.

**SUMMARY:** By a petition filed February 6, 1984, Missouri Pacific Railroad Company seeks reopening for the limited purpose of removing certain traffic protective conditions entered into by stipulation and approved by the Commission in *Spokane International R. Co. Control*, 295 I.C.C. 25 (1956). This proceeding is reopened and modified procedure is instituted. Interested persons shall give notice of their intent to participate.

**DATES:** Notices of intent to participate are due on August 8, 1984. All evidence and arguments in support of removing the conditions are due on September 24, 1984. Statements in opposition to removal of the conditions are due on November 6, 1984. Rebuttal is due on December 6, 1984.

**ADDRESSES:** Send an original plus 1 copy of each notice of intent to participate and an original plus 10 copies of all other pleadings referring to Finance Docket No. 19315 (Sub-No. 1) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington DC 20423.

Send one copy of each notice of intent to participate and pleading to: James C. Stroo, Missouri Pacific Railroad Co., 1416 Dodge Street, Omaha, NE 68179.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision in Finance Docket No. 19315 (Sub-No. 1) *et al.* To purchase a copy of the full decision, write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 283-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 29, 1984.

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

James H. Bayne,  
*Secretary.*

[FR Doc. 84-18093 Filed 7-6-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 22274 (Sub-1)]

**Texas & Pacific Railway Co.—Control—Kansas, Oklahoma & Gulf. Railway Co., et al.****AGENCY:** Interstate Commerce Commission.**ACTION:** Proceeding reopened and modified procedure schedule.

**SUMMARY:** By a petition filed February 6, 1984, Missouri Pacific Railroad Company seeks reopening for the limited purpose of removing certain traffic protective conditions imposed in *Texas & Pac. Ry. Co.—Control—Kansas, O. & G. Ry. Co.*, 324 I.C.C. 369 at 339-40 (1984). This proceeding is reopened and modified procedure is instituted. Interested persons shall give notice of their intent to participate.

**DATES:** Notices of intent to participate are due on August 8, 1984. All evidence and arguments in support of removing the conditions are due on September 24, 1984. Statements in opposition to removal of the conditions are due on November 6, 1984. Rebuttal is due on December 6, 1984.

**ADDRESSES:** Send an original plus 1 copy of each notice of intent to participate and an original plus 10 copies of all other pleadings referring to Finance Docket No. 22274 (Sub-No. 1) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

Send one copy of each notice of intent to participate and pleading to: James C. Stroo, Missouri Pacific Railroad Co., 1416 Dodge Street, Omaha, NE 68179.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision in Finance Docket No. 19315 (Sub-No. 1), *et al.* To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 283-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 29, 1984.

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

James H. Bayne,  
*Secretary.*

[FR Doc. 84-18093 Filed 7-6-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 20367 (Sub-1)]

**Union Pacific Railroad Co.—Purchase (Portion)—Bamberger Railroad Co.**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Proceeding reopened and modified procedure scheduled.

**SUMMARY:** By a petition filed February 6, 1984, Union Pacific Railroad Company seeks reopening for the limited purpose of removing certain traffic protective conditions imposed in this proceeding by decision dated November 25, 1958. This proceeding is reopened and modified procedure is instituted. Interested persons shall give notice of their intent to participate.

**DATES:** Notices of intent to participate are due on August 8, 1984. All evidence and arguments in support of removing the conditions are due on September 24, 1984. Statements in opposition to removal of the conditions are due on November 6, 1984. Rebuttal is due on December 6, 1984.

**ADDRESSES:** Send an original plus 1 copy of each notice of intent to participate and an original plus 10 copies of all other pleadings referring to Finance Docket No. 20367 (Sub-No. 1) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

Send one copy of each notice of intent to participate and pleading to: James C. Stroo, Union Pacific Railroad Co., 1416 Dodge Street, Omaha, NE 68179.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision in Finance Docket No. 19315 (Sub-No. 1), *et al.* To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227 Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: June 29, 1984.

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

James H. Bayno,  
Secretary.

[FR Doc. 84-18098 Filed 7-6-84; 8:45 am]  
BILLING CODE 7035-01-M

[OP3-441]

**Decision-Notice—OP3-441**

Decided: July 2, 1984.

The following applications seek approval to consolidate, purchase,

merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55. (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1182.2 (d).

*Amendments to the request for authority will not be accepted after the date of this publication.* However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

*We find*, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later

becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand demed.

James H. Bayno,  
Secretary.

[No. MC-F-15689, filed March 21, 1984]

Matador Service, Inc. (Matador) (411 E. 37th North, Wichita, KS 67220)—Purchase—Howard Dullum (Dullum) (Box 7 Gardner, ND 58036). Representative: R. W. Wheeler, 220 N. Fourth St., P.O. Box 2056, Bismarck, ND 58502-2056.

Matador seeks authority to purchase all of the interstate operating rights and property of Dullum. Charles G. Koch and David H. Koch, the sole stockholders of Matador, seek authority to acquire control of said rights through the transaction.

Matador is seeking to acquire all of Dullum's operating rights contained in Certificates No. MC-134604 Sub-Nos. 8, 10X (and its underlying authority is Sub-Nos. 2, 4, 5, 6, 7 and 9), and 11, authorizing generally, the irregular route transportation of chemicals and related products, food and related products, and commodities in bulk, between specified points in the northern midwest part of the United States.

Matador is authorized to operate as a motor common carrier in No. MC-145149. Matador is a wholly owned subsidiary of Koch Industries, Inc.

Note.—An application for temporary authority has been filed.

[FR Doc. 84-18100 Filed 7-6-84; 8:45 am]  
BILLING CODE 7035-01-M

**NUCLEAR REGULATORY COMMISSION**

**Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology, and Criteria; Cancellation**

The ACRS Subcommittee on Safety Philosophy, Technology, and Criteria scheduled for July 11, 1984 has been

cancelled. Notice of this meeting was published Wednesday, June 27 1984 (49 FR 26325).

Dated: July 3, 1984.

Morton W. Libarkun,  
Assistant Executive Director for Project  
Review.

[FR Doc. 84-18107 Filed 7-6-84; 8:45 am]  
BILLING CODE 7590-01-M

### Applications for Licenses to Export and Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the

following applications for export and import licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the Federal Register. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 3rd day of July 1984 at Bethesda, Maryland.

For the Nuclear Regulatory Commission,  
James V. Zimmerman,  
Assistant Director, Export/Import and  
International Safeguards, Office of  
International Programs.

### NRC IMPORT/EXPORT APPLICATIONS

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear Co., Inc., May 25, 1984, June 4, 1984, XSNM02150.	3.10 percent enriched uranium.	44,530	1,389	Reload fuel for EMB B.	West Germany.
Exxon Nuclear Company, Inc., May 31, 1984, June 8, 1984, XSNM02152.	3.50 percent enriched uranium.	32,273	1,169	Reload fuel for Tchange 1.	Belgium.
Westinghouse Electric Corp., June 4, 1984, June 8, 1984, XSNM0844, amendment No. 04.	3.20 percent enriched uranium.	1,462.0	116.0	Amend to add material for return of replacement rods and extend expiration date to Dec. 31, 1985.	Spain.
Exxon Nuclear Company, Inc., May 31, 1984, June 8, 1984, XSNM02153.	3.40 percent enriched uranium.	30,451	1,035	Reload fuel for EMB A.	West Germany.
Transnuclear, Inc., June 14, 1984, June 14, 1984, XSNM02154.	19.95 percent enriched uranium.	62,055	12,339	Fuel for the FRM-Munich Research Reactor.	West Germany.
Edlow International Co., June 14, 1984, June 15, 1984, ISNM79007, amendment No. 03.	86.0 percent enriched uranium.	1,115.0	189.0	Amend to extend expiration date from Jan. 1, 1985, to Jan. 1, 1987, and increase quantity.	Japan.
Braunkohl's Transport U.S.A., May 23, 1984, May 29, 1984, XSNM02124, amendment No. 01.	5 percent enriched uranium.	1,1226	162	Increase quantity authorized for export of "Holes" in cylinders.	France, U.K., Netherlands, West Germany.

<sup>1</sup> Additional.

[FR Doc. 84-18111 Filed 7-6-84; 8:45 am]  
BILLING CODE 7590-01-M

### Availability of NUREG-0980: Nuclear Regulatory Legislation

June 29, 1984.

NRC announces the availability of NUREG-0980: Nuclear Regulatory Legislation (June 1984), a compilation of statutes and material pertaining to nuclear legislation through the 97th Congress, 2nd Session, compiled by Anna Fotias, Legislative Specialist, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, with the assistance of the Office of the Executive Legal Director and General Counsel staff. The NRC intends to issue updates of NUREG-0980 at regular intervals by insertion or deletion of material in the compilation available at this time.

Other Government agencies may obtain a free single copy of NUREG-0980, to the extent of supply, by writing

to the Publication Services Section, Document Management Branch, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or by calling (301) 492-7333.

Copies of NUREG-0980 may be purchased, to the extent of supply, by calling (301) 492-9530, the NRC/GPO Sales Program Office, or by writing to the Publication Services Section, Document Management Branch, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of this publication may be purchased from the National Technical Information Service (NTIS), Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

The NRC/GPO Sales Program, as part of the Publication Services Section, Document Management Branch,

Division of Technical Information and Document Control, fills orders for NRC publications within 24 hours of receipt. The public may charge the cost of publications to a GPO Deposit Account, to a Visa or Master Card account, or purchase may be made by check or money order.

Anna Fotias,  
Legislative Specialist, ELD.

[FR Doc. 84-18110 Filed 7-6-84; 8:45 am]  
BILLING CODE 7590-01-M

### Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) the following information collection requirements for clearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: Revised.  
2. The title of the information collection: 10 CFR Part 51.53(b), "Requirements for Licensee Actions Regarding the Disposition of Spent Fuel Upon Expiration of Reactor Operating Licenses."

3. The form number if applicable: NA.  
4. How often the collection is required: One time occurrence for each of the two licensed reactors whose operating licenses expire before 1998.

5. Who will be required or asked to report: NRC power reactor licensees who expect to store spent nuclear fuel at the reactor after expiration of the reactor's operating license.

6. An estimate of the number of responses: none through the year 1990, possibly one in 1991 and another in 1992. No further responses are expected beyond that date since the next reactor operation license expiration date in the year 2000 occurs after the 1998 date which DOE has contracted to take title to all commercial spent nuclear fuel.

7. An estimate of the total number of the respondent's hours needed annually to complete the requirement or request: zero through the year 1990, and about 400 hours in 1991, 400 in 1992, and none beyond that date.

8. An indication of whether section 3504(h), Pub. L. 96-511 applies: NA.

9. Abstract: The final rule would require that each applicant applying for a license or license amendment to store spent fuel at a nuclear power reactor after expiration of the operating license for the reactor, shall submit with its application a "Supplement to Applicant's Environmental Report—Post Operating License Stage." Unless otherwise required by the Commission, the applicant shall only address the environmental impact of spent fuel storage for the term of the license applied for. The "Supplement to Applicant's Environmental Report—Post Operating License Stage" may incorporate by reference any information contained in "Applicant's Environmental Report—Construction Permit Stage," "Supplement to Applicant's Environmental Report—Operating License Stage," final environmental impact statement, supplement to final environmental impact statement or records of decision previously prepared in connection with the construction permit or operating license.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Comments and questions should be directed to OMB reviewer Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland the 2nd day of July 1984.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 84-18110 Filed 7-6-84; 8:45 am]

BILLING CODE 7530-01-M

[License No. 45-18492-01 EA 84-19]

### Prillaman & Pace, Inc., Order Imposing Monetary Civil Penalty

#### I

Prillaman & Pace, Inc., P.O. Box 4667 Martinsville, Virginia 24112 (the "licensee") is the holder of License No. 45-18492-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to possess and use a moisture-density gauge in accordance with conditions specified therein. The license was issued on May 17 1979.

#### II

As a result of a routine safety inspection conducted on January 18, 1984 by the Commission's Region II inspection staff, several violations were identified, all of which were attributed to inadequate management of the licensed program by persons who were unfamiliar with NRC requirements and the provisions of the NRC License.

Of the violations, the NRC was most concerned with the failure by the licensee to evaluate the October 1980 reported exposure of 4,680 millirems to the film badge assigned to the user of the moisture-density gauge. The NRC served the licensee a written Notice of Violation and Proposed Imposition of Civil Penalty by letter dated April 5, 1984. The Notice identified the license conditions and NRC regulations that had been violated, described the violations, and stated the amount of the civil penalty proposed for the violations. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty with a letter dated April 26, 1984.

#### III

Upon consideration of the Prillaman & Pace, Inc. response (April 26, 1984) and the statements of fact, explanation, and argument for remission or mitigation

contained therein, the Director of the Office of Inspection and Enforcement has determined, as set forth in the Attachment to this Order, that the violations did occur as set forth in the Notice of Violation and that there is no adequate basis for mitigation or remission of the proposed penalty.

#### IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, Pub. L. 96-295, and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of One Thousand Dollars within 30 days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

#### V

The licensee may within thirty days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Should the licensee fail to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in section II above, and

(b) Whether on the basis of such violation this Order shall be sustained.

Dated at Bethesda, Maryland, this 28th day of June 1984.

For the Nuclear Regulatory Commission.

James M. Taylor,

Acting Director, Office of Inspection and Enforcement.

### Appendix—Evaluation and Conclusions

The violations resulting in the civil penalty as set forth in the Notice of Violation, EA 84-19, April 5, 1984, are restated and the staff's evaluations and conclusions regarding the licensee's

response dated April 26, 1984 are presented below.

#### *Statement of Violations*

1. License Condition 17 requires the licensee to possess and use its licensed material in accordance with statements contained in the license application dated April 6, 1979. Item 7 of the license application states that the licensee has a radiation protection officer and identifies the radiation protection officer by name.

Contrary to the above, since 1980, the named radiation protection officer had not been in the licensee's employ and no amendment of the license was sought by the licensee. Consequently, the licensee was without a radiation safety officer during this time.

2. 10 CFR 20.201(b) requires the licensee to make such surveys as: (1) may be necessary for the licensee to comply with the regulations in 10 CFR Part 20, and (2) are reasonable under the circumstances to evaluate the extent of the radiation hazards that may be present. A "survey" is defined in 10 CFR 20.201(a) as an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, the licensee failed in October 1980 to evaluate a film badge reading of 4680 millirems to determine if the worker to whom the badge was assigned had received an exposure in excess of limits specified in 10 CFR 20.101.

3. License Condition 13 requires the licensee to test each sealed source containing licensed material for leakage or contamination at intervals not to exceed six months.

Contrary to the above, between July 1982 and January 1984, a period of 19 months, the licensee did not test its cesium-137 and americium-241 sealed sources for leakage or contamination.

4. 10 CFR 20.203(e) requires a licensee to post each area or room in which licensed material is used or stored and which contains any radioactive material (other than natural uranium or thorium) in an amount exceeding 10 times the quantity of such material specified in Appendix C of 10 CFR Part 20, with a conspicuous sign or signs bearing the radiation caution symbol and the words: "Caution Radioactive Material," unless exempted under 10 CFR 20.204.

Contrary to the above, on January 18, 1984, the licensee had not posted the room in which a gauge containing 10 millicuries of cesium-137 and 50 millicuries of americium-241 was stored. Ten times the quantity of cesium-137

specified in Appendix C of 10 CFR Part 20 is 0.1 millicurie; for americium-241 it is 0.0001 millicurie. The radiation level at 12 inches from the source container was greater than 5 millirems per hour, a level not excepted by 10 CFR 20.204.

5. 10 CFR 19.11 requires a licensee to post current copies of 10 CFR Parts 19 and 20 and its NRC license in a sufficient number of places to permit individuals engaged in licensed activities to observe them on the way to or from the licensed activity area to which the documents apply. If posting the documents is not practicable, the licensee may post a notice which describes the documents and states where they may be examined. It also requires posting of Form NRC-3, "Notice to Employees."

Contrary to the above, on January 18, 1984, the licensee had not posted the current copies of 10 CFR Parts 19 and 20 and its NRC license or a notice describing the documents and stating where they might be examined, nor had the licensee posted a Form NRC-3.

6. 10 CFR 71.5(a) requires a licensee who transports licensed material outside the confines of his plant to comply with the Department of Transportation regulations appropriate to the mode of transport as provided in 49 CFR Parts 170-189.

49 CFR 172.200(a) requires each shipper of hazardous material to describe the material in shipping papers which accompany the shipment.

Contrary to the above, the licensee transported its gauge, containing hazardous material, to several job sites in a company truck unaccompanied by shipping papers.

7. 10 CFR 20.401(a) requires a licensee to maintain records showing radiation exposure to individuals for whom personnel monitoring is required under 10 CFR 20.202.

Contrary to the above, records showing radiation exposure to an employee, who used the licensed gauge and was required to use personnel monitoring, were not maintained for each month in which the gauge was used.

Collectively, the violations have been evaluated as a Severity Level III problem (Supplements IV and VI). (Cumulative Civil Penalties of \$1,000 assessed equally among the violations.)

#### *Licensee's Response*

In response to the first violation, the licensee admitted the violation as described but argued that the civil penalty should not be assessed on the grounds that the current management had not been properly informed by the former officer of the corporation who

managed NRC licensed activities. The former officer left the corporation on December 31, 1980, and since that time management had assumed that the certified operator was operating in compliance with NRC regulations and license conditions.

In response to the second violation, the licensee explained the reading of the film badge by stating that the operator had stored his film badge with the equipment. The licensee supplied no explanation for the other violations; however, the corrective action for all violations was described.

#### *NRC Evaluation*

As described in the first violation above, the licensee is required to have a radiation protection officer identified by name in the license. The responsibility to ensure compliance with the terms of the license ultimately rests with the licensee, not the individual named to fill a particular position.

Although the licensee has adequately explained the film badge reading of 4680 millirems, it failed in its responsibility to evaluate such a reading in a timely manner. This evaluation is required by the regulations and is necessary in order to determine whether an individual has received an exposure in excess of limits specified in 10 CFR 20.101.

In reference to the overall program, it was the licensee's responsibility to ensure continuity when a key individual departed, not only to ensure that a person served as a radiation protection officer as required by the license, but also to ensure that licensed activities received appropriate oversight and control. Steps should have been taken in December 1980 to reassign the duties of the former radiation protection officer to a qualified individual acceptable to the NRC.

The licensee also asserts that it has taken remedial actions and corrected all violations for which it was cited. Such remedial actions, however, are always required, and will not be considered as factors mitigating the proposed civil penalty unless they were unusually prompt or extensive. As in this instance the licensee has failed to show that the measures taken were unusually prompt or extensive, these actions do not constitute a basis for mitigation of the proposed civil penalty.

#### *Conclusion*

After carefully reconsidering the circumstances of this case, the staff has concluded that the amount of the civil

penalty as originally proposed is appropriate.

[FR Doc. 84-18108 Filed 7-6-84; 8:45 am]  
BILLION CODE 7590-01-M

## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### White House Science Council; Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on July 19 and 20, 1984, in Room 5104, New Executive Office Building, Washington, D.C. The meeting will begin at 6:00 p.m. on July 19, recess and reconvene at 8:00 a.m. on July 20. Following is the proposed agenda for the meeting:

(1) Briefing of the Council, by the Assistant Directors of OSTP on the current activities of OSTP

(2) Briefing of the Council by OSTP personnel and personnel of other agencies on proposed, ongoing, and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

The July 19 session and a portion of the July 20 session will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President and information which, if prematurely disclosed, would significantly frustrate the implementation of decisions made requiring agency action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b (c)(1), (2), and 9 (B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b (c)(6).

The portion of the meeting open to the public will begin at 10:00 a.m. Because of the security in the New Executive Office Building, persons wishing to attend the open portion of the meeting should contact Annie L. Boyd, Secretary, White House Science Council at (202) 456-7740, prior to 3:00 p.m. on July 17. Ms. Boyd is also available to provide

further information regarding this meeting.

Dated: July 2, 1984.

Jerry D. Jennings,  
*Executive Director, Office of Science and Technology Policy.*

[FR Doc. 84-18168 Filed 7-6-84; 8:45 am]  
BILLING CODE 3170-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Cincinnati Stock Exchange, Inc., Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 2, 1984.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Malone & Hyde, Inc.

Common Stock, \$1.00 Par Value (File No. 7-7538)

Atlas Van Lines, Inc.

Common Stock, No Par Value (File No. 7-7539)

Lumex, Inc.

Common Stock, \$0.10 Par Value (File No. 7-7540)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 24, 1984, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
*Secretary.*

[FR Doc. 84-18105 Filed 7-6-84; 8:45 am]  
BILLING CODE 8010-01-M

[Securities Act Rel. No. 6541; July 2, 1984; Securities Exchange Act Rel. No. 21112; July 2, 1984; Investment Company Act Rel. No. 14021; July 2, 1984; File No. HO-1556]

## Transactions in Washington Power Supply System Securities

The Supreme Court in *Securities and Exchange Commission v. Jerry T. O'Brien, Inc.*, — U.S. — (6/18/84) has reversed a Ninth Circuit decision which had required notification to "targets" of subpoenas issued in Commission investigations. Prior to the reversal of that Ninth Circuit decision, the Commission adopted a procedure in its investigation in the Matter of Transactions in Washington Public Power Supply System Securities (HO-1556) of making copies of subpoenas issued in that investigation available for public review at its headquarters office and its Seattle Regional Office. The procedure had been adopted because of the Ninth Circuit decision. The Commission's normal practice is not to disclose subpoenas issued in its private investigations. In light of the Supreme Court decision, the Commission will resume the use of normal procedures in this investigation and will no longer make subpoenas available for public review. (This appeared as an announcement in the SEC News Digest of June 27 1984).

George A. Fitzsimmons,  
*Secretary.*

[FR Doc. 84-18108 Filed 7-6-84; 8:45 am]  
BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

[Application No. 09/09-0345]

### FBS Small Business Investment Co., Limited Partnership; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1984)), for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

Applicant: FBS Small Business Investment Company, Limited Partnership  
Address: 6900 East Camelback Road, Phoenix, Arizona 85251.

The officers and directors of FBS Enterprises, Inc., the Licensee Applicant's Corporate General Partner, are:

Name	Position
William B. McKee, 5257 N. Woodmere Freeway, Scottsdale, Arizona 85258.	President, Assistant Treasurer, Director and Chief Executive Officer.
W.R. Allen, 1000 W. Franklin Avenue, #123, Minneapolis, MN 55405.	Executive Vice President, Chief Financial Officer and Assistant Secretary and Director.
Bnan P. Johnson, 2312 Mayfair Avenue, White Bear Lake, MN 55110.	Vice President and Treasurer.
R. Randy Stotworthy, 1444 E. Northshore Drive, Tempe, AZ 85283.	Do.
George H. Dixon, 3250 Fox Street, Long Lake, MN 55356.	Director.
Dewalt H. Ankeny, 553 Harrington Road, Wayzata, MN 55391.	Do.
William F. Farley, 111 Marquette Avenue, #1002, Minneapolis, MN 55401.	Do.
Dennis E. Evans, 3059 Farview Lane, Long Lake, MN 55356.	Do.
Partners and Manager of FBS Small Business Investment Company Limited Partnership are:	
FBS Enterprises, Inc., 1200 First Bank Place East, Minneapolis, MN 55480.	General Partner, .1% as General Partner.
FBS Venture Capital Company, 7515 Wayzata Blvd., Minneapolis, MN 55426.	Limited Partner, 99.9% as Limited Partner.

The only holder of 10% or more of the voting securities of FBS Enterprises, Inc. is FBS Venture Capital Company, which in turn is controlled by FBS Venture Capital Corporation, 1200 First Bank Place East, Minneapolis, Minnesota 55480, which owns 99% of FBS Venture Capital Company as a General Partner. FBS Venture Capital Corporation is a wholly owned subsidiary of First Bank System, Inc., 1200 First Bank Place East, Minneapolis, Minnesota 55480. There are no holders of 10 percent or more of the issued and outstanding voting securities of First Bank System, Inc.

The applicant, a Limited Partnership, with its principal place of business at 6900 East Camelback Road, Phoenix, Arizona 85251, with a branch office at 7515 Wayzata Boulevard, Minneapolis, Minnesota 55426, will begin operations with \$3,000,000 paid-in capital and paid-in surplus, for program regulatory purposes.

The applicant will conduct its activities principally in the States of Arizona and Minnesota.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small

Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice should be published in a newspaper of general circulation in the Phoenix, Arizona and Minneapolis, Minnesota area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 2, 1984.

Robert G. Lineberry,  
*Deputy Associate Administrator for Investment.*

[FR Doc. 84-16103 Filed 7-6-84; 8:45 am]

BILLING CODE 8025-01-M

**[Declaration of Disaster Loan Area #2156]**

**Pennsylvania; Declaration of Disaster Loan Area**

Centre County and the adjacent Counties of Mifflin and Clinton in the State of Pennsylvania constitute a disaster loan area because of damage from flooding which occurred on June 17 and 18, 1984. Applications for loans for physical damage may be filed until the close of business on September 4, 1984, and for economic injury until April 2, 1985, at the address listed below: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring Street, SW., Suite 822, Atlanta, Georgia 30303, or other locally announced locations.

Interest rates are:

	<i>Percent</i>
Homeowners with credit available elsewhere.....	8.000
Homeowners without credit available elsewhere.....	4.000
Business with credit available elsewhere.....	8.000
Businesses without credit available elsewhere.....	4.000
Businesses (EIDL) without credit available elsewhere.....	4.000
Other (non-profit organizations including charitable and religious organizations).....	10.000

The number assigned to this disaster is 215606 for physical damage and for economic injury the number is 619200.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 2, 1984.

Robert A. Turnbull,  
*Acting Administrator.*

[FR Doc. 84-16104 Filed 7-6-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 01-01-0323]

**Stevens Capital Corp., Issuance of License To Operate as a Small Business Investment Company**

On March 1, 1983, a notice was published in the Federal Register (48 FR 8619) stating that Stevens Capital Corporation, 168 Stevens Street, Fall River, Massachusetts 02721 had filed an Application with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)) for a license as a small business investment company (SBIC).

Interested parties were given until the close of business March 16, 1983, to submit their comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on June 21, 1984 issued license No. 01/01-0323 to Stevens Capital Corporation, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 28, 1984.

Robert G. Lineberry,  
*Deputy Associate Administrator for Investment.*

[FR Doc. 84-16102 Filed 7-6-84; 8:45 am]

BILLING CODE 8025-01-M

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Determination Regarding the Withdrawal From Warehouse of Certain Stainless Steel Bar**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** This notice permits the withdrawal from warehouse for consumption of not more than three tons of certain stainless steel bar, presently subject to quota.

**EFFECTIVE DATE:** July 2, 1984.

**FOR FURTHER INFORMATION CONTACT:** Maria T. Springer, Office of the United States Trade Representative, (202) 395-4946.

**SUPPLEMENTARY INFORMATION:** Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provides for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel imported into the United States. Headnote 10(d), part 2A of the Appendix

to the Tariff Schedules of the United States (TSUS) authorizes the U.S. Trade Representative to adjust the restraint level for any such steel to be exceeded during any restraint period.

Accordingly, I have determined that an amount not to exceed three short tons of the following stainless steel bar, provided for in Tariff Schedules of the United States (TSUS) item 926.10, may be entered for consumption or withdrawn from Customs bonded warehouse, in excess of the restraint level provided for the period April 20, 1984—July 19, 1984 for the "Other" foreign country category:

Stainless steel bar, annealed and ground, not less than 5.27 millimeters and not more than 5.30 millimeters in diameter, 3 meters in length, containing, in addition to iron, each of the following elements by weight in the amount specified:

*Carbon*: not less than 0.82 percent, not more than 0.98 percent

*Silicon*: not more than 1.05 percent

*Manganese*: not more than 1.03 percent

*Chromium*: not less than 16.8 percent, not more than 19.2 percent

*Molybdenum*: not less than 0.85 percent, not more than 1.35 percent

*Vanadium*: not less than 0.04 percent, not more than 0.15 percent

*Phosphorous*: not more than 0.055 percent

*Sulphur*: not more than 0.035 percent

Certified by the importer of record or the ultimate consignee at the time of entry for use in the manufacture of gasoline fuel injectors.

In addition, an identical amount shall be deducted from the quota quantity allocated to the "Other" foreign country category for TSUS 926.10 for the restraint period July 20, 1984—October 19, 1984. This determination supersedes the provisions of the notice of October 20, 1983 (48 FR 48888), to the extent inconsistent herewith.

William E. Brock,

*U.S. Trade Representative.*

[FR Doc. 84-18000 Filed 7-6-84; 8:45 am]

BILLING CODE 3190-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket RSRM-84-1]

#### Seaboard System Railroad; Public Hearing; Petition for Waiver

The Seaboard System Railroad has petitioned the Federal Railroad Administration (FRA) seeking relief from the requirements of the 49 CFR 221.15(d). § 221.15(d) provided that after

June 30, 1978, rear end marking devices displayed in compliance with this Part shall be inspected by the train crew at each crew change point to assure that they are in proper operating condition. The Seaboard System Railroad proposes to implement an operating rule that would designate employees, such as yardmasters, or car inspectors, as responsible for performing the required inspection in the absence of a train crew member. The Seaboard System Railroad's petition requests that it be granted the authority to deviate from the exclusivity of the rule.

After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10:00 a.m. on August 14, 1984, in Room 140-B, 1718 Peachtree Road, N.W., Atlanta, Georgia.

The hearing will be an informal one, and will be conducted in accordance with Rule 25 of FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing.

After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing will be announced at the hearing.

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

J. W. Walsh,

*Associate Administrator for Safety.*

[FR Doc. 84-17991 Filed 7-6-84; 8:45 am]

BILLING CODE 4910-06-M

## DEPARTMENT OF THE TREASURY

### Customs Service

#### Privacy Act of 1974; Routine Uses

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Notice of revision of routine uses for Treasury/Customs 00.194—Personnel/Payroll Systems; Treasury/Customs 00.243—Travel Payment System.

**SUMMARY:** Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a,

the Commissioner of Customs gives notice by this publication of six new routine uses for the following systems of records: Treasury/Customs 00.194—Personnel/Payroll System; Treasury/Customs 00.243—Travel Payment System. The purpose of these routine uses is to take advantage of certain debt collection procedures, techniques, and services authorized by the Debt Collection Act of 1982, Pub. L. 97-365, 96 Stat. 1749 (1982).

The first use deals with the disclosure of debtor mailing addresses obtained from the Internal Revenue Service. Section 8 of the Debt Collection Act provides for such disclosure to third parties for the purpose of collecting or compromising Federal Claims. Accordingly, addresses obtained by Customs from the Internal Revenue Service will be released to credit reporting agencies to obtain commercial credit reports and to debt collection agencies to recover claims.

Disclosures of debtor information to effect both salary and administrative offsets comprise the second and third uses. Sections 5 and 10 of the Debt Collection Act provide for such disclosure. As some offsets may be effected only through inter-agency cooperation, Customs in those instances, will release debtor information to other agencies. All procedural steps to ensure due process, as provided in the Debt Collection Act, will be implemented.

The fourth use envisions the routine disclosure of debtor records to debt collection agencies. Section 13 of the Debt Collection Act authorizes the head of an agency or his designee to enter into contracts for collection services. As such contracts necessitate the disclosure of most data in a debtor's file, section (m) of the Privacy Act provides for two safeguards. By contract, the debt collection agency selected will be responsible for complying with the Privacy Act. In addition, collection agencies are liable under the criminal provisions of the Privacy Act as "employees of the (Federal) agency." Customs intends to avail itself of such services whenever necessary to collect its debts. Appropriate protective clauses will be incorporated into all contracts.

The fifth use deals with obtaining commercial credit reports. Debtor information will be disclosed to consumer reporting agencies for this purpose. Only the minimum identifying data necessary to obtain a report will be released. These reports may be used internally by Customs in assessing a debtor's ability to repay a debt or they may be released to a debt collection agency or to the Department of Justice.

Claims referred to the Department of Justice for litigation must be accompanied by current credit data (4 CFR 105.3). Such reports must support a reasonable prospect of effecting enforced collections. In most cases, a commercial credit report is the only means of obtaining the needed information.

Sections 5, 8, 10, and 13 of the Debt Collection Act, comprise the necessary authority to meet the Privacy Act's "compatibility" requirement for the above-described routine uses. That is, they provide a statutory basis for agencies to assume that such disclosures are compatible with the purpose for which the data was originally collected.

The sixth and final use entails the disclosure of certain debtor information to consumer reporting agencies. The purpose of the disclosure is to make available delinquency and default data to private sector credit grantors. Although Congress, in section 3(d)(1) of the Debt Collection Act, authorized the use of this service as a tool to encourage repayment of an overdue debt, it did not intend for consumer reporting agency disclosures to be treated as general routine uses. To guard against indiscriminate disclosures in this area, Congress placed stringent limitations on the procedures to be observed when releasing debtor information. Hence, before disclosing debtor information, Customs will implement the due process requirements established in section 3(d) and only that information directly related to the identity of the debtor and the history of the claim will be released. Debtor information will consist of the following: the individual's name, address, taxpayer identification number, and other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose.

Although disclosure of debtor information to consumer reporting agencies falls under the (b)(12) exemption of the Privacy Act, and not the (b)(3) exemption for routine uses, the intended use by Customs of such data is being published at the end of the routine use sections for Treasury/Customs 00.194—Personnel/Payroll System; Treasury/Customs 00.243—Travel Payment System. This is being done in accordance with OMB's Guidelines on the Relationship of the Debt Collection Act of 1982 to the Privacy Act of 1974 (48 FR 15556, April 11, 1983). The primary concern is editorial consistency.

**EFFECTIVE DATES:** The notice of disclosure under 5 U.S.C. 552a(b)(12) is

effective July 9, 1984. The proposed new routine uses shall take effect without further notice of August 8, 1984, unless comments received on or before that date cause a contrary decision.

**ADDRESS:** Comments may be sent to: Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Ave., NW., Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:** David Dyregrov, Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Ave., NW., Washington, D.C. 20229 (202) 566-8681.

Dated: July 2, 1984.

Joseph E. Bishop,  
*Deputy Assistant Secretary (Administration)*  
*for Operations.*

The routine uses data elements of the following systems of records notices, as last published in 46 FR 16550 and 16560 (1981), are amended to read as follows:

**Treasury/Customs 00.194**

**SYSTEM NAME:**

Personnel/Payroll System—Treasury/Customs.

**SYSTEM LOCATION:**

Located in Personnel and Financial Management Divisions of each region and headquarters. Computerized through a Servicing Data Processing Center. See Customs Appendix A.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Customs employees, present and former.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain personnel data maintained primarily in the Official Personnel Folder and payroll information such as name, social security number, grade, series, step, organization codes, tax withholding information, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deductions, other deductions, and all payroll information. Also in this system are records of time and attendance and leave.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the

records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the lettering of a contract, or the issuance of a license, grant, or other benefit; (e) A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the lettering of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; Records are used: (f) for payroll processing, reports on payroll information such as Employee Service Record Report (IRS Form 3695), Comprehensive Payroll Listing (IRS Form 2979), Payroll Journal Detail Listing (IRS Form 3124) and others; (g) to furnish another federal agency information to effect inter-agency salary offset; (h) to furnish another federal agency information to effect inter-agency administration offset, however, no IRS obtained address shall be disclosed to another federal agency; (i) to furnish a consumer reporting agency information to obtain commercial credit reports; (j) to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service which become a part of this system are routinely released to consumer reporting agencies to obtain

credit reports and to debt collection agencies for collection services.

Routine users outside the Department are other federal agency personnel offices; the Office of Personnel Management; U.S. Department of Labor, Office of Employee Compensation; State unemployment offices; union representatives, arbitrators, and other third-parties who have responsibilities under a Customs Service-union contract or E.O. 11491, as amended, for the administration of the Federal labor-management relations program as described in the routine use; creditors; federal agencies; consumer reporting agencies to obtain credit reports; debt collection agencies; Members of Congress; next-of-kin; and voluntary guardian and other representative or successor in interest.

For Additional Routine Uses, see Department of Treasury Annual Publication of Systems and Records, Appendix AA.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosure pursuant to 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982:* Debt information concerning a Government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982 (Pub. L. 97-365), to consumer reporting agencies to encourage repayment of an overdue debt.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders and on mag-tape and computer printout.

**RETRIEVABILITY:**

Records are indexed by name or social security number.

**SAFEGUARDS:**

Records are maintained in locked files, secured rooms, or limited access.

**RETENTION AND DISPOSAL:**

Individual records are not in system after separation; Official Personnel Records of separated employees either are sent to new agency or to Records Center. Time and attendance records are maintained six years or until after audit; then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Directors, Personnel and Financial Management Division in each region and headquarters.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information is obtained from Official Personnel Folders, employee management, time and attendance, and leave records.

**Treasury/Customs 00.243**

**SYSTEM NAME:**

Travel Payment System—Treasury/Customs.

**SYSTEM LOCATION:**

Located in Financial Management Divisions of each region and headquarters. See Appendix A for addresses.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Customs Service officials and employees who travel on official business.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Travel authorizations, travel vouchers, and travel advance records, which contain the officer's or employee's name, residence, place and mode of travel, travel dates, month of travel advance, expenses incurred, amount of travel advance, amount of advance outstanding, and division code.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The routine uses of the records contained in this system are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include preparing disbursement schedules so that the officer or employee will be paid for travel expenses, recording the cost of travel, advising the employee's supervisor when a travel advance is outstanding for an extended period, and compiling cost and budget information; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) Records are also used from this system of records to furnish another federal agency information to effect inter-agency salary offset; (d) to furnish another federal agency information to effect inter-agency administrative offset,

however, no IRS obtained address shall be disclosed to another federal agency; (e) to furnish a consumer reporting agency information to obtain commercial credit reports; (f) and to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services.

Routine users outside the Department are other federal agency personnel offices; the Office of Personnel Management; U.S. Department of Labor, Office of Employees Compensation; State unemployment offices; union representatives, arbitrators, and other third-parties who have responsibilities under a Customs Service-union contract or E.O. 11491, as amended, for the administration of the Federal labor-management relations program as described in the routine use; creditors; federal agencies; consumer reporting agencies to obtain credit reports; debt collection agencies; Members of Congress; next-of-kin; and voluntary guardian and other representative or successor in interest.

For Additional Routine Uses, see Department of the Treasury Annual Publication of System of Records, Appendix AA.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982:* Debt information concerning a Government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982 (Pub. L. 97-365), to consumer reporting agencies to encourage repayment of an overdue debt.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The information in this system is contained on index cards placed within a file box, in file folders or on separate sheets of paper within a metal container and in a computer system utilizing magnetic disc storage techniques.

**RETRIEVABILITY:**

The information on the index cards relates only to travel advance repayments, and the index cards are filed alphabetically by the name of the traveling individual; each file folder is

placed within the metal container alphabetically by the name of the traveling individual to whom it pertains; the separate sheets of paper are grouped in disbursement schedule number sequence by consecutive numbers and dates showing a listing of payments to travelers; the computer records are retrieved by the accounting number assigned by the Customs Service for each separate travel transaction.

**SAFEGUARDS:**

The room in which this system of records is located is locked during non-working hours, the building is guarded by uniformed security police, and only authorized persons are permitted within the building.

**RETENTION AND DISPOSAL:**

The records in this system are retained for an indefinite period of time.

There are no established procedures for disposal of the subject records.

**SYSTEM MANAGERS AND ADDRESSES:**

Directors, Financial Management Divisions in each region and Headquarters. See Appendix A for addresses.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

[FR Doc. 84-10033 Filed 7-6-84; 8:45 am]

BILLING CODE 4820-02-M

# Sunshine Act Meetings

Federal Register

Vol. 49, No. 132

Monday, July 9, 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

### CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 10:00 a.m., Wednesday, July 11, 1984.

**LOCATION:** Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

**STATUS:** Open to the Public.

#### MATTERS TO BE CONSIDERED:

##### 1. Unvented Gas-Fired Space Heaters: Final Revocation

The Commission will consider a proposed revocation of the Commission's mandatory standard requiring the oxygen depletion sensor on unvented gas-fired space heaters (16 CFR, Part 1212).

##### 2. Bassinets: Final 30(d) Rule

The staff will brief the Commission on issues related to collapse of bassinets and a final rule under Section 30(d) of the Consumer Product Safety Act, which transfers the regulation of risks of injury associated with bassinet failures from the Federal Hazardous Substances Act to the Consumer Product Safety Act.

##### 3. Fire Combustion Toxicity: Status Report

The staff will brief the Commission on the status of the priority project on Fire Combustion Toxicity.

Closed to the Public.

##### 4. Technical Advisory Panel on Allergic Sensitization: Membership Selection

The Commission will consider candidates for membership on the Technical Advisory Panel on Allergic Sensitization.

For a recorded message containing the latest agenda information, call: 301-392-5709.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office

of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207-301-492-6800.

Sheldon D. Butts,

Deputy Secretary.

July 3, 1984.

[FR Doc. 84-18181 Filed 7-5-84; 2:49 pm]

BILLING CODE 6355-01-M

### FEDERAL COMMUNICATIONS COMMISSION FCC To Hold Open Commission Meeting Thursday, July 12, 1984

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 12, 1983, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, NW., Washington, D.C.

#### Agenda, Item No. and Subject

**General—1—Title:** Amendment of the Commission's rules to allocate spectrum for the establishment of a radiodetermination satellite service, and to establish policies and procedures for the licensing of such systems. **Summary:** The Commission is considering action on the petition for rulemaking (RM-4426) filed by the Geostar Corporation to allocate spectrum for a radiodetermination satellite system; as well as policies and procedures for the processing of Geostar's applications for authority to construct, launch and operate such a satellite system.

**Private Radio—1—Title:** Items before the International Maritime Organization (IMO) concerning future amendments to the Safety of Life at Sea (SOLAS) Convention, 1974. **Summary:** The Commission will review the actions of the Twenty-seventh Session of IMO's Subcommittee on Radiocommunications and consider adoption of a Notice of Inquiry in preparation for the Twenty-eighth Session. These international meetings are considering issues related to the implementation of the Future Global Maritime Distress and Safety System.

**Private Radio—2—Title:** Reimbursement of Out-of-Pocket Costs for Volunteer Administered Amateur Radio Examinations. **Summary:** The Commission will consider whether to adopt final rules to provide for reimbursement to volunteers involved in preparing, processing or administering amateur radio examinations.

**Private Radio—3—Title:** Amendment of Part 1 of the Rules of Practice and Procedure for the Private Radio Services. **Summary:** The Commission will consider an Order amending the rules of practice and procedure in the Private Radio Services. The amendments would modify and clarify the rules governing the processing of

applications and would editorially amend other rule provisions.

**Private Radio—4—Title:** Use of volunteers to prepare and administer operator examinations in the Amateur Radio Service. **Summary:** The Commission will consider whether to adopt a Memorandum Opinion and Order addressing Petitions for Reconsideration of the Report and Order in PR Docket No. 83-27.

**Common Carrier—1—Title:** Petition for Rulemaking To Adopt Rules Concerning Usable Pole Space on Utility Poles, RM-4558. **Summary:** The Commission will consider whether to issue a Notice of Proposed Rulemaking in response to a petition alleging that the Commission's pole attachment Rules (§§ 1.1401-1.1415) should be amended.

**Mass Media—1—Title:** Revision of FCC Forms 302 and 341. **Summary:** The Commission will consider revision of the license applications for commercial and noncommercial broadcast stations.

**Mass Media—2—Title:** Revision of FCC Form 340. **Summary:** The Commission will consider the revision of the construction permit application form for noncommercial applicants.

**Mass Media—3—Title:** License renewal applications of WBIP Broadcasting Company, licensee of Stations WBIP and WBIP-FM, Booneville, Mississippi. **Summary:** Licensee seeks, by petition, a grant of the deferred license renewal applications without the need for an evidentiary hearing.

**Mass Media—4—Title:** License Renewal Application of GAF Broadcasting Company, Inc., for Station WNCN(FM), New York, New York. **Summary:** The Commission considers an application for review filed by WNCN Listeners' Guild and Classical Radio for Connecticut, Inc., seeking review of the Mass Media Bureau's denial of a petition for reconsideration of the denial of a petition to deny the license renewal application of Station WNCN(FM).

**Mass Media—5—Title:** In re Application of Gold Coast Broadcasting Corporation et al. for a construction permit for a new FM station on Channel 239C for Homestead, Florida; Florida City, Florida; and Leisure City, Florida. **Summary:** The Commission considers the 13 mutually exclusive applications and petitions to deny filed by one Homestead, Florida applicant against seven applicants for Florida City, Florida and Leisure City, Florida.

**Mass Media—6—Title:** Petitions for Reconsideration (CSR-2269) filed December 15, 1983, by the Public Service Commission of Nevada, the Cable Television Information Center, and the National League of Cities; and filed December 23, 1983, by the City of Dallas. Petition for Special Relief (CSR-2022) filed April 25, 1984, by Cablevision of New

- Jersey and Cablevision Systems Development Company. Summary: The Commission will consider whether or not to reconsider its opinion in *Community Cable TV, Inc.*, 54 RR 2d 1351 (1983), concerning the preemption of state and local rate regulation of nonbasic cable services, and whether to issue a further declaratory ruling.
- Mass Media—7—Title: Amendment of the broadcast Ownership Report, FCC Form 323. Summary: The Commission will consider a revised commercial broadcast station Ownership Report that incorporates changes flowing from our recent action in MM Docket No. 83-46, *et al.*, adopting new attribution standards to be used in connection with the multiple ownership rules.
- Mass Media—8—Title: Amendment of § 73.62 of the Commission's Rules and Regulations with respect to relative phase tolerances for directional AM stations. Amendment of § 73.68 of the Rules to expand the use of toroidal transformers as a method of deriving current samples in directional (AM) antenna systems; and, to provide for the use of radio frequency relays in sampling element transmission lines. Summary: The Commission will consider two petitions for reconsideration of actions taken in the *Report and Order* in BC Docket No. 78-28; MM Docket No. 83-16; and RM-3740.
- Mass Media—9—Title: Amendment of Parts 22, 73, 81, and 90 of the Commission's Rules to Standardize the Use of Digitized Terrain Data for Determining Antenna Height Above Average Terrain. Summary: The Commission will consider whether to propose changes to the rules which would establish uniform standards for using digitized topographic data when computing HAATs.
- Mass Media—10—Title: The Suburban Community Policy, the *Berwick* Doctrine, and the *De Facto* Reallocation Policy. Summary: The Commission adopted a *Report and Order* in BC Docket No. 82-320 eliminating the Suburban Community Policy, the *Berwick* Doctrine and the *De Facto* Reallocation Policy. Petitions for Reconsideration were filed by ABC, *et al.* The Commission will consider these petitions and other relevant issues from the proceeding.
- Mass Media—11—Title: Cable television syndicated program exclusivity and carriage of sports telecasts (RM-4138). Summary: The Commission will consider a petition for rule making which seeks rules to protect against duplication of syndicated programming and to expand the protection afforded sports events on distant broadcast television signals carried by cable systems.
- Mass Media—12—Title: Amendment of Section 73.702(f) regarding frequency assignments for the International Broadcast Service. Summary: A Petition for Rule Making was filed proposing amendment of Section 73.702(f). The Notice of Proposed Rule Making discusses the matters raised in this subject petition.
- Mass Media—13—Title: *Memorandum Opinion and Order* regarding application File No. BP-820408AB for construction

permit to change the facilities of AM Station WNYR, Rochester, New York. Summary: Applications for review of the Mass Media Bureau's *Memorandum Opinion and Order* denying petitions for reconsideration of the grant of the above application have been filed by WBBF, Inc. and JAG Communications, Inc. The *Memorandum Opinion and Order* considers and resolves the issues which have been raised.

Mass Media—14—Title: In the Matter of Amendment of Section 73.1201(b)(2) of the Commission's Rules—Additional City Identification. Summary: The Commission will consider a petition for partial reconsideration of the *Report and Order* in BC Docket No. 82-374, filed by the National Association of Broadcasters. Petitioner urges the Commission to reinstitute a reduced "signal coverage" requirement for multi-city identification purposes and adjudicate complaints alleging noncompliance with such a coverage rule.

Mass Media—15—Title: Amendment of Parts 73 and 97 of the Commission's Rules Concerning Rebroadcasts of Transmissions of Nonbroadcast Radio Stations. Summary: The Commission will consider a *Notice of Proposed Rule Making* concerning revisions to its rules for rebroadcasts of transmissions of non-broadcast radio stations (BC Docket 79-47).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Judith Kurtich, FCC Public Affairs Office, telephone number (202) 254-7674. William J. Tricarico, Secretary, Federal Communications Commission.

[FR Doc. 84-16209 Filed 7-5-84; 3:33 PM]  
BILLING CODE 6712-01-M

### 3

#### FEDERAL DEPOSIT INSURANCE CORPORATION Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, July 2, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of The Peoples Bank and Trust Company, Tupelo, Mississippi, an insured

State nonmember bank, for consent to merge, under its charter and title, with Panola County Bank, Sardis, Mississippi, and for consent to establish the sole office of Panola County Bank as a branch of the resultant bank.

Application of First Bank of Madison, Madison, Indiana, an insured State nonmember bank, for consent to merge, under its charter and with the title "The Madison Bank and Trust Company," with The Madison Bank and Trust Company, Madison, Indiana, and for consent to establish the five offices of The Madison Bank and Trust Company as branches of the resultant bank, and to redesignate the main office location of The Madison Bank and Trust Company as the main office location of the resultant bank.

Recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to section 13 of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: July 3, 1984.  
Federal Deposit Insurance Corporation.  
Hoyle L. Robinson,  
Executive Secretary.

[FR Doc. 84-16159 Filed 7-5-84; 11:12 AM]  
BILLING CODE 6714-01-M

### 4

#### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, July 2, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum re: Purchase of Tenant Leasehold in 1776 F Street Building.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: July 3, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[FR Doc. 84-18138 Filed 7-5-84; 11:12 am]

BILLING CODE 6714-01-M

5

#### SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of July 9, 1984, at 450 Fifth Street, NW., Washington, D.C.

A closed meeting will be held on Tuesday, July 10, 1984, at 10:00 a.m. An open meeting will be held on Thursday, July 12, 1984, at 2:30 p.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exceptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway, Cox, Marinaccio and Peters voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, July 10, 1984, at 10:00 a.m., will be:

- Formal order of investigation.
- Institution and settlement of administrative proceedings of an enforcement nature.
- Litigation matter.
- Institution and settlement of injunctive actions.
- Opinions.

The subject matter of the open meeting scheduled for Thursday, July 12, 1984, at 2:30 p.m., will be:

1. Consideration of whether to adopt amendments to Securities Exchange Act Rule 15c2-11 (17 C.F.R. 15c2-11), which regulates quotations for over-the-counter securities. The amendments would: (1) Extend the rule's information maintenance requirement to the publication of quotations without a specified price and quotations for certain foreign securities and ADRs; (2) create exceptions for NASDAQ securities and for quotations

representing a customer's indication of interest; and (3) clarify treatment under the rule of quotations for the securities of reporting companies. For further information, please contact Kenneth B. Orenbach at (202) 272-7391.

2. Consideration of whether to adopt amendments to Rule 12d-1 under the Investment Company Act, which would be renumbered 12d3-1, rescind Rule 2a-3, and adopt related amendments to investment company registration forms. Rule 12d3-1 would permit a registered investment company to acquire securities issued by persons who, directly or indirectly, are brokers, dealers, underwriters, or investment advisers. For further information, please contact Jeffrey S. Poretz at (202) 272-3010.

3. Consideration of a letter from the Division of Market Regulation to the Commodity Futures Trading Commission commenting on the application of the Chicago Board of Trade for designation as a contract market to trade a proposed futures contract on the Bond Buyer Municipal Bond Index. For further information, please contact Eneida Rosa at (202) 272-2913.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Steve Molinar at (202) 272-2467

George A. Fitzsimmons,  
Secretary.

July 5, 1984.

[FR Doc. 84-18148 Filed 7-5-84; 12:17 pm]

BILLING CODE 8010-01-M

6

#### SECURITIES AND EXCHANGE COMMISSION "FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: (To be published).

**STATUS:** Closed meeting.

**PLACE:** 450 Fifth Street NW.,  
Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:**  
Wednesday, June 20, 1984.

**CHANGE IN THE MEETING:** Additional  
items.

The following additional items were considered at a closed meeting scheduled for Wednesday, June 27 1984.

Settlement of administrative proceeding of an enforcement nature.

Subpoena enforcement action.

Chairman Shad and Commissioners Treadway, Cox, Marinaccio and Peters determines that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alternations in the scheduling of meeting items. For further

information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David Wescoe at (202) 272-2092.

George A. Fitzsimmons,  
Secretary.

July 3, 1984.

[FR Doc. 84-18149 Filed 7-5-84; 12:17 am]

BILLING CODE 8010-01-7-M

7

#### U.S. RAILWAY ASSOCIATION

**DATE AND TIME:** July 19, 1984; 10:00 a.m.

**PLACE:** Board Room, Suite 7200, Seventh Floor, 955 L'Enfant Plaza North, SW., Washington, D.C.

**STATUS:** The first portion of the meeting will be closed to the public; the second portion will be open.

#### MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS AND ADVISORY BOARD AT MEETING:

*Portion Closed to the Public (10:00 a.m.)*

1. Litigation Report
2. Review of Conrail Confidential and Proprietary Financial Information

*Portion Open to the Public (10:30 a.m.)*

3. Approval of Minutes of April 13, 1984 Board Meeting
4. Election of Officers
5. Amendments to USRA Pension Plan
6. Conrail Monitoring Indicators

**CONTACT PERSON FOR MORE  
INFORMATION:** Alex Bilanow, (202) 488-8777

Peter J. Gallagher,  
Secretary.

[FR Doc. 84-18197 Filed 7-5-84; 2:49 pm]

BILLING CODE 8240-01-M

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#### INTERSTATE COMMERCE COMMISSION

**TIME AND DATE:** 9:30 a.m., Tuesday, July 17, 1984.

**PLACE:** Hearing Room A, Interstate Commerce Commission, Building, 12th & Constitution Ave., NW., Washington, DC 20423.

**STATUS:** Open Special Conference.

**MATTER TO BE DISCUSSED:** Compliance and Enforcement Policy.

**CONTACT PERSON FOR MORE  
INFORMATION:** Robert R. Dahlgren, Office of Public Affairs, Telephone: (202) 275-7252.

James H. Bayne,  
Secretary.

[FR Doc. 84-18225 Filed 7-6-84; 9:14 am]

BILLING CODE 7035-01-M



## DEPARTMENT OF EDUCATION

Office of Special Education and  
Rehabilitative ServicesAuxiliary Activities; Innovative  
Programs for Severely Handicapped  
Children

AGENCY: Department of Education.

ACTION: Notice of final annual funding  
priorities.

**SUMMARY:** The Secretary announces annual funding priorities for the Auxiliary Activities: Innovative Programs for Severely Handicapped Children program. To ensure wide and effective use of program funds, the Secretary announces seven priorities to direct funds to the areas of greatest need for fiscal year 1984. A separate competition will be established for each priority.

**EFFECTIVE DATE:** These final annual funding priorities will take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments. If you want to know the effective date of these final annual funding priorities, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** R. Paul Thompson, Special Needs Section, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW. (Switzer Building, Room 4615), Washington, DC 20202. Telephone: (202) 732-1161.

**SUPPLEMENTARY INFORMATION:** The Auxiliary Activities program, authorized by Section 624 of the Education of the Handicapped Act, supports research, development or demonstration, training, and dissemination activities which meet the unique educational needs of handicapped children and youth, and are consistent with the purposes of Part C of the Act (20 U.S.C. 1424). The Education of the Handicapped Act Amendments of 1983 (Pub. L. 98-199) included amendments to the provisions of Section 624. In response to those amendments, the Secretary is publishing, in this issue of the Federal Register, regulations for the Auxiliary Activities program.

Under Section 624(c) of the Act, as amended by Pub. L. 98-199, the Secretary is expressly authorized to address the needs of the severely handicapped. In accordance with this authority and with § 315.30 of the regulations, the Secretary uses the priorities listed in the following paragraphs to make fiscal year 1984 awards.

Proposed regulations and proposed annual funding priorities were published on April 30, 1984 (49 FR 18414).

Comments received in response to the notice of proposed annual funding priorities and the Secretary's responses are summarized below.

*Comment.* One commenter suggested that more emphasis should be given in the proposed priorities to projects which propose summer activities for handicapped children.

*Response.* No change has been made. The regulations promote the development of demonstration projects addressing the identified needs of handicapped children and youth in a variety of settings. Applicants are not precluded from proposing summer or other part-year projects. Under priority (C), Non-directed Demonstration Projects for Severely Handicapped Children and Youth, the content of the demonstration projects is limited only by the overall mission of the program—to demonstrate innovative and effective approaches to the education of the severely handicapped children in the least restrictive environment.

*Comment.* One commenter suggested that the inclusion of a large number of priorities in a program tends to dilute the potential for positive program impact. Two commenters questioned the use of funds appropriated under Section 624 of the Act to serve deaf-blind children.

*Response.* No change has been made. Funding for priorities (A), (B), and (C) is provided from the Innovative Programs for Severely Handicapped Children program; priorities (D) through (G) are funded under the Services to Deaf-Blind Children and Youth program. Thus, there is a concentration of monies from each program upon only a few priorities. The Secretary believes that all the priorities identified are necessary to bring about improved educational benefits to severely handicapped children and youth, including those who are deaf-blind.

*Comment.* Three commenters recommended the involvement of vocational rehabilitation personnel or consumers in the development of training programs under priority (A), Independent Living Skills Training for Severely Handicapped Youth, and that goals developed in the individualized education program be used to develop vocational plans in the individualized written rehabilitation plans for these youth.

*Response.* A change has been made. Priority (A) has been modified to indicate that, in addition to parents, appropriate qualified personnel should be involved in the development of the

independent living skills program, individualized educational program, and individualized written rehabilitation plans. This change broadens the base of input into the planning for independent living skills training and should facilitate the effective transition of severely handicapped youth from education to employment and other community options.

*Comment.* One commenter suggested that the funding level be increased for priority (C), Non-directed Demonstration Projects for Severely Handicapped Youth.

*Response.* No change has been made. The Secretary believes that emphasis needs to be placed in fiscal year 1984 upon the priorities as indicated by the proposed distribution of monies. This recommendation will, however, be taken into consideration in planning for next year's funding levels.

*Priorities.* A separate competition will be held for each of the priorities indicated below.

(A) *Independent Living Skills Training for Severely Handicapped Youth.* This priority supports projects which design, implement, evaluate, and disseminate information about innovative, cost-effective methods for providing training in independent living skills to severely handicapped youth, age 16 through 21, making the transition from educational to home/community environments. These projects are to be longitudinal in nature and lead, over a period of time, to the highest possible level of independent, active, and cooperative functioning of these youth in a variety of integrated school and community settings. These projects are to be designed to increase both quality and frequency of meaningful interactions of severely handicapped youth with handicapped and nonhandicapped peers and adults. In addition, these projects must (1) promote positive familial relationships between severely handicapped youth and their parents, siblings, and extended family members; (2) encourage the involvement of parents and appropriate qualified personnel in the development, establishment, and evaluation of independent living skills training, individualized educational programs, and individualized written rehabilitation plans for these youth; and (3) emphasize the training of these youth to generalize skills learned in school settings to normal, adult environments, including preparation for and participation in community employment options. Approximately \$862,000 is expected to be available for this competition.

(B) *Parent Involvement in Provision of Educational Services and Life-Long Planning for Severely Handicapped Children and Youth.* This priority supports projects designed to increase the involvement of parents in the development, establishment, and evaluation of individualized educational programs for severely handicapped children and youth, and in the life-long planning for these persons. Projects must promote the organization and effective operation of parent groups in the identification and utilization of fiscal and personnel resources for ensuring quality educational services to severely handicapped children and youth. Approximately \$240,000 is expected to be available for this competition.

(C) *Non-directed Demonstration Projects for Severely Handicapped Children and Youth.* This priority supports projects designed to demonstrate specific, viable procedures for meeting significant educational needs of severely handicapped (other than deaf-blind) children and youth. The content of the demonstration projects is limited only by the overall mission of the program—to demonstrate innovative and effective approaches to the education of severely handicapped children in the least restrictive environment. Applicants proposing to conduct the projects must fully describe and justify the selection of the focus and particular approach to be demonstrated. Approximately \$460,000 is expected to be available for this competition.

(D) *Approaches to Total Life Planning for Deaf-Blind Children and Youth.* This priority supports projects which implement innovative procedures for the development of total life planning for deaf-blind children and youth. The planning must include: (1) assessment of cognitive, linguistic, affective, and psychomotor skills and capacities of

project participants; (2) identification of services which are essential to meet the needs of the participants and which will provide for the maximization of their potential as they approach adulthood; (3) development of strategies for individualized life planning for each project participant, with provision for modifying the planning on at least an annual basis; and (4) development of strategies for applying individualized planning to deaf-blind children and youth not served by the project. These projects (1) may begin activities from the time children are identified as handicapped and include planning for preschool education through vocational education and rehabilitation services as appropriate, emphasizing the transition of such children from educational to home/school environments; and (2) encourage the active involvement of parents in promoting the implementation of total life planning for these children. Approximately \$240,000 is expected to be available for this competition.

(E) *Pre-vocational and Vocational Training for Deaf-Blind Children and Youth.* This priority supports projects which design, implement, and disseminate information about innovative practices in the pre-vocational and vocational education of deaf-blind children and youth. The practices must extend beyond, expand upon, complement, or supplement the best existing practices. These projects may also include feasible applications of practices still in the developmental stage in research and other experimental programs. Approximately \$655,000 is expected to be available for this competition.

(F) *Identification of At-Risk Deaf-Blind Children and Youth.* This priority supports projects which design and implement innovative strategies for the early identification and evaluation of

handicapped children and youth with apparent visual and auditory impairments who are at risk of being identified as deaf-blind. These projects are encouraged to devise strategies for: (1) providing relevant information to, and gaining the cooperation of, educational, medical, health, and social service providers; and (2) initiating educational placement and services for these children which might avert the need for serving them as deaf-blind persons. Projects must include procedures for identification of handicapped children and youth such as those procedures mandated under Part B of the Education of the Handicapped Act. Approximately \$120,000 is expected to be available for this competition.

(G) *Non-directed Demonstration Projects for Deaf-Blind Children and Youth.* This priority supports projects designed to demonstrate specific, viable procedures for meeting significant educational needs of deaf-blind children and youth. The content of the demonstration projects is limited only by the overall mission of the program—to demonstrate innovative and effective approaches to the education of deaf-blind children and youth in the least restrictive environment. Each applicant proposing to conduct a project must fully describe and justify the selection of the focus and particular approach to be demonstrated. Approximately \$360,000 is expected to be available for this competition.

(20 U.S.C. 1424)

Dated: July 3, 1984.

(Catalog of Federal Domestic Assistance No. 84-038; Innovative Programs for Severely Handicapped Children)

T. H. Bell,

Secretary of Education.

[FR Doc. 84-1607 Filed 7-6-84; 8:45 am]

BILLING CODE 4001-01-M



34 CFR Part 315

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Monday  
July 9, 1984

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**Part III**

**Department of  
Education**

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**Office of Special Education and  
Rehabilitative Services**

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**34 CFR Part 315  
Auxiliary Activities; Education of the  
Handicapped; Final Regulations**

## DEPARTMENT OF EDUCATION

Office of Special Education and  
Rehabilitative Services

## 34 CFR Part 315

Auxiliary Activities; Education of the  
Handicapped

AGENCY: Department of Education.

ACTION: Final regulations.

**SUMMARY:** The Secretary issues regulations under section 624 of Part C of the Education of the Handicapped Act, as amended. This program provides support through grants, contracts, or cooperative agreements to appropriate organizations and institutions for research, development or demonstration, training, and dissemination activities concerning the education of handicapped children and youth, including those who are severely handicapped. These regulations will, among other things, clarify application requirements and procedures, identify the types of activities which are eligible for support, and describe weighted selection criteria. In addition, these regulations permit both profit and nonprofit organizations and institutions to compete for awards under the program.

**EFFECTIVE DATE:** These regulations will take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** R. Paul Thompson, Special Needs Section, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW (Switzer Building, Room 4615), Washington, D.C. 20202. Telephone: (202) 732-1161.

**SUPPLEMENTARY INFORMATION:** The Auxiliary Activities program was established under Pub. L. 91-230 on April 13, 1970 and is currently authorized by section 624 of Part C of the Education of the Handicapped Act (20 U.S.C. 1424).

A notice of proposed rulemaking for this program was published on April 30, 1984 (49 FR 18410). The comments received in response to this notice and the Secretary's responses are summarized below:

**Comment**

Two commenters noted that the proposed regulations do not delineate the full range of funding options (that is,

grants, contracts, or cooperative agreements) available to the Secretary.

**Response**

No change has been made. The Secretary will use the full range of funding options available under the statute. This part applies to the award of grants and cooperative agreements. Contract awards under section 624 of the Act are governed by 48 CFR (Federal Acquisition Regulations), thus, the Secretary has not included this information in the text of the regulations. The Secretary will choose the appropriate award instruments under the statute and the Federal Grants and Cooperative Agreements Act (31 U.S.C. 631 *et seq.*).

**Comment**

One commenter recommended that severely learning disabled children and youth be added to the list of those who could be served under priorities (A), (B), and (C).

**Response**

No change has been made. Learning disabled children and youth who are handicapped to the extent described in the definition of "severely handicapped children and youth" under § 315.4(d), are eligible to participate in projects funded under this part.

**Comment**

One commenter suggested that the definition of "severely handicapped children and youth" contained in § 315.4(d) be modified so as to de-emphasize medical aspects of the handicapping conditions to be addressed by the program under Part 315.

**Response**

No change has been made. The Secretary believes that the definition of "severely handicapped children and youth" under § 315.4(d) is comprehensive and reflects both the behavioral and educational characteristics of the children included under this definition.

**Comment**

One commenter suggested that the phrase "information processing abilities" be inserted after the phrase "learning capacities" in § 315.12(a)(2).

**Response**

No change has been made. The Secretary interprets the term "learning capacities" as encompassing information processing abilities:

**Comment**

Two commenters suggested that the regulations distinguish between research and demonstration activities by specifying separate application requirements and selection criteria for each.

**Response**

No change has been made. Different application requirements have been established for research activities (*see* § 315.11(b)) and demonstration activities (*see* § 315.12(b)). Program experience indicates that separate selection criteria for those activities are unnecessary.

**Comment**

One commenter suggested increasing the weights given in the selection criteria under § 315.31 to "adequacy of resources" and "capability of the organization or institution."

**Response**

No change has been made. The Secretary believes that the weights assigned to those selection criteria are appropriate. While these two elements are significant, the "plan of operation" and other elements specified in the selection criteria are also critical in the completion of project objectives and tasks.

**Comment**

Several commenters recommended that § 315.40 be revised to provide more guidance to grantees regarding coordination with similar programs in order to avoid program gaps and service duplications.

**Response**

No change has been made. The selection criteria under § 315.31(h), "Cooperation and coordination with other organizations and institutions," provide guidance to applicants for developing specific coordination activities in their project proposals.

**Other Changes**

Commenters suggested various technical changes that have been made. In addition, the placement of the term "autistic" has been shifted in the definition of "severely handicapped children and youth" under § 315.4(d)(2) to conform to the definitions under 34 CFR Part 300.

These regulations implement section 624 of the Act as recently amended by Pub. L. 98-199, the Education of the Handicapped Act Amendments of 1983; and incorporate the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74,

75, 77 and 78). A summary of the regulations follows:

*(a) Subpart A—General*

Section 315.1 describes the scope and purpose of the program, and clarifies that the provision of services to the severely handicapped is authorized under the program.

Section 315.2 identifies those parties eligible for a grant under this program. It amends current regulations (§ 315.3) to allow both nonprofit and profit organizations and institutions to apply.

Section 315.3 lists the regulations that apply to the Auxiliary Activities program, including Parts 74, 75, 77 and 78 of EDGAR.

Section 315.4 provides definitions that apply to the program. It incorporates certain EDGAR definitions as well as the definition of "parent" used in the Assistance to States for Education of Handicapped Children program (34 CFR Part 300). It also includes a definition of "handicapped children and youth" based upon the definitions of "handicapped children" found in section 602 (a)(1) and (b) of the EHA. It also provides a definition of "severely handicapped children and youth."

*(b) Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?*

Sections 315.10–315.14 describe the types of activities including the research, development or demonstration, training, and dissemination activities supported under this program.

*(c) Subpart C—Reserved*

*(d) Subpart D—How Does the Secretary Make a Grant?*

Section 315.30 explains how the Secretary selects and announces funding priorities.

The selection criteria used to award a grant are contained in § 315.31. The section assigns weights to the selection criteria in § 315.4 of the current regulations and adds criteria relating to the applicant's capability, its dissemination plan, and its plan for cooperation and coordination with other agencies.

*(e) Subpart E—What Conditions Must Be Met by a Grantee Under This Program?*

These regulations specify the coordination requirements that must be met by a grantee under the program.

**Paperwork Reduction Act of 1980**

The information collection requirements in these regulations have been approved under OMB Control No.

1820–0028 under the Paperwork Reduction Act of 1980.

**Executive Order 12291**

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

**Regulatory Flexibility Act Certification**

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations clarify existing regulations and implement recent statutory amendments. Specific changes to the regulations are described in this preamble. These changes will not have any significant economic impact on small entities participating in the program.

**Assessment of Educational Impact**

In the notice of proposed rulemaking published in the Federal Register on April 30, 1984, the Secretary requested comments on whether the proposed regulations would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

**List of Subjects in 34 CFR Part 315**

Education, Education of handicapped, Education—research, Grants program—education, Teachers.

**Citation of Legal Authority**

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(20 U.S.C. 1424)

Dated: July 3, 1984.

(Catalog of Federal Domestic Assistance Number 84.086; Auxiliary Activities)

T. H. Bell,

Secretary of Education.

The Secretary revises Part 315 of Title 34 of the Code of Federal Regulations as follows:

**PART 315—AUXILIARY ACTIVITIES**

**Subpart A—General**

Sec.

315.1 What is the Auxiliary Activities program?

315.2 Who is eligible to apply for a grant under this program?

315.3 What regulations apply to this program?

315.4 What definitions apply to this program?

315.5–315.9 [Reserved]

**Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?**

315.10 What types of activities are considered for support by the Secretary under this part?

315.11 What types of research activities are considered for support by the Secretary under this part?

315.12 What types of development or demonstration activities are considered for support by the Secretary under this part?

315.13 What types of training activities are considered for support by the Secretary under this part?

315.14 What types of dissemination activities are considered for support by the Secretary under this part?

315.15–315.19 [Reserved]

**Subpart C—[Reserved]**

**Subpart D—How Does the Secretary Make a Grant?**

315.30 How does the Secretary select and announce funding priorities under this program?

315.31 What are the selection criteria used to award a grant?

315.32–315.39 [Reserved]

**Subpart E—What Conditions Must Be Met by a Grantee Under This Program?**

315.40 What coordination requirement(s) must be met by a grantee?

315.41–315.49 [Reserved]

Authority: Sec. 624 of the Education of the Handicapped Act (20 U.S.C. 1424), unless otherwise noted.

**Subpart A—General**

§ 315.1 What is the Auxiliary Activities program?

This program supports research, development or demonstration, training, and dissemination activities which, consistent with the purpose of Part C of the Education of the Handicapped Act, meet the unique educational needs of handicapped children and youth, including those who are severely handicapped.

(20 U.S.C. 1424)

§ 315.2 Who is eligible to apply for a grant under this program?

Any public or private, profit or nonprofit, organization or institution

may apply for a grant under this program.

(20 U.S.C. 1424)

**§ 315.3 What regulations apply to this program?**

The following regulations apply to this program:

- (a) The regulations in this Part 315.
- (b) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—
  - (1) Part 74 (Administration of Grants);
  - (2) Part 75 (Direct Grant Programs);
  - (3) Part 77 (Definitions); and
  - (4) Part 78 (Education Appeal Board).

(20 U.S.C. 1424, 20 U.S.C. 3474(a))

**§ 315.4 What definitions apply to this program?**

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant  
Application  
Award  
EDGAR  
Fiscal year  
Grant  
Grantee  
Nonprofit  
Preschool  
Private  
Project  
Public  
Recipient  
Secretary  
State

(20 U.S.C. 1424; 20 U.S.C. 3474(a))

(b) *Definition in 34 CFR Part 300.* The term "parent" as used in this part is defined in 34 CFR 300.10.

(c) *Handicapped children and youth.* The term "handicapped children and youth" as used in this part means those children and youth evaluated as being mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or as having specific learning disabilities, who because of those impairments need special education and related services.

(20 U.S.C. 1401(1))

(d) *Severely handicapped children and youth.*

(1) As used in this part, the term "severely handicapped children and youth" refers to handicapped children and youth who, because of the intensity of their physical, mental, or emotional problems, need highly specialized educational, social, psychological, and medical services in order to maximize

their full potential for useful and meaningful participation in society and for self-fulfillment.

(2) The term includes those children and youth who are classified as seriously emotionally disturbed (including children and youth who are schizophrenic), autistic, profoundly and severely mentally retarded, and those who two or more serious handicapping conditions, such as the deaf-blind, mentally retarded-blind, and the cerebral-palsied deaf.

(3) Severely handicapped children and youth—

(i) May experience severe speech, language, and/or perceptual-cognitive deprivations, and evidence abnormal behaviors such as—

- (A) Failure to respond to pronounced social stimuli;
- (B) Self-mutilation;
- (C) Self-stimulation;
- (D) Manifestation of intense and prolonged temper tantrums; and
- (E) The absence of rudimentary forms of verbal control; and

(ii) May also have extremely fragile physiological conditions.

(20 U.S.C. 1424)

§§ 315.5–315.9 [Reserved]

**Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?**

**§ 315.10 What types of activities are considered for support by the Secretary under this part?**

The Secretary may provide financial assistance under this part to support the following activities:

(a) Research to identify and meet the full range of special needs of handicapped children and youth, as described in § 315.11.

(b) The development or demonstration of new, or improvements in existing, methods, approaches, or techniques which would contribute to the adjustment and education of handicapped children and youth, as described in § 315.12.

(c) Training of professional and allied personnel engaged or preparing to engage in programs specifically designed for handicapped children and youth, as described in § 315.13.

(d) Dissemination of materials and information about practices found effective in working with handicapped children and youth, as described in § 315.14.

(20 U.S.C. 1424)

**§ 315.11 What types of research activities are considered for support by the Secretary under this part?**

(a) The Secretary may provide financial assistance under this part for the following research activities:

(1) Research to identify and meet the full range of special needs of handicapped children and youth.

(2) Research to identify and meet the instructional or counseling needs of parents, professionals, and others involved in the provision of services to handicapped children and youth, for the purpose of facilitating the delivery and improving the quality of these services.

(b) Each application for assistance under this part must—

(1) Specifically describe and justify the research activities which the applicant proposes to undertake;

(2) Fully describe how the applicant will develop and validate the effectiveness of procedures for applying the project's research findings to the provision of improved direct services to handicapped children and youth.

(20 U.S.C. 1424)

**§ 315.12 What types of development or demonstration activities are considered for support by the Secretary under this part?**

(a) The Secretary may provide financial assistance under this part for one or more of the following development and demonstration activities.

(1) Review, analysis, and evaluation of current educational practices and research findings.

(2) Diagnosis and evaluation of the learning capacities and limitations of handicapped children and youth and the identification of their specific learning needs and problems.

(3) Design and demonstration of innovative procedures for addressing the identified needs of handicapped children and youth in a variety of settings.

(4) Evaluation of the progress and achievement of handicapped children and youth who participate in project activities.

(b) Each application for assistance under this part must—

(1) Justify the need for the development or demonstration activities which the applicant proposes to undertake, particularly in consideration of related development or demonstration activities in the nation where applicable;

(2) Describe the nature and extent of the impact which the proposed activities are expected to have on handicapped children and youth who will be served by the project; and

(3) Describe the impact, in terms of replicability, that the activities are expected to have upon children and youth not served by the project.

(20 U.S.C. 1424)

**§ 315.13** What types of training activities are considered for support by the Secretary under this part?

The Secretary may provide financial assistance under this part to support training activities that meet the following requirements:

(a) *Training.* Any training of professional and allied personnel under this part must be consistent with the purposes of Part C of the Act. Training may include staff meetings, seminars, workshops, demonstrations, and related activities.

(b) *Participants.* Participants in training activities may include present and potential project personnel and other teachers, administrators, child care workers, parents, and teacher aides.

(c) Each application for assistance under this part must—

(1) Justify the need for the training activities that the applicant proposes to undertake; and

(2) Describe the nature and extent of the impact that the proposed activities are expected to have on handicapped children and youth who will ultimately be served by the individuals who receive the training.

(20 U.S.C. 1424)

(Approved by the Office of Management and Budget under Control Number 1820-0028)

**§ 315.14** What types of dissemination activities are considered for support by the Secretary under this part?

The Secretary may provide assistance under this part for dissemination activities including distribution of materials and information to educational institutions, parents, the general public, and members of professions engaged in the field of the education of the handicapped.

(20 U.S.C. 1424)

§§ 315.15-315.19 [Reserved]

**Subpart C—[Reserved]**

**Subpart D—How Does the Secretary Make a Grant?**

**§ 315.30** How does the Secretary select and announce funding priorities under this program?

(a) For any fiscal year, the Secretary may give priority to one or more of the activities listed in §§ 315.10-315.14 in conjunction with one of the authorities in Part C.

(b) The Secretary advises the public of these priorities through a notice published in the Federal Register.

(c) The Secretary may establish other priorities through publication of one or more notices in the Federal Register in accordance with 34 CFR 75.105, *Annual priorities.*

(20 U.S.C. 1424)

**§ 315.31** What are the selection criteria used to award a grant?

The Secretary uses the weighted criteria in this section to evaluate applications for new awards. The maximum score for all the criteria is 100 points.

(a) *Plan of operations.* (40 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the qualifications of key personnel the applicant plans to use in the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that

have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of project personnel, the Secretary considers their experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (See 34 CFR 75.590, *Evaluation by the grantee.*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Capability of organization or institution.* (10 points)

The Secretary reviews each application for information that shows the capability of the applicant in conducting activities which are particularly relevant to its proposed activities.

(g) *Dissemination plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the dissemination plan for the project.

(2) The Secretary looks for information that shows—

(i) An effective plan that ensures proper and efficient dissemination of project information within the State in

which the project is located and throughout the Nation; and

(ii) A clear description of the content, intended audiences, and timelines for production of all project documents and other products which the applicant will disseminate.

(h) *Cooperation and coordination with other organizations and institutions.* (10 points)

(1) The Secretary reviews each application for information that ensures that activities funded under this section will be coordinated with—

(i) Similar activities assisted under Part C of the Act; and

(ii) Other organizations or institutions conducting or eligible to conduct activities essential to the effective implementation of the proposed project.

(2) The Secretary looks for information that shows the nature, extent, and timelines for coordination proposed by the applicant.

(20 U.S.C. 1424(b); 20 U.S.C. 3474(a))

(Approved by the Office of Management and Budget Under Control Number 1820-0028)

§§ 315.32-315.39 [Reserved]

**Subpart E—What Conditions Must Be Met by a Grantee Under This Program?**

§ 315.40 What coordination requirement(s) must be met by a grantee?

Each recipient shall coordinate the activities assisted under this part with similar activities assisted under other sections of the Act.

(20 U.S.C. 1424)

§§ 315.41-315.49 [Reserved]

[FR Doc. 84-18035 Filed 7-8-84; 8:45 am]

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50 CFR Part 20

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Monday  
July 9, 1984

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**Part IV**

**Department of the  
Interior**

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Fish and Wildlife Service

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**50 CFR Part 20  
Migratory Bird Hunting; Supplemental  
Proposals for Early Season Migratory  
Bird Hunting Regulations Frameworks;  
Supplemental Proposed Rule**

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 20

**Migratory Bird Hunting; Supplemental Proposals for Early Season Migratory Bird Hunting Regulations Frameworks**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Supplemental proposed rule.

**SUMMARY:** This document supplements proposed rules published on March 23, 1984 (49 FR 11120), and June 13, 1984 (49 FR 24417), which notified the public that the U.S. Fish and Wildlife Service proposes to establish hunting regulations for certain migratory game birds during 1984-85, and provided information on certain proposed regulations.

This proposed rulemaking provides frameworks or outer limits for dates and times when shooting may begin and end, and the number of birds that may be taken and possessed in early seasons for migratory bird hunting. These are hunting seasons that open prior to October 1 and relate to mourning doves; white-winged doves; band-tailed pigeons; woodcock; common snipe; rails; gallinules; September teal; sea ducks; experimental September duck seasons in Florida, Iowa, Kentucky and Tennessee; experimental early goose framework in a portion of Michigan; special sandhill crane-Canada goose season in southwestern Wyoming; sandhill cranes in the Central Flyway and Arizona; and special falconry seasons. The frameworks for Alaska, Puerto Rico and the Virgin Islands will appear in a separate Federal Register document scheduled for publication on or about July 11. Supplemental rulemakings for some later hunting seasons, defined as those seasons opening on or about October 1 are also addressed. These generally relate to the times and places where certain waterfowl may be hunted.

The Service annually prescribes hunting regulations frameworks to the States for season selection purposes. The primary purpose of this proposed rule is to facilitate establishment of early season migratory bird hunting regulations for the 1984-85 season.

**DATES:** The comment period for the proposed early season frameworks will end on July 8, 1984, except that for Alaska, Hawaii, Puerto Rico and the Virgin Islands the comment period closed on June 21, 1984. The comment period for late season proposals will close on August 17, 1984.

A Public Hearing on Late Season Regulations will be held August 1, 1984, starting at 9 a.m.

**ADDRESS:** *Comments to:* Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. The August 1 Public Hearing will be held in the Auditorium of the Department of the Interior Building on C Street, between 18th and 19th Streets, NW., Washington, D.C. Notice of intention to participate in this hearing should be sent in writing to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the supplemental proposed rulemaking will be available for public inspection during normal business hours in Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202-254-3207).

**SUPPLEMENTARY INFORMATION:** The annual process for developing migratory game bird hunting regulations deals with regulations for early and late seasons, and regulations for Alaska, Hawaii, Puerto Rico and the Virgin Islands. Early seasons are those that open before October 1; late seasons open about October 1 or later. Regulations are developed independently for the early and late seasons, and Alaska and insular areas. The early season regulations relate to mourning doves; white-winged doves; band-tailed pigeons; rails; gallinules; woodcock; common snipe; sea ducks in the Atlantic Flyway; teal in September in the Central Mississippi Flyways; experimental duck seasons opening in September in Florida, Iowa, Kentucky and Tennessee; an experimental early goose season in a portion of Michigan; sandhill cranes in the Central Flyway and Arizona; a special sandhill crane-Canada goose season in southwestern Wyoming; and some special falconry seasons. Late seasons include the general waterfowl seasons; special seasons for scaup and goldeneyes; extra scaup and teal in regular seasons; other sandhill crane seasons; coots, gallinules and snipe in the Pacific Flyway; and other special falconry seasons. These regulations contain no information collections subject to Office of Management and budget review under the Paperwork Reduction Act of 1980.

Certain general procedures are followed in developing regulations for both the early and the late seasons.

Initial regulatory proposals are announced in a Federal Register document published in March and opened to public comment. These proposals are supplemented as necessary, with additional Federal Register notices. Following termination of comment periods and after public hearings, the Service further develops and publishes proposed frameworks for times of seasons, season lengths, shooting hours, daily bag and possession limits, and other regulatory elements. After consideration of additional public comments, the Service publishes final frameworks in the Federal Register. Using these frameworks, State conservation agencies then select hunting season dates and options. Upon receipt of State selections, the Service publishes a final rule in the Federal Register, amending Subpart K of 50 CFR Part 20, to establish specific seasons, bag limits and other regulations. The regulations become effective upon publication. States may prescribe more restrictive seasons than those provided in the final frameworks.

The regulations schedule for this year are as follows. On March 23, 1984, the Service published for public comment in the Federal Register (49 FR 11120) a proposal to amend 50 CFR Part 20, with comment periods ending as noted earlier.

On June 13, 1984, the Service published for public comment a second document (49 FR 24417) which provided supplemental proposals for both early and late season migratory bird hunting regulations frameworks, with comment periods ending July 18, 1984, for remaining early season proposals, and August 17, 1984, for late season proposals.

This document is the third in a series of proposed, supplemental and final rulemaking documents for migratory bird hunting regulations and deals specifically with supplemental proposed frameworks for early season migratory bird hunting regulations. It will lead to final frameworks from which, States may select season dates, shooting hours and daily bag and possession limits for the 1984-85 season. All pertinent comments on the March 23 proposals received through June 21, 1984, have been considered in developing this document. In addition, new proposals for certain early season regulations are provided for public comment. Comment periods on this third document are specified above under **DATES**. Final regulatory frameworks for migratory game bird hunting seasons for Alaska, Puerto Rico and the Virgin Islands are scheduled for publication in the Federal

Register on or about July 11, 1984, and for early seasons for other areas of the United States on or about July 26, 1984.

On June 21, 1984, a public hearing was held in Washington, D.C., as announced in the Federal Register of March 23 (49 FR 11120) and June 13 (49 FR 24417), 1984, to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, common snipe and sandhill cranes. Proposed hunting regulations were discussed for these species and for migratory game birds in Alaska, Puerto Rico and the Virgin Islands; September teal seasons in the Mississippi and Central Flyways; experimental duck seasons in September in Florida, Iowa, Kentucky and Tennessee; experimental early goose framework in a portion of Michigan; an experimental sandhill crane-Canada goose season in southwest Wyoming; special sea duck seasons in the Atlantic Flyway; and special falconry seasons.

This supplemental proposed rulemaking consolidates further changes in the original framework proposals published on March 23, 1984, in the Federal Register (49 FR 11120).

#### Presentations at Public Hearing

A number of reports were given on the status of various migratory bird species for which early hunting seasons are being proposed. These are briefly reviewed as a matter of public information, and to facilitate the Service's response to public comments at the Public Hearing on June 21 and in correspondence. Unless otherwise noted, persons making the presentations are Service employees.

Mr. David Dolton, Mourning Dove Specialist, presented the status of the 1984 mourning dove population. Population indices for mourning doves in the United States indicate a decrease between 1983 and 1984. The aggregate index for the 3 management units decreased from 19.4 to 17.9 doves heard per route, a change of -7.6%. In States not permitting hunting, the 1984 index decreased by 12.7% (from 20.3 to 17.7 birds heard per route) from 1983. Population indices in each management unit also showed significant changes from 1983 to 1984 as follows: Eastern, -10% (from 17.2 to 15.5); Central, -11.3% (from 26.1 to 23.2); and Western, +15.5% (from 9.5 to 11.0). The 1984 index was significantly different from the preceding 10-year average only in the combined hunting states of the Eastern Management Unit (-12%). Linear regression analyses did not indicate a population trend for any unit or the United States as a whole.

Mr. Ronnie R. George, Texas Parks and Wildlife Department, reported on the status of white-winged and white-tipped doves in Texas. Approximately 467,000 whitewings nested in the Lower Rio Grande Valley (LRGV) in 1984. This is a decrease of 19% from the 577,000 birds censused in 1983, and is 11% below the 15-year average of 519,000 birds. Nearly half (48%) of the whitewings nested in native brush and the remainder (52%) in citrus orchards. A severe freeze in December 1983 top-killed all of the citrus trees in the LRGV and resulted in an estimated 35% reduction in total citrus acreage. Nevertheless, whitewings appeared to be nesting in near normal densities in undisturbed citrus groves. Whitewings in upper South Texas numbered 53,000 birds, an increase of 18% over the number estimated in 1983. Increases were also recorded for the area west of San Antonio and in the vicinity of Uvalde. It was noted that whitewing populations could be further affected by lack of citrus nesting habitat next year and that the situation would be closely monitored. Texas recommended a 4-day special whitewing hunt for 1984.

White-tipped doves were also surveyed during 1983 and 1984. These birds have increased dramatically in numbers and expanded their range in South Texas since the early 1970's. Counts along South Texas survey routes revealed no change in numbers of white-tipped doves heard per stop in 1984 as compared to 1983.

Mr. Roy E. Tomlinson, Southwest Dove Coordinator, conveyed information received from the Arizona Game and Fish Department about white-winged dove status in Arizona. During the late 1970's, Arizona's whitewing dove population was reduced by loss of nesting habitat, changes in agricultural practices, and overharvest. During the past 4 years, Arizona has restricted whitewing dove hunting. Recent regulations specified a daily bag limit of 12 doves in the aggregate, no more than 6 of which could be whitewings. Since 1980, the whitewing harvest has been reduced by more than one-half. Based on annual call-count surveys, the population appears to have stabilized. No change in the 1984 dove hunting regulations is believed to be necessary. Studies are being conducted in an effort to solve the habitat and agricultural problems.

Mr. John Tautin, Woodcock Specialist, reported on the 1984 status of American woodcock. The most significant findings were from the recently conducted singing-ground survey. This cooperative survey of woodcock breeding

populations in the United States and Canada indicated a decrease of 11.5% in Eastern Region (Atlantic Flyway) woodcock between 1983 and 1984. This decrease largely negated the increase in 1983 of 19.3%, and brought the 1984 population index near the low recorded in 1982 following severe weather conditions. A significant long-term decline of woodcock is evident in the Eastern Region. In the Central Region (Mississippi Flyway and portions of the Central Flyway), the survey indicated that woodcock were unchanged (+0.3%) between 1983 and 1984. The Central Region population peaked in the late 1970's, declined in recent years, and is now slightly below its long term average level.

Dr. James C. Bartonek, Pacific Flyway Representative, summarized the harvests and status of the two populations of band-tailed pigeons. Harvest of the Four-corners Population is comparatively small and constant. Harvest of the Pacific Coast Population in 1983 showed an increase over 1982, but only Oregon showed an increase from the 10-year average. Censusing pigeons at mineral springs in Oregon provides an index to the population; data from this annual census suggest an increase over 1982 and an increasing trend since the mid 1970's.

Mr. Harvey W. Miller, Central Flyway Representative, reported on the status of sandhill cranes. The mid-continent population generally exceeds 500,000 birds, and is increasing based upon intensive surveys including aerial photography of major springtime concentrations in Nebraska. Approximately 7,100 hunters harvested 13,000 cranes in the Central Flyway during the 1983-84 hunting season. The racial composition of the harvest appears to be similar to that of the population in major harvest areas.

In the Pacific Flyway, sandhill cranes are harvested primarily in Alaska, where the take is estimated to be 800-900 per year. In addition, investigations on the Yukon-Kuskokwim Delta suggest a harvest ranging from 1,000 to 2,000 cranes per year by subsistence hunters. The breeding population appears to be stable. During the period 1981-83, limited experimental seasons in the Wilcox Area of Arizona resulted in harvests ranging from 40 to 70 cranes. During special sandhill crane-Canada goose seasons in Lincoln County, Wyoming in 1982 and 1983, 143 and 154 cranes were harvested. The Rocky Mountain Population of greater sandhill cranes, to which some of the Arizona cranes and all the western Wyoming cranes belong, was estimated at 14,000

birds in March of 1984 and is either stable or increasing slightly.

#### Comments Received at Public Hearing

Seven individuals presented statements at the Public Hearing on proposed early season regulations. The comments are summarized below and, where appropriate, the Service has provided a response.

Mr. Ronnie R. George, representing the Central Flyway Council, recommended: (1) The establishment of a limited hunting season on white-tipped doves (*Leptotila verreauxi*) in Texas to run concurrently with the regular mourning dove seasons and the 4-day special white-winged dove season, (2) continuation of a special hunting season for sandhill cranes in Lincoln County, Wyoming, and (3) adoption of proposed basic regulation frameworks for all migratory species in the Central Management Unit not covered by specific recommendations.

On behalf of the Texas Parks and Wildlife Department, Mr. George recommended the following dove regulations frameworks for the 1984-85 season in Texas: (1) A special 4-day white-winged dove hunting season on September 1-2 and 8-9, 1984, in that portion of Texas designated as the Special White-winged Dove Area (described later in this document) with daily bags not to exceed 10 white-winged doves. The 10-bird limit may include no more than 2 mourning doves and 2 white-tipped doves. Possession limit would be twice the daily bag. (2) Mourning dove seasons of not more than 70 days in each of 3 designated zones (North, Central and South Zones as described later in this document) with a daily bag limit of 12 mourning doves. The 12-bird daily bag limit may include no more than 2 white-winged and 2 white-tipped doves, possession limit to be twice the daily bag limit. Framework dates in the North and Central Zones are from September 1, 1984 to January 25, 1985; and in the South Zone from September 20, 1984 to January 25, 1985. Texas requests that the 4 day special white-winged dove season, during which 2 mourning doves may be taken daily, not be counted against the total of 70 - days of mourning dove hunting in the South Zone.

#### Response

The Service accepts the recommendations of the Central Flyway Council and has incorporated them in the proposed frameworks. The recommendations for dove seasons in Texas are also accepted with one exception. The Service is of the view that mourning dove hunting during the

Special White-winged Dove Season, should be considered a part of the 70-day hunting season for mourning doves in the Central Management Unit. Season length customarily applies uniformly to all States in the Management Unit.

Mr. Charles Kelley, representing the Southeastern Association of Fish and Wildlife Agencies, expressed support for the proposed frameworks. On behalf of the Alabama Department of Conservation and Natural Resources, he requested consideration for a minor change in the zone boundary for mourning dove hunting in Alabama to be submitted later.

#### Response

The Service defers action on the boundary change pending receipt of a specific proposal.

Mr. John M. Anderson, representing the National Audubon Society, urged the Service to shorten woodcock hunting seasons or reduce bag limits if there is evidence that the birds may be over-harvested. He suggested that sandhill crane hunting seasons be set to avoid the migrations of whooping cranes enroute to the Aransas National Wildlife Refuge and vicinity in Texas. If that was not practical, he recommended additional protection of whooping cranes by prohibiting pre-sunrise shooting, discouraging or prohibiting pass shooting near roosts, developing procedures for "spot closures" of areas where whooping cranes are present, and providing means of alerting hunters to their presence. Mr. Anderson expressed support for the proposed mourning and white-winged dove hunting regulations, noting that a decrease in the mourning dove population index between 1983 and 1984 was greater for nonhunting States in the aggregate than hunting States. He suggested that some environmental factor other than hunting affects mourning dove populations and that research should be initiated to identify it, and how it operates. He also endorsed the Service's proposal to extend the framework closing date for "light geese" in the Central Flyway portion of New Mexico.

#### Response

The Service is presently considering the extent to which hunting pressure on woodcock in the Eastern Region should be reduced. This population, which ranges throughout the eastern United States and Canada, appears to be undergoing a gradual long-term decline. While habitat changes appear to be a primary factor in the decline, adjustment of harvest opportunities may be appropriate in the light of current population status. To further review and

consider this and other possible actions, the Service proposes to meet with Canadian and State officials to review the status of woodcock and develop a joint action plan to be implemented in 1985.

Under provisions of the Endangered Species Act, the Service is presently considering potential impacts of proposed annual hunting regulations on migratory birds that are listed as endangered or threatened including the whooping crane. In addition, a range wide plan is being developed, in cooperation with the States, to address actions to be taken when whooping cranes appear in areas where hunting is in progress. The plan is aimed at providing protection to individual whooping crane during regular hunting seasons and will be in effect prior to the 1984-85 seasons. Mr. Anderson's recommendations will be considered in developing the plan.

Mr. Fred Hartman, representing the Pennsylvania Game Commission reiterated concerns and recommendations about Eastern Region woodcock, expressed in a June 12, 1984, letter from the Commission to the Service. He recommended that woodcock season length and bag limit be reduced in 1984. He indicated that the Pennsylvania Game Commission proposes to reduce the daily bag limit to 3 and shorten the season to 22 days, beginning October 20. Mr. Hartman recommended that the Service improve methods of monitoring the woodcock population, establish a procedure for measuring the amount of woodcock habitat, activate a woodcock technical advisory committee and promote the use of a stamp or license for hunting woodcock in the Atlantic Flyway.

#### Response

The recommendations will be considered in the course of developing a joint action plan for Eastern Region woodcock in consultation with State and Canadian officials as discussed above in response to comments by John M. Anderson of the National Audubon Society.

Many different jurisdictions in both the United States and Canada are involved in the management of Eastern Region woodcock. The Service believes it desirable to defer action until the 1985 season to allow time to obtain the advice and recommendation of all involved agencies. This will permit the development of more effective and better coordinated management, and will allow time to distribute information to hunters in order to improve their understanding and cooperation.

Ms. Jennifer Lewis, representing the Humane Society of the United States (HSUS) and the World Society for the Protection of Animals (WSPA), reiterated objections of these organizations to hunting of mourning doves in September. She asserted that shooting adult doves while they are nesting, leaves the young to die of exposure, starvation and predation. Ms. Lewis recommended the Service close the hunting seasons on waterfowl and columbid species in Puerto Rico.

#### Response

The Service has responded previously in a number of Federal Register documents to concerns about September hunting of mourning doves (see 47 FR 30164-30165 in 1982 and 48 FR 14712 and 48 FR 31269 in 1983). The results of an extensive study of mourning dove nesting in relation to September hunting were discussed at a public hearing on June 23, 1982, and a report on this study has been distributed. It was concluded that September hunting does not have an adverse effect on mourning dove populations. Ms. Lewis' recommendations concerning migratory bird hunting in Puerto Rico will be addressed in the upcoming Federal Register document of final regulatory frameworks for migratory game bird hunting seasons for Alaska, Puerto Rico and the Virgin Islands.

Mr. Charles J. Guenther, representing the Michigan Department of Natural Resources, proposed that Michigan be allowed to open the season for both ducks and geese in mid-September throughout the Upper Peninsula and in the upper half of the Lower Peninsula. He also requested that the Service re-examine its criteria for States to qualify for the September teal season with a view toward permitting such a season in Michigan. He noted that Michigan, because of its size and diverse climatic and environmental conditions, needs more flexibility in selection of waterfowl seasons.

#### Response

In 1983, the Upper Region Regulations Committee of the Mississippi Flyway Council endorsed a Michigan request for an experimental September 26 opening date for hunting Canada geese in the western portion of Michigan's Upper Peninsula. The September opening date was initiated in the 1983 hunting season. The majority of Canada geese that migrate through the area in Michigan covered by the proposal belong to the Mississippi Valley and the Tennessee Valley Populations. By long standing practice, recommendations about hunting regulations for these

populations are developed within the Flyway Council in coordination with other States that share in harvesting them. The Council has not as yet developed recommendations on Michigan's proposal for an earlier opening for geese throughout a significantly expanded area of the State. The Service defers action on this matter pending Council review and recommendation.

In regard to September duck hunting in Michigan, the Service is of the view that present duck seasons should not be changed until the study of stabilized regulations is completed. Accordingly, the Service defers consideration of this proposal at this time.

Michigan and other States that have breeding populations of teal are designated as waterfowl production States. These States are not presently offered a September teal season, because it is believed that additional hunting pressure in September would be detrimental to local breeding populations. In lieu of a September teal season, these States may take additional teal in the daily bag limit during a portion of the regular duck hunting season. In general, the Service does not favor expanding the September teal season. Experiments are underway in Iowa, Kentucky, Tennessee and Florida to evaluate a limited September season on ducks as an alternative to the September teal season. The Service believes it desirable to await the completion of these studies before considering further action along these lines.

Dr. Albert M. Manville, representing Defenders of Wildlife, reiterated the concerns of this organization about "pre-dawn shooting hours"-experimental September hunting seasons on teal and wood ducks; bag limits on snipe, rails, gallinules, coots, mergansers and sea ducks; seasons on black ducks; and hunting seasons on sandhill cranes and tundra (whistling) swans in areas where endangered whooping cranes are found. He recommended closure of sandhill crane and tundra swan hunting in areas where whooping cranes migrate or overwinter.

#### Response

The Service has previously responded to these concerns in Federal Register publications in 1982 and 1983 (47 FR 30165 and 48 FR 31269). Additionally, shooting hours were discussed in detail in the Environmental Assessment *Proposed Shooting Hours Regulations* dated August 1, 1977. Since these matters have already been discussed in some detail, and no new information has been presented, it does not appear that

further response is necessary at this time. Comments on black ducks will be considered later in conjunction with late season proposals.

The Service is proposing to continue experimental September duck seasons to evaluate possible impacts on duck populations.

Under provisions of the Endangered Species Act, the Service is presently considering potential impacts of proposed annual hunting regulations on migratory birds that are listed as endangered or threatened, including the whooping crane. In addition, the Service provides for protection of individual whooping cranes by measures such as monitoring their migration, close surveillance of birds while in areas open to hunting, and temporary suspension of hunting where increased risks might be involved. State wildlife conservation agencies also provide protective measures, e.g., sandhill crane seasons in Sheridan County, Montana, where Medicine Lake National Wildlife Refuge is located, are restricted to November after the usual time of whooping crane migration through that area. Further, a range-wide plan is being developed, in cooperation with the States, to address coordinated actions to be taken when whooping cranes appear in areas where hunting is in progress. The plan is expected to be in place when the 1984 seasons open.

#### Written Comments Received

The supplemental proposed rulemaking, which appeared in the Federal Register dated June 13, 1984 (49 FR 24417), summarized 333 comments which had been received by May 1, 1984. Since then, 7 additional comments on early season proposals have been received. They are summarized below and numbered in the order used in the March 23, 1984, Federal Register. These responses originated from 7 States.

5. *Sea ducks.* In the June 13, 1984, Federal Register (49 FR 24419), the Service noted receipt of additional information from Delaware regarding a January 12, 1984, request that the daily bag limit on sea ducks be increased from 7 to 10 in that State. Service action on the request was deferred pending further review and consideration of recommendations from the Atlantic Flyway Council. On June 19, 1984, Delaware advised that Atlantic Flyway Council review of the request could not be obtained prior to the establishment of the early season migratory bird regulations for 1984-85, and asked that the matter be considered by the Service Regulations Committee at their meeting on June 20, 1984.

**Response**

The Service Regulations Committee considered Delaware's request and conclude that there was insufficient information to support an increase in bag limit. Accordingly, no change in sea duck bag limits is proposed at this time.

**21. Woodcock.** The Pennsylvania Game Commission, in a letter of June 12, 1984, expressed concern about the status of Eastern Region woodcock, and recommended that seasons and bag limits for the 1984 hunting season be reduced. They presented similar comments at the June 21, 1984 Public Hearing. By mailgram received June 20, 1984, the Rhode Island Division of Fish and Wildlife expressed support for Pennsylvania's recommendations regarding woodcock.

**Response**

As discussed above in response to statements from the National Audubon Society and the Pennsylvania Game Commission at the June 21, 1984, Public Hearing, the Service proposes no additional changes in woodcock hunting regulations for the 1984 hunting season. However, consultations will be undertaken this fall with Canadian and State officials to determine actions appropriate for implementation in the 1985 hunting season.

**22. Band-tailed pigeons.** Nevada submitted to the Service a final report on their 3-year experimental bandtail season and requested that the season become operational.

**Response**

The Service has evaluated the report and concurs with the proposal that the band-tailed pigeon season in Nevada be changed from experimental to operational.

**23. Mourning Doves.** The Georgia Department of Natural Resources (letter of May 30, 1984) requested a minor change in boundaries for their mourning dove hunting zones, the Illinois Department of Conservation (letter May 3, 1984) requested a September 1 opening date for mourning dove hunting in their south zone, and the Texas Parks and Wildlife Department (letter of May 25, 1984) recommended various mourning and white-winged dove regulations changes for Texas during the 1984-85 season.

**Response**

The Service concurs with the requested zone boundary change in Georgia and the September 1 opening date for the south zone of Illinois. The recommendations from Texas were presented at the June 21, 1984, Public

Hearing and are discussed above in response to comments received at the Public Hearing.

**Public Comment Invited**

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the possible amendments resulting from this supplemental rulemaking will specify open seasons, shooting hours and bag and possession limits for designated migratory game birds in the United States.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies and private interests on these proposals and will take into consideration the comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified earlier is contrary to the public interests.

**Comment Procedure**

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate by submitted written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 536, Matomic Building, 1717 H Street, NW., Washington, D.C.

All relevant comments on these early season proposals received no later than July 18, 1984, and on late season proposals received by August 17, 1984,

will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

**NEPA Consideration**

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the Federal Register on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which served to supplement the material in the Final Environmental Statement. Copies of these environmental assessments are available from the Service.

**Endangered Species Act Consideration**

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act," and "by taking such action necessary to insure that any action authorized, funded, or carried out \* \* \* is not likely to jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species \* \* \* which is determined to be critical."

The Service initiated section 7 consultation under the Endangered Species Act for the proposed hunting seasons frameworks.

On July 5, 1984, Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, gave a biological opinion that the proposed action is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats. Examples of such consideration include areas in Alaska and the Pacific Flyway closed to Canada goose hunting for protection of the endangered Aleutian Canada goose, and closed areas in Puerto Rico for protection of the Puerto Rican plain pigeon and Puerto Rican parrot.

The Service's biological opinion resulting from its consultation under Section 7 is considered a public

document and is available for inspection in the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

#### Regulatory Flexibility Act and Executive Order 12291

In the Federal Register dated March 23, 1984 (at 49 FR 11124), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. As noted in the early FR publication, the Service plans to issue its Memorandum of Law for migratory bird hunting regulations at the same time the first of the annual hunting rules is completed.

#### Authorship

The primary author of this proposed rulemaking is Morton M. Smith, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

#### List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

#### Proposed Regulations Frameworks for 1984-85 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks which prescribe season lengths, limits, shooting hours and outside dates within which States may select seasons for mourning doves; white-winged doves; band-tailed pigeons; rails; woodcock; snipe; gallinules; September teal seasons; experimental duck seasons opening in September in Iowa, Florida, Kentucky, and Tennessee; sea ducks (scoter, eider and oldsquaw) in certain defined areas of the Atlantic Flyway; sandhill cranes; sandhill cranes-Canada geese in southwestern Wyoming; experimental early goose framework in a portion of Michigan; and special extended falconry regulations. For the

guidance of State conservation agencies, these frameworks are summarized below.

#### Notice

Any State desiring its hunting seasons for mourning doves, white-winged doves, band-tailed pigeons; rails; woodcock; snipe; gallinules, sandhill cranes or special falconry seasons to open in September must make its selection no later than July 27 1984. States desiring these seasons to open after September 28 may make their selections at the time they select regular waterfowl seasons. Season selections for the 4 States offered experimental September duck seasons must also be made by July 27 1984.

Atlantic Flyway coastal States desiring their seasons on sea ducks on certain defined areas to open in September must make their selection no later than July 27 1984. Those desiring this season to open after September may make their selection when they select their regular waterfowl seasons.

*Outside Dates:* All dates noted are inclusive.

*Shooting Hours:* Between ½ hour before sunrise and sunset daily for all species except as noted below. The hours noted here and elsewhere also apply to hawking (taking by falconry).

#### Mourning Doves

*Outside Dates:* Between September 1, 1984, and January 15, 1985, except as otherwise provided, States may select hunting seasons and bag limits as follows:

#### Eastern Management Unit

(All States East of the Mississippi River and Louisiana)

#### Hunting Seasons, and Daily Bag and Possession Limits

Not more than 70 days with bag and possession limits of 12 and 24, respectively, or not more than 60 days with bag and possession limits of 15, and 30, respectively.

Hunting seasons may be split into not more than 3 periods under either option.

*Shooting Hours:* Between ½ hour before sunrise and sunset daily.

*Zoning:* Alabama, Georgia, Illinois, Louisiana and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:  
Alabama—South Zone: Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Houston and Henry Counties. North Zone: Remainder of the State.

Georgia—U.S. Highway 280 from Columbus to the Little Ocmulgee River,

down the Little Ocmulgee to the Ocmulgee River, southwesterly along the Ocmulgee River to the western border of Jeff Davis County, south along the western border of Jeff Davis County, east along the southern border of Jeff Davis and Appling Counties, north along the eastern border of Appling County to the Altamaha River, east along the Altamaha River to the eastern border of Tattall County, north along the eastern boundary of Tattall County, north along the western border of Evans County to Chandler County, east along the northern border of Evans County to Bullock County, north along the western border of Bullock County to Highway 301, then northeast along Highway 301 to the South Carolina line.

Illinois—U.S. Highway 36.

Louisiana—Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell and Interstate Highway 10 from Slidell to the Mississippi State line.

Mississippi—U.S. Highway 84.

B. Within each zone, these States may select hunting seasons of not more than 70 days (or 60 under the alternative) which may be split into not more than 3 periods.

C. The hunting seasons in the South Zones of Alabama, Georgia, Louisiana and Mississippi may commence no earlier than September 20, 1984.

#### Central Management Unit

(Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wyoming)

#### Hunting Seasons and Daily Bag and Possession Limits

Not more than 70 days with bag and possession limits of 12 and 24, respectively, or

Not more than 60 days with bag and possession limits of 15 and 30, respectively.

Hunting seasons may be split into not more than 3 periods under either option.

Texas Zoning: Option 1—In addition to the basic framework and the alternative, Texas may select hunting seasons for each of 2 previously established zones subject to the following conditions:

A. The hunting season may be split into not more than 2 periods.

B. The North Zone may have a season of not more than 70 (or 60 under the alternative) days between September 1, 1984 and January 25, 1985.

C. The South Zone may have a season of not more than 70 (or 60 under the

alternative) days between September 20, 1984, and January 25, 1985. In that portion of Texas where the special 4-day white-winged dove season is allowed, a limited mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remaining days must be within the September 20, 1984—January 25, 1985, period (see white-winged dove frameworks).

D. The daily bag limit may not exceed 12 mourning, white-winged, and white-tipped (white-fronted) doves in the aggregate including no more than two white-winged and two white-tipped doves per day; and the possession limit may not exceed 24 mourning, white-winged, and white-tipped doves in the aggregate including no more than four white-winged and four white-tipped in possession. This modification would permit a limited harvest of white-winged and white-tipped doves while still protecting the breeding populations of these species, or

Option 2—Texas may select hunting seasons for each of 3 zones described below.

**NORTH ZONE**—That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to State Highway 20; west along State Highway 20 to State Highway 148; north along State Highway 148 to Interstate Highway 10 at Fort Hancock; east along Interstate Highway 10 to Interstate Highway 20; northeast along Interstate Highway 20 to Interstate Highway 30 at Fort Worth; northeast along Interstate Highway 30 to the Texas-Arkansas State line.

**SOUTH ZONE**—That portion of the State south and west of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to State Highway 20; west along State Highway 20 to State Highway 148; north along State Highway 148 to Interstate Highway 10 at Fort Hancock; east along Interstate Highway 10, to Van Horn, south and east on U.S. 90 to San Antonio; then southeast on U.S. 87 to the Port Lavaca Channel and along the Channel to the Gulf of Mexico.

**SPECIAL WHITE-WINGED DOVE AREA IN THE SOUTH ZONE**—That portion of the State south and west of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to State Highway 20; west along State Highway 20 to State Highway 148; north along State Highway 148 to Interstate Highway 10 at Fort Hancock; east along Interstate Highway 10 to Van Horn, south and east on U.S. Highway 90 to Uvalde, south on

U.S. Highway 83 to State Highway 44; east along State Highway 44 to State Highway 16 at Freer; south along State Highway 16 to State Highway 285 at Hebbronville; east along State Highway 285 to FM 1017; southeast along FM 1017 to State Highway 186 at Linn; east along State Highway 186 to the Mansfield Channel at Port Mansfield; east along the Mansfield Channel to the Gulf of Mexico.

**CENTRAL ZONE**—That portion of the State lying between the North and South Zones.

Hunting seasons in these zones are subject to the following conditions:

A. The hunting season may be split into not more than 2 periods, except that, in that portion of Texas where the special 4-day white-winged dove season is allowed, a limited mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves (see white-winged dove frameworks).

B. Each zone may have a season of not more than 70 days (or 60 under the alternative). The North and Central zones may select a season between September 1, 1984 and January 25, 1985; the South zone between September 20, 1984 and January 25, 1985.

C. Except during the special 4-day white-winged dove season in the South Zone, each zone may have an aggregate daily bag limit of 12 doves, (or 15 under the alternative), no more than 2 of which may be white-winged doves and no more than 2 of which may be white-tipped doves. The possession limit is double the daily bag limit.

#### *Western Management Unit*

(Arizona, California, Idaho, Nevada, Oregon, Utah and Washington)

#### Hunting Seasons, and Daily Bag and Possession Limits

Not more than 70 days with bag and possession limits of 12 and 24, respectively, or

In all States except Arizona, not more than 60 days with bag and possession limits of 15 and 30, respectively.

Hunting seasons may be split into not more than 3 periods under either option.

#### **White-Winged Doves**

**Outside Dates:** *Arizona, California, Nevada, New Mexico* and *Texas* (except as shown below) may select hunting seasons between September 1 and December 31, 1984. *Florida* may select hunting seasons between September 1, 1984 and January 15, 1985.

*Arizona* may select a hunting season of not more than 29 consecutive days running concurrently with the first

period of the split mourning dove season. The daily bag limit may not exceed 12 mourning and white-winged doves in the aggregate, no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day.

In the *Nevada* counties of Clark and Nye, and in the *California* counties of Imperial, Riverside and San Bernardino, the aggregate daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24, respectively, with a 70-day season, or 15 and 30 if the 60-day option for mourning doves is selected; however, in either season, the bag and possession limits of white-winged doves may not exceed 10 and 20, respectively.

*New Mexico* may select a hunting season with daily bag and possession limits not to exceed 12 and 24 (or 15 and 30 if the 60-day option for mourning doves is selected) white-winged and mourning doves, respectively, singly or in the aggregate of the 2 species. Dates, limits, and hours are to conform with those for mourning doves.

*Texas* may select a hunting season of not more than 4 days for the special white-winged dove area of the South Zone. The daily bag limit may not exceed 10 white-winged, mourning, and white-tipped (white-fronted) doves in the aggregate including no more than two mourning doves and two white-tipped doves per day; and the possession limit may not exceed 20 white-winged, mourning and white-tipped doves in the aggregate including no more than four mourning doves and four white-tipped doves in possession.

and

In addition, *Texas* may also select a white-winged dove season of not more than 70 days (or 60 under the alternative for mourning doves) to be held between September 1, 1984, and January 25, 1985, and coinciding with the mourning dove season. The daily bag limit may not exceed 12 white-winged, mourning and white-tipped doves (or 15 under the alternative) in the aggregate, of which not more than 2 may be whitewings and not more than 2 of which may be white-tipped doves. The possession limit may not exceed 24 white-winged, mourning and white-tipped doves (or 30 under the alternative) in the aggregate, of which not more than 4 may be whitewings and not more than 4 of which may be white-tipped doves.

*Florida* may select a white-winged dove season of not more than 70 days (or 60 under the alternative for mourning doves) to be held between September 1, 1984, and January 15, 1985, and

coinciding with the mourning dove season. The aggregate daily bag and possession limits of mourning and white-winged doves may not exceed 12 and 24 (or 15 and 30 if the 60-day option for mourning doves is selected); however, in either season, the bag and possession limits of white-winged doves may not exceed 4 and 8, respectively.

#### Band-Tailed Pigeons

**Pacific Coast States:** California, Oregon, Washington and the Nevada counties of Carson City, Douglas, Lyon, Washoe, Humboldt, Pershing, Churchill, Mineral and Storey.

**Outside Dates:** Between September 1, 1984, and January 15, 1985.

**Hunting Seasons, and Daily Bag and Possession Limits:** Not more than 30 consecutive days, with a bag and possession limit of 5. Each band-tailed pigeon hunter in Nevada must have in possession while hunting a permit issued by the State for the purpose of collecting harvest and hunter participation data.

**Zoning:** California may select hunting seasons of 30 consecutive days in each of the following two zones:

1. In the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama and Trinity; and

2. The remainder of the State.

**Four-Corners States:** Arizona, Colorado, New Mexico and Utah.

**Outside Dates:** Between September 1 and November 30, 1984.

**Hunting Seasons, and Daily Bag and Possession Limits:** Not more than 30 consecutive days, with bag and possession limits of 5 and 10, respectively.

**Areas:** These seasons shall be open only in the areas delineated by the respective States in their hunting regulations.

**Zoning:** New Mexico may be divided into North and South Zones along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Hunting seasons not to exceed 20 consecutive days may be selected between September 1 and November 30, 1984, in the North Zone and October 1 and November 30, 1984, in the South Zone.

#### Rails

##### (Clapper, King, Sora and Virginia)

**Outside Dates:** States included herein may select seasons between September 1, 1984, and January 20, 1985, on clapper, king, sora and Virginia rails as follows:

**Hunting Seasons:** The season may not exceed 70 days. Any State may split its season into two segments.

##### Clapper and King Rails

**Daily Bag and Possession Limits:** In Rhode Island, Connecticut, New Jersey, Delaware and Maryland, 10 and 20, respectively, singly or in the aggregate of these two species. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina and Virginia, 15 and 30, respectively, singly or in the aggregate of the two species.

##### Sora and Virginia Rails

**Daily Bag and Possession Limits:** In the Atlantic, Mississippi and Central<sup>1</sup> Flyways, and portions of Colorado, Montana, New Mexico and Wyoming in the Pacific Flyway<sup>2</sup> 25 daily and 25 in possession, singly or in the aggregate of the two species.

#### Woodcock

**Outside Dates:** States in the Atlantic Flyway may select hunting seasons between October 1, 1984, and February 28, 1985. In Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland and Virginia the season must end no later than January 31. States in the Central and Mississippi Flyways may select hunting seasons between September 1, 1984 and February 28, 1985.

**Hunting Seasons, and Daily Bag and Possession Limits:** Seasons may not exceed 65 days, with bag and possession limits of 5 and 10, respectively. Seasons may be split into two segments.

**Zoning:** New Jersey may select seasons by north and south zones divided by State Highway 70. The season in each zone may not exceed 55 days..

#### Common Snipe

**Outside Dates:** Between September 1, 1984, and February 28, 1985. In Maine, Vermont, New Hampshire, Massachusetts, Rhode Island,

<sup>1</sup>The Central Flyway is defined as follows: Colorado (east of the Continental Divide), Kansas, Montana (east of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nebraska, New Mexico (east of the Continental Divide but outside the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas and Wyoming (east of the Continental Divide).

<sup>2</sup>The Pacific Flyway is defined as follows: Arizona, California, Idaho, Nevada, Oregon, Utah and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher and Park, and all counties west thereof.

Connecticut, New York, New Jersey, Delaware, Maryland and Virginia the season must end no later than January 31.

**Hunting Seasons, and Daily Bag and Possession Limits:** Seasons may not exceed 107 days in the Atlantic, Mississippi and Central Flyways and 93 days in Pacific Flyway portions of Montana, Wyoming, Colorado and New Mexico. In the remainder of the Pacific Flyway the season shall coincide with the duck seasons. Seasons may be split into two segments. Bag and possession limits are 8 and 16, respectively.

#### Gallinules

**Outside Dates:** September 1, 1984, through January 20, 1985 in the Atlantic and Mississippi Flyways, and September 1, 1984 through January 20, 1985 in the Central Flyway. States in the Pacific Flyway must select their hunting seasons to coincide with their duck seasons.

**Hunting Seasons, and Daily Bag and Possession Limits:** Seasons may not exceed 70 days in the Atlantic, Mississippi and Central Flyways; in the Pacific Flyway seasons may be the same as the duck seasons. Seasons may be split. Bag and possession limits are 15 and 30, respectively; except in the Pacific Flyway the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

#### Sandhill Cranes

**Regular Seasons in the Central Flyway:** Seasons not to exceed 58 days between September 1, 1984, and February 28, 1985, may be selected in the following States: Colorado (the Central Flyway portion except the San Luis Valley); Kansas; Montana (the Central Flyway portion except that area south of I-90 and west of the Bighorn River); North Dakota (west of U.S. 281); South Dakota; and Wyoming (in the counties of Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte and Weston).

For the remainder of the flyway, seasons not to exceed 93 days between September 1, 1984 and February 28, 1985 may be selected in the following States: New Mexico (the counties of Chaves, Curry, DeBaca, Eddy, Lea, Quay and Roosevelt); Oklahoma (that portion west of I-35); and Texas (that portion west of a line from Brownsville along U.S. 77 to Victoria; U.S. 87 to Placedo; Farm Road 616 to Blessing; State 35 to Alvin; State 6 to U.S. 290; U.S. 290 to Sonora; U.S. 277 to Abilene; Texas 351 to Albany; U.S. 283 to Vernon; and U.S. 183 to the Texas-Oklahoma boundary).

**Bag and Possession Limits:** 3 and 6, respectively.

**Permits:** Each person participating in the regular sandhill cranes season must obtain and have in his possession while hunting, a valid Federal sandhill crane hunting permit. Exceptions are made for experimental seasons described below where State permits are required.

**Experimental Seasons in New Mexico:** New Mexico may select experimental seasons, to be described in detail in State hunting regulations, in portions of Dona Ana, Luna and Sierra Counties as follows:

Area 1 (those portions of Dona Ana, Luna and Sierra Counties west of Interstate Highway 25, north of Interstate Highway 10, east of New Mexico Highways 26 and 27 between Deming and Hillsboro, and south of New Mexico Highway 90): October 27-29, 1984; December 15-17 1984; and January 12-14, 1985, not to exceed 40 special permits during each season; and

Area 2 (that portion of Luna County south of Interstate Highway 10): October 27-29, 1984; December 15-17 1984; and January 12-14, 1985, not to exceed 75 special permits during each season.

**Bag and Possession Limits:** Not to exceed 3 cranes which must be tagged upon taking.

**Permits:** Each person participating in the experimental seasons must obtain and have in possession while hunting, a valid special permit issued by the State of New Mexico.

**Experimental Season in Arizona:** Arizona may select an experimental sandhill crane season subject to the following conditions:

1. The season may not exceed 4 days in November 1984.

2. The hunting area is confined to Game Management Units 30A, 30B, 31, and 32.

3. Each hunter must obtain and have in possession while hunting a special permit issued by the State. No more than 200 permits may be issued. Each permittee may take 2 sandhill cranes per season.

4. Emergency closures for all crane hunting may be invoked as necessary.

#### **Special Sandhill Crane-Canada Goose Season**

*Wyoming* may select an experimental season on sandhill cranes and Canada geese subject to the following conditions:

1. The season will be September 1-14, 1984.

2. Hunting will be by State permit, with 125 permits issued for the Bear River drainage and 125 permits issued for Star Valley, all in Lincoln County.

Each permittee may take 2 sandhill cranes and 3 Canada geese per season.

3. Emergency closures for all crane hunting may be invoked as necessary.

#### **Scoter, Eider, and Oldsquaw Ducks (Atlantic Flyway)**

**Outside Dates:** Between September 15, 1984, and January 20, 1985.

**Hunting Seasons, and Daily Bag and Possession Limits:** Not to exceed 107 days, with bag and possession limits of 7 and 14, respectively, singly or in the aggregate of these species.

**Bag and Possession Limits During Regular Duck Season:** In the Atlantic Flyway, States may set, in addition to the limits applying to other ducks during the regular duck season, a daily limit of 7 and a possession limit of 14 scoter, eider and oldsquaw ducks, singly or in the aggregate of these species.

**Areas:** In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in *Maine, New Hampshire, Massachusetts, Rhode Island and Connecticut*; in those coastal waters of the State of *New York* lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of *New York* lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island and emergent vegetation in *New Jersey, South Carolina and Georgia*; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island and emergent vegetation in *Delaware, Maryland, North Carolina and Virginia*; and provided that any such areas have been described, delineated and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

**Deferred Selection:** Any State desiring its sea duck season to open in September must make its selection no later than July 27 1984. Any State desiring its sea duck season to open after September may make its selection at the time it selects the waterfowl season.

#### **September Teal Season**

**Outside Dates:** Between September 1 and September 30, 1984, an open season on all species of teal may be selected by

*Alabama, Arkansas, Colorado, (Central Flyway portion only), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion only), Ohio, Oklahoma, Tennessee and Texas* in areas delineated by State regulations.

**Hunting Seasons, and Bag and Possession Limits:** Not to exceed 9 consecutive days, with bag and possession limits of 4 and 8, respectively.

**Shooting Hours:** From sunrise to sunset daily.

**Deadline:** States must advise the Service of season dates and special provisions to protect non-target species by July 27 1984.

#### **Special September Duck Seasons**

**Iowa September Duck Season:** Iowa may experimentally hold a portion of its regular duck hunting season in September. All ducks which are legal during the regular duck season may be taken during the September segment of the season. In 1984, the 5-day season segment may commence no earlier than September 22, with daily bag and possession limits being the same as those in effect during the 1984 regular duck season.

**Tennessee, Kentucky and Florida September Duck Seasons:** Experimental 5-consecutive day duck seasons may be selected in September by *Tennessee, Kentucky and Florida* subject to the following conditions:

1. In *Kentucky and Tennessee* the seasons will be in lieu of September teal seasons;

2. In all States, the daily bag limit will be 4 ducks, no more than 1 of which may be a species other than teal or wood ducks, and the possession limit will be double the daily bag limit;

#### **Experimental September Goose Season**

*Michigan*—In the counties of Baraga, Dickinson, Delta, Gogebic, Houghton, Iron, Keweenaw, Marquette, Menominee and Ontonagon, the framework opening date for geese is September 26. Season length and limits for geese in this area will be established later with other regulations for the regular waterfowl season.

#### **Special Falconry Regulations**

**Extended Seasons:** Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

**Framework Dates:** Seasons must fall within the regular season framework

dates and, if offered and accepted, other special season framework dates for hunting.

**Daily Bag and Possession Limits:**

Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

**Regulations Publication:** Each State

selecting the special season must inform the Service of the season dates and publish said regulations.

**Regular Seasons:** General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

**Note.**—In no instance shall the total number of days in any combination of duck

seasons (regular duck season, sea duck season, September seasons, special scaup season, special scaup and goldeneye season or falconry season) exceed 107 days for a species in one geographical area.

Dated: July 3, 1984.

Susan Rocce,

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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		Price: \$1.50	

## CFR CHECKLIST

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1, 2 (2 Reserved)	\$6.00	Jan. 1, 1984
3 (1983 Compilation and Parts 100 and 101)	7.00	Jan. 1, 1984
4	12.00	Jan. 1, 1984
<b>5 Parts:</b>		
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210-299	13.00	Jan. 1, 1984
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400-699	13.00	Jan. 1, 1984
700-899	13.00	Jan. 1, 1984
900-999	14.00	Jan. 1, 1984
1000-1059	12.00	Jan. 1, 1984
1060-1119	9.50	Jan. 1, 1984
1120-1199	7.50	Jan. 1, 1984
1200-1499	13.00	Jan. 1, 1984
1500-1899	6.00	Jan. 1, 1984
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1945-End	13.00	Jan. 1, 1984
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1-199	13.00	Jan. 1, 1984
200-End	9.50	Jan. 1, 1984
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200-399	12.00	Jan. 1, 1984
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500-End	13.00	Jan. 1, 1984
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1200-End	7.50	Jan. 1, 1984
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150-999	9.50	Jan. 1, 1984
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240-End	7.00	Apr. 1, 1983
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19	8.50	Apr. 1, 1983
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200-299	4.75	Apr. 1, 1983
300-499	14.00	Apr. 1, 1984
500-599	13.00	Apr. 1, 1984
600-799	6.00	Apr. 1, 1984
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1300-End	6.00	Apr. 1, 1984
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<sup>3</sup>Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).