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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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Reader Aids

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CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Notice of November 7, 1984

Continuation of Iran Emergency

On November 14, 1979, by Executive Order No. 12170, the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. Notices of the continuation of this national emergency were transmitted by the President to the Congress and the **Federal Register** on November 12, 1980, November 12, 1981, November 8, 1982, and November 4, 1983. Because our relations with Iran have not yet returned to normal and the process of implementing the January 19, 1981, agreements with Iran is still underway, the national emergency declared on November 14, 1979, must continue in effect beyond November 14, 1984. Therefore, in accordance with Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Iran. This notice shall be published in the **Federal Register** and transmitted to the Congress.

Ronald Reagan

THE WHITE HOUSE,
November 7, 1984.

[FR Doc. 84-29640
Filed 11-7-84; 2:07 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revisions of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document amends the delegations of authority by the Assistant Secretary for Science and Education of the Department to reflect the transfer of certain functions from the Agricultural Research Service to the Office of Grants and Program Systems.

EFFECTIVE DATE: November 9, 1984.

FOR FURTHER INFORMATION CONTACT: Edgar L. Kendrick, Administrator, Office of Grants and Program Systems, U.S. Department of Agriculture, Washington, D.C., (202) 475–5720.

SUPPLEMENTARY INFORMATION: The delegations of authority of the Department of Agriculture are revised to reflect the transfer of responsibility for administering the Higher Education Program, Science and Education, USDA from the Administrator, Agricultural Research Service to the Administrator, Office of Grants and Program Systems. This rule relates to internal management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, and this is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Authority delegation (Government Agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, except as otherwise stated.

Subpart N—Delegations of Authority by the Assistant Secretary for Science and Education

2. Section 2.106 is amended by revoking and reserving paragraphs (a)(33), (a)(34), and (a)(37) as follows:

§ 2.106 Administrator, Agricultural Research Service.

(a) * * *

(33)–(34) [Reserved]

* * * * *

(37) [Reserved]

* * * * *

3. Section 2.110 is amended by adding new paragraphs (a)(8), (a)(9), and (a)(10) as follows:

§ 2.110 Administrator, Office of Grants and Program Systems.

(a) * * *

(8) Administer the appropriation for the endowment and maintenance of colleges for the benefit of agriculture and the mechanics arts (7 U.S.C. 321–326a).

(9) Administer teaching funds authorized under Section 22 of the Bankhead Jones Act as amended (7 U.S.C. 329).

(10) Administer higher education programs in the food and agriculture sciences as well as grants to colleges and universities (7 U.S.C. 3152).

Orville G. Bentley,

Assistant Secretary, Science and Education.

November 5, 1984.

[FR Doc. 84-29495 Filed 11-8-84; 8:45 am]

BILLING CODE 3410-01-M

Soil Conservation Service

7 CFR Part 600

Organization

AGENCY: Soil Conservation Service, USDA.

ACTION: Final Rule.

SUMMARY: The Soil Conservation Service revises information to reflect the current structure of the organization.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Galen S. Bridge, Deputy Chief for Administration, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, (202) 447–6297.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1521–1 to implement Executive Order 12291, and has been determined to be exempt from those requirements. Galen S. Bridge, Deputy Chief for Administration, made this determination because this action involves only administrative organization.

Notice of the Soil Conservation Service (SCS) organization was published in the **Federal Register** on April 6, 1982, at 47 FR 14683, and presently appears at 7 CFR Part 600.

The organization of the Soil Conservation Service national headquarters has been restructured. This rule is published to reflect the changes in organization. Since this rule affects solely agency administrative organization, SCS has determined that publication of this rule for public comment is inappropriate. The organization is, therefore, effective on October 1, 1984.

List of Subjects in 7 CFR Part 600

Organization (government agencies).

PART 600—ORGANIZATION

Accordingly, 7 CFR 600.2 through 600.3 are revised to read as follows:

§ 600.2 National headquarters.

(a) *Chief.* The Chief, with the assistance of the Associate Chief, is responsible for the development of rules, policies, and procedures and the general

direction and supervision of the programs assigned to SCS.

(b) *Deputy Chiefs.* Four deputy chiefs assist the Chief as follows:

(1) *Deputy Chief for Administration.* The Deputy Chief for Administration, with the assistance of an Associate Deputy Chief, is responsible for activities in administrative services, personnel, financial management, information resources management, and equal opportunity.

(2) *Deputy Chief for Programs.* The Deputy Chief for Programs, with the assistance of an Associate Deputy Chief, is responsible for activities in basin and area planning, conservation planning and application, land treatment, land use and rural development, operations management, and project development and maintenance.

(3) *Deputy Chief for Technology.* The Deputy Chief for Technology, with the assistance of an Associate Deputy Chief, is responsible for activities in ecological sciences, economics and social sciences, engineering, and international activities.

(4) *Deputy Chief for Assessment and Planning.* The Deputy Chief for Assessment and Planning, with the assistance of an Associate Deputy Chief, is responsible for activities in appraisal and program development, budget planning and analysis, cartography and geographic information systems, evaluation and analysis, resources inventory, and soil survey.

(c) *Assistant Chiefs.* Each assistant chief represents the Chief in designated areas of the United States in coordinating and integrating all aspects of SCS programs and activities. They provide leadership and guidance to state conservationists and national technical center directors.

(d) *Administrative Support Staff.* The administrative support staff provides for a coordinated administrative management program for national headquarters activities.

(e) *Legislative Affairs Staff.* The legislative affairs staff provides coordination and assistance to the Chief in the conduct of legislative affairs.

(f) *Public Information Staff.* The public information staff directs a program of information support and public affairs activities.

§ 600.3 National technical centers.

National technical centers are located at Chester, Pennsylvania; Fort Worth, Texas; Lincoln, Nebraska; and Portland, Oregon. Each national technical center provides specialized technical assistance and services to an assigned group of states.

(5 U.S.C. 522)

Dated: October 23, 1984.

David G. Unger,

Associate Chief.

[FR Doc. 84-29455 Filed 11-8-84; 8:45 am]

BILLING CODE 3410-16-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 489; Lemon Reg. 488, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona lemons that may be shipped to the fresh market at 240,000 cartons during the period November 11–17, 1984, and increases the quantity of lemons that may be shipped to 240,000 cartons during the period November 4–10, 1984. Such action is needed to provide for orderly marketing of fresh lemons for such periods due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective November 11, 1984, and the amendment is effective for the period November 4–10, 1984.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on November 6, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports that lemon demand is improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.789 is added to read as follows:

§ 910.789 Lemon Regulation 489.

The quantity of lemons grown in California and Arizona which may be handled during the period November 11, 1984, through November 17, 1984, is established at 240,000 cartons.

2. Section 910.788 Lemon Regulation 488 is revised to read as follows:

§ 910.788 Lemon Regulation 488.

The quantity of lemons grown in California and Arizona which may be handled during the period November 4, 1984, through November 10, 1984, is established at 240,000 cartons.

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

Dated: November 7, 1984.

Thomas R. Clark,

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

[FR Doc. 84-29700 Filed 11-8-84; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 982, 984 and 989

Expenses and Rates of Assessment for Specified Marketing Orders for the 1984–85 Season

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes an increase in the expenses of the Filbert/Hazelnut Marketing Board functioning under Marketing Order No. 982, and authorizes expenses of the Walnut Marketing Board functioning under Marketing Order 984, and the Raisin Administrative Committee functioning under Marketing Order 989. Funds to administer these programs are derived from assessments on Oregon and Washington filbert, California walnut and California raisin handlers regulated under those orders.

EFFECTIVE DATES: July 1, 1984—June 30, 1985, for Marketing Order 982, § 982.329; August 1, 1984—July 31, 1985, for Marketing Orders 984 and 989; §§ 984.336 and 989.335.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Acting Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by the Boards and Committee established under the respective marketing orders, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the rate of assessment for a particular fiscal period shall apply to all assessable Oregon and Washington filberts, California walnuts and California raisins, handled from the beginning of such period. To enable the Boards and the Committee to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions, and the effective time.

An increase from $56,619 to $81,619 in the Filbert/Hazelnut Marketing Board's previously approved expenses (49 FR 32323) is necessary to cover the investigation of alleged violations which may have occurred after those expenses were approved August 9, 1984. The current assessment rate is expected to provide sufficient funds to cover this increase.

List of Subjects

7 CFR Part 982

Marketing agreements and orders, Filberts/Hazelnuts, Oregon and Washington.

7 CFR Part 984

Marketing agreements and orders, Walnuts, California.

7 CFR Part 989:

Marketing agreements and orders, Raisins, California.

§ 984.335 [Removed]

§ 989.334 [Removed]

Therefore, § 982.329 (49 FR 32323) is amended, § 984.335 (M.O. 984), and 989.334 (M.O. 989) are removed and new §§ 984.336 (M.O. 984) and 989.335 (M.O. 989) are added to read as follows: (The following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations.)

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

§ 982.329 [Amended]

Section 982.329 is amended by changing "$56,619" to "$81,619".

PART 984—WALNUTS GROWN IN CALIFORNIA

§ 984.336 Expenses and assessment rate.

Expenses of $1,275,191 by the Walnut Marketing Board are authorized and an assessment rate payable by each handler in accordance with § 984.69 is fixed at 0.8 cent per kernelweight pound of merchantable walnuts for the marketing year ending July 31, 1985. Unexpended funds may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

§ 989.335 Expenses and assessment rate.

Expenses of $268,200 by the Raisin Administrative Committee are authorized, and an assessment rate payable by each handler in accordance with § 989.80 of $1.00 per ton of assessable raisin tonnage is established for the crop year ending July 31, 1985. Any unexpended funds from that crop year shall be credited or refunded to the handler from whom collected.

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

Dated: November 2, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 84-29127 Filed 11-8-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of VCHC Enterprises, Limited

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of transportation lines which have entered into agreements with the Service for the preinspection of their passengers and crew at locations outside the United States by adding the name of VCHC Enterprises, Limited.

EFFECTIVE DATE: October 25, 1984.

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

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into agreement with VCHC Enterprises, Limited to provide for the preinspection of their passengers and crew as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C.

1228(b)). Preinspection outside the United States facilitates processing passengers and crew upon arrival at a U.S. port of entry and is a convenience to the travelling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds transportation lines' names to the present listing and is editorial in nature.

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

List of Subjects in 8 CFR Part 238

Aliens, Common carriers, Government contracts, Inspections, Transportation lines.

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Section 238.4 is amended by adding the name "VCHC Enterprises, Limited" under "At Winnipeg" and "At Vancouver."

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

Dated: November 2, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84-29550 Filed 11-8-84; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303 and 308

Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control; Rules of Practice and Procedures

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The FDIC is amending its regulations concerning the procedures for reconsideration of section 19 denials (applications for permission for an individual who has been convicted of a crime involving dishonesty or a breach of trust to serve as a director, officer, or employee of an insured bank) and the procedures for: remote service facility applications ("RSFs"), requests for reconsideration of other denied applications, petitions, or requests, and public comment on merger applications. The amendments will (1) permit establishment of additional RSFs and relocation of existing RSFs after notice to the appropriate FDIC regional director provided that the regional director does not object to the proposal, (2) expand the Director of the Division of Bank Supervision's and regional directors' delegated authority to act on additional RSF applications and RSF relocation applications, (3) specify the content of petitions for reconsideration, (4) specify who within the FDIC will reconsider denied applications, petitions, or requests, (5) shorten the time period over which comments on merger applications may be filed from 45 days to 30 days, (6) clarify procedures for section 19 reconsiderations, and (7) shorten the maximum waiting time for a hearing on a section 19 denial from 60 days to 30 days.

EFFECTIVE DATE: November 9, 1984.

FOR FURTHER INFORMATION CONTACT: Carmen J. Sullivan, Assistant Director, Corporate Applications and Special Activities Section, Division of Bank Supervision, (202) 389-4545, Charles R. Denesia, Cheif, Applications Section, Division of Bank Supervision (202) 389-4345, or Donald F. Pfeiffer, Supervising Review Examiner, Merger Unit, Division of Bank Supervision (202) 389-4341, 550 17th Street NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: On August 23, 1984 the FDIC proposed for comment certain amendments to Parts 303 and 308 of FDIC's Rules and Regulations (49 FR 33452). The amendments, which are more fully described below, received two comments during the thirty-day comment period both of which were favorable. The FDIC has determined to adopt the amendments as proposed without modification. The amendments are being made immediately effective upon publication in the Federal Register pursuant to the section 553(d)(3) of the Administrative Procedure Act which authorizes, for good cause, waiver of the requirement that a substantive rule not be published less than thirty days prior to its effective date. The FDIC anticipates that the final amendments as set forth will benefit banks by shortening the processing time required for the affected applications and requests, by clarifying what information should be included in a petition for reconsideration, and by expediting scheduling of hearings on denials of section 19 requests (applications for permission for an individual who has been convicted of a crime involving dishonesty or a breach of trust to serve as a director, officer, or employee of an insured bank, (12 U.S.C. 1829)). In light thereof, the FDIC has determined that good cause exists to waive the delayed effective date on the final amendments.

Remote Service Facilities

Section 303.12(c) of FDIC's regulations presently limits the delegated authority of the Director of the Divisions of Bank Supervision ("Director") and the regional directors to act on branch, relocation, and remote service facility applications ("RSFs") in several ways. Under that section, for example, a regional director's delegated authority to approve an RSF application is only effective if the applicant meets certain capital criteria, the applicant is in substantial compliance with applicable laws and regulations, any financial arrangements concerning the RSF made with the applicant's directors, officers, major shareholders or their interests are reasonable, the requirements of the National Historic Preservation Act, the National Environmental Policy Act, and the Community Reinvestment Act ("CRA") are favorably resolved, and no comment protesting the application on CRA grounds other than from a competing financial institution has been filed. In brief, the above criteria must be met in order for the regional director's authority to act on and approve the application to be effective.

In addition, the Director's and regional directors' delegated authority to act on branch, relocation, and RSF applications is presently limited as follows: (i) the Director or regional director may approve but not deny any branch, relocation, or RSF application if the applicant's Uniform Financial Institutions Rating System rating (composite CAMEL), *see* 1 Fed. Deposit Ins. Corp. Law, Reg., Related Acts (FDIC) 5079, Uniform Interagency Consumer Compliance rating (Compliance), *see* 1 Fed. Deposit Ins. Corp. Law, Reg., Related Acts (FDIC) 5213, and Community Reinvestment Act ("CRA") rating are 1 or 2; (ii) the Director or regional director may approve or deny any branch, relocation, or RSF application if any one of the applicant's composite CAMEL, Compliance, or CRA ratings is 3 but none of the ratings are 4 or 5; and (iii) the Director or regional director may deny, but not approve any branch, relocation, or RSF application if any one of the applicant's composite CAMEL, Compliance, or CRA ratings is 4 or 5

The FDIC is expanding the delegated authority of the Director and regional directors to act on RSF relocation applications and applications for

additional RSFs. Under the final amendments, the delegated authority to act on such applications is not limited by the criteria set out above, *i.e.*, the regional directors and Director have the authority to consider and act upon such applications regardless of the applicant's capital, its composite rating, etc. Any substantive grant or denial of the application would, however, be based upon the six factors set out in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816). As applicants seeking to establish additional RSFs or relocate existing RSFs must still publish notice of the intended action, the final amendment will not affect the public's right to comment on such applications. The amendment is anticipated to benefit banks inasmuch as it is expected to shorten the overall processing time required for RSF relocation and additional RSF applications.

In addition to the above, FDIC is amending the application procedures for additional RSFs and relocations of existing RSFs. Section 303.14(l)(2) of FDIC's regulations presently indicates that a bank or insured branch of a foreign bank that wishes to establish an initial RSF, additional RSF, or relocate an existing RSF is to file a letter application with the appropriate FDIC regional office. The letter application is to give full particulars of the proposal including the matters listed in § 303.2(a). The establishing bank or insured branch of a foreign bank also must publish notice of the application as required by § 303.14(b).

FDIC is amending the application procedures as follows. Under the final amendment, an establishing bank or insured branch of a foreign bank is still required to file a letter application containing the material set forth in § 303.2(a) and meet the applicable publication requirements as to an initial RSF. Once approval is granted, the RSF may be established. Thereafter, the bank or insured branch of a foreign bank only need file notice with the appropriate FDIC regional office of its intent to establish an additional RSF or relocate an existing RSF. Unless otherwise notified, the applicant may establish the additional RSF or relocate the existing RSF. The notice is to contain the information set out in section 303.2(a) and the bank or insured branch must publish notice as required by section 303.14(b). The FDIC will have 15 days from the date of the last publication or 15 days from receipt of the notice, whichever is later, to object to the establishment of the additional RSF and 21 days from the date of the last publication or 21 days from receipt of the notice, whichever is later, to object to the relocation of an existing RSF. If it is determined that the proposal warrants further consideration, the Regional Director will notify the applicant within the 15- or 21-day time period that the RSF should not be established or relocated until the FDIC takes formal action. The final amendment also states that a bank or insured branch of a foreign bank that received approval to establish one or more RSFs under procedures in place prior to the amendment will be permitted to establish additional RSFs or relocate an existing RSF under the new procedures. The change in procedure is expected to expedite processing of such applications and thereby benefit banks and insured branches of foreign banks. Inasmuch as applicants must meet the publication requirements, the amendment should not adversely affect the public's right to comment on and/or protest such applications.

Merger Applications

FDIC is amending its procedures affecting the time period in which persons may comment upon proposed merger transactions. Section 303.14(b)(2) currently provides that anyone who wishes to comment in writing on a merger application may do so any time before FDIC has completed processing the application. The section further provides that processing will not be completed earlier than 15 days after publication of notice of the application as required by 303.14(b)(*l*)(i) or 15 days after FDIC's receipt of the application, whichever is later. As the applicant is required to publish notice of the proposed transaction once each week on the same day for five consecutive weeks and, when published in a daily newspaper, one additional publication on the thirtieth day from the date of the first publication, the comment period under current regulations is normally 45 days or longer.

The FDIC is shortening the time period during which comments on a merger application may be made from 45 to 30 days. *See* 12 CFR 303.14(b)(2). (A companion amendment to the text of the required public notice as set out in § 303.14(b)(3) is also being made.) Although this action would affect the public's right to comment, the FDIC does not feel that the impact of the change will be substantial. More often than not, FDIC does not receive any public comments on a proposed merger transaction. Based on its past experience, the FDIC anticipates that the public will have ample time to comment on merger transactions under the new procedure. The change is expected to expedite processing on merger applications thereby benefiting banks.

Reconsiderations

FDIC is amending §303.10(d) of its regulations concerning reconsideration of denied applications, petitions, or requests. That section currently provides that an applicant may, within 15 days of receipt of notice of a denial, petition the Board of Directors (or the Board of Review where the Board of Review denied the application, petition, or request under delegated authority) for reconsideration of the denial. Reconsideration is not available where the application, petition, or request was previously reconsidered and denied. The applicant may request an opportunity to amend its application or to submit information in rebuttal of the denial, either in writing or in an oral presentation. Upon filing of the petition for reconsideration, the applicant is given 60 days in which to amend the application. If the applicant requests an opportunity to make oral presentation, the applicant is to be advised of the date, time, place and person(s) before whom presentation shall be made.

FDIC is amending § 303.10(d) to specify that the petition for reconsideration is to (1) set forth reasons why the FDIC should reconsider the application, petition, or request, and (2) set forth any relevant, substantive information that for good cause was not previously contained in the application, petition, or request on which the petitioner seeks reconsideration. The petition for reconsideration is to be filed with the appropriate regional director or, in a case where the application, petition, or request does not concern a particular insured nonmember bank or insured branch of a foreign bank, with the Executive Secretary of the FDIC. The Board of Directors, or, in the case of a denial by the Board of Review, the Director of the Division of Bank Supervision, or a regional director under delegated authority, the Board of Review, shall reconsider the application, petition, or request. The applicant still must petition for reconsideration within 15 days of receipt of notice of the denial.

Lastly, the amendment clarifies that as to section 19 denials reconsideration will be governed by the procedures currently set out in Subpart G of Part 308 of FDIC's regulations. This amendment requires a change to § 308.61 of subpart G in order to delete an obsolete cross-reference to § 303.10(d). The amendment to § 308.61 reduces the waiting time for a hearing from a maximum of 60 days to a

maximum of 30 days after the FDIC receives a request for a hearing. This change provides consistency with the waiting period for the other types of hearings governed by subpart G and will speed the hearing process. An affected individual or bank retains, however, the right, as under the current version of § 308.61, to petition for a later hearing date.

FDIC's intent in adopting these amendments is to clarify for the applicant's benefit what information should be included in the petition for reconsideration. These amendments should minimize the average processing time for reconsideration requests and thus benefit applicants.

Regulatory Flexibility Analysis/ Paperwork Reduction Act

In proposing the amendments now being adopted in final, the Board of Directors, pursuant to section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), certified that the proposed amendments, if adopted, were not expected to have a significant economic impact on a substantial number of small entities. The final amendments will not establish any recordkeeping or reporting requirement or affect the competitive position of banks. The amendments should permit banks and insured branches of foreign banks to establish and/or relocate RSFs in shorter time periods as the amended delegations for RSFs and amended procedures for additional RSFs and relocations thereof should expedite approvals where warranted. These changes will not affect the information applicant banks must provide to the FDIC in such applications. Although the final amendment does alter reconsideration procedures somewhat, the amended procedures should not have any economic impact on any bank. Current procedures already require a written petition for reconsideration. The final amendment merely sets forth with greater specificity the type of information a petitioner should place in the reconsideration petition.

List of Subjects

12 CFR Part 303

Administrative practice and procedure, Authority delegations, Bank deposit insurance, Banks, Banking.

12 CFR Part 308

Administrative practice and procedure, Claims, Courts, Equal access to justice, Lawyers, Penalties.

For the reasons set out above, Parts 303 and 308 of Title 12 of the Code of Federal Regulations are amended as set forth below

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

1. The Authority citation for Part 303 reads as follows:

Authority: Secs. 2(5), 2(6), 2(7)(j), 2(8), 2(9 "Seventh" and "Tenth"), 2(18), 2(19), Pub. L. No. 797, 64 Stat. 876, 881, 891, 893 as amended by Pub. L. No. 86–463, 74 Stat. 129; sec. 2, Pub. L. No. 87–827, 76 Stat. 953; Pub. L. No. 88–593, 78 Stat. 940; Pub. L. No. 89–79, 79 Stat. 244; sec. 1, Pub. L. No. 89–356, 80 Stat. 7; sec. 12(c), Pub. L. No. 89–485, 80 Stat. 242; sec. 3, Pub. L. No. 89–597, 80 Stat. 824; title II, secs. 201, 205, Pub. L. No. 89–695, 80 Stat. 1055; sec. 2(b), Pub. L. No. 90–505, 82 Stat. 856; secs. 6(c)(7), (12), (13), Pub. L. No. 95–369, 92 Stat. 616–620; title III, secs. 306, 309 and title VI, sec. 602, Pub. L. No. 95–630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1818, 1819 "Seventh" and "Tenth", 1828, 1829); title I, sec. 108, Pub. L. No. 90–321, 82 Stat. 150 as amended by title IV, sec. 403, Pub. L. No. 93–495, 88 Stat. 1517 and title VI, sec. 608, Pub. L. No. 96–221, 94 Stat. 171 (15 U.S.C. 1607).

2. Section 303.10(d) is revised to read as follows:

§ 303.10 Procedure on applications.

* * * * *

(d) Opportunity to petition for reconsideration of a denied application petition, or request. Within 15 days of receipt of notice that its application, petition, or other request has been denied, any applicant may petition the FDIC for reconsideration of such application, petition, or request (except an application, petition, or request already previously denied upon reconsideration). The petition must be in writing and should (i) specify reasons why the FDIC should reconsider its action and (ii) set forth relevant, substantive information that for good cause was not previously set forth in the application, petition, or request to be reconsidered. The petition should be filed with the regional director for the region in which the insured bank or insured branch of a foreign bank which is the subject of the action on which reconsideration is sought is located. If a particular insured bank or insured branch of a foreign bank was not the subject of the application, petition, or request on which reconsideration is sought, the petition should be filed with the Executive Secretary of the FDIC at the FDIC's principal office. Applications, petitions, or requests denied by the Board of Directors will be reconsidered by the Board of Directors. Applications, petitions, or requests denied under delegated authority by the Board of Review, the Director of the Division of Bank Supervision, or a regional director will be reconsidered by the Board of Review. Notwithstanding the foregoing (i) any action taken by the Board of Review pursuant to § 303.13(o) shall be subject to review by the Board of Directors in accordance with § 303.13(o)(7) and (ii) requests for reconsideration of denials of applications under section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) shall be made in accordance with the procedures set out in part 308.

3. Paragraph (c) of § 303.12 is amended by inserting the number "(1)" after the caption, by redesignating present paragraphs (1) through (4) as paragraphs (i) through (iv) respectively, by redesignating paragraphs (5) and (6) as (2) and (3) respectively, by revising the introductory text of redesignated paragraph (c)(1), and by adding a new sentence at the conclusion of redesignated paragraph (c)(2) to read as follows:

§ 303.12 Applications where authority is not delegated.

* * * * *

(c) *Conditions precedent to delegation to act on branch applications and relocations.* (1) (Important: The requirements set forth in this paragraph are procedural in nature only and should not be construed as standards or criteria which will be used in determining whether a specific application will be approved or denied.) Authority to approve branch applications and relocations (including initial remote service facilities but excluding additional remote service facilities or relocations thereof) pursuant to § 303.11(a)(7) is delegated only where the following requisites have been satisfied.

* * * * *

(2) * * * The provisions of this paragraph (c)(2) and of paragraph (c)(3) of this section are inapplicable to applications for establishing additional remote service facilities and applications to relocate existing remote service facilities.

* * * * *

4. Section 303.14 is amended by revising paragraph (b)(2), the text following the colon in paragraph (b)(3), and paragraph (l)(2) to read as follows:

§ 303.14 Application procedures.

* * * * *

(b) * * *

(2) *Comments.* Anyone who wishes to comment on an application may do so by filing comments in writing with the regional director at any time before the FDIC has completed processing the

application. Processing will be completed, for applications other than branch relocation and remote service facility relocation applications and merger applications, not less than 15 days after the publication of the notice required by paragraph (b)(1) of this section or 15 days after FDIC's receipt of the application, whichever is later; for branch relocation and remote service facility relocation applications, not less than 21 days after the last publication or 21 days after FDIC's receipt of the application, whichever is later; for merger applications, not less than 30 days after the first publication or 30 days after FDIC's receipt of the application, whichever is later. This time period may be extended by the regional director for good cause. The regional director shall report the reasons for such action to the Board of Directors.

(3) *Notice of right to comment.* * * *

Any person wishing to comment on this application may file his or her comments in writing with the regional director of the Federal Deposit Insurance Corporation at its regional office (address of the regional office) before processing of the application has been completed. Processing will be completed no earlier than the (relocations-21st, mergers-30th, other applications described in paragraph (a) of this section-15th) day following either the date of the (merger applications-first, all other applications described in paragraph (a)-last) required publication or the date of receipt of the application by the FDIC, whichever is later. The period may be extended by the regional director for good cause. The nonconfidential portion of the application file is available for inspection within one day following the request for such file. It may be inspected in the Corporation's regional office during regular business hours. Photocopies of information in the nonconfidential portion of the application file will be made available upon request. A schedule of charges for such copies can be obtained from the regional office.

* * * * *

(l) * * *

(2) *Application procedures.* (i) For the purpose of this section, "establishing" means owning or leasing a remote service facility either individually or jointly. An establishing bank or a foreign bank with an insured State branch shall file a letter giving full particulars of the proposal, including the matters listed in § 303.2(a), to establish an initial remote service facility with the appropriate regional office and comply with the provisions of paragraph (b) of this section. Once this application has been approved, an establishing bank or a foreign bank with an insured State branch may add additional remote service facilities or relocate existing facilities without formal application by: notifying the appropriate regional office in writing of the intended action, and complying with the notice provisions of paragraph (b) of this section. The notice shall include the matters listed in § 303.2(a). Such informal application shall be deemed to be an application for the purposes of §§ 303.11 and 303.14. In the case of additional remote service facilities, unless notified otherwise within 15 days of the last publication of notice as required by paragraph (b) of this section or within 15 days after the regional office's receipt of the notice, whichever is later, or in the case of relocations, unless otherwise notified within 21 days of the last publication of notice as required by paragraph (b) of this section or within 21 days after the regional office's receipt of the notice, whichever is later, the additional remote service facility or relocation of an existing remote service facility will be considered approved. If it is determined that the proposal warrants further consideration, the regional director will notify the applicant within the 15- or 21-day period that the remote service facility should not be established or relocated until further action is taken by the FDIC.

(ii) An establishing bank or foreign bank with an insured State branch having one or more remote service facilities established under preexisting regulations may establish additional remote service facilities or relocate existing remote service facilities without formal application by following the procedures set forth in paragraph (2)(i) of section § 303.14(l).

PART 308—RULES OF PRACTICE AND PROCEDURE

5. The authority citation for Part 308 reads as follows:

Authority: Sec. 2(9), Pub. L. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. 94–29, 89 Stat. 155 (15 U.S.C. 78w); sec. 801, Pub. L. 95–630, 92 Stat. 3641 (12 U.S.C. 1972); sec. 203, Pub. L. 96–481, 94 Stat. 2325 (5 U.S.C. 504).

6. Section 308.61 is amended by revising paragraph (a) to read as follows:

§ 308.61 Hearing.

(a) The Executive Secretary shall order a hearing to commence within 30 days after receipt of a request for hearing pursuant to § 308.59. The hearing shall be held in Washington, D.C., or at another designated place, before a presiding officer designated by the Executive Secretary. The Executive Secretary may order a later hearing date upon petition of the individual or in the case of a section 19 denial, the affected individual or the bank afforded the hearing.

* * * * *

By Order of the Board of Directors this 5th day of November 1984.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-29406 Filed 11-8-84; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Sterile Benzathine Penicillin G and Procaine Penicillin G Suspension

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 new animal drug application (NADA) filed by G.C. Hanford Manufacturing Co., providing for use of benzathine penicillin G and procaine penicillin G suspension as an injectable for treating horses, beef cattle, and dogs for certain bacterial infections. The product was reviewed by the National Academy of Sciences/National Research Council (NAS/NRC). The approval reflects concurrence with the conclusions of the review.

EFFECTIVE DATE: November 9, 1984.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: G.C. Hanford Manufacturing Co., 3040 Oneida St., P.O. Box 1017, Syracuse, NY 13201, filed NADA 65–500 providing for injectable use of benzathine penicillin G and procaine penicillin G suspension in treating horses, beef cattle, and dogs for certain susceptible bacterial infections. The NADA is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

The product, benzathine penicillin G and procaine penicillin G in aqueous suspension, was the subject of a NAS/NRC review published in the **Federal Register** of August 5, 1970 (35 FR 12489). Compliance of several approved NADA's (codified in 21 CFR 540.255c) with the conclusions of that review was discussed in a document published in

the Federal Register of February 16, 1979 (44 FR 10059). This approval reflects concurrence with the conclusions of that review and bioequivalence with an approved product.

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

The Center for Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Center's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(iii)), may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 540

Animal drugs, Antibiotics, Penicillin.

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.255c [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n))) 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), § 540.255c *Sterile benzathine penicillin G and procaine penicillin G suspension* is amended in paragraph (c)(2)(i) by revising the phrase "and 010271" to read "010271, and 010515" and in paragraph (c)(2)(iii) by revising the phrase "No. 000069" to read "000069 and 010515."

Effective date. November 9, 1984.

(Sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n)))

Dated: November 1, 1984.

Marvin A. Norcross,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 84–29479 Filed 11–8–84; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing, Federal Housing Commissioner

24 CFR Parts 207 and 255

[Docket No. R–84–963; FR–1391]

Coinsurance for the Purchase or Refinancing of Existing Multifamily Housing Projects; Correction of the Announcement of Effective Date

AGENCY: Office of the Assistant Secretary—Federal Housing Commissioner, HUD.

ACTION: Notice of announcement of effective date for interim rule; correction.

SUMMARY: On May 25, 1983, the Department published an interim rule announcing a program of coinsurance for the purchase or refinancing of existing multifamily housing projects (see 48 FR 23386). The interim rule revised Part 255 and made two amendments to Part 207. The interim rule was published with a pending effective date, with a follow-up notice to be published by the Department.

The Department published its effective date notice on June 28, 1983 (see 48 CFR 29686). The effective date notice, which was intended to apply to the entire rule, stated that it announced the effective date for the interim rule published in the Federal Register on May 25, 1983, but it did not expressly mention the amendments to Part 207. This document corrects this ambiguity by specifically stating that the effective date notice published on June 28, 1983, referred to the amendments to both Part 207 and Part 255 as published in the May 25, 1983 interim rule.

Accordingly, the **DATE** section of FR Doc. 83–17355, appearing on page 29686 of the June 28, 1983, Federal Register is corrected to read:

DATE: The effective date for the rule, containing Part 207 and Part 255 amendments, is June 28, 1983.

Date: November 5, 1984.

Donald A. Franck,

Acting Assistant General Counsel for Regulations.

[FR Doc. 84–29532 Filed 11–8–84; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Consideration of Amendments to the Kentucky Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule, correction.

SUMMARY: This document corrects the listing found in 30 CFR 917.15(j), the codification of Kentucky State program amendments approved by OSM. OSM announced the approval of certain program amendments and added paragraph (j) to 30 CFR 917.15 in the Federal Register dated October 3, 1984 (49 FR 39053–39057). In adding paragraph (j), certain specific sections of 405 KAR 16:190 and 18:190 of Kentucky's regulations were listed as being approved. Kentucky submitted these provisions promulgated by emergency regulations as further revision to an amendment under consideration. When listing the amendments approved, only certain specific sections of the regulations were reflected as approved, rather than the complete sections of the regulations. The emphasis on the specific sections listed is that these were topics of concern that were further revised in the resubmission based on discussions between OSM and Kentucky. These regulation pertain to auger mining on pre-mined lands. Therefore, 30 CFR 917.15(j) is being amended to reflect approval of the complete sections of the Kentucky regulations.

EFFECTIVE DATE: The approval of these program amendments is retroactive to October 3, 1984.

FOR FURTHER INFORMATION CONTACT: W. H. Tipton, Director, Kentucky Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504; Telephone: (606) 233–7327.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, 30 CFR Part 917 is amended as set forth herein.

Dated: November 2, 1984.

Wesley R. Booker,

Acting Director, Office of Surface Mining.

PART 917—KENTUCKY

30 CFR 917.15, paragraph (j) is correctly added to read as follows:

917.15 Approval of Amendments to State Regulatory Program.

* * * * *

(j) The following amendments are approved effective October 3, 1984: 405 KAR 8:050 Section 2 and the legal opinion dated October 26, 1983, received by OSM on October 31, 1983; 405 KAR 16:190; 18:190, as submitted by Kentucky on October 31, 1983.

(Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*))

[FR Doc. 84–29442 Filed 11–8–84; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6628]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule, correction.

SUMMARY: This document makes corrections to two final rules, Suspension of Community Eligibility under the National Flood Insurance Program (NFIP), published July 2, 1982, 47 FR 28931 and List of Communities Eligible for the Sale of Flood Insurance under the NFIP, published August 9, 1982, 47 FR 34393. The Town of Lima, Beaverhead County, Montana should be deleted from the tables in § 64.6, 47 FR 28932, July 2, 1982 and 47 FR 34394, August 9, 1982. The Flood Insurance Rate Map (FIRM) which was scheduled to become effective on July 5, 1982, was rescinded on July 6, 1982. The Town of Lima was not converted to the Regular Program and its participation in the emergency phase of the NFIP was continued.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 287–0876, 500 C Street, Southwest, FEMA—Room 416, Washington, D.C. 20472.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Issued: October 23, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84–29462 Filed 11–8–84; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket No. 80–584; RM–3304]

Policies Governing the Ownership and Operation of Domestic Satellite Earth Stations in the Bush Communities in Alaska; Order Extending Time for Filing Contracts

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Extension of time for filing contracts.

SUMMARY: This action extends the time for filing joint ownership agreements pursuant to the Commission's *Final Decision* in this proceeding establishing its policies governing the joint ownership and operation of domestic satellite earth stations in the Bush communities in Alaska. Extension was granted because of the difficulties in finalizing the contracts because of the complexity of the issues to be negotiated.

DATE: Contracts must be filed on or before October 31, 1984.

ADDRESS: Submit contracts to the Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Wilbert Nixon, Common Carrier Bureau, (202) 634–1624.

Order

In the matter of policies governing the ownership and operations of Domestic Satellite Earth Stations in the Bush Communities in Alaska (CC Docket No. 80–584) (3–15–84; 49 FR 9727).

Adopted: October 25, 1984.

Released: October 31, 1984.

By the Common Carrier Bureau.

1. On February 21, 1984 the Commission released the *Final Decision*, 98 FCC 2d 522 (1984) requiring Alascom, Inc. (Alascom) and United Utilities, Inc. (United) to enter into good faith negotiations to establish their respective operating and financial responsibilities in the above captioned proceeding. The parties were also required to submit their joint ownership agreements to the Commission and the Alaska Public Utilities Commission (APUC) within six months of the effective date of the *Final Decision*. By letter and by Request for Extension of Time, dated October 15, 1984, Alascom and United respectively request an extension of time to complete complex negotiations and prepare the contracts. There is no objection to this extension of time.

2. We find that good cause has been shown for the requested extension of time. The limited period for additional time to complete negotiations is reasonable under the circumstances and will not adversely affect the ultimate disposition of the docketed proceeding. Accordingly, pursuant to § 0.291 of the Commission's rules on delegations of authority, it is ordered that the period of time to complete negotiations and to submit joint ownership contracts pursuant to paragraph 45 of the *Final Decision* is extended until October 31, 1984.

Federal Communications Commission.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 84–29463 Filed 11–8–1984; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 25; Notice 57]

Uniform Tire Quality Grading Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Statement of policy.

SUMMARY: NHTSA is subject to a court order to reinstate the treadwear grading requirements under the Uniform Tire Quality Grading Standards as promptly as is reasonable. As a step towards reinstating those requirements, NHTSA has procured new groups of bias belted and radial course monitoring tires (CMT's). These CMT's are used in testing tires to determine the appropriate treadwear grade to be assigned to the tires.

It is in the interest of all parties to expedite the availability of these CMT's to the manufacturers so that they can begin as quickly as possible the

necessary testing of their tires to assign appropriate treadwear grades. This will enable the treadwear grading requirements to be reinstated sooner. One means of expediting the availability of the CMT's would be to release those tires for testing before the base course wear rate (BCWR) for the CMT's has been determined by NHTSA. It is not necessary to know the BCWR before conducting treadwear testing.

However, a note to the treadwear grading procedures regulation states that the BCWR will be furnished to the purchaser of CMT's at the time those CMT's are purchased. That policy was adopted as a matter of convenience to the purchaser, so that no further information would be needed, and not as a necessity prior to conducting the testing. Following that policy in connection with this reinstatement proceeding would require the agency to withhold the CMT's from the tire manufacturers until the agency has completed its determination of the appropriate BCWR to be assigned to these CMT's. Since the earliest possible availability of the CMT's would serve the interest in the promptest reinstatement of treadwear grading, this notice announces that the agency will follow a policy of making the CMT's available to the tire manufacturers to begin testing as of the date this notice is published in the **Federal Register.** Once the BCWR has been determined for these tires, which will be no later than November 21, 1984, the agency will revert to the policy of furnishing the BCWR to the purchaser of CMT's at the time of purchase.

EFFECTIVE DATES: This policy will be in effect from November 9, 1984 until November 21, 1984.

FOR FURTHER INFORMATION CONTACT: William Boehly, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. (202–426–1740).

SUPPLEMENTARY INFORMATION: On April 24, 1984, the U.S. Court of Appeals for the District of Columbia Circuit vacated the NHTSA's order suspending the treadwear grading requirements under the UTQGS (*Public Citizen* v. *Steed,* 733 F.2d 93). The NHTSA interpreted the court's order as requiring the agency to reinstate the treadwear grading requirements reasonably promptly. Accordingly, NHTSA published a proposed schedule for reinstating those requirements at 49 FR 32238, August 13, 1984. When further information became available to the agency indicating that a part of the proposed schedule might have to be postponed, NHTSA published a notice informing the public about the further information and seeking comment on the appropriate agency response at 49 FR 35814, September 12, 1984.

Despite these agency actions to reinstate treadwear grading, the U.S. Court of Appeals issued an order on September 27, 1984, finding NHTSA to be in violation of the April 24, 1984, court order. The court directed the agency to either reinstate the old treadwear grading requirements in full or to apply to the court within 14 days for a modification of the April 24 order providing for a reasonably prompt schedule for reinstatement of the treadwear grading requirements. In response to this order, NHTSA applied for a modification of the April 24 order on October 11, 1984. The court granted NHTSA's application on October 31, 1984.

One fact which was not in dispute during these latter court proceedings is that the agency is required to promptly reinstate treadwear grading requirements. Another fact which was not in dispute is that the sooner CMT's are made available to the tire manufacturers to begin their testing, the sooner the steps needed to reinstate the treadwear grading requirements can be commenced. Hence, the agency has been considering means to expedite the availability of the CMT's to the manufacturers.

As noted in this agency's August 13 and September 12 notices, NHTSA has procured new groups of radial and bias belted CMT's because certain characteristics of the old CMT's for those tire types made them inappropriate for use in testing. NHTSA normally makes two determinations on a new group of CMT's before making those CMT's available to the manufacturers for use in testing. The first determination is that the coefficient of variation (COV) for the new CMT's does not exceed 5.0 percent. NHTSA has had a longstanding policy of requiring that the COV for any CMT's not exceed 5.0 percent, and this policy was specifically approved by the reviewing court in *B.F. Goodrich* v. *Department of Transportation,* 541 F.2d 1178, at 1189 (6th Cir. 1976). This policy ensures that, under the environmental conditions actually encountered during the testing, the particular CMT used in the testing will wear at as nearly the same wear rate as is feasible for mass-produced products as any other CMT which might have been chosen for use in testing.

The second determination which the agency makes is the base course wear rate (BCWR) for the new CMT's. The BCWR allows those persons testing tires to adjust the wear rates of the tested tires appropriately to reflect the severity of the environmental conditions encountered during the testing.

Ordinarily, when NHTSA procures new CMT's, it does so when existing supplies of the old CMT's for a tire type begin to run low. The COV and BCWR determinations are typically made for the new CMT's while the old CMT's are still being made available for use in testing. Hence, CMT's for which the COV and BCWR have been determined are continuously available to those manufacturers who wish to conduct treadwear testing.

In the instant situation, however, there are no old CMT's available to the manufacturers for use in treadwear testing. Therefore, no testing can be conducted until the new CMT's are made available to the tire manufacturers. One obvious way to expedite the availability of the new CMT's is to offer them to the manufacturers to begin testing before the agency has made both of the determinations. NHTSA has considered the consequences of such an action, and decided that there are no negative impacts associated with such an action.

NHTSA has already completed its testing to determine the COV's for the new radial and bias belted CMT's. The COV for the new radial CMT's is *2.6* percent and the COV for the new bias belted CMT's is *3.1* percent. Hence, both new groups of CMT's are appropriate for use in treadwear testing, since their COV's are not in excess of 5.0 percent. For further information on this calculation, *see* Brenner, "Report on the Coefficients of Variation of New Lots of Radial and Bias Belted CMT," Docket No. 25, N. 55–013 (October 30, 1984).

The BCWR for these tires has not yet been determined. However, the BCWR is used only in the calculation of the tested tires' projected mileage, and need not be known in advance to conduct treadwear testing. Those manufacturers which complete the testing of some tires before the BCWR is determined for the new CMT's cannot calculate the projected mileage for the tested tires until the BCWR is announced. However, they can store the test data for those tires and calculate the projected mileage after the BCWR is announced.

Expediting the availability of the bias

belted and radial CMT's necessitates a departure from the policy in the note following 49 CFR 575.104(e)(2)(ix)(C). The note specifies that the BCWR will be furnished to purchasers of CMT's at the time the CMT's are purchased. This note, which was added to the UTQGS at 40 FR 23073, May 28, 1975, was adopted in the anticipation that old CMT's would still be available to manufacturers for testing while the BCWR for new CMT's was being determined. There are no policy reasons why CMT's should not be made available until such time as a BCWR has been assigned to those tires, and there is a strong policy interest in favor of expediting the availability of CMT's for use in testing, given the court order to reinstate the treadwear grading requirements. Therefore, NHTSA is announcing that the note following § 575.104(e)(2)(ix)(C) will not be strictly followed for the reinstatement of treadwear grading, and that the new bias belted and radial CMT's will be offered to the tire manufacturers to commence their testing as of the date this notice is published in the **Federal Register.**

This policy statement is simply a means of expediting the availability of CMT's when there is no harm caused by such action. It should in no way be interpreted as a delay in the announcement of the BCWR for those tires, which NHTSA still plans to make not later than November 21, 1984. Further, this policy will be in effect only between the date of publication of this notice in the **Federal Register** (when the CMT's will be made available to the tire manufacturers for testing) and November 21, at which time NHTSA will again follow the provisions of the note and furnish the purchaser of CMT's with the BCWR at the time of purchase.

This statement of policy is adopted without following the public notice and comment procedure, in accordance with the provisions of the Administrative Procedure Act, 5 U.S.C. 553(b)(A).

List of Subjects in 49 CFR Part 575

Consumer protection, labeling, motor vehicle safety, motor vehicles, rubber and rubber products, tires.

(Secs. 103, 112, 119, 201, and 203, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, and 1423); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on November 5, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-29490 Filed 11-8-84; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule To List Gouania hillebrandii as an Endangered Species and To Designate Its Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines *Gouania hillebrandii*, a shrub in the buckthorn family, to be an endangered species, and designates four areas in the Lahaina District, County and island of Maui, Hawaii as critical habitat. These actions are taken under the authority of the Endangered Species Act of 1973, as amended. The populations of this species are vulnerable to any substantial habitat alteration and face threats of browsing and trampling by livestock in at least one of these areas. An introduced insect, *Pinnaspis strachani* (hibiscus snow scale), present in this area for at least forty years, has weakened and killed many of the plants. The present rule is intended to provide *Gouania hillebrandii* the protection available under the Act.

EFFECTIVE DATE: The effective date of this rule is December 10, 1984.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232 (503/231–6131).

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 NE. Multnomah Street, Portland, Oregon 97232 (503/231–6131).

SUPPLEMENTARY INFORMATION:

Background

The type specimen for *Gouania hillebrandii* Oliver was collected by the German physician and botanist William Hillebrand in August 1870. Since that time, the taxon only occasionally has been collected (1910, 1943, 1955, 1965, 1966, 1978, 1979, 1980). All collections prior to 1979 probably were from the dry gulches and ridges behind Lahaina, West Maui (St. John 1969). Although the type specimen is labeled "Mauii gulches of Kula and Lahaina," no collections from the Kula region (East Maui) have been verified as *G. hillebrandii*. Of the five species of *Gouania* known from Maui, only *G. hillebrandii* has been seen since the 1870's. In 1979 Robert Hobdy and Rene Sylva of Maui discovered sizeable populations of *G. hillebrandii* behind Olowalu, West Maui, some 2 to 3 miles from the Lahaina population (Hobdy 1980). Today, it is known only from these two localities; the west-facing slopes of Pa'upa'u, above Lahaina, and Lihau, both in the District of Lahaina, County and island of Maui, Hawaii.

No Hawaiian name has been recorded for this taxon. However, archaeological sites in the vicinity of present day populations and the highly developed botanical knowledge of the Hawaiians before European contact indicate that a Hawaiian name probably did exist but has been lost.

The plant is a shrub up to 6 feet tall, often comprised of a single unbranched or sparingly branched stem when below 2 feet but becoming more branched and rounded with increased height. Branches are slender and covered with a rust- or ash-colored fuzz. Leaves are oval or oblong in shape, 2 to 3 inches long by ¾ to 1 inch wide, broadly pointed, entire (without toothed or lobed edges) dark green, fuzzy and pale below, thin and somewhat papery. Flowers are quite small and nearly white, quite fragrant, borne on short fuzzy branching flower stalks that arise from the junction of the leaves with the stem. Flower stalks are 1 to 1½ inches long, and bear 3 to 5 flowers each. The tiny brown seeds are in small, 3-winged capsules that are covered with soft white fuzz.

Livestock and introduced insects pose serious threats to this native shrub. Browsing and trampling by domestic cattle have decimated this taxon, especially at Pa'upa'u, and will probably extirpate that population if continued. The introduced insect *Pinnaspis strachani* (hibiscus snow scale) now infests at least half of all known plants. Many of the most heavily infested plants have died.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director of the U.S. Fish and Wildlife Service published a notice in the **Federal Register** (40 FR 27823) of his acceptance of this report as a petition within the context of Subsection 4(c)(2) of the 1973 Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Director published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular

plant taxa, including *Gouania hillebrandii*, to be endangered species. This list was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, Federal Register publication. *Gouania hillebrandii* was included in the July 1, 1975, notice and the June 16, 1976, proposal. General comments on the 1976 proposal are summarized in an April 26, 1978, Federal Register publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 (P.L. 95–632) subsequently required that all proposals over 2 years old be withdrawn. On December 10, 1979, the Service published a notice of the withdrawal of the June 16, 1976, proposal along with four other proposals that had expired (44 FR 70796). A reproposal was published September 7, 1983 (48 FR 40407), based on information available at the time of the 1976 proposal and information gathered after that time and summarized in a detailed status report prepared under contract by a University of Hawaii botanist (Holt 1982). The comment period on this reproposal closed on November 7, 1983.

In the June 2, 1977, Federal Register (42 FR 32373, codified at 50 CFR 17.61, 17.62, and 17.63) the Service published a final rule detailing regulations to protect endangered plant species. These regulations established prohibitions and a permit procedure to grant exceptions to the prohibitions under certain conditions.

Summary of Comments and Recommendations

In the September 7, 1983 proposed rule (48 FR 40407) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, the county government, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the *Honolulu Star-Bulletin* on October 5, 1983, which invited general public comment. Four comments were received and are summarized and discussed below.

The State Department of Land and Natural Resources, Division of Forestry and Wildlife, supported the listing of *Gouania hillebrandii* as an endangered species and the designation of its critical habitat. They noted that of the fifteen described species, only three are still known to exist and state that. * * * "In light of this apparent generic susceptibility, we feel a special effort should be made to protect this species." Additionally, the letter contained an update on the population estimate for the species as a result of recent botanical work in the Lahaina area. The Service was aware of the surveys and their results are included in the status report which is in the administrative file for the plant. A particularly pertinent statement in the letter needs to be emphasized: "Plants that grow on the flatter slopes above Lahainaluna School, where feral cattle graze, have decreased from an estimated 300 to 30 plants over the last 10 years." Feral and domestic livestock probably have been the greatest threat historically to *Gouania hillebrandii* and to its habitat. The State proposes to withdraw the cattle grazing permit for the entire Lahainaluna area where these plants grow and fence it to protect them from further damage by cattle.

A map was submitted showing the areas the State considers to be critical habitat for the species. The area is somewhat larger than that the Service proposed, because the State has included a large portion of its proposed Lihau Natural Area as critical habitat.

A research biologist and a research associate of Haleakala National Park on Maui co-signed a letter supporting the listing of *Gouania hillebrandii* as endangered. They emphasized that * * * "the entire genus in the Hawaiian Islands is clearly endangered, a situation not mentioned in the *Federal Register* writeup which would perhaps add urgency to protection of *G. hillebrandii.*" They comment that in discussing the type specimen the Service's statement that * * * "although the type specimen is labelled 'Maui! gulches of Kula and Lahaina,' no collections from the Kula region (East Maui) have been verified as *Gouania hillebrandii* * * *" may foster the erroneous idea that another species of the genus survives on East Maui. In fact, of the five species of *Gouania* described from Maui, four apparently have not been seen since the 1870's.

A member of Congress from the State of Hawaii expressed his appreciation for being informed of this action. He declined to comment, stating that his office had no information on the plant, but referred the letter to the Maui County Council.

On November 4, 1983, the Council of the County of Maui adopted a resolution supporting the Service's proposed rule determining *Gouania hillebrandii* as an endangered species and designating its critical habitat. The resolution was passed unanimously by the council members present.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Gouania hillebrandii* should be classified as an endangered species. Procedures found at Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments—see proposal at 48 FR 36062, August 8, 1983) were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to *Gouania hillebrandii* Oliver are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Feral and domestic livestock (cattle and goats) probably have been the greatest threat historically to the habitat of *Gouania hillebrandii.* Their trampling removes vegetation and litter important to soil-water relations, compacts the soil and promotes erosion. Cutting of native trees and subsequent reforestation attempts have further altered the habitat at Pa'upa'u. Agricultural pressures have been relaxed at Lihau, but domestic cattle continue to graze and trample the Pa'upa'u habitat, promoting erosion, especially along ridge-top paths, and favoring the survival of less palatable introduced plant species over native species.

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

C. *Disease or predation.* Grazing has been a serious problem for the habitat of *Gouania hillebrandii*, as indicated under factor A above. Undiscovered populations probably have been eliminated before they could be found. Additionally, an insect herbivore, *Pinnaspis strachani* (hibiscus snow scale) has been present at Pa'upa'u at least since 1943, and is now present at Lihau. Many of the *Gouania hillebrandii* at Pa'upa'u have been killed by this insect. Finally, unknown chewing insects have caused extensive leaf damage noted in herbarium specimens collected since about 1955.

D. *The inadequacy of existing regulatory mechanisms.* This species is not now the subject of any regulation.

E. *Other natural or manmade factors affecting its continued existence.* Exotic plant species, especially matted grasses and trees, may compete adversely with

Gouania hillebrandii. Other factors of probable importance, such as the availability of pollinating organisms, need additional study before they can be identified.

Critical Habitat

Critical habitat, as defined by Section 3 of the Act and at 50 CFR Part 424, means: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

The Act in Section 4(a)(3) requires that critical habitat be designated to the maximum extent prudent and determinable concurrent with the determination that a species is endangered or threatened. Critical habitat is being designated for *Gouania hillebrandii* to include two zones of Lahaina District, island and County of Maui, Hawaii, as follows: (1) Pa'upa'u Zone—a quadrangular area of approximately 52 acres centered about one-half mile east of Lahainaluna School, on three ridges that form the south wall of Kanaha Stream valley; (2) Lihau Zone—approximately 60 acres of land divided among three circular areas of 0.1 mile radius (about 20 acres) each, lying between 800 ft. and 1,700 ft. in elevation on the west flank of Lihau Mountain above Olowalu cinder pits; one area centered at Pu'u Hipa Peak, and the two others centered about 0.7 miles southeast and south by southeast respectively from Pu'u Hipa Peak. Within the designated areas are irregular, smaller areas of primary habitat consisting of dry, exposed ridge crests and north-facing slopes down to about 160 ft. below the crests, where strong prevailing winds exclude much of the competing exotic vegetation, allowing the wind-adapted *Gouania hillebrandii* to survive.

At this time, primary constituent elements of this habitat are considered to include: (a) Xeric climate, wind exposure and certain soil and drainage factors that discourage introduced plants or herbivorous insects, and (b) permanent freedom from unrestricted browsing and trampling by feral or domestic livestock. Other elements needing additional research, such as types of organisms important for pollination, may prove to be primary elements as well.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, that a brief description and evaluation of those activities, public and private, which may adversely modify such habitat or may be affected by such designation be included. Such activities are identified below for this species. It should be emphasized that critical habitat designation will not affect most of the activities mentioned below, as critical habitat designation only relates to programs or activities conducted by Federal agencies or with Federal funding or authorization affected through Section 7 of the Act.

Any activity that would significantly disturb the soil, topography or other physical and biological components of the area where *Gouania hillebrandii* occurs could adversely modify its critical habitat. Livestock grazing and other land uses in the immediate vicinity of the population and in its surroundings should be examined carfully to prevent such modifications. Any effective conservation program might require measures such as fencing to prevent livestock grazing within the primary habitat areas, although to the extent that no Federal agency involvement is connected with the State leasing program, any such modifications of existing patterns of land use would be voluntary on the part of the State. Any direct, unselective removal of vegetation or alteration of wind exposure or moisture regime probably would adversely modify this habitat.

Subsection 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service has prepared an economic analysis for the present designation in order to avoid undesirable impacts that such designation might have. On the basis of this analysis, the Service believes that the economic impacts of this action are not significant in the foreseeable future.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29989; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or to destroy or adversely modify its proposed critical habitat. When a species is listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service. With regard to *Gouania hillebrandii*, no Federal actions are known or expected to occur that would jeopardize this species or adversely modify its critical habitat.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Gouania hillebrandii*, all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits will ever be sought or issued since the species is not common in cultivation or in the wild.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession endangered plant species from areas under Federal jurisdiction. The new prohibition now applies to *Gouania hillebrandii*. Permits for

exceptions to this prohibition are available through Section 10(a) and 4(d) of the Act, until revised regulations are promulgated to incorporate the 1982 amendments. Proposed regulations implementing this new prohibition were published on July 8, 1983 (48 FR 31417) and these will be made final following public comment. As all known individuals of *Gouania hillebrandii* occur on State lands, no permit requests are anticipated.

Requests for copies of the regulations on plants, and inquiries regarding them, may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903).

The Service also will review the status of this species to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate appendices to that Convention or whether it should be considered under other appropriate international agreements.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Regulatory Flexibility Act and Executive Order 12291

The Department of the Interior has determined that designation of critical habitat for this species will not constitute a major action under Executive Order 12291 and certifies that this designation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). No significant economic or other impacts are expected to result from the designation of critical habitat for *Gouania hillebrandii*. The entire critical habitat area is owned and administered by the State of Hawaii. There is no known involvement of Federal funds or permits for these State lands within the critical habitat designation. No direct costs, enforcement costs, or information or recordkeeping requirements are imposed on small entities by the designation. These determinations are based on a Determination of Effects that is available at Lloyd 500 Building, Suite 1692, 500 NE. Multnomah Street, Portland, Oregon.

References

Hobdy, R. 1980, Threatened and endangered species action plan for *Gouania hillebrandii*. Maui District, State of Hawaii, Division of Forestry and Wildlife. Unpubl. rept.

Holt, R.A. 1982. Status report on *Gouania hillebrandii*. Report on contract 14–16–0001–79096 to U.S. Fish and Wildlife Service. 36 pp.

St. John, H. 1969. Monograph of the Hawaiian species of *Gouania* (Rhamnaceae). Hawaiian plant studies 34. Pacific Sci. 23(4):507–543.

Author

The primary author of this final rule is Dr. Derral Herbst. U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, P.O. Box 50167, Honolulu, Hawaii 96850 (808/546–7530). Dr. George E. Drewry, of the Service's Washington Office, served as editor.

List of Subjects in 50 CFR Part 17

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

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

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

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

2. Amend § 17.12(h) by adding the following in alphabetical order under Rhamnaceae to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
*	*	*	*	*	*	*
Rhamnaceae—Buckthorn family:						
Gouania hillebrandii	None	U.S.A. (HI)	E		17.96(a)	NA
*	*	*	*	*	*	*

3. Amend Section 17.96(a) by adding critical habitat of *Gouania hillebrandii* as follows:

§ 17.96 Critical Habitat—plants.

(a) Flowering plants.

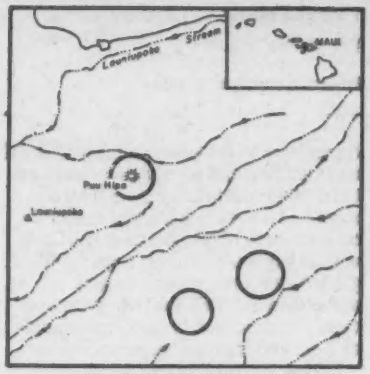
* * * * *

Family Rhamnaceae: *Gouania hillebrandii*. Hawaii, Maui County, Maui Island, Lahaina District, two zones located as follows:

(1) Pa'upa'u Zone, Ahupua'a of Kuia. The following Universal Transverse Mercator (UTM) designations form the corners of the quadrangular Pa'upa'u habitat area:

NW:0744123121
NE:0744723122
SW:0744223118
SE:0744723117

(2) Lihau Zone, Ahupua'a of Kuia. This zone consists of three circular areas having radii of 0.1 mile on the western slopes of Lihau Mountain, one centered at Pu'u Hipa (near UTM 0746823070), one at UTM 0747723063, and the third at UTM 0747223059.



Primary constituent habitat elements are considered to be climatic and edaphic factors that discourage introduced plant competitors and insect pests, and freedom from unrestricted browsing and trampling by domestic or feral livestock.

* * * * *

Dated: October 15, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-29304 Filed 11-8-84; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 671

Foreign Fishing; Tanner Crab Off Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; technical amendment.

SUMMARY: This document removes two references to regulations at § 611.91 pertaining to foreign fishing allocations for Tanner crab off Alaska. Directed foreign fishing for Tanner crab is not permitted and § 611.91 has been removed.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Donna D. Turgeon, Fees, Permits, and Regulations Division, NMFS, 202-634-7432.

Dated: November 6, 1984.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons stated above, §§ 611.93 and 671.1(b) are corrected to read as follows:

PART 611—[AMENDED]

1. In § 611.93(a)(2), the words "Tanner crab and", "611.91 and" and ", respectively" are removed. As amended, paragraph (a)(2) reads as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

(a) * * *

(2) For regulations governing fishing in the Bering Sea and Aleutian Islands groundfish fishery by vessels of the United States, see 50 CFR Part 675. Regulations governing foreign fishing for snails are set forth in 50 CFR 911.94.

* * * * *

PART 671—[AMENDED]

§ 671.1 [AMENDED]

2. In § 671.1, remove the paragraph designator "(a)" and delete paragraph (b) in its entirety.

(16 U.S.C. 1801, et seq.)

[FR Doc. 84-29302 Filed 11-8-84; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 602]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period November 9-15, 1984. Such action is needed to provide for the orderly marketing of fresh navel oranges during this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: November 9, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Acting Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation of and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1984-85. The marketing policy was recommended by the committee following discussion at a public meeting on September 18, 1984. The committee met again publicly on November 6, 1984, at Porterville, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is uncertain.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and its effective date.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

PART 907—[AMENDED]

1. § 907.902 is added as follows:

§ 907.902 Navel Orange Regulation 602.

The quantities of navel oranges grown in California and Arizona which may be handled during the period November 9-15, 1984, are established as follows:

(a) District 1: 837,000 cartons;

(b) District 2: Unlimited cartons;

(c) District 3: 63,000 cartons;

(d) District 4: Unlimited cartons.

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

Dated: November 8, 1984.

Thomas R. Clark,

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

[FR Doc. 84-29772 Filed 11-8-84; 11:51 am]

BILLING CODE 3410-02-M

Proposed Rules

Federal Register
Vol. 49, No. 219
Friday, November 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

Agricultural Marketing Service

7 CFR Part 54

Regulations for Federal Meat Grading and Certification Services; Product Control Authority

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the regulations governing the grading and certification of meats and meat products (7 CFR Part 54) by granting official graders and their supervisors the authority to control the movement and use of meat and meat products which do not comply with the regulations or that need to be held pending the results of an examination. Currently, products which do not comply with applicable regulations or those products held pending the results of an examination cannot always be controlled in a manner that would prevent such products from being incorrectly labeled or processed into certified items.

DATE: Written comments must be received by January 8, 1985.

ADDRESS: Written comments should be submitted to Eugene M. Martin, Chief, Meat Grading and Certification Branch, Livestock Division, Agricultural Marketing Service, USDA; 14th Street and Independence Avenue, SW., Room 2638–S; Washington, D.C. 20250. Written comments received may be inspected at Room 2638 South Building, 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Eugene M. Martin 202/382–1113.

SUPPLEMENTARY INFORMATION:

Regulatory Impact Analysis

The proposed revision of the Federal meat grading and certification regulations was reviewed under USDA procedures established to implement Executive Order 12291 and was classified as a nonmajor rule pursuant to sections 1(b) (1), (2), and (3) of that Order because (1) it would not have an annual effect on the economy of $100 million or more; (2) it would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) it would not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, a regulatory impact analysis is not required.

This action also was reviewed under the Regulatory Flexibility Act (Pub. L. 96–254, 5 U.S.C. 601 *et seq.*). William T. Manley, Acting Administrator, Agricultural Marketing Service, has certified that this rule will not have a significant economic impact on a substantial number of small entities. The proposed rule grants authority to official graders and their supervisors to control the movement and use of meat and meat products which do not comply with the regulations (7 CFR Part 54) or that need to be held pending the results of an examination. On a nationwide basis, the proposed rule will not measurably affect the average cost-per-unit graded and/or certified currently borne by all entities using the services. Consequently, the proposed rule will not significantly affect meatpackers, meat processors, or consumers, and will not affect normal competition in the marketplace.

Comments

All persons who desire to submit written data, views, or comments on this proposal are invited to submit such material, in duplicate. Comments must be signed and include the address of the sender and should bear a reference to the date and page number of this issue of the **Federal Register.** Since the comments will be considered in the resolution of this proposal, they should include definitive information which explains and supports the commenter's views.

Background

The Agricultural Marketing Act (AMA) of 1946, as amended, 7 U.S.C. 1621 *et seq.* authorizes the Secretary of Agriculture to provide voluntary Federal meat grading and certification services to facilitate the orderly marketing of meat and meat products and to enable consumers to obtain the quality of meat which they desire. In this regard, official graders and their supervisors, as authorized in 7 CFR Part 54, grade and certify approximately 14 billion pounds of meat and meat products each year.

During the grading and certification processes, official graders and their supervisors control meat and meat products which comply with applicable regulations to maintain the integrity of officially graded and certified products. Currently, certified meat and meat products and graded meats are controlled by applying official identification marks, sealing meat product containers, continuous supervision, or a combination of these methods. However, meat and meat products which do not comply with applicable regulations or those meat and meat products held pending the results of an examination connot be controlled adequately. In certain cases, such meat and meat products may be incorrectly labeled or processed into certified product.

Alternatives

There are three alternatives that address maintaining the integrity of officially graded and certified meat and meat products. They are (1) continue to utilize current procedures, (2) use Food Safety and Inspection Service (FSIS) U.S. Rejected/U.S. Retained (Form MP 35) tags as official identification devices, or (3) grant official graders and their supervisors the authority to control meat and meat products by designating an official identification device and explaining its use in the regulations.

Under the current procedures, official graders and their supervisors control certified meat and meat products and graded meat by applying official identification marks, sealing meat product containers, continuous supervision, or a combination of these methods. However, meat and meat products determined not to comply with applicable regulations and those meat and meat products held pending the results of an examination are not presently controlled in a manner which would preclude them, in certain cases, from being incorrectly labeled or processed into certified product.

Official graders and their supervisors could use FSIS U.S. Rejected/U.S. Retained tags as official identification devices to control meat and meat products under authority delegated by FSIS. This alternative would be acceptable for those products which do not comply with both meat grading and certification regulations and FSIS regulations. In some cases involving products complying with FSIS regulations but failing to meet meat grading and certification regulations, the FSIS identification devices may not be appropriate.

The alternative to grant official graders and their supervisors the authority to control meat and meat products consists primarily of describing and designating an official identification device and explaining its use in 7 CFR Part 54. In actual use, official graders and their supervisors would attach the identification device to meat and meat products or product containers not complying with the regulations or that need to be held pending the results of an examination. Attaching the official identification device identifies the meat and meat products or product containers as being controlled under the authority of the AMA. Consequently, any meat or meat product so identified could not be used, moved, or altered in any manner without the expressed permission of an authorized USDA representative. The unauthorized removal or alteration of the official identification device or the identified meat or meat product would be a violation of the AMA, as amended, and regulations issued thereunder.

The proposed rule would ensure the effective control of noncomplying meat or meat products or those held pending the results of an examination.

For the reasons outlined, it is proposed that certain sections of the meat grading regulations (7 CFR Part 54) as they relate to meat and meat products be revised as set forth below:

List of Subjects in 7 CFR Part 54

Beef carcasses, Meat and meat products, Grading and certification, Standards.

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

1. The authority citation for Part 54 reads as follows:

Authority: Agricultural Marketing Act of 1946, Sec. 203, 205, as amended; 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

2. 7 CFR 54.11 and 7 CFR 54.17 are amended as follows:

Subpart A—Regulations

Service

1. Section 54.11 is amended by revising paragraphs (a)(1)(ix) and adding (a)(1)(x) to read as follows:

§ 54.11 Denial or withdrawal of service.

(a) * * *

(1) * * * (ix) has knowingly used, moved, or otherwise altered, in any manner, meat or meat products identified by an official product control device, mark, or other identification as specified in § 54.17, or has removed such official device, mark, or identification from the meat or meat products so identified unless authorized by an official grader or supervisor of grading; or (x) has in any manner not specified in this paragraph violated subsection 203(h) of the AMA: *Provided,* That paragraph (a)(1)(vi) of this section shall not be deemed to be violated if the person in possession of any item mentioned therein notifies the Director or Chief without such delay that he has possession of such item and, in the case of an official device, surrenders it to the Chief, and, in the case of any other item, surrenders it to the Director or Chief or destroys it or brings it into compliance with the regulations by obliterating or removing the violative features under supervision of the Director or Chief: *And provided further,* That paragraphs (a)(1)(ii) through (ix) of this section shall not be deemed to be violated by any act committed by any person prior to the making of an application of service under the regulations by the principal person. An application or a request for service may be rejected or the benefits of the service may be otherwise denied to, or withdrawn from, any person who operates an establishment for which he has made application for service if, with the knowledge of such operator, any other person conducting any operations in such establishment has committed any of the offenses specified in paragraphs (a)(1) (i) through (x) of this section after such application was made. Moreover, an application or a request for service made in the name of a person otherwise eligible for service under the regulations may be rejected, or the benefits of the service may be otherwise denied to, or withdrawn from, such a person (a) in case the service is or would be performed at an establishment operated (1) by a corporation, partnership, or other person from whom the benfits of the service are currently being withheld under this paragraph, or (2) by a corporation, partnership, or other person having an officer, director, partner, or substantial investor from whom the benefits of the service are currently being withheld and who has any authority with respect to the establishment where service is or would be performed; or (b) in case the service is or would be performed with respect to any product in which any corporation, partnership, or other person within paragraph (a)(1)(x)(*a*)(*1*) of this section has a contract or other financial interest.

* * * * *

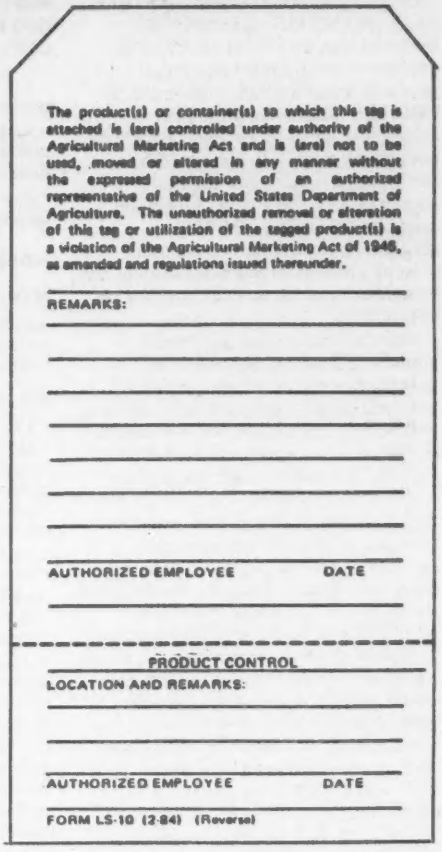
2. Section 54.17 is amended by adding paragraph (g) to read as follows:

§ 54.17 Official identifications.

* * * * *

(g) A rectangular, serially numbered tag, on which a shield encloses the letters "USDA" and the words "Product Control," as shown in Figure 1, constitutes a form of official identification under the regulations for meat and meat products. Official graders and supervisors of grading may use "Product Control" tags or other methods and devices as approved by the Administrator for the identification and control of meat and meat products which are not in compliance with the regulations or are held pending the results of an examination. Any such meat or meat product so identified shall not be used, moved, or altered in any manner; nor shall official control identification be removed, unless authorized by an official grader or supervisor of grading.

Obverse



Reverse

Figure 1

Done at Washington, D.C.: November 5, 1984.

William T. Manley,

Acting Administrator.

[FR Doc. 84-29450 Filed 11-8-84; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1007

[Docket No. AO-366-A21]

Milk in the Georgia Marketing Area; Decision and Termination of Proceeding on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of proceeding.

SUMMARY: This decision denies a dairy industry proposal to exempt from pricing and pooling, under the Georgia milk order, aseptically processed fluid milk products that are exported from the United States. The decision concludes that the hearing record does not establish that the proposed exemption would substantially improve export sales. The order accompanying the decision terminates the proceeding in this matter.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

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

Prior Documents in This Proceeding

Notice of Hearing: Issued May 10, 1983; published May 16, 1983 (48 FR 21962).

Supplemental Notice of Hearing: Issued May 26, 1983; published June 1, 1983, (48 FR 24391).

Recommended Decision: Issued September 12, 1984; published September 17, 1984 (49 FR 36392).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Georgia marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900) at Hapeville, Georgia, on July 12-13, 1983. Notice of

such hearing was issued May 10, 1983, and published in the **Federal Register** May 16, 1984 (48 FR 24391).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on September 17, 1984, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

William T. Manley, Deputy Administrator, AMS, has certified that this action will not have a significant economic impact on a substantial number of small entities. In this regard, it is noted that this decision provides for no change in the current provisions of the Georgia order.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

Five paragraphs comprising a discussion of exceptions are added at the end of the decision.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

An exemption from pricing and pooling under the Georgia milk order for aseptically processed fluid milk products exported outside the continental United States should not be adopted. The Georgia milk order presently provides that a distributing plant, located in the marketing area, that processes and distributes primarily aseptically processed fluid milk products shall be fully regulated by the Georgia milk order irrespective of the market or markets in which the products may be distributed. Also, the Georgia order classifies and prices as Class I milk all dispositions of aseptically processed fluid milk products. This includes domestic and export sales.

Dairymen, Inc. (DI), a cooperative association of dairy farmers, proposed that producer milk used in aseptically processed fluid milk products that are exported from the continental United States be exempt from pricing and pooling under the Georgia milk order. As revised at the hearing, the proposed exemption would not apply to shipments to Alaska and Hawaii.

Under the modified proposal, "exempt milk" would be milk received at a pool plant in bulk form from a dairy farmer who produced it, or a cooperative association, to the extent of the quantity of any skim milk and butterfat disposed of in the form of an aseptically processed and packaged fluid milk product for export to any area located outside the United States. To obtain the exemption, the dairy farmer or cooperative association would have to notify the market administrator and the receiving handler that non-producer status for such milk was elected beginning with the month in which the election was made and continuing for each following month until cancelled in writing.

The Milk Industry Foundation (MIF), a trade association of milk dealers, proposed that whatever classification and pooling is provided for exported aseptically processed fluid milk products also be provided for all other exported fluid milk products. At the hearing, and in a post-hearing brief, the DI position was that the cooperative would not object to the adoption of the MIF proposal if a hearing record for the market affected demonstrated a need for it.

The MIF witness also proposed a revision of the DI proposal. The revision would allow a handler and not a dairy farmer or a cooperative association to designate what milk supplies would be "non-producer milk" in applying the proposed exemption from regulation.

Proponent's Presentation

The following points were made by the DI witness in presenting the position of the cooperative association for the hearing record:

1. Exemption provisions are common in milk orders.

2. DI sells aseptically processed milk products in Puerto Rico, the Philippines, Nigeria, Aruba, Curacao, Montserrat, San Andreas, the Bahamas, and other countries. These sales compete directly with aseptically processed fluid milk products from Quebec Province, Canada, and from plants located in the European Economic Community (EEC). The export sales of the cooperative are at a distinct disadvantage in competing with these foreign sales because the Canadian milk is exempt from Canadian pricing regulations and the EEC milk is subsidized. Consequently, the development of DI export sales is greatly hindered, particularly in the relatively nearby Caribbean area.

3. Specific price and cost information to describe the competitive situation in export markets is extremely limited. The competing EEC plants have an advantage over DI of 15 cents a quart on raw milk costs. This consists of an EEC "target price" of $11.92 a hundredweight for milk of 3.7 percent butterfat content and an export subsidy of $3.71 a hundredweight compared with a Georgia milk order Class I price of $15.20 a hundredweight for milk of 3.7 percent butterfat content as of January 1983. DI competes with EEC plants for sales in the Bahamas, Montserrat, Curacao and Aruba.

4. Assuming that EEC processing, packaging and marketing costs are about the same as for DI, and that butterfat values are about the same, the competitive disadvantage of the DI pool plant at Savannah, Georgia, would be altered only by the relative locations of the Savannah plant and the EEC plants to the respective export markets.

5. DI competes also with aseptically processed fluid milk products from Canada in the Bahamas, Curacao, Aruba and Puerto Rico. Canadian sales also are made to Antigua and Jamaica. In December 1982, Canada exported aseptically processed fluid milk products (2 percent butterfat content) to Puerto Rico for 39 cents a quart compared with 55 cents a quart for DI. The Canadian sales had an advantage of 16 cents a quart.

6. Adoption of the proposal would enable DI to expand substantially its sales of aseptically processed milk, particularly in the relatively nearby Caribbean area. Such expansion would improve the operating efficiency of the DI pool plant at Savannah, Georgia, tend to reduce the quantity of milk used in Class III, increase blend prices to producers, improve the U.S. balance of trade, and reduce government purchases of dairy products.

There was no supporting testimony for the DI proposal from any of the 11 organizations represented at the hearing.

Opponents' Presentations

A. The DI proposal was opposed by four dairy farmer cooperatives supplying milk to the Upper Florida, Tampa Bay, and Southeastern Florida marketing area on the following basis:

1. Handlers buying milk from the Florida cooperatives sell up to 1.5 million pounds of Class I milk each month outside the continental U.S. If the proposed exemption were adopted, a similar exemption should be provided for handlers regulated by the Florida orders who export fresh milk.

2. Producers associated with the Florida milk markets produce milk for a Class I market. If aseptically processed milk from the U.S. cannot compete in foreign markets without financial loss, such losses should be confined to the firms engaged in the business. The milk order program is not an appropriate place to seek financial relief for private

business decisions that do not turn out as well as anticipated.

B. The DI proposal also was opposed by the Atlanta Dairies Cooperative on the basis that it would reduce Class I sales under the Georgia milk order and reduce blend prices to producers. Also, the Georgia producers would have to carry the reserve supply of milk associated with DI sales of export milk.

C. The DI proposal was opposed by the Southland Corporation, Borden, Inc., and 20 handlers regulated by the Middle Atlantic and New York-New Jersey milk orders on the following basis:

1. If the proposed exemption is adopted, a similar one should be adopted to cover all fluid milk products exported from the U.S. whether processed by handlers regulated by the Georgia milk order or any other milk order.

2. The Department should not adopt the unprecedented provision that producers should designate which milk is exempt from regulation and which is not.

3. Southland and Borden each operate plants regulated under Florida milk orders and from which substantial quantities of fluid milk products are processed for distribution to the Caribbean area. Some of the sales are to U.S. military bases outside the continental U.S.

4. Aseptically processed milk is a fluid milk beverage and competes with fresh fluid milk in the U.S. and in foreign markets. The consistent policy of the Department has been that fluid milk products for beverage use, no matter how processed, are classified as Class I milk. Some exceptions have been infant and diet formulas and eggnog. Also, in 1974, the Department denied a proposal for a lower classification of sterilized milk for 32 milk orders, and it regards reconstituted nonfat dry milk as being a Class I fluid milk product.

5. The export market for fresh fluid milk is a growing one in the relatively nearby Caribbean area and in Mexico. Exported fresh fluid milk sold by Southland, Borden and other companies presently competes successfully with aseptically processed milk exported by DI from its plant at Savannah, Georgia, and with foreign competitors.

In 1981, 11.6 million pounds of fluid milk products were exported from the Upper Florida and Southeastern Florida milk order areas. In 1982, 15 million pounds were exported. For the first four months of 1983, 5.6 million pounds were exported. Most of the sales were fresh fluid milk.

Also, U.S. Census data indicate that exports of fresh fluid milk products increased to 36.9 million pounds in 1981 from 18.9 million pounds in 1978. Over 50 percent of the exports were to Mexico. Other countries receiving shipments of fluid milk were Venezuela, Bermuda, and virtually every island nation in the Caribbean area. Very little of the substantial increase in sales was aseptically processed milk.

6. Adoption of the DI proposal would reduce proponent's product cost substantially in exporting aseptically processed milk-from the present Class I price to the Class III price or lower. This could undermine fresh milk sales. The result would be to reduce Class I sales under the Georgia order and under other milk orders. The Department should make no distinction for exported aseptically processed milk.

7. Adopting the DI proposal is not necessary to increase the quantity of milk that is exported. The proposed exemption would be potentially harmful to the companies that have increased exports of fresh milk sales and to the dairy farmers who supply the milk.

8. If the proposal were adopted, administrative problems for the Department would include the verification that aseptically processed milk actually was exported. Also, there would be no controls to ensure that once it was exported the aseptically processed milk would not be returned to the U.S. to undermine sales of higher priced fresh milk and aseptically processed milk for U.S. disposition.

9.The DI proposal should not be adopted because it would permit dairy farmers to designate what milk is to be exempt and what milk is not. The term "use" relating to milk order sales has consistently been applied by the Department to mean to use to which the raw milk is put by the handler. No milk order presently provides for the classification of milk by producers, and such a proposal has the potential to disrupt normal economic decision making by handlers.

10. If the exemption were adopted for aseptically processed milk that is exported by DI, handlers' costs for fluid milk products would not be uniform as required by the Agricultural Marketing Agreement Act of 1937, as amended.

D. The DI proposal was opposed by Kinnett Dairies on the following basis:

1. Fluid milk, regardless of processing techniques, is priced under milk orders as Class I milk with the point of sale having no bearing on the classification. This treatment does not give one handler a competitive advantage over another.

2. To exempt aseptically processed milk that is exported from pricing and pooling under the order would have a deleterious effect on the orderly marketing of milk.

3. DI, as a cooperative that is owned and operated by producer members, has the capability to be competitive in any export market as long as their producer members choose to do so. If DI chooses to export aseptically processed milk, its members should be willing to make whatever investment is necessary and should not expect other segments of the industry to subsidize their operation.

4. If Class I sales are removed from the Georgia order pool through the adoption of the proposed exemption, other producers would be subsidizing the export operation.

5. Kinnett Dairies supports the long-standing Department policy that all fluid milk products be treated alike under milk orders.

6. The Georgia administrator probably could not track the disposition of exported milk unless it is kept in the Georgia pool as Class I milk.

E. The Milk Industry Foundation (MIF), a trade association of milk dealers, proposed that whatever classification and pooling is provided for exported aseptically processed milk should also be provided for all other exported fluid milk products. In support of this, the spokesman for MIF made the following points:

1. One of the main tenets of the Federal milk order program is to provide uniform raw milk costs to competing handlers. This is done by treating all competing fluid milk products alike, regardless of processing method or packaging. An exception to this has been milk packaged in hermetically sealed containers for infant and diet use. The main policy should be continued.

2. The Georgia order does not differentiate between dairy products sold domestically and those that are exported. In the domestic market, aseptically processed milk and other fluid milk products compete with each other and are classified and priced alike. The relationship between aseptically processed milk and other fluid milk products does not change simply because the consuming public lives inside or outside the U.S.

3. Handlers regulated by Federal milk orders other than the Georgia milk order sell fresh fluid milk products in the Caribbean area and Mexico. If the Department adopts the DI proposal, immediate competitive inequities would result between the DI pool plant regulated by the Georgia milk order and pool plants under some other milk orders.

4. Placing exports to the Caribbean area and Mexico in something other than Class I would facilitate the export of fluid milk products to those areas and back again and gain access to a lower cost milk supply. If that happened, the entire classified pricing system of the Federal milk order program would be in jeopardy.

5. If milk sold in the Caribbean and Mexico continued to be Class I, while exports to areas beyond those places were exempt from regulation, the possibility of fluid milk products reentering the U.S. after having been exported would be decreased.

6. A mechanism to insure that re-entry does not occur must be found if Federal milk order regulation of exports is changed. The market administrators of milk orders affected must be able to verify that what is claimed to be an exempt export actually leaves the U.S. and does not come back in later.

7. Removing exports from Class I will lower total Class I sales under a number of milk orders. This could lower blend prices somewhat in a number of milk orders.

8. Some members of the dairy industry question the advisability of encouraging export sales at other than Class I prices from the Georgia area and other milk order areas where milk supplies are relatively tight.

9. If the Department decides that exports sales may be exempt from regulation, the choice of exempt status should be available to all handlers and not be dependent upon individual dairy farmers. The order should allow handlers to designate non-producer status for milk that is exported.

10. Handlers from various milk order areas are in direct competition for sales of milk in the Caribbean area. If the Department decides to exempt exported fluid milk from regulation by the Georgia milk order, the same status should be provided for handlers regulated under other milk orders, if requested.

Discussion of the Issue

The issue raised by this proceeding is whether the Dairymen, Inc., pool plant at Savannah, Georgia, should be provided with exemption from pricing and pooling under the Georgia milk order for export sales of aseptically processed fluid milk products in order to expand such export sales substantially. The proposed exemption for export sales could only apply to the DI pool plant because it is the only plant regulated by the Georgia milk order that packages aseptically processed fluid milk products.

Of the 30 export markets identified in the hearing record, European Economic Community (EEC) plants export aseptically processed milk to 25, Canada to 6, and DI to 9. The EEC, Canadian, and DI plants compete for aseptically processed milk sales in the Bahamas, Curacao, and Aruba. EEC plants and DI compete in Montserrat. The Canadian and DI plants compete in Puerto Rico and the Canadian and EEC plants compete in Antigua. The EEC plants distribute without competition from the Canadian and DI plants in 18 of the export markets identified in the hearing record. It would appear that DI could aim at expanding sales of aseptically processed milk sales in 21 of the export markets identified and increase its sales to the 8 export markets in serves now.

The DI witness said that the EEC plants have a 15-cent a quart advantage over DI in sales of aseptically processed fluid milk products in the export markets where they compete. The DI witness said that detailed price information to describe the competitive situation in export markets is extremely limited. He said that the EEC plants' advantage consisted of an EEC "target price" of $11,92 a hundredweight for milk of 3.7 percent butterfat content and an export subsidy of $3.71 a hundredweight. He compared this with a Georgia milk order Class I price of $15.20 a hundredweight for milk of 3.7 percent butterfat content. The witness assumed that EEC processing and marketing costs are about the same as for the DI pool plant at Savannah, Georgia. However, there is no basis in the record for concluding that the assumptions made are valid. The witness also stated that the competitive disadvantage of the DI plant would be altered (improved) by the relative locations of the Savannah plant and EEC plants to the respective sales outlets. No transport costs from the EEC to the Caribbean area were entered in evidence. Also, concerning the EEC subsidy, the evidence is that EEC products with 3 percent or less fat by weight receive no export subsidy. Products with more than 3 percent fat but less than 8.9 percent fat received a subsidy in January 1983 of $3.71 a hundredweight. In selling aseptically processed lowfat milk of 2 percent butterfat or less, DI would encounter no EEC subsidy, for counterpart products. It must be concluded that there is no definitive data in evidence concerning the cost of supplying aseptically processed fluid milk products from EEC plants to export markets in the Caribbean area. Consequently, no accurate judgment about such costs can be made on the basis of the record.

However, it is unlikely that the proposed exemption, if adopted, could provide DI with the means to expand export sales substantially in competition with EEC and Canadian plants, as intended. The testimony was that Canadian exporters have an advantage of 16 cents a quart in Puerto Rico and EEC plants have an advantage of 15 cents a quart where they compete with DI. The record established that the competitive cost of any dependable supply of nonpool milk for export at the DI pool plant likely would be the Georgia order weighted average price. The weighted average price for 1982 was $14.23 a hundredweight, which was 55 cents a hundredweight less than the Class I price. At 46.5 quarts a hundredweight, this translates to a reduction of 1.2 cents per quart. Thus, adoption of the proposed exemption could not provide DI with the means of expanding export sales of aseptically processed fluid milk products in the face of the competitive advantage claimed for Canadian and EEC exporters.

The DI witness said that an important beneficial result from adopting the proposed exemption for exported aseptically processed milk would be that a substantial portion of the Class III milk in the Georgia market would be reduced, since it would be exported as exempt milk. In 1982, the proportion of producer milk that was used in Class III was 18 percent. For the first 5 months of 1983, the Class III utilization percentage was down slightly from the same months of 1982. Other source milk, as a percentage of producer milk, increased slightly for the first 5 months of 1983 as compared to the same months of 1982. The combination of lower Class III use and an increase in the use of other source milk likely indicates a tightening of producer milk for the market. It could be argued that the Class III utilization under the Georgia milk order is no more than a sufficient reserve Class I use and that to reduce it substantially, as intended by proponent, would endanger an adequate supply of milk for fluid use. That important consideration notwithstanding, if all the Class III utilization were transferred to export sales of aseptically processed milk, only a moderate increase would be noticeable in the weighted average price of the order.

The proponent also said that another benfit from adopting its proposal would be that the U.S. balance of trade would be improved and government purchases of dairy products under the price support program would be reduced. It is noted that the quantity of aseptically processed milk from the Savannah plant that could contribute to such an impact would be so minor as to have no

measurable effect either in the balance of trade or in price support purchases.

Handlers presented a variety of reasons for not adopting the DI proposal. Chief among them was the view that aseptically processed milk is a fluid milk beverage and competes with fresh fluid milk in both U.S. and foreign markets. In their view, the Department should continue to apply the long-standing policy that milk processed into fluid milk products for beverage use is Class I milk. In this connection, it was indicated on the record that the Department has made some exceptions to this approach by providing a lower price than Class I for infant and diet formulas and eggnog. If marketing conditions justify such lower price for specific milk products, such accommodation can and has been made. However, such an exception for exported aseptically processed milk is not justified on the basis of this record.

Handlers also argued that no distinction should be made between the classification and pricing of aseptically processed milk that is disposed of in the U.S. and that which is disposed of for export. As indicated previously, the proponent did not establish on this record that adoption of its proposal could effectively expand export sales of aseptically processed milk. Accordingly, no basis was made for distinguishing between domestic and export sales by means of an exemption from pricing and pooling for export sales of aseptically processed milk.

There was some discussion on the record about whether aseptically processed milk sales and fresh milk sales compete for the same market in the U.S. and in foreign areas. Presumably, separate markets might provide the basis for different treatment concerning classification and pricing or an exemption from regulation. The proponent suggested that in the Caribbean area, fresh milk sales may supply a market with refrigeration capacity whereas aseptically processed milk sales may not. Also, the proponent commented on some studies of the domestic market which indicated that aseptically processed milk may not be competing for the same market as fresh milk. However, the information on these points was not definitive and it provided no basis in this record for making a distinction in the regulatory treatment of domestic and export sales of aseptically processed and fresh milk.

There is no valid reason in this record why export sales of aseptically processed fluid milk products should be priced lower than the Class I price which is applied to products that are fluid milk in both form and use. Producers should not be made to forfeit some of their returns from Class I milk to expand the sales of aseptically processed milk in foreign markets. This is especially true when the adoption of the exemption proposed by DI could not likely achieve the goal intended. Insofar as this record is concerned, returns to producers for milk disposed of in the form of fluid milk products should be the same whether such products are aseptically processed or not. Apparently, such products in either form are being marketed for the same beverage use. Accordingly, continuing to classify all such products as Class I milk will assure that the returns from producer milk used in aseptically processed fluid milk products will contribute on the same basis as returns from producer milk used in other fluid milk products for beverage use toward inducing an adequate supply of milk for beverage use.

Handlers also argued that adoption of the DI proposal would result in immediate and competitive inequities between the DI pool plant regulated by the Georgia milk order and pool plants under some other milk orders. It was argued that sales of fresh milk that is exported would be supplanted by aseptically processed milk exports. As a result, Class I sales in various orders would decline, blend prices to producers would drop and handlers would not be assured uniform pricing of milk for fluid use among competitors as is required by the Agricultural Marketing Agreement Act of 1937, as amended.

In this connection, handlers did not present any specific information in evidence concerning comparative costs and the actual economic impact that the DI proposal would have on export marketing conditions for fresh milk. In the absence of substantive data to elucidate marketing conditions concerning this, it cannot be concluded that immediate and competitive inequities among handlers actually would occur as handler witnesses claimed. There is specific information in the record that handlers exporting fresh milk are competing successfully with aseptically processed milk exports from the U.S., Canada, and the European Economic Community.

Handlers argued that an exemption from regulation for all fluid milk exports would be needed if the DI proposal were adopted. It must be concluded that this record does not provide the basis for such action even if the DI proposal were adopted.

The witness for Atlanta Dairies testified that if the DI proposal were adopted, all the producers associated with the Georgia market, and specifically those who are not members of DI, would have to carry the reserve supplies of milk that necessarily would be associated with DI sales of exported milk. This is a valid concern, and the proponent described no benefits to the market as a whole, from the adoption of their proposal that would compensate independent producers for this outcome. Proponent argued that the blend price under the order would increase somewhat. However, it is not clear from record evidence that such increase would offset for individual producers the loss of Class I sales under the order and the financial burden of having to carry reserve supplies associated with DI sales of exported milk.

Another point made by a handler witness was to question the advisability of accommodating export sales of aseptically processed milk as proposed by DI when the Georgia market and other milk markets in the region have rather tight supplies of milk. This view parallels a finding made earlier in this decision that adoption of the DI proposal could jeopardize a continuing adequate supply of milk for Class I use in the Georgia market if the quantity of Class III milk in the pool is reduced substantially as intended by DI.

Hearing record data indicated that for the months of July through September 1982, Georgia Class III utilization averaged 11.4 percent of total utilization. With Class III utilization this low, during any year, an increase in exports during these months could deplete, at least temporarily, the supply of reserve milk for the Georiga market. The proponent, having entered into contractual arrangements to serve the export market, might find it difficult to shift supplies back in time to serve the Georgia marketing area. In other months of the year, producers whose milk is priced under the order would be required to carry part of the reserve milk supply associated with the export of aseptically processed milk products.

A number of handler witnesses said that placing fluid milk exports to the Caribbean in something other than Class I could facilitate the shipment of fluid milk products to those areas and back again and gain access to a lower cost milk supply. Their view was that the entire classified pricing system could be in jeopardy. There is some doubt from record evidence that this could readily happen, especially where ocean freight costs and relatively long-distance voyages would be involved. Handler witnesses presented no analytical data to establish their point. However, the close proximity of extensive areas of Mexico to California, Arizona, New

Mexico and Texas might result in the problem cited by the handler witnesses. The record evidence presented no effective controls to deal with this eventuality.

Proponent's proposal and the testimony relating to it, understandably, was focused on a method whereby DI as a cooperative would claim exemption from pricing and pooling for the milk of some of its producer members that it designated for export sales of aseptically processed milk. As indicated, Dairymen, Inc., presently operates the only pool plant packaging aseptically processed milk under the Georgia order. The cooperative's proposal, however, raised questions concerning the propriety, under milk orders, of having individual producers and cooperative associations designating the end-use of milk. One handler witness said that the exemption should not be adopted because it would permit dairy farmers to designate what milk is to be exempt and what milk is not. His view was that no milk order presently provides for the end-use classification of milk by producers, and that the proposal has the potential of disrupting normal economic decision making by handlers who operate milk plants. Another witness said that the order should allow handlers, and not producers and cooperatives, to decide whether to elect non-producer status for export milk.

In this connection, the Federal milk order program regulates handlers and pool plants. Regulatory status depends on where a handler sells milk, the quantity sold in Class I or the quantity delivered from supply plants to distributing plants during the month. If the handler's actions cause the plant not to be pooled, then the regulations do not apply to that milk supply. It is the handler's actions on which this determination is made. To allow individual dairy farmers to pick and choose which handlers have to pay Class I prices for raw milk used for export and which should receive exempt milk status on their raw milk supply would create severe competitive inequities. Two handlers competing for export sales, one with exempt milk and one with Class I milk, would not be competing on an equal basis. Any provision that established this type of situation would be inappropriate for a milk order. The record of this hearing does not deal effectively with this aspect of the proposal either in terms of specific testimony about the impacts on various persons encompassed by the regulation or in terms of appropriate amendatory provisions.

On the basis of the foregoing considerations, it is concluded that the proposal to exempt exported aseptically processed fluid milk products from pricing and pooling under the Georgia milk order should not be adopted. Accordingly, the proposal is denied.

Discussion of Exceptions

Dairymen, Inc., took exception to the Department, finding in the recommended decision that adoption of the DI proposal to exempt export sales of aseptically processed milk from pricing and pooling under the Georgia order would not provide the cooperative with the means for expanding export sales considering the competitive advantage claimed for Canadian and EEC exporters. The cooperative conceded in the exception that adoption of the proposed amendment would provide no guarantee of improving this cost disadvantage. We believe that this concession confirms rather than diminishes the Department's finding. Accordingly, the exception is denied.

Exceptor also took exception to the Department's tentative finding that lowering the Class III utilization of the Georgia order could endanger the supply of milk for fluid use. Exceptor stated that the finding is without foundation because the national supply of milk is so tremendous that government programs have been set up to reduce the supply. In exceptor's view, any program that would open up new and additional outlets for milk sales would be beneficial to producers, handlers and consumers. In this connection, the exceptions raise no points that were not considered in reaching the conclusions on this issue. Accordingly, the exception is denied.

Dairymen, Inc., also took exception to the Department's tentative finding that only a moderate increase in the price paid to producers would occur if all the Class III milk of the Georgia market were transferred to export sales. Exceptor cited certain 1984 data to support its position. Such data, however, are not in the record, and new evidence is not permitted at this point in the proceeding. The conclusion reached on this point by the Department is within the context of the evidence of this proceeding.

The cooperative excepted also to the Department's finding that adoption of the proposal might not benefit independent producers who would have to carry reserve supplies that would be associated with exports of aseptically processed milk. In supporting the exception, exceptor stated that Dairymen, Inc., currently is incurring unrecoverable costs by carrying the reserve supply of the Georgia market for the benefit of the entire market. It further said that the adoption of the proposed amendments would not significantly shift the burden of carrying the reseve supply for the Georgia market. In this connection, it is noted that such statements represent information not contained in the hearing record. Again, new evidence is not permitted at this point in the proceeding.

Finally, exceptor took exception to the Department's finding that adoption of the proposal would have no measurable effect on the United States' balance of trade or government purchases of dairy products under the support price program. Exceptor agrees, however, that the impact would be small. We believe that the Department's finding on this point is appropriate and comports with the record evidence. Accordingly, the exception is denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Termination Order

In view of the foregoing, it is hereby determined that the proceeding with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Georgia marketing area should be and is hereby terminated.

List of Subjects in 7 CFR Part 1007

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C., on November 2, 1984.

C.W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-29490 Filed 11-8-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR–84–13]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improved the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and be received on or before, January 8, 1985.

ADDRESS: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ———, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB–10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on November 5, 1984.

Donald P. Byrne,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
24228	Herbert A. Rosenthal	*Description of Petition:* For the FAA to consider adopting the basic requirement that persons filing answers in support of or in opposition to a petition for exemption or rule-making be required to send copies to the petitioner or his counsel. *Regulations Affected:* 14 CFR 11.25, 11.27(b), 11.27(c). *Petitioner's Reason for Rule:* The fundamental fairness and due process warrants requiring persons filing comments or answers to petitions to send one copy of their answer to the petitioner or his counsel. This can be done with minimal additional cost or burden on the person filing the answer.
24292	Lowa Ltd	*Description of Petition:* To extend the compliance date for Stage 1 four-engine subsonic jets until January 1, 1986. *Regulations Affected:* 14 CFR 91.303. *Petitioner's Reason for Rule:* To allow operators time to meet the compliance requirements.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description and disposition of the rule requested
23474	Association Europenne	Description of Petition: To change the anticollision light color coordinate upper limit requirements for aviation red from a "y" value of 0.335 to 0.350 and a "z" value of 0.002 to 0.020 as defined by the Planckian radiator scale. Regulations Affected: 14 CFR 25.1397(a). Denied August 21, 1984.

[FR Doc. 84-29475 Filed 11-8-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR PART 511

[Docket No. 77N–0336]

Export of Investigational New Animal Drugs

AGENCY: Food and Drug Administration.

ACTION: Tentative final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing a tentative final rule that when made final will amend the new animal drug regulations to specify the requirements for the export of new animal drugs for investigational use (INAD's).

DATE: Comments by January 8, 1985.

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

FOR FURTHER INFORMATION CONTACT: Frank G. Pugliese, Bureau of Veterinary Medicine (HFV–101), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 6, 1978 (43 FR 1100), FDA proposed to amend the new animal drug regulations to set forth the requirements for export of INAD's. The proposed requirements were considered necessary to ensure that authorization for foreign clinical investigation of INAD's would be granted with the same assurance of control as provided by the new animal drug regulations for domestic investigations. Interested persons were given 60 days to comment. After reviewing the comments and after further consideration, the agency

concludes that several revisions in the proposed rule are necessary.

The revisions would specify the information that the sponsor's notification to the foreign government must contain. If the INAD is intended for use in food-producing animals, the sponsor of the drug would be required to: (1) Notify the foreign government that neither the treated animals nor food from the treated animals is to be shipped to the United States unless prior authorization is obtained in accordance with 21 CFR 511.1(b)(5), and (2) obtain from the investigator a commitment to notify the appropriate foreign government agency and the slaughter facility that the animals have been treated with an investigational drug and that food from such animals is not to be shipped to the United States unless the sponsor obtains from FDA prior authorization to do so.

FDA believes that the revisions justify additional opportunity for comment and, accordingly, is issuing this tentative final rule allowing interested persons until January 8, 1985 to comment on the new requirements. After the agency considers those comments, it will publish a final rule. A tentative final rule has the same legal status as a proposal or reproposal; in other words, it is not final agency action. It is an interim step sometimes used by FDA to permit additional public participation before promulgating final rules. See § 10.40(f)(6) (21 CFR 10.40(f)(6)).

FDA received comments on the original proposal from the Animal Health Institute (an association that represents certain manufacturers of animal drugs), an individual, and five manufacturers of animal drugs. A summary of the comments and the agency's responses are as follows:

1. One comment suggested that the proposal cover the export of approved new animal drugs for investigational use under conditions for which the drug is not approved.

An approved new animal drug under clinical investigation for an unapproved use is considered to be an INAD. Therefore, the INAD regulations apply fully to the distribution and clinical investigation of approved new animal drugs for new unapproved uses.

2. One comment suggested that proposed § 511.1(f)(1), which included the requirement that a Notice of Claimed Investigational Exemption for a New Animal Drug be filed in accordance with § 511.1(b), be revised to refer to § 511.1(b)(4).

The suggested revision will improve the clarity of the regulation and has been adopted.

3. A comment contended that it is impractical for the sponsor to know which agency of the foreign government to notify as required by proposed § 511.1(f)(2)(i).

The agency does not agree. The foreign investigator, who will be a person qualified by training and experience to evaluate the safety and/or effectiveness of the new animal drug, will be able to advise the sponsor of the appropriate agency during the communications necessary to solicit and arrange shipments of the investigational new animal drug.

4. A comment argued that notification of the foreign government would be best accomplished by product labeling and that therefore the notice requirements contained in proposed § 511.1(f)(2)(i) are unnecessary.

The agency does not agree. Labeling would be an adequate means of notifying a foreign government only if customs officials had the function of regulating INAD's. Because this is not a normal function of customs officials, the agency has concluded that sponsors should notify directly the appropriate agency of the foreign government. Additionally, the agency believes that the regulation should specify the information that the sponsor's notification to the foreign government must contain. The agency believes that the sponsor should submit to the foreign government the same information that it submits to FDA. Therefore, § 511.1(f)(2)(i) has been revised to require that the sponsor's notification to the foreign government must include the information required by § 511.1(b)(4), except that the commitment required by § 511.1(b)(4)(v)(*a*) is required only if food-producing animals treated with the investigational drug or edible products of such animals are intended for shipment to the United States. Additionally, the sponsor would be required to submit a copy of such notification to FDA, which would routinely forward to the appropriate agency of the foreign government an acknowledgment that the notification has been received. Comment on this new requirement is requested.

5. Several comments suggested that the requirements of § 511.1(f)(2)(ii) be deleted. As originally proposed, this paragraph would have required a statement from the foreign investigator that the foreign investigator was aware that: (a) The drug was an unapproved new animal drug intended solely for investigational purposes, (b) the drug may be legally used in that country by the foreign investigator for such investigations, and (c) where the drug uses to be investigated were not the subject of prior approval by FDA, withdrawal times to ensure the absence of unsafe residues in edible tissues of treated animals had not been established by FDA. The comments argued that these requirements were unworkable, inappropriate, unnecessary, or would cause an excessive administrative burden on both the sponsor and the investigator. Several comments stated that full disclosure of the nature of the exported drug through the use of labeling and caution statements would provide adequate information to ensure safe use of the drug. One comment stated that proposed § 511.1(f)(2)(ii)(*b*) required legal conclusions from the investigator, and several comments stated that whether the drug could be legally used by the investigator should be determined by the foreign country. One comment suggested that the requirements proposed in § 511.1(f)(2)(ii)(*c*) could be accomplished by including in the labeling a caution statement that official withdrawal times have not been established for the investigational drug when it is used in food-producing animals.

The requirements proposed in § 511.1(f)(2)(ii) were intended to protect the health of consumers of products from treated animals by ensuring that investigators were adequately informed about the use of the investigational drug and aware of the hazards that might result from its misuse. The agency agrees that proper labeling and caution statements can adequately convey such information. Therefore, a new caution statement has been added in § 511.1(f)(3)(ii), which would require investigational drugs for use in food-producing animals to have a statement on the label that withdrawal times have not been established by FDA. The health of consumers in this country should not be affected by revising the requirements proposed in § 511.1(f)(2)(ii) because the import of the edible products of animals treated with investigational drugs would remain contingent on compliance with § 511.1(b)(5). Additionally, as discussed in paragraph 6, a new requirement has been added in § 511.1(f)(2)(ii) as revised. The health of consumers in foreign countries should not be affected by revising the proposed requirements because the foreign government would be notified of the investigation and would be able to take appropriate measures for the protection of its public. Comment on this new requirement is requested.

Upon consideration of the comments, the agency has reached the following

conclusions: (1) The requirement proposed in § 511.1(f)(2)(ii)(*a*) is unnecessary because the investigator would be adequately informed by the information on the label; (2) the requirement proposed in § 511.1(f)(2)(ii)(*b*) is unnecessary because the foreign country would be able to determine the legality of the investigation from the notification it receives from the drug sponsor; and (3) the requirement proposed in § 511.1(f)(2)(ii)(*c*) is unnecessary because the investigator would be adequately informed by the cautionary labeling required by new § 511.1(f)(3)(ii). Therefore, in the tentative final rule these requirements have been deleted.

6. Several comments questioned the logic of proposed § 511.1(f)(2)(iii), which would have required that every Notice of Claimed Investigational Exemption for a New Animal Drug be accompanied by a statement from the foreign investigator that "neither the treated animals nor food from the animals will be exported to the United States unless authorization is obtained in accordance with paragraph (b)(5) of this section and that neither the treated animals nor food from the animals will be used for food in the foreign country in any manner that is contrary to the legal requirements of that country". The comments stated that the foreign investigator was not responsible for controlling disposition of the animals. The comments also stated that animals treated with investigational drugs that originate outside the United States are being imported into the United States without any required assurances of safety.

The agency agrees that a foreign investigator may not have control over the disposition of the edible products from treated animals. Accordingly, the requirements in proposed § 511.1(f)(2)(iii) have been deleted. The agency, however, must take every reasonable step to ensure that the edible products of animals, when imported into the United States, are safe for consumption. The agency has no control over investigational drugs that originate outside the United States. The inability of the agency to control certain food products is not a good reason, however, for its to dispense with control over drugs and food products subject to its control.

Section 511.1(b)(4)(v) provides that the sponsor of an INAD must file a commitment that the edible products will not be used for food without prior authorization. This provision includes within its scope the edible products of animals abroad treated with an investigational drug originating in the United States and which are intended to be imported into this country. Proposed § 511.1(f)(1) has been revised to make clear that the sponsor must file the § 511.1(b)(4)(v) commitment and receive authorization prior to the shipment to the United States of animals or food from animals treated with investigational drugs that originated in the United States.

To further protect the public health, new requirements have been added in § 511.1 (f)(2)(ii) and (f)(4). Under the new requirement in § 511.1(f)(2)(ii), if an INAD that originated in the United States is used in a food-producing animal the sponsor would be required to notify the foreign government that neither the treated animals nor food from the treated animals is to be shipped to the United States unless authorization is obtained in accordance with § 511.1(b)(5). Under the new requirement in § 511.1(f)(4), the sponsor must obtain from the investigator a commitment to inform the appropriate agency of the foreign government and the slaughter facility that the animals have been treated with the investigational drug and that food from the treated animals is not to be shipped to the United States, unless the sponsor has obtained authorization in accordance with § 511.1(b)(5). Giving notice to those in control of the animals at the time of slaugher should give added assurance that the food products entering into commerce will be wholesome and that those products shipped to the United States have received proper authorization. FDA concludes that these requirements and the additional caution labeling pertaining to withdrawal times required in § 511.1(f)(3)(ii) of the tentative final rule are necessary to ensure the safety of food from treated animals intended for shipment into this country.

7. One comment concerned proposed § 511.1(f)(3), which would require that the labeling of an INAD intended for export contain: (1) A statement that the drug is intended for export, and (2) a prescribed caution statement. The comment suggested that the requirement was burdensome and unnecessary and that the present requirements concerning investigational drugs for domestic use are adequate for investigational drugs for export.

The agency disagrees. The domestic marketing in interstate commerce of products from animals slaughtered in this country is controlled through authorizations for slaughter at United States Department of Agriculture (USDA) inspected packing plants. No similar control can be exercised over the marketing of animals slaughtered in foreign countries. The proposed labeling of investigational drugs for export is necessary because it would inform foreign investigators and the foreign government about the safe use of the investigational drug and about the hazards that may result from the misuse of the drug.

8. A principal objection raised by the comments was that the proposed requirements would adversely affect domestic drug manufacturers because foreign manufacturers of the same investigational drugs cannot be required to provide the commitments required of domestic manufacturers.

The agency recognizes that foreign governments may require less information from manufacturers of investigational drugs that is required by the agency from domestic manufacturers. However, section 801(d) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 381(d)) specifically prohibits the exportation of any new animal drug, which includes an INAD, that is "unsafe" within the meaning of section 512 of the act (21 U.S.C. 360b). Although a new animal drug that has not been approved by FDA is deemed to be unsafe by section 512(a) of the act, section 512(j) of the act authorizes the promulgation of regulations, with conditions to protect the public health, to exempt INAD's from the approval requirements. The agency believes that the conditions that would be imposed by this tentative final rule are necessary to assure that exported INAD's are used in a way consistent with the public health. If this tentative final rule is adopted as a final rule and its requirements are met, an INAD will not be prohibited from being exported.

9. One comment contended that in the history of the enforcement of the act there have been a number of instances in which misbranded or adulterated articles have been exported if they were in accord with the specifications of the foreign purchaser and not in conflict with the law of the country to which they were exported. Accordingly, the comment asserted that the proposal would only further compound the inherent contradiction found in section 801(d) of the act.

Section 801(d) of the act permits the export of foods, drugs, devices, and cosmetics under certain circumstances, even though they might otherwise be deemed adulterated or misbranded. As discussed in paragraph 8, special restrictions apply to the export of new aninal drugs. The agency disagrees that there is any inherent contradiction in

section 801(d) of the act. Section 801(d) represents an express value judgment by Congress that the export of new animal drugs merits special precautionary measures not necessary for other types of products.

The Food and Drug Administration has determined that this tentative final rule is not a major rule under Executive Order 12291 and certifies in accordance with section 605(b) of the Regulatory Flexibility Act that this document will not have a significant economic effect on a substantial number of small entities. These conclusions are based on the following assessment.

The agency expects to receive no more than 100 requests for export of investigational new animal drugs each year. These requests are expected from not more than 20 firms, most of whom are large firms already engaed in domestic research with INAD's. Most of these applications will be notifications of additional shipments of drugs for which information required by this rule has already been supplied. Preparation of an application for this purpose will take a limited amount of time, perhaps 5 hours. Preparation of the original application to export, including notification of the foreign government and assurances from the investigator, and the appropriate labeling may take up to 50 hours. If one-quarter of the 100 request are original submissions and the remainder are merely notifications of additional shipments, the total cost in time to industry will be less than one staff year.

Labeling for an investigational drug is a requirement for drugs used in domestic investigations, and the agency's current policy on exporting investigational animal drugs also requires labeling. Thus, the labeling is not a new requirement, although the wording of the labeling statement is slightly different for export INAD's. Because no more than 100 requests per year for export of INAD's are expected, the cost for this labeling will be insignificant.

Section 511.1(f) of this tentative final rule contains information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, FDA has submitted a copy of this tentative final rule to the Office of Management and Budget (OMB) for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to FDA's Dockets Management Branch (address above) and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., Rm. 3208, Washington, DC 20503, Attention: Bruce Artim.

PART 51—[AMENDED]

List of Subjects in 21 CFR Part 511

Animal drugs, Medical research.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b, 371(a))) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), it is proposed that Part 511 be amended by adding new paragraph (f) to § 511.1, to read as follows:

§ 511.1 New animal drugs for investigational use exempt from section 512(a) of the act.

* * * * *

(f) *Export of new animal drugs for investigational use.* New animal drugs intended for clinical investigation in animals may be exported provided:

(1) A "Notice of Claimed Investigational Exemption for a New Animal Drug" is filed in accordance with paragraph (b)(4) of this section except that the commitment required by paragraph (b)(4)(v)(*a*) of this section is required only if food-producing animals or the edible products of such animals treated with the investigational drug are intended for shipment to the United States.

(2) The sponsor notifies the government of the country to which the drug is to be exported of the intended investigational use of the drug in that country before any shipments of the drug to that country are made, and a copy of such notification has been submitted to the Food and Drug Administration, Bureau of Veterinary Medicine (HFV–100), 5600 Fishers Lane, Rockville, MD 20857. The notification shall include:

(i) The information required by paragraph (b)(4) of this section except that the commitment required by paragraph (b)(4)(v)(*a*) of this section is required only if food-producing animals or the edible products of such animals treated with the investigational drug are intended for shipment to the United States.

(ii) A statement, if the drug is for use in food-producing animals, that neither the treated animals nor food from the treated animals is to be shipped to the United States unless the sponsor obtains authorization in accordance with paragraph (b)(5) of this section.

(3) In lieu of the labeling required in paragraph (b)(1) of this section, labeling shows that the drug is intended for export and:

(i) Bears the following precaution: "*Caution.* Contains a new animal drug for use only in investigational clinical trials. Not for use in humans. Edible products from animals used for investigation are not to be used for food in any manner contrary to the requirements of the country in which the clinical trials are to be conducted"; and

(ii) If the drug is intended for food-producing animals, bears the following statement: "No official withdrawal time has been established by the U.S. Food and Drug Administration for this product under the proposed investigational use".

(4) If the drug is for use in food-producing animals, the sponsor obtains from the investigator a commitment to inform the appropriate agency of the foreign government and the slaughter facility that the animals have been treated with an investigational drug and that food from the treated animals is not to be shipped to the United States unless the sponsor obtains authorization in accordance with paragraph (b)(5) of this section.

Interested persons may, on or before January 8, 1985 submit to the Dockets Management Branch (address above) written comments regarding this tentative final rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 23, 1984.

Frank E. Young,

Commissioner of Food and Drugs.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 84-29476 Filed 11-8-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

Public Comment and Opportunity for Public Hearing on Modifications to the New Mexico Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for requesting a public

hearing on the substantive adequacy of a program amendment submitted by New Mexico to modify the New Mexico permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment submitted by New Mexico for the Secretary's approval includes a proposal to repeal section 1–11 which concerns suspension and remand of Federal rules, and modifications of rules concerning conformance of the permit to amended rules and the requirements for backfilling and grading. This notice sets forth the times and locations that the New Mexico program and the proposed amendment are available for public inspection and the comment period during which interested persons may submit written comments on the proposed amendment.

DATE: Written comments, data or other relevant information not received on or before 4:00 p.m. December 10, 1984 will not necessarily be considered. A public hearing on the proposed modification has been scheduled for December 4, 1984 at 10:00 a.m. at the address listed below under **"ADDRESSES."**

Any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Hagen at the address below by November 26, 1984. If no person has contacted Mr. Hagen by this date to express an interest to participate in this hearing, the hearing will not be held. If only one person has so contacted Mr. Hagen, a public meeting, rather than a hearing may be held and the results of the meeting including in the Administrative Record.

ADDRESSES: The public hearing will be held at the State of New Mexico, Energy and Mineral Department, Mining and Minerals Division, Map Room, 525 Camino Des Los Marquez, Santa Fe, New Mexico.

Written comments should be mailed or hand-delivered to Mr. Robert Hagen, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 219 Central Avenue, NW, Albuquerque, New Mexico 87102.

Copies of the proposed modifications to the New Mexico program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Headquarters Office, the OSM Field Office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5124, 1100 "L" Street, NW., Washington, D.C. 20240.

Office of Surface Mining Reclamation and Enforcement, Field Office, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

Energy and Minerals Department, Division of Mining and Minerals, 525 Camino De Los Marquez, Santa Fe, New Mexico 87501, Telephone: (505) 827–5451.

FOR FURTHER INFORMATION CONTACT: Robert Hagen, Field Office Director, Office of Surface Mining, 219 Central Avenue, NW., Albuquerque, New Mexico 87102, Telephone: (505) 766–1486.

SUPPLEMENTARY INFORMATION:

Background

Information regarding the general background of the New Mexico State program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the New Mexico program can be found at 45 FR 86459–86490 (December 31, 1980).

Proposed Amendment

On June 20, and July 18, 1984, New Mexico submitted proposed program amendments to modify its surface coal mining regulations. The June 20, 1984 submission proposes to add a section 11–30 to allow a permittee to request a permit review for the purpose of conforming the permit to amended State rules. The July 18 submission proposes to repeal section 1–11 concerning suspension of Federal rules provided that the repeal not affect certain persons specified in the proposed new section 1–11 language. The July 18 submission also proposes to amend backfilling and grading requirements concerning the covering of coal seams and acid- and toxic-forming materials.

OSM is seeking comment on whether the New Mexico proposed modifications are no less effective than the requirements of the Federal regulations and satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

The full text of the proposed program modifications submitted by New Mexico for OSM's consideration is available for public review at the addresses listed under **"ADDRESSES."** Also, each requestor may receive free of charge, one single copy of the proposed modifications by contacting the OSM Albuquerque Field Office listed under **"ADDRESSES."**

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 931

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: November 5, 1984.

Wesley R. Booker,

Acting Director, Office of Surface Mining.

[FR Doc. 84–29503 Filed 11–8–84; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 51

[AD–FRL–2713–5]

Visibility Impairment From Pollution; Public Meetings of Interagency Task Force on Visibility

AGENCY: Environmental Protection Agency.

ACTION: Request for comments and announcement of public meetings.

SUMMARY: The Environmental Protection Agency has established an interagency task force to develop a long-term (5–10 year) strategy for dealing with visibility impairment from pollution derived regional haze. This notice solicits public comment on the issues and alternatives

being addressed by the task force and announces two public meetings at which representatives of the task force will be present to receive public comment and discuss the work of the task force.

DATES: The first public meeting will be held in Denver, Colorado on December 5, 1984 at 9:30 a.m. MST. The second public meeting of the task force will be held in Washington, D.C. on December 10, 1984 at 9:30 a.m. EST.

ADDRESSES: The first meeting will be held at the New Custom House, Room 158, 721 19th Street, Denver, Colorado. The second meeting will be held at the Environmental Protection Agency, 401 M Street, SW, Room 3906, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John Bachmann, Strategies and Air Standards Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Drop 12, Research Triangle Park, NC 27711, Telephone 919–541–5531 (FTS 629–5531).

SUPPLEMENTARY INFORMATION: .

Availability of Related Information

Several preliminary reports and summaries have been prepared in support of the task force. Among these are the Interim Research Needs and Analytical Statement (April 1984), a draft contractor report Visibility and Other Air Quality Benefits of Sulfur Dioxide Emissions Controls in the Eastern United States (September 1984) and a second draft report on current and projected emissions in the Western U.S. Limited quantities of these materials can be obtained by contacting John Bachmann at the address listed below. Also, an outline of alternative regulatory strategies that will be examined by the task force has been prepared to aid in focusing public comment and discussion. Copies of this report are also available from John Bachmann.

Visibility Task Force

Historically, visibility impairment has been among the most frequently reported effects of air pollution. The Clean Air Act of 1970 mandated protection of visibility generally through the ambient standards (Section 108–110) and other programs intended to protect public welfare, specifically including effects on visibility in the definition of welfare effects (Section 302h). In the 1977 amendments to the Act, Congress called for special protection of visibility in certain Federal lands such as national parks and wilderness areas under Sections 169A(a)(1) and 165, and established "as a national goal, the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution."

Although many indices can be used to measure visibility impairment, it is useful to refer to two categories: (1) Visible plumes of smoke, dust, or colored gas that obscure the sky relatively near their source of emission, and (2) regional haze, which is relatively homogeneous, reduces visibility in every direction from the observer, and can occur on a geographic scale ranging from an urban area to multistate regions. In some transition cases, hazes can appear as bands or layers of discoloration.

Independent State and local regulations over the years have controlled the frequency and extent of visible plumes in populated areas and the first phase of Section 169A visibility regulatory requirements promulgated in 1980 (40 CFR 51.300–307) and the recent proposal to implement these rules for certain states (49 FR 42670) are intended to deal with visible plumes as they may affect class I areas. Regional haze, is however, a more complex phenomenon that involves multiple source emissions and atmospheric transformations of fine particles, sulfur and nitrogen oxides, and organics. Because of these complexities, the need for improved scientific and technical information, and the absence of any coordinated examination of how regional have programs might be integrated with ongoing air pollution control programs, decisions on programs for regional haze have been deferred.

Given the need to address the issue in an informed and systematic manner, EPA has established the Visibility Task Force to develop recommendations on a long-term (5 to 10 year) strategy for dealing with regional haze. The group is charged with (1) Defining goals and criteria, research needs, and regulatory options for regional haze programs, and (2) integrating regional haze issues in class I areas with more general visibility protection under the ambient standards and with related aspects of acid deposition, fine particle, sulfur oxides, and other air pollution control programs that may affect visibility. The task force includes representatives of EPA's headquarters and regional offices, the National Park Service, the Bureau of Land Management, the Forest Service, the Department of Energy, the Department of Defense, and the Tennessee Valley Authority. The task force also maintains liaison with interested groups and State air pollution officials. This notice solicits the involvement of the public at large through written comments and the public meetings in December.

The major task force output will be a report in early 1985, containing its findings and recommendations and a summary of supporting material and analyses. The group has already made interim research and analytical recommendations for internal Agency planning.

The final report will deal with the following major subject areas:

1. Characterization of Regional Visibility Impairment

This will be a largely technical and descriptive presentation dealing with the definition of what is included in "regional haze" and the extent of our knowledge on current regional visibility in various areas of the country. Available information will be summarized on trends, major source/pollutant categories, anthropogenic vs. natural contributions, and on the adequacy of monitoring, source characterization approaches, and models.

2. Projecting Future Regional Visibility

Available studies projecting regional growth in important source categories and associated emissions will be examined to determine the extent to which regional visibility may be expected to change, assuming continued implementation of current regulatory programs. Two contractor studies have been commissioned that project emissions and use available regional scale air quality models to (1) examine visibility and other air quality related impacts of alternative regional sulfur oxide controls in the eastern U.S. and (2) provide an assessment of current and projected (1995) sources of regional haze in the southwestern U.S.

3. Criteria for Evaluating Alternative Control Strategies

This section will discuss the criteria used by the task force for evaluating alternative strategies. Such criteria will encompass information on the economic and other value of visibility, a useful indicator or metric for regional visibility, and the effectiveness of strategies, compatability with other programs, incremental costs, associated improvements in other air quality related values (e.g. acid deposition) and other factors.

4. Evaluation of Alternative Regulatory Strategies

Using the currrent and projected emissions of important sources and pollutants as a starting point, this

section will identify and evaluate alternative emissions controls, siting criteria, or other tactics that would reduce haze. A manageable list of reasonable alternative strategies will be identified and evaluated. This will use, where available and feasible, the results of the regional modeling analyses.

This section of the task force report will also discuss the statutory and regulatory authorities under which haze reducing or preventing emission control measures might be required. Alternative uses of available authorities range from continuation of current regulatory requirements through use of authorities intended to address other problems that would affect haze precursors as a fringe benefit. Where desirable approaches cannot be implemented fully with current regulatory authorities, (e.g., NAAQS, PSD, 169A, NSPS) the task force will make recommendations concerning useful changes in legislative authorities. The interaction of visibility related improvements with other possible Act changes that have been advanced (e.g., acid deposition) will be discussed.

5. Research Needs

Because substantial uncertainties exist in our ability to characterize and model regional haze, the above assessment and any subsequent implementation will have significant limitations. The final report will contain a list of research priorities for improved development, assessment, and implementation of long range strategies.

Comments are solicited on the full scope of the Visibility Task Force examination outlined above, and specifically on desirable goals for national or regional visibility programs, alternative strategies, and research needs.

Public Meetings

Individuals planning to make oral presentations at the public meetings should notify John Bachmann at the above address at least seven days prior to the date of the meeting. To the extent time and number of discussants allows, it is intended that the meeting be run as an informal and open discussion among the task force members and public participants. Depending on the number of and interests of individual presentations, however, a more structured format with specified time allocations may have to be utilized.

Written summaries of the meetings will be prepared and included as appendices to the final task force reports. No verbatim transcript will be made.

All written comments concerning the visibility task force should be sent to John Bachmann at the address listed above. To ensure full consideration on Task Force deliberations, written comments should be received no later than January 11, 1985.

Dated: November 2, 1984.

Joseph A. Cannon,

Assistant Administrator for Air and Radiation.

[FR Doc. [illegible] Filed 11-8-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

Participation by Minority Business Enterprise in Department of Transportation Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: In December 1983, the Department published an advance notice of proposed rulemaking requesting comment on a proposal, initiated by two minority-owned financial institutions, to permit the crediting of financial services of minority financial institutions toward goals under the Department's minority, disadvantaged, and women's business enterprise programs. After considering comments on the advance notice, the Department has decided not to proceed further with rulemaking on this subject. Consequently, the Department is withdrawing the advance notice of proposed rulemaking.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Room 10105, 400 7th Street, SW, Washington, DC 20590, (202) 426–4723.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 1983, the Department published an advance notice of proposed rulemaking (ANPRM) requesting public comment on a proposal to permit credit for the use of the services of minority financial institutions (MFIs) to be counted toward goals for the use of minority, disadvantaged, and women's business enterprises (MBEs, DBEs, WBEs) in DOT financial assistance programs (48 FR 54379). The proposal discussed in the ANPRM was suggested to the Department by representatives to two MFIs who urged the Department to adopt such a provision.

Section 23.45(d) of the Department's existing MBE regulation (49 CFR Part 23) encourages recipients and contractors to use the services offered by MFIs. However, recipients are not required to use MFIs, and the use by recipients or contractors of the services of MFIs is not counted toward overall or contract goals.

The banks' proposal outlined in the ANPRM would permit the value of a bank's services attributable to a particular contract to be counted toward a goal for that contract. The amount of money that could be credited toward the goal in the case of a loan or other cost-bearing services would be the total amount of interest payments and fees actually paid to the financial institution. In addition, the "average daily net collected balance" of amounts in non-interest bearing depository accounts (e.g., a standard checking account) could be counted toward goals. To ensure that a disproportionate share of contract goals would not be met through the use of MFIs, the proposal would limit credit for the use of MFIs' services to ten percent of the amount of any contract goal. In an April 2, 1984, policy notice, the Small Business Administration (SBA) said that it was adopting a similar proposal for use in direct Federal procurement activities (49 FR 13091).

In the ANPRM, the Department said that it believes that support of minority financial institutions is a worthwhile objective. However, the Department raised several questions concerning the practicability of the banks' proposal. One of these questions concerned whether it would be reasonable to allow credit toward goals (which represent a percentage of funds received from the Department) for items like interest and the average balance of checking accounts, which do not constitute a portion of DOT financial assistance. Counting these financial institutions services toward goals would require a change in existing DOT policy that limits credit toward goals to the value of items eligible for reimbursement under a DOT-assisted contract.

Other matters on which comment was requested included the way in which the eligibility of MFIs would be determined, the potential monitoring and accounting problems that would be encountered in implementing the banks' proposal, and the potential effect of the implementation of the proposal on other minority, disadvantaged, or women's businesses. In addition, the Department sought comment on ways other than the banks' proposal through which the

Department could encourage the participation of MFIs in DOT-assisted programs.

Comments

The Department received 29 comments on the ANPRM. These comments came from the following sources:

Minority financial Institutions and Associations	2
Other Minority or Women's Businesses and Associations	7
Nonminority Businesses	2
State Transportation Agencies	10
Local Transportation Agencies	5
Members of Congress	1
Civil Rights and Community Orgnizations	2

Of these comments, seven expressed full or qualified support for the banks' proposal discussed in the ANPRM. Six comments expressed general support for assisting MFIs but did not express support for the banks' proposal. Sixteen comments opposed the proposal. Of the Comments favoring the bank's proposal, two were from minority financial institutions or associations, two were from other minority businesses or associations, two were from state transportation agencies, and one was from a civil rights organization. Two minority businesses or associations, one state and one local transportation agency, one member of Congress, and one community organization expressed general support for assisting MFIs, but did not specifically support the banks' proposal. Opponents of the banks' proposal included two minority businesses or associations, two nonminority contractors, seven state transportation agencies, four local transportation agencies and one community organization.

On the other issues, eight commenters (including five transportation agencies and three minority businesses) felt that implementing the banks' proposal would hurt other minority businesses. Two commenters (one MFI and one minority business) argued the contrary. For seven state and local transportation agencies, the "reimbursable expenditure" problem was an obstacle to implementing the banks' proposal. Some supporters of the proposal did not believe that this was a problem, however. Eight state transportation agencies commented that it would be difficult and burdensome to monitor and calculate credit toward goals for the use of MFIs.

Two commenters, both minority businesses or associations, suggested that, in return for helping MFIs, the Department should require MFIs to create specific financing opportunities for other minority or disadvantaged businesses. Nine commenters (including one minority business association, six state and local transportation agencies, one member of Congress, and one community organization) suggested that, rather than counting the use of MFIs toward the existing MBE/DBE/WBE goals, the Department should create a new set of separate goals for the use of MFIs. Four state and local transportation agencies, on the other hand, said that DOT should continue its existing provision, which encourages the use of MFIs. With respect to eligibility, seven commenters, including some opponents of the bank's proposal, said that normal eligibility standards under 49 CFR Part 23 should be used. Four commenters (including two minority financial institutions or associations, one minority business, and one member of Congress) favored using a Department of Treasury list of MFIs instead of the Part 23 certification process.

Determination

The Department believes that MFIs are an important part of the overall minority, disadvantaged, and women's business community. We continue to encourage recipients and contractors to make use of the services of MFIs. However, the Department has determined that it will not pursue further rulemaking on the basis of this ANPRM. The Department believes that practicable implementation of the banks' proposal will be very difficult in the context of the Department's financial assistance programs.

In the ANPRM, the Department expressed the concern that the banks' proposal was conceptually inconsistent with the Department's MBE/DBE/WBE program. That is, MBE/DBE/WBE goals are expressed as a percentage of Federal financial assistance paid to eligible firms for products and services eligible for reimbursement in DOT-assistance programs. To meet a ten percent DBE goal, for example, a state highway agency must ensure that ten percent of the dollars it receives through the Federal Highway Administration for use in contract and purchasing are spent with disadvantaged businesses. The money that a recipient or a contractor pays to a bank for interest on a loan, or the amount of money a recipient or contractor keeps in a checking account, does not constitute any part of the Federal financial assistance provided to the recipient. Under the banks' proposal, therefore, up to a tenth of goals for the expenditure of Federal financial assistance with DBE firms could be met by something that is not an expenditure of Federal financial assistance with DBE firms. Such a striking conceptual difficulty would probably cause considerable confusion in the administration of the program. The problem is not only conceptual and administrative, however. Section 105(f) the Surface Transportation Assistance Act of 1982 requires that, except to the extent the Secretary determines otherwise, ten percent of the funds authorized by the Act be expended with disadvantaged businesses. The Department is concerned that, to the extent that the use of MFIs would count toward goals established under section 105(f), it would be more difficult for the Department and its recipients to comply with the statute. That is, the banks' proposal would result in a goal for any expenditure of Federal financial assistance with the disadvantaged businesses being met, in part, by something that was not the expenditure of Federal financial assistance with disadvantaged businesses. Under these circumstances, a recipient that apparently met a ten percent goal might be spending only nine percent of its Federal financial assistance with disadvantaged business enterprises. The meaning of meeting a ten pecent goal, and compliance with section 105(f), would therefore be in question. A majority of commenters who addressed this issue appeared to share the Department's concerns in these respects.

In addition, the Department remains concerned that the banks' proposal could diminish opportunities for other MBE/DBE/WBE firms. Under the banks' proposal, a recipient could meet a ten percent goal by spending nine percent of its Federal financial assistance with disadvantaged businesses and taking credit for the use of FMIs for the remainder of the ten percent goal. Under the existing regulation, a recipient has to spend ten percent of its Federal financial assistance with disadvantaged businesses in order to meet a ten percent goal. Given the large amounts of Federal financial assistance received by many state highway agencies, transit authorities, and other recipients, this effective reduction of the overall contracting goal from ten percent to nine percent could represent a substantial number of contracting opportunities for disadvantaged businesses. Foregoing these contracting and purchasing opportunities appears contrary to the intent of the Department's MBE/DBE/WBE programs and regulations. A majority of commenters addressing the issue, including both recipients and minority businesses, agreed that the banks' proposal would have this

potential adverse effect on minority business.

The second major problem with implementing the banks' proposal concerns the administrative burden it would impose upon recipients. All the recipients that commented on this issue argued that it would be very difficult and burdensome for them to monitor and account for credit claims toward goals for the use of MFIs. Not only would the question of attribution to the DOT contracts and projects (discussed in the ANPRM) arise, but tracking financial transactions among contractors, subcontractors, and financial institutions would be a substantial, new, and technically difficult task for recipients' MBE/DBE/WBE program staffs to carry out. Particularly given the Department's policy emphasis on improving and making more thorough recipients' eligibility certification and verification procedures, the Department does not believe that it would be appropriate to add these additional tasks to the already heavy workloads of recipients' staffs.

Some commenters, citing conceptual and other problems with the banks' proposal, suggested that, as an alternative, the Department consider setting new, separate goals for the use of MFIs. This approach would avoid the conceptual problems associated with the banks' proposal as well as the potentially damaging effects on opportunities for other MBE/DBE/WBE firms. Consequently, the Department considered the desirability of such an approach. However, this approach would have no fewer administrative burdens for recipients than the banks' proposal. Because recipients would have to establish a new element of their MBE/DBE/WBE programs and require contractors to meet an additional goal, the Department is concerned that this approach would be more burdensone administratively than the banks' proposal. Principally for this reason, the Department has decided against proposing separate goals for the use of MFIs.

The Department is aware that on April 2, 1984, the Small Business Administration (SBA) issued a policy statement adopting a scheme very similar to that of the banks' proposal for use in direct procurement by Federal agencies. This policy is not legally binding on the Department for purposes of its financial assistance program, however. Because of the differences between direct Federal procurement and procurement by recipients in DOT financial assistance programs, the SBA policy does not raise the same conceptual problems as does the banks' proposal in the context of DOT financial assistance programs. While implementing the SBA policy will add to Federal agencies' workloads in the procurement area, it will not result in any administrative burdens for the recipients of financial assistance from DOT and other Federal agencies. Consequently, the Department does not believe it necessary or advisable to follow the SBA's action with a similar action in the financial assistance area.

One of the assumptions of the banks' proposal (made explicit in SBA's discussion of its policy statement and accompanying size standard for banks) is that incentives for the use of MFIs will indirectly assist other minority businesses in obtaining financing and other financial services. That is, it is assumed that if minority banks receive more business as a result of incentives in a DOT regulation, they in turn will make loans and other financial services available to more minority and disadvantaged businesses.

The Department is not certain whether this assumption is well founded. While it is possible that MFIs have closer ties to the minority business community than other financial institutions, it is also possible that, because of other investment priorities and the importance to any bank of cautious lending policies, that MFIs would not be in a substantially better position than other banks to provide financing and other services to the minority business community. The comments to the ANPRM do not provide any direct evidence on this question. However, two minority business commenters suggested that, in return for providing assistance to MFIs, DOT should require MFIs to create financing opportunities for other minority and disadvantaged businesses (e.g., by requiring MFIs to use the additional funds they receive as a result of regualtory incentives specifically to assist other minority businesses). This comment underlines the concern about the link between incentives for the use of MFIs and assistance in financing to other businesses. However, because of its administrative complexity, and because of DOT's regulatory authority with respect to the lending and other business practices of banks is, at best, very indirect, the Department does not believe that it would be appropriate to adopt this suggestion.

For these reasons, the Department is withdrawing this ANPRM and does not propose to take any further regulatory action at this time concerning minority financial institutions.

Issued at Washington, D.C., this 2nd day of November of 1984.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 84-29504 Filed 11-8-84; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 227

Review of Marine Mammals, Sea Turtles, and Marine Fishes Listed as Endangered or Threatened

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of status reviews.

SUMMARY: The NMFS has completed a review of the status of certain endangered and threatened species under its jurisdiction, as required by Section 4(c)(2) of the Endangered Species Act of 1973 (ESA). The status reviews are available upon request. Based on these reviews, the NMFS may propose changes in the listing status for some species.

ADDRESS: Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Patricia Montanio (Protected Species Division), 202 634-7471.

SUPPLEMENTARY INFORMATION: The ESA is administered jointly by the Fish and Wildlife Service (FWS), Department of the Interior, and the NMFS, Department of Commerce. The NMFS has jurisdiction over most marine species and makes determinations under Section 4(a) of the ESA as to whether the species should be listed as endangered or threatened. The FWS and the NMFS share jurisdiction over sea turtles, with the FWS having responsibility for sea turtles in the terrestrial environment and the NMFS having responsibility for sea turtles in the marine environment. The FWS maintains and publishes the List of Endangered and Threatened Wildlife (List) in 50 CFR Part 17 for all species determined by the NMFS or the FWS to be endangered or threatened. A list of those endangered species under the jurisdiction of the NMFS is contained in

50 CFR 222.23(a) and threatened species in 50 CFR 227.4.

Section 4(c)(2) of the ESA requires that, at least once every five years, a review of the species on the List be conducted to determine whether any species should be (1) removed from the List; (2) changed in status from an endangered species to a threatened species; or (3) changed in status from a threatened species to an endangered species. On February 9, 1983, the NMFS published a notice in the **Federal Register** (48 FR 5982) that it was conducting status reviews for species under its jurisdiction and solicited comments and information. The status reviews for the following species have been completed and are available upon request:

Totoba (*Cynoscion macdonaldi*)
Green sea turtle (*Chelonia mydas*)
Hawksbill sea turtle (*Eretmochelys imbricata*)
Kemp's ridley sea turtle (*Lepidochelys kempi*)
Leatherback sea turtle (*Dermochelys coriacea*)
Loggerhead sea turtle (*Caretta caretta*)
Olive ridley sea turtle (*Lepidochelys olivacea*)
Caribbean monk seal (*Monachus tropicalis*)
Hawaiian monk seal (*Monachus schauinsalandi*)
Blue whale (*Balaenoptera musculus*)
Bowhead whale (*Balaena mysticetus*)
Fin whale (*Balaenoptera physalus*)
Gray whale (*Eschrichtius robustus*)
Humpback whale (*Megaptera novaeangliae*)
Right whale (*Balaena glacialis*)
Sei whale (*Balaenoptera borealis*)

Based upon the status reviews, the NMFS believes the following proposed changes to the List are warranted:

1. *Caribbean Monk Seal.* The available information indicates that the Caribbean monk seal is extinct. Caribbean monk seals were not found in surveys made in 1950, 1951, 1969, and 1973. Surveys of beaches for the Western Atlantic Turtle Symposium in 1983 also provided no evidence that a residual population exists. Therefore, the NMFS concludes that the species should be removed from the List.

2. *Gray Whale.* The eastern North Pacific or California stock of the gray whale has recovered to near its original population size (at the time commercial whaling began). Because of its recovery and current growth rate of about 2.5 percent a year, the NMFS concludes that this stock is not an endangered species. However, because of limited calving grounds and primarily coastal habitat which is being subjected to increasing development, the NMFS concludes that the California stock of gray whale should be listed as threatened.

3. *Olive Ridley Sea Turtle.* The western North Atlantic (Surinam and adjacent areas) nesting population of Olive ridley sea turtle has declined more than 80 percent since 1967. The survival of this population may be jeopardized by the killing of turtles in shrimp trawls. Physical changes in the nesting beaches may impact future nesting at Surinam. Accordingly, the NMFS concludes that the western North Atlantic population should be classified as endangered, rather than threatened.

List of Subjects

50 CFR Part 222

Administrative practice and procedures, Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Reporting and recordkeeping requirements.

50 CFR Part 227

Endangered and threatened wildlife, Exports, Fish, Fisheries, Imports.

Dated: November 5, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Services.

[FR Doc. 84-29570 Filed 11-8-84; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 49, No. 219
Friday, November 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Administration; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States, to be held at 9:00 a.m., Monday, November 19, 1984, at 2120 L Street, NW., Suite 500, Washington, D.C.

The Committee will meet primarily to discuss a draft recommendation to agencies and Congress on administrative settlement of tort and other monetary claims, based in part on a study by Professor George Bermann of Columbia University School of Law.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committiee before, during or after the meeting.

For further information contact Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202–254–7065) Minutes of the meeting will be available on request.

Richard K. Berg,
General Counsel.
November 6, 1984.
[FR Doc. 84–29584 Filed 11–8–84; 8:45 am]
BILLING CODE 6110–01–M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

AGENCY: Advisory Council on Historic Preservation.
ACTION: Notice.

SUMMARY: Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on November 19, 1984, at 7:00 p.m., a public information meeting will be held at the Commission Chambers, City Hall, 455 North Main, Wichita, Kansas.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, state, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed Downtown Transit Center, an undertaking assisted by the Urban Mass Transportation Administration that will adversely affect the Old City Hall, a property included in the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the executive Director of the Council.

a. A description of the undertaking and an evaluation of its effects on the property by the Urban Mass Transportation Administration.

b. A statement by the Kansas State Historic Preservation Officer.

c. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

d. A general question period.

Representatives of the Council, the Urban Mass Transportation Administration, the Kansas State Historic Preservation Officer, and the City of Wichita will limit their statements to not more than 15 minutes. Other speakers should limit their statements to not more than 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting and for an additional 10 days.

FOR FURTHER INFORMATION CONTACT: Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 730 Simms Street, Room 450, Golden, Colorado 80401; telephone (303) 236–2682.

Dated: November 7, 1984.
Robert R. Garvey, Jr.,
Executive Director.
[FR Doc. 84–29730 Filed 11–8–84; 10:10 am]
BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Navel Oranges Grown in Arizona and Designated Part of California

AGENCY: Agriculture Marketing Service.
ACTION: Notice of Marketing Policy.

SUMMARY: This notice sets forth a summary of the 1984–85 marketing policy for navel oranges grown in Arizona and designated part of California and an amendment of that policy. The marketing policy and amendment were submitted by the Navel Orange Administrative Committee which functions under the marketing order covering California-Arizona navel oranges. The amended marketing policy contains information on crop and market prospects for the 1984–85 season.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephne (202) 447–5975. Growers and handlers of navel oranges may obtain a copy of the amended marketing policy directly from the Navel Orange Administrative Committee. Copies of the amended marketing policy are also available from Mr. Doyle.

SUPPLEMENTARY INFORMATION: Pursuant to § 907.50 of the marketing order covering navel oranges grown in Arizona and designated part of California the Navel Orange Administrative Committee, hereinafter referred to as the "committee", is

required to submit a marketing policy to the Secretary prior to recommending regulations for the ensuing season. The order authorizes volume and size regulations applicable to fresh shipments of navel oranges to domestic markets including Canada. Export shipments of oranges and oranges utilized in the production of processed orange products are not regulated under the order.

The committee has adopted a marketing policy for the 1984–85 marketing season. The marketing policy is intended to inform the Secretary and persons in the industry of the committee's plans for recommending regulation of shipments during the marketing season and the basis therefor. The committee evaluates market conditions and makes recommendations to the Secretary as to the quantity of navel oranges that can be shipped each week to domestic outlets without disrupting markets. Under certain conditions, the committee may recommend size regulations applicable to fresh domestic shipments.

In its 1984–85 marketing policy the committee initially projected the California-Arizona navel orange crop at 77,500 cars (1,000 cartons at 37½ pounds net weight each). The committee, on October 9, 1984, revised the crop estimate to 68,300 cars. Last year's production was recorded at 69,650 cars. In District 1, Central California, the committee has revised the crop estimate to 58,500 cars compared to 60,605 cars produced a year ago. In District 2, Southern California, the crop is now expected to be 8,500 cars compared to 7,876 cars produced in 1983–84. In District 3, Arizona-California desert valley, the revised crop estimate is 900 cars compared to 802 cards in 1983–84, and in District 4, Northern California, a 400 car crop is projected compared to 367 cars last year.

It is expected that orange sizes will be smaller than last year on the average. Fruit quality is expected to be good.

The committee estimates that shipments to domestic fresh market outlets, including Canada, will account for 45,500 cars. Last year a total of 45,917 cars were shipped to domestic markets. Fresh export shipments are expected to total 6,500 cars compared to 5,309 cars last year. Processing and other disposition is now forecast at 16,300 cars compared to 18,424 cars last year.

Based on current projections, shipments are expected to begin in mid-October and finish in June. The committee has adopted a schedule of estimated weekly shipments during the 1984–85 season.

When the marketing policy was developed indications were that Florida round orange production would be about 10 percent less than last year. The Florida citrus industry does not expect the volume of 1984–85 fresh Florida orange shipments to be materially reduced due to the recent occurrence of citrus canker in some areas in Florida. In Texas, there has been severe freeze damage and virtually no commercial orange production is expected in 1984–85. Production of apples is estimated at 198.4 million bushels in 1984–85 compared to 198.0 million bushels in 1983–84. Winter pear production is estimated at 7.9 million bushels in 1984–85 compared to 9.7 million bushels last year. General economic conditions are expected to be favorable during 1984–85.

In addition, the committee plans to continue two actions to promote flexibility in marketing order operations: (1) Recommending weekly volume regulations to cover two consecutive one-week periods and (2) recommending open movement for a prorate district when 85 percent of the crop in that district has been shipped. Both of those actions were initiated during the 1983–84 season.

Publication of the summary of the marketing policy is not required by the marketing order nor is it a prerequisite to the issuance of regulations authorized under the order. Since the marketing policy has not been previously published and such policy is an indication of potential shipping regulations during the 1984–85 navel orange season, publication of this summary of the marketing policy is intended to provide information as to such potential regulations to all interested parties. This action does not create any legal obligations or rights, either substantive or procedural.

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

Dated: November 5, 1984.

Thomas R. Clark,

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

[FR Doc. 84-29449 Filed 11-8-84; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

Natural Resource Management Guide; Meeting

AGENCY: Farmers Home Administration, USDA

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in Gainesville, Florida, is announcing a public information meeting to discuss its draft Natural Resource Management Guide.

DATES: Meeting on December 6, 1984, 1:30 p.m. to 3:30 p.m.

Comments must be received no later than January 5, 1985.

ADDRESSES: Meeting location at Conference Room 324, 401 SE. 1st Avenue, Gainesville, Florida 32602.

Written comments and further information will be addressed to: State Director, FmHA, 401 SE. 1st Avenue, Gainesville, Florida 32602 (904–376–3218).

All written comments will be available for public inspection during regular work hours at the above address.

SUPPLEMENTARY INFORMATION: FmHA's Florida State Office has prepared a draft Natural Resource Management Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulgated at the Federal and State levels and that affect the financing of FmHA activities in Florida. The purpose of the meeting is to discuss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide can be obtained by writing or telephoning the above contact.

Any person or organization desiring to present formal comments or remarks during the meeting should contact FmHA in advance, if possible. It will also be possible at the start of the meeting to make arrangements to speak. Time will be available during the meeting to informally present brief, general remarks or pose questions. Additionally, a 30-day period for the submission of written comments will follow the meeting.

Dated: November 5, 1984.

David J. Howe,

Director, Program Support Staff.

[FR Doc. 84-29523 Filed 11-8-84; 8:45 am]

BILLING CODE 3410-07-M

Natural Resource Management Guide; Meeting

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in St. Paul, Minnesota, is announcing a public information meeting to discuss its draft Natural Resource Management Guide.

DATES: Meeting on November 21, 1984, 2:00 p.m. to 4:00 p.m.

Comments must be received no later than December 21, 1984.

ADDRESSES: Meeting location at Federal Courts Building, Room 233, St. Paul, Minnesota 55101.

Written comments and further information will be addressed to: State Director, FmHA, 252 Federal Courts Building, St. Paul, Minnesota 55101 (612–725–5842).

All written comments will be available for public inspection during regular work hours at the above address.

SUPPLEMENTARY INFORMATION: FmHA's Minnesota State Office has prepared a draft Natural Resource Management Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulgated at the Federal and State levels and that affect the financing of FmHA activities in Minnesota. The purpose of the meeting is to discuss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide can be obtained by writing or telephoning the above contact.

Any person or organization desiring to present formal comments or remarks during the meeting should contact FmHA in advance, if possible. It will also be possible at the start of the meeting to make arrangements to speak. Time will be available during the meeting to formally present brief, general remarks or pose questions. Additionally, a 30-day period for the submission of written comments will follow the meeting.

Dated: November 5, 1984.

David J. Howe,

Director, Program Support Staff.

[FR Doc. 84–29525 Filed 11–8–84; 8:45 am]

BILLING CODE 3410–07–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of ATBCB Meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting to be held from 9:00 AM to 1:00 PM, Thursday, November 15, 1984, to take place in the Hubert Humphrey Building, Rooms 503A–529A, 200 Independence Avenue, SW, Washington, D.C.

Items on the agenda: Proposed change of the ATBCB Statement of Organization and Procedures to hold four meetings per year instead of six; TDD's: process to be followed in developing options presented at the September Communications and Attitudinal Barriers Committee meeting; ATBCB FY 1984 report to the President and Congress; status reports and presentations on ATBCB current research projects: Detectable Tactile Surface Treatments and Signage.

DATE: November 15, 1984—9:00 AM–1:00 PM.

ADDRESS: Hubert Humphrey Building, Rooms 503A–529A, 200 Independence Avenue, SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Special Assistant for External Affairs (202) 245–1591 (Voice or TDD).

Committee meetings of the ATBCB will be held on Tuesday and Wednesday, November 13 and 14 in the Hubert Humphrey Building, 200 Independence Avenue, SW, Washington, D.C.

Robert M. Johnson,

Executive Director.

[FR Doc. 84–29478 Filed 11–8–84; 8:45 am]

BILLING CODE 6820–BP–M

CIVIL AERONAUTICS BOARD

[Docket No. 42603]

Houston-London Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on November 13, 1984, at 10:00 a.m. (local time) in Room 1027, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned administrative law judge.

Order 84–11–3 defines the issues to be considered in this proceeding. Attached to the instituting order is a proposed evidence request (Appendix A). The parties are not required to submit any responses to Appendix A prior to the prehearing conference. Objections or requests for modifications to Appendix A may be made orally at the prehearing conference. Additional proposed requests for evidence shall be submitted in writing at the prehearing conference.

Dated at Washington, D.C., November 5, 1984.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 84–29596 Filed 11–8–84; 8:45 am]

BILLING CODE 6320–01–M

[Docket 42603]

Houston-London Case; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

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

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84–29599 Filed 11–8–84; 8:45 am]

BILLING CODE 6320–01–M

[Docket 42458]

Miami-London Competitive Service Case; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled matter, scheduled to commence on November 13, 1984, has been postponed. The hearing is scheduled to commence on November 14, 1984, at 10:00 a.m. (local time) in Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., November 5, 1984.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 84–29600 Filed 11–8–84; 8:45 am]

BILLING CODE 6320–01–M

[Order 84–11–19, Docket 42607]

Experimental Air Service to Canada; Order Instituting Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting Investigation.

SUMMARY: The Board is instituting the *Experimental Air Service to Canada Proceeding* to select a U.S. airport for an experimental air service program to/from Canada.

The complete text of Order 84–11–19 is available as noted below.

DATES: Applications conforming to the scope of this proceeding, and petitions for reconsideration shall be filed by November 13, 1984. Answers shall be filed by November 19, 1984. Any person

may participate in this proceeding by filing a pleading with the Docket Section by the date for answers to applications; therefore, petitions for leave to intervene are not required.

ADDRESSES: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 42607, *Experimental Air Service to Canada Proceeding.*

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Gaynes, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5154.

SUPPLEMENTARY INFORMATION: The complete text of Order 84–11–19 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84–11–19 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: November 5, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–29507 Filed 11–8–84; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 21–84]

Proposed Foreign-Trade Zone, Port of Beaumont, Texas; Amendment to Application

Notice is hereby given that the application submitted to the Foreign-Trade Zone Board on May 7, 1984, by the Foreign-Trade Zone of Southeast Texas, Inc. which included a proposal for a general-purpose zone in the Beaumont, Texas area (49 FR 20747, 5/16/84), has been amended to include an additional site for a public cold-storage facility on a 25-acre site in the Willow Creek Commerical Park on Highway 124 in Beaumont. The zone plan discussed at the June 13 public hearing remains otherwise unchanged.

The record is reopened for comments on this amendment until December 1, 1984. The application and admendment material are available for public inspection at the following locations:

U.S. Customs Service, District Director's Office, 4550 75th St., Port Arthur, TX 77640

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: November 5, 1984.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84–29480 Filed 11–8–84; 8:45 am]

BILLING CODE 3510–DS–M

[Docket No. 48–84]

Foreign-Trade Zone 66, Wilmington, NC; Application for Subzone for Honda Power Equipment Company in Alamance County

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the North Carolina Department of Commerce, grantee of Foreign-Trade Zone 66, requesting special-purpose subzone status for the lawnmower production plant of Honda Power Equipment Company in Alamance County, North Carolina, adjacent to the Durham Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on October 30, 1984. The applicant is authorized to make this proposal under Chapter 55 C–1 of the North Carolina General Statutes.

The proposed subzone will be at Honda's plant on Highway 119 near the intersection of Highway 54, outside Burlington in Alamance County. The 69-acre facility employs ninety persons producing power lawnmower and lawnmower parts. Parts imported for the assembly process include the engine, clutch, wire cable, safety shield, handle stay, discharge guard, scroll guide and control box. Export activity is planned.

Zone procedures will exempt Honda from duty payments on the foreign parts used in its exports. On domestic sales the company would benefit primarily from duty deferral, because the duty rate on most lawnmower parts is equal to or less than the rate on lawnmowers (6.3 percent). It appears that the only components subject to higher duties that would be reduced under subzone procedures are the clutch (7.6 percent) and wire cable (7.6 percent). Subzone status would serve as an incentive for this type of import-substitution activity, and help encourage the fullest possible utilization of the new plant by improving its productivity.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC. 20230; Howard C. Cooperman, Deputy Assistant Regional Commissioner, I & C, U.S. Customs Service, Southeast Region, 99 SE. 5th Street, Miami, FL 33131; and Colonel Wayne A. Hanson, District Engineer, U.S. Army Engineer District Wilmington, P.O. Box 1890, Wilmington, NC 28402.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before December 10, 1984.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office
U.S. Customs Service
Raleigh-Durham Airport
Rt. 1, Box 508
Morrisville, NC 27560

Office of the Executive Secretary
Foreign-Trade Zones Board
U.S. Department of Commerce, Room 1529
14th and Pennsylvania, NW.
Washington, D.C. 20230.

Dated: November 6, 1984.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84–29527 Filed 11–8–84; 8:45 am]

BILLING CODE 3510–DS–M

[Docket No. 49–84]

Application for Subzone Bethlehem Shipyard, Beaumont, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign-Trade Zone of Southeast Texas, Inc., requesting special-purpose subzone status for Bethlehem Steel Corporation's Beaumont Shipyard in Jefferson County, Texas, adjacent to the Beaumont Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on October 30, 1984. The applicant has an application pending before the Board for a general-purpose foreign-trade zone at the Port of Beaumont (Docket 21–84, 49 FR 20747, 5/16/84).

The proposed subzone will cover 81 acres within Bethlehem's 115-acre Beaumont shipyard located on a peninsula bounded by the west bank of the Neches River and the east bank of the Brakes Bayou, near Beaumont, Texas. The facility is used for the

construction of offshore oil drilling platforms and vessels, currently employing 4100 persons. Although the oil rigs are built primarily from domestic materials, Bethlehem installs a substantial amount of owner-furnished material, some of which is imported.

Current vessel activity involves the conversion of two ships to TAKX roll on/roll off logistic ships for leasing to the Navy. Foreign-sourced material for this contract includes hatch covers, doors, cranes, chain, anchors controls, electrical equipment, air conditioning, pumps, boilers, diesel generators, distilling and oil/water separating equipment.

Zone procedures will help Bethlehem to reduce costs on its current orders and to compete internationally on bids for new products. The benefits are related to the fact that most of the components are subject to significant duties, and that the finished products, as oceangoing vessels are duty free.

In accordance with the Board's regulations, and examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Donald Gough, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southwest Region, Suite 500, 5850 San Felipe St., Houston, TX 77057; and Colonel Alan L. Laubscher, District Engineer, U.S. Army Engineer District Galveston, P.O. Box 1229, Galveston, TX 77553.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before December 10,1984. A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 4550 75th Street, Port Arthur, TX 77640

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: November 6, 1984.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-29588 Filed 11-8-84; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance; Newco, Inc., et al.

Petitions have been accepted for filing from the following firms: (1) Newco, Inc., 1 Hicks Avenue, Newton, New Jersey 07860, producer of vinyl wall coverings, wallboard, shower curtains, window shades, pool liners and table covers (accepted October 5, 1984); (2) The Gibbs Manufacturing Company, 606 Sixth Street, N.E., Canton, Ohio 44702, producer of embroidery, quilting and game hoops, and camp stools (accepted October 5, 1984); (3) Cabo Rojo Enterprises, Inc., Suite 412, Fomento Building, Hato Rey, Puerto Rico 00918, processor of salt (accepted October 9, 1984); (4) Reno Iron Works Company, 600 Spice Island Drive, Sparks, Nevada 89431, producer of structural steel and ornamental iron (accepted October 9, 1984); (5) Pesznecker Bros., Inc., 15500 S.E. 102nd, Clackamas, Oregon 97015, producer of motorcycle sprockets (accepted October 9, 1984); (6) Twin City Leather Company, Inc., 9–15 River Street, Gloversville, New York 12078, producer of leather (accepted October 9, 1984); (7) Pacific Engineering, 3211 N.E. 45th Place, Seattle, Washington 98105, producer of video equipment (accepted October 9, 1984); (8) Utica Cutlery Company, P.O. Box 10527, Utica, New York 13503, producer of flatware, knives and cutlery (accepted October 10, 1984); (9) Tunis Manufacturing Corporation, 141 West 36th Street, New York, New York 10018, producer of women's blouses (accepted October 10, 1984); (10) Antmart, Inc., 816 Farren Street, Portage, Pennsylvania 15946, producer of women's dresses (accepted October 10, 1984); (11) W.Q.T., Inc., 490 East Duarte Road, Monrovia, California 91016, producer of tile (accepted October 10, 1984); (12) American China, Inc., 950 North Arco Drive, Phoenix, Arizona 85001, producer of ceramic giftware and bathroom fixtures (accepted October 10, 1984); (13) Bohanna and Pearce, Inc., 2360 Alvarado Street, San Leandro, California 94577, producer of trash cans, fireplace accessories and storage buildings (accepted October 10, 1984); (14) Model Garment Company, Inc., Industrial Park, Frackville, Pennsylvania 17931, producer of women's slacks, blazers and skirts (accepted October 10, 1984); (15) Telemarks, Inc., 123 Main Street, Plaistow, New Hampshire 03865, producer of stuffed toy animals (accepted October 11, 1984); (16) Leader Manufacturing Company, 3693 Forest Park Boulevard, St. Louis, Missouri 63108, producer of caps and other headwear (accepted October 11, 1984); (17) Nu-Dell Plastics Corporation, 6467 North Avondale, Chicago, Illinois 60631, producer of picture frames and housewares (accepted October 16, 1984); (18) Knock on Wood, P.O. Box 259, Freeville, New York 13068, producer of housewares, toys, games and office accessories (accepted October 16, 1984); (19) Dawson Industries, Inc., 1350 Broadway, New York, New York 10018, producer of men's, women's and children's jogging suits, tops, shorts, pants, robes and rompers (accepted October 17, 1984); (20) Foundation Equipment Corporation, 354 Florence Avenue, Dover, Ohio 44622, producer of diesel pile hammers and accessories (accepted October 17, 1984); (21) Depoe Bay Fish Company, Inc., P.O. Box 1650, Newport, Oregon 97365, processor of seafood (accepted October 18, 1984); (22) Certified Metals Company, 175 Entin Road, Clifton, New Jersey 07014, producer of jewelry (accepted October 19, 1984); (23) Aerosystems Technology Corporation, Aerosystems Industrial Park, Franklin, New Jersey 07416, producer of metal tubes, writing instruments and spray coating and ice crushing equipment (accepted October 22, 1984); (24) Reach Electronics, Inc., 1600 West 13th Street, Lexington, Nebraska 68850, producer of electronic signaling and paging equipment (accepted October 24, 1984); (25) Maybelle Manufacturing Company, Inc., 2604 24th Avenue, Gulfport, Mississippi 39501, producer of women's slacks (accepted October 29, 1984); (26) Gendex Corporation, P.O. Box 21004, Milwaukee, Wisconsin 53221, producer of X-ray equipment (accepted October 30, 1984); (27) Manchester Knitted Fashions, Inc., 33 South Commercial Street, Manchester, New Hampshire 03101, producer of men's and women's apparel tops (accepted October 30, 1984); (28) Air-way Sanitizor, Inc., P.O. Box 701, Talladega, Alabama 35160, producer of vacuum cleaners (accepted October 31, 1984); and (29) American Aircraft, Inc., 4310 Rankin Lane, N.E., Albuquerque, New Mexico 87107, producer of aircraft (accepted October 31, 1984).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed

importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A-95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 84-29487 Filed 11-8-84; 8:45 am]

BILLING CODE 3510-DR-M

Decision on Application for Duty-Free Entry of Scientific Instrument; University of Wisconsin-Parkside

Correction

In FR Doc. 84-28310, appearing on page 43086 in the issue of Friday, October 26, 1984, make the following correction.

In the first line of the second paragraph, "Docket No.: 84-204" should have read "Docket No.: 84-206".

BILLING CODE 1505-01-M

National Oceanic and Atmospheric Administration

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of issuance of an experimental fishing permit.

SUMMARY: This notice announces the issuance of an experimental fishing permit to U.S. fishermen to harvest soupfin, leopard, and spiny dogfish sharks incidentally taken in a drift gillnet fishery and to allow these species to be retained and sold. Retention of these species would otherwise be prohibited by the Pacific Coast Groundfish Fishery Management Plan (FMP) and implementing regulations, which also authorize issurance of this permit.

EFFECTIVE DATES: October 22, 1984, through 2400 Pacific Daylight Time October 21, 1985.

FOR FURTHER INFORMATION CONTACT: T.E. Kruse, Acting Regional Director, Northwest Region, NMFS, 206-526-6150.

SUPPLEMENTARY INFORMATION: The FMP provides the basis for regulating groundfish fisheries in the fishery conservation zone off the coasts of Washington, Oregon, and California. Regulations implementing the FMP (47 FR 43964, October 5, 1982) specify that experimental fishing permits (EFPs) may be issued to authorize fishing by U.S. vessels which otherwise would be prohibited. Procedures for application and issuance of EFPs are given in the regulations at 50 CFR 663.10(b) and (c).

An EFP application to retain three species of sharks—soupfin, leopard, and spiny dogfish—taken with a drift gillnet was received by the Director, Northwest Region. A notice acknowledging this receipt and describing the proposal was published in the **Federal Register** (49 FR 39710, October 10, 1984). The application was considered by the Pacific Fishery Management Council on September 19, 1984. The Council recommended approval for data collection for fishery development purposes. No comments were received from the public, either during the Council meeting or in response to publication in the **Federal Register.**

The fishery in which the three species will be taken is directed at thresher sharks, a species not managed by Federal regulations, using drifting gillnets which fish near the surface. It is authorized by permits issued by the Oregon Department of Fish and Wildlife and the Washington Department of Fisheries.

Although large-mesh nets are used in this fishery, (a minimum of 16-inch-stretched-measure-mesh net will be used under this permit), some soupfin, leopard, or spiny dogfish sharks may be taken incidentally. Since these three species are managed under the FMP and implementing regulations, an EFP is required to conduct this experimental fishery and allow these species to be retained and sold when taken by this gear. The permit reguires catch reports to be submitted to NMFS and an observer to be accommodated on the vessel at NMFS' request. The three species of shark which are the subject of the permit are only lightly harvested at present and this incidental catch by one fisherman is not expected to diminish the standing population significantly.

(16 U.S.C. 1801 *et seq.*)

Dated: November 2, 1984.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 84-29403 Filed 11-8-84; 8:45 am]

BILLING CODE 3510-22-M

Asociacion Nacional de Armadores de Burques; Receipt of Application for General Permit

Notice is hereby given that the following application has been received to take marine mammal incidental to the pursuit of commercial fishing operations within the U.S. Fishery Conservation Zone during 1985 as authorized by the Marine Mammals Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

Applicant: Asociacion Nacional de Armadores de Buques, Congeladores de Pesquerias Varias, Vigo Spain

has applied for a Category 1: "Towed or Dragged Gear" general permit to take up to 20 harbor seals (*Phoca vitulina*) and 20 small cetaceans in the North Atlantic Ocean during squid fishing operations.

This applicaton is available for review in the following office: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Interested parties may submit written comments on this application within thirty (30) days of the date of this notice to the Assistant Adminstrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: November 5, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-29571 Filed 11-8-84; 8:45 am]

BILLING CODE 3510-28-M

Mystic Marinelife Aquarium; Receipt of Application for Permit

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

1. Applicant:

a. Name: Mystic Marinelife Aquarium (P13R0, Sea Research Foundation, Inc.

b. Address: Mystic, Connecticut 06355.

2. Type of Permit: Public Display.

3. Name and number of animals: Belukha whales (*Delphinapterus leucas*), 2.

4. Type of Take: Live import.

5. Location of Activity: Western shore of Hudson's Bay, Churchill, Manitoba, Canada.

6. Period of Activity: 3 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarina, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

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

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

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

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01939–3799.

Dated: November 5, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-29569 Filed 11-8-84; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Soliciting Public Comment on Bilateral Textile Consultations With the Government of Turkey on Category 604pt. (Plied Acrylic Yarn)

November 6, 1984.

On October 31, 1984 the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, requested the Government of Turkey to enter into consultations concerning exports to the United States in Category 604pt. (only TSUSA number 310.5049), produced or manufactured in Turkey.

The purpose of this notice is to advise that, if no solution is agreed upon in consultation between the two governments within sixty days of the date of delivery of the aforementioned note, entry and withdrawal from warehouse for consumption of man-made fiber textiles in Category 604pt., produced or manufactured in Turkey and exported to the United States during the twelve-month period which began on October 31, 1984 may be restrained at 476,014 pounds.

Anyone wishing to comment or provide data or information regarding the treatment of Category 604pt. is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Turkey—Market Statement

Category 604pt.—Plied Acrylic Yarn; TSUSA No. 310.5049

October 1984.

U.S. shipments of plied acrylic yarn declined in 1982 and again in 1983. Shipments for the first eight months of 1984 were down again from the same period in 1983. Imports increased in 1982, sharply in 1983, and again during the first eight months of 1984. The ratio of imports to domestic shipments almost doubled from 30.8 percent in 1981 to 61.4 percent in 1983. The ratio for the first eight months of 1984 was above that of a year earlier.

Imports of plied acrylic yarns from Turkey in commercial quantities began in January 1984, totaling 838,674 pounds in the first eight months of the year. Turkey was the seventh largest supplier, accounting for almost 6 percent of total imports. Imports of plied acrylic yarn from five of the largest suppliers and two lesser suppliers are being restrained by the United States.

[FR Doc. 84-29565 Filed 11-8-84; 8:45 am]

BILLING CODE 3510-DR-M

Tariff Schedules; Categories Amended

November 5, 1984.

On September 28, 1984 (49 FR 38326), the Committee for Implementation of Textile Agreements (CITA) announced the creation of new Tariff Schedules of the United States, Annotated, numbers which would provide for the proper category placement of certain garments. The purpose of this notice is to announce the new T.S.U.S.A. numbers created for this purpose. In addition, other T.S.U.S.A. numbers are being announced which will provide for the transition from the Tariff Schedules of the United States, Annotated to the Harmonized Commodity Code which is scheduled to go into effect in January 1987. The T.S.U.S.A. numbers created for the transition to the Harmonized Code are indicated by the notation "HCC" and do not involve any category change at this time. The abbreviated product descriptions listed below are for informational purposes only and are not legally binding. Those seven digit T.S.U.S.A. numbers not listed below remain unchanged from 1984.

Effective date January 1, 1985.

For further information contact: Claire McDermott, Acting Deputy Director, International Agreements and Monitoring Division, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377–4212.

T.S.U.S.A. (old annotation)	Description	Category
379.00	No changes	
379.02		
11(15)	Jogging, warmup etc. jackets	334
12(15)	Other jackets	334
52(60)	Jogging, warmup etc. trousers etc.	347
54(60)	Other trousers etc	347
56(70)	Vests w/ attachments for sleeves.	334
59(70)	Other vests	359
379.04		
18(85)	Coats & jackets w/out full frontal opening.	359
27(30)	Parts of coats and jackets	334
29(30)	Parts of trousers, slacks and shorts.	347
40(30)	Other parts	359
80(85)	Other	359
379.06		
07(05)	Having jacket w/ single back panel (HCC).	333
09(05)	Other suit-type jacket	333
42(45)	Corduroy trousers, slacks and shorts.	347
46(45)	Other trousers, slacks and shorts.	347
379.08		
27(85)	Coats & jackets w/out full frontal opening.	359
38(34)	Parts of coats and jackets	334
42(34)	Parts of other apparel	359
44(35)	Coats imported as parts of sets	334
46(36)	Shirts imported as parts of sets	340
90(85)	Other	359
379.11	No changes	
379.13		
10(00)	Coats and jackets	434
20(00)	Suits	443
30(00)	Trousers, slacks and shorts	447
383.15		
37(40)	Parts of coats and jackets	434
39(40)	Parts of trousers, slacks and shorts.	447
45(40)	Parts of other apparel	459
379.17		
42(40)	Having jackets single back panel with two pairs of pants (HCC).	443
44(40)	Having jackets single back panel other than two pairs of pants (HCC).	443
46(40)	Having jackets w/ other than single back panel with two pairs of pants (HCC).	443
48(40)	Having jackets w/ other than single back panel w/ other than two pants (HCC).	443
379.20		
17(25)	Parts of coats and jackets	434
30(25)	Parts of other apparel	459
379.23		
32(30)	Having jackets single back panel with two pairs of pants (HCC).	643
34(30)	Having jackets single back panel other than two pairs of pants (HCC).	643
36(30)	Having jackets w/ other than single back panel with two pairs of pants (HCC).	643
38(30)	Having jackets w/ other than single back panel w/ other than two pants (HCC).	643
379.26	No change	
379.28		
35(85)	Coats & jackets w/out full frontal opening.	659
57(60)	Parts of coats and jackets	634
59(60)	Parts of trousers, slacks and shorts.	647
62(60)	Other parts of apparel	659
90(85)	Other	659
379.31		
62(60)	Having jackets single back panel with two pairs of pants (HCC).	643
64(60)	Having jackets single back panel other than two pairs of pants (HCC).	643
66(60)	Having jackets w/other than single back panel with two pairs of pants (HCC).	643
68(60)	Having jackets w/other than single back panel w/other than two pants (HCC).	643
379.33		
22(85)	Coats & jackets w/out full frontal opening.	659
41(37)	Parts of coats and jackets	634
60(37)	Other parts of apparel	659
65(39)	Coats imported as parts of sets	634
70(42)	Dress shirts imported as parts of sets.	640
75(44)	Other shirts imported as parts of sets.	640
80(46)	Trsers etc imported as parts of sets.	647
90(85)	Other	659
379.35		
10(73)	Dressing gowns, cotton restraints.	350
11(73)	Suit type coats, sets, cotton restraints.	333
12(73)	Other suit type coats, cotton restraints.	333
14(73)	Other coats, cotton restraints	334
15(73)	Playsuits, etc., cotton restraints	337
16(73)	Knit shirts, cotton restraints	338
17(73)	Not knit shirts, cotton restraints	340
18(73)	Pajamas	351
24(73)	Other	359
26(35)	Suit type coats & jackets, wool restraints.	433
27(35)	Other coats & jackets, wool restraints.	434
28(35)	Suits, wool restraints	443
30(35)	Trousers, slacks, & shorts, wool restraints.	447
31(35)	Knit shirts, wool restraints	438
32(35)	Not knit shirts, wool restraints	440
39(35)	Other	459
50(53)	Dressing gowns, mmf restraints	650
51(53)	Jackets, jogging, mmf restraints	634
52(53)	Suit type coats & jackets, mmf restraints.	633
54(53)	Other coats & jackets, mmf restraints.	634
56(53)	Playsuits, etc., mmf restraints	637
57(53)	Knit shirts, mmf restraints	638
58(53)	Not knit shirts, mmf restraints	640
59(53)	Pajamas, mmf restraints	651
61(53)	Suits, mmf restraints	643
62(53)	Other, mmf	659
75(85)	Suit type coats & jackets	
77(85)	Other coats and jackets	
79(85)	Pajamas and other nightwear	
80(55)	Knit shirts	
81(55)	Not knit shirts	
82(60)	Sweaters	
84(85)	Suits	
86(85)	Trousers, slacks and shorts	
90(85)	Other	
379.37	No change	
379.39		
47(50)	Vests with attachments for sleeves.	334
49(50)	Other vests	359
379.40	No change	
379.41		
32(85)	Coats & jackets w/out full frontal opening.	359
41(39)	Parts of coats and jackets	334
43(39)	Parts of trousers, slacks and shorts.	347
50(39)	Other parts of apparel	359
90(85)	Other	359
379.48	No change	
379.49 to 379.60	No change	
379.62		
17(15)	Suit type coats having jacket with single back panel, parts of suits (HCC).	333
19(15)	Other suit-type coats, parts of suits (HCC).	333
379.63	No change	
379.64		
05(80)	Coats & jackets w/out full frontal opening.	359
46(44)	Parts of coats and jackets	334
47(44)	Other parts of apparel	359
48(45)	Coats imported as parts of sets	334
85(80)	Other	359
379.66		
01(09)	Dressing gowns, subject cotton restraints.	350
02(09)	Suit type coats, pts suits, cotton restr.	333
03(09)	Other suit type coats, cotton restraints.	333
04(09)	Other coats, cotton restraints	334
07(07)	Sweaters, cotton restraints	345
08(09)	Pajamas, cotton restraints	351
10(09)	Shirts	338
11(09)	Trousers, etc., cotton restraints	347
16(09)	Other, cotton restraints	359
18(19)	Suit type coats, wool restraints	433
20(19)	Other coats, wool restraints	434
21(19)	Shirts, wool restraints	438
22(19)	Suits, wool restraints	443
23(17)	Sweaters, wool restraints	445
24(19)	Trousers, etc., wool restraints	447
40(19)	Other	459
70(29)	Dressing gowns, etc., mmf restraints.	650
71(29)	Jackets, jogging, etc., mmf restraints.	634
72(29)	Suit-type coats, mmf restraints	633
73(29)	Other coats, mmf restraints	634
74(29)	Pajamas, etc. mmf restraints	651
75(29)	Playsuits, etc., mmf restraints	637
76(29)	Shirts, mmf restraints	638
77(27)	Sweaters, mmf restraints	645
78(29)	Suits, mmf restraints	643
79(29)	Trousers, etc., mmf restraints	647
80(29)	Other, mmf restraints	659
91(35)	Suit type coats and jackets	
92(35)	Other coats and jackets	
93(35)	Dressing gowns, etc.	
94(35)	Pajamas, etc	
95(35)	Shirts	
96(35)	Sweaters	
97(35)	Suits	
98(35)	Trousers, etc.	
99(35)	Other	
379.68	No change	
379.69		
01(04)	Suit type coats, prts. suits, cotton rests.	333
02(04)	Other suit type coats, cotton restraints.	333
03(06)	Other coats, cotton restraints	334
05(29)	Dressing gowns, etc., cotton restraints.	350
09(29)	Pajamas, etc., cotton restraints	351
12(12)	Shirts, cotton restraints	340
24(24)	Trousers, etc. cotton restraints	347
30(29)	Other, cotton restraints	359
69(66)	Dressing gowns, etc., mmf restraints.	650
70(66)	Pajamas, etc. mmf restraints	651
66(66)	Other, mmf restraints	659
67(94)	Suit type coats	
69(66)	Other coats and jackets	
90(66)	Dressing gowns, etc.	
91(66)	Pajamas, etc.	
93(66)	Shirts	
95(66)	Suits	
96(66)	Trousers, slacks and shorts	
99(66)	Other	
379.71		
20(00)	Coats	434
40(00)	Suits	443
60(00)	Trousers, slacks and shorts	447
379.72	No change	
379.74	No change	
379.75		
25(10)	Suit type coats and jackets	433
35(10)	Other coats and jackets	434
40(30)	Suits having jacket single back panel and two pairs of pants (HCC).	443
45(30)	Other suits, single back panel (HCC).	443
50(30)	Suits, jacket other than single back panel, two pairs pants (HCC).	443
55(30)	Other suits, no single back panel (HHC).	443
80(30)	Trousers, slacks and shorts	447
379.76		
41(80)	Vests	459
43(44)	Parts of coats and jackets	434
46(44)	Parts of trousers, slacks and shorts.	447
48(44)	Other parts of garments	459
85(80)	Other	459
379.78		
42(40)	Suits having jacket single back panel and two pairs of pants (HCC).	443

T.S.U.S.A. (old annotation)	Description	Category
44(40)	Other suits, single back panel (HCC).	443
46(40)	Suits, jacket other than single back panel, two pairs pants (HCC).	443
48(40)	Other suits, no single back panel (HCC).	443
379.79 to 379.81	No change	
379.83		
56(55)	Suits having jacket single back panel and two pairs of pants (HCC).	443
57(55)	Other suits, single back panel (HCC).	443
58(55)	Suits, jacket other than single back panel, two pairs pants (HCC).	443
59(55)	Other suits, no single back panel (HCC).	443
379.84		
12(80)	Vests	459
16(18)	Parts of coats and jackets	434
25(18)	Other parts of garments	459
90(80)	Other	459
379.86		
01(09)	Dressing gowns, etc., cotton restraints.	350
02(09)	Suit type coats, prts. suits, cot. rests..	333
03(09)	Other suit type coats, cotton restraints.	333
04(09)	Other coats, cotton restraints	334
06(09)	Shirts, cotton restraints	338
07(07)	Sweaters, cotton restraints	345
08(09)	Pajamas, etc. cotton restraints	351
10(09)	Trousers, etc., cotton restraints	347
11(09)	Other, cotton restraints	359
12(19)	Suit type coats etc., wool restraints.	433
13(19)	Other coasts, etc., wool restraints.	434
14(19)	Shirts, wool restraints	438
16(19)	Suits, wool restraints	443
17(17)	Sweaters, wool restraints	445
18(19)	Trousers, etc., woool restraints	447
20(19)	Other, wool restratints	459
21(29)	Dressing gowns, etc., mmf restraints.	650
22(29)	Suit type coats, etc. mmf restraints.	633
23(29)	Other coats, etc., mmf restraints	634
24(29)	Pajamas, etc., mmf restraints	651
26(29)	Playsuits, etc., mmf restraints	637
27(27)	Sweaters, mmf restraints	645
28(29)	Shirts, mmf restraints	638
30(29)	Suits, mmf restraints	643
31(29)	Trousers, etc., mmf restraints	647
36(29)	Other, mmf restraints	659
45(41)	Suit type coats and jackets	
47(41)	Other coats and jackets	
49(41)	Pajamas and other nightwear	
51(41)	Suits	
53(41)	Trousers, slacks and shorts	
65(41)	Other	
379.87		
22(05)	Suit type coats, prts. suits, cotton rests..	333
24(05)	Other suit type coats, cotton restraints.	333
26(05)	Other coats, cotton restraints	334
28(05)	Dressing gowns, etc. cotton restraints.	350
30(05)	Pajamas, etc., cotton restraints	351
32(05)	Shirts, cotton restraints	340
34(05)	Trousers, etc., cotton restraints	347
36(05)	Other, cotton restraints	359
42(15)	Suit type coats etc., wool restraints.	433
44(15)	Other coats and jackets, wool restraints.	434
46(15)	Shirts, wool restraints	440
48(15)	Suits, wool restraints	443
50(15)	Trousers, etc., wool restraints	447
52(15)	Other, wool restraints	459
62(25)	Suit type coats and jackets, mmf rests..	633
64(25)	Other coats & jackets, mmf restraints.	634
66(25)	Shirts, mmf restraints	640
68(25)	Pajamas, etc., mmf restraints	651
70(25)	Suits, mmf restraints	643
72(25)	Trousers, etc., mmf restraints	647
74(25)	Other, mmf restraints	659
82(80)	Suit type coats and jackets	
84(80)	Other coats and jackets	
86(80)	Pajamas and other nightwear	
88(40)	Shirts	
90(80)	Suits	
92(80)	Trousers, slacks and shorts	
94(80)	Other	
379.89		
22(25)	Suits having jacket single back panel and two pairs to pants (HHC).	643
24(25)	Other suits, single back panel (HCC).	643
26(25)	Suits, jacket other than single back panel, two pairs pants (HCC).	643
28(25)	Other suits, no single back panel (HCC).	643
379.90 to 379.91	No change	
379.92		
22(40)	Coats & jackets w/out full frontal openings.	659
23(40)	Vests with attachments for sleeves.	634
24(40)	Other vests	659
32(35)	Parts of coats and jackets	634
34(35)	Parts of trousers, slacks and shorts.	647
36(35)	Other parts of apparel	659
80(40)	Other	659
379.95		
62(65)	Suits having jacket single back panel and two pairs of pants (HHC).	643
64(65)	Other suits, single back panel (HCC).	643
66(65)	Suits, jacket other than single back panel, two pairs pants (HCC).	643
68(65)	Other suits, no single back panel (HCC).	643
379.96		
38(80)	Coats & jackets w/out full frontal opening.	659
42(47)	Parts of coats and jackets	634
48(47)	Parts of other apparel	659
379.98		
20(05)	Suit type coats, etc. cotton restraints.	333
22(05)	Other coasts and jackets, cotton restraints.	334
24(05)	Knit shirts, cotton restraints	338
26(05)	Not knit shirts, cotton restraints	340
28(05)	Sweaters, cotton restraints	345
30(05)	Trousers, etc. cotton restraints	347
32(05)	Other, cotton restraints	359
42(15)	Suit type coats, etc. wool restraints.	433
44(15)	Other coats and jackets, wool restraints.	434
46(15)	Knit shirts, wool restraints	438
48(15)	Not knit shirts, wool restraints	440
50(15)	Sweaters, wool restraints	445
52(15)	Trousers, etc. wool restraints	447
54(15)	Suits, wool restraints	443
56(15)	Other, wool restraints	459
60(25)	Suit type coats, etc., mmf restraints.	633
62(25)	Other coats, etc., mmf restraints	634
64(25)	Knit shirts, mmf restraints	638
68(25)	Not knit shirts, mmf restraints	640
70(25)	Sweaters, mmf restraints	645
72(25)	Suits, mmf restraints	643
74(25)	Trousers, etc., mmf restraints	647
76(25)	Other	659
80(35)	Coats and jackets	
82(35)	Knit shirts	
84(35)	Not knit shirts	
86(35)	Sweaters	
88(35)	Trousers, slacks and shorts	
90(35)	Other	
383.00	No change	
383.02		
05(05)	Womens tank tops	339
07(06)	Girls tank tops	339
08(06)	Boys infants over 24 mo. age tank tops (HCC).	339
12(06)	Other infants tank tops (HCC)	339
13(10)	Womens blouses	339
14(11)	Girls' blouses	339
16(11)	Infant boys over 24 mo. age blouses (HCC).	339
17(11)	Other infants blouses (HCC)	339
19(15)	Infant boys over 24 mo. age t-shirts (HCC).	339
22(15)	Other t-shirts	339
23(18)	Infant boys over 24 mo. age sweatshirts (HCC).	339
24(18)	Other sweatshirts	339
26(21)	Infant boys over 24 mo. age other shirt (HCC).	339
28(21)	Other shirts	339
32(25)	Infants boys over 24 mo. age tops (HCC).	339
34(25)	Other tops	339
36(33)	Sweaters	345
38(50)	Infants boys jogging etc. jackets over 24 months age (HCC).	335
42(50)	Other jogging, warmup, etc. jackets.	335
44(40)	Other coats/jackets imported prts of suits.	335
46(50)	Infants boys coats over 24 months age (HCC).	335
48(50)	Other coats and jackets	335
62(60)	Infants boys' jogging warmup and similar trousers over 24 months age (HCC).	348
64(60)	Other jogging warmup/trousers	348
66(60)	Infants boys other trousers, slacks and shorts over 24 moths of age (HCC).	348
68(60)	Other trousers/slacks and shorts.	348
72(65)	Skirts imported as parts of suits	342
95(90)	Other	359
43(95)	Coats etc. w/out full formal openings.	359
45(95)	Jumpers	359
47(95)	Visor	359
56(54)	Parts of coats and jackets	335
57(54)	Parts of trousers, slacks and shorts.	348
58(54)	Parts of hats	359
59(54)	Other parts of apparel	359
61(55)	Blouses/shirts imported parts sets.	339
63(60)	Sweaters imported parts of sets	345
96(95)	Other	359
383.05		
07(20)	Infants boys over 24 mo. age coats (HCC).	335
09(20)	Other coats	335
383.06		
01(05)	Suit type coats, imported parts suits-jacket and or pants of identical material, having jacket with single back panel (HCC).	335
03(05)	Other than single back panel (HCC).	335
04(05)	Suit type coats, parts of suits, not identical fabric.	335
06(15)	Trousers and slacks imported parts suit.	348
08(10)	Women's denim trouser and slacks.	348
12(11)	Girls' denim trousers and slacks	348
14(11)	Infant boys over 24 mo. age denim trousers and slacks (HCC).	348
18(11)	Other infants denim trousers/slacks (HCC).	348
22(15)	Women's corduroy trousers and slacks.	348
24(16)	Girls' corduroy trousers and slacks.	348
26(16)	Infant boys over 24 mo. age corduroy trousers and slacks (HCC).	348
29(16)	Other infants trousers and slacks.	348
31(15)	Women's other trousers and slacks.	348
33(16)	Girls' other trousers and slacks	348
34(16)	Infant boys other trousers and slacks over 24 mo. age (HCC).	348
36(16)	Other infants other trousers and slacks.	348
38(20)	Infant boys over 24 mo. age shorts (HCC).	348
40(20)	Other shorts	348
44(25)	Vests with attachments for sleeves.	335
48(28)	Vests infant boy over 24 mo. age (HCC).	359

T.S.U.S.A. (old annotation)	Description	Category
52(28)	Other vests	359
57(32)	Skirts imported parts of suits	342
80(35)	Other	359
383.08		
26(95)	Coats & jackets w/out full formal opening.	359
52(95)	Jumpers	359
54(95)	Visors	359
70(71)	Parts of coats and jackets	335
72(71)	Parts of hats	359
73(71)	Other parts of apparel	359
96(95)	Other	359
383.10	No change	
383.12		
05(00)	Infant boys ov 24 mo age coats (HHC).	435
20(00)	Other coats	435
383.13		
07(05)	Infant boys ov 24 mo. age blouses (HCC).	438
09(05)	Other blouses	438
17(80)	Jumpers	459
19(20)	Infant boys ov 24. mo age sweaters (HCC).	446
21(20)	Other sweaters	446
22(80)	Vests	459
30(29)	Parts of coats and jackets	435
32(29)	Parts of trousers, slacks and shorts.	448
34(29)	Parts of hats	459
85(80)	Other	459
383.15		
15(05)	Infant boys ov 24 mo. age blouses etc. (HC).	440
20(05)	Other blouses and shirts	440
60(10)	Infant boys ov 24 mo. age coats	435
80(10)	Other coats	435
383.16		
11(20)	Dresses	436
12(20)	Jumpers	459
13(20)	Trousers, slacks and shorts	448
14(15)	Suits, consisting of jacket and at least one lower component of identical fabric (w/ or w/out vest—having jacket with single back panel, two pairs pants.	444
16(15)	As in 14 with one skirt & one pair pants.	444
18(15)	As in 14—Other suits	444
19(15)	Identical fabric, jacket not single back panel, two pair pants.	444
21(15)	As in 19, one skirt and one pair pants.	444
26(15)	As in 19—Other suits	444
28(15)	Other than identical fabric with two pairs pants.	444
29(15)	As in 28, one skirt & one pair pants.	444
30(15)	As in 28—Other suits	444
80(20)	Other	459
383.18		
02(02)	Women's tank tops	639
04(03)	Girl's tank tops	639
05(03)	Boy infants ov 24 mo. age tank tops (HCC).	639
06(03)	Other infants tank tops	639
07(07)	Women's other blouses	639
09(08)	Girls' other blouses	639
11(08)	Boy infants ov 24 mo. age other blouse (HC).	639
12(08)	Other infants other blouses	639
15(15)	Body suits and body shirts	659
22(26)	Boy infants T-shirts ov 24 mo. age (HCC).	639
24(26)	Other T-shirts	639
41(41)	Women's other shirts	639
43(42)	Girls's other shirts	639
46(42)	Boy infants ov 24 mo. age other shirts HC.	639
48(42)	Other infants other shirts	639
52(57)	Boy infants ov 24 mo. age sweaters.	646
54(57)	Other infant sweaters	646
80(60)	Other sweaters	646
383.19		
02(05)	Infant boy ov 24 mo. age raincoats ¾ length or longer (HCC).	635
04(05)	Other raincoats, ¾ length etc.	635
06(08)	Infant boy jog. jackets etc. over 24 months of age (HCC).	635
09(08)	Other jogging, warmup etc jackets.	635
11(12)	Infant boy ov 24 mo. age other jacket (HC).	635
13(12)	Other jackets	635
22(25)	Boy infants ov 24 mo. age tops	639
24(25)	Other tops	639
26(30)	Boy infants ov 24 mo. age shorts.	648
28(30)	Other shorts	648
32(45)	Boy infants ov 24 mo. age jogging etc trousers and slacks (HCC).	648
34(45)	Other jogging etc. trousers and slacks.	648
50(50)	Women's other trousers and slacks.	648
52(55)	Girls' other trousers and slacks	648
54(55)	Infant boys ov 24 mo. age other trousers and slacks (HCC).	648
60(55)	Other infants trousers and slacks.	648
383.20		
07(80)	Coats & jackets w/out full frontal openings.	659
09(80)	Jumpers	659
11(80)	Visors	659
45(48)	Parts of coats and jackets	635
46(46)	Parts of shirts	639
47(48)	Parts of trousers, slacks and shorts.	648
49(48)	Parts of hats	659
51(48)	Other parts of apparel	659
80(90)	Other	659
383.22		
05(05)	Womens' blouses and shirts	641
10(10)	Girl's blouses and shirts	641
12(15)	Boy infants ov 24 mo. age blouses & shirts (HC).	641
14(15)	Other infants blouses and shirts	641
16(20)	Womens'/girl's raincoats ¾ length/longer.	635
18(25)	Other women's and girls coats	635
21(24)	Boy infants ov 24 mo. age other coats (HCC).	635
23(25)	Other infants coats	635
39(35)	Swimming suits and other swim wear.	659
27(30)	Suits, jacket and at least one component covering lower part of the body with identical fabric, having jacket with single back panel and two pairs of pants (HCC).	644
28(30)	As in 27, with skirt and one pair pants (HCC).	644
29(30)	As in 27, other suits (HCC)	644
31(30)	Suits, identical fabric, not single back panel jacket, two pairs pants (HCC).	644
32(30)	As in 31, with skirt and one pair pants (HCC).	644
33(30)	As in 31, other suits (HCC)	644
34(30)	Suits, not identical fabric, 2 pr. pants (HCC).	644
36(30)	As in 34, skirt and pair pants (HCC).	644
37(30)	As in 34, other suits	644
41(40)	Infant boys ov 24 mo. age shorts (HCC).	648
43(40)	Other shorts	648
45(45)	Women's trousers, slacks and shorts.	648
48(50)	Girls' trousers, slacks and shorts	648
51(50)	Boy infants ov 24 mo. age trousers, etc. (HCC).	648
55(50)	Other infants trousers, slacks and shorts.	648
383.23		
01(95)	Coats & jackets w/out full frontal openings.	659
02(95)	Jumpers	659
03(95)	Visors	659
68(73)	Parts of coats and jackets	635
69(73)	Parts of hats	659
74(73)	Other parts of apparel	659
96(95)	Other	659
383.25		
01(05)	Dresses, subj. cotton restraints	336
02(05)	Coats & jackets, cotton restraints.	335
03(05)	Skirts & culottes, cotton restraints.	342
04(05)	Shirts and blouses, cotton restraints.	339
05(05)	Sweaters, cotton restraints	345
06(05)	Trousers, etc., cotton restraints	348
07(05)	Other, cotton restraints	359
08(11)	Coats & jackets, wool restraints	435
09(09)	Dresses, wool restraints	436
10(11)	Skirts and culottes, wool restraints.	442
11(07)	Shirts and blouses, wool restraints.	438
12(11)	Suits, wool restraints	444
13(11)	Sweaters, wool restraints	446
14(11)	Trousers, etc., wool restraints	448
15(11)	Other, wool restraints	459
16(20)	Dresses, mmf restraints	636
17(25)	Coats and jackets, mmf restraints.	635
18(25)	Skirts and culottes, mmf restraints.	636
19(15)	Shirts and blouses, mmf restraints.	639
20(25)	Suits, mmf restraints	644
21(25)	Sweaters, mmf restraints	646
22(25)	Trousers, slacks and shorts, mmf restrs.	648
23(25)	Other, mmf restraints	659
24(49)	Dresses	
25(49)	Coats and jackets	
26(49)	Skirts and culottes	
28(49)	Suits	
29(37)	Sweaters	
27(36)	Shirts and blouses	
30(49)	Trousers, slacks and shorts	
31(49)	Other	
32(53)	Dresses, cotton restraints	336
33(53)	Pajamas, etc., cotton restraints	351
34(53)	Skirts and culottes, cotton restraints.	342
38(53)	Shirts and blouses, cotton restraints.	341
39(53)	Suit type coats imp. parts suits, jacket with single back panel, skirt and or pant identical fabric (HCC), cotton rests.	335
40(53)	As in 39, other than jacket single back panel, (HCC) cotton restraints.	335
41(53)	Other jackets imported as parts of suits.	335
42(53)	Other suit type coats, cotton restraints.	335
43(53)	Other coats and jackets, cotton rests.	335
44(51)	Trousers, slacks and shorts, cotton rests.	348
45(53)	Other, cotton restraints	359
46(64)	Dresses, wool restraints	436
47(66)	Suit type coats & jackets, wool restraints.	435
48(66)	Other coats 7 jackets, wool restraints.	435
52(66)	Skirts & culottes, wool restraints	442
54(62)	Shirts and blouses, wool restraints.	440
55(66)	Suits having jacket and at least one component covering lower part of body of identical fabric and having jacket w/ single back panel, with two pairs pants (HCC) Wool Res.	444
56(66)	As in 55, with skirt and one pair pants (HCC)WR.	444
57(66)	As in 55, other suits (HCC) Wool Res.	444
58(66)	Suits, identical fabric, other than single back panel jacket, two pairs pants (HCC)WR.	444
59(66)	As in 58, with skirt and one pair pants (HCC)WR.	444
61(66)	As in 58, other suits (HCC) WR	444
63(66)	Suits, other than identical fabric, with two pairs of pants, wool restraints (HCC).	444
65(66)	As in 63, skirt and one pair pants (HCC) WR.	444
67(66)	As in 63, other suits (HCC) wool restraints.	444
68(66)	Trousers, etc. wool restraints	448
69(66)	Other, wool restraints	459
70(70)	Blouses and shirts, mmf restraints.	641

T.S.U.S.A. (old annotation)	Description	Category
72(79)	Suit type coats & jackets, mmf restraints.	635
73(79)	Other coats and jackets, mmf restraints.	635
74(79)	Skirts and culottes, mmf restraints.	636
75(75)	Dresses, mmf restraints	636
76(79)	Suits having jacket and at least one component covering lower part of body, identical fabric jacket single back panel, 2 prs pants MR (HCC).	644
78(79)	As in 76, skirt and one pair pants (HCC) MMFR.	644
79(79)	As in 76, other suits, mmf restr., (HCC).	644
81(79)	Suits, identical fabric, jacket not single back panel, two pairs pants (MOC) MMFR.	644
83(79)	As in 81, skirt and one pair pants (HCC) MMFR.	644
84(79)	As in 81, other suits (HCC) MMF Restraints.	644
86(79)	Suits, not identical fabric, two pairs pants.	644
87(79)	As in 87, one skirt/one pair pants (HCC) MMFR.	644
88(79)	As in 87, other suits, MMFR (HCC).	644
91(79)	Other, man made fiber restraints	659
92(85)	Dresses	
93(85)	Coats and jackets	
94(85)	Pajamas and other nightwear	
95(85)	Suits	
96(85)	Sweaters	
97(82)	Shirts and blouses	
98(85)	Trousers, slacks and shorts	
99(85)	Other	
383.27		
606(06)	Women's tank tops	339
10(07)	Girl's tank tops	339
12(07)	Infant boy's tank tops ov 24 mo. age (HCC).	339
14(07)	Other infants tank tops	339
15(08)	Women's blouses	339
16(09)	Girl's blouses	339
18(09)	Boy infants ov 24 mo. age blouses (HCC).	339
21(09)	Other infants blouses	339
22(20)	Boy infants over 24 moths age T-shirts (HCC).	339
24(20)	Other T-shirts	339
26(25)	Boy infants ov 24 mo. age sweatshirts (HCC).	339
28(25)	Other sweatshirts	339
30(30)	Women's other shirt and blouses.	339
32(31)	Girls' other shirts and blouses	339
36(31)	Boy infants ov 24 mo. age oth. shirts etc. (HCC).	339
38(31)	Other infants other shirts and blouses.	339
50(50)	Women's sweaters	345
52(51)	Girls' sweaters	345
54(51)	Boy infants ov 24 mo. age sweaters (HCC).	345
56(51)	Other infants sweaters	345
383.28		
07(10)	Infant boys ov 24 mo age jogging etc. jackets (HC).	335
09(10)	Other jogging and similar athletic jackets.	335
14(15)	Women's other coats and jackets.	335
16(15)	Girls' other coats and jackets	335
18(15)	Infant boys ov 24 mo age other coats etc. (HCC).	335
21(15)	Other infants other coats and jackets.	335
22(20)	Infant boys ov 24 mo age shorts (HCC).	348
24(20)	Other shorts	348
26(30)	Infant boys ov 24 mo age jogging trousers etc. (HCC).	348
28(30)	Other jogging, etc. trousers & slacks.	348
35(35)	Women's other trousers and slacks.	348
38(36)	Girls' other trousers and slacks	348
42(36)	Boy infants over 24 moths age other trousers etc. (HC).	348
44(36)	Other infants trousers and slacks.	348
383. 29	No change	
383.30		
32(95)	Coats & jackets w/out full frontal openings.	359
34(95)	Jumpers	359
36(95)	Visors	359
37(50)	Infant boys tops ov 24 mo. age (HCC).	339
38(50)	Other tops	339
64(63)	Parts of coats and jackets	335
66(63)	Parts of trousers, slacks and shorts.	348
67(63)	Parts of hats	359
68(63)	Other parts of apparel	359
69(65)	Blouses etc. imported parts sets	339
96(95)	Other	359
383.32 to 383.33	No change	
383.34		
51(47–57)	Inf. boys suit type coats ov 24 mo. age (HCC).	335
53(47)	Other corduroy suit type coats and jackets.	335
54(49)	Other velveteen suit type coats and jackets.	335
58(56)	Other velvet suit type coats and jackets.	335
67(57)	Other suit type coats and jackets.	335
72(62)	Inf. boy corduroy other coats ov 24 mo. age (HC).	335
74(62)	Other infants corduroy coats	335
75(63)	Inf. boy velveteen coats ov 24 mo. age (HCC).	335
76(63)	Other velveteen coats and jackets.	335
77(64)	Women's other coats and jackets.	335
80(66)	Girls' other coats and jackets	335
82(66)	Boy inf. ov 24 mo. age other coats etc. (HCC).	335
90(66)	Other infant's other coats (HCC)	335
383.36 to 383.45	No change	
383.47		
16(15)	Suit type jacket, skirt and/or pants of identical fabric, jacket single back panel.	335
17(15)	As in 16, jacket not single back panel.	335
18(15)	Suit type jacket, imported with skirt and or pants not of identical fabric.	335
24(30)	Infant boys over 24 months of age shorts (HCC).	348
26(30)	Other shorts	348
47(47)	Women's denim trousers and slacks.	348
48(49)	Boy infants ov 24 mo age denim trousers etc.	348
50(49)	Other denim trousers and slacks	348
53(53)	Women's corduroy trousers and slacks.	348
54(55)	Boy infants ov 24 age corduroy trousers etc.	348
56(55)	Other corduroy trousers and slacks.	348
57(57)	Women's velveteen trousers and slacks.	348
58(59)	Boy inf. ov 24 mo. age velveteen trousers.	348
60(59)	Other velveteen trousers and slacks.	348
61(61)	Women's other trousers and slacks.	348
62(63)	Boy inf. ov 24 mo age other trousers etc.	348
64(63)	Other trousers and slacks	348
383.48	No change	
383.49	No change	
383.50		
10(95)	Coats & jackets w/out full frontal openings.	359
12(95)	Jumpers	359
14(95)	Diapers	359
16(95)	Visors	359
27(35)	Women's coveralls etc.	359
28(36)	Girl's and infants' coveralls etc.	337
29–59	Renumber one to one from (81–95) See 84 TSUSA for description and category.	
64(79)	Parts of coats and jackets	335
66(79)	Parts of hats	359
74(79)	Other parts of apparel	359
92–99	Renumber one to one from (36–77) See 84 TSUSA for description and category.	
383.52		
12(12)	Skirts and culottes, cotton restraints.	342
24(26)	Coats and jackets, cotton restraints.	355
27(26)	Other, cotton restraints	359
42(42)	Skirts and culottes, wool restraints.	442
53(56)	Coats and jackets, wool restraints.	435
54(56)	Suits, wool restraints	444
57(56)	Other, cotton restraints	459
72(72)	Skirts and culottes, mmf restraints.	642
83(86)	Coats and jackets, mmf restraints.	635
85(86)	Other, mmf restraints	659
93(91)	Dresses	
94(91)	Coats and jackets	
96(91)	Skirts and culottes	
97(91)	Suits	
98(91)	Trousers, slacks and shorts	
99(91)	Other	
383.53		
05(28)	Pajamas and other nightwear, cotton restraints.	351
06(28)	Suit type jackets, parts of suits, skirt and/or pants identical fabric, jackets sngl back panl.	335
07(28)	As in 06, jackets not single back panel CR HCC.	335
09(28)	As in 06, not identical fabric CR HCC.	335
10(28)	Other suit type coats and jackets CR.	335
11(28)	Other coats and jackets CR	335
22(22)	DELETE DESCRIPTION AND CATEGORY.	
33(26)	Other, cotton restraints	359
47(39)	Suit type coats and jackets, wool restraints.	435
48(39)	Other coats and jackets, wool restraints.	435
49(52)	Suits, jackets and skirt and/or pants of identical fabric, jacket single back panel, two pairs pants, wool restraints HCC.	444
50(52)	As in 49, one skirt, one pair pants WR HCC.	444
51(52)	As in 49, other suits, wool restraints HCC.	444
53(52)	Suits, identical fabric, jacket not single back panel, two pairs, WR HCC.	444
54(52)	As in 53, one skirt and one pair pants WR HCC.	444
55(52)	As in 53, other suits WR HCC	444
57(52)	Suits not identical fabric, 2 pairs pants WR HC.	444
58(52)	As in 57, skirt and one pair pants WR HCC.	444
59(52)	As in 57, other suits, wool restraints HCC.	444
61(56)	Trousers, slacks and shorts wool restraints HC.	448
63(62)	Other, wool restraints	459
65(68)	Suit type coats and jackets, mmf restraints.	635
66(68)	Other coats and jackets, mmf restraints.	635
69(72)	Dresses, mmf restraints	636
70(76)	Shirts and culottes, mmf restraints.	642
73(82)	Suits, jackets and skirt and/or pants of identical fabric, jackets single back panel, two pairs pants, mmf restraints, HCC.	644
74(82)	As in 73, skirt & one pair pants, mmf R HCC.	644
75(82)	As in 73, other suits, mmf restraints HCC.	644
77(82)	Suits, identical fabric, jackets not single back panel, two pairs pants MMFR HCC.	644
78(82)	As in 77, one skirt and one pair pants MMF HCC.	644
79(82)	As in 77, other suits, mmf restraints HCC.	644

T.S.U.S.A. (old annotation)	Description	Category
80(82)	Suits, not identical fabric, 2 pairs pants MMFHC.	644
81(82)	As in 80, one skirt and one pants, MMFR HCC.	644
83(82)	As in 80, other suits mmf restraints HCC.	644
84(86)	Trousers, slacks and shorts MMFR.	648
85(92)	Other, mmf restraints	659
87(94)	Blouses and shirts	
89(98)	Dresses	
90(98)	Coats and jackets	
91(98)	Pajamas and other nightwear	
93(98)	Suits	
97(98)	Trousers, slacks and short	
99(98)	Other	
383.55		
10(00)	Boy infants ov 24. mo age coats and jackets HCC.	435
15(00)	Other infants coats and jackets	435
20(00)	Boy infants ov 24 mo. age sweaters HCC.	446
25(00)	Other infants sweaters	446
40(00)	Other infants outerwear	459
383.57	No change	
383.58		
34(36)	Parts of coats and jackets	435
35(36)	Parts of trousers, slacks and shorts.	448
37(36)	Other parts of apparel	459
383.60 to 383.62	No change	
383.63		
88(89)	Parts of coats and jackets	435
91(89)	Parts of trousers, slacks and shorts.	448
93(89)	Parts of other apparel	459
94(90)	Coats, imported as parts of sets	435
383.65		
05(10)	Boy infants ov 24 mo. age blouses/shirts HCC.	440
15(10)	Other blouses and shirts	440
25(20)	Boy infants ov 24 mo. age coats/jackets (HCC).	435
30(20)	Other coats and jackets	435
383.66		
32(40)	Suits, skirt and/or pants of identical fabric jacket w/ sing1 back panel, and two pairs pants HCC.	444
34(40)	As in 32, one skirt and one pair pants (HCC).	444
36(40)	As in 32, other suits (HCC)	444
38(40)	Suits, identical fabric, jacket not single back panel, two pairs pants (HCC).	444
42(40)	As in 38, on skirt and one pair pants (HCC).	444
44(40)	As in 38, other suits (HCC)	444
46(40)	Suits, not identical fabric, 2 prs pants (HCC).	444
47(40)	As in 46, skirt and one pair pants (HCC).	444
48(40)	Other suits (HCC)	444
49(50)	Boy infants ov 24 mo. age trousers, slacks etc.	448
51(50)	Other trousers, slacks and shorts.	448
53(90)	Parts of trousers, slacks and shorts.	448
54(90)	Parts of other apparel	459
95(90)	Other	459
383.68	No change	
383.70		
10(00)	Boy infants ov 24 mo. age blouses/shirts (HCC).	440
20(00)	Other blouses and shirts	440
383.72	No change	
383.75		
24(30)	Boy infants ov 24 mo. age shorts.	448
26(30)	Other shorts	448
28(90)	Jumpers	459
22(40)	Skirts	442
32(50)	Suits, jacket and skirt and/or pants of identical fabric, jacket having single back panel - two pairs of pants (HCC0.	444
34(50)	As in 32, one skirt and one pair pants (HCC).	444
36(50)	As in 32, other suits (HCC)	444
38(50)	Suits, identical fabric, jacket not single back panel, 2 pairs pants HCC.	444
42(50)	As in 38, one skirt and one pair pants HC.	444
44(50)	As in 38, other suits HCC	444
46(50)	Suits, not identical fabric, 2 prs pants HC.	444
48(50)	As 46, one skirt and one pair pants HCC.	444
52(50)	Other suits HCC	444
54(60)	Boy infants ov 24 mo. age trousers etc HCC.	448
56(60)	Other trousers, slacks and shorts.	448
59(90)	Parts of trousers, slacks and shorts.	448
62(90)	Parts of other apparel	459
95(90)	Other	459
383.77		
06(22)	Coats and jackets, cotton restraints.	335
07(22)	Skirts and culottes, cotton restraints.	342
23(22)	Other cotton restraints	359
33(42)	Coats and jackets, wool restraint	435
34(42)	Skirts and culottes, wool restraints.	442
35(42)	Suits, wool restraints	444
43(42)	Other wool restraints	459
53(62)	Coats and jackets, mmf restraints.	635
54(62)	Skirts and culottes, mmf restraints.	642
55(62)	Suits, mmf restraints	644
63(62)	Other, man made fiber restraints	659
69(82)	Coats and jackets	
70(82)	Skirts and culottes	
71(82)	Suits	
83(82)	Other	
383.78		
15(18)	Trousers, slacks and shorts, cotton rests.	348
16(22)	Skirts and culottes, cotton restraints.	342
17(22)	Suit type jacket, parts of suits, skirt and/or pants of identical fabric, jacket single back panel Cotton restraints HCC.	335
19(22)	As above, jacket not single back panel CR HC.	335
20(22)	Other suit type coats, cotton restraints.	335
21(22)	Other coats and jackets, cotton rests.	335
23(22)	Other cotton restraints	359
25(42)	Suit type coats and jackets, wool rests.	435
26(42)	Other coats and jackets, wool restraints.	435
29(42)	Skirts and culottes, wool restraints.	442
35(58)	Trousers, slacks and shorts	448
36(42)	Suits, jacket and skirt and/or pants of identical fabric, jacket single back panel, 2 pairs of pants, Wool restraints HHC.	444
37(42)	As in 36, one skirt and one pair pants WR HCC.	444
39(42)	As in 36, other suits WR HCC	444
40(42)	Suits, identical fabric, jacket not single back panel, two pairs of pants WR HCC.	444
41(42)	As in 40, one skirt and one pair pants WR HCC.	444
43(42)	As in 40, other suits WR HCC	444
45(42)	Suits, not identical fabric, two pair pant WR HCC.	444
48(42)	As in 45, one skirt and one pair pants WR HCC.	444
47(42)	Other suits Wool restraints HCC	444
49(42)	Other, wool restraints	459
50(44)	Shirts and blouses, mmf restraints.	641
51(48)	Dresses, mmf restraints	636
59(62)	Suit type coats and jackets, mmf restraints.	635
60(62)	Other coats and jackets, mmf restraints.	635
61(62)	Skirts and culottes, mmf restraints.	642
63(62)	Suits, jacket and skirt and/or pants of identical fabrics, jacket single back panel, 2 pairs of pants, mmf restraints HCC.	644
65(62)	As in 63, one skirt and one pair pants MMFR HCC.	644
66(62)	As in 63, other suits MMF restraints HCC.	644
67(62)	Suits, identical fabrics, jacket not single back panel, two pair pants, MMF restraints HCC.	644
68(62)	As in 67, one skirt and one pair pants mmfR HCC.	644
69(62)	As in 67, other suits, mmf restraints HCC.	644
70(62)	Suits, not identical fabric, two pair pants MMF HC.	644
71(62)	As in 70, one skirt and one pair pants MMFR HCC.	644
73(62)	Other suits, man made fiber restraints HCC.	644
75(62)	Other, man made fiber restraints	659
81–86	Renumbered one to one from (64–78) see 84 TSUSA for description.	
87(82)	Coats and jackets	
88(82)	Suits	
92(82)	Other	
383.80		
02(02)	Women's tank tops	639
07(03)	Girls' tank tops	639
09(03)	Boy infants ov 24 mo. age tank tops (HCC).	639
11(03)	Other infants tank tops	639
12(04)	Women's blouses	639
14(05)	Girls' blouses	639
17(05)	Boy infants ov 24 mo. age blouses (HCC).	639
19(05)	Other infants blouses	639
22(06)	Body suits and body shirts	659
24(43)	Boy infants ov 24 mo. age T-shirts (HCC).	639
26(43)	Other T-shirts	639
28(44)	Boy infants ov 24 mo. age sweatshirts (HCC).	639
30(44)	Other sweatshirts	639
45(45)	Women's other shirts	639
48(47)	Girls' other shirts	639
50(47)	Boy infants ov 24 mo. age other shirts (HCC).	639
52(47)	Other infants other shirts	639
69(70)	Boy infants ov 24 mo. age sweaters.	646
71(70)	Other infants sweaters	646
73(73)	Other sweaters	646
383.81		
17(19)	Infant boys ov 24 mo. age other coats/jackets (HC).	635
20(19)	Other coats and jackets	635
37(35)	Infant boys ov 24 mo. age tops (HCC).	639
39(35)	Other tops	639
41(40)	Infant boys ov 24 mo. age jog trousers etc. HCC.	648
43(40)	Other jog and similar etc. trousers and slacks.	648
45(45)	Women's other trousers and slacks.	648
47(46)	Girls' other trousers and slacks	648
56(46)	Boy infants ov 24 mo. age other trousers/slacks (HC).	648
58(46)	Other infants other trousers and slacks.	648
62(60)	Boy infants ov 24 mo. age shorts (HCC).	648
64(60)	Other shorts	648
383.83 to 383.84	No change	
383.86		
72(90)	Coats and jackets w/out full frontal openings.	659
74(90)	Jumpers	659
76(90)	Visors	659
78(62)	Parts of sweaters	646
79(64)	Parts of shirts	641
81(66)	Parts of coats and jackets	635
82(66)	Parts of trousers, slacks and shorts.	648
83(66)	Parts of hats	659
84(66)	Parts of other apparel	659
88–95	Renumber one to one from (68–90) see 84 TSUSA for description and category.	
383.88	No change	
383.90		
27(30)	Boy infants ov 24 mo. age blouses & shirts (HCC).	641

T.S.U.S.A. (old annotation)	Description	Category
29(30)	Other infants blouses and shirts	641
32(36,41,54)	Boy infants ov 24 mo. age coats	635
35,40,43 and 52.	No change	635
37,42,55	Girl's coats from (36, 41 and 54)	635
56(60)	Suits, jacket and skirt and/or pants, of identical fabric, jacket with single back panel, two pairs pants (HCC).	644
57(60)	As in 56, with one skirt and one pair pant (HCC).	644
58(60)	As in 56, other suits (HCC)	644
59(60)	Suits, identical fabric, jacket not single back panel (HCC), two pairs pants.	644
61(60)	As 59, one skirt and one pair pants (HCC).	644
62(60)	As 59, other suits (HCC)	644
63(60)	Suits, not identical fabric, 2 pairs pants (HCC).	644
64(60)	As 63, one skirt and one pair pants (HCC).	644
66(60)	As 63, other suits (HCC)	644
69(65)	Boy infants ov 24 mo. age shorts (HCC).	648
69(65)	Other shorts	648
72(71)	Girls' trousers and slacks	648
74(71)	Boy infants ov 24 mo. age trousers/slacks (HCC).	648
76(71)	Other infants trousers and slacks.	648.
383.92		
03(95)	Coats and jackets w/out full frontal opening.	659
42(95)	Jumpers	659
43(95)	Visors	659
67(66)	Parts of coats and jackets	635
68(66)	Parts of hats	659
69(66)	Other parts of apparel	659
96(95)	Other	659
383.95		
06(05)	Dresses, cotton restraints	336
08(05)	Coats and jackets, cotton restraints.	335
10(05)	Pajamas and other nightwear, cotton restraints.	351
17(05)	Knit shirts and blouses, cotton restraints.	339
19(05)	Not knit shirts and blouses, cotton restraints.	341
21(05)	Skirts and culottes, cotton restraints.	342
23(05)	Sweaters, cotton restraints	345
27(05)	Trousers, slacks and shorts, cotton restraints.	348
29(05)	Other	359
32(15)	Dresses, wool restraints	436
34(15)	Suit type coats and jackets, wool restraints.	435
36(15)	Other coats and jackets, wool restraints.	435
40(15)	Knit shirts and blouses, wool restraints.	438
42(15)	Not knit shirts and blouses, wool restraints.	440
44(15)	Skirts and culottes, wool restraints.	442
46(15)	Suits, wool restraints	444
48(15)	Sweaters, wool restraints	446
50(15)	Trousers, slacks and shorts, wool restraints.	448
52(15)	Other, wool restraints	459
62(25)	Dresses, man made fiber restraints.	636
64(25)	Suit type coats and jackets, mmf restraints.	635
66(25)	Other coats and jackets, mmf restraints.	635
68(25)	Knit shirts and blouses, mmf restraints.	639
70(25)	Not knit shirts and blouses, mmf restraints.	641
72(25)	Skirts and culottes, mmf restraints.	642
74(25)	Suits, mmf restraints	644
76(25)	Sweaters, mmf restraints	646
78(25)	Trousers, slacks and shorts, mmf restraints.	648
79(25)	Other, mmf restraints	659
80(30)	Dresses	
81(30)	Coveralls, overalls, etc	
83(30)	Dressing gowns, etc	
84(30)	Suit type coats and jackets	
85(30)	Other coats and jackets	
86(30)	Pajamas and other nightwear	
87(30)	Skirts and culottes	
89(30)	Suits	
91(30)	Knit shirts and blouses	
93(30)	Not knit shirts and blouses	
95(30)	Sweaters	
96(30)	Trousers, slacks and shorts	
99(30)	Other	

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-29586 Filed 11-8-84; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1985; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1985 services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: November 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.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On August 31, 1984, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (49 FR 34555) of proposed additions to Procurement List 1985, October 19, 1984 (49 FR 41195).

Additions

After consideration of the relevant matter presented, the Committee has determined that the 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 services listed.

c. The actions will result in authorizing small entities to provide the services procured by the Government.

Accordingly, the following services are hereby added to Procurement List 1985:

SIC 7369

Commissary Shelf Stocking and Custodial, Eielson Air Force Base, Alaska

SIC 9199

Forms/Publication Storage and Distribution, Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C.

C.W. Fletcher,

Executive Director.

[FR Doc. 84-29531 Filed 11-8-84; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1985; 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 Procurment List 1985 a commodity 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: December 12, 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.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and services listed below from workshops for the blind or other severly handicapped.

It is proposed to add the following commodity and services to Procurement List 1985, October 19, 1984 (49 F.R. 41195):

Class 7105

Frame, Picture, Wood, 7105-00-052-8698

SIC 0782

Grounds Maintenance, Bergstrom Air Force Base, Texas, (Portion not on Procurement List)

SIC 7349

Janitorial/Custodial, William J. Green Jr. Federal Building, 600 Arch Street, Philadelphia, Pennsylvania

Janitorial/Elevator Operator, Buildings 159, 159E and 160, Navy Yard Annex, Second and M Street, SE., Washington, D.C.

SIC 7369

Commissary Shelf Stocking and Custodial Service, Minot Air Force Base, North Dakota.

C.W. Fletcher,

Executive Director.

[FR Doc. 84-29530 Filed 11-8-84; 8:45 am]

BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

Flammability Standards for Children's Sleepwear; Advisory Letter Concerning Applicability of Standards to Chinese Pajamas for Children

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Advisory Letter.

SUMMARY: The Consumer Product Safety Commission is publishing an advisory letter from the Associate Executive Director for Compliance and Administrative Litigation concerning the applicability of the flammability standards for children's sleepwear to garments called "Chinese pajamas" in sizes 0 through 14. This advisory letter states that "Chinese pajamas" in sizes 0 through 14 are items of children's sleepwear, and as such must comply with the requirements of the applicable sleepwear flammability standard, giving the staff's reasons for this position. The advisory letter withdraws earlier staff guidance to the effect that such garments are not subject to the children's sleepwear standards.

FOR FURTHER INFORMATION CONTACT: Elizabeth Gomilla, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C.; telephone: (301) 492-6400.

SUPPLEMENTARY INFORMATION: For the information of all interested parties, the Consumer Product Safety Commission publishes the following advisory letter from the Associate Executive Director for Compliance and Administrative Litigation.

Date: October 26, 1984

To: All manufacturers, importers, distributors, and retailers of children's wearing apparel.

From: David Schmeltzer, Associate Executive Director for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207.

Subject: Applicability of Children's Sleepwear Flammability Standards to Chinese Pajamas.

The Consumer Product Safety Commission enforces two flammability standards for children's sleepwear. One is applicable to children's sleepwear in sizes 0 through 6X and is codified at 16 CFR Part 1615; the other is applicable to children's sleepwear in sizes 7 through 14 and is codified at 16 CFR Part 1616.

The testing provisions of both standards are identical and require that children's sleepwear garments and fabrics intended for use in such garments must self-extinguish when exposed to a small open-flame ignition source.

Background

The standards are applicable to any "item" of "children's sleepwear" as those terms are defined in the standards. The term "item" is defined in each standard to mean "any product of children's sleepwear, or any fabric or related material intended or promoted for use in children's sleepwear." See 16 CFR 1615.1(c) and 1616.2(c).

The term "children's sleepwear" is defined in each standard to mean "any product of wearing apparel" in the sizes subject to its coverage "such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping." See 16 CFR 1615.1(a) and 1616.2(a). Diapers and underwear are specifically excluded from the definition of "children's sleepwear" in each standard.

Chinese Pajamas

The Chinese pajamas which are the subject of this advisory letter are two-piece garments made of light-to-medium weight cotton, cotton/polyester or rayon, woven fabrics commonly called batiste, percale, or broadcloth. The garment bottoms have long pants and an elastic waist. The garment tops have a front opening, long or short sleeves, and a mandarin-type collar or no collar. The distinguishing characteristic for all of these garments is the trim, which includes embroidered pictures and decorative buttons on the garment tops. These garments have been sold under trade names such as "Duckling," "Lili," and "Plum Blossom."

Staff Guidance

In 1978, Chinese pajamas in children's sizes first came to the attention of the Commission staff. Information available at that time indicated that limited quantities of these garments were being sold in this country, primarily in souvenir shops. That information also indicated that the principal use of the garments at that time was for day wear rather than for sleeping.

Based upon this information, the Commission staff advised several importers in 1978 that these garments in sizes 0 through 14 would not be considered to be "children's sleepwear" if they were labeled with a statement that such garments do not comply with the flammability standards for children's sleepwear and are not intended for use as sleepwear.

New Information

In recent months, new information has come to the staff's attention which causes the staff to conclude that Chinese pajamas are now perceived by consumers as sleepwear and are being used by children for sleeping. This information is as follows:

(1) The Chinese pajamas described in this notice are being sold in children's clothing stores.

(2) A 1983 trade publication indicates that future sales are intended to penetrate the U.S. sleepwear market.

In determining whether the garments are "children's sleepwear" as that term is defined in the children's sleepwear standards, the staff considers the following factors:

(1) The nature of the product and its suitability for use by children for sleeping or activities related to sleeping;

(2) The manner in which the product is distributed and promoted; and

(3) The likelihood that the product will be used by children for sleeping in a substantial number of cases.

These factors have been used by the Commission staff since 1973 to determine whether garments fall within the definition of "children's sleepwear" as provided in the sleepwear standards. See *U.S. v. Sun and Sand Imports, Ltd.*, 564 F.Supp. 1402, 1404 (S.D.N.Y. 1983), *aff'd* 725 F.2d 184 (2d Cir. 1984); and the Commission's Statement of Enforcement Policy published at 49 FR 10249, March 20, 1984.

The Chinese pajamas described in this letter have always been suitable for use as sleepwear, since they are loose fitting, nonrestrictive garments made of a soft, comfortable fabric. Although the garment tops are decorated to some extent, the trim is flat and nonobstrusive. The garments are machine washable and easy to care for. In addition, the basic garment design and type of fabric used in the garments

are typical of traditional U.S. sleepwear garments.

However, the staff initially concluded that the distribution and promotion practices associated with Chinese pajamas kept the garments from being considered items of children's sleepwear. Recent changes in the distribution and promotion practices have now caused the staff to reverse its earlier opinion.

Conclusion

For these reasons, the Commission's Directorate for Compliance and Administrative Litigation concludes that these garments are likely to be purchased primarily for sleeping or activities related to sleeping in a substantial number of cases, notwithstanding the presence of any label which may state that they do not comply with the flammability standards for children's sleepwear and are not intended for use as sleepwear. Therefore, this directorate considers the Chinese pajamas described in this letter to be "children's sleepwear," and subject to the requirements of the applicable standard of flammability for children's sleepwear.

To the extent that this advisory letter is inconsistent with any previously issued advice or guidance from the Commission staff concerning obligations of manufacturers, importers or private labelers of Chinese pajamas to comply with the children's sleepwear standards, it supersedes all previously issued opinions or guidance.

By publication of this letter, the Directorate for Compliance and Administrative Litigation announces that it will initiate any legal action necessary to stop the sale of any Chinese pajamas of the type described in this notice in sizes 0 through 14 imported after the effective date of this notice, if those garments do not comply with the requirements of the applicable sleepwear flammability standard. If a firm has received direct notification of the applicability of the children's sleepwear flammability standards to Chinese pajamas by letter sent before publication of this notice, that firm must comply with the applicable requirements of the standards from the date it receives the letter. If a firm enters an agreement with the Commission staff concerning the applicability of the children's sleepwear standards to Chinese pajamas before the date of publication of this notice, that firm must comply with the applicable requirements of the standards from the date of the agreement.

For additional information about the requirements of the children's sleepwear flammability standards, or to obtain copies of those standards, manufacturers, importers, private labelers, distributors, and retailers should call or write the nearest Regional Office of the Consumer Product Safety Commission. The addresses and telephone numbers of the Commission's Regional Offices are listed below.

Midwestern Regional Office, Victor Petralia, Director, 230 South Dearborn Street, Room 2944, Chicago, Illinois 60604, Telephone: (312) 353–8260

Northeastern Regional Office, Richard D. Swakhamer, Director, 6 World Trade Center, Vesey Street, 6th Floor, New York, New York 10048, Telephone: (212) 264–1125

Southeastern Regional Office, Leslie Y. Pounds, Director, 800 Peachtree Street, Suite 210, Atlanta, Georgia 30308, Telephone: (404) 881–2231

Southwestern Regional Office, Elizabeth B. Hendricks, Director, 1100 Commerce Street, Room 1C10, Dallas, Texas 75242, Telephone: (214) 767–0841

Western Regional Office, Lee Baxter, Director, 555 Battery Street, Room 415, San Francisco, California 94111, Telephone: (414) 556–1816

Dated: November 6, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 84–29586 Filed 11–8–84; 8:45 am]

BILLING CODE 6355–01–M

Mattress Standard; Advisory Letter Concerning Futons

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Advisory Letter.

SUMMARY: The Consumer Product Safety Commission is publishing an advisory letter from the Associate Executive Director for Compliance and Administrative Litigation concerning the applicability of the Standard for the Flammability of Mattresses (and Mattress Pads) (16 CFR Part 1632) to flexible mattresses sometimes called "futons." This advisory letter states that futons fall within the definition of the term "mattress" set forth in the standard, and for that reason are subject to the requirements of the mattress flammability standard.

FOR FURTHER INFORMATION CONTACT: Elizabeth Gomilla, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C; telephone: (301) 492–6400.

SUPPLEMENTARY INFORMATION: For the information of all interested parties, the Consumer Product Safety Commission publishes the following advisory letter from Associate Executive Director for Compliance and Administrative Litigation.

Date: October 26, 1984

To: All manufacturers, importers, distributors, and retailers of futons

From: David Schmeltzer, Associate Executive Director for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207

Subject: Applicability of mattress flammability standard to futons

In 1972, the Standard for the Flammability of Mattresses (and Mattress Pads) was issued under provisions of the Flammable Fabrics Act (FFA, 15 U.S.C. 1191 *et seq.*) to protect the public from unreasonable risks of fire associated with ignition of mattresses from smoldering cigarettes. The standard is codified at 16 CFR Part 1632.

The mattress flammability standard prescribes a test which involves exposure of a mattress surface under specified conditions to lighted cigarettes. If the mattress surface does not ignite at any of the cigarette test locations, it passes the test in the standard. Each basic combination of materials and construction methods used in the production of mattresses must be tested in prototype to demonstrate compliance with the requirements of the standard before mattresses may be sold or distributed in commerce. Each mattress type must be tested at least one time during the production of each 500 mattresses of the same type, or one time every three months, whichever occurs first.[1]

Products Subject to Standard

The mattress flammability standard is applicable to all mattresses which are imported, manufactured for sale in commerce, or distributed in commerce. The standard defines the term "mattress" at 16 CFR 1632.1(a) to mean: "A ticking filled with resilient material used alone or in combination with other products and intended or promoted for sleeping upon."

[1] In the **Federal Register** of October 10, 1984 (49 FR 39790), the Commission issued final amendments of the standard which eliminate requirements for production testing and make other changes to the standard. The amended standard will become effective on April 10, 1985.

Futons

Within the past two or three years, thin, flexible mattresses, sometimes called "futons," have become increasingly popular in this country. These products can be spread on a flat surface, usually a floor, when used for sleeping, and can be rolled or folded for storage when not in use.

A futon generally consists of cotton batting or other resilient material covered with cotton muslin or other durable fabric. Some manufacturers make futons in a variety of ticking fabrics and colors; other manufactures make futons in only one fabric but provide a cover that is available in a variety of fabrics and colors.

The Commission staff has examined and tested futons manufactured by several firms. Most futons examined by the staff were manufactured using cotton batting as the resilient filling material. Those futons manufactured with cotton batting which had been treated with a flame retardant yielded passing results when tested for resistance to cigarette ignition in accordance with the standard. Those futons manufactured with cotton batting which had not been treated with a flame retardant yielded failing results.

As noted above, the mattress standard defines the products which are subject to its coverage at § 1632.1(a). In addition to the language quoted earlier in this notice, § 1632.1(a) lists examples of several products which are specifically included or specifically excluded from the definition of the term "mattress." Although "futons" are not mentioned in either in the list of included products or in the list of excluded products, the Directorate for Compliance and Administrative Litigation considers a "futon," as described in this advisory letter, to fall within the general language used in § 1632.1(a) to define the term "mattress" for purposes of the standard's applicability.[2]

By letters of advice from its Regional Offices, the Commission staff has attempted to notify all manufacturers that futons are subject to the requirements of the mattress standard. Manufacturers have been requested to stop sale and conduct prototype and production testing required by the standard if futons were not manufactured in accordance with the sampling and testing requirements of the standard. Futons may be reworked to bring them into compliance with the requirements of the standard.

Although the Regional Offices have mailed letters to approximately 50 manufacturers of futons, the Commission staff believes that additional firms may be manufacturing these products. For this reason, the Associate Executive Director for Compliance and Adminstrative Litigation issues this advisory letter to clarify the applicability of the mattress standard to futons.

Conclusion

The Directorate for Compliance and Administrative Litigation considers thin, flexible mattresses, sometimes called "futons," to fall within the definition of the term "mattress" as it appears in the Standard for the Flammability of Mattresses (and Mattress Pads) at 16 CFR 1632.1(a). Consequently, futons must meet all applicable provisions of the mattress flammability standards, including those which require prototype and production testing.

The sale of any futons that have not been manufactured in compliance with the requirements of the mattress standard should be discontinued until those products have been tested in accordance with the standard and have yielded acceptable results. If a firm is manufacturing several types of futons using different kinds of filling materials or different ticking fabrics, the standard may require separate testing of each type of futon.

For additional information about the requirements of the mattress flammability standard or to obtain a copy of the standard, manufacturers should write or call the nearest Regional Office of the Consumer Product Safety Commission. The addresses and telephone numbers of those offices are listed below:

Midwestern Regional Office, Victor Petralia, Director, 230 South Dearborn Street, Room 2944, Chicago, Illinois 60604, Telephone: (312) 353–8260

Northeastern Regional Office, Richard D. Swakhamer, Director, 6 World Trade Center, Vesey Street, 6th Floor, New York, New York 10048, Telephone: (212) 264–1125

Southeastern Regional Office, Leslie Y. Pounds, Director, 800 Peachtree Street, Suite 210, Atlanta, Georgia 30308, Telephone: (404) 881–2231

Southwestern Regional Office, Elizabeth B. Hendricks, Director, 1100 Commerce Street, Room 1C10, Dallas, Texas 75242, Telephone: (214) 767–0841

Western Regional Office, Lee Baxter, Director, 555 Battery Street, Room 451, San Francisco, California 94111, Telephone: (415) 556–1816

Dated: November 6, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 84–29587 Filed 11–8–84; 8:45 am]

BILLING CODE 6355–01–M

[2] In the **Federal Register** of October 10, 1984 (49 FR 39790), the Commission issued final amendments of the mattress standard which add futons to the list of products specifically included in the standard's definition of the term "mattress." The amended standard will become effective on April 10, 1985.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Weapons and Concepts Subpanel of the Ad Hoc Committee on Options for Attack of Strategic Relocatable Targets will meet on December 19, 1984 in the Pentagon. The meeting will start at 9:00 a.m. and adjourn at 4:30 p.m.

The purpose of the meeting will be to receive classified briefings and hold classified discussions on ways in which existing and programmed systems may be effectively applied to attack of mobile ballistic missiles.

For further information contact the USAF Scientific Advisory Board at (202) 697–4811.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 84–29529 Filed 11–8–84; 8:45 am]

BILLING CODE 3910–01–M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Surface Weapons Center (NSWC) Review Team of the Naval Research Advisory Committee (NRAC) Panel on Laboratory Oversight will meet on November 27–28, 1984, at the Naval Surface Weapons Center, Dahlgren, Virginia. The agenda will include technical briefings by NSWC departments which will allow the team to make a thorough evaluation of the scientific, technical and engineering health of the activity. Sessions of the meeting will commence at 8:30 a.m. and terminate at 5:00 p.m. on November 27 and 28, 1984. The entire meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical and engineering health of NSWC. The entire meeting will consist of classified

information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. The Secretary of the Navy therefore has determined in writing that the public interest requires that the entire meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696–4870.

Dated: November 6, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–29488 Filed 11–8–84; 8:45 am]

BILLING CODE 3810–AE–M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Naval Research Advisory Committee (NRAC) Joint C³ Interoperability Panel will meet on 27–28 November, at the Office of Naval Research, 800 North Quincy Street, Arlington, Virginia. The agenda will include technical briefings from the individual military services on their respective command and control systems, requirements and infrastructure capability. Sessions of the meeting will commence at 8:30 A.M. and terminate at 5:00 P.M. on 27 November 1984, and commence at 8:30 A.M. and terminate at 4:00 P.M. on 28 November 1984. The entire meeting will be closed to the public.

The purpose of the meeting is to examine the quality of joint command and control systems, and assess future requirements and infrastructure capability. The entire meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. The Secretary of the Navy, therefore, has determined in writing that the public interest requires that the entire meeting be closed to the public because it will be concerned with matters listed in section 552b(c)(1) of title 5, United Staes Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number: (202) 696–4870.

Dated: November 6, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–29489 Filed 11–8–84; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATE: Interested persons are invited to submit comments on or before December 10, 1984.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster, (202) 426–7340.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information requests prior to the submission of these requests to the OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting Burden; and/or (7) Recordkeeping Burden; and (8) Abstract.

OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: November 6, 1984.

Linda M. Combs,

Deputy Under Secretary for Management.

Office of Management

Type of Review Request: Revision
Title: Computer-generated Recipient Report of Expenditures
Agency Form Number: ED 868
Frequency: Quarterly
Affected Public: State or Local Governments; Non-Profit Institutions
Reporting Burden
Responses: 7,000
Burden Hours: 112,000
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0
Abstract: OMB Circulars A–102 and A–110 require agencies advancing funds to recipients to require those recipients to report back the expenditures made for each award received and report the status of Federal cash received. The agency uses this report to monitor recipient needs and project future cash requirements.

Office of Planning, Budget, and Evaluation

Type of Review Request: New
Title: Longitudinal Study of English Immersion and Dual Language Instructional Programs for Language-Minority Children
Agency Form Number: ED 8002
Frequency: Annually
Affected Public: Individuals or Households; State or Local Governments
Reporting Burden
Responses: 8,667
Burden Hours: 7,862
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0
Abstract: This four-year longitudinal study will collect information about

one alternative not currently authorized under Title VII of the Elementary and Secondary Act, 20 U.S.C. 3221–3261, (Title VII), English Immersion, and compare it with programs currently authorized under Title VII.

Office of Special Education and Rehabilitative Services

Type of Review Request: Reinstatement
Title: Annual Vocational Rehabilitation Program/Cost Report
Agency Form Number: RSA ED–2
Frequency: Annually
Affected Public: State or Local Governments
Reporting Burden
Responses: 84
Burden Hours: 395
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0
Abstract: This report submitted by State VR Agencies, provides information costs and services in the basic support program. This information allows RSA to analyze expenditures, evaluate program accomplishments, and identify problem areas.

Type of Review Request: Reinstatement
Title: Report of Vending Facility Program
Agency Form Number: RSA ED 15
Frequency: Annually
Affected Public: State or Local Governments
Reporting Burden
Responses: 54
Burden Hours: 448
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0
Abstract: This report provides information on earnings, losses, accomplishments, and problem areas in the vending facility program. This information allows RSA to assess the financial health and programmatic impact of the program and financial accountability and solvency in the operation of the vending facilities.

Type of Review Request: Revision
Title: Application for Grants under Rehabilitation Research and Demonstration Program
Agency Form Number: ED 792
Frequency: Annually
Affected Public: Individuals or Households; State or Local Governments; Businesses or Other for Profit Institutions; Federal Agencies or Employees; Non-Profit Institutions; Small Businesses or Organizations
Reporting Burden
Responses: 500
Burden Hours: 16,000
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0
Abstract: This is a grant application package which has been used in the past as the standard format by which organizations, including institutions of higher education and public and private agencies, apply for financial assistance; it is also used by individuals applying for fellowships.

[FR Doc. 84–29527 Filed 11–8–84; 8:45 am]
BILLING CODE 4000–01–M

National Advisory Council on Bilingual Education; Hearing

AGENCY: Department of Education.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming hearing of the National Advisory Council on Bilingual Education. Notice of this hearing is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: November 29, 1984—Public Hearing—9:00 a.m.–4:30 p.m., Public Hearing will be held at the: Denver Northglenn Holiday Inn in the Aztec-Inca Room, 10 East 120th Avenue, Northglenn, Colorado 80234.

FOR FURTHER INFORMATION CONTACT: Paul Balach, Designated Federal Official, Room 421, Reporter's Building, 400 Maryland Avenue SW., Washington, D.C. 20202 (202) 245–2600.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations. November 29, 1984 in consonance with the Council's mission to advise in the preparations of regulations under the Bilingual Education Act, testimony will be heard on the following topics which affect the limited English proficient populations:

(1) Needs of special populations (Native Americans).

(2) Use of High Technology in Bilingual Education.

(3) Other topics.

Witnesses should notify Mr. Rudy Chavez, Assistant to the Director, at the BUENO Center for Multicultural Education, University of Colorado, School of Education, Boulder, Colorado 80309 (303) 492–5416 of their intention to testify in Denver, Colorado.

The following procedures shall be observed during the public hearings:

(1) Witnesses shall be heard on a first come basis

(2) Witnesses shall limit testimony to twenty minutes and submit written testimony to the Chairman

(3) All testimony shall be tape recorded

(4) Exceptions to the aforementioned procedures shall be at the discretion of the Chairman.

Records are kept of all Council proceedings, and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Room 421, Reporters Building, 400 Maryland Avenue SW., Washington, D.C. 20202 from the hours of 8:00 a.m.–4:30 p.m.

Dated: November 5, 1984.

Jesse M. Soriano,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 84–29522 Filed 11–8–84; 8:45 am]
BILLING CODE 4000–01–M

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463, section 10(a)(2)).

DATE: November 29, 1984 at 5:30 p.m. through December 1, 1984 at 2:00 p.m.

ADDRESS: The Springfield Hilton, 6550 Loisdale Road, Springfield, Virginia 22150

FOR FURTHER INFORMATION CONTACT: Sven Groennings, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets SW., Washington, D.C. 20202 (202) 245–8091.

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under section 1003 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a–1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education . . . on the selection of

projects under consideration for support by the Fund in its competition."

The meeting of the National Board will be open to the public. The proposed agenda includes reviewing and recommending possible program directions for fiscal year 1985–86.

Records shall be kept of all Board proceedings, and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Room 3100, Washington, D.C. 20202 from the hours of 8:00 a.m. to 4:30 p.m. weekdays, except Federal Holidays.

Dated: November 6, 1984.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 84-29515 Filed 11-8-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements; Canada

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

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales:

Contract Number S–CA–362, to Atomic Energy of Canada, Ltd., Chalk River, Canada, 296.8 grams of natural uranium, for use as standard reference material.

Contract Number S–CA–363, to the Atomic Energy Control Board, Ottawa, Canada, 21.2 grams of natural uranium, for use as standard reference material.

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

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

For the Department of Energy.

Dated: November 5, 1984.

Dr. H.A. Merklein,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 84-29585 Filed 11-8-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements; Canada

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

The subsequent arrangements to be carried out under the above mentioned agreement involves approval of the following sales:

Contract Number S–CA–360, to . Atomic Energy of Canada, Ltd., Manitoba, Canada, 100 milligrams of uranium-233, for use as radioisotope sorption studies on clay minerals.

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

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

For the Department of Energy.

Dated: November 5, 1984.

Dr. H.A. Merklein,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 84-29582 Filed 11-8-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Poland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" for the export of source material. Such exports are authorized under Title 10, Chapter 1, of the Code of Federal Regulations, Subpart C, § 110.23.

The subsequent arrangement to be carried out under the above mentioned authority involves approval of the following sale: Contract Number S–IA–134, to the Central Laboratory for Radiological Protection, Warsaw, Poland, 5 grams of natural uranium, and 5 grams of thorium, for use as standard reference material.

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

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

For the Department of Energy.

Dated: November 5, 1984.

Dr. H.A. Merklein,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 84-29594 Filed 11-8-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Switzerland

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

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/SD(EU)–46, from Belgium to EIR, Wuerenlingen, Switzerland, ten irradiated fuel rods, containing 4,617 grams of uranium enriched to 3.5% in U–235, for post-irradiation examination.

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

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

For the Department of Energy.

Dated: November 5, 1984.

Dr. H.A. Merklein,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 84-29593 Filed 11-8-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP85-14-000]

Algonquin Gas Transmission Co.; Rate Schedule SNG-1 Revision for Increased Operating Flexibility

November 5, 1984

Take notice that Algonquin Gas Transmission Company (Algonquin Gas) on October 31, 1984, tendered for filing sixteen tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1, all related to its Rate Schedule SNG-1.

Algonquin Gas states that such revised tariff sheets reflect revisions to Rate Schedule SNG-1, made at the request of its Rate Schedule SNG-1 customers (Customers), to increase the presently effective operating flexibility by permitting a further reduction in SNG deliveries for the remaining three years of the primary term of the effective SNG-1 Service Agreements. This expansion of operating flexibility reflects a continuation of the evolution of such operating ajustments to meet, more closely, the needs of its customers under changing operating, supply, and economic conditions, Algonquin Gas states. Algonquin Gas has requested special permissions and waivers, as necessary, of the Commission's Regulations to allow the tendered tariff sheets to become effective November 1, 1984 since negotiations with and among Customers to develop the tariff changes were lengthier than anticipated.

Algonquin Gas states that its filing is being posted in accordance with Section 154.16 of the Commission's Regulations under the Natural Gas Act by mailing a copy of this filing to each of Algonquin Gas' affected Customers and interested State Commissions and by making it available for public inspection at Algonquin Gas' general office in Boston, Massachusetts.

Any person desiring to be heard or to protest said filing should file a petition to intevene 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 petitions or protests should be filed on or before November 13, 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 petition to intervene, Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretqry.

[FR Doc. 84-29572 Filed 11-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-75-002]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

November 5, 1984.

Take notice that on October 31, 1984, Columbia Gas Transmision Corporation (Columbia Transmission) tendered for filing the following proposed changes to its FERC Gas Tariff:

Original Volume No. 1

Ninety-sixth Revised Sheet No. 16
First Revised Sheet No. 16A1
Sixth Revised Sheet No. 31
Substitute Thirtieth Revised Sheet No. 64A
Substitute Second Revised Sheet No. 64D1

Original Volume No. 2

Substitute Eighth Revised Sheet No. 693

The foregoing tariff sheets bear an issue date of October 31, 1984 and an effective date of November 1, 1984.

Columbia Transmission states that these tariff sheets are necessary in order to place into effect on November 1, 1984 rates which comply with the conditions set forth in Ordering Paragraphs (C) and (D) of the Commission's suspension order of May 30, 1984, as further clarified by the Commission order issued September 20, 1984. In this regard, Columbia Transmission would note that pursuant to Ordering Paragraph (B) of the September 20, 1984 order, Columbia Transmission filed its Revised Cost of Service in these proceedings on October 1, 1984.

Additionally, this revised filing continues to reflect (1) the Seaboard formula of cost classification and rate design, (2) representative transportation quantities, as well the transportation rate design reflected in the initial filing herein, and (3) a special voluntary adjustment to the calculated rates, which is designed to produce revenues for Columbia Transmission at a level equivalent to that which it would collect and retain if its existing rates and revenue crediting procedures were maintained.

In its initial filing, Columbia Transmission developed its rates based on reduced service levels requested by certain of its wholesale customers, as reflected in Columbia Transmission's certificate application in Docket No. CP84-2-000. In this connection, Ordering Paragraph (D)(4) of the Commission's May 30, 1984 suspension order herein provides that Columbia Transmission's revised rates are to reflect "the certificated and effective service levels as of November 1, 1984 in Docket No. CP84-2-000".

However, Columbia Transmission understands that the Commission has approved an order and intends to consolidate Docket No. CP84-2 with Docket No. RP84-75 in order to consider the proposed service reductions along with the associated rate impact. In the event the Commission approves reduced wholesale customer service levels therein, Columbia Transmission hereby requests any and all waivers the Commission may deem necessary to permit it to thereafter place rates into effect reflecting, on a prospective basis, the full impact of such modified service levels.

The instant filing also request waivers necessary to reflect minor tariff corrections to certain revised tariff sheets.

Copies of the filing were served by the company upon each of its jurisdictional customers, interested state commissions and to each of the parties set forth on the official service list in this proceeding.

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, Union Center Plaza Building, 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 motions or protests should be filed on or before November 13, 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia Transmission's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-29573 Filed 11-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-74-003]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

November 5, 1984.

Take notice that Columbia Gulf Transmission Compány (Columbia Gulf)

on October 31, 1984 tendered for filing the following revised tariff sheets to its FERC Gas Tariff to become effective November 1, 1984:

Original Volume No. 1

Substitute Second Revised Sheet No. 6
Substitute Twenty-ninth Revised Sheet No. 7
Substitute Sixth Revised Sheet No. 8
Substitute First Revised Sheet No. 24
Substitute First Revised Sheet No. 25
Substitute First Revised Sheet No. 26
Substitute Second Revised Sheet No. 58
Substitute Second Revised Sheet No. 117
Second Substitute Third Revised Sheet No. 118
Substitute Second Revised Sheet No. 119
Substitute Second Revised Sheet No. 120
Substitute First Revised Sheet No. 120A
Substitute First Revised Sheet No. 120B

Original Volume No. 2

Substitute Eleventh Revised Sheet No. 72
Substitute Eleventh Revised Sheet No. 73
Substitute Eighth Revised Sheet No. 92
Substitute Eighth Revised Sheet No. 93
Substitute Eighth Revised Sheet No. 126
Substitute Ninth Revised Sheet No. 145
Substitute Ninth Revised Sheet No. 146
Substitute Eighth Revised Sheet No. 263
Substitute Seventh Revised Sheet No. 320
Substitute Seventh Revised Sheet No. 337
Substitute Seventh Revised Sheet No. 386
Substitute Seventh Revised Sheet No. 387
Substitute Fifth Revised Sheet No. 416
Substitute Fifth Revised Sheet No. 417
Substitute Seventh Revised Sheet No. 440
Substitute Seventh Revised Sheet No. 484
Substitute Seventh Revised Sheet No. 493
Substitute Seventh Revised Sheet No. 567
Substitute Seventh Revised Sheet No. 596
Substitute Sixth Revised Sheet No. 628
Substitute Fourth Revised Sheet No. 663
Substitute Fourth Revised Sheet No. 677
Substitute Fourth Revised Sheet No. 702
Substitute Sixth Revised Sheet No. 750
Substitute Fifth Revised Sheet No. 820
Substitute Fifth Revised Sheet No. 821
Substitute Fifth Revised Sheet No. 848
Substitute Fifth Revised Sheet No. 849
Substitute Second Revised Sheet No. 879
Substitute Fourth Revised Sheet No. 937
Substitute Fourth Revised Sheet No. 1052
Substitute Fifth Revised Sheet No. 1097
Substitute Fourth Revised Sheet No. 1149
Substitute Fourth Revised Sheet No. 1150
Substitute Fourth Revised Sheet No. 1194
Substitute Fourth Revised Sheet No. 1195
Substitute Third Revised Sheet No. 1223
Substitute Third Revised Sheet No. 1253
Substitute Third Revised Sheet No. 1268
Substitute Third Revised Sheet No. 1302
Substitute Third Revised Sheet No. 1303
Substitute Third Revised Sheet No. 1338
Substitute Third Revised Sheet No. 1339
Substitute Third Revised Sheet No. 1370
Substitute Thrid Revised Sheet No. 1371
Substitute Third Revised Sheet No. 1438
Substitute First Revised Sheet No. 1441
Substitute First Revised Sheet No. 1442
Substitute Second Revised Sheet No. 1462
Substitute First Revised Sheet No. 1489
Substitute First Revised Sheet No. 1490
Substitute Second Revised Sheet No. 1521
Substitute Second Revised Sheet No. 1555
Substitute Second Revised Sheet No. 1587
Substitute Second Revised Sheet No. 1588
Substitute First Revised Sheet No. 1631
Substitute First Revised Sheet No. 1632
Substitute First Revised Sheet No. 1690

Columbia Gulf states that such tariff sheets are necessary to place its rates suspended by Commission Order issued May 30, 1984 in this proceeding into effect at the end of the prescribed suspenion period and to consolidate proceedings herein with proceedings in Docket No. RP84–75.

The tariff sheets encompass Columbia Gulf's rate filing herein of April 30, 1984 with adjustments to its Revised Cost Of Service filed October 1, 1984 to eliminate all costs associated with facilities which will not be in service by September 30, 1984. In addition, an adjustment has been made to update the valuing of company use gas to reflect the average Southwest gas purchase cost as contained in Columbia Gas Transmission Corporation's (Columbia Transmission) Docket No. TA84–2–21 (PGA 84–2a) filed September 18, 1984 with an effective date of September 1, 1984.

Copies of this filing were served upon all of Columbia Gulf's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 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 November 13, 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. 84–29574 Filed 11–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP72–157–071, et al.]

Consolidated Gas Supply Corp. et al.; Filing of Pipeline Refund Reports and Refund Plans

November 2, 1984.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 16, 1984. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
10/9/84	Consolidated Gas Supply Corp.	RP72–157–071	Report.
10/15/84	Midwestern Gas Transmission Co.	RP81–17–005	Report.
10/15/84	Transcontinental Gas Pipe Line Corp.	RP83–30–022	Report.
10/19/84	National Fuel Gas Supply Corp.	RP80–135–045	Report.
10/22/84	South Georgia Natural Gas Co.	RP85–9–000 [1]	Report.*
10/25/84	Columbia Gas Transmission Corp.	RP85–10–000 [2]	Report.
10/25/84	Natural Gas Pipeline Company of America.	RP78–78–016	Report.
10/26/84	Great Lakes Gas Transmission Co.	RP79–10–017	Report.

[1] To be used for all future Btu Refund Reports by South Georgia.
[2] To be used for all future Btu Refund Reports by Columbia Gas.
*Order No. 399 Btu Report or Plan.

[FR Doc. 84–29575 Filed 11–8–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ES85-5-000]

El Paso Electric Co; Application

November 5, 1984.

Take notice that on October 22, 1984, El Paso Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204 of the Federal Power Act, (i) to incur liability for payment of the principal of and premium, if any, and interest on up to $75,000,000 principal amount of pollution control revenue bonds proposed to be issued by the Maricopa County, Arizona Pollution Control Corporation in December 1984 for the purpose of financing the costs to the Applicant of the acquisition and construction of pollution control facilities at or related to the Palo Verde Nuclear Generating Station, including the refunding of $55,740,000 in principal amount of short-term pollution control bonds which mature in late December 1984, and (ii) to issue second mortgage bonds of the Company in principal amount equal to the principal amount of the pollution control bonds to be issued by Maricopa County as collateral security for the Company's obligation of payment of such pollution control bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1984, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211. 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 parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file motions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-29570 Filed 11-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-16139-011, et al.]

Gulf Oil Corporation, et al.; Applications for Certificates, Abandonments of Service and Petitions to Amend Certificates[1]

November 2, 1984.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 20, 1984, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .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 parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1]This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-16139-011, D, October 22, 1984.	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252.	Transwestern Pipeline Company, Panhandle Area of Texas, Dallam County, Texas.	(1)	
CI61-1441-000, D, October 22, 1984.	....do....	Lone Star Gas Company, East Durant Field, Bryan County, Oklahoma.	(2)	
CI76-772-001, E, October 16, 1984.	Phillips Oil Company (Successor in Interest to Phillips Petroleum Company), 336 HS&L Building, Bartlesville, Oklahoma 74004.	Transcontinental Gas Pipe Line Corporation, High Island, Blocks 154 and 155, Offshore Jefferson County, Texas.	(3)	14.73
CI82-214-002, October 11, 1984....	Marathon Oil Company, 539 South Main Street, Findlay, Ohio 45850.	Texas Eastern Transmission Corporation, West Delta Area Blocks 85 and 86, Offshore Louisiana.	(4)	
CI82-401-001, August 17, 1984.....	Kerr-McGee Corporation, Kerr-McGee Center, Oklahoma City, Oklahoma 73125.	Transcontinental Gas Pipe Line Corporation, Ship Shoal Area Block 238.	(5)	
CI84-159-001, October 1, 1984.....	Chevron U.S.A., Inc., P.O. Box 7309, San Francisco, California 94120.	Natural Gas Pipeline Company of America, Eugene Island Block 133, Offshore Louisiana.	(6)	
CI84-202-004, E, October 16, 1984.	Phillips Oil Company (Successor in Interest to Phillips Petroleum Company), 336 HS&L Building, Bartlesville, Oklahoma 74004.	Southern Natural Gas Company, Eloi Bay, St. Bernard Parish, Louisiana.	(7)	
CI85-14-000, B, October 9, 1984...	Oleum Incorporated, P.O. Box 631, Amarillo, Texas 79173.	Panhandle Eastern Pipe Line Company, Haun-Williams Unit; Sec. 6, Township 17, North, Range 17 West, Dewey County, Oklahoma.	(8)	
CI85-15-00, B, October 4, 1984.....	Sabine Corporation, 1200 Mercantile Bank Building, Dallas, Texas 75201.	Michigan Wisconsin Pipeline Company, Doby Springs Field, Harper County, Oklahoma.	(9)	
CI85-16-000, B, October 4, 1984...	....do....	Michigan Wisconsin Pipeline Company, NE Seiling Field, Major County, Oklahoma.	(10)	
CI85-17-000, B, October 4, 1984...	....do....	Northern Natural Gas Company Mocane Laverne Field, Beaver County, Oklahoma.	(11)	
CI84-18-000, B, October 4, 1984...	Sabine Corporation, 1200 Mercantile Bank Building, Dallas, Texas 75201.	El Paso Natural Gas Company, East Webb Field, Dewey County, Oklahoma.	(12)	
CI85-19-000, B, October 15, 1984.	Monsanto Oil Company, 1300 Post Oak Tower 5051 Westheimer, Houston Texas 77056.	Tennessee Gas Pipeline Company, LaGloria Field, Brooks County, Texas.	(13)	
CI85-20-000, F, October 18, 1984.	Texaco Producing Inc. (Par. Successor in Interest to Texaco Inc.), P.O. Box 52332, Houston, Texas 77052.	El Paso Natural Gas Company, Fuller Gasoline Plant, Cogdell Unit, Scurry and Kent Counties, Texas.	(14)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI85-21-000, B, October 16, 1984.	Conoco Inc. P.O. Box 2197, Houston, Texas 77252....	Transcontinental Gas Pipe Line Corporation, North Thibodaux Field Lafourche Parish, Louisana.	[15]	
CI85-22-000 B, October 15, 1984..	Texaco Inc., P.O. Box 52332, Houston, Texas 77056.	Gas Gathering Corporation, Bayou Des Glaises Field, St. Martin Parish, Lousiana.	[16]	
CI85-23-000, B, October 18, 1984.	Elder & Vaughn, P.O. Box 18938, Oklahoma City, Oklahoma 73154.	Northern Natural Gas Company, Still No. 1 & Still No. 2, SW/4, Sec. 4-4N-22ECM, Beaver County, Oklahoma.	[17]	
CI84-24-000, B, October 18, 1984.	.....do.....	Northern Natural Gas Company Beard No. 1 & No. 2, Eldon Beard No. 1 & No. 2, E/2 Section 5-4N-22ECM, Beaver County, Oklahoma.	[17]	
CI85-25-000, A, October 19, 1984.	Case-Pomeroy Oil Corporation, 6 East 43rd St., Suite 1900, New York, New York 10017.	Natural Gas Pipeline Company of America, West Cameron Block 81 Offshore Louisiana.	[18]	14.73
CI84-26-000, E, October 19, 1984.	Mitchell Energy Corporation (Succession in Interest to Alma McCutchin and Ronald Lee McCutchin) P.O. Box 4000 The Woodlands, Texas 77380-4000.	Natural Gas Pipeline Company of America, Logan-Crabtree Gas Unit, Adda Morris Gas Unit #1, Adda Morris Gas Unit #2 and the Adda Morris Gas Unit #3, Wise County, Texas.	[19]	

[1] Leases has expired.
[2] Leases was cancelled in October 1963.
[3] Effective October 1, 1983, Phillips Petroleum Company assigned to Applicant, its working interest in the High Island, Blocks 154 and 155, Offshore Jefferson County, Texas.
[4] Applicant is filing to add acreage.
[5] Applicant is filing to modify delivery point and ownership.
[6] Applicant is filing to add gas reserves attributable to Eugene Island Block 133.
[7] Effective May 1, 1984, Phillips Petroleum Company assigned to Phillips Oil Company, its remaining interest in State Lease 2221 and State Lease 2220, Eloi Bay Field, St. Bernard Parish, Louisiana.
[8] Well was plugged on March 1, 1984. Seller's leases covering Sec. 6, Township 17 North, Range 17 West, Dewey County, Oklahoma have expired.
[9] The Hieronymous "F" No. 1 well located in Sec. 13-T28N-R24W of Harper County, Oklahoma was permanently plugged and abandoned on 12/5/81.
[10] The Bloomer No. 1-11 well located in Section 11, T20N-R16W of Major County, Oklahoma was permanently plugged and abandoned on 7/29/67.
[11] The Smith No. 1 well located in Sec. 12-T2N-R25ECM of Beaver County, Oklahoma was permanently plugged and abandoned on 5/26/83.
[12] The Fred Stephenson No. 1, the only well subject to the January 4, 1977 contract with El Paso Natural Gas Company, was permanently plugged and abandoned on 11/27/79.
[13] The last well on the lease, the Robert N. Myrick, ceased to be productive of gas in 1972. The well was plugged and abandoned September 30, 1973. Monsanto no longer owns an interest in the property committed to the contract.
[14] Applicant has acquired by assignment an interest of Texaco Inc., Assignor, of certain properties in Scurry and Kent Counties, Texas.
[15] Conoco Inc. has no remaining leasehold interest subject to Rate Schedule 281.
[16] Production from all sands above the Nodosaria "B" Sand has ceased. the E. L. Guidry No. 1 well has been plugged and abandoned.
[17] Not economical.
[18] Applicant is filing under Gas Purchase Contract dated August 21, 1984.
[19] On April 1, 1984, Mitchell succeeded to the Small Producer interests of Alma McCutchin and Ronald Lee McCutchin in the Logan-Crabtree Gas Unit, Adda Morris Gas Unit #1, Adda Morris Gas Unit #2 and the Adda Morris Gas Unit #3.

Filing Code: A-Initial Service. B-Abandonment. C-Amendment to add acreage. D-Amendment to delete acreage. E-Total Succession. F-Partial Succession.

[FR Doc. 84-29577 Filed 11-8-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP85-11-000]

K N Energy, Inc.; Proposed Changes in FERC Gas Tariff

November 5, 1984.

Take notice that K N Energy, Inc., on October 31, 1984 tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed change would increase revenues from jurisidctional sales and service by $8,396,175 based on the twelve-month period ending June 30, 1984, as adjusted for known and measurable changes.

K N Energy, Inc., states that the jurisdictional rates filed herewith are designed to enable K N Energy, Inc. to recover increases in its jurisdictional cost of service resulting from:

(1) Additional facilities required to connect new sources of supply and to maintain deliverability from existing sources of supply;

(2) Amortization of Property Loss, loss of gas from the Huntsman storage facility, over five (5) years;

(3) Increased operating costs including higher costs of labor, materials, and supplies;

(4) Increased revenues needed to provide a rate of return of 13.50% on its utility investment; and

(5) Increased income, payroll, and property taxes.

Copies of the filing were served upon the Company's jurisdictional customers and interested public bodies.

K N Energy, Inc. requests that the tendered sheet be accepted for filing and be permitted to become effective December 1, 1984.

Any person desiring to be heard or to protest said filing 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 (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 13, 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 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. 84-29578 Filed 11-8-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP85-15-000]

Locust Ridge Gas Co.; Proposed Changes in FERC Gas Tariff

November 5, 1984.

Take notice that on October 31, 1984, Locust Ridge Gas Company (Locust Ridge) tendered for filing changes in the company's following FERC Gas Tariffs:

Original Volume No. 1
Original Volume No. 3

The proposed changes would raise Locust Ridge's cost of service, exclusive of purchased gas costs, from a Commission ordered rate of $0.2218 per MMBtu to become effective October 25, 1984 in Docket RP84-86 to $0.2962 per MMBtu.

Locust Ridge states that the principal reason for this rate change is to reflect the higher costs of operation and maintenance incurred by the company since the closing of a natural gasoline plant operated by an affiliate on August 1, 1984.

Copies of this filing were served upon all customers of Locust Ridge subject to these tariffs.

Any person desiring to be heard or to protest said filing 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 (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before November 13, 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 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. 84-29579 Filed 11-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-27-000]

Mesa Petroleum Co.; Application

November 6, 1984.

Take notice that on October 24, 1984, Mesa Petroleum Co., acting on its own behalf and as agent for other producers and transporting entities, filed an Application for Blanket Abandonment and Limited-Term Certificate of Public Convenience and Necessity to authorize a special marketing program (SMP) called "MesaMart." Applicants propose to conduct this program in a manner similar to those SMP extensions authorized by the Commission on September 26, 1984 in Docket Nos. CI83-269, *et al.* Under MesaMart, Applicants would market released gas. The authority sought herein would authorized the limited-term abandonment of the sale of the released gas to existing purchasers, and the resale of that gas to the MesaMart purchasers, pursuant to Section 7 of the Natural Gas Act. In addition, the proposed authorization would authorize interstate pipelines, distributors and Hinshaw pipelines to transport MesaMart volumes pursuant to Section 7(c) of the Natural Gas Act and would authorize intrastate pipelines to transport MesaMart volumes pursuant to Section 311(a)(2) of the Natural Gas Policy Act.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make protest with reference to said application should on or before November 16, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 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 parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under this procedure herein provided for, unless Applicant is otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-29580 Filed 11-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-12-000]

Natural Gas Pipeline Company of America; Proposed Changes in FERC GAs Tariff

November 5, 1984.

Take notice that on October 31, 1984, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 2, to be effective on the dates indicated:

	Effective date
Eighth Revised Sheet No. 653 (X-62)	1-1-85
Tenth Revised Sheet No. 668 (X-63)	1-1-85
Eighth Revised Sheet No. 695 (X-67)	1-1-85
Seventh Revised Sheet No. 1097 (X-93)	12-1-84

Natural states that the purpose of this filing is to revise the rates to be effective December 1, 1984, and January 1, 1985, for certain transportation services. Each of the rate changes submitted were triggered and computed pursuant to the terms of the related rate schedule.

Copies of this filing were mailed to Columbia Gas Transmission Corporation, Northern Natural Gas Company, Sea Robin Pipeline Company, and Texas Eastern Transmission Corporation.

Any person desiring to be heard or to protest said filing 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 §§ 385.214 and 385.211 of this chapter. All such petitions or protests must be filed on or before November 13, 1984. Protests will be considered by the Commission in determining the appropiate 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. 84-29581 Filed 11-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST80-81-005, et al.]

Northwest Pipeline Corp., et al.; Extension Reports

November 5, 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 additonal 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 Section 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 protest with reference to said extension report should on or before November 13, 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 preceeding. 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.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 Subpart	Effective date
ST80-81-005	Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, UT 84110	Pacific Gas and Electric Co	10-01-84	B	01-01-85
ST81-150-002	National Gas Pipeline Co. of America, P.O. Box 1208, Lombard, IL 60148	Tejas Gas Corp	10-09-84	B	01-08-85
ST81-165-002	Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301	Columbia Gas Transmission Corp	10-03-84	C	02-25-85
ST81-191-002	Delhi Gas Pipeline Corp., 1700 Pacific Ave., Dallas, TX 75201	ANR Pipeline Co	10-11-84	C	02-05-85
ST81-240-002	Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301	Tennessee Gas Pipeline Co	10-01-84	C	04-24-85
ST81-246-002	Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251	Valero Transmission Co	10-05-84	B	04-01-85
ST81-391-002	....do	Northern Natural Gas Co	10-05-84	G	07-16-85
ST81-392-002	....do	Texas Eastern Transmission Corp	10-05-84	G	07-21-85
ST81-423-002	....do	....do	10-05-84	G	08-12-85
ST82-118-002	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Louisiana State Gas Corp	10-05-84	B	01-05-85
*ST82-400-001	Oklahoma Natural Gas Co., P.O. Box 871, Tulsa, OK 74102	United Gas Pipe Line Co	10-09-84	C	08-02-84
*ST82-478-001	....do	Columbia Gas Transmission Corp	10-09-84	C	09-20-84
*ST83-59-001	....do	United Gas Pipe Line Co	10-09-84	C	05-14-84
*ST83-71-001	Consolidated Gas Transmission Corp., 445 West Main St., Clarksburg, WV 26302.	Transcontinental Gas Pipe Line Corp	10-15-84	G	11-02-84
*ST83-143-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NB 68102	Endevco Pipeline Co	10-12-84	B	11-22-84
ST83-188-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Bridgeline Gas Distribution Co	10-05-84	B	01-05-85
ST83-203-001	Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251	Trunkline Gas Co	10-05-84	G	01-04-85
ST83-210-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Texas Eastern Transmission Corp	10-09-84	G	01-15-85
*ST83-215-001	Trunkline Gas Co., P.O. Box 1642, Houston, TX 77001	Northern Natural Gas Co	10-03-84	G	12-26-84
ST83-242-001	Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301	Texas Eastern Transmission Corp	10-01-84	C	02-08-85
ST83-243-001	Natural Gas Pipeline Co. of America, P.O. Box 1208, Lombard, IL 60148	Northern Indiana Public Service Co	10-13-84	B	01-17-85
ST83-251-001	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77001	Tennessee Gas Pipeline Co	10-09-84	G	01-15-85
ST83-252-001	Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251	Southern Natural Gas Co	10-05-84	G	01-31-85
ST83-276-001	....do	Northern Natural Gas Co	10-05-84	G	02-22-85
ST83-279-001	....do	Esperanza Transmission Co	10-05-84	B	02-14-85
ST83-289-001	....do	Valero Transmission Co	10-05-84	B	03-09-85
ST83-312-001	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Transcontinental Gas Pipe Line Corp	10-05-84	G	03-16-85
ST83-371-001	Canyon Creek Compression Co., P.O. Box 1208, Lombard, IL 60148	Columbia Gas Transmission Corp	10-01-84	G	12-31-84
ST83-428-001	Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251	Texas Eastern Transmission Corp	10-05-84	G	05-19-85
ST83-455-001	....do	Natural Gas Pipeline Co. of America	10-05-84	G	04-22-85
ST83-456-001	....do	Consolidated Gas Transmission Corp	10-05-84	G	05-18-85
ST83-457-001	....do	Louisiana Gas System, Inc	10-05-84	B	05-15-85
ST83-499-001	....do	Esperanza Transmission Co	10-05-84	B	06-15-85
ST83-512-001	....do	Tennessee Gas Pipeline Co	10-05-84	G	06-17-85
ST83-614-001	....do	Cajun Naturnal Gas Co	10-05-84	B	07-15-85
ST83-616-001	....do	Bridgeline Gas Distribution Co	10-05-84	B	08-03-85
ST83-624-001	....do	Laurel Fuel Co	10-05-84	B	08-05-85
ST83-726-001	....do	Southern Natural Gas Co	10-05-84	G	06-24-85
ST83-751-001	....do	....do	10-05-84	G	09-21-85
ST84-112-001	Dow Intrastate Gas Co., Route 1, Box 35, Plaquemine, LA 70764	United Gas Pipe Line Co	10-03-84	C	12-01-84
ST84-209-001	Transcontinental Gas Pipe Line Corp., P.O. Box 1396, Houston, TX 77251	Valero Transmission Co	10-05-84	B	04-01-85

* 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. 84-29582 Filed 11-8-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES85-8-000]

Savannah Electric and Power Co.; Application

November 5, 1984.

Take notice that on October 30, 1984, Savannah Electric and Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to Section 204 of the Federal Power Act, to issue not more than $25 million of unsecured short-term promissory notes maturing not more than 12 months from the date of issuance and to have maturity dates not later than August 31, 1986.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 30, 1984, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions of protests 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 parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file motions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-29583 Filed 11-8-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL 2715-7]

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 USC 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: Nanette Liepman (PM–223); Office of Standards and Regulations; Regulation and Information Management Division; U.S. Environmental Protection Agency; 401 M Street SW.; Washington, D.C. 20460; telephone (202) 382–2742 or FTS 382–2742.

SUPPLEMENTARY INFORMATION: No ICRs (non-rule-related) submitted to OMB this week.

Agency PRA Clearance Requests Completed by OMB

EPA #0029, Request for Modification, Revocation, Reissuance or Termination of a Permit, was approved 9/25/84 (OMB #2040–0068: expires 1/31/85).

EPA #0232, Lead Additive Report, was approved on 10/18/84 (OMB #2060–0066: expires 3/31/87).

EPA #0619, Mobile Source Emission Factor Survey, was extended (OMB #2060–0078: expires 11/30/84).

EPA #0973, Procurement Under Assistance Agreements, was approved 10/12/84 (OMB #2000–0453: expires 10/31/87).

EPA #1108, Prenotification Prior to Discharge or Reporting Pursuant to General Permit, was approved 10/1/84 (OMB #2090–0012: expires 10/31/87).

EPA #1109, Transmission of Information to Federal Agencies, was approved 10/3/84 (OMB #2000–0214: expires 10/31/87).

EPA #1174, Survey of Leaking Underground Motor Fuel Storage Tanks, was approved 9/16/84 (OMB #2070–0037: expires 12/31/85).

EPA #1188, Significant New Use Rules for Existing Chemicals, was approved 9/25/84 (OMB #2070–0038: expires 9/30/86).

EPA #1228, Survey of University and Industry Research and Environmental Pollution—Its Sources, Fate, Effects and Control, was approved 10/18/84 (OMB #2090–0008: expires 2/28/85).

* * * * *

Comments on all parts of this notice should be sent to:

Nanette Liepman (PM–223), U.S. Environmental Protection Agency, Office of Standards and Regulations, Regulation & Information Management Division, 401 M Street SW., Washington, D.C. 20460

and

Mary Moore, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, D.C. 20503.

Dated:

Daniel J. Fiorino,

Acting Director, Regulation and Information Management Division.

[FR Doc. 84–29617 Filed 11–8–84; 8:45 am]

BILLING CODE 6560–50–M

[FRL–2715–8]

Appointments to the Performance Review Board, as Provided for in Section 4314 of Title 5, United States Code

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Administrator of the Environmental Protection Agency has appointed the following additional individuals to the Agency's Performance Review Board:

1. Mr. Ronald Brand; Director, Office of Management Systems and Evaluation; Office of Policy, Planning and Evaluation; Environmental Protection Agency; Washington, D.C. 20460
2. Mr. David R. Alexander; Director, SES and Executive Resources; Office of Human Resources Management; Office of Administration and Resources Management; Environmental Protection Agency; Washington, D.C. 20460
3. Mr. Benjamin Friedman; Acting Deputy Inspector General; General Services Administration; Washington, D.C. 20405
4. Mr. John C. Layton; Inspector General; Department of Treasury; Washington, D.C. 20220
5. Mr. Thomas J. Burke; Assistant Inspector General for Investigations; Department of Agriculture; Washington, D.C. 20250.

In addition, the following individuals will continue as active members of the Performance Review Board (their appointments have been announced in previous editions of the **Federal Register**); Mr. William J. Benoit, Mr. Gerald A. Bryan, Mr. Don Clay, Dr. Roger S. Cortesi, Mr. Charles N. Freed, Ms. Lisa K. Friedman, Mr. Clarence Hardy, Mr. Jack McGraw, Mr. William Rice, Mr. Richard Sanderson, Mr. Nathaniel Scurry and Mr. William A. Whittington.

Notice of these appointments is published in accordance with 5 U.S.C. Sec. 4314(c)(4).

FOR FURTHER INFORMATION CONTACT: Mr. David R. Alexander (PM–224), Director, SES and Executive Resources Unit, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202) 382–3329.

Dated: November 1, 1984.

Alvin L. Alm,

Deputy Administrator.

[FR Doc. 84–29618 Filed 11–8–84; 8:45 am]

BILLING CODE 6560–50–M

[Docket No. AD–FRL–27156]

Control Technical Guideline Document; VOC Emissions From Volatile Organic Liquid Storage in Floating and Fixed Roof Tanks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of notice of availability of final control techniques guideline (CTG) document.

SUMMARY: Final CTG documents for control of volatile organic compounds (VOC) from volatile organic liquid (VOL) storage in floating and fixed roof tanks are not yet available.

FOR FURTHER INFORMATION CONTACT: Mr. J.F. Durham (919) 541–5671, Chemicals and Petroleum Branch (MD–13), Emission Standards and Engineering Division, U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: On September 21, 1984 (49 FR 37166), the EPA announced the release of the final CTG document for VOC emissions from internal and external floating roof tanks and fixed roof tanks storing VOL. This announcement was premature. The CTG document has not yet been finalized and, therefore, it is not available to the public. A notice will be printed in the **Federal Register** when the document is ready for distribution.

Dated: November 2, 1984.

Joseph A. Cannon,

Assistant Administrator for Air and Radiation.

[FR Doc. 84–29619 Filed 11–8–84; 8:45 am]

BILLING CODE 6560–50–M

[ER-FRL-2715-5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availiability of EPA comments prepared October 22, 1984 through October 26, 1984 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act, as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated October 19, 1984 (49 FR 41108).

Draft EISs

ERP No. D-BLM-J61062-WY, Rating EC2, Grass Creek and Cody Resource Wilderness Study Areas, Designation, WY. Summary: EPA is concerned that the analysis of the Wilderness Study Areas did not result in any designations. EPA believes that such designations would mitigate recognized water quality impacts associated with noted resource development approaches. Further, the limited amount of presented information inhibits adequate review of the domument and alternatives.

ERP No. D-BLM-J03008-00, Rating LO, Rangely Carbon Dioxide Pipeline Project, Construction and Operation, CO, UT, WY. Summary: EPA does not anticipate any significant adverse impacts along proposed route. EPA will conduct a detailed construction review of the specific river crossings (Green River) during the Section 404 Permit review process.

ERP No. DS-COE-E36148-KY, Rating EC2, Yatesville Lake Multipurpose Flood Control, Blaine Creek, KY. Summary: EPA continues to have environmental concerns regarding the consequences of impounding flows on Blaine Creek, but believes that measures can be implemented by the State of Kentucky to maintain water quality standards. Some definitive assurances that such controls will be accomplished prior to filling the impoundment are needed. EPA feels that a timetable that coordinates construction and administrative activities should be included in the FEIS.

ERP No. D-DOE-C 22001-NY, Rating EC/EO 2, Niagara Falls Storage Site, Radioactive Waste and Residue, Long Term Management, NY. Summary: The DEIS identified no preferred alternative. EPA rated alternatives 1, 2a, and 2b an EC-2. EPA rated alternatives 3a, 3b, 4a, 4b, 4c, and 4d an EO-2. These last alternatives involve transporting 16,000 truckloads of radioactive materials offsite. The EIS does not provide sufficient information to justify the potential risks associated with this transport. Additional information regarding groundwater impacts, radiological effects, cost-effectiveness screening procedures, air quality impacts, permanent containment methods, combined effects from adjacent hazardous waste sites, ocean dumping procedures and disposal options, transportation considerations, and the capacity of the other sites (Oak Ridge and Hanford) to accept these materials was requested. EPA further recommended that DOE evaluate variations of alternatives 1, 2a, and 2b, including deep-well injection and above-ground storage using concrete containment modules.

ERP No. D-FHW-F40276-IN, Rating LO, Keystone Rural Corridor Improvement, Pleasant Run Pkwy. North Drive to IN-37, IN. Summary: EPA has no obection to the implementation of the proposed project. Although there were small increases (2-4 dBA) in noise levels, they are not considered significant increases. EPA recommends the resurfacing, reconstruction and rehabilitation alternative be selected.

ERP No. D-FHW-E50099-NC, Rating EC2, Bogue Sound (3rd) Bridge, Construction, US 70 to NC-58, NC. Summary: EPA questioned whether a third bridge over Bogue Sound is needed at this time, preferring upgrading of the two existing bridges. A supplemental DEIS was recommended to address alternatives to the third bridge secondary impacts on a barrier island, an overall Bogue Banks transportation plan, and to expand noise and air impacts assessments.

Final EISs

ERP No. F-BLM-J65122-ND, North Dakota Livestock Grazing Management Program, ND. Summary: EPA expressed concern that the FEIS was not responsive to concerns raised on the DEIS.

ERP No. F-NOA-E90005-NC, Masonboro Island Designation, North Carolina Nat'l Estuarine Sanctuary, NC. Summary: EPA supports the proposal to include Masonboro Island as the fourth component of the NC Nat'l Estuarine Sanctuary System.

Dated: November 6, 1984.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 84-29603 Filed 11-8-84; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2706-6]

Environmental Impact Statements; Notice of Availability

Correction

In FR Doc 84-28941 beginning on page 44145 in the issue of Friday, November 2, 1984, make the following correction:

On page 44146, first column, sixth line, "Food" should read "Flood".

BILLING CODE 1505-01-M

[ER-FRL-2715-4]

Environmental Impact Statements; Availability

Responsible agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements filed October 29, 1984 through November 2, 1984 Pursuant to 40 CFR 1506.9.

EIS No. 840491, DSuppl, FHW, OH, OH-241 Relocation, OH-241/ US 30 to Oberlin Road Viaduct/OH-21, Right-of-Way, Stark County, Due: December 24, 1984, Contact: John McBee (614) 469-6696.

EIS No. 840492, Draft, AFS, WI, Nicolet National Forest Land and Resource Management Plan, Due: March 1, 1985, Contact: Jim Berlin (715) 362-3415.

EIS No. 840494, Final, NPS, FL, Loxahatchee River Wild and Scenic River Study, Designation, Beach and Martin Counties, Due: December 24, 1984, Contact: Sharon Keene (404) 221-5838.

EIS No. 840495, Draft, FHW, GA, SC, Bobby Jones Expressway Extension, Improvement, Old Savannah Road to US 1, Due: December 24, 1984, Contact: Donato Altobelli (404) 881-4751.

EIS No. 840496, Draft, FHW, NJ, NJ-18 Freeway Completion, Deal Road to Wayside Road, Monmouth County, Due: December 24, 1984, Contact: Lloyd Jacobs (609) 989-2291.

EIS No. 840497, Draft, HUD, OK, Shenandoah Planned Community Development, Mortgage Insurance, Tulsa County, Due: December 24, 1984, Contact: I. J. Ramsbottom (817) 870-5482.

EIS No. 840498, Draft, FHW, OR, Oakland Shady Highway/OR-99/ Stephens Street Widening, Improvement, NW. Hooker Avenue to NE. Alameda Avenue, Douglas County, Due: January 3, 1985, Contact: Dale Wilken (503) 399-5749.

EIS No. 840499, Final, COE, OH, Lorain Harbor Commercial Navigation Improvements, Lake Erie, Lorain

County, Due: December 10, 1984, Contact: William Butler (716) 876–5454.

EIS No. 840500, Final, FHW, RI, MA, I–895 Upgranding/Construction, I–95 to I–195, Due: December 10, 1984, Contact: Robert Dyer (401) 528–4541.

EIS No. 840501, DRevised, COE, TX, Wright Patman Dam and Lake Operation and Maintenance Program (formerly Lake Texasarkana Maintenance), Due: December 24, 1984, Contact: Joe Paxton (817) 334–2095.

EIS No. 840502, Final, DOE, AZ, Liberty-Coolidge 230–kV Transmission Line, Construction, Operation and Maintenance, Maricopa and Pinal Counties, Due: December 10, 1984, Contact: (702) 293–8844.

Amended Notices

EIS No. 840473, Draft, BLM, NV, Walker Planning Area Resource Management Plan, Mineral, Lyon and Douglas Counties, Due: January 25, 1985, Published FR—10–26–84 Review extended.

EIS No. 840484, Draft, AFS, UT, WY, Wasatch-Cache National Forest Land and Resource Management Plan, Due: February 5, 1985, Published FR—11–2–84—Review period reestablished and extended.

Dated: November 6, 1984.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 84–29604 Filed 11–8–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee); Main Committee Meeting

November 5, 1984.

The next meeting of the Space WARC Advisory Committee is scheduled for Tuesday, November 20, 1984. The principle objective of the meeting will be to review the status of U.S. preparations for the Space WARC, including a review of the work activities to date and a discussion of any reports available from the working groups. Details regarding the time, place and agenda of the meeting are provided below:

Chairman: S. E. Doyle (916) 355–6941
Vice Chairman: R. F. Stowe (703) 442–5022
Time: 9:30 A.M.–5:00 P.M.
Location: Federal Communications Commission, 1919 M Street NW., Room 856, Washington, D.C. 20554
Agenda:
(1) Adoption of Agenda
(2) Review of Minutes
(3) Developments in Consultations
(4) Work Activity Reports
(5) Other Business
(6) Adjournment

The *Advisory Committee Coordinating Group* will meet from *8:30–9:30 A.M.* immediately preceding the SWAC meeting at the above location on the same date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–29612 Filed 11–8–84; 8:45 am]

BILLING CODE 6712–01–M

FCC Initiates New Sampling Program

October 17, 1984.

As a part of a reorganization of the Authorization and Standards Division, Office of Science and Technology, the Division has augmented its equipment sampling program. The program is, among other things, designed to test the effectiveness of the new Verification and Notification programs adopted in FCC Docket 83–10 and to identify potential sources of harmful interference to radio communications. The samplings program will emphasize but not be limited to testing new types of equipment, such as cordless telephones, computing devices, and RF lighting sources.

Testing samples of equipment is not new to the FCC; testing has been a part of the Commission's program since the beginning of the agency. The difference is that the new program will concentrate on production units manufactured for sale to the public after the initial equipment authorization grant has been issued rather than on engineering prototypes presented prior to grants. The Commission expects to use the results of these tests for a number of purposes: (1) Evaluation of the Verification and Notification programs; (2) enforcement actions in cases of non-compliance with FCC Rules; (3) confirming initial estimates of the interference potential of new devices; (4) supporting rule making activity; (5) verifying test data provided by manufacturers in support of equipment authorization applications; and (6) monitoring the test results of independent labs.

For further information, contact Richard Fabina, Sampling and Measurements Branch, FCC Laboratory, P.O. Box 429, Columbia, Maryland 21045, telephone (301) 725–1585.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–29514 Filed 11–8–84; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1485]

Petitions for Reconsideration and Clarification of Actions in Rule Making Proceedings

November 2, 1984.

The following listings of petitions for reconsideration and clarification filed in Commission rulemaking proceedings is published pursuant to 47 CFR § 1.429(e). Oppositions to such petitions for reconsideration and clarification must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Establishment of a spectrum utilization policy for the fixed and mobile services' use of certain bands between 947 MHz and 40 GHz. (Gen Docket No. 82–334)

Amendment of Parts 2, 21, 74 and 94 of the Commission's Rules to Allocate Spectrum at 18 GHz for, and to Establish other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems and in Point-to-Point Microwave Radio Systems for the Provision of Digital Electronic Message Services, and for other Common Carrier, Private Radio, and Broadcast Auxiliary Services; and to Establish Rules and Policies for the Private Radio Use of Digital Termination Systems at 10.6 GHz. (Gen Docket No. 79–188)

Filed by: Leonard Robert Raish, Attorney for Harris Corporation—Farinon Division on 10–19–84.

W. E. Strich, Director—Network Dapabilities Planning & Judith A. Maynes & David T. Wendells, Attorneys for American Telephone and Telegraph Company on 10–29–84.

Christine A. Meager, Attorneys for Ericsson, Inc., on 10–29–84.

Thomas J. Casey & Terrence J. Leahy, Attorneys for Contemporary Communications Corporation on 10–29–84.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Grass Valley and Chester, California) (MM Docket No. 83–1232, RM–4569)

Filed by: Eric R. Hilding on 10–19–84.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–29513 Filed 11–8–84; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection: Application for Consent to Effect a Merger-Type Transaction (OMB No. 3064–0016).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Judy McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 389–4446.

SUMMARY: The FDIC is requesting OMB to extend to November 30, 1987 the expiration date of the form FDIC 6220/01 (OMB No. 3064–0016) used by an insured bank to apply for consent to merge or consolidate with another bank or institution or, either directly or indirectly, acquire the assets of or assume the liability to pay any deposits made in any other institution. The application form, which expires on December 31, 1984, contains information relating to the factors which the FDIC is required to consider under Section 18(c) of the FDI Act before acting on the application. It is estimated that it takes the average applicant 74 hours to prepare and submit the application.

Dated: November 5, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–29493 Filed 11–8–84; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

Ashland Bankshares, Inc. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) 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 November 30, 1984.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Ashland Bankshares, Inc.*, Ashland, Kentucky; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Ashland, Inc., Ashland, Kentucky.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Peoples Exchange Bancshares, Inc.*, Beatrice, Alabama; to become a bank holding company by acquiring 80.46 percent of the voting shares of Peoples Exchange Bank of Monroe County, Beatrice, Alabama.

c. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Park Financial of St. Paul, Inc.*, St. Paul, Minnesota; to acquire 100 percent of the voting shares of Citizens State Bank of Montgomery, Montgomery, Minnesota.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Foremost Bancshares, Inc.*, Houston, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of South Main Bank, Houston, Texas.

Board of Governors of the Federal Reserve System, November 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–29483 Filed 11–8–84; 8:45 am]

BILLING CODE 6210–01–M

Comerica Incorporated 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 (12 CFR 225.23(a)(1)) 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 (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed 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 heairng, 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 November 28, 1984.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South La Salle Street, Chicago, Illinois 60690:

1. *Comerica Incorporated,* Detroit, Michigan; to engage *de novo* through its subsidiary, Comerica Acceptance Corporation, Detroit, Michigan, in the business of purchasing retail installment contracts covering the sale of automobiles, and engage in the business of retail leasing of automobiles.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Western Bancorporation,* Moab, Utah; to engage *de novo* through its subsidiary, First Western Financial Services, Moab, Utah, in making or acquiring commercial or consumer loans or other extensions of credit and engaging in the business of leasing real and personal property. These activities would be performed in the States of Utah, Colorado, and New Mexico.

Board of Governors of the Federal Reserve System, November 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-29484 Filed 11-8-84; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms Under Review by OMB

November 6, 1984.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

Date: Comments must be received within fifteen working days of the date of publication in the Federal Register.

Address: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Judith McIntosh, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

For Further Information Contact. A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Cynthia Classman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829).

Request for Extension, Without Revision

1. Report title: Domestic Branch Application
Agency form number: FR 4001
OMB Docket No. 7100-0097
Frequency: On occasion
Reporters: State member banks
Small businesses are affected.
General description of report: This information collection is mandatory (12 U.S.C. § 321) and is not given confidential treatment.

Any state member bank wanting to establish a branch must receive the approval of the Federal Reserve Board.

Request for Extension, Without Revision

2. Report title: Investment in Bank Premises Application
Agency form number: FR 4014
OMB Docket No. 7100-0139
Frequency: On occasion
Reporters: State member banks
Small businesses are affected.
General description of report: This information collection is mandatory (12 U.S.C. 371) (d)) and is not given confidential treatment.

Any state member bank wants to make investment in bank premises when a) the amount invested will cause the bank's total investment in bank premises to exceed the bank's capital stock or b) the bank's total investment in premises already exceeds the capital stock, must receive the approval of the Federal Reserve.

Request for Extension, Without Revision

3. Report title: Application to Issue Capital Notes or to Reclassify Existing Notes as part of a Bank's Capital Structure
Agency form number: FR 4015
OMB Docket No. 7100-0140
Frequency: On occasion
Reporters: State member banks
Small businesses are affected.
General description of report:
This information collection is mandatory (12 U.S.C. 217.1(f)(3)(i)) and is not given confidential treatment.

A State member bank that wants to issue capital notes or to reclassify existing notes as part of its capital structure must receive the approval of the Federal Reserve Board.

Board of Governors of the Federal Reserve System, November 6, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-29618 Filed 11-8-84; 8:45 am]

BILLING CODE 6210-01-M

Chemical New York Corp., et al.; Notice of 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 (12 CFR 225.23(a)(1)) 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 (12 CFR 225.21(a)) 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 November 29, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Chemical New York Corporation,* New York, New York; to engage *de novo* through its subsidiaries, Alexander, Scriver and Associates, Inc., Denver, Colorado; Favia, Hill & Associates, Inc., New York, New York; Investment and Capital Management Corp., Rolling Meadow, Illinois; Investment & Capital Management of the South, Inc., Tampa, Florida; The Portfolio Group, Inc., New York, New York; and Van Deventer & Hoch, Inc., Glendale, Newport Beach, and San Francisco, California; in activities which may be carried on by investment advisers, including offering portfolio investment advice to individuals, corporations, governmental entities and other institutions on both a discretionary and a non-discretionary basis.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Lincoln Bancorp,* Reinbeck, Iowa; to engage *de novo* through its subsidiary, LSB Computer Services, Inc., Reinbeck, Iowa; in providing data processing services for its subsidiary bank and off-premises clients. Also, LSB Computer Services, Inc., will provide software sales, software development, software and hardware installment and EDP consultation to other banking institutions.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *NorWest Corporation,* Minneapolis, Minnesota; to engage *de novo* through its subsidary, Norwest Brokerage Services, Inc., Minneapolis, Minnesota, in providing securities brokerage services restricted to buying and selling securities solely as agent for the account of customers.

Board of Governors of the Federal Reserve System, November 6, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-29609 Filed 11-8-84; 8:45 am]

BILLING CODE 6210-01-M

Citicorp Holdings, Inc., et al.; Formations of, Acquistions 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 USC 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) 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 December 3, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp Holdings, Inc.,* Wilmington, Delaware; to acquire 100 percent of the voting shares of Citicorp (Maine), Portland, Maine, thereby indirectly acquiring Citibank (Maine), N.A., South Portland, Maine.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *The Central Bancorporation, Inc.,* Cincinnati, Ohio; to merge with United Midwest Bancshares, Inc., Cincinnati, Ohio, thereby indirectly acquiring The Southern Ohio Bank, Cincinnati, Ohio.

2. *Spectrum Financial Corporation,* Wheeling, West Virginia; to acquire 100 percent of the voting shares of The First National Bank of New Martinsville, West Virginia.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Kimberly Leasing Corporation,* Augusta, Wisconsin; to acquire 100 percent of the voting shares of First National Bank of Crosby, Crosby, Minnesota.

2. *State Bond and Mortgage Company,* New Ulm, Minnesota; to acquire 100 percent of the voting shares of National Bank of Commerce, Mankato, Minnesota.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Security Bancshares, Inc.,* Paris, Tennessee; to become a bank holding company by acquiring at least 80 percent of the voting shares of Farmers Bank & Trust Company, Puryear, Tennessee.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 76222:

1. *Georgetown National Bank Holding Company,* Georgetown, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Georgetown National Bank, Georgetown, Texas.

2. *Jackson Bancorp, Inc.,* Jonesboro, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Jackson Parish Bank, Jonesboro, Louisiana.

3. *Keene Bancorp, Inc.,* Keene, Texas; to acquire 100 percent of the voting shares of The First National Bank of Itasca, Itasca, Texas.

4. *Texana Bancshares, Inc.,* Austin, Texas; to acquire 100 percent of the voting shares of Texana Bank of Waco, N.A., Waco, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, November 6, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-29610 Filed 11-8-84; 8:45 am]

BILLING CODE 6710-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on November 2, 1984.

Health Care Financing Administration

Subject: Infomation Collection Requirements in the Hospice Care Regulation-HCFA–R–30—Revision (0938–0302)
Respondents: Beneficiaries

Subject: Action Transmittal No. 84–10—Implementing the U.S. District Court Decision in the Case of Lynch vs. Rank on Loss of Medicaid Eligibility—Revision (0938–0377)
Respondents: States

Subject: Intergrated Review Schedule—HCFA 301–Revision (0938–0246)
Respondents: States

Subject: Information Collection Requirements Contained in 42 CFR 447.413 and 415—HCFA–R–56 (Medicaid Overpayment Recovery Requirements) New Collection
Respondents: States
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Integrated Review Schedule—SSA–4357–Revision—(0960–0313)
Respondents: States

Subject: Federal Annual Magnetic Tape Reporting-Request for Authorization—SSA–2478 through SSA 2482—Extension, No Change (0960–0307)
Respondents: Employers who want to report wage and tax data via tape or diskette.
OMB Desk Officer: Robert J. Fishman

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. ATTN: (name of OMB Desk Officer).

Dated: November 5, 1984.

Wallace O. Keene,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84–29143 Filed 11–8–84; 8:45 am]

BILLING CODE 4150–04–M

Centers for Disease Control

Surveillance Cooperative Agreement Between NIOSH and States; Longitudinal Study of Human Semen Characteristics; Metabolism and Excretion Studies of Bis(2-Methoxyethyl)Ether; Open Meetings

The following meetings will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Surveillance Cooperative Agreement Between NIOSH and States

Date: November 27–28, 1984
Time: 8:30 a.m. to 4:30 p.m.
Place: Conference Room M, Netherland Plaza Hotel, Fifth and Race Streets, Cincinnati, Ohio 45202
Purpose: To review and discuss activities initiated under the Surveillance Cooperative Agreement between NIOSH and States (SCANS), e.g., data collection, quality control, institutionalization of procedures.

Additional information may be obtained from: Joyce Salg, Ph.D., Division of Surveillance, Hazard Evaluations and Field Studies, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephones: FTS: 684–4332, Commercial: 513/684–4332.

Longitudinal Study of Human Semen Characteristics

Date: November 29, 1984
Time: 8:00 a.m. to 5:00 p.m.
Place: Auditorium, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226
Purpose: To review and discuss the reproductive and seman parameters and characteristics that should be studied in a longitudinal study design.

Additional information may be obtained from: Steven M. Schrader, Ph.D., Divisions of Biomedical and Behavioral Science, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephones: FTS: 684–8357, Commercial: 513/684–8357

Metabolism and Excretion Studies of Bis(2-Methoxyethyl)Ether

Date: December 6, 1984
Time: 9:00 a.m. to 3:00 p.m.
Place: Room B–56, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226
Purpose: Review of scientific efficiency and technical design of the project: "Metabolism and Excretion Studies of Bis(2-Methoxyethyl)Ether."

Additional information may be obtained from: F. Bernard Daniel, PH.D., Division of Biomedical and Behavioral Studies, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephones: FTS: 684–8496, Commercial: 513/684–8496.

Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Dated: November 5, 1984.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

[FR Doc. 84–29517 Filed 11–8–84; 8:45 am]

BILLING CODE 4160–19–M

Food and Drug Administration

[Docket Nos. 84V–0112 et al.]

Availability of Approved Variances for Sunlamp Products

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that variances from the performance standard for sunlamp products have been approved by the Deputy Director, Center for Devices and Radiological Health (CDRH), for certain specified sunlamps and sunlamp products manufactured or imported by seven organizations. The intended use of the products is to produce ultraviolet radiation for tanning the skin.

DATES: The effective dates and termination dates of the variances are listed in the table below under "Supplementary Information."

ADDRESS: The applications and all correspondence on the various applications have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Summers, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (43 U.S.C. 263f), each of the seven organizations listed in the table below has been granted a variance from certain requirements of the performance standard for sunlamp products (21 CFR 1040.20). Approval has been granted for the listed products to vary as specified from that portion of § 1040.20(c)(2)(ii) requiring the maximum timer interval for a sunlamp product to be 10 minutes or less, or from § 1040.20(d)(1)(i) that specifies the exact warning statement to be on the sunlamp product. All other provisions of § 1040.20 remain applicable to the listed sunlamp products and ultraviolet lamps.

Each of the variances for the nominally ultraviolet-A (UVA) sunlamp products permits the listed manufacturer or importer to introduce into commerce sunlamp products that have less than 5 percent of their ultraviolet radiation at wavelengths shorter than 320 nanometers. FDA's experience with this kind of sunlamp product indicates that the relatively lengthy exposure recommended by the manufacturer does not result in severe, acute skin burns or corneal injury. Therefore, some of the requirements of § 1040.20 are not appropriate for these UVA products. Even though the skin hazard is reduced, there still is a need to wear protective eyewear to eliminate the unnecesary risk to chemically sensitized lenses or of cornea damage or of long-term development of lens opacities.

CDRH has determined that suitable and/or alternate means of radiation protection are provided by constraints on the physical and optical design and by warnings in the user manual and on the products for all of the variances in lieu of the requirements listed in the table that were determined to be inappropriate. Therefore, on the effective dates specified in the table below, FDA approved the requested variances by letter to each manufacturer or importer from the Deputy Director, CDRH.

So that each product may show evidence of the variance approved for the manufacturer or importer of that product, each product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the FDA docket number appearing in the table below, and the effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Sunlamp product	Paragraph in 21 CFR 1040.20 pertaining to variance	Effective date/ termination date
84V-0112	JB Trading b.v., Tuinstraat 22, 5144 NT WAALWIJK, Holland.	UVA sunbed and sunroof sunlamp products that may be used singly or in combination.	(c)(2)(ii),(d)(1)(i)	Aug. 9, 1984–Aug. 9, 1989
84V-0187	SaCon International, Ltd., 2478 East Oakton Street, Arlington Heights, IL 60005.	Solar Tunnel manufactured by W. Pigmans and imported from Belgium by SaCon International Ltd.	(c)(2)(ii)	June 26, 1984–June 26, 1989.
84V-0201	Merritan Sunfun, Inc. 8019 Harford Road Parkville, MD 21234.	Marcella, Hawaii, Monaco and St. Tropez (20 and 24 lamp models) and Miami Beach (20 lamp model) UVA sunlamp products manufactured by International Tanning Systems B.V. and imported by Merritan Sunfun, Inc.	(c)(2)(ii)	June 28, 1984–June 28, 1989.
84V-0232	Sun Spa, Inc. 333 SW Park Avenue, Portland, OR 97205.	Miracle Sunbeds manufactured by Sun Spa, Inc.	(c)(2)(ii)	Aug. 17, 1984–Aug. 17, 1989.
84V-0233	Scanda Sol Ltd., 154 Edmond Street, Birmingham B3 2HB England.	Low pressure UVA sunlamp products manufactured by Scanda Sol Ltd	(c)(2)(ii)	Aug. 17, 1984–Aug. 17, 1989.
84V-0247	Royal Swedish Sun, Inc., 351 Erskine Road, Stamford, CT 06903.	UVA tanning beds and canopies manufactured by Sun Produkter AB and imported by Royal Swedish Sun, Inc.	(c)(2)(ii)	Sept. 5, 1984–Sept. 5, 1989.
84V-0255	Wolff System Service Corp., 2333 Morris Avenue, Building A15, Union, NJ 07083.	UVA sunlamp canopies and beds manufactured by Wolff System GmbH and Wolff System Sonnenlicht (West Germany) and imported by SCA Corp.	(c)(2)(ii)	Aug. 17, 1984–Aug. 17, 1989.

In accordance with § 1010.4, the applications and all correspondence on the various applications have been placed on public display under the designated docket numbers in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 2, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-29481 Filed 11-8-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84M-0338]

Organon Teknika Corp.; Premarket Approval of Curesis Plasma Separator

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Organon Teknika Corp., Oklahoma City, OK, for premarket approval, under the Medical Device Amendments of 1976, of the CURESIS Plasma Separator. After reviewing the recommendation of the Gastroenterology-Urology Devices Panel (formerly Gastroenterology-Urology Device Section of the General Medical Devices Panel), FDA notified the applicant that FDA approved the application because the applicant had shown the device to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by December 10, 1984.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Arthur A. Ciarkowski, Center for Devices and Radiological Health (HFZ-420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7750.

SUPPLEMENTARY INFORMATION: On June 27, 1983, Organon Teknika Corp., Oklahoma City, OK 73119, submitted to FDA an application for premarket approval of the CURESIS Plasma Separator. The device is a cross-flow plasma filter. The device is indicated for use in performing therapeutic plasma exchange to remove circulating plasma components or protein bound toxins. On October 13, 1983, the then Gastroenterology-Urology Device Section of the General Medical Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. (On April 24, 1984, the

Gastroenterology-Urology Device Section of the General Medical Devices Panel was terminated. Concurrently, FDA established the Gastroenterology-Urology Devices Panel (see 49 FR 17446; April 24, 1984).) On September 19, 1984, FDA approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, Center for Devices and Radiological Health.

A summary of the safety and effectiveness data on which FDA based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at the Center for Devices and Radiological Health—contact Arthur A. Ciarkowski (HFZ-420), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before December 10, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 2, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-29480 Filed 11-8-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84M-0275]

Coburn Optical Industries, Inc.; Premarket Approval of Meditec Model OPL-3 Nd:YAG Ophthalmic Laser

Correction

In FR Doc. 84-23656, beginning on page 35426 in the issue of Friday, September 7, 1984, make the following correction.

On page 35427, first column, twelfth line of **SUPPLEMENTARY INFORMATION**, "discussion" should have read "discission".

BILLING CODE 1505-01-M

Public Health Service

Assessment of Medical Technology; Hand-held X-Ray Instrument (Lixiscope)

The Public Health Service, through the Office of Health Technology Assessment (OHTA), announces that it is conducting an assessment of what is known of the safety, clinical effectiveness, and acceptability of the portable, hand-held x-ray instrument (Lixiscope).

The PHS assessment consists of a synthesis of information obtain from appropriate organizations in the private sector and from PHS agencies and other in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS report will be formulated to assist the Health Care Financing Administration in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than February 15, 1985, or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trails, and other well-designed clinical studies. Information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology is also being sought.

Written material should be submitted to: National Center for Health Services Research, Office of Health Technology Assessment, Park Building, Room 3-10, 5600 Fishers Lane, Rockville, Maryland 20857.

Date: November 2, 1984.

Enrique D. Carter,

Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 84-29521 Filed 11-8-84; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-84-1460]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be

required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Affirmative Fair Housing Marketing Plan
Office: Fair Housing and Equal Opportunity
Form No. HUD–935.2
Frequency of submission: On Occasion
Affected public: State or Local Governments, Businesses or Other For-Profit, and Non-Profit Institutions
Estimated burden hours: 4,950
Status: Extension
Contact: Eleanor Clagett, HUD, (202) 755–5288; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 16, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84–29542 Filed 11–8–84; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–84–1461]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Report on Program Utilization—Section 8 Moderate Rehabilitation Program
Office: Housing
Form number: HUD–52685
Frequency of submission: Quarterly
Affected public: State or Local Governments
Estimated burden hours: 600
Status: Extension
Contact: Mary Proctor, HUD, (202) 755–6887; Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 25, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84–29541 Filed 11–8–84; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–84–1462]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public wil be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above.

Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Indian Preference Statement of Policy
Office: Public and Indian Housing
Form number: None
Frequency of submission: On Occasion
Affected public: State or Local Governments
Estimated burden hours: 3,000
Status: New
Contact: Cyrus Toll, HUD, (202) 755–2980; Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: August 14, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84-29540 Filed 11-8-84; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. N-84-1463]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public wil be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Periodical Estimate for Partial Payment and Related Schedules
Office: Public and Indian Housing
Form number: HUD–51001, 51002, 51003, and 51004
Frequency of submission: On Occasion
Affected public: State and Local Governments and Non-Profit Institutions
Estimated burden hours: 36,341
Status: Extension
Contact: Raymond W. Hamilton, HUD, (202) 755–5282; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: July 9, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84-29539 Filed 11-8-84; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. N-84-1464]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Announcement of the Local Urban Homesteading Demonstration Program
Office: Community Planning and Development
Form number: None
Frequency of submission: Semi-annually and On Occasion
Affected public: State or Local Governments
Estimated burden hours: 1,982

Status: New
Contact: Raymond Solecki, HUD (202) 755–5324; Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: July 27, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84–29538 Filed 11–8–84; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–84–1465]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: .

The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submission will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Insurance Information
Office: Public and Indian Housing
Form number: HUD–5460
Frequency of submission: On Occasion
Affected public: Non-Profit Institutions
Estimated burden hours: 500
Status: Extension
Contact: H. Bruce Vincent HUD, (202) 755-8145; Robert Neal, OMB, (202) 395–7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 16, 1984

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84–29537 Filed 11–8–84; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–84–1466]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency offical familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Housing Owners' Certification and Application for Housing Assistance
Office: Housing
Form Number: HUD–52670 and 52670A
Frequency of submission: Monthly
Affected public: Individuals or Households and Businesses or Other For-Profit
Estimated burden hours: 142,056
Status: Revision
Contact: Judy Lemeshewsky, HUD, (202) 755–6870; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 12, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84–29536 Filed 11–8–84; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N-84-1467]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: FR Notice—Tax-exempt Construction Financing for Turnkey Public Housing Projects
Office: Public and Indian Housing
Form number: None
Frequency of submission: On Occasion
Affected public: State or Local Governments, Businesses or Other For-Profit and Small Businesses or Organizations
Estimated burden hours: 264
Status: Extension
Contact: Charles H. James, HUD (202) 755-6460; Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 25, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84-29535 Filed 11-8-84; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-84-1468]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Application—Project Mortgage Insurance
Office: Housing
Form number: HUD-92013, 92013-NH/ICF and 92013-HOSP
Frequency of submission: On Occasion
Affected public: State or Local Governments, Businesses or Other For-Profit, and Non-Profit Institutions
Estimated burden hours: 33,411
Status: Revision
Contact: Edward Lewis, HUD, (202) 755-6223; Robert Neal, OMB, (202) 395-7316

Proposal: Pet Ownership in Assisted Rental Housing for the Elderly or Handicapped
Office: Public and Indian Housing
Form number: None
Frequency of submission: On Occasion
Affected public: State or Local Governments
Estimated burden hours: 20,250
Status: New
Contact: Joyce Ann Bassett, HUD, (202) 426-0744; Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 25, 1984.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 84-29534 Filed 11-8-84; 8:45 am]

BILLING CODE 4210-01-M

Office of Environment and Energy

[Docket No. I-84-129]

Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD as described in the appendix of the Notice: The Meadows Development at Castle Rock, Colorado. This Notice is required by the Council on Environmental Quality under its rule (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the particular project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

This Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register, a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the Federal Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. November 2, 1984.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

Appendix

Environmental Impact Statement on the Meadows Development, Castle Rock, Colorado:

The Department of Housing (HUD), Denver, Colorado Regional Office intends to prepare an EIS on the Meadows Development as described below and requests information and comments for consideration in the EIS.

Description—Approximately 14,600 dwelling units will be constructed on 3,700 acres in Castle Rock, Colorado. The Meadows Development is located northwest of the Town of Castle Rock, Colorado and is generally bounded by U.S. Highway 85 on the east and north, open land on the west and Wolfensburger Road extended on the south. A general legal description includes all or portions of Sections 3, 4, 5, 9, and 10 of Township 8 South, Range 67 West, and Sections 21, 27, 28, 29, 32, 33, and 34 of Township 7 South, 67 West of the 6th Principal Meridian, Douglas County, Colorado.

Need—An EIS is required because the total number of dwelling units exceeds a HUD established threshold and the impact of the proposed development on the Town of Castle Rock will be substantial.

Alternatives—The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer or reject HUD participation in the development.

Scoping—A scoping meeting will not be held. HUD will request input from the appropriate Federal, state and local governmental agencies and service organizations. This notice will also appear in a newspaper of local circulation in Castle Rock, Colorado.

Comments—Comments and questions regarding this proposal should be sent by December 30, 1984 to: Howard S. Kutzer, Regional Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Executive Tower Inn, Denver, Colorado 80202.

[FR Doc. 84-29533 Filed 11-8-84; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-86162-B, et al.]

Wyoming; Realty Action; Modified Competitive Sale of Public Lands in Cherry County, NE

Correction

In FR Doc. 84-27994 beginning on page 42801 in the issue of Wednesday, October 24, 1984, make the following correction: The table on page 42801 was printed incorrectly, and should read as set forth below:

Serial No.	Legal description	Parcel No.	Acreage	Appraised value
W-86162-B	T. 33 N., R. 29 W., 6th P.M., Section 28, NE¼NE¼.	2	40	$3,400
W-86163	T. 25 N., R. 30 W., 6th P.M., Section 11, N½NE¼, Section 12, W½NW¼.	3	160	12,000
W-86164	T. 31 N., R. 30 W., 6th P.M., Section 33, NE¼SW¼.	4	40	3,200
W-86165	T. 33 N., R. 30 W., 6th P.M., Section 13, SE¼SE¼.	5	40	3,000
W-86166	T. 27 N., R. 32 N., 6th P.M., Section 25, NE¼NE¼.	6	40	3,000
W-86167	T. 29 N., R. 34 W., 6th P.M., Section 22, SE¼NW¼, NE¼SW¼.	7	80	5,600
W-86169	T. 33 N., R. 37 N., 6th P.M., Section 13, SE¼NW¼.	9	40	3,000
W-86171	T. 28 N., R. 28 W., 6th P.M., Section 6, lot 7.	11	39.24	3,140

BILLING CODE 1505-01-M

Proposed Resource Management Plan and Final Environmental Impact Statement; Cedar-Beaver-Garfield-Antimony Planning Area, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Proposed Resource Management Plan and Final Environmental Impact Statement.

SUMMARY: Pursuant to Section 202(f) of the Federal Land Policy and Management Act (FLPMA) and Section 102(2)(c) of the National Environmental Policy Act (NEPA), the Bureau of Land Management (BLM) has prepared a proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (FEIS) for the Cedar-Beaver-Garfield-Antimony (CBGA) planning area. The CBGA planning area encompasses portions of Iron, Beaver, Garfield, Kane, and Washington counties of southwestern Utah.

The proposed RMP was selected from portions of four alternatives analyzed in the Draft Environmental Impact Statement (DEIS). These alternatives include Continuation of Present Management (No Action), Planning, Production, and Protection.

The FEIS is published in abbreviated format and is designed to be used in conjunction with the DEIS, published in May 1984. Portions of the Draft not requiring changes are incorporated by reference in the Final. Changes and additions to the Draft resulting from public comment have been incorporated in the Final document.

FOR FURTHER INFORMATION CONTACT: Additional information about the RMP/

EIS may be obtained by contacting Jay K. Carlson, Team Leader, Bureau of Land Management, 444 South Main, Cedar City, UT 84720, 801–586–2458.

SUPPLEMENTARY INFORMATION: The proposed RMP will be approved no earlier than 30 days after publication in the **Federal Register** of the Environmental Protection Agency's notice of filing. The approval of the plan will be documented in a Record of Decision, which will be available for public review. Approval will be withheld on any portion of the plan protested until final action has been completed on such protest. Protests must conform to the requirements of 43 CFR 1610.5–2 and be filed with the Director of the Bureau of Land Management within 30 days of publication of the notice of filing.

Dated: November 2, 1984.

Roland G. Robison,

State Director.

[FR Doc. 84–29926 Filed 11–8–84; 8:45 am]

BILLING CODE 4310–DQ–M

[F–025943]

Proposed Transfer of Jurisdiction and Opportunity for Public Meeting, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice provides an opportunity for public comment on a proposed transfer of jurisdiction which would transfer the administrative jurisdiction over the Gilmore Creek Tracking Station from the National Aeronautics and Space Administration to the National Oceanic and Atmospheric Administration.

EFFECTIVE DATE: Date of publication; comments must be received on or before February 7, 1985.

ADDRESS: Comments and meeting requests should be sent to: Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT: Mary Jane Clawson, Alaska State Office, (907) 271–5060.

On August 14, 1984, the National Oceanic and Atmospheric Administration filed an application to transfer jurisdiction of the Gilmore Creek Tracking Station from the National Aeronautics and Space Administration. The lands will remain withdrawn from settlement, sale, location, or entry under the general public land laws, including the mining laws, but not from the mineral leasing laws and are described as follows:

Fairbanks Meridian

T. 2 N., R. 1 E.,
- Sec. 13, SE¼NW¼, S½NE¼, S½;
- Sec. 14, E½SE¼ and SW¼SE¼;
- Sec. 17, SE¼SW¼, SE¼NE¼ and SE¼;
- Sec. 20, E½, E½W½ and SW¼SW¼;
- Sec. 21, W½, SW¼NE¼, NW¼SE¼ and S½SE¼;
- Secs. 22, 23, 24, 25, 26 and 27;
- Secs. 28, N½NW¼, SW¼NW¼ and N½NE¼;
- Sec. 29, N½ and N½SW¼;
- Sec. 30, SE¼NE¼ and NE¼SE¼;
- Sec. 34, N½;
- Sec. 35, W½NW¼ and E½NE¼.

T. 2 N., R. 2 E., (Unsurveyed but when surveyed will probably be:)
- Sec. 7, SE¼SE¼;
- Sec. 8, SW¼SW¼;
- Sec. 17, W½;
- Sec. 18;
- Sec. 19;
- Sec. 20, W½, and W½E½.

The area described contains approximately 8,500 acres located near Fairbanks, Alaska.

The purpose of the proposed withdrawal is for continued use of the Spaceflight Tracking and Data Network Station and in support of weather satellites. The lands have been used for this purpose since 1965.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed transfer of jurisdiction may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed transfer of jurisdiction. All interested persons who desire a public meeting for the purpose of being heard on the proposed transfer of jurisdiction must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

The proposed transfer of jurisdiction shall not affect the administrative jurisdiction over the lands, and the lands will continue to be withdrawn by Public Land Order No. 3708 dated July 10, 1965.

Dated: November 2, 1984.

Mary Jane Clawson,

Chief, Branch of Lands.

[FR Doc. 84–29547 Filed 11–8–84; 8:45 am]

BILLING CODE 4310–JA–M

[N–36766; N–36766–A]

Clark County, NV; Conveyance

November 2, 1984.

Notice is hereby given that, pursuant to the Act of December 23, 1980 (94 Stat. 3381) and the Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C. 1719), Harold Q. Adams has purchased and received a patent for the following public lands in Clark County, Nevada:

Mount Diablo Meridian

T. 21 S., T. 61 E.,
- Sec. 36, E½SW¼NW¼NE¼NW¼.

The area described above aggregates 1.25 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

William K. Stowers,

Acting Chief, Lands and Minerals Operations.

[FR Doc. 84–29558 Filed 11–8–84; 8:45 am]

BILLING CODE 4310–HC–M

[N–36769; N–36769–A]

Clark County, NV; Conveyance

November 2, 1984.

Notice is hereby given that, pursuant to the Act of December 23, 1984 (94 Stat. 3381) and the Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C. 1719), Harold Q. Adams has purchased and received a patent for the following public lands in Clark County, Nevada:

Mount Diablo Meridian

T. 21 S., R. 61 E.,
- Sec. 36, E½NW¼SW¼NE¼NW¼.

The area described above aggregates 1.25 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

William K. Stowers,

Acting Chief, Lands and Mineral Operations.

[FR Doc. 84–29560 Filed 11–8–84; 8:45 am]

BILLING CODE 4310–HC–M

[N–38126; N–38126–A]

Clark County, NV; Conveyance

November 2, 1984.

Notice is hereby given that, pursuant to the Act of December 23, 1980 (94 Stat. 3381) and the Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C. 1719), Bruce Barton and John Gibbs have purchased and received a patent for the following public lands in Clark County, Nevada:

Mount Diablo Meridian

T. 22 S., T. 61 E.,
Sec. 6, lot 73.

The area described above aggregates 2.5 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

William K. Stowers,

Acting Chief, Lands and Mineral Operations.

[FR Doc. 84-29559 Filed 11-8-84; 8:45 am]

BILLING CODE 4310-HC-M

[N-38198; N-38198A]

Elko County, NV; Conveyance

November 2, 1984.

Notice is hereby given that, pursuant to the Act of October 21, 1976 (90 Stat. 2750, 2757; 43 U.S.C. 1713 1719), Carlin Gold Mining Company has purchased and received a patent for the following public lands in Elko County, Nevada:

Mount Diablo Meridian

T. 33 N., R. 51 E.,
Sec. 2, lots 5 thru 10 inclusive, S½NE¼ NE¼, SE¼NW¼NE¼, E½SW¼NE¼, S½SW¼SW¼NE¼, SE¼NE¼, SE¼.
T. 34 N., R. 51 E.,
Sec. 36, NW¼NW¼, S½NW¼, S½.
T. 33 N., R. 52 E.,
Sec. 6, All.
T. 34 N., R. 52 E.,
Sec. 31, lots 3 and 4, Parcels A, B and C, W½NE¼SW¼, SE¼NE¼SW¼, SE¼SW¼, SW¼SE¼.

The area described above aggregates 1614.43 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

William K. Stowers,

Acting Chief, Lands and Minerals Operations.

[FR Doc. 84-29555 Filed 11-8-84; 8:45 am]

BILLING CODE 4310-HC-M

[N-38893]

Humboldt County, NV; Conveyance

November 2, 1984.

Notice is hereby given that, pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), District Judge, Richard J. Legarza has purchased and received a patent for the following public lands in Humboldt County, Nevada:

Mount Diablo Meridian

T. 35 N., R. 38 E.,
Sec. 6, N½N½N½NE¼NW¼SW¼, N½N½N½NE¼SW¼.

The area described above aggregates 6.25 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

William K. Stowers,

Acting Chief, Lands and Minerals Operations.

[FR Doc. 84-29557 Filed 11-8-84; 8:45 am]

BILLING CODE 4310-HC-M

[N-38461; N-38461A]

Lyon County, NV; Conveyance

November 2, 1984.

Notice is hereby given that, pursuant to the Act of October 21, 1976 (90 Stat. 2750, 2757; 43 U.S.C. 1713, 1719), Hughes Rock and Sand, Inc., has purchased and received a patent for the following public lands in Lyon County, Nevada:

Mount Diablo Meridian

T. 16 N., R. 21 E.,
Sec. 24, SW¼SW¼NE¼SW¼SW¼NW¼, S½S½NW¼SW¼SW¼NW¼, SW¼ SW¼SW¼NW¼, NW¼NW¼SE¼ SW¼SW¼NW¼, S½NW¼SE¼SW¼ SW¼NW¼, SW¼SE¼SW¼SW¼ NW¼.

The area described above aggregates 4.375 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

William K. Stowers,

Acting Chief, Lands and Minerals Operations.

[FR Doc. 84-29556 Filed 11-8-84; 8:45 am]

BILLING CODE 4310-HC-M

[F-81490]

Proposed Withdrawal and Opportunity for Public Meeting, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice provides an opportunity for public comment on a proposed withdrawal which would transfer administrative jurisdiction over the Barrow Geomagnetic Observatory from the Department of the Navy to the United States Geological Survey.

EFFECTIVE DATE: Date of publication; comments must be received on or before 90 days from date of publication.

ADDRESS: Comments and meeting requests should be sent to: Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT: Mary Jane Clawson, Alaska State Office, (907) 271-5060.

On October 22, 1984, a petition was approved allowing the United States Geological Survey to file an application to withdraw the following described land from settlement, sale, location, or entry under the general public land laws, including the mining and mineral leasing laws, subject to valid existing rights:

A parcel of land within Township 23, North, Range 18 West, Umiat Meridian, State of Alaska: Beginning at U.S. Coast and Geodetic Survey Station "Point Barrow-South Base 1945,".go west approximately 500 feet, along line 10-11 of Lot 4, identical with line 9-1 of Lot 3 of the U.S. Survey No. 5253, Alaska, accepted November 20, 1978, to a point located on the western boundary of National Oceanic and Atmospheric Administration withdrawal application, F-81469, thence north approximately 500 feet along the western boundary of F-81469 to Corner No. 1, the true point of beginning:

from Corner No. 1, by metes and bounds,
West, approximately 2,000 feet, to a point located on a line which would be the northerly extension of the eastern boundary of U.S. Coast Guard withdrawal application, F-81470, Corner No. 2;
South, approximately 2,200 feet, along the extension of the eastern boundary of F-81470 and the eastern boundary of F-81470 to Corner No. 3;
East, approximately 2,000 feet, to a point located on a line which would be the southerly extension of the western boundary of National Oceanic and Atmospheric Administration withdrawal application F-81469 to Corner No. 4;
North, approximately 2,200 feet, along the extension of the western boundary of F-81469 and the western boundary of F-81469 to Corner No. 1, the true point of beginning.

The area described contains approximately 101 acres located near Barrow, Alaska.

The United States Geological Survey has used the site for the operation of a geomagnetic observatory since 1949. The lands are presently segregated from all forms of appropriation under the public land laws, including the mining and mineral leasing laws by Public Land Order No. 2344 dated April 24, 1961.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of

publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

Mary Jane Clawson,

Chief, Branch of Lands.

November 2, 1984.

[FR Doc. 84-29585 Filed 11-8-84; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. The Dorsey Corporation, P.O. Box 6339, Chattanooga, Tennessee 37401.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

I. Sewell Plastics, Inc., 5111 Phillip Lee Drive, Atlanta, Georgia 30336 (GA)

II. Dorsey Trailers, Inc., Building F, Suite 48, 2863 Fairlane Drive, Montgomery, Alabama 36116 (Delaware)

III. Bickford's Family Fare, Inc., 1330 Soldiers Field Road, Brighton, Massachusetts 02135 (Delaware)

1. Parent corporation and address of principal office: Lucky Stores, Inc., a California corporation, 6300 Clark Avenue, Dublin, California 94568.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(a) Basics Transportation, Inc., a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(b) Cal-Pharm, Inc., a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(c) Checker Auto Parts, Inc., an Arizona corporation, 2540 N. 29th Avenue, Phoenix, AZ 85009.

(d) Eagle Stores, Inc., an Indiana corporation, 6300 Clark Avenue, Dublin, California 94568.

(e) Hancock Textile Co., Inc., a Mississippi corporation, P.O. Box 2400, Tupelo, MS 38803-2400.

(f) Liquor Depot, a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(g) LKS Manufacturing, a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(h) Lucky Stores, Inc., a Florida corporation, 6300 Clark Avenue, Dublin, California 94568.

(i) Lucky Stores, Inc., a Nevada corporation, 6300 Clark Avenue, Dublin, California 94568.

(j) Pharmco, Inc., a Nevada corporation, 6300 Clark Avenue, Dublin, California 94568.

(k) Tanne Apparel, Inc., a Delaware corporation, 6300 Clark Avenue, Dublin, California 94568.

(l) Tanne Trends, Inc., a New Jersey corporation, 6300 Clark Avenue, Dublin, California 94568.

(m) T-Chem Products, a California corporation, 6300 Clark Avenue, Dublin, California 94568.

(n) Valley Distributing Company, Inc., an Arizona corporation, 2540 N. 29th Avenue, Phoenix, AZ 85009.

(o) Yellow Front Stores, Inc., an Arizona corporation, 2540 N. 29th Avenue, Phoenix, AZ 85009.

1. The Parent Corporation is The Stanley Works, a Connecticut Corporation with a principal office at 1000 Stanley Drive, New Britain, Connecticut 06050.

2. The wholly-owned subsidiaries of The Stanley Works which will participate in the Intercorporate Hauling Operations are:

(1) Stanley-Proto Industrial Tools, Inc., a Connecticut Corporation with principal offices at 14117 Industrial Park Blvd., Northeast, Newton County Industrial Park, Covington, Georgia 30209.

(2) Stanley-Vidmar, Inc., a Connecticut Corporation with principal offices at 11 Grammes Road, Allentown, PA 18103.

1. Parent corporation and address of principal office: Trimac Limited, 2100, 800—5 Avenue SW., P.O. Box 3500, Calgary, Alberta, Canada, T2P 2P9.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s)/Province(s) of incorporation:

(a) Trimac Transporation Services, Inc., incorporated in the State of Delaware, United States of America.

(b) Cactus Drilling Corporation of Texas, incorporated in the State of Delaware, United States of America.

(c) Cactus Corporation of Texas, incorporated in the State of Delaware, United States of America.

(d) Cactus Drilling Company, incorporated in the State of Delaware, United States of America.

(e) Cactus Resources Inc., incorporated in the State of Delaware, United States of America.

(f) Cactus International Inc., incorporated in the State of Delaware, United States of America.

(g) Cactus Farms, Inc., incorporated in the State of Delaware, United States of America.

(h) Ermin Skin Construction Ltd., incorporated in the Province of Alberta, Dominion of Canada.

(i) Garrison Construction Ltd., incorporated in the Province of Alberta, Dominion of Canada.

(j) Kenting Limited, federally incorporated under the laws of the Dominion of Canada.

(k) Kenting Earth Sciences Limited, federally incorporated under the laws of the Dominion of Canada.

(l) Kenting Drilling Co. Ltd., incorporated in the Province of Ontario, Dominion of Canada.

(m) Kenting Oilfield Services Ltd., incorporated in the Province of Alberta, Dominion of Canada.

(n) Kenting United Construction Ltd., incorporated in the Province of Alberta, Dominion of Canada.

(o) Kenting Petrolia Drilling Ltd., incorporated in the Province of British Columbia, Dominion of Canada.

(p) M.B.I. Data Services, incorporated in the Province of Alberta, Dominion of Canada.

(q) Pro Sask. Construction Ltd., incorporated in the Province of Saskatchewan, Dominion of Canada.

(r) Quantum Resources Inc., incorporated in the State of Delaware, United States of America.

(s) T.E. Certified Rig Electric Ltd., incorporated in the Province of Alberta, Dominion of Canada.

(t) T.K.V. Construction Ltd., incorporated in the Province of Alberta, Dominion of Canada.

(u) Tripet Resources Ltd., incorporated in the Province of Alberta, Dominion of Canada.

(v) Trimet Resources Ltd., incorporated in the Province of Alberta, Dominion of Canada.

(w) U.C.L. Pipeline Construction Ltd., incorporated in the Province of Saskatchewan, Dominion of Canada.

(x) United Contractors Ltd., incorporated in the Province of Saskatchewan, Dominion of Canada.

(y) Rentway Candada Ltd., federally incorporated under the laws of the Dominion of Canada.

James H. Bayne,

Secretary.

[FR Doc. 84-29586 Filed 11-8-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-125 (Sub-6X)]

Carolina & Northwestern Railway Co. and High Point, Randleman, Asheboro & Southern Railroad Co.; Abandonment and Discontinuance of Service in Randolph County, NC; Exemption

The Carolina and Northwestern Railway Company (CNW) and High Point, Randleman, Asheboro and Southern Railroad Company (High Point) have filed a notice of exemption under 49 U.S.C. 1152, Subpart F—*Exempt Abandonments and Discontinuance of Service and Trackage Rights.*[1] The portion of line involved is known as the Randleman Spur, owned by High Point and leased to CNW between Randleman Junction (milepost M-17.50) and Randleman (milepost M-19.09), a distance of 1.59 miles, in Randolph County, NC.

Applicants have certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line, (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in North Carolina has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment or discontinuance of service shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on December 9, 1984, (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by November 19, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by November 29, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission must be sent to applicant's representative: Nancy S. Fleischman, Norfolk Southern Corporation, 1050 Connecticut Avenue NW., Suite 740, Washington, DC 20036.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: November 5, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-29589 Filed 11-8-84; 8:45 am]

BILLING CODE 7035-01-M

[1] Service and trackage rights discontinuances were added to the exemption provisions of 49 CFR Part 1152, Subpart F by Ex Parte No. 274 (Sub-No. 8A), *Exemption of Out of Service Lines (Discontinuance of Service and Trackage Rights),* 1 I.C.C. 2d 55. A petition for reconsideration filed May 10, 1984, requests a provision that a complaint filed with any United States District Court regarding cessation of service would preclude application of the exemption. The petition is being treated as a petition to reopen the proceeding, and in a decision served October 2, 1984, the Commission requested comments on the proposal.

[Ex Parte No. 297 (Sub-7)]

Motor Carrier Rate Bureaus; Expansion of Collective Ratemaking Territory

AGENCY: Interstate Commerce Commission.

ACTION: Notice of oral argument for the purpose of supplementing the record.

SUMMARY: In a notice published on March 20, 1984 (49 FR 10381), the Commission requested comments on the procedural issue of consolidating six motor carrier rate bureaus' petitions for approval to expand the territorial scope in which they respectively publish tariffs and engage in collective activities, and the substantive issue of whether the requested relief should be granted, either broadly or in individual circumstances. Because of the importance of the rate bureau proposals, the Commission has scheduled an oral argument in Washington, DC, on December 4, 1984.

DATES: Oral argument will be heard at 9:30 a.m. on December 4, 1984. Parties wishing to participate should contact the Deputy Director, Motor Section, no later than November 19, 1984. A schedule of appearances will then be issued.

ADDRESSES: The oral argument will be heard in Hearing Room A at the Interstate Commerce Commission Building, 12th Street and Constitution Ave., NW, Washington, DC.

To request an opportunity to participate, please contact: Howell I. Sporn, Deputy Director, Motor Section, Office of Proceedings, Interstate Commerce Commission, 12th St. and Constitution Ave., NW, Washington, DC 20423, (202) 275-7691.

FOR FURTHER INFORMATION CONTACT:
Robert G. Rothstein, (202) 275-7912

or

Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: The Commission is considering the procedural and substantive disposition of petitions filed by six motor carrier rate bureaus for the approval of amendments to their respective rate bureau agreements that would broaden the territorial scope of their authorized collective activities. Because of the importance of the involved issues, oral argument will be heard on December 4, 1984. Participation is not limited to parties who have already filed written comments in response to the notice of proposed consolidation.

Further information and clarification is sought on three major issues. Therefore, the presentations made at the oral argument should address the following questions:

(1) Are the proposals procompetitive or anticompetitive, and if approved, what would be the effect of the proposals on joint-line rates and service and on small to medium-sized carriers and shippers?

(2) Why should the Commission allow collectively established rates in expanded territories when the publication of single-line tariffs in expanded territories is already permissible, and inter-bureau agreements are also available?

(3) If the proposals were approved, what, if any, immediate changes would be necessary in the Ex Parte No. MC-82 rules (49 CFR 1139)?

Proponents of the proposal and those in opposition will each be allotted one hour for the presentation of their supporting arguments and fifteen minutes for rebuttal. Parties designated to speak will be assigned no less than 10 minutes for argument and no less than five minutes for rebuttal.

On or before November 23, 1984, a schedule of apperarances will be served which will designate the parties to speak and their assigned time allocations.

All participants shall, at the time of argument, submit to the Commission 10 written copies of their prepared argument and any supporting exhibits. Written arguments should correspond to the roal prsentations, and will be made part of the record. Issues raised in the record will be considered even if not raised during the oral presentation.

This notice is issued under the authority of 49 U.S.C. 10321 and 10706 and 5 U.S.C. 553.

Decided: November 7, 1984.

By the Commission, Chariman Reese H. Taylor, Jr.

James H. Bayne,

Secretary.

[FR Doc. 84-29727 Filed 11-8-84; 8:59 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Clean Air Act; Martin Marietta Aluminum, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 10, 1984, a proposed Consent Decree in *United States* v. *Martin Marietta Aluminum, Inc.*, C-84-705-RJM was lodged with the United States District Court for the Eastern District of Washington. The complaint filed by the United States alleged violations of the Clean Air Act and the Washington State Implementation Plan ("SIP") by Martin Marietta Aluminum, Inc. due to its failure since February 28, 1983 to meet the requirements of a PSD Permit, which is part of the Washington SIP, at its primary aluminum reduction plant located at Goldendale, Washington. The complaint sought injunctive relief to require the defendant to comply with the Clean Air Act and the SIP regulations and civil penalities for past violations. The Consent Decree imposes emission limits and testing, monitoring and reporting requirements pending the issuance of a revised PSD permit.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Martin Marietta Aluminum, Inc.*, DOJ Reference 90-5-1-1-2086.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 841 U.S. Courthouse, West 920 Riverside, Spokane, Washington 99210 and at the Region 10 Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1521, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to *United States* v. *Martin Marietta Aluminum, Inc.*, DOJ Reference 90-5-1-1-2086 and enclose a check in the amount of $1.50 ($0.10 per page reproduction cost) payable to the United States Treasury.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-29628 Filed 11-8-84; 8:45 am]

BILLING CODE 4410-01-M

Office of the Attorney General

[Order No. 1075-84]

President's Commission on Organized Crime; Meetings

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: This notice announces four forthcoming meetings of the President's Commission on Organized Crime. This notice also sets forth a summary of the agenda for the four meetings, together with an explanation of why the second meeting will be closed to the public. Notice of these meetings is required by the Federal Advisory Commission Act, 5 U.S.C. App. I, section 10(a)(2).

DATES:

November 27, 1984, 10:00 a.m. to 1:00 p.m. (Public Hearing).

November 27, 1984, 2:00 p.m. to 4:00 p.m. (Closed Meeting).

November 28, 1984, 10:00 a.m. to 1:00 p.m. (Public hearing).

November 29, 1984, 10:00 a.m. to 1:00 to 1:00 p.m. (Public hearing).

ADDRESS: All public meetings will be held at the United States Department of State, 2201 C Street NW., Washington, D.C. The first two public meetings will take place in the Henderson Room of the State Department. The third public meeting will be held in the Dean Acheson Auditorium. The closed meeting will convene at the Commission's offices at 1425 K Street NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: James D. Harmon, Jr., Executive Director and Chief Counsel, President's Commission on Organized Crime, 1425 K Street NW., Suite 700, Washington, D.C. 20005; (202) 786-3515.

SUPPLEMENTARY INFORMATION: The closed meeting on November 27 will be conducted to discuss several matters. The Commission will be briefed concerning the investigation by the Commission staff of the organized criminal groups whose illegal activities are to be described at the public hearings. This briefing is likely to include repeated references to specific individuals who are confidential sources for the Commission, or who are alleged to be direct participants in illegal activities but whose participation will not specifically be discussed by witnesses at the public hearing. The physical safety of these individuals could be placed in jeopardy if the identities of the witnesses and the time and place of their testimony were to be made public in advance of the public hearings. Pursuant to the authority vested in him by section 8 of Pub. L. 98-368, the Chairman of the Commission has determined that these discussions are exempted from the public meeting requirements of the Federal Advisory Committee Act by 5 U.S.C. 552b(c) (5) and (7) (C), (D), and (F), which is incorporated by reference into the Federal Advisory Committee Act.

The Commission will also discuss a number of issues specifically concerning the Commission's issuance of subpoenas. It will discuss, for example, issues relating to certain individuals who have already been, or may be, served with subpoenas by the Commission, and who are to testify in depositions conducted by the staff of the Commission or in public hearings conducted by the Commission. Pursuant to the authority vested in him by section 8 of Pub. L. 98-368, the Chairman of the Commission has determined that this discussion is exempted from the public meeting requirements of the Federal Advisory Committee Act by 5 U.S.C. 552b(c)(10), which is incorporated by reference into the Federal Advisory Committee Act.

The public hearings of November 27, 28, and 29 are to be open to both the public and press, and are for the purpose of receiving testimony concerning the activities conducted by organized criminal groups in the United States and abroad, involved in the manufacture, shipment and distribution of cocaine. The Commission will solicit testimony concerning the scope of activities of such groups, the manner in

which their operations are conducted, and the effectiveness of Federal and state statutes and agencies in dealing with such groups. In particular, the Commission will solicit testimony from Federal, state, and local prosecutors and investigators and from private citizens concerning the medical, social, and legal costs of these criminal activities and the impact on local communities throughout the United States and on the U.S. economy as a whole, and the experience of U.S. and foreign law enforcement authorities in seeking to reduce that impact and to counteract the growing influence of such groups. Members of the public who wish to present written statements to the Commission are invited to send such statements to the President's Commission on Organized Crime, 1425 K Street, NW., Suite 700, Washington, D.C. 20005.

Dated: November 6, 1984.

Carol E. Dinkins,

Acting Attorney General.

[FR Doc. 84-29531 Filed 11-8-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Benham Knitwear, Inc., et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 19, 1984.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 19, 1984.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 31st day of October 1984.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Benham Knitwear, Inc., Knitting Div. (Co.)	Kutztown, PA	10/24/84	10/17/84	TA-W-15,516	Fabrics, knit.
Benham Knitwear, Inc. (company)	Kutztown, PA	10/24/84	10/17/84	TA-W-15,517	Piece goods—assemble—active wear.
C & C Styles, Inc. (ILGWU)	Weehawken, NJ	10/24/84	10/17/84	TA-W-15,518	Sportswear—ladies.
Emhart Industries, Hardware Group (IAMAW)	Berlin, CT	10/22/84	10/17/84	TA-W-15,519	Hardware, industrial.
General Electric Co. (IUE)	Louisville, KY	10/24/84	10/17/84	TA-W-15,520	Ice makers—refrigerators.
Iroquois Bag Co., Div. of 463 Howard St., Inc. (wkrs)	Buffalo, NY	10/24/84	10/17/84	TA-W-15,521	Bags—burlap, cotton, polypropylene.
Mildred Fran Dress Co., Inc. (ILGWU)	West New York, NJ	10/24/84	10/17/84	TA-W-15,522	Dresses, ladies.
Weyerhaeuser Co., Twin-Harbor Region, Raymond Woods Div. (IWA).	Raymond, WA	10/24/84	10/18/84	TA-W-15,523	Logs, timber.
Weyerhaeuser Co., Raymond Small Log Mill (IWA)	Raymond, WA	10/24/84	10/18/84	TA-W-15,524	Lumber—2 x 4 and 2 x 6.
Weyerhaeuser Co., Vail-McDonald Timberland (IWA)	Chehalis, WA	10/24/84	10/18/84	TA-W-15,525	Logs—timber.
Anderson Shake & Shingle Mill (wkrs)	Cathlamet, WA	10/19/84	10/13/84	TA-W-15,526	Shingles & shakes, red cedar.
Cycles Apparel (ILGWU)	New York, NY	10/25/84	10/19/84	TA-W-15,527	Blouses, skirts, pants.
Fairfield Garment (ILGWU)	Fairfield, IL	10/24/84	9/28/84	TA-W-15,528	Dresses, sportswear, ladies.
General Portland, Inc., Dade County Plant (Boilermakers)	Miami, FL	10/22/84	10/14/84	TA-W-15,529	Cement.
Jung Hing Fashions, Inc. (ILGWU)	New York, NY	10/24/84	10/19/84	TA-W-15,530	Skirts, slacks, ladies.
Van Vlaanderen Machine Co. (Van Vlaanderen Employees Union).	Paterson, NJ	10/19/84	10/04/84	TA-W-15,531	Machinery, printing.
Whirlpool Corp., Evansville Div. (IUE)	Evansville, IN	10/22/84	10/16/84	TA-W-15,532	Pumps, compressor.

[FR Doc. 85-29590 Filed 11-8-84; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-84-7-M]

Franklin Consolidated Mines Inc.; Petition for Modification of Application of Mandatory Safety Standard

Franklin Consolidated Mines Inc., P.O. Box 508, Idaho Springs, Colorado 80452 has filed a petition to modify the application of 30 CFR 57.19-49 (conveyances) to its Franklin No. 73 Mine (I.D. No. 05-00630) located in Clear Creek County, Colorado. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that buckets not be used to hoist persons except during shaft sinking operations, inspection, maintenance, and repairs.

2. As an alternate method, petitioner proposes to use the bucket to hoist persons in the shaft. In support of this request, petitioner states that:

a. The shaft and manway were rehabilitated by replacing the bucket skids and manway ladders from top to bottom;

b. A two-piece steel bonnet has been installed on the bucket for overhead protection.

3. Petitioner was granted a variance of an identical state mining law by the Colorado Division of Mines on March 5, 1979.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or

received in that office on or before December 10, 1984. Copies of the petition are available for inspection at that address.

Dated: November 2, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-29501 Filed 11-8-84; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 84-170; Exemption Application No. D-5064 et al.]

Grant of Individual Exemptions; Calvert Group, Ltd., et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, Apr. 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Calvert Group, Ltd. Employee Stock Ownership Plan and Trust (the Plan) Located in Washington, D.C.

[Prohibited Transaction Exemption 84-170; Exemption Application No. D-5064]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale by the Plan on January 3, 1984, to Acacia Financial Corporation, a party in interest with respect to the Plan, of shares of stock of the Calvert Group, Ltd., the employer of Plan participants, in exchange for an initial cash payment and subsequent contingent payments, provided the terms of the transaction are at least as favorable to the Plan as those obtainable in a similar transaction between unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 6, 1984 at 49 FR 35263.

Effective Date: This exemption is effective January 3, 1984.

For Further Information Contact: Mrs. Miriam Freund of the department, telephone (202) 523-8971. (This is not a toll-free number.)

Thermo Industries, Inc. and Affiliated Companies Profit Sharing Plan and Trust (the Plan) Located in Charlotte, North Carolina

[Prohibited Transaction Exemption 84-171; Exemption Application No. D-5321]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the continued leasing, beyond June 30, 1984, of certain improved real property by the Plan to Thermo Industries, Inc. and Affiliated Companies, provided the terms of the transaction are no less favorable to the Plan than those available in an arm's length transaction with an unrelated third party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 6, 1984 at 49 FR 35267.

Effective Date: This exemption is effective July 1, 1984.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8972. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 6th day of November 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs.

[FR Doc. 84-29602 Filed 11-8-84; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-5179, et al.]

Proposed Exemptions; Clinical Associates in Internal Medicine, Ltd., et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests. All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue. NW. Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons. Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Clinical Associates in Internal Medicine, Ltd. Profit Sharing Plan and Trust (the Plan) Located in Phoenix, Arizona

[Application No. D-5179]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of certain real property by the individual acccount (the Account) in the Plan to Dr. David C. Rabinowitz, a party in intetest with respect to the Plan provided that the terms and conditions of the sale are as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with approximately 13 participants. The Plan had total assets of $349,633 as of March 19, 1984. The Plan provides for segregated accounts for each participant. The Trustee of the Plan is David C. Rabinowitz, D.O. (Dr. Rabinowitz). Dr. Rabinowitz is the principal shareholder of Clinical Associates and Internal Medicine, Ltd. (the Plan Sponsor). The administrators of the Plan are Dr. Rabinowitz and Drs. Murray H. Cohen and Anthony Alo (the Plan Fiduciaries.)

2. The Plan Sponsor operates an independent primary care medical clinic in internal medicine.

3. Dr. Rabinowitz seeks and exemption to purchase an unimproved farm tract containing approximately 117 acres of land located in Warren County, Iowa (the Property) from the Account. The purchase price will be $179,500.

4. On April 25, 1981, the Account, pursuant to the Plan and Trust Document as amended on March 28, 1979 to allow for individual investment accounts by each Plan participant, purchased the Property from an unrelated party. The purchase price was $193,050. Dr. Rabinowitz directed the purchase of the Property after ao lengthy investigation of the area and after determining that the Property would be a suitable long-term investment for the Plan. He determined that the Property would produce appropriate income on a yearly basis.

4. The Property is located in the State of Iowa. Two years subsequent to the Plan's purchase of the Property, the Plan Fiduciaries were notified by the Attorney General's Office of the State of Iowa that the Plan's holding of an interest in Iowa farm realty was being construed by that Office to be in violation of Iowa State law. The Plan Fiduciaries have decided to divest the Plan of the Property rather than incur legal fees and court costs to challenge this application of Iowa State law.

5. An independent appraisal performed by M. D. Havlin of J and D Appraisal and Realty, Inc. (the Appraiser) has established the fair market value of the Property to be $179,500 as of November 30, 1983. The fair market value of the Property has decreased since its purchase by the Plan in 1981. The Appraiser represents that the decline in the value of the Property is a result of the fact that Warren County, Iowa, where the Property is located, experienced two unforeseeable bad crops during 1982 and 1983 due primarily to severe weather. As a result of these, local farmers were unable to meet operating expenses and mortgages, causing foreclosures by lending institutions on a number of farms. The lending institutions, in an attempt to recover the balances owing on their loans as quickly as possible, placed the farms on the market at less than their normal value thus deflating the value of farms in the area.

6. Due to the poor crop conditions experienced by the area, the Property has provided income to the Account of only $4,000 to $9,000 per year before payments on the installment contract of $17,000 per year are cosidered. Thus, the holding of the Property has resulted in a negative cash flow for the Account.

7. Dr. Rabinowitz will pay a total of $179,500 for the Property. He will pay the sum of $41,500 in cash to the Account and assume the existing installment contract dated April 25, 1981 between the Plan and Ms. Joan M. McLain [1] (the Contract). Dr. Rabinowitz will assume full responsibility for all future payments due under the Contract. The principal outstanding balance on the Contract is $138,000 payable at Des Moines, Iowa at $3,500 or more per annum applied to the principal balance, plus 10 percent interest per annum on the unpaid balance payable annually from the 1st day of May, 1984, until the entire purchase price is paid, with the final payment due with interest on May 1, 1992. Dr. Rabinowitz will pay all costs associatied with this transaction.

8. The applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(a) This will be a one-time transaction;

(b) The Account will be able to divest itself of an asset which has declined in value, and which results in a negative cash flow;

(c) The Account will be able to divest itself of an asset which it holds illegally under Iowa State law and avoid possible penalties; and

(d) Dr. Rabinowitz, the only Plan participant affected by the proposed transaction, has determined that it is in the interests of and protective of his Account.

Notice to Interested Persons

Since Dr. Rabinowitz is the only participant affected by the proposed transaction, there is no need to distribute notice to interested persons. Comments and hearing requests are due 30 days after the date of publication in the **Federal Register.**

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Profit-Sharing Retirement Plan of Broyhill Furniture Industries, Inc. (the Plan), Located in Lenoir, North Carolina

[Application No. D–5318]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to certain leases of improved real property by the Plan to Broyhill Furniture Industries, Inc. (the Employer), provided that the terms of the leases are and will remain at least as favorable to the Plan as those the Plan could obtain in similar leases with unrelated parties.

Effective Date: This exemption, if granted, will be effective July 1, 1984.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 5,625 participants and net assets as of November 27, 1983 of $49,818,386. The Plan's trustees are Messrs. Paul H. Broyhill, E.D. Beach and C.E. Hunter all of whom are officers and directors of the Employer. The Employer is in the business of manufacturing and selling a complete line of household furniture.

2. The Plan leases two parcels of improved real property to the Employer.[2] The first parcel is located at Broyhill Park on Highway 321 North in Lenoir, North Carolina and consists of a 43.49 acre site, improved by a building containing approximately 143,829 square feet (Parcel 1). This parcel serves as the corporate offices and furniture showroom of the Employer. The second parcel of property leased by the Plan to the Employer is located at 1462 Norwood Street in Lenoir, North Carolina and consists of a 11.324 acre site, improved by a building containing approximately 112,780 square feet (Parcel 2). This parcel is used by the Employer as a manufacturing plant for upholstered furniture.

3. Parcel 1 has been leased continuously to the Employer by the Plan since 1966. Parcel 2 has been leased continuously to the Employer by the Plan since April 22, 1974. The applicant asserts that the above leases were covered by the statutory exemption provided by section 414(c)(2) of the Act.[3]

4. The Employer has requested an exemption in order to continue the above leases after June 30, 1984. The Employer, effective July 1, 1984, executed new leases on both parcels of property with the Plan. The leases are for a period of ten years and are triple net leases. The annual rent under the leases for Parcel 1 is $330,000 per annum and for Parcel 2 is $134,000 per annum. The annual rent under the leases will be adjusted every third year by the independent fiduciary (see representation 7) appointed by the Plan, pursuant to valuation performed by an independent MAI appraiser, but in no event will this amount be less than the above stated rentals. In addition to the rental payments, the Employer during the term of the leases will maintain insurance on both parcels of property at its expense, with the Plan being named as the insured.

5. Mr. Kenneth B. Compton (Mr. Compton), an unrelated MAI appraiser with the firm of Kenneth B. Compton & Associates, Inc., Winston-Salem, North Carolina appraised Parcel 1 as having a fair market value of $3,100,000 (building $2,325,000, land $775,000) and Parcel 2 a fair market value of $1,340,000 as of February 29,1984.

Parcel 1 is currently assessed based on a 1980 valuation performed by the Caldwell County Tax Office (the County), for $3,515,810 of which $697,250 was allocated to the land and $2,818,560 to the building.[4] Parcel 2 is currently assessed at $1,303,126.

The applicant represents that while the tax value for Parcel 1 was determined in 1980, Mr. Compton's appraisal was performed in 1984. The applicant states that in order to properly compare the valuations, the 1980 tax value of the building and other improvements should be updated to 1984 using the same methodology used by the County in its prior valuation. The applicant represents that the updated valuation of Parcel 1 using this process would result in a valuation of $3,183,673 (building $2,486,423, land $697,250).

6. Mr. Compton has determined pursuant to his appraisals, that a 10% rate of return represents the fair market rental of the properties and therefore the rental for Parcel 1 should be $310,000 and the rental for Parcel 2 $134,000.

The applicant, notwithstanding the fact that it believes the appraised rental value of $310,000 represents the fair rental value of Parcel 1, has agreed to

[1] Ms. McLain is the unrelated party from whom the Plan originally purchased the Property.

[2] The applicant represents that the parcels of real property are not qualifying employer real property since the parcels are located within five miles of each other and therefore are not geographically dispersed as required by section 407(d)(4)(A) of the Act. The Department expresses no opinion in this proposed exemption whether the parcels of real property constitute qualifying employer real property.

[3] The Department expresses no opinion as to the applicability of section 414 of the Act to the prior leases.

[4] The applicant represents that the tax valuation was not formally appealed because the excessive tax valuation was offset by the relatively low tax rate and because such an appeal would have generated unfavorable publicity for the Employer.

increase the initial rent for Parcel 1 to $330,000 per year.[5] The increased rental was determined by applying the 10% return determined by Mr. Compton to be the fair rental value of Parcel 1 to the sum of the tax value of the building and improvements as updated to 1984 ($2,486,423) and the 1984 appraised fair market value of the land by Mr. Compton ($775,000).

7. The Plan has appointed Mr. William A. Davis II (Mr. Davis), an attorney with the law firm of Womble, Carlyle, Sandridge & Rice of Winston-Salem, North Carolina (Law Firm), to serve as an independent fiduciary with respect to the lease transactions. Mr. Davis represents that he is the senior lawyer in the employee benefits section of the Law Firm and that as such he is fully acquainted with the nature and scope of the fiduciary requirements regarding employee benefit plans, including those applicable to plan trustees, administrators and investment advisors. Mr. Davis also represents that he has extensive experience in representing clients in negotiating business transactions, including leases. The Law Firm (including Mr. Davis) has rendered legal services to the Employer, certain of the Plan trustees, business enterprises owned or controlled by Paul H. Broyhill, and members of Mr. Broyhill's family, however the total billings for all such services represented less than one-half of one percent of the Law Firm's gross receipts.

Mr. Davis represents that he has reviewed the investments and financial statements of the Plan, as well as the terms and conditions of the leases, and has determined that the leases are in the best interests of the Plan and its participants and beneficiaries. In making this determination Mr. Davis considered the following:

a. The rents payable under the leases are adjustable every three years. The triennial adjustments are to be determined by independent appraisal.

b. The properties have been well maintained in the past by the Employer and personal inspections of both properties revealed that they are in top condition.

c. The strong financial condition of the Employer provides assurance that the properties will be maintained and that the rents will be paid in a timely manner.

e. The leases are triple net which protects the Plan against escalating costs.

[5] The Department in this proposed exemption is expressing no opinon as to whether the rental being paid on Parcel 1 is, in fact, the fair market rental for this property.

f. The leases involve less than 10% of the Plan's assets.

Mr. Davis also represents that he is responsible for ensuring that the Employer complies with all terms and conditions contained in the leases, that he will monitor the rental charges and payments to the Plan and will take any steps necessary to enforce the rights of the Plan with respect to the leases. He will also ensure that the trustees of the Plan satisfy their fiduciary obligations and take all appropriate actions with respect to the leases.

Additionally, Mr. Davis represents that he has spoken with Mr. Compton, examined his appraisal of Parcel 1 and spoken to representatives of the County, relative to the discrepancy in the tax valuation of Parcel 1 and the appraised value by Mr. Compton. Based on the above, Mr. Davis has concluded that the County's method of valuation does not reflect the attention to detail and component cost breakdown used by Mr. Compton in his appraisal and believes that the County's valuation should be updated to 1984 to reflect an accurate valuation of Parcel 1. Mr. Davis also concludes that based on Mr. Compton's analysis in his appraisal, the rental payments to be paid to the Plan will meet or exceed those which the Plan could reasonably expect to obtain from an unrelated party.

8. In summary, the applicant represents that the leases satisfy the statutory criteria of section 408(a) of the Act because:

(a) The lease are triple net in favor of the Plan;

(b) The leases require triennial adjustments in the rental paid pursuant to independent appraisals;

(c) The leases involve less than 10% of the Plan's assets; and

(d) Mr. Davis represents that the leases are in the best interests of the Plan and its participants and beneficiaries.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

McNichol Profit Sharing Plan (the Plan) Located in Cleveland, Ohio

[Application No. D-5382]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The proposed loan (the Loan) by the Plan to Rockwall Properties (Rockwall) of the lesser of $660,000 or 24% of the Plan's assets, provided that the terms and conditions of the Loan are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party on the date of the consummation of the Loan; and (2) the guarantee of the Loan by McNichols Company (the Employer).

Summary of Facts and Representations

1. The Employer, an Ohio corporation doing business in the states of Florida, Ohio, Illinois, Texas and Georgia, is principally engaged in the distribution of specialty steel products. All of the stock of the Employer is owned by or for the ultimate benefit of Phyllis L. McNichols, Eugene McNichols and his minor children, and Barbara NcNichols Ruman and her minor children.[6]

The Plan as of March 31, 1984, had approximately $2,597,162 in assets and 86 participants. The Plan's trustee is National City Bank of Cleveland, Ohio.

2. The Employer plans to establish a new headquarters facility in the Tampa, Florida area and to expand its business into another geographical area of the continental United States, the location to be determined on the basis of the geographical area deemed by the Employer to have the best market potential.

Rockwall, an irrevocable trust established by the late Robert L. McNichols for the benefit of his grandchildren, i.e., the children of Eugene McNichols and Barbara McNichols Ruman, currently owns and leases to the Employer certain real property improved with office/warehouses buildings located in Atlanta, Georgia (the Atlanta Property) and Dallas, Texes (the Dallas Property).

Rockwall will purchase land in the Tampa, Florida area which will be leased to the Employer for its headquarters site (the Headquarters Property) and will also purchase land and construct the new office/warehouse building (the Expansion Property) which will also be leased to the Employer. The proposed Loan to Rockwall is for the purpose of financing the Headquarters Property and the Expansion Property.

3. The Loan will be repayable over a 15 year period, with monthly payments

[6] A charitable institution is beneficiary of a fixed return on the value of a portion of the stock until 1996.

of both principal and interest. The interest rate on the Loan will be four percentage points above the one year Treasury Bill rate at the time the Loan is made, but not less than 14.5% per annum. The interest rate will be adjusted pursuant to the same formula every three years during the term of the Loan.

Security for the Loan will be duly recorded first mortgages on the Atlanta Property and the Dallas Property (collectively, the Properties). Neither of the Properties are presently encumbered by any mortgages. John S. Schneider, Jr., Wallace E. White, and Glen A. Hultquist, MAI, of Wallace White and Company in Atlanta, Georgia, appraised the Atlanta Property, as of March 1, 1983, at $500,000. Carl W. McKee, MAI, of Carl W. McKee & Associates, Dallas, Texas, appraised the Dallas Property at $495,000 as of February 11, 1983. Thus, the collateral for the Loan is valued at more than 150% of the Loan by appraisers who have no relationship with the Employer, its principals, or Rockwall. If the value of the Properties declines during the term of the Loan to an amount which is less than 150% of the then outstanding Loan balance, Rockwall or the Employer will pledge additional collateral to bring the total collateral value to 150% of the Loan balance. Casualty insurance will be maintained by Rockwall on the Properties with the Plan named as loss payee. As additional security for the Loan, the Employer will guarantee repayment of the Loan, and Rockwall will conditionally assign its leases on the Properties to the Plan.[7]

4. The Huntington National Bank of Columbus, Ohio will serve as the independent fiduciary (the Fiduciary) for the Loan. The Fiduciary has no affiliation or relationship with the Employer, its principals, or Rockwall. The Fiduciary will have full power to cause the Loan to be made and to enforce all terms and conditions of the Loan.

The Fiduciary has reviewed the Plan's investment portfolio and concluded that the Loan is an appropriate and prudent investment for the Plan. The Fiduciary found that the Plan has minimal annual cash outflow with no substantial increase anticipated. While the Loan will initially constitute almost 25% of the Plan's assets, that percentage will drop as the Loan is amortized and as earnings on current assets as well as future Employee contributions and earnings thereon increase the total assets of the Plan. The Plan's assets to be used for the Loan will be time deposits earning a lower rate of return than the Loan. The Fiduciary views the Atlanta Property and the Dallas Properties as sound collateral since the Properties are located in two different cities in non-contiguous states, the quality of the tenant is excellent, and the multi-purpose character of the Properties make it easy to locate new tenants in the event of a default.

The financial statements for 1980 through 1983 of Rockwall and the Employer were reviewed by the Fiduciary which concluded that they were well capitalized and that they have and will continue to have the ability to perform their obligations to the Plan under the terms of the Loan. The Fiduciary has also concluded that the interest rate on the Loan provides the Plan with a return that is better than an arm's-length transaction due to the 14.5% interest floor and the interest adjustment every third year.

Based on the above reviews and conclusions, the Fiduciary finds that the Loan is in the best interests of the Plan and its participants and beneficiaries. The Fiduciary will make the same type of review immediately prior to making the Loan and will proceed with the Loan only if it is able to conclude that the Loan is still in the best interests of the Plan and its participants and beneficiaries.

5. In summary, the applicants represent that the subject transactions meet the criteria of section 408(a) of the Act because: (a) The Loan will be approved and monitored by the Fiduciary; (b) the Loan will be secured by collateral having a value of at least 150% of the Loan balance; (c) the guarantee of the Loan by the Employer further secures the Loan; (d) the Loan will consitute less than 25% of the assets of the Plan; and (e) following a thorough evaluation of the Plan's asset portfolio, the financial condition of Rockwall and the Employer, and the terms of the Loan, the Fiduciary has determined that the Loan is in the best interests of the Plan and its participants and beneficiaries.

For Further Information Contact: Mrs. Mary Jo Fite of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

Cumberland Farms Employees' Retirement Trust (the Trust) Located in Canton, Massachusetts

[Application No. D-5409]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 5975(c)(1) (A) through (E) of the Code, shall not apply, effectively July 1, 1984, to the continuation beyond June 30, 1984, of: (1) Twelve loans (the Loans) from the Trust to V.S.H. Realty, Inc. (V.S.H.), a party in interest to the Trust; (2) guarantees of the Loans by Delaware Food Store, Inc. (Delaware), a party in interest to the Trust; and (3) conditional assignments of rents from V.S.H. to the Trust, provided that the terms and conditions of the Loans as of July 1, 1984, are at fair market value.

Effective Date: If the proposed exemption is granted, it will be effective July 1, 1984.

Summary of Facts and Representations

1. The Trust, which holds the assets of the Cumberland Farms Profit Sharing Retirement Plan (Plan 1) and the Cumberland Farms Supplemental Profit Sharing Retirement Plan (Plan 2) (collectively, the Plans), is a successor trust to the Cumberland Farms Profit Sharing Retirement Trust (Trust A). As of September 30, 1983, Plan 1 had 2,693 participants and Plan 2 had 1,068 participants. The total assets of the Trust as of December 31, 1983, were approximately $11,286,000.

The Trustees of the Trust (the Trustees) are currently Lily Haseotes Bentas, Thomas F. Grady, and Francis G. Locklin, Jr. Each of the Trustees is an officer and a full time employee of one or more of the eighteen affiliated companies (the Affiliated Companies), including V.S.H. and Delaware, which are participating employers in the Plans. All of the stock of the Affiliated Companies is beneficially owned, directly or indirectly, by members of the Haseotes family.

2. At various times between January 24, 1973, and December 19, 1973, V.S.H. purchased thirteen parcels of real property, all of which are located in the State of New Jersey, for use in its business. In all cases, one of the Affiliated Companies is, or has been, a tenant for all or some portion of the property. To finance the acquisition and improvement of each of the properties, V.S.H. borrowed from Trust A amounts ranging from $30,000 to $91,000. The aggregate amount of these Loans was $722,500.

For each of the Loans, the collateral was a first mortgage, properly recorded

[7] The leases will be assigned only if the Loan is in default.

under the laws of the State of New Jersey, on the property acquired with the proceeds of each such Loan. Additionally, Delaware guaranteed repayment of each Loan in the event V.S.H. defaulted on the Loan. For each Loan, V.S.H. also executed a conditional assignment of rents to Trust A with regard to current and future leases on the property acquired with the Loan proceeds.[8]

Pursuant to the terms of the Loan agreements, each Loan was to be repaid in approximately equal monthly payments consisting of principal and accrued interest, with the stated annual interest rate for each Loan being either 8.5% or 9.5%. Each of the Loans was to be repaid over a stated period ranging from fifteen to sixteen years, with final payment dates occurring in the period extending from January 16, 1988, through December 14, 1989. V.S.H. has been making the monthly payments under the Loans in a consistent and timely manner. None of the Loans have at any time been in default.

In 1981 when the Trust became a successor to Trust A, all the Loans were transferred to the Trust. As of December 31, 1983, the aggregate outstanding principal balance of the Loans was $336,292.[9]

3. Rather than accelerating the repayment of the remaining principal balance of the Loans, the applicant proposes to continue the Loans to the final payment dates specified in the original Loan agreements. To assure that the best interests of the participants of the Plans are served, the proposal contemplates a renegotiation of the interest rates as well as a continuation of the guarantees from Delaware and the conditional assignment of rents by V.S.H. to the Trust for the life of each Loan. To provide further protection for the participants of the Plans, the Trustees have retained an independent fiduciary, E.M. Helides, Inc. (the Fiduciary), to evaluate each of the proposed Loan continuations and, if approved, to monitor the administration of the Loans.

As of July 1, 1984, the annual interest rate on each of the Loans was increased to 13%, a current market rate for new loans of comparable amount, quality and maturity, as determined by the Fiduciary. The rate of interest will be adjusted quarterly, effective the first of each July, October, January, and April, to a rate equal to the prime interest rate reported in the Wall Street Journal on the first business day coincident with or next following the first day of the month preceding the calendar quarter, plus one-half percent. The collateral for each Loan continues to be a duly recorded first mortgage on the property acquired in 1973 with the initial Loan proceeds. The Fiduciary has determined that the value of the collateral for each Loan equals or exceeds 150% of the outstanding principal balance of the Loan.[10] In the event the value of the collateral should at any time during the life of any one of the Loans decline below 150% of the then outstanding Loan balance, V.S.H. or one of the Affiliated Companies shall furnish additional collateral to the Trust having a value which is at least equal to the amount of the deficiency. V.S.H. will also obtain insurance against loss on the mortgaged properties, with the Trust named as the insured, as specified in each Loan agreement. The Fiduciary has the authority to monitor and enforce the terms of the Loans, including making demand for timely payment and bringing suit or other appropriate process in the event of default. The Fiduciary is entitled to obtain such information from V.S.H., Delaware and the Trustees as may be necessary to perform its duties as Fiduciary.

4. The Fiduciary is a Massachusetts business corporation which has been engaged in real estate counseling, investment, appraisals, and brokerage since 1959. Ernest M. Helides (Mr. Helides), the president of the Fiduciary, personally performs substantially all of the real estate services rendered by the Fiduciary. In addition to his extensive real estate background and his educational background, including an MBA from the University of Chicago, Mr. Helides has served since 1967 as a director and member of the real estate committee of a bank in which capacity he has been involved in determining the suitability of extending mortgage loans to the bank's customers. The Fiduciary has been advised by legal counsel of the duties, responsibilities and liabilities imposed on fiduciaries under the Act, and accepts such duties, responsibilities and liabilities. Neither the Fiduciary nor Mr. Helides had a relationship with the Affiliated Companies or their principals prior to selection as the Fiduciary.

The Fiduciary has determined that the continuation of the Loans at renegotiated fair market value is in the best interests of the Trust and the participants and beneficiaries of the Plans. In reaching this determination, the Fiduciary has considered the overall investment portfolio of the Trust, the cash flow needs of the Trust, and the diversification of Trust assets in light of the continuation of the Loans. The Fiduciary based its decision on the following reasons: (a) The term remaining on the Loans is relatively short; (b) the rate of interest on the Loans has been renegotiated to fair market value as of July 1, 1984; (c) the quarterly adjustment in interest rates guarantees that the rates will remain at fair market value until repayment of the Loans; (d) the Loans are adequately secured by duly recorded first mortgages, guarantees and conditional assignments of rents; (e) there are no other real estate related investments in the Trust asset portfolio; (f) the monthly repayment of principal and interest will contribute to the liquidity of the Trust; (g) the Loans have never been in default; (h) as examination of the financial records of V.S.H. indicates it is a healthy business enterprise; and (i) the Loans constitute less than 3% of the Trust's assets.

5. In summary, the applicants represent that the proposed transactions satisfy the statutory criteria contained in section 408(a) of the Act because: (a) The Fiduciary has determined that the Loans are appropriate investments for the Trust's portfolio of assets; (b) the Fiduciary renegotiated the terms of the Loans to reflect current fair market value terms as of July 1, 1984; (c) the Fiduciary will adjust the Loan interest rate to the fair market rate on a quarterly basis and will monitor and enforce all terms of the Loans; and (d) the Fiduciary has determined that the continuation of the Loans is in the best interests of the Trust and the participants and beneficiaries of the Plans.

For Further Information Contact: Mrs. Mary Jo Fite of the Department, telephone, (20) 523-8671. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or

[8] The rents would be assigned only if V.S.H. defaulted on the Loans.

[9] The applicant represents that the Loans were encompassed until June 30, 1984, by the transitional rules of sections 414(c)(1) and 2003(c)(2)(A) of the Act. The Department expresses no opinion as to the applicability of sections 414(c)(1) and 2003(c)(2)(A) of the Act to the Loans.

[10] The Fiduciary determined that one of the thirteen original Loans was not sufficiently collateralized due to the general decline in property values in the particular geographic area where the mortgaged property was located. Accordingly, the Fiduciary did not approve the continuation of the Loan on that property and V.S.H. repaid that Loan before July 1, 1984.

disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 6th day of November, 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs.

[FR Doc. 84-29601 Filed 11-8-84; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 84-86]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Aerothermodynamics.

Date and Time: November 26, 1984, 8 a.m. to 4 p.m.; November 27, 1984, 8:30 a.m. to 4 p.m.

ADDRESS: National Aeronautics and Space Administration, Langley Research Center, Building 1232, Room 236, Hampton, Va. 23665.

FOR FURTHER INFORMATION CONTACT: Mrs. Lana M. Couch, National Aeronautics and Space Administration, Code RX, Washington, DC 20546 (202/453-2841).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Aerothermodynamics was established to provide advice and coordination of NASA Aerothermodynamics research programs with efforts in other agencies, universities, and industry. The Subcommittee, chaired by Professor Seymour Bogdonoff, is comprised of 7 members. The meeting will be open to the public up to the seating capacity of the room (aproximately 40 persons including the Subcommittee members and participants).

Type of Meeting: Open

Agenda:

November 26, 1984

8 a.m.—Introduction.

I. Aeronautical Hypersonics Technology

8:30 a.m.—Historical Overview.

9:00 a.m.—Technology Status and Plans.

3 p.m.—Aeronautics and Space Technologies Common to Future Vehicle Applications.

3:30 p.m.—Resources.

4 p.m.—Summary.

November 27, 1984

II. Space Technology

8:30 a.m.—Langley Research Center Aerothermodynamics Program Summary.

9:30 a.m.—Ames Research Center Aerothermodynamics Program Summary.

10:30 a.m.—Discussion and Assessment.

4 p.m.—Adjourn.

Dated: November 5, 1984.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

[FR Doc. 84-29472 Filed 11-8-84; 8:45 am]

BILLING CODE 7510-01-M

[Notice 84-85]

NASA Advisory Council, Joint Meeting of the Aeronautics Advisory Committee and the Space Systems and Technology Advisory Committees

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming joint meeting involving the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Aeronautical Propulsion Technology and the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Chemical Propulsion. This is the first joint meeting of the two subcommittees.

Date and Time: November 19, 1984, 8:30 a.m. to 4:15 p.m.; November 20, 1984, 8:30 a.m. to 4:30 p.m.

ADDRESS: Lewis Research Center, Administration Building (#3), Room 215, 21000 Brookpark Road, Cleveland, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. Linwood C. Wright or Mr. Frank W. Stephenson, Jr., National Aeronautics and Space Administration, Code RP, Washington, DC 20546 (202/453-2842) or (202/453-2860) respectively.

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Aeronautical Propulsion Technology was established to assist the NASA in identifying and examining advanced propulsion technology requirements for future aeronautical vehicles and to recommend program activities, deletions, or changes in scope or emphasis that may be found necessary to support the overall NASA aeronautical research and technology objectives. The Subcommittee is chaired by Dr. Montgomerie C. Steele and is composed of eleven other members. The Informal Advisory Subcommittee on Chemical Propulsion Technology was established to assist and advise NASA in identifying requirements for future space vehicles and to recommend program activities, deletions, or changes

in scope or emphasis that may be found necessary to support the overall NASA space research and technology objectives. The Subcommittee is chaired by Dr. Saunders D. Rosenberg and is composed of six other members. The meeting must be held at this time in order to accommodate the schedules of members of both subcommittees. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the Subcommittee members and participants).

Type of Meeting: Open

Agenda:

November 19, 1984

8:30 a.m.—Welcome and Introductory Remarks/Lewis Research Center Organizational Philosophy.
9 a.m.—Lewis Research Center Organizational Changes.
10 a.m.—Office of Aeronautics and Space Technology Organization/Propulsion Budget Review.
10:45 a.m.—Proposed Lewis Research Center Engine Structures Dynamic Laboratory.
12.30 p.m.—Space Shuttle Main Engine (SSME) Turbine Technologies.
2:15 p.m.—Advanced Turboprop Program Progress Report and Hardware Display.
4:15 p.m.—Adjourn.

November 20, 1984

8:30 a.m.—Sustained Hypersonic/Transatmospheric Propulsion.
10:15 a.m.—Potential Reorganization of Standing Propulsion Subcommittees.
1 p.m.—Discussions and Formulation of Recommendations.
4:30 p.m.—Adjourn.

Dated: November 2, 1984.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

[FR Doc. 84-29471 Filed 11-8-84; 8:45 am]

BILLING CODE 7510-01-M

[Notice 84-84]

Government-owned Inventions; Availability for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Availability of Inventions for Licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly foreign licensing.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $6.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATE: November 9, 1984.

FOR FURTHER INFORMATION CONTACT: National Aeronautics and Space Administration, John G. Mannix, Director of Patent Licensing, Code GP, Washington, D.C. 20546, telephone (202) 453–2430.

Patent Application 542,557: Stable Density Stratification Solar Pond; filed October 18, 1983.

Patent Application 569,536: Structural Pressure Sensitive Silicone Adhesives; filed January 12, 1984.

Patent Application 601,130: Containerless High Purity Pulling Process and Apparatus for Glass Fiber; filed April 19, 1984.

Patent Application 606,432: Optical Scanner; filed May 2, 1984.

Patent Application 606,426: Multispectral Linear Array Multiband Selection Device; filed May 2, 1984.

Patent Application 606,430: Coated Flexible Laminate and Method of Its Production; filed May 2, 1984.

Patent Application 606,431: Latching Mechanism for Deployable/Restowable Columns; filed May 2, 1984.

Patent Application 608,742: Method for Strengthening Boron Fibers; filed May 10, 1984.

Patent Application 608,741: Phenoxy Resins Containing Pendent Ethynyl Groups and Cured Resins Obtained Therefrom; filed May 10, 1984.

Patent Application 613,138: Ethynyl-Terminated Ester Oligomers and Polymers Therefrom; filed May 23, 1984.

Patent Application 613,139: Sulfone-Ester Polymers containing Pendent Ethynyl Groups; filed May 23, 1984.

Patent Application 613,140: Rotatable Electric Cable Connecting System; filed May 23, 1984.

Patent Application 615,505: Improved Monogroove Heat Pipe Design: Insulated Liquid Channel With Bridging Wick; filed May 30, 1984.

Patent Application 625,077: Oxygen Recombination in Individual Pressure Vessel Nickel-Hydrogen Batteries; filed June 27, 1984.

Patent Application 633,180: Warm Fog Dissipation Using Large Volume Water Sprays; filed July 23, 1984.

Patent Application 628,866: Deposition of Diamondlike Carbon films; filed July 9, 1984.

Patent Application 633,179: Technique for Measuring Gas Conversion Factors; filed July 23, 1984.

Patent Application 633,178: A System for Controlling the Oxygen Content of a Gas Produced by Combustion; filed July 23, 1984.

Patent Application 633,363: Solar-Heated Oil Shale Retort; filed July 23, 1984.

Patent Application 636,557: Bidirectional Control of Energy Flow in a Solar Powered Flywheel; filed July 31, 1984.

Patent Application 636,463: Improved Heat Exchanger for Electrothermal Devices; filed July 31, 1984.

Patent Application 636,465: Linear Motion Valve; filed July 31, 1984.

Patent Application 638,586: Synchronization Tracking in Pulse Position Modulation Receiver; filed August 7, 1984.

Patent Application 638,585: Low Loss Splicing Method for Single-Mode Optical Fiber; filed August 7, 1984.

Patent Application 638,584: Measurement Amplifier; filed August 7, 1984.

Patent Application 641,146: PET Charge Sensor and Voltage Probe; filed August 16, 1984.

Patent Application 642,310: Negative Electrode Catalyst for the Fe/Cr Redox Energy Storage System; filed August 20, 1984.

Patent Application 640,712: Improved Thermal Barrier Coating System; filed August 14, 1984.

Patent Application 642,602: Shoulder and Hip Joint for Hard Space Suits and the Like; filed August 20, 1984.

Patent Application 643,522: Magnetic Spin Reduction System for Free Spinning Object; filed August 23, 1984.

Patent Application 643,523: Volumetric Fuel Quantity Guage; filed August 23, 1984.

Patent Application 649,328: Melt-Flow/Toughness Modified Polyimide; filed September 11, 1984.

Patent Application 649,329: Helicopter Anti-Torque System Using Fuselage Strakes; filed September 11, 1984.

Patent Application 655,606: Improved Legislated Emergency Locating Transmitters and Emergency Position Indicating Radio Beacons; filed September 28, 1984.

Patent Application 655,605: Photofactor Ocular Screening System; filed September 28, 1984.

Dated: November 2, 1984.

S. Neil Hosenball,

General Counsel.

[FR Doc. 84-29470 Filed 11-8-84; 8:45 am]

BILLING CODE 7510-01-M

[Notice 84-88]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology.

DATE AND TIME: December 4, 1984, 8:30 a.m. to 5 p.m.; December 5, 1984, 8 a.m. to 4:30 p.m.; and December 6, 1984, 8 a.m. to 12 Noon.

ADDRESS: Langley Research Center, Building 1219, Room 225, Hampton, VA.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Ward, National Aeronautics and Space Administration, Code RJ, Washington, DC 20546 (202/453-2808).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Rotorcraft Technology was established to assist NASA in assessing the current adequacy of rotorcraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in rotorcraft aerodynamics, acoustics, structures, dynamics, propulsion systems components, flight control, and avionics. The Subcommittee, chaired by Mr. Dale Hutchins, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

Type of Meeting: Open.

Agenda

December 4, 1984

8:30 a.m.—Summary of NASA Fiscal Year 1984 Rotorcraft Research and Technology Programs and Program Planning for Fiscal Year 1985—Lewis and Langley Research Centers.

5 p.m.—Adjourn.

December 5, 1984

8 a.m.—Summary of NASA Fiscal Year 1984 Rotorcraft Research and Technology Programs and Program Planning for Fiscal Year 1985—Ames Research Center.

1 p.m.—Presentations by Subcommittee Members.

3:30 p.m.—Working Session and Draft Summary Presentation.

4:30 p.m.—Adjourn.

December 6, 1984

8 a.m.—Working Session and Draft Summary Presentation.

10 a.m.—Summary Presentation.

12 noon—Adjourn.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division Office of Management.

November 2, 1984.

[FR Doc. 84-29606 Filed 11-8-84; 8:45 am]

BILLING CODE 7510-01-M

[Notice 84-87]

NASA Advisory Council (NAC), Life Sciences Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Life Sciences Advisory Committee (LSAC).

DATE AND TIME: November 29, 1984, 8:30 a.m. to 5 p.m.; and November 30, 1984, 8:30 a.m. to 12 noon.

ADDRESS: NASA Headquarters, FB 10-B, Room 226-A, 600 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Henry V. Bielstein, M.D., Code EB, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1546).

SUPPLEMENTARY INFORMATION: The Life Sciences Advisory Committee provides advice and coordination of NASA Life Sciences research programs. They assist in long-range planning for Spacelab, Space Station, and STS experiments, as well as ground-based biomedical research. The Committee, chaired by Dr. Robert E. Moser, is comprised of approximately 24 members.

This meeting will be closed to the public from 10:30 a.m. to 12 noon on November 30 for a discussion of candidates being considered for Committee membership. During this session, the qualifications of proposed new members will be candidly discussed and appraised. Since this session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this session should be closed to the public. The remainder of the meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including committee members and other participants).

Type of Meeting: Open—except for a closed session as noted in the agenda below.

November 29, 1984

8:30 a.m.—Opening Remarks (Open session).

9 a.m.—Review of NASA's Space Science Efforts, Space Station, and Medical Care in Space (Open session).

1 p.m.—Discussion of Spacelab-4 Life Sciences Experiments (Open session).

5 p.m.—Adjourn.

November 30, 1984

8:30 a.m.—Review of Space Station Task Force and National Academy of Sciences Major Direction Study 1995-2010 (Open Session).

10:30 a.m.—LSAC Membership (Closed Session).

12 Noon—Adjourn.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

November 2, 1984.

[FR Doc. 84-29607 Filed 11-8-84; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Design Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby that a meeting of the Design Arts Advisory Panel (Exploration/Research Section) to the National Council on the Arts will be held on November 28, 1984, from 9:00 a.m.-5:30 p.m. in room M-09 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to

subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: November 6, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-29511 Filed 11-8-84; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Folk Arts Section) to the National Council on the Arts will be held on November 28–December 1, 1984, from 9:00 a.m.–5:30 p.m. in room 415 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on November 30, from 1:30–2:30 p.m. for a policy discussion.

The remaining sessions of this meeting on November 28 and 29, from 9:00 a.m.–5:30 p.m.; on November 30, from 9:00 a.m.–1:30 p.m. and from 2:30 p.m.–5:30 p.m.; and on December 1, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: November 6, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-29505 Filed 11-8-84; 8:45 am]

BILLING CODE 7537-01-M

Literature Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Literary Publishing Section) to the National Council on the Arts will be held on November 30, 1984 from 9:00 a.m.–6:00 p.m. and on December 1, from 9:00 a.m.–5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on December 1, 1984, from 4:00–5:30 p.m. The topics for discussion are policy and guidelines.

The remaining sessions of this meeting on November 30, from 9:00 a.m.–6:00 p.m. and on December 1, from 9:00 a.m.–4:00 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 6, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: November 6, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-29506 Filed 11-8-84; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Radio Section) to the National Council on the Arts will be held on November 28–30, 1984, from 9:00 a.m.–6:00 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(b) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: November 6, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-29507 Filed 11-8-84; 8:45 am]

BILLING CODE 7537-01-M

Museum Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Conservation/Collection Maintenance) to the National Council on the Arts will be held on November 27–29, 1984, from 9:00 a.m.–5:30 p.m., in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(b) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: November 6, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84-29507 Filed 11-8-84; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Chorus Section) to the National Council on the Arts will be held on November 27, 1984, from 9:30 a.m.–7:00 p.m.; on November 28, 1984, from 9:30 a.m.–7:30 p.m.; and on November 29, 1984, from 9:30 a.m.–5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on November 29, 1984, from 11:30 a.m.–3:15 p.m. The topics for discussion are policy and guidelines.

The remaining sessions of this meeting on November 27, from 9:30 a.m.–7:00 p.m.; November 28, from 9:30 a.m.–7:30 p.m.; and on November 29, from 9:30–11:30 a.m. and from 3:15–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: November 6, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–29509 Filed 11–8–84; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater—New American Works Section) to the National Council on the Arts will be held on November 27–30, 1984, from 9:00 a.m.–6:00 p.m. On November 27–28, 1984, the meeting will be held in rooms 315, 430 and M–07; and on November 29–30, 1984, the meeting will be held in room M–07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: November 6, 1984.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–29510 Filed 11–8–84; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Subcommittee on Mechanical Engineering and Applied Mechanics, Advisory Committee for Engineering; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Mechanical Engineering and Applied Mechanics (MEAM).

Date, time and place: November 26 and 27, 1984—9:00 a.m.–5:00 p.m. each day, Board Room, Room 540.

Type of meeting: Open.

Contact person: Dr. John A. Weese, Division Director, Mechanical Engineering and Applied Mechanics, Room 1108, National Science Foundation, Washington, D.C. 20550, (202) 357–9542.

Summary/minutes: May be obtained from Mrs. Delores Wade, Division of Mechanical Engineering and Applied Mechanics, Room 1108, National Science Foundation, Washington, D.C. 20550, (202) 357–9542.

Purpose of committee: To provide direction for Mechanical Engineering and Applied Mechanics Research.

Agenda

Monday, November 26th—Open—9:00 A.M.–5:00 P.M.

8:30—Call to Order
Dr. George R. Abrahamson, Chairman, MEAM Advisory Committee
8:45—Status of MEAM Division
MEAM Staff
9:45—Impact of ERC Program
10:30—Break
11:00—Trends in the Engineering Directorate
Dr. Nam P. Suh, Assistant Director for Engineering
Noon—Lunch
1:30—Use of Advanced Scientific Computers
2:15—The Proposed Thermal Systems Program
3:00—A Suggested Advisory Committee Study
3:30—Discussion of the Advisory Committee Two Year Plan
5:00—*Recess for the dayt*

Tuesday, November 27th—Open—9:00 A.M.–5:00 P.M.

8:30—Reconvene to Prepare for Interactive Session with the NSF, Director
9:00—Meeting with Mr. Erich Block, Director, NSF
10:00—Break
10:30—The Office of Advanced Scientific Computing
Dr. John W.D. Connelly, Head
11:00—Discussion with MEAM Staff
Noon—Lunch
1:30—Committee Member Assignments
Confirmation of Recommendations
Outline of Meeting Report
Closing Remarks
5:00—*Adjourn*

M. Rebecca Winkler,

Committee Management Officer.

November 6, 1984.

[FR Doc. 84–29554 Filed 11–8–84; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Archeology/Physical Anthropology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Archeology/Physical Anthropology.

Date and time: November 27–28, 1984—9:00 a.m.–5:00 p.m. each day.

Place: New York University, New York, NY.

Type of meeting: Closed.

Contact person: Dr. John E. Yellen, Program Director for Anthropology, Room 320, National Science Foundation, Washington, DC 20550, (202) 357–7804.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in physical anthropology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and

(6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

November 6, 1984.

[FR Doc. 84–29553 Filed 11–8–84; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Political Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–46, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Political Science.

Date & time: November 15 & 16, 1984, 9:00 a.m. to 5:00 p.m.

Place: Room 540–E, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact persons: Dr. Frank P. Scioli, Jr., Acting Program Director, Social and Economic Science, Room 312, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7534.

Purpose of Panel: To provide advice and recommendations concerning Political Science research

Agenda: Closed: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Office was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Reason for late notice: Difficulty in scheduling a conference room.

M. Rebecca Winkler,

Committee Managment Officer.

November 6, 1984

[FR Doc. 29552 Filed 11–8–84; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sensory Physiology and Perception Program.

Date and time: November 27, 28, and 29, 1984: 9:00 a.m. to 5:00 p.m. each day.

Place: National Science Foundation, 1800 G. Street., NW., Room 543 Washington, DC.

Type of meeting: Closed.

Contact person: Dr. James O. Larimer, Program Director, Sensory Physiology and Perception, Room 320, National Science Foundation, Washington, DC 20550, telephone (202) 357–7248.

Summary minutes: May be obtaind from the Contact Person at the above stated address.

Purpose of meeting: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Managment Officer.

November 6, 1984.

[FR Doc. 29551 Filed 11–8–84; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSSION

Draft Regulatory Guide; Issuance and Availability

Correction

In FR Doc. 84–28488, beginning on page 43516 in the issue of Monday, October 29, 1984, make the following correction.

On page 43516, third column, thirteenth line, "FC 410–4" should have read "FC 401–4".

BILLING CODE 1505–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Hope Creek Generating Station Unit 1; Meeting

The ACRS Subcommittee on Hope Creek Generating Station Unit 1 will hold a meeting on November 28 and 29, 1984, at the Hilton of Philadelphia, Civic Center Blvd. and 34th Street, Philadelphia, PA

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, November 28, 1984–2:00 p.m. until the conclusion of business

Thursday, November 29, 1984–8:30 a.m. until the conclusion of business

The Subcommittee will review the operating license application of the Public Service Electric and Gas Company for the Hope Creek Generating Station.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Public Service Electric and Gas Company, NRC Staff, their respective consultants, and other interested persons regarding this review. Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Dr. Medhat M. El-Zeftawy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., est. Persons planning to attend this meeting are urged to contact the above named individual one

or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: November 5, 1984.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 84-29544 Filed 11-8-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the granting of relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Omaha Public Power District (the licensee), which would revise the first ten-year inservice inspection program for the Fort Calhoun Station, Unit No. 1. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50.

Environmental Assessment

Identification of Proposed Action

By letter dated April 2, 1984, the Omaha Public Power District, the licensee, requested relief from the ASME Code such that 100 percent examination of the reactor vessel closure head-to-flange weld and testing of the Class 3 portions of the waste disposal system would not be required. The licensee has determined that these requirements are impractical at the Fort Calhoun Station, Unit No. 1 for the first ten-year inspection program.

The Need for the Proposed Action

If relief is not granted, the licensee will have to perform a 100 percent examination of the reactor vessel closure head-to-flange weld and will have to test the Class 3 portions of the waste disposal system. As stated above, the licensee has determined that these requirements are impractical.

Environmental Impact of the Proposed Action

Our evaluation of the proposed requests for relief from the ASME Code requirements indicates that the relief will not reduce the integrity of safety systems because of the following.

Insofar as the weld is concerned, visual examination for leakage will still be performed to the extent practical. Thus, examinations will still be performed in accordance with the Code, and volumetric and surface examinations will be performed to determine weld integrity. Insofar as not testing the Class 3 portions of the waste disposal system is concerned, the current applicable edition of the Code allows a licensee to optionally classify a nonnuclear safety class system as a Class 3 system without the necessity of applying the inservice inspection requirements of the Code. Thus, the current applicable edition of the Code permits this practice.

Accordingly, post-accident radiological releases will not be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents, and there is no significant increase in occupational exposures. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed relief.

With regard to potential non-radiological impacts, the proposed relief involves systems located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed relief.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Fort Calhoun Station, Unit No. 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's requests and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed reliefs.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respects to this action, see the letter for relief dated April 2, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska.

Dated at Bethesda, Maryland, this 15th day of November, 1984.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Assistant Director for Operating Reactors.

[FR Doc. 84-29545 Filed 11-8-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-260/296]

Tennessee Valley Authority; Denial of Amendments to Facility Operating Licenses and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied in part a request by the licensee for amendments to Facility Operating License Nos. DPR-33, DPR-52 and DPR-68 issued to the Tennessee Valley Authorty (the licensee), for operation of the Browns Ferry Nuclear Plant (the facility), located in Limestone County, Alabama.

The amendments, as proposed by the licensee in the application dated April 3, 1984, revised a condition in the license for each one of the Browns Ferry units which requires the licensee to "maintain in effect and fully implement all provisions of the Commission-approved physical security plan . . ." to reflect that the Commission has reviewed and accepted a revised security plan, to replace the licensee's physical security plan dated June 15, 1978. The amendments change this reference and therefore make operational the revised physical security plan dated May 15, 1982, as revised by letters dated August 31, 1982 and October 19, 1982. In approving the plan, the Commission has rejected a statement in section 9.1 of the revised plan that would have permitted designating containment as a non-vital area during extended maintenance outages when all fuel was removed from the reactor vessel. All other provisions of the plan have been approved. Notice of consideration of issuance of these amendments was published in the **Federal Register** on May 23, 1984 (49 FR 21846).

Notice of issuance of Amendment Nos. 115, 109 and 83 will be published in the Commissin's next regular monthly **Federal Register** notice.

The licensee was notified of the Commission's denial of the proposed statement in section 9.1 of the revised physical security plan by letter dated October 29, 1984.

By December 10, 1984, the licensee may demand a hearing with respect to the denial described above and any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for a hearing or petition for leave to intervene must be filed with the

Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date.

A copy of any petitions should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to H.S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B, 33C, Knoxville, Tennessee 37902, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated April 3, 1984, and (2) the Commission's letter to the Tennessee Valley Authority dated October 29, 1984 which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or through the Commission's local public document room at the Athens Public Library, South and Forrest, Athens, Alabama: A copy of Item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of October, 1984.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2. Division of Licensing.

[FR Doc. 84-29545 Filed 11-8-84; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-13310]

Valley Cable TV, a Limited Partnership; Application and Opportunity for Hearing

November 5, 1984.

Notice is hereby given that Valley Cable TV, a Limited Partnership (the "Applicant") has filed an application pursuant to clause (ii) os Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of The First National Bank of Atlanta (the "Bank") under

(i) an Indenture, dated as of December 1, 1983, between the Applicant and the Bank, as Trustee (the "Existing Debenture Indenture") under which 14¼% Subordinated Debentures due July 1, 1996 (the "Existing Debentures") were issued by the Applicant, and

(ii) a proposed Indenture, to be entered into between the Applicant and the Bank, as Trustee (the "New Debenture Indenture"), under which 15¼% Subordinated Debentures due July 1, 1996 (the "New Debentures") are to be issued by the Applicant, and which is to be qualified under the Act pursuant to an Application on Form T-3,

is not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the Existing Debenture Indenture of the New Debenture Indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety (90) days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities or certificates of interest or participation in any other securities of the same issuer, are outstanding.

The present application, filed pursuant to clause (ii) of Section 310(b)(1) of the Act, seeks to exclude the Existing Debenture Indenture and the New Debenture Indenture from the operation of Section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of Section 310(b)(1) of the Act on the matter of the present application is that the Existing Debenture Indenture and the New Debenture Indenture may be excluded from the operation of Section 310(b)(1) of the Act if the Applicant shall have sustained the burden of proving by its application to the Commission and after opportunity for hearing thereon that the trusteeship of the Bank under the Existing Debenture Indenture and the New Debenture Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under both of these indentures.

The Applicant alleges that:

(1) The applicant proposes to issue $390.90 in cash and $390.90 principal amount of New Debentures for each $1,000 principal amount of Existing Debentures tendered for exchange, as more fully described in the offering circular (the "Offering Circular") filed as Exhibit T3E(1) to its Application on form T-3 to qualify the New Debenture Indenture under the Act. In connection with the exchange offer, certain provisions of the Existing Debenture Indenture are proposed to be amended, as more fully described in the Offering Circular.

(2) The terms of the New Debenture Indenture will be substantially identical to those of the Existing Debenture Indenture, as proposed to be amended, except for interest rates and optional redemption provisions. Both indentures will contain matching default and remedies provisions.

(3) The Existing Debentures and the New Debentures will rank *pari passu* and will each be secured by a junior lien on substantially all of the assets of the Applicant.

(4) The rights of each of the two classes of debenture holders will be coextensive and will be divided in such a way as to avoid any possible conflict in their application. The Existing Debenture Indenture (as proposed to be amended), the New Debenture Indenture, and the security agreements relating to them, will each contain provisions expressly defining the relative rights in the collateral of the holders of each class of the Applicant's debentures. The debentures will provide that, as between the two classes of debenture holders, the collateral will be divided in proportion to the aggregate principal amounts of debenture outstanding for each class. (Once either class has realized amounts sufficient to satisfy its claims in full, any remaining collateral is to be applied toward the claims of the other class.) These provisions will eliminate any possible "overlap" in the claims of the two classes of debenture holders, thereby guaranteeing that no conflict can exist, as between the two classes, in claims against the collateral securing the debentures. These allocation provisions will create the functional equivalent of mutually exclusive security with no discretion in the application of collateral or proceeds to the claims asserted for each class of debentures.

(5) Sincne the two indentures are nearly identical and since only a small number (if any) of the Existing Debentures are expected to remain outstanding after consummation of the exchange offer, considerations of economy argue strongly in favor of appointing a single trustee for both indentures.

(6) The Applicant is not in default under, and there exists no event which with notice or lapse or time or both

would consitute a default under, the Existing Debenture Indenture, either in its present form or as proposed to be amended.

The Applicant has waived notice of hearing, any right to a hearing on the issues raised by the application, and all rights to specify procedures under the Rules of Practice of the Commission with respect to its application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at the Public Reference Room, 450 Fifth Street, NW. Room 1024, Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after December 3, 1984, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended. Any interested person may, not later than November 30, 1984 at 5:30 P.M., in writing, submit to the Commission, his or her views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such comments or requests should be addressed to: Secretary, Securities and Exchange Commission, 450 Fifth Street, Room 6184, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-29500 Filed 11-8-84; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-21457; File No. SR-MSRB-84-18]

Self-Regulatory Organizations; Proposed Rule Change by Municipal Securities Rulemaking Board Relating to Record Keeping and Disclosures in Connection With New Issues

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 24, 1984, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The Municipal Securities Rulemaking Board ("Board") is filing amendments to rules G–8 and G–9 on recordkeeping and rule G–32 on disclosures in connection with new issues (hereafter referred to as "the proposed rule change"), as follows:[1]

Rule G–8. Books and Records to be Made by Municipal Securities Brokers and Municipal Securities Dealers

(a) Description of Books and Records Required to be Made. Except as otherwise specifically indicated in this rule, every municipal securities broker and municipal securities dealer shall make and keep current the following books and records, to the extent applicable to the business of such municipal securities broker or municipal securities dealer:

(i) through (xii) No change.

(xiii) Records Concerning Deliveries of Official Statements. A record of all deliveries, to purchasers of new issue securities, of official statements or other disclosures concerning the underwriting arrangements required under rule G–32.

Rule G–9. Presentation of Records

(a) No change.

(b) Records to be Preserved for Three Years. Every municipal securities broker and municipal securities dealer shall preserve the following records for a period of not less than three years:

(i)—(ix) No change.

(x) all records of deliveries of rule G–32 disclosures required to be retained as described in rule G–8 (a)(xiii).

(c) through (g) No change.

Rule G–32. Disclosures in Connection With New Issues

(a) Disclosure Requirements. No municipal securities broker or municipal securiteis dealer shall sell, whether as principal or agent, any new issue municipal securities to a customer, *broker, dealer or municipal securities dealer,* unless, at or prior to sending a final written confirmation of the transaction to the customer, *broker, dealer or municipal securities dealer,* indicating money amount due, such municipal securities broker or municipal securities dealer sends to the customer:

(i)–(ii) No change.

In the event an official statement in final form is not available at the time the final confirmation indicating money amount due is sent to a customer, an official statement in preliminary form, if any, shall be sent to the customer, *broker, dealer or municipal securities dealer,* provided that an official statement in final form, or an abstract or summary thereof, must be sent to the customer, *broker, dealer or municipal securities dealer,* promptly after such official statement becomes available to the municipal securities broker or municipal securities dealer. [Every municipal securities broker or municipal securities dealer shall promptly furnish the documents and information referred to in this section (a) to any broker, dealer or municipal securities dealer to which it sells new issue municipal securities, upon the request of such broker, dealer or municipal securities dealer.]

(b) No change.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Rule G–32 currently prohibits a municipal securities broker or dealer from selling during the underwriting period new issue municipal securities to a customer unless, at or prior to sending the final confirmation of the transaction, a copy of the final official statement, if one is prepared by or on behalf of the issuer, and, in the case of negotiated sales, certain additional written information concerning the underwriting arrangements, are provided to the customer. The rule also requires dealers to furnish copies of official statements and other rule G–32 disclosures upon request to any broker, dealer, or municipal securities dealer to which it sells new issue municipal securities. The Board has stated that if sufficient copies of official statements are not available, a dealer must reproduce the official statement at its own expense. These requirements apply to all dealers who sell new issue securities, not solely to underwriters of the issue. The rule is designed to ensure that a purchaser of new issue securities is provided with all available information relevant to his investment decision.

After reviewing comments on two draft amendments to the rule, the Board has determined that the requirements of rule G–32 should be retained and strengthened. The Board believes that the official statement is the single most

[1] Italics indicate new language; brackets indicate deletions.

important disclosure document for an investor in new issue municipal securities. To facilitate the dissemination of official statements to purchasers of new issue municipal securities, the proposed rule change to rule G–32 would require that all brokers, dealers, and municipal securities dealers who purchase new issue securities automatically be provided with the rule G–32 disclosures at or prior to the time the money confirmation of the transaction is sent. The Board has concluded that the current "on request" provision has resulted in undue delays in the delivery of rule G–32 disclosures to purchasers of new issue securities.

Rules G–8 and G–9 set forth the recordkeeping and record retention requirements respectively for brokers, dealers, and municipal securities dealers. The proposed rule change would add a new section to rule G–8 requiring a dealer to maintain a record of deliveries of rule G–32 disclosures and would amend rule G–9 to require that these records be retained for a period of not less than three years. The primary purpose of the proposed recordkeeping requirements is to facilitate enforcement of rule G–32; these amendments were strongly supported by the commenting regulatory agencies. The recordkeeping requirements also are designed to encourage dealers to institute procedures for delivering the disclosures required under rule G–32.

(b) The Board has adopted the amendments to rule G–32 under Section 15B(b)(2)(C) of the Act which establishes the Board's authority to adopt rules designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and to protect investors. The amendments to rules G–8 and G–9 were adopted pursuant to Section 15B(b)(2)(G) of the Act which authorizes the Board to adopt rules which prescribe records to be made and kept by municipal securities brokers and dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change applies uniformly to all brokers, dealers, or municipal securities dealers that sell new issue municipal securities. The Board therefore believes that the proposed rule change would not impose any burden on competition.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

March Exposure Draft

In March 1984, the Board published for comment draft amendments to rules G–8, G–9 and G–32. The draft amendments to rule G–32 would have required delivery of an official statement, or if no official statement was prepared by the issuer a notice stating that fact, for a 40-day period commencing with the date of sale. In the case of a syndicate that maintained an unsold balance beyond the 40-day period, the draft amendments would have required syndicate members to deliver an official statement for sales of the new issue until the account was closed.

The draft amendment to rule G–8 proposed to add a new section requiring a dealer to maintain a record of deliveries of the disclosures required by rule G–32 and the draft amendment to rule G–9 proposed to require that these records be retained for a period of not less than three years.

The Board received comment letters on the March exposure draft from:

Bankers Trust Company
Buchanan & Co.
Lebenthal & Co., Inc.
Public Securities Association, Operations and Compliance Committee (PSA)
Union Bank

The Board received oral comments from:

Merrill Lynch, Pierce, Fenner & Smith (Merrill Lynch)
NASD, Municipal Securities Committee
Office of the Comptroller of the Currency
Squire, Sanders & Dempsey

Many of the commentators focused on the current requirements of rule G–32. Several stated that dealers find it difficult to obtain copies of official statements and suggested that the Board place more responsibility for obtaining sufficient copies of official statements upon managing underwriters. Merrill Lynch stated that it physically is impossible for a dealer which is not a member of a syndicate to provide a copy of the official statement to customers by the date the money confirmation is sent. It also stated that it is too expensive to send out final and official statements, particularly in competitive deals and suggested that the Board require delivery of only the final official statement.

Bankers Trust and Union Bank suggested that the Board consider exempting federally guaranteed project notes from the proposed amendments because official statements never are prepared for project notes. The Board did not adopt this requirement, which obviated the need to exempt project notes.

With respect to the proposed amendments to rules G–8 and G–9, the Office of Comptroller stated that the current rule G–32 is difficult to enforce and supported the draft recordkeeping requirements. Bankers Trust characterized the proposed requirements as a "time consuming manual processes." The NASD Municipal Securities Committee suggested, as an alternative, that the Board require that confirmations indicate whether an official statement is enclosed, is being sent, or is unavailable.

June Exposure Draft

After considering these comments the Board published in June 1984, a second exposure draft of of amendments to rules G–8, G–9, and G–32. The draft amendments proposed to

—Place primary responsibility on managing underwriters for assuring that adequate numbers of official statements are made available;

—Require that non-underwriter dealers who purchase new issue securities automatically be sent official statements and other rule G–32 disclosures;

—Differentiate to a limited extent between underwriters and other dealers for purposes of when official statements must be sent to purchasers. The Board stated that it continued to believe it appropriate to require syndicate members to deliver final official statements prior to or with the money confirmation of a transaction in new issue municipal securities. It proposed, however, to permit a non-underwriter dealer that is unable to obtain the official statement by the date on which it sends the money confirmation, to send the information within one business day of its receipt from the selling dealer;

—Define the term "promptly" for purposes of sending out the final official statement when it is prepared after the sending of the money confirmations. The Board proposed to clarify the "promptly" standard by requiring an underwriter to deliver the final official statement within one business day of its preparation by the issuer to any person or non-underwriter dealer to which it sold the new securities. A non-underwriter dealer, in turn, would have been required to send the final official statement to any person or dealer to

which it sold the new issue securities within one business day of its receipt from the underwriter or other dealer from which it purchased the new securities; and,

—Exempt project notes from rule G–32.

The Board received comment letters on the June exposure draft from:

Cashier's Association of Wall Street, Inc. ("Cashier's Association")
Board of Governors of the Federal Reserve System ("Fed")
Comptroller of the Currency ("Comptroller")
Continental Bank ("Continental")
Dean Witter Reynolds, Inc. ("Dean Witter")
First National Bank of Chicago ("First Chicago")
Lebenthal & Co., Inc. ("Lebenthal")
Merrill Lynch Capital Markets ("Merrill Lynch")
Public Securities Association ("PSA")
Union Bank

1. *Forty-Day Delivery Period.* The Board received some comments in favor and some opposed to the 40-day delivery period. The Cashier's Association suggested that a 30-Day period would be sufficient (with syndicate members required to deliver official statements as long as an account is active). Merrill Lynch suggested limitimg the delivery period to the "when-issued" period. The Fed suggested, however, as did other commentors, that there was no logical basis for specifying a different delivery period for syndicate members than for non-underwriters. The Comptroller stated that all dealers (including sole underwriters) selling new issue securities should be subject to the same delivery period. First Chicago suggested that the current requirement that official statements be delivered during the underwriting period is preferable.

After considering these comments, the Board determined to retain the current requirements that the rule G–32 disclosures be delivered during the underwriting period which applies to all dealers selling new issue securities.

2. *Delivery of preliminary and final official statements when final version is not available in time to send with money confirmation.* The Cashier's Association, Dean Witter, and Merrill Lynch suggested that it is too costly and burdensome to send out both the preliminary and final official statement and suggested that only one—the final version—be required to be sent out. The Comptroller supported delivery of both documents as specified by the current rule.

The Board has determined to continue to require that preliminary official statements be sent out with money confirmations when the final official statements are not available because it believes that a purchaser of new issue municipal securities should be given all relevant information voluntarily prepared by the issuer. The Board hopes that if the current requirements of rule G–32 are strictly enforced, underwriters will be persuaded, at least in negotiated sales, to arrange for the preparation of final offical statements before money confirmations are sent out. Moreover, the Board understands that competitive sales usually settle approxmately four weeks after the award is made so there appears to be adequate time to obtain the final official statement in order to comply with the rule.

3. *Differentiation between syndicate members and non-underwriter dealers for purposes of when official statements must be delivered.* The Board asked for comments whether it would be appropriate to permit a non-underwriter dealer, when it cannot obtain the official statement before the mailing of the final confirmation, to send out these disclosures to its customers or other purchasing dealers within one business day of their receipt from the syndicate member or other dealer from which it purchased the new issue securities. The proposal generally was acceptable to most of the commentors. The Comptroller preferred the current requirement that non-underwriter dealers deliver the official statement with the final confirmation on the grounds that investors should receive the final information about the issue when it is most beneficial. The Board agreed with the Comptroller and determined to retain these provisions of rule G–32.

4. *Responsibilities of managing underwriters.* The Comptroller, Dean Witter, the Fed, and Union Bank supported the proposal that managing underwriters be required to assure that adequate copies of official statements are made available to syndicate members and other dealers selling new issue securities so as to permit compliance with the rule. The Cashiers Assoc., Dean Witter, the PSA and Merrill Lynch suggested that the Board permit the manager to provide members with information (*e.g.* by Munifacts wire) how to obtain copies directly from the issuer presumably at their own expense.

The Board determined not to adopt this provision at this time. The Board is urging syndicate managers who set a settlement date with the issuer of the securities, to take steps to assure that adequate copies of official statements are available in time to be sent out with the money confirmations. The Board concluded that vigilant enforcement of rule G–12, aided by the newly-adopted recordkeeping requirements, would result in the industry adjusting its own practices to facilitate its compliance with the rule. If, after monitoring compliance with rule G–32, the enforcement agencies inform the Board that further adjustments to rule G–32 are necessary, the Board will reconsider adopting this provision as well as others.

5. *Amendments to Rules G–8 and G–9.* The PSA and First Chicago opposed the proposed recordkeeping requirements on the grounds that they would be burdensome and costly. The PSA acknowledged, however, that such requirements would facilitate compliance inspections by the enforcement agencies. First Chicago suggested, as an alternative, that the Board require dealers to develop written policies and procedures for complying with the rule. The Comptroller and the Fed supported the draft recordkeeping requirements; both emphasized that the current rule is difficult to enforce.

While the alternative suggestion that the Board require dealers to develop written procedures for the distribution of rule G–32 disclosures is plausible, the Board concluded that it would not be as effective an enforcement tool. The Board wishes to ensure that rule G–32 is capable of enforcement as the effectiveness of the rule might be viewed as a measure of the Board's commitment to disclosure. The Board notes that the proposed recordkeeping provisions allow dealers flexibility to determine how to keep records of deliveries and, therefore, should not be unduly burdensome or costly.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and

arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 30, 1984.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

November 2, 1984.

[FR Doc. 84-29502 Filed 11-8-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21458; File No. SR-NASD-84-28]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Rules and Fees Applicable to Small Order Execution System for Transactions in Over-The-Counter Securities

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 31, 1984, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The following is the full text of proposed rules, procedures and fees adopted pursuant to the provisions of Article IV, Section 2(e) of the Association's By-Laws applicable to the operation of the Small Order Execution System.

Rules of Practice and Procedures for the Small Order Execution System

(a) Definitions

1. The term "Small Order Execution System" or "SOES" shall mean the automated system owned and operated by NASD Market Services Inc. which enables SOES Participants to execute transactions of limited size in active SOES authorized securities; to have reports of the transactions automatically forwarded to the National Market Trade Reporting System, if required, for dissemination to the public and the industry, and to "lock in" these trades by sending both sides to the applicable clearing corporation(s) designated by the SOES Participant(s) for clearance and settlement; and to provide SOES Participants with sufficient monitoring and updating capability to participate in an automated execution environment.

2. The term "SOES Participant" shall mean either a SOES Market Maker or SOES Order Entry Firm registered as such with the Association for participation in SOES.

3. The term "SOES eligible securities" shall mean all NASDAQ and NASDAQ/NMS securities; however, during the initial implementation of SOES, the number of SOES eligible securities available for actual inclusion in the System will be added in phases, starting with certain of the NASDAQ/NMS securities, consistent with System operational considerations.

4. The term "active SOES securities" shall mean those SOES eligible securities in which at least one SOES Market Maker is currently active in SOES.

5. The term "SOES Market Maker" shall mean a member of the Association that is registered as a NASDAQ Market Maker and as a Market Maker for purposes of participation in SOES with respect to one or more SOES eligible securities, and is currently active in SOES and obligated to execute orders for the purchase or sale of an active SOES security at the NASDAQ inside bid and/or ask price.

6. The term "SOES Order Entry firm" shall mean a member of the Association who is registered as an Order Entry Firm for purposes of participation in SOES in which permits the Firm to enter orders of limited size for execution against SOES Market Makers.

7. The term "limited size" as it pertains to the maximum size of individual orders which may be entered into or executed through SOES shall mean the amount established from time to time for application to the System, which shall initially be 500 shares or less of an active SOES security.

8. The term "agency order" shall mean customer orders which are executed by the SOES Order Entry Firm on an agency basis. It shall also include, for purposes of these rules, an order entered into SOES on a principal basis by a SOES Order Entry Firm that is not a Market Maker in the SOES security, in SOES or otherwise, where the SOES Order Entry Firm has contemporaneously received an order from a customer and executes the transaction on a riskless principal basis.

(b) SOES Participant Registration

(1) Participation in SOES as a SOES Market Maker requires current registration as such with the Association. Such registration shall be conditioned upon the SOES Market Maker's initial and continuing compliance with the following requirements:

A. Execution of a SOES Participant application agreement with the Association;

B. Membership in or access arrangement with a clearing agency registered with the Securities and Exchange Commission which maintains facilities through which SOES compared trades may be settled;

C. Registration as a Market Maker in the NASDAQ System pursuant to Schedule D and compliance with all applicable rules and operating procedures of the Association and the Securities and Exchange Commission;

D. Maintenance of the physical security of the equipment located on the premises of the SOES Market Maker to prevent the unauthorized entry of information into SOES; and,

E. Acceptance and settlement of each SOES trade that SOES identifies as having been effected by such SOES market maker, or if settlement is to be made through another clearing member, guarantee of the acceptance and settlement of such identified SOES trade by the clearing member on the regularly scheduled settlement date.

(2) Participation in SOES as a SOES Order Entry Firm requires current registration as such with the Association. Such registration shall be conditioned upon the SOES Order Entry Firm's initial and continuing compliance with the following requirements:

A. Execution of a SOES Participant application agreement with the Association;

B. Membership in or access arrangement with a clearing agency registered with the Securities and

Exchange Commission which maintains facilities through which SOES compared trades may be settled;

C. Compliance with all applicable rules and operating procedures of the Association and the Securities and Exchange Commission;

D. Maintenance of the physical security of the equipment located on the premises of the SOES Order Entry Firm to prevent the unauthorized entry of information into SOES; and,

E. Acceptance and settlement of each SOES trade that SOES identifies as having been effected by such SOES Order Entry Firm or if settlement is to be made through another clearing member, guarantee of the acceptance and settlement of such identified SOES trade by the clearing member on the regularly scheduled settlement date.

(3) The registration required hereunder will apply solely to the qualification of a SOES Participant to participate in SOES. Such registration shall not be conditioned upon registration in any particular eligible or active SOES securities.

(4) Each SOES participant shall be under a continuing obligation to inform the Association of noncompliance with any of the registration requirements set forth above.

(c) Participation Obligations in SOES

(1) Upon the effectiveness of registration as a SOES Market Maker or SOES Order Entry Firm, the SOES Participant may commence activity within SOES for exposure to orders or entry of orders, as applicable. The operating hours of SOES are currently 10:00 A.M. to 4:00 P.M. Eastern Time, but may be modified as appropriate by the Association. A SOES Market Maker may withdraw from and re-enter SOES at any time, and without limitation, during the operating hours of SOES. The extent of participation in the System by a SOES Order Entry Firm shall be determined solely by the firm in the exercise of its ability to enter orders into the System.

A. SOES Market Makers. A SOES Market Maker shall commence participation in SOES by initially contacting the SOES Operations Center to obtain authorization for the trading of a particular SOES security and identifying those terminals on which the SOES information is to be displayed and thereafter by an appropriate keyboard entry which obligates him to execute transactions of limited size, as herein defined, so long as the SOES Market Maker remains active in SOES. All entries in SOES shall be made in accordance with the requirements set forth in the SOES User Guide. The SOES Market Maker may terminate his obligation by keyboard withdrawal from SOES at any time. However, the SOES Market Maker has the specific obligation to monitor his status in SOES to assure that a withdrawal has in fact occurred. Any transaction occurring prior to the effectiveness of the withdrawal shall remain the responsibility of the SOES Market Maker.

In the event that a malfunction in the SOES Market Maker's equipment occurs, rendering on-line communications with SOES inoperable, the SOES Market Maker is obligated to immediately contact the SOES Operations Center by telephone to request withdrawal from SOES. SOES operational personnel will in turn enter the withdrawal notification into SOES from a supervisory terminal. Such manual intervention, however, will take a certain period of time for completion and the SOES Market Maker will continue to be obligated for any transaction executed prior to the effectiveness of his withdrawal.

B. SOES Order Entry Firms. Only agency orders of limited size, as defined herein, received from public customers may be entered by a SOES Order Entry Firm into SOES for execution against a SOES Market Maker. Agency orders in excess of limited size may not be divided into smaller parts for purposes of meeting the size requirements for orders entered into SOES. SOES will accept both market and limit orders for execution; however, orders not immediately executed due to price will be returned to the SOES Order Entry Firm. Orders may be preferenced to a specific SOES Market Maker or may be unpreferenced, thereby resulting in execution in rotation against all SOES Market Maker; however, a SOES Market Maker in a particular SOES security that is also registered as a SOES Order Entry Firm is prohibited from entering an order in that security preferenced to himself. Orders may be entered in SOES by the SOES Order Entry Firm through either its NASDAQ terminal or computer interface, and will receive an immediate execution report on the terminal screen and printer, if requested, or through the computer interface, as applicable. All entries in SOES shall be made in accordance with the procedures and requirements set forth in the SOES User Guide.

(d) Obligation To Honor System Trades

If a SOES Participant, or clearing member acting on his behalf, is reported by SOES to clearing at the close of any trading day, or shown by the activity reports generated by SOES as constituting a side of a System trade, such SOES Participant, or clearing member acting on his behalf, shall honor such trade on the scheduled settlement date.

(e) Compliance With Rules and Registration Requirements

Failure by a SOES Participant to comply with any of the rules or registration requirements applicable to SOES identified herein shall subject such SOES Participant to censure, fine, suspension or revocation of its registration as a SOES Market Maker and/or Order Entry Firm or any other fitting penalty under the Rules of Fair Practice of the Association.

Fees Applicable to SOES

A fee of $.005 per share shall be assessable to SOES Market Makers for all transactions executed through SOES.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule. The proposed rules and fee which are the subject of this filing constitute the obligations assumed by SOES Participants upon qualification for and participation in the system as either SOES Market Makers or SOES Order Entry Firms or both.

The rules provide a series of definitional sections, requirements for registration of SOES Participants in the capacity of either SOES Market Makers or SOES Order Entry Firms, participation obligations for SOES Market Makers and SOES Order Entry Firms, obligations with respect to the honoring of system trades, criteria for the disqualification of the SOES Participants from the system, and the applicability of disciplinary procedures.

The first section of the rules contains definitional sections which are self-explanatory.

The second section of the rules deals with registration requirements. In order to participate in SOES as a SOES

Market Maker, the Market Maker must make application to the Association to become registered as a SOES Participant. Such registration is conditioned upon the SOES Market Maker's current membership in or access arrangement with a clearing agency registered with the Securities and Exchange Commission which maintains facilities through which SOES compared trades may be settled; current registration as a Market Maker in the NASDAQ system pursuant to Schedule D of the Association's By-Laws and compliance with all applicable rules and operating procedures of the Association or the Securities and Exchange Commission, maintenance of the physical security of the equipment located at the premises of the SOES Market Maker to prevent the unauthorized entry of information into SOES, and acceptance and settlement of each SOES trade that SOES identifies as having been effected by such SOES Market Maker, or if settlement is to be made through another clearing member, guarantee of the acceptance and settlement of such identified SOES trade by the clearing member on the regularly scheduled settlement date. These same registration requirements apply to the SOES Order Entry Firm except for the requirement dealing with registration as a Market Maker in the NASDAQ system pursuant to Schedule D. It should be noted that the SOES registration requirement applies to the individual SOES Participant without reference to any particular SOES eligible security. Such registration requirement is simpler than that embodied in Schedule D of the Association's By-Law which provides for registration of individual Market Makers on a security-by-security basis. Finally, SOES Participants are obligated as a condition of continuing registration to inform the Association of any non-compliance with any of the requirements set forth above.

The third section of the rules provide for commencement of participation in SOES by either a SOES Market Maker or SOES Order Entry Firm upon the effectiveness of the firm's registration. Such participation is permitted during the hours of 10:00 A.M. to 4:00 P.M. Eastern Time, but may be modified as appropriate by the Association in the future. The rules specify that the SOES Market Maker is free to enter or withdraw from SOES at any time without limitation. The SOES Order Entry Firm is free to participate in the system at any time through the voluntary entry of an individual limited size agency order into the system.

The SOES Market Maker may commence participation in SOES by contacting the SOES Operations Center to obtain authorization for the trading of a particular SOES security and identifying the terminals on which the SOES information is to be displayed. Subsequent to initial inclusion, the SOES Market Maker may enter and withdraw from SOES with respect to the securities so authorized by appropriate keyboard entries into his terminals. All such keyboard entries are governed by the requirements set forth in the SOES User Guide. The SOES Market Maker is obliged under the rules to carefully monitor his status in SOES to assure that a withdrawal entered through the keyboard has in fact terminated his active status in SOES. So long as the SOES Market Maker remains active in the system, any transactions occurring shall remain the responsibility of the SOES Market Maker. In the event of technical malfunction in any SOES related equipment, the SOES Market Maker is obligated to verbally communicate with the SOES Operations Center to effect the change from his active status.

With respect to the entry of orders, the rules make clear that only agency orders of limited size which are received from public customers may be entered by the SOES Order Entry Firm into SOES for execution against a SOES Market Maker. Orders may not be divided into smaller parts for purposes of meeting the size requirements for orders entered into SOES. Market orders and limit orders will be accepted by SOES for execution, but limit orders not immediately executed due to price will be returned to the SOES Order Entry Firm. The SOES Order Entry Firm may either preference an order or submit an order into the system which is unpreferenced, thereby resulting in execution in rotation against all SOES Market Makers. However, a SOES Order Entry Firm is prohibited from entering an order in a security in which he is also an active SOES Market Maker where it is preferenced to himself. Orders may be entered in SOES either through a NASDAQ terminal or a computer-to-computer interface in accordance with the procedures and requirements set forth in the SOES User Guide.

The fourth section of the rules provide that, if a SOES Participant, or clearing member acting on his behalf, is reported by SOES to a clearing corporation at the end of any trading day, or shown by the activity reports generated by SOES, as constituting a side of a system trade, the SOES Participant, or clearing member acting on his behalf, shall honor the trade on the scheduled settlement date.

The fifth section of the rules provides that any failure by the SOES Participant to comply with any of the rules or registration requirements applicable to SOES identified in these rules shall subject such SOES Participants to censure, fine, suspension or revocation of its registration as a SOES Market Maker and/or Order Entry Firm or any other fitting penalty under the Rules of Fair Practice of the Association.

Finally, the rule filing provides for the application of a fee of $.005 per share assessable to SOES Market Makers for all transactions executed through the system. This fee was determined on the basis of an anticipated revenue requirement for SOES to write-off development costs and cover operating costs of approximately $1 million per year and the allocation of that requirement over a reasonable target level for SOES volume estimated to reach an average of 4,500 trades per day with an average size of 200 shares, providing SOES share volume of approximately 900,000 shares per day or 225 million shares per year. At the rate of $.005 per share, this is expected to produce an annual revenue of approximately $1,125,000. Actual volume could be higher or lower based on usage and/or overall NASDAQ market conditions. However, an annual review of the results will provide a basis for raising or lowering the rates based on experience.

The statutory basis for the proposed rules of practice and procedures for SOES, as well as the fees applicable thereto, is found in Section 11A(a)(1)(B) and (C)(i), 15A(b)(5) and (6), and 17A(a)(1)(B) and (C) of the Securities Exchange Act of 1934 ("Act"). Section 11A(a)(1)(B) and (C)(i) sets forth the Congressional goal of achieving more efficient and effective market operations and the economically efficient execution of transactions through new data processing and communications techniques. Section 15A(b)(5) requires that the rules of the Association "provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the Association operates or controls." Section 15A(b)(6) "requires that the rules of the Association be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open

market. . ." Section 17A(1)(b) and (c) sets forth the Congressional goal of reducing costs involved in the clearance and settlement process through new data processing and communications techniques. The Association believes that the approval of the proposed Rules of Practice and Procedures for SOES, as well as the fees applicable thereto will further these ends by providing an enhanced mechanism for the efficient and economic execution and clearance of transactions in over-the-counter securities.

B. Self Regulatory Organization's Statement on Burden on Competition. Compliance with the SOES Rules of Practice and Procedures, and payment of the proposed fee, are necessary prerequisites to the effective regulation and operation of an automated system for the execution of transactions in over-the-counter securities. SOES is a service to which participants subscribe on a voluntary basis and, as such, the Association believes that it imposes no burden on competition. To the extent that any burden on competition may be found to exist, it is believed that the benefit of the increased efficiency of SOES will outweigh any potential burden upon competition and materially advanced the purposes to be served under the previously referenced sections of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received From Members, Participants, or Others. Comments were neither solicited nor received in connection with the proposed Rules of Practice and Procedures or the fee applicable to SOES.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period as the Commission may designate up to 120 days of such date if it finds such longer periods to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization located at 1735 K Street, NW., Washington, D.C. 20006. All submissions should refer to the file number in the caption above and should be submitted by November 30, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

November 2, 1984.

[FR Doc. 84-29571 Filed 11-8-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21452; File No. SR-CBOE-84-25]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc. Relating to Trading Rotations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 13, 1984, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

Additions are italicized; deletions are bracketed.

Trading Rotations

Rule 24.13. The opening rotation for index options shall be held *at or* as soon as practicable after [underlying securities representing 50% of the aggregate market value of all the securities underlying the index have opened on the principal exchanges where they are traded] *9:00 A.M.* The Order Book Official shall open first those series of a class which have the nearest expiration. Thereafter, the Order Book Official shall open the remaining series in a manner he deems appropriate under the circumstances. One and one-half hours after the opening rotation, trading shall become subject to Rule 24.7, unless the Exchange determines it is in the public interest to suspend trading at an earlier time.

* * * Interpretations and Policies:

.01 No change

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule-change is to eliminate the requirement that fifty percent of the aggregate market value of all the Securities underlying an index shall have opened on the principal exchanges where they are traded, before opening rotations for index options can be held. The primary reason for the proposed change is that experience has shown that there is no need to wait, especially under the recent market conditions involving extraordinary volume. Another reason for the change is to enable the Exchange to compete fairly with similar products on commodity exchanges. The Chicago Board of Trade opens its Major Market Index market at 8:45 A.M., and the Chicago Mercantile Exchange opens its S & P 100 and 500 markets at 9:00 A.M. Securities investors and traders should have the same opportunity to begin effecting transactions in security indexes, as commodity investors and traders presently have for similar products. The statutory basis for the proposed rule-change is section 6(b)(5) of the Securities Exchange Act of 1934 (The Act), in that the proposed change would perfect the mechanism of a free and open market and would protect securities investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule-change creates any

burden on competition not necessary or appropriate under the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Formal comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 30, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 2, 1984.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-29596 Filed 11-8-84; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App.1) notice is hereby given of a meeting of Task Group 3-1 of the Federal Aviation Administration National Airspace Review Advisory Committee. The agenda for this meeting is as follows: Traffic count procedures will be reviewed for national standardization as they apply to categorizing user operations.

DATE: Beginning Monday, December 3, 1984, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed two weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 311A, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, 426-3560.

Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Associate Administrator for Air Traffic, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by November 26. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on November 5, 1984.

Karl D. Trautmann,

Manager, Special Projects Staff, Office of the Associate Administrator for Air Traffic.

[FR Doc. 84-29474 Filed 11-8-84; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

Applications for Exemptions; Rio Linda Chemical Co., et al.

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes December 10, 1984.

ADDRESS: Comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application	Applicant	Regulation(s) affected	Nature of exemption thereof
9331-N	Rio Linda Chemical Co., Rio Linda, CA	49 CFR 173.263(a)(10)	To authorize shipment of sodium chlorite solutions not exceeding 25%, classed as a corrosive material, in DOT Specification MC-306 and MC-307 cargo tanks. (Mode 1.)
9332-N	Engelhard Corp., Newark, NJ	49 CFR 173.150, 173.153, 173.154	To qualify platinum P salt solution as a flammable solid, n.o.s. and to provide for packaging in up to a five gallon capacity 2U, overpacked in a DOT Specification 15A wooden box. (Modes 1, 4.)

NEW EXEMPTIONS—Continued

Application	Applicant	Regulation(s) affected	Nature of exemption thereof
9334-N	Pressure Transport, Inc., Austin, TX	49 CFR 173.315(a)(1)	To authorize shipment of gaseous methane, classed as a compressed gas, in DOT Specification MC-331 cargo tanks. (Mode 1.)
9335-N	Halliburton Services, Duncan, OK	49 CFR 173.315(m)	To authorize transportation of anhydrous ammonia in non-DOT specification "nurse tanks" conforming to 49 CFR 173.315(m) except for use in well servicing operations, and DOT Specification 51 for use in offshore operations. (Modes 1, 2.)
9336-N	Avant Air, Newport Beach, CA	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of various Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
9337-N	Northland American, Inc., Minneapolis, MN	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of various Class A, B, and C explosive not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
9338-N	Allied Corp., Morristown, NJ	49 CFR 179.302(a)	To authorize shipment of hydrofluoric acid, anhydrous in multi-unit tank car tanks which have not been retrofitted with a gas tight valve cover assembly. (Modes 1, 2.)
9339-N	ASP International Inc., Cleveland, TN	49 CFR 173.306, 175.85(a)	To authorize non-DOT specification halonite demonstrators, containing limited quantities of compressed gases to be carried by passenger in carry-on baggage in the cabin compartment of an aircraft. (Mode 5.)
9340-N	Farmer Plastics & Services Co., Ltd., Brampton, Ont., Canada.	49 CFR 173.245	To manufacture, mark and sell non-DOT specification polyethylene portable tanks of up to 450 gallon capacity for shipment of various corrosive materials. (Modes 1, 2, 3.)
9341-N	International Chempack Corp., Hurst, TX	49 CFR 173.3(c)	To manufacture, mark and sell non-DOT specification polyethylene containers of 85 gallon capacity for overpacking various damaged or leaking packages of hazardous materials for repackaging or disposal. (Modes 1, 2.)
9343-N	Aluminum Co., of America, Pittsburgh, PA	49 CFR 173.206(c)(4)	To authorize shipment of lithium metal in DOT Specification 51 portable tanks. (Mode 1.)
9344-N	Industrial Farm Tank, Inc., Lewiston, OH	49 CFR 173.266, Part 173, Subpart F	To manufacture, mark and sell non-DOT specification rotationally molded polyethylene portable tanks of 225 gallon capacity, for shipment of those corrosives presently authorized in DOT Specification 34 and hydrogen peroxide, classed as a oxidizer not to exceed 52%. (Modes 1, 2.)
9345-N	Wagner Brothers Containers, Inc., Baltimore, MD	49 CFR 172.420, 175.3	To authorize use of approximately 20,000 DOT Specification 12B boxes which were inadvertently printed with the flammable solid label displayed in two separate lines rather than together on one line. (Modes 1, 2, 3, 4, 5.)
9346-N	Pennzoil Products Co., Oil City, PA	49 CFR 174.67(a)(2)	To authorize the braking and blocking of the first and last tank cars in up to a twelve car unit, instead of each individual car, when engaged in unloading crude oil and petroleum. (Mode 2.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on November 1, 1984.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-29456 Filed 11-8-84; 8:45 am]

BILLING CODE 4910-60-M

Urban Mass Transportation Administration

Intent To Prepare a Supplemental Environmental Impact Statement On Alternative Transit Improvements in Charlotte, NC

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice to Prepare an Environmental Impact Statement.

SUMMARY: The Urban Mass Transportation Administration (UMTA) and the North Carolina Department of Transportation (NCDOT) are undertaking the preparation of a Supplemental Environmental Impact Statement (SEIS) for alternative transportation improvements in the U.S. 74 (Independence Boulevard) corridor of Charlotte, NC. The SEIS is being prepared in conformance with 40 CFR Part 1500, "Council on Environmental Quality, Regulations for Implementing the Procedural Requirements of the National Environmental Policy Act of 1969" as amended; and 49 CFR Part 622, "Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), Environmental Impact and Related Procedures."

FOR FURTHER INFORMATION CONTACT:

Mr. Ron Nawrocki, UMTA Region IV, Suite 400, 1720 Peachtree Road, Atlanta, GA 30309, Telephone: (404) 881-7850; or

Mr. C.D. Adkins, Manager, Planning and Research, North Carolina Department of Transportation, P.O. Box 25201, Raleigh, NC 27611, Telephone: (919) 733-3141

SUPPLEMENTARY INFORMATION:

Scoping Meeting

A scoping meeting will be held on December 12, 1984 at 7:30 p.m. in the Chantilly Elementary School, 701 Briar Creek Road, in Charlotte to help establish the purpose, scope, framework, and approach for the US 74 transportation improvement analysis. At the scoping meeting, staff will present a description of the proposed scope of the study using maps and other visual aids, as well as a plan for an active citizen involvement program, a projected work schedule, and an estimated budget. Members of the public and interested Federal, State, and local agencies are invited to comment on the proposed scope of work, alternatives to be assessed, impacts to be analyzed, and the evaluation criteria to be used to arrive at a decision. Comments may be made either orally at the meeting or in writing. Written comments must be submitted to NCDOT within two weeks after the scoping meeting.

Corridor Description

The US 74 (Independence Boulevard) Corridor is located in southeastern Charlotte and it is a major travel corridor between the suburbs and the Charlotte central business district. The proposed action begins at I-277 and extends southeastward to east of Idlewild Road, a distance 5.4 miles. The boundaries of the impact area extend approximately 400 feet, etiher side, from the centerline of existing US 74. The US

74 corridor serves an area which had a total population of approximately 57,600 and a total employment of around 19,000 (abutting the project) in 1980.

Existing US 74 is basically a 6-lane divided arterial highway without control of access. Strip commercial development predominates on both sides of US 74. Existing development also includes many residences, several office buildings and shopping centers. Public transit ridership in southeast Charlotte, which includes the corridor, currently exceeds 6,000 daily. Transit trips must vie with private vehicles in using the narrow 8.5 to 11-foot traffic lanes on US 74 and travel times are constrained by highway congestion.

Project History

Alternative transportation improvements in the US 74 (Independence Boulevard) corridor in Charlotte, Mecklenburg County, were the subject of a final environmental impact statement (FEIS) approved by the Federal Highway Administration on June 25, 1982. Preparation of that EIS involved extensive public participation. Alternatives analyzed included existing and new location alternatives for both highways and transit. The recommended alternative in the FEIS is the upgrading of existing US 74 to a six lane Freeway/Expressway with a two lane busway in the median.

It was determined in August, 1984, that a SEIS would be required to comply with UMTA environmental impact and related procedures. The SEIS will specifically include the following for all alternatives:

(1) An analysis of transit operations, costs, and projected passenger volumes, (2) enhanced conceptual engineering (3) updated project cost estimates, and (4) updated environmental impact information.

Alternatives

Transportation alternatives now proposed for further consideration in the corridor are the following:

1. A no-build option, under which existing transportation facilities and services would continue to operate with no major changes;
2. A two-lane busway that would provide an exclusive or semi-exclusive right-of-way for express bus routes in the corridor (with no major highway improvements);
3. A six-lane Freeway/Expressway that would improve traffic capacity in the corridor (transit service would be provided along the freeway/expressway);
4. A six-lane Freeway/Expressway with a two-lane busway in the median which is the proposed action from the 1982 FHWA Final EIS.

Comments at the scoping meeting should focus on the appropriateness of these options for consideration in the study, not on individual preferences for a particular alternative as most desirable for implementation.

Probable Effects

Because environmental impacts of the proposed action and alternatives have already been addressed in the 1982 FHWA Final EIS, the SEIS will update information on these impacts to insure that a full complement of current impact data is available for each alternative.

Impacts proposed for analysis include changes in the natural environment (air quality, noise, water quality, aesthetics), changes in the social environment (land use, displacements, development, neighborhoods), projections for transit service and patronage, associated changes in highway congestion, capital costs, operating and maintenance costs and financial implications. Impacts will be analyzed both for the construction period and for the long term operation of the alternatives.

The proposed evaluation criteria includes transportation, environmental, social, economic and financial measures as required by current Federal (NEPA) and State environmental laws and current CEQ and UMTA guidelines. Mitigative measures will be addressed for any adverse impacts that are identified.

Comments at the scoping meeting should focus on the completeness of the proposed sets of impacts and evaluation criteria. Other impacts or criteria judged relevant to local decision-making should be identified.

Issued on: October 30, 1984.

George E. McNally,

Acting Regional Administrator.

[FR Doc. 84-[illegible] Filed 11-8-84; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: November 5, 1984.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7225, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0491
Form Number: IRS Forms 6243 and 6013
Type of Review: Revision
Title: Small Business Workshop Information Card/Small Business Tax Workshop Evaluation Questionnaire
Clearance Officer: Garrick Shear (202) 566-6254, Room 5571, 1111 Constitution Avenue, NW., Washington, D.C. 20224
OMB Reviewer: Norman Frumkin (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Joseph F. Maty,

Departmental Reports Management Office.

[FR Doc. 84-29477 Filed 11-8-84; 8:45 am]

BILLING CODE 4810-25-M

Office of the Secretary

Certification of Exchange of Information Programs of Treaty Partners for Purposes of the Foreign Sales Corporation Legislation

ACTION: Notice of Certification of Exchange of Information Programs of Certain U.S. Treaty Partners for Purposes of the Foreign Sales Corporation Legislation.

SUMMARY: This document contains a list of the income tax treaty partners of the United States that have exchange of information programs under such treaty that the Secretary of the Treasury has certified for purposes of the Foreign Sales Corporation legislation in accordance with section 927(e)(3)(B) of the Internal Revenue Code.

FOR FURTHER INFORMATION CONTACT: Jane Graffeo Sarosdy, Office of International Tax Counsel, Room 4013, 15th & Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notice: Sections 801 through 805 of the Tax Reform Act of 1984, Pub. Law No. 98-369, amended the Internal Revenue Code generally to replace the Domestic International Sales Corporation ("DISC") provisions (sections 991-997 of the Code) with the FSC provisions (sections 921-927 of the Code). A FSC must be organized under the laws of and maintain an office in a country that (1) is a possession of the United States (other than Puerto Rico), (2) has entered into

an exchange of information agreement authorized under the Caribbean Basin Economic Recovery Act (codified at section 274(h)(6)(C) of the Code), or (3) has a bilateral income tax treaty with the United States if the Secretary of the Treasury certifies that the exchange of information program under the treaty carries out the purposes of the exchange of information requirements of the FSC legislation as set forth in Code section 927(e)(3).

The Treasury Department has reviewed the exchange of information program of each of its tax treaty partners. The countries listed below are certified for purposes of the FSC legislation and satisfy the requirements of section 927(e)(3) of the Code. A FSC may incorporate as a company that is covered by the exchange of information program under the tax treaty of any country listed below.

The FSC certification procedure has been undertaken to comply with the intent of the legislation that a FSC be allowed to incorporate only in a country with which the United States has a satisfactory overall exchange of information program. The absence of any tax treaty partner of the United States from the list is not intended to imply that such treaty partner is not fulfilling its exchange of information obligations under the treaty. The Treasury Department is having continuing consultations with certain treaty partners. Treaty partners not listed below may subsequently be certified at any time upon publication of a notice to that effect in the Federal Register.

If, following a certification, the information exchange program with a treaty partner deteriorates significantly, the Secretary may terminate the certification. Such termination would be effective six months after the date of the publication of the notice of such termination in the Federal Register. Consultations with the tax officials of the treaty partner will precede any such termination.

The following treaty countries are hereby certified for FSC purposes:

Australia
Austria
Belgium
Canada
Denmark
Egypt
Finland
France
Germany
Iceland
Ireland
Jamaica
Korea
Malta
Morocco
Netherlands
New Zealand
Norway
Pakistan
Philippines
South Africa
Sweden
Trinidad & Tobago

Dated: November 2, 1984.

Donald T. Regan,

Secretary of the Treasury.

[FR Doc. 84-29487 Filed 11-8-84; 12:39 pm]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY

University Affiliation Program; Application Notice for Fiscal Year 1985

This is in reference to the announcement which appeared in the **Federal Register** at Volume 49, No. 212, Wednesday, October 31, 1984, pages 43831–43832. The following corrections are needed for a better understanding of how inquiries should be made. On page 43832, column 3, under "Inquiries," the paragraph should read as follows:

For questions concerning programming and budget, please contact:

Africa

Dr. Curtis Huff, Branch Chief, E/AEA, United States Information Agency, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 485–7376

American Republics

Mr. Wayne Peterson, Branch Chief, E/AEL, United States Information Agency, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 485–7365

East Asia and the Pacific

Ms. Louise Crane, Branch Chief, E/AEF, United States Information Agency, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 485–7402

Europe

Mr. William Dickson, Branch Chief, E/AEE, United States Information Agency, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 485–7420

Near East/South Asia

Mr. Jonathan Owen, Branch Chief, E/AEN, United States Information Agency, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 485–7368

Dated: November 6, 1984.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 84-29541 Filed 11-8-84; 8:45 am]

BILLING CODE 8230-01-M

Notice of Advisory Committee Meeting

The Advisory Panel on International Educational Exchange will hold its sixth meeting on Friday, November 30, 1984, at 405 Park Avenue, New York City.

This meeting will have as its business the drafting of a report to the Director of the U.S. Information Agency identifying issues of major concern in international educational exchange. Discussions at the meeting will center on the national interest in international educational exchange programs in both the public and private sectors. Premature disclosure of this information is likely to frustrate significantly implementing of Advisory Panel recommendations because they will involve a discussion of future Agency policies and programs (5 U.S.C. 552b(c)(9)(B)).

The agenda for this meeting follows:

Friday, November 30, 1984

9:00 a.m.–10:00 a.m.—Work on draft of Specific Gravity Question
10:15 a.m.–11:15 a.m.—Work on draft of Balance Question
11:30 a.m.–12:30 p.m.—Work on draft of Management Question
12:30 p.m.–2:00 p.m.—Luncheon
2:00 p.m.–3:00 p.m.—Work on draft of Quality Question
3:15 p.m.–4:15 p.m.—Work on draft of Funding Question
4:30 p.m.–5:30 p.m.—Work on draft of Locus Question

Adjournment

Determination To Close Advisory Panel Meeting of November 30, 1984

Based on the information provided to the United States Information Agency by the Advisory Panel on International Educational Exchange, I hereby determine that the meeting scheduled by the Panel on November 30, 1984, may be closed to the public.

The Advisory Panel on International Educational Exchange has requested that its November 30, 1984, meeting be closed because it will involve the drafting of a report to the Director of the United States Information Agency on issues of major concern in international educational exchange. Premature disclosure of this information is likely to frustrate significantly implementation of Advisory Panel recommendations because they will involve a discussion of future Agency policies and programs. (5 U.S.C. 552b(c)(9)(B))

Dated: November 6, 1984.

Charles Z. Wick,

Director.

[FR Doc. 84-29515 Filed 11-8-84; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notices are provided:

1. A meeting of the Industry Working Party (IWP) of the International Energy Agency (IEA) will be held on November 14, 1984, at the offices of the IEA, 2 rue Andre Pascal, Paris 16, France, beginning at 10:00 a.m. The agenda for the meeting is as follows:

1. Status of activities of the Standing Group on the Oil Market (SOM) and the IWP.

2. Review of the IEA Oil Market Report publication.

3. review of the Crude Oil Import Register.

4. Methodological issues related to analyses of spot markets.

5. Arrangements for future meetings of the SOM and IWP.

2. A meeting of the IWP of the IEA will be held on November 15, 1984, at the offices of the IEA, 2 rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. This meeting is being held in order to permit attendance by representatives of the IWP at a meeting of the IEA's SOM which is being held in Paris on this date. The agenda for the meeting is under the control of the SOM. It is expected that the following agenda will be followed:

1. Adoption of agenda.

2. Approval of the summary record of the 46th session.

3. Current oil market developments:

(a) Current oil market situation;

(b) Review of the IEA Oil Market Report publication;

(c) Review of the Crude Oil Import Register; and

(d) Round-table reports on notable developments in the oil sector in participating countries.

4. Oil Industry and Market Structures:

(a) Methodological issues related to analyses of spot markets;

(b) Panel discussion by industry experts; and

(c) Presentation by Petroleos Mexicanos (PEMEX) on oil policy development in Mexico.

5. Production development in the area of the Organization for Economic Cooperation and Development (OECD).

6. Refinery developments in the OECD.

7. Other business.

8. Date of the next meeting.

It is expected that the IWP will be present for a discussion of agenda items 3(b), 3(c) and 4(a).

3. A meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA) will be held on November 14 and 15, 1984, at the offices of Shell International Petroleum Company, Limited, Shell Centre, York Road, London, England, beginning at 10:00 a.m. on November 14. This meeting is being held in order to permit representatives of some of the members of Subcommittee A to participate in a meeting of a joint government/industry Technical Sub-Group which has been established by the IEA for the preparation of the fifth IEA Allocation Systems Test. The agenda for the meeting is under the control of the IEA Secretariat. It is expected that the following agenda will be followed:

1. Timetable for 1½ and 2 cycles.

2. Benefits and costs of 1½ versus 2 cycles.

3. Non-implementation of some voluntary offers.

4. Procedures for meeting allocation obligations after Type 2.

5. Some Test Guide details:

(a) Period before test, trigger, demand restraint and stock draw;

(b) "Extra" oil, surge production, fuel switching; and

(c) Communications.

6. Arrangements for future meetings.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., November 7, 1984.

Theodore J. Garrish,

General Counsel.

[FR Doc. 84-29764 Filed 11-8-84; 11:27 am]

BILLING CODE 6450-01-M

FEDERAL RESERVE SYSTEM

State Holding Company; Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has 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 (12 CFR 225.24) 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)).

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 to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than November 18, 1984.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *State Holding Company*, Sherwood, Arkansas; to acquire 86.9 percent of the voting shares of Heber Springs State Bank, Heber Springs, Arkansas.

Board of Governors of the Federal Reserve System, November 8, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-29763 Filed 11-8-84; 11:25 am]

BILLING CODE 6210-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 219
Friday, November 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).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Wednesday, November 14, 1984, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Application for Federal deposit insurance:

First Financial Mutual Savings Bank, an operating noninsured mutual savings bank located in Flourtown, Pennsylvania.

Application for consent to transfer assets in consideration of the assumption of deposit liabilities:

First Mutual Savings Bank, Bellevue, Washington, an insured mutual savings bank, for consent to transfer certain assets to InterWest Savings Bank, Oak Harbor, Washington, a non-FDIC-insured institution, in consideration of the assumption of liability to pay deposits made in the Wenatchee and East Wenatchee offices of First Mutual Savings Bank, and to transfer certain assets to Prudential Bank, FSB, Seattle, Washington, a non-FDIC-insured institution, in consideration of the assumption of the liability to pay deposits made in the Mercer Island office of First Mutual Savings Bank.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: November 7, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-29607 Filed 11-7-84; 3:04 p.m.]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Wednesday, November 14, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Memorandum regarding delegations of authority with respect to liquidation activities.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meetings will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: November 7, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-29608 Filed 11-7-84; 3:04 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in

the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, November 5, 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 a memorandum regarding authority to lease space for the Kansas City Regional Office.

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.

The Board further 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 withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, of the following matters:

Application of Sunshine State Bank, South Miami, Florida, for consent to relocate its main office from 6200 Sunset Drive to 5975 Sunset Drive within South Miami, Florida.
Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 46,128–SR Carroll County Bank, Huntingdon, Tennessee

In voting to move these matters from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matters in a meeting open to public observation; that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)); and that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: November 6, 1984.
Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 84–29653 Filed 11–7–84; 2:48 pm]
BILLING CODE 6714–01–M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Wednesday, November 14, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, November 15, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, DC. (Fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential primary matching funds
Draft Advisory Opinion #1984–33, Colette R. Coleman
Finance Committee report
Routine administrative matters

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202–523–4065.

Marjorie W. Emmons,
Secretary of the Commission.

[FR Doc. 84–29656 Filed 11–7–84; 2:45 pm]
BILLING CODE 6715–01–M

5

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, November 14, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda: Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.
1. Proposed extension and revision of the Survey of Ownership of Demand Deposit Accounts of Individuals, Partnerships, and Corporations (FR 2591).
2. Proposed extension and revision of Monthly Survey of Selected Deposits and Other Accounts (FR 2042).
3. Proposed extension and revisions of Consolidated Report of Condition for a New York State Investment Company and its Domestic Subsidiaries (FR 2886a).

Discussion Agenda:
4. Publication for comment on proposed 1985 fee structures for definitive safekeeping and noncash collection services.
5. Proposed 1985 fee schedule for automated clearing house services.
6. Proposed 1985 wire transfer of funds and net settlement fees.
7. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452–3204.

Dated: November 6, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84–29624 Filed 11–7–84; 12:44 pm]
BILLING CODE 6710–01–M

6

FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 11:30 a.m., Wednesday, November 14, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m., two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 6, 1984

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84–29625 Filed 11–7–84; 12:44 pm]
BILLING CODE 6210–01–M

7

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 2:00 p.m., Thursday, November 15, 1984

PLACE: Ala Moana Americana Hotel, Honolulu, Hawaii

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Review of Central Liquidity Facility Lending Rate.
3. Final Interpretive Ruling and Policy Statement, Field of Membership Policy.
4. Endorsement to CUMIS Bond.
5. Final Rule: Amendment to § 701.21 of NCUA Rules and Regulations, Loans to Members and Lines of Credit to Members.
6. Proposed Rule: § 701.35 of NCUA Rules and Regulations, Share, Share Draft and Share Certificate Accounts.
7. Final Rule: Part 704 of NCUA Rules and Regulations, Corporate Central Federal Credit Unions.
8. Operating Fee for Calendar Year 1985 and Final Rule Amending § 701.6 of NCUA Rules and Regulations, Fees Paid by Federal Credit Unions.

TIME AND DATE: 11:00 a.m., Thursday, November 15, 1984.

PLACE: Ala Moana Americana Hotel, Honolulu, Hawaii

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Appeal Challenging Preliminary Determination of Insurability of a Share Certificate. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 84-29028 Filed 11-7-84; 12:48 pm]

BILLING CODE 7535-01-M

8

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting.

TIME AND DATE: 3:30 p.m., Wednesday, November 14, 1984.

PLACE: Neighborhood Reinvestment Corporation, 1850 K Street, NW., Suite 400, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Timothy S. McCarthy, Associate Director, Communications, 202–653–2705.

Agenda

I. Call to Order and Remarks of the Chairman
II. Approval of Minutes, May 16, 1984
III. Executive Director's Report
IV. Treasurer's Report
V. Resolution: Technical Amendments of Pension Plan
VI. Resolution: Seventh Annual Meeting
VII. Resolution: Regular Meetings of the Board

Carol J. McCabe,

Secretary.

No. 34, November 7, 1984.

[FR Doc. 84-29055 Filed 11-7-84; 2:48 pm]

BILLING CODE 7570-01-M

9

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 November 12, 1984, at 450 Fifth Street, NW., Washington, D.C.

A closed meeting will be held on Wednesday, November 14, 1984, at 10:00 a.m. An open meeting will be held on Friday, November 16, 1984, at 10:00 a.m.

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 exemptions 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 Wednesday, November 14, 1984, at 10:00 a.m., will be:

Formal orders of investigation.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive actions.

The subject matter of the open meeting scheduled for Friday, November 16, 1984, at 10:00 a.m., will be:

1. Consideration of whether to issue a release announcing a proposal to adopt Rule 3a12–9 under the Securities Exchange Act of 1934 which would deem interests in certain direct participation programs to be exempted securities for purposes of the arranging provisions of sections 7(c) and 11(d)(1) of that Act. For further information, please contact Kathryn V. Natale at (202) 272–2848.
2. Consideration of whether to adopt amendments to Rule 11Aa2–1 under the Securities Exchange Act of 1934, which governs the designation of securities qualified for trading in a national market system. The primary effect of these amendments would be to substantially increase the number of securities that would be eligible for designation as national market system securities. For further information, please contact Andrew E. Feldman at (202) 272–2388.

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: Alan Dye at (202) 272–2014.

Shirley E. Hollis,

Acting Secretary.

November 6, 1984.

[FR Doc. 84-29054 Filed 11-7-84; 2:48 pm]

BILLING CODE 8010-01-M

federal register

Friday
November 9, 1984

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions, Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Order, 6–84, 49 FR 32473 (1989). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Government Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Arizona: AZ84–5005	Mar. 9, 1984.
Arkansas: AR84–4100	Oct. 19, 1984.
Colorado: CO83–5109	Apr. 8, 1983.
Kansas: KS84–4101	Oct. 26, 1984.
Maryland: MD83–3010	June 3, 1983.
New York:	
NY81–3082	Sept. 11,1981.
NY83–3018	May 20, 1983.
Oregon: OR84–5020	June 22, 1984.
Pennsylvania: PA84–3013	May 11, 1984.

Superseadeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Maryland: MD83–3017 (MD84–3039)	May 13, 1983.
Pennsylvania: PA84–3012 (PA84–3041)	May, 1984.
Wisconsin: WI83–2077 (WI84–5031)	Oct. 7, 1983.

Signed at Washington, D.C. this 2nd day of november 1984.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

DECISION NO. AZ84-5005 - MOD. #5 (49 FR 9059 - March 9, 1984) Statewide, Arizona	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
Change: Plumbers and Pipefitters Yuma, Mohave, Coconino Yavapai, Navajo, Apache, Maricopa and Lapaz Counties:				
Zone 1 see below	15.00	3.33		
Zone 2 see below	18.00	3.33		

ZONE 1

Base points shall be: Phoenix--the intersection of Central Avenue and Jefferson Street; Flagstaff, Yuma, Kingman, Prescott, Havasu City and Winslow -- the main Post Office building in each city. The "Free Zone" (Zone No. 1) from Phoenix shall be 40 miles from the stated base point. The Free Zone from Flagstaff, Yuma, Kingman, Prescott, Havasu City and Winslow shall be 20 road miles from the stated base point. In addition , all areas within the city limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa and Gilbert, as well as that area bordered or encompassed by Apache Trail on the north, Higley Road on the east, Elliott Road on the south and Arizona Avenue on the west, and Sun City West will be included as Free Zones. Any work contracted for outside of these Free Zones will be determined from the Phoenix base point.

ZONE 2

Pay Zone shall refer to all jobs outside of the Free Zones listed above.

DECISION NO. AR84-4100 - MOD. #1 (49 FR 41139 - 10/19/84) Pulaski Co., Arkansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	$15.78	2.28
Bricklayers	12.65	1.99
Electricians	14.75	2.50+ 3-1/4%

DECISION NO. CO83-5109 - MOD. #6 (48 FR 15404 - April 8, 1983) Statewide Colorado	Basic Hourly Rates	Fringe Benefits
ADD:		
Plumbers:		
Heavy Construction Only: Montezuma County	$17.45	$2.65

DECISION NO. KS84-4101 MOD # 1 (49FR 43176 - October 26, 1984) Shawnee County, Kansas	Basic Hourly Rates	Fringe Benefits
CHANGE		
Ironworkers	$14.25	$3.25
Truck Drivers	11.32	1.20

DECISION NO. PA84-3013 MOD. NO. 3 (49 FR 20229 - May 11, 1984) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters	$15.97	5.61

DECISION NO. NY81-3062 - MOD. #11 (46 FR 45530 - Sept 11, 1981) Westchester County, New York	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Heading which reads "Mod. #8" and appeared in the Federal Register on August 3, 1984, to read "Mod. #10"		
PLUMBERS	19.40	30.25% +f

DECISION NO. MD83-3010- MOD. #8 (48 FR 25100-June 3,1983) ANNE ARUNDREL (EXCLUDING THE D.C. TRAINING SCHOOL) BALTIMORE & BALTIMORE CITY MARYLAND, & FOR THE HEAVY CONSTRUCTION IN HARFORD & HOWARD COUNTIES,MARYLAND	Basic Hourly Rates	Fringe Benefits
DELETE:		
LABORERS (HEAVY CONSTRUCTION)		
LABORERS	8.20	1.225
POWER TOOL OPERATORS, FORM SETTER TENDER	8.30	1.225
JACKHAMMER OPERATOR, 80 POUNDS & OVER	8.46	1.225
FORM SETTER	8.51	1.225
PIPELAYERS,WAGON DRILL OPR AIR TRACK DRILLERS,BURNERS (DEMOLITION) CONCRETE		
SURFACE TENDER	8.72	1.225
CONCRETE SURFACER	9.53	1.225

DECISION NO. NY83-3018 - MOD. #9 (48 FR 22870 - May 20, 1983) DUTCHESS, ORANGE, SULLIVAN & ULSTER COUNTIES NEW YORK	Basic Hourly Rates	Fringe Benefits
CHANGE:		
LABORERS (BUILDING):		
ULSTER; ORANGE; SULLIVAN:		
Class 1	13.55	3.45
Class 2	13.80	3.45
Class 3	14.55	3.45
POWER EQUIPMENT OPERATORS: SULLIVAN; ULSTER; ORANGE:		
STEEL ERECTION:		
Class F	15.54	5.80+m

DECISION NO. OR84-5020 - Mod #5 (49 FR 25821 - June 22, 1984) Statewide Oregon	Basic Hourly Rates	Fringe Benefits
ADD:		
FOOTNOTE "C" (see Mod #4) (b) Work on buildings, bridges, or docks shall constitute 20% or more of the cost of the project.		
CHANGE:		
CEMENT MASONS:		
Cement Masons	15.49	4.72
Composition workers and power machinery operators	15.80	4.72

SUPERSEDEAS DECISION

STATE: MARYLAND
DECISION NO. MD84-3039
LOCATION: BALTIMORE CITY
DATE: DATE OF PUBLICATION
Supersedes Decision No. MD83-3017 dated May 13, 1983, in 48 FR 21784.
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	12.21	2.07
CARPENTERS	13.80	2.11
CEMENT MASONS	13.69	2.12
ELECTRICIANS	16.60	3.5% +2.70
IRONWORKERS:		
Structural & Reinforcing	14.29	4.61
LABORERS:		
Laborers	8.20	1.225
Power Tool Operators	8.30	1.225
Pipelayers, Wagon Drill Operators, Air Track Drillers, Burners (demol)	8.72	1.225
Mason Tenders & Mortar Mixers (brick & stone work only)	10.45	1.225
Jackhammer Operators - 80# and over	8.46	1.225
LINE CONSTRUCTION:		
Linemen, Cable Splicers, Digging and Equipment Operators	17.00	8 1/4% +.70
Truck with winch, truck with poles or steel handling	10.63	8 1/4% +.70
Groundman	10.20	8 1/4% +.70
PAINTERS:		
Brush and Roller	13.30	2.29
Steel, spray, swinging stages, boatswain chair sand & waterblasting, steam cleaning, and epoxies	14.05	2.29
Ames tool - bazooka	14.30	2.29
Sign Erectors	9.18	4%+a+b

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS		
Pick-up	9.97	2.60+ c+d
Dump, water, fuel, and lube trucks, sweeper, boring machine and miscellaneous equipment	10.25	2.60+ c+d
Drop frame gooseneck and trailer	10.50	2.60+ c+d
Euclid wagon and dumpster	10.65	2.60+ c+d
POWER EQUIPMENT OPERATORS:		
Group I	12.80	3.15
Group II	12.15	3.15
Group III	11.40	3.15
Group IV	10.02	3.15

FOOTNOTES:

a - Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Good Friday, Friday after Thanksgiving and employee's birthday.

b - Vacation: One week per year after 1 year of service, 2 weeks after 3 years of service and 3 weeks after 10 years of service.

c - Paid Holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day, and employee's birthday, providing employee has worked one day and was available for work during the holiday week.

d - Vacation: Employees who have worked 100 days in the previous contract year and have 1 year of service, 1 week's paid vacation; 2 years of service, 2 weeks paid vacation; 10 years of service, 3 weeks paid vacation.

POWER EQUIPMENT OPERATOR CLASSIFICATIONS

Group I - Backfiller, backhoe, batching plants, cableway, Case type hoe (with a front end bucket over 1-1/4 yds.), concrete mixing plants, concrete paver, derrick, derrick boat, double concrete pump, dragline, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds. and over), grader, gradall, hoist (2 active drums or more), pile driving machine, power crane, power shovel, repair mechanic, standards guage locomotive, trenching machine, tunnel mucking machine, twin engine scoop, welder, whirley rig and bulldozers (D-9 or equivalent and above).

Group II - Asphalt spreader, bull float, Case type hoe (with a front end bucket 1-1/4 yds. and under), concrete mixer (with a slip), concrete pump, concrete spreader, ditch-witch type trencher, excavating scoop (under 25 yds.), finishing machine, front end loader (under 1-3/4 yds.), grout pump, hi-lift, longitudinal float, narrow guage locomotive, one drum hoist, power roller on hot mix asphalt, screeding machine, stone crusher, stone spreader, tractor with attachments (2 or more provided both attachments are being used), subgrader, well-drill and all bulldozers except D-9 or equivalent and above.

Group III - Compressors, conveyors, firemen, fueltruck, grease truck, light plants, mighty midget with compressor, space heaters, welding machines, wellpoint system and all power rollers except on hot mix asphalt.

Group IV - Oilers (all types)

SUPERSEDEAS DECISION

STATE: PENNSYLVANIA

COUNTIES: Bucks, Chester, Delaware, Montgomery & Philadelphia

DECISION NO.: PA84-3041

DATE: Date of Publication

Supersedes Decision No.: PA84-3012 dated May 4, 1984, in 49 FR 19200.

DESCRIPTION OF WORK: Building Construction, including single family homes and garden type apartments up to and including 4 stories (Chester County Building, Construction Only)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS		
ZONE 1	18.75	4.45
ZONE 2	16.32	4.455
BOILERMAKER	18.88	2.865
BRICKLAYERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:		
ZONE 1	10.48	1.84
New Residential: Under 4 stories	16.12	2.57
All other work:		
ZONE 1	16.01	3.82
ZONE 2	16.06	4.39
ZONE 3	16.02	3.78
CARPENTERS:		
Rehabilitation work to include demolition, repair and alteration, on any existing structure of not more than four (4) stories which is intended for predominently resident use:	12.52	4.42
Residential Under 4		
Bucks, Delaware and Montgomery Counties	13.65	4.11
Philadelphia County	15.72	5.61
All other work	15.82	5.61
CEMENT MASONS:		
Rehabilitation work to include demolition, on any existing structure of not more than four (4) stories which is intended for predominently residental use:		
ZONE 1	10.02	4.29
All other work:		
ZONE 1	14.00	6.54
ZONE 2	14.60	2.75
ZONE 3	10.79	1.65
FINAL CLEAN-UP CREW:		
When construction cleaning completed and general contractor and all construction sub-contractors are off the job:		
Janitorial Cleaner	4.68	.43+a +b
Window Cleaner	5.99	.43+a +b
DRYWALL FINISHERS:		
Rehabilitation work to include demolition, repair and alteration, on any existing structures of not more than four (4) stories which is intended for predominently residential use:	9.50	2.47
All other work:	15.03	5.69
ELECTRICIANS:		
Rehabilitation work to include demolition, repair & alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:		
ZONE 1	14.92	15%+ 2%
ZONE 2	10.74	1.60+ 3%
ZONE 3	9.75	1.19+ 3%
ELECTRICIANS		
ZONE 1		
Commercial	18.67	28%
Residential up to and including 4 stories	17.50	27%
ZONE 2		
Commercial	19.59	16.5%
Residential up to and including 3 stories	17.79	15.5%
ZONE 3		
Commercial	18.82	22½%
Residential up to and including 3 stories	11.40	22½%

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	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS CONTINUED		
ZONE 4		
Commercial	17.92	2.48+ 3%%
ZONE 5		
Commercial	16.46	1.89+ 3%
ZONE 6		
Commercial	16.70	1.57+ 10%
ZONE 7		
Commercial	15.35	1.84+ 3%
Residential up to and including 4 stories	8.50	.84+3%
ZONE 8		
Commercial	19.68	16 3/4 %+1.00
ZONE 9		
Commercial	14.15	.64+3%
ELEVATOR CONSTRUCTORS:		
Elevator Constructors	19.36	3.29+c +d
Elevator Constructors Helpers	70%JR	3.29+c +d
Elevator Constructors Helpers (Prob.)	50%JR	
GLAZIERS		
ZONE 1	16.04	3.55
ZONE 2	14.04	1.465
IRONWORKERS:		
Rehabilitation work to include demolition, repair and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:		
ZONE 1	11.62	2.54
All other work		
ZONE 1	16.20	8.00
ZONE 2	16.70	5.75
ZONE 3		
Structural & Ornamental	16.75	6.80
Reinforcing	16.82	5.75
Rigger, machinery mover	17.70	4.20
LABORERS:		
Rehabilitation work to include demolition, repair and alteration, on any existing structures of not more than four (4) stories which is intended for predominently residential use:		
CLASS I	8.55	1.55
CLASS II	8.65	1.55
CLASS III	8.70	1.55
CLASS IV	8.85	1.55
CLASS V	8.95	1.55
CLASS VI	8.49	1.55
LABORERS:		
New Residential under 4 stories	9.08	1.775
All other work		
CLASS I	13.05	3.85
CLASS II	13.15	3.85
CLASS III	12.90	3.85
CLASS IV	13.20	3.85
CLASS V	13.45	3.85
CLASS VI	12.49	3.85
LANDSCAPE LABORERS:		
CLASS I	8.30	1.80+e
CLASS II	8.80	1.80+e
LATHERS		
ZONE 1	15.82	5.61
ZONE 2	16.82	3.23
ZONE 3	11.61	1.01
ZONE 4	11.40	.57
LEAD BURNERS	10.75	.66+f
LINE CONSTRUCTION		
ZONE 1		
Linemen	18.04	.80+6%
Groundmen	10.82	.80+6%
Winch truck operator	12.63	.80+6%
ZONE 2		
Linemen, cable splicers, heavy equipment operator, truck driver	15.27	.80+10 3/4%
Groundman, winch operator	12.22	.80+10 3/4%
MARBLE SETTERS	14.20	3.50
MARBLE FINISHERS	11.62	3.85
MILLWRIGHTS	16.32	5.61
PAINTERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structures of not more than four (4) stories which is intended for predominently residential use:		
ZONE 1	10.00	1.885
All other work		
ZONE 1		
Brush	15.00	2.78
Spray, steel & swing	15.55	2.78
Roller	15.00	2.78

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	Basic Hourly Rates	Fringe Benefits
PAINTERS CONTINUED		
ZONE 2		
Commercial, brush	15.38	3.40
Commercial, spray	15.88	3.40
ZONE 3		
Brush	12.15	2.25
Steel and spray	13.20	2.25
Roller	12.15	2.25
ZONE 4		
Brush	15.56	3.45
Steel	16.31	3.48
PAPERHANGERS:		*
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:	10.89	1.58
PILEDRIVERMEN	15.97	6.81+g
POINTERS, CAULKERS AND CLEANERS	15.30	4.20
PLASTERERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structure or not more than four (4) stories which is intended for predominently residential use:		
ZONE 1	9.49	.94
All other work		
ZONE 1	18.24	1.53
ZONE 2	10.81	1.66
ZONE 3	15.37	.91
PLUMBERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structure or not more than four (4) stories which is intended for predominently residential use;		
ZONE 1	12.13	2.25
All other work:		
ZONE 1	19.78	3.94
ZONE 2	18.38	3.59
ROOFERS:		
Shingle, slate, and Tile	13.92	2.25
Mechanic II (for shingle, slate, or tile work) - handles and transports all materials, tools and equipment; clean-up debris	6.25	2.25
All other work:	19.57	2.93+h
Mechanic II (for all other work) - Handles and transports all materials, tools and equipment; clean-up debris	8.25	2.93+h
SHEET METAL WORKERS	18.72	4.95
SOFT FLOOR LAYERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:	9.08	4.16
All other work	15.53	5.91
SPRINKLER FITTERS		
ZONE 1	16.92	3.23
ZONE 2	15.62	2.50
STEAM FITTERS		
ZONE 1	19.56	4.16
ZONE 2	18.16	3.81
STONE MASONS		
ZONE 1	15.22	3.70
ZONE 2	16.02	3.80
ZONE 3	15.21	3.32
ZONE 4	14.20	3.50
SOUND AND PUBLIC ADDRESS INSTALLATION TECHICIANS (Existing building only)	9.50	3%
TERRAZZO WORKERS	15.32	2.33
TERRAZZO FINISHERS	11.60	3.85
TILE SETTERS		
Rehabilitation work to include demolition, repair and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:	10.25	1.79
All other work:	13.35	4.80
TILE SETTERS FINISHERS	11.39	3.85
POWER EQUIPMENT OPERATORS		
GROUP 1	17.82	26.6% +j
GROUP 2	17.56	26.6% +j
GROUP 3	16.10	26.6% +j
GROUP 4	15.79	26.6% +j
GROUP 5	14.02	26.6% +j

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POWER EQUIPMENT OPERATORS CONTINUED		
GROUP 6	13.51	26.6% +j
BUILDING CONSTRUCTION TRUCK DRIVERS		
CLASS I	12.05	2.8725 +k+l
CLASS II	12.15	2.8725 +k+l
CLASS III	12.35	2.8725 +k+l

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits
HEAVY & HIGHWAY INCLUDING SITE PREPARATION, PAVING & UTILITIES ON BUILDING CONSTRUCTION		
CLASS 1	11.90	2.8725 +o+p
CLASS 2	12.00	2.8725 +o+p
CLASS 3	12.20	2.8725 +o+p

Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Indenpence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Good Friday; Decoration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day, plus vacation pay for employee who have been employed by the empolyer for one year may receive five paid holidays; two years ten paid holidays, five years twelve paid holidays; ten years fifteen paid holidays, eighteen years twenty paid holidays, twenty five years twenty five paid holidays.

b. Funeral Leave: Employee's shall be granted three consecutive calendar days in the case of a parent, spouse, child, brother, or sister of an employee, if the employee normal time off falls within the three day period, the employee will be reimbursed for that portion of time normally scheduled for work, should death occur during an employee's schedule vacation, there will be no funeral leave payment. Funeral leave under no circumstances results in a change in employee's basic weekly salary.

c. Employer contributes 8% of basic hourly rate for 5 years or more of service or 5% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: a through f, plus the Friday after Thanksgiving Day.

e. Holidays: July 4th; Labor Day and Thanksgiving Day.

f. Holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

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FOOTNOTES CONTINUED

g. Holidays; A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 45 full days for the same employer during the 120 calendar days prior to the holiday & is available for work the day preceding & following the holiday.

h. Holiday: Election Day.

j. Paid Holidays: A through F, providing the employee works the day before and after the holiday.

k. Employer will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days (40 hours pay) calendar year. During each two(2) consecutive months period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all days of vacation, employees with five (5) years of more senority shall be eligible for two (2) weeks of vacation.

l. Paid Holidays: Memorial Day; Independence Day; Labor Day; Veterans Day and (5) personal holidays for employees who have worked a minimum of thirty days and are on the employer's senority list, provided he works the schedule work days before and after the said holidays.

o. Employee will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days per calendar year. During each two (2) consecutive months period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all days of vacation.

p. Paid Holidays: Memorial Day; Independence Day; Labor Day and Veterans Day and five (5) personal holidays provided such employee work the schedule work days before and after said holiday; and employee gives employer one (1) week's notice requesting a personal holiday. The eligibility for personal holidays will be as follows; Employee will earn one (1) personal holiday every two (2) months up to a maximum of five (5) personal holidays per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all personal holidays.

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WELDERS - rate prescrived for craft performing operation to which welding is incidental.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1)(ii))."

AREA COVERED BY ASBESTOS WORKERS

ZONE 1 - Chester, Delaware, Montgomery, Philadelphia and Remainder of Bucks County

ZONE 2 - Bridgeton, Durhan, Lower Makefield, Middletown Falls, Morristown, New Hope, Newton, Noxkamixon, Plumstead Riegelsville, Solebury, Tullytown, Tinicum Upper Makefield and Yardley Townships in Bucks County

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Bucks, Chester, Philadelphia Counties, Radnor and Haverford Township in Delaware County, Lower Marion, Abington, Upper Moreland and Cheltenhan Townships in Montgomery County

ZONE 2 - Remainder of Delaware County

ZONE 3 - Remainder of Montgomery County

AREA COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bucks, Delaware and Philadelphia Counties, Remainder of Chester County and Remainder of Montgomery County

ZONE 2 - Oxford, Kenneth Square, Avondale and Longwood Townships in Chester County

ZONE 3 - Pennsburg and Pottstown Townships in Montgomery County

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AREA COVERED BY ELECTRICIANS ZONES

ZONE 1

Bucks County - starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the Pennsylvania Railroad bridge to Route 09113, north 09113 to Route 152, north along Route 152 to the Humeville Road, east on Humeville Road to Route 333, north on Route 344 to the junction of Spurs 281 and 252, continue north on Spur 252 to Route 09028, west on 09028 to Route 152, north on 152 to TR 232, north on TR 532 to Tr 113, north on TR 113 to TR 232 at Anchor Inn, northeast on TR 232 and continue northeast along Route 659 to Route 09060, west on 09060 to Route 402, north on 402 to the Borough line at the southwest corner of the Borough of New Hope. The Borough of New Hope is excluded.

starting at the Delaware at the Delaware River and proceeding southwest along the Plumstead-Solebury and the Plumstead-Buckingham Township lines to Route 09064, northwest on 09064 to U.S. Highway 611 south on 611 to the spur of Route 270, northwest along the spur to Route 397, southwest on 397 to Route 350, southeast on 350 to Route 395, southwest on 395 to Route 09069, southeast on 09069 to Route 09041 southwest on 09041 to the Montgomery County line.

Delaware County - that portion east of a line following State Highway 320 from Montgomery County to Maple, then along the Springfield Road to Saxer Avenue, along Saxer Avenue to Powell Road, along Powell Road to State Highway 420 and continuing in a straight line to the Delaware River.

Montgomery County - that portion southeast of a line following Lower State Road from Bucks County southwest to the Bethlehem Pike (U.S. Highway 309), south on the Bethlehem Pike to the Penllyn Pike, southwest on the Penllyn and Blue Bell Pikes to the Wissahickon Creek, southeast on the Wissahickon Creek to the Butler Pike to North Lane near Conshohocken Borough, southwest on North Lane to Schuylkill River and continuing southeast in a line to the Spring Mill Road and southwest on the Spring Mill Road to Delaware County.

AREA COVERED BY ELECTRICIANS ZONE CONT'D

Philadelphia County - in its entirety.

ZONE 2

Bucks County - Hilltown and New Britain Townships in their entirety; that portion of telford Borough northeast of County Line Road (Main Street) and bounded by West Rockhill and Hilltown Township; that portion of Dublin Borough west of State Highway 313, and that portion of Doylestown and Warrington Townships and Doylestown Borough northwest of a line following U.S. Highway 611 south from Route 09064 to the spur of Route 270, and proceeding northwest along the spur to Route 397, southwest on 397 to Route 350, Southeast on 350 to Route 395, southwest on 395 to Route 09069, southeast on 09069 to Route 09041, southwest on 09041 to the Montgomery County Line.

Chester County - East Coventry, East Vincent, West Vincent, East Pikeland, West Pikeland, Uwchlan, Upper Uwchlan, East Brandywine, Schuylkill and Charlestown Townships in their entirety, and that portion of Caln, East Caln, West Whiteland, East Whiteland, Tredyffrin, Willstown, Easttown Townships and the Borough of Downingtown north of U. S. Highway 30.

Delaware County - That portion of Radnor Township north of U.S. Highway 30 and west of State Highway 320.

Norristown, Montgomery County - That portion northwest of a line following Lower State Road from Bucks County southwest to the Bethlehem Pike (U.S. Highway 309), south on Bethlehem Pike to the Penllyn Pike, southwest onthe Penllyn and Blue Bell Pikes to the Wissahickon Creek to the Butler Pike, southwest Wissahickon Creek to the Butler Pike, southwest on the Butler Pike, to North Lane near Conshohocken Borough, southeast on North Lane to the Schuylkill River and continuing southeast in a line to the Spring Mill Road, southwest on the Spring Mill Road to Delaware County; but excluding Upper Hanover, Douglas, Upper Pottsgrove, West Pottsgrove Townships and also excluding that portion of the

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AREA COVERED BY ELECTRICIANS ZONE CONT'D

ZONE 2 CONT'D
Borough of Pottstown north and west of a line drawn northeast on Keim Street from the Schuylkill River to the Reading Railroad northwest on the railroad to Madison Street, to High Street, east on High Street to Green Street, north on Green Street and northeast on Mintzer Street to the Lower Pottsgrove Township Line, along this township line and the borough line northwest to Adams Street and the Beehive Road, northeast on the Beehive Road to the Township Line at Mervine Street in the State Of Pennsylvania.

ZONE 3
Chester County - That portion south of U.S. Highway 30 and north and west of U. S. Highway 1

Delaware County - That portion south of U.S. Highway 30 and north of that part of U.S. Highway 1 between U.S. Highway 202 and the Chester County Line, and east of that part of U.S. Highway 202 betwen U.S. Highway 1 and the Delaware Line, and west of a line extending from Montgomery County along State Route 320 to Maple, then along the Springfield Road to Saxer Avenue, along Saxer Avenue to Powell Road; along Powell Road to State Highway 420; along 420 and continuing in a straight line to the Delaware River in the State of Pennsylvania.

ZONE 4
Chester County - Oxford, Avondale and Kenneth Square Twps.

ZONE 5
Chester County - West Clan, West Brandywine, Honey Brook, Wallace, West Nantmeal, East Nantmeal, Warwich, South Coventy, Valley Twps. and Coatesville.

Montgomery County - West Pottsgrove, Upper Pottsgrove, Douglas Twps., Pottstown.

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AREA COVERED BY ELECTRICIANS ZONE CONT'D

ZONE 6
Bucks County - Plumstead, Bedminister, Tinicum, Nockomixon, Bridgeton and Durham Townships in their entireties, and that portion of Haycock and Springfield Townships east of a line following State Highway 412, from Northampton County south to Route 09071 to State Highway 212, along highway 212 to Route 09068, and along 09068 to State Highway 313. Also included is that portion of Bublin Borough east of State Highway 313.

ZONE 7
Bucks County - East Rock Hill, West Rock Hill, Milford and Richland Townships in their entirety and that portion of Haycock and Springfield Townships west of a line following State Highway 212 from Northampton County South to Route 09071 along 09071 to State Highway 212, along Highway 212 to Route 09068 and along 09068 to State Highway 313

Montgomery County - Upper Hanover in its entirety

ZONE 8
Bucks County - That portion east of a line starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the Pennsylvania Railroad Bridge to Route 09113, north along 09113 to Route 152, north along Route 152 to the Hulmevilla Rd., east on the Hulmeville to Route 344, north on Route 344 to the junction of Spurs 281 and 252 continue north on Spur 252 and Route 09028, west on 09028 to Route 152, north on 152 to TR 532, north on TR 532 to TR 113, north on TR 113 to TR 232 as Anchor Inn, northeast on TR 232 and continue northeast along Route 659 to Route 09060, West on 09060 to Route 402, north on 402 to the Borough Line at the southwest corner of the Borough of New Hope. The Boroughs of New Hope and Bristol are included.

ZONE 9
Chester County - That portion of Sadsbury and West Sadsbury Township north of U. S. Highway 30.

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AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Delaware and Philadelphia Counties, Remainder of Bucks, Chester and Montgomery Counties

ZONE 2 - Milford, West Rockville, Rickland, E. Rockville, Haycock, Surham, Springfield, Richlandtown, Sqoherton, Nockamixon Townships in Bucks County, Warwick, S. Coventry, E. Coventry, N. Coventry, Spring City and Royersford Townships in Chester County, Pottstown, Lower Pottsgrove, Limrick, Lower Frederick, Upper Salford, Sounderton, Greeland, Upper Hanover, New Hanover, Douglas, Marlboro Twps. in Mongtomery County

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Bucks County

ZONE 2 - Chester County

ZONE 3 - Delaware, Montgomery and Philadelphia Counties

LABORERS CLASSIFICATIONS DEFINITIONS REHABILITATION AND ALL OTHER WORK OTHER THAN RESIDENTIAL

CLASS I - Striping & dismantling concrete form work, loading, carry 7 handling of all reinforced steel 7 steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers 7 all other pheumatic tools, building scaffolds, raking shoveling 7 tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non metallic pipe & caulking, all other types of Laborers

CLASS II - Mason tender, power buggies, burners on demolition

CLASS III - Wagon drill operator (single)

CLASS IV - Powdermen, wagon drill operator (multiple), circular caissons excavation: Caisson groundmen, Underpinning excavation: Laborers, working at depth of 8 feet or under

CLASS V - Caisson bottom man

CLASS VI - Yard Workers

LANDSCAPE LABORERS CLASSIFICATIONS DEFINITIONS

CLASS I - Landscape Laborers

CLASS II - Farm tractor driver, hydroseeder nozzle man and mulcher nozzle man

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AREA COVERED BY LATHERS ZONES

ZONE 1 - Delaware, Montgomery and Philadelphia Counties, Remainder of Bucks and Chester Counties

ZONE 2 - Coatesville & lower part of Chester County

ZONE 3 - Milford, Trumbersville, Richland, Quarkertown, Springfield, Durham, Riegelsville, Bridgetown, Noxkamixon, Tinicum, Plumstead, Dublin, Bedminister, Haycock, East Rockhill, Perkasie, Sellersville, West Rockhill Townships in Bucks County

ZONE 4 - Solebury, New Hope, Upper Makefield, Wrightstown, Newton, Yardley, Lower Makefield, Morrisville, Falls, Tullytown Townships in Bucks County

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Remainder of Bucks County, Chester, Delaware, Montgomery, Philadelphia Counties

ZONE 2 - Buck county: That portion east of a line starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the Pennsylvania Railroad Bridge to Route 09113, north along 09113 to Route 152, north along Route 152 to the Hulmeville Rd., east on the Hulmeville to Route 344, north on Route 344 to the junction of Spurs 281 and 252, continue north on Spur 252 and Route 09028, west on 09028 to Route 152, north on 152 to Tr 532, north on Tr 532 to Tr 113, north on Tr 113 to Tr 232 at Anchor Inn, northeast on Tr 232 and continue northeast along Route 659 to Route 09060, west on 09060 to Route 402, north on 402 to the Borough Line at the southwest corner of the Borough of New Hope. The Borough of New Hope and Bristol are included.

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bucks & Philadelphia Counties: Haverford, Newton, Randnor, Maple, Springfield, Upper Darby, Barby, Ridley, Tinicum & Yeondon Townships in Delaware County, Cheltenahm, Abington, Uper and Lower Morland, Springfield Whitemarsh, Plymouth, Upper Dubling, Horsham, Whitpain, Upper and Lower Gwynodd, Lower Marion, Upper Southampton, Townships in Montgomery County

ZONE 2 - Chester County and Remainder of Delawre County

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ARE COVERED BY PAINTERS ZONES CONTINUED

ZONE 3 - Pottstown, Pottsgrove, New Hanover and Douglas Townships in Montgomery County

ZONE 4 - Remainder of Montgomery County

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - Bucks, Delaware & Philadelphia Counties; remainder of Chester County, Remainder of Montgomery County

ZONE 2- Pennsburg Township in Montgomery County

ZONE 3 - Longwood, Kennett Square, Avondale and Oxford Townships in Chester County

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Delaware, Chester, Montgomery, Philadelphia Counties; remainder of Bucks County

ZONE 2 - Bridgton, Durnham, Haycock, Milford, Nockamixon, Richland, East Rockhill, West Rockhill and Springfield Townships in Bucks County

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Bucks, Chester, Delaware & Montgomery Counties

ZONE 2 - Philadelphia County

AREA COVERED BY STEAMFITTERS ZONES

ZONE 1 - Chester, Delaware, Montgomery, Philadelphia Counties, Remainder of Bucks County

ZONE 2 - Bucks County; Townships of Bridgton, Durham, Haycock, Milford, Nockamixon, Richland, East Rockhill, West Rockhill and Springfield

AREA COVERED BY STONE MASONS ZONES

ZONE 1 - Delaware & Philadelphia Counties; Remainder of Bucks County

ZONE 2 - Montgomery County

ZONE 3 - Chester County

ZONE 4 - Bristol Township in Bucks County

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POWER EQUIPMENT OPERATIONS CLASSIFICATIONS

WAGE GROUP I - Handling steel and stone in connection with erection, cranes doing hook work, any machines handling machinery, cable spinning machine, helicopters, and machines similar to to the above.

WAGE GROUP II - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pippin type backhoes, hoist with two towers, paver 21E and over, all types over-head cranes, building hoists - double drum (unless used as single drum), mucking machines in tunnel, gradalls, front-end loaders, boat captain, tandems scrapers, tower type crane operation, erecting, dismantling, jumping or jacking, drills self-contained (drillmaster type), fork lift (20 ft. and over), batch plant with mixer, scrapers & tournapulls, rollers (high grade finishing), mechanic-welder, spreaders, bulldozers and tractors, and machines similar to the above.

WAGE GROUP III - Conveyors (except building conveyors), building hoists (single drum), asphalt plant engineers, high or low pressure boilers, concrete pumps, well drillers, fork lift trucks of all types, ditch witch type trencher, motor patrol, concrete breaking machines, rollers, and machines similar to the above.

WAGE GROUP IV - Seaman pulverizing mixer, tireman on power equipment, farm tractors, fine grade machines, form line graders, road finishing machines, power broom (self-contained), seed spreader, grease truck, and machine similar to the above, maintenance engineer (power Boat)

WAGE GROUP V - Conveyors (building), welding machines, heaters, wellpoints, pumps, compressors, and machines similar to the above.

WAGE GROUP IV - Fireman, oilers and deck hands (personnel boats), grease truck helpers

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING CONSTRUCTION)

CLASS I - Warehouseman, checker, fork lift driver, stake body truck (single axle), 1½ ton and under vehicles

CLASS II - Truck driver over 1½ tons, dump trucks, tandem and batch trucks, semi-trailers, agitator mixer trucks, and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body Truck (tandem)

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TRUCK DRIVERS CLASSIFICATIONS DEFINITIONS (CONTINUED)

CLASS III - Euclid type-off highway equipment - back or belly dump trucks and double - hitched equipment straddle (Ross) carrier, lowbed trailers

TRUCK DRIVERS, HEAVY & HIGHWAY INCLUDING SITE PREPARATION, PAVING & UTILITIES ON BUILDING CONSTRUCTION CLASSIFICATION DEFINITIONS

CLASS 1 - Helpers, Stake Body Truck (single axle, dumpster)

CLASS 2 - Dump trucks, tandem & batch trucks, semi-trailers, agitator mixer trucks, and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)

CLASS 3 - Euclid type, off-highway equipment or belly dump trucks and double hitched equipment, staddle (ross) carrier, low-bed trailers

[FR Doc. 84-28351 Filed 11-8-84; 8:45 am]
BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Calumet, Fond Du Lac, Manitowoc, and Sheboygan

DECISION NUMBER: WI84-5031

DATE: Date of Publication

Supersedes Decision No. WI83-2077 dated October 7, 1983 in 48 FR 45982

DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$17.65	2.01
BOILERMAKERS	17.345	3.25
BRICKLAYERS	12.85	2.44
CARPENTERS	13.61	2.21
PILEDRIVERS & MILLWRIGHTS	14.06	2.11
CEMENT MASONS	12.35	2.44
ELECTRICIANS:		
Calumet Co.	15.78	1.55+ 6%
Manitowoc Co.	15.95	1.40+ 9½%
Fond Du Lac & Sheboygan Cos.	15.02	2.04+ 14%
ELEVATOR CONSTRUCTORS:		
Constructors	17.08	3.00
Helpers	11.96	3.00
Helpers (Prob.)	8.54	
GLAZIERS	12.98	3.13
IRONWORKERS:		
Western part of Fond Du Lac	14.08	3.00
Remainder of Area	14.81	5.55
LABORERS:		
General Laborers	11.03	1.43
Mason Tender & Plaster Tender	11.13	1.43
Jack Hammer	11.28	1.43
LATHERS	12.61	3.16
PAINTERS:		
Fond Du Lac, & N. W. Corner of Calumet Co.:		
Brush	13.35	1.55
Structural Steel	14.10	1.55
Spray & Swing Stage	13.85	1.55
Manitowoc and Remainder of Calumet County:		
Brush	12.10	
Spray	12.60	
Sheboygan County:		
Brush	10.30	1.80
Spray	10.90	1.60
PLASTERERS	12.85	2.44
PLUMBERS & STEAMFITTERS:		
Northwestern Corner of Calumet County	16.04	3.35
Manitowoc Co. and the Northeastern Part of Calumet County	14.42	2.76
Fond Du Lac; Sheboygan & the Remainder of Calumet County	14.97	3.09
ROOFERS:		
Calumet & Manitowoc Cos	14.50	1.50
Sheboygan Co.	14.50	1.50
Fond Du Lac County	14.50	1.50
SHEET METAL WORKERS	16.08	3.42
TERRAZZO WORKERS & TILE SETTERS	12.85	2.44
POWER EQUIPMENT OPERATORS:		
Group 1	15.72	3.42
Group 2	15.22	3.42
Group 3	14.44	3.42
Group 4	13.88	3.42
Group 5	13.41	3.42
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental		

POWER EQUIPMENT OPERATORS (Classifications)

Group 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

Group 2 - Concrete and grout pumps, material hoists, stack hoists, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (10 tons or under), manhoists, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder , bituminous plant and paver operator, roller (over 5 tons), rail level-machine (railroad), tie placer tie extractor, tie tamper, stone leveler, rotary drill operator and blaster, percussion drilling machine, trencher (wheel type or chain type having over 8-inch bucket), elevator

Group 3 - Backfiller, concrete auto breaker (large), concrete finishing machines (road type), roller (rubber tire), concrete batch hopper, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h. p.), pumps (well points), trencher (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and fireman (pile drivers and derricks), hoists (automatic), forklift (over 12'), tampers-compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammers (small), brooms and sweeper, hoists (tuggers), stump chipper (large), boats (tug, safety, work barges and launch).

Group 4 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, fireman (asphalt plants), air compressor (400 CFM or over), augers (vertical and horizonal), air electric, hydraulic jacks (slip form) prestress machine, skid steer loader, boiler operators (temporary heat), forklift (12' and under)

Group 5 - Generators over 150 KW, pumps over 3", combination small equipment operator, compressors (under 400 CFM), welding machines, heaters (mechanical), generators (under 150 KW), pumps (3" and under), winches (small electric) Oiler and greaser, conveyor.

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

federal register

Friday
November 9, 1984

Part III

Department of the Treasury

Customs Service

19 CFR Parts 4, 6, 7 et al.

Revision of Customs Bond Structure; Final Rule; Correction

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 6, 7, 10, 11, 12, 18, 19, 24, 54, 101, 112, 113, 114, 123, 125, 127, 132, 133, 134, 141, 142, 144, 145, 146, 147, 148, 151, 162, 172, 174, and 191

[T.D. 84-213]

Customs Bond Structure; Revision

Correction

In FR Doc. 84-27459 beginning on page 41152 in the issue of Friday, October 19, 1984, make the following corrections:

1. On page 41152, third column, second complete paragraph, line eighteen, "and" should appear between "damages" and "of".

2. On page 41154, first column, line sixteen should read "requirements set forth in Part 111, Customs Regulations (19 CFR Part 111),".

3. On page 41159, third column, the first complete paragraph beginning with "The extent" should begin with "To the extent".

4. On page 41161, first column, second line, "if" should be removed, and "there is" should read "is there".

§ 4.16 [Corrected]

5. On page 41163, third column, § 4.16, line eight, "of" should read "or".

§ 4.38 [Corrected]

6. On page 41164, first column, § 4.38(a), first line, "when" should read "When".

§ 19.12 [Corrected]

7. On page 41169, second column, amendatory language 4., second line, " "smelted, refined" " should read " ", smelted, refined" ".

§ 19.16 [Corrected]

8. On page 41170, first column, amendatory language 16., first line, "(g)(l)" should read "(g)(1)".

§ 101.1 [Corrected]

9. On page 41171, first column § 101.1(k), line four, "to" should appear between "them" and "the".

§ 112.25 [Corrected]

10. On the same page, second column, § 112.25, line ten from the top, "§ 12.23" should read "§ 112.23".

§ 112.26 [Corrected]

11. On the same page, second column, amendatory language 5., line four, "§ 13.26" should read "§ 113.26".

12. On the same page, third column, § 113.31, "party" should appear between "same" and "as".

§ 113.13 [Corrected]

13. On page 41173, first column, § 113.13(d), last line, should end in a period ".".

§ 113.23 [Corrected]

14. On the same page, third column, § 113.23 heading, "made" should appear between "Changes" and "on".

§ 113.27 [Corrected]

15. On page 41174, third column, § 113.27(b), line four, "surely" should read "surety".

§ 113.37 [Corrected]

16. On page 41176, second column, § 113.37(f), **Corporate Sureties Agreement for Limitation of Liability,** line seven, "(surety code" should read "(surety code)".

17. On the same page, third column, § 113.37(g)(2) , line twenty-four, "part" should read "port".

18. On page 41177, first column, § 113.37(g)(4), line fourteen, "ater" should read "after".

§ 113.40 [Corrected]

19. On page 41178, second column, § 113.40(c), line four, "appropriate" should appear between "as" and "is"; and in line six "appropriate" should be removed.

§ 113.63 [Corrected]

20. On page 41180, third column § 113.63(b)(2), third line, "customs" should read "Customs".

§ 141.92 [Corrected]

21. On page 41184, second column, § 141.92 amendatory language 12., line four, "of" should read "on" and "From" should read "Form".

§ 141.101 [Corrected]

22. On the same page, second column, amendatory language 13., line seven should be removed and replaced with, "bond, entered for permanent exhibition".

§ 144.15 [Corrected]

23. On page 41185, third column, § 144.15, amendatory language 6., line four, "A bond" should read "a bond".

§ 144.41 [Corrected]

24. On the same page, third column, § 144.41, amendatory language 9., line two, "a bond" should read "A bond".

BILLING CODE 1505-01-M

federal register

Friday
November 9, 1984

Part IV

Office of Management and Budget

Budget Deferrals and Rescissions; Notice

OFFICE OF MANAGEMENT AND BUDGET

Deferrals and Rescissions

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report eight new deferrals of budget authority for 1985 totaling $107,881,834. The deferrals affect the Departments of Energy, Justice, and State, the Board for International Broadcasting, and the United States Information Agency.

The details of these deferrals are contained in the attached report.

Ronald Reagan.

The White House,
October 31, 1984.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Department of Energy	
	Power Marketing Administration	
	Southeastern Power Administration,	
D85-16	Operation and maintenance	12,467
	Southwestern Power Administration,	
D85-17	Operation and maintenance	7,260
	Western Area Power Administration,	
	Construction, rehabilitation, operation	
D85-18	and maintenance	3,000
	Department of Justice	
	Federal Prison System	
D85-19	Buildings and facilities	44,534
	Department of State	
	United States emergency refugee and	
D85-20	migration assistance fund	32,928
	Board for International Broadcasting	
D85-21	Grants and expenses	4,408
	Other Independent Agencies	
	U.S. Information Agency	
D85-22	Salaries and expenses	2,433
	Salaries and expenses, special foreign	
D85-23	currency program	852
	Total, deferrals	107,882

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SUMMARY OF SPECIAL MESSAGES
FOR FY 1985
(in thousands of dollars)

	Rescissions	Deferrals
Second special message:		
New items	---	107,882
Revisions to previous special messages	---	---
Effects of second special message	---	107,882
Amounts from previous special messages that are changed by this message (changes noted above)	---	---
Subtotal, rescissions and deferrals	---	107,882
Amounts from previous special messages that are not changed by this message	---	1,318,562
Total amount proposed to date in all special messages	---	1,426,444

Deferral No: D85-16

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy	New budget authority..... $ 35,744,000 (P.L. 98-360)
Bureau: Power Marketing Administration	Other budgetary resources 12,737,000
Appropriation title and symbol: Southeastern Power Administration, Operation and maintenance 89X0302	Total budgetary resources 48,481,000
	Amount to be deferred: Part of year $ ____ Entire year 12,467,000
OMB identification code: 89-0302-0-1-271	**Legal authority** (in addition to sec. 1013): |X| Antideficiency Act |__| Other ____
Grant program: |__| Yes |X| No	
Type of account or fund: |__| Annual |__| Multiple-year ____ (expiration date) |X| No-Year	**Type of budget authority:** |X| Appropriation |__| Contract authority |__| Other ____

Justification: This account funds the marketing activities of the Southeastern Power Administration (SEPA), an agency that sells wholesale hydroelectric power produced at Corps of Engineers dams in ten southeastern States. SEPA delivers power to its customers by using power transmission lines owned by other utilities because this agency does not own or operate any power lines. One of SEPA's principal activities is the negotiation of power sales contracts. Costs associated with payments to non-Federal utilities for delivery of power are recovered by the Federal government, with interest, in accordance with statutory requirements. During 1984, the negotiations on several new contracts progressed at a slower pace than originally anticipated. As a result, the agency did not need to use almost $12.5 million of funds provided for paying non-Federal utilities to deliver power. It is anticipated that these funds will not be needed in 1985 and can be deferred until 1986. This deferral action is taken under the provisions of the the Anti-Deficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The deferral will have no programmatic effects, because the funds deferred are in excess of the amount necessary for conduct of SEPA's normal power marketing activities in 1985.

Outlay Effect: None.

Deferral No: D85-17

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy	New budget authority..... $ 31,208,000 (P.L. 98-360)
Bureau: Power Marketing Administration	Other budgetary resources 15,074,000
Appropriation title and symbol:	Total budgetary resources 46,282,000
Southwestern Power Administration, Operation and maintenance	**Amount to be deferred:** Part of year $ _____
89X0303 1/	Entire year 7,260,000
OMB identification code: 89-0303-0-1-271	**Legal authority** (in addition to sec. 1013): |X| Antideficiency Act
Grant program: |___| Yes |X| No	|___| Other _____
Type of account or fund:	**Type of budget authority:**
|___| Annual	|X| Appropriation
|___| Multiple-year _____ (expiration date)	|___| Contract authority
|X| No-Year	|___| Other _____

Justification: This account funds the activities of the Southwestern Power Administration (SWPA), an agency that markets wholesale hydroelectric power produced at Corps of Engineers dams in six southwestern States. SWPA activities also include construction, operation and maintenance of approximately 1,660 miles of transmission lines over which the power is distributed to customers. In 1984, the agency did not need to use as much funding as was provided for purchasing power and paying non-Federal utilities to deliver it. The level of unobligated funds carried into 1985 for purchasing power was almost $7.3 million higher than previously assumed. There currently is no plan to use these funds in 1985, although the funds will be released later this year if a critical need arises. If a critical need does not arise, however, the funds will be deferred until 1986. This deferral action is taken under the provisions of the Anti-Deficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The deferral will have no programmatic effects, because the funds deferred are in excess of the amount necessary for conduct of SWPA's normal activities.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during 1984 (D84-42B).

Deferral No: D85-18

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy	New budget authority..... $ 218,230,000 (P.L. 98-360)
Bureau: Power Marketing Administration	Other budgetary resources 48,005,000
Appropriation title and symbol: Western Area Power Administration Construction, rehabilitation, operation and maintenance 89X5068 1/	Total budgetary resources 266,235,000
	Amount to be deferred: Part of year $ ____ Entire year 3,000,000
OMB Identification code: 89-5068-0-2-271	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: This account funds the Western Area Power Administration (WAPA), which markets power in 15 western States from power generating projects principally operated by the Bureau of Reclamation and the Corps of Engineers. WAPA activities also include the construction, operation and maintenance of about 16,000 miles of power transmission lines over which the power is distributed to customers. In 1984, the agency did not use as much funding as was previously assumed. In particular, an unobligated balance of $3 million resulted from favorable construction contract awards. There is currently no plan to use the additional $3 million in 1985, although the funds will be released later this year if a critical need arises. If a critical need does not arise, however, the funds will be deferred until 1986. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The deferral will have no programmatic effects, because the funds deferred are in excess of the amount necessary for conduct of WAPA's normal activities.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during 1984 (D84-64A).

Deferral No: D85-19

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Justice	**New budget authority.....** $ 86,056,000 (P.L. 98-411)
Bureau: Bureau of Prisons	**Other budgetary resources** 84,300,000
Appropriation title and symbol: Buildings and Facilities 15X1003 1/	**Total budgetary resources** 170,356,000
	Amount to be deferred: Part of year $ _____
	Entire year 44,534,000
OMB identification code: 15-1003-0-1-753	**Legal authority** (In addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other _____
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multiple-year _____ (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other _____

Justification: This appropriation finances planning, acquisition of sites and construction of new penal and correctional facilities as well as construction, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions. Projects are undertaken to reduce overcrowding, close old and antiquated penitentiaries and provide a safe and humane environment for staff and inmates. The deferral contains $3,250,000 for the Southeast facility, $9,290,000 for the Northeast Level 2/3 facility, $3,250,000 for the Northeast Level 4 facility, $5,000,000 for the Sheridan, Oregon facility and $24,744,000 for modernization. Due to ongoing negotiations for the Sheridan site and the time required by all the projects for design efforts and the selection of contractors, it will be impossible to complete these projects, for which funding is deferred, during 1985. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: The deferral will have no effect on the buildings and facilities program because the deferred amount cannot be efficiently used if made available in 1985.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during 1984 (D84-28A).

Deferral No: D85-20

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of State	New budget authority..... $ (P.L.)
Bureau: Bureau for Refugee Programs	Other budgetary resources 32,928,000
Appropriation title and symbol: United States emergency refugee and migration assistance fund, executive 1/ 11X0040	Total budgetary resources 32,928,000
	Amount to be deferred: Part of year $ 32,928,000 Entire year
OMB identification code: 11-0040-0-1-151	**Legal authority (in addition to sec. 1013):** |X| Antideficiency Act |__| Other
Grant program: |__| Yes |X| No	
Type of account or fund: |__| Annual |__| Multiple-year (expiration date) |X| No-Year	**Type of budget authority:** |X| Appropriation |__| Contract authority |__| Other

Justification: Section 501 (a) of the Foreign Relations Authorization Act, 1976 (Public Law 94-141) and Section 414 (b) (1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2 (c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $50,000,000 to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

Executive Order No. 11922 of June 16, 1976, allocated all funds appropriated to the President for the Emergency Fund to the Secretary of State but reserved for the President the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

The Emergency Fund contains an estimated $32,928,000 in unobligated balances from prior-year authority. This amount has been deferred pending Presidential decisions required by Executive Order No. 11922 and to achieve the most economical use of appropriations. Funds will be released as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during 1984 (D84-12A).

Deferral No: D85-21

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Board for International Broadcasting	New budget authority..... $ 97,498,000 (P.L. 98-411)
Bureau:	Other budgetary resources 12,307,834
Appropriation title and symbol: Grants and expenses 954/51145	Total budgetary resources 109,805,834
	Amount to be deferred: Part of year $ 4,407,834
	Entire year
OMB identification code: 95-1145-0-1-154	**Legal authority** (in addition to sec. 1013): |X| Antideficiency Act
Grant program: |X| Yes |__| No	|__| Other
Type of account or fund:	**Type of budget authority:**
|__| Annual	|X| Appropriation
|X| Multiple-year Sept. 30, 1985 (expiration date)	|__| Contract authority
|__| No-Year	|__| Other

Justification: The Board for International Broadcasting is authorized by the Board for International Broadcasting Act of 1973 to provide grants for the operations of Radio Free Europe/Radio Liberty Inc.

P.L. 98-411 appropriated $97,498,000 for expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc. In addition, P.L. 98-396 (1984 Supplemental Appropriations Act) extended the availability of 1984 exchange rate gains, which would otherwise have been placed in reserve, until September 30, 1985, for the purpose of carrying out the Board for International Broadcasting Act of 1973. The BIB's currently estimated expenses in carrying out the act in 1985 are $105,398,000 and the additional $4,407,834 is deferred until potential supplemental requirements have been defined. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

[FR Doc. 84-29864 Filed 11-8-84; 8:45 am]
BILLING CODE 3110-01-C

Deferral No: D85-22

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: U.S. Information Agency	New budget authority..... $ 545,856,000 (P.L. 98-411)
Bureau:	Other budgetary resources 4,386,000
Appropriation title and symbol: Salaries and expenses 67X0201 1/	Total budgetary resources 550,242,000
	Amount to be deferred: Part of year $
	Entire year 2,433,000
OMB identification code: 67-0201-0-1-154	Legal authority (in addition to sec. 1013): |X| Antideficiency Act
Grant program: |__| Yes |X| No	|__| Other
Type of account or fund:	**Type of budget authority:**
|__| Annual	|X| Appropriation
|__| Multiple-year (expiration date)	|__| Contract authority
|X| No-Year	|__| Other

Justification: The United States Information Agency (USIA) is authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et. seq.), the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451, et. seq.), Executive Order 11034 of June 25, 1962, as amended, and the Reorganization Plan No. 2 of 1977 to carry out international communication, cultural and education exchange programs.

P.L. 98-411 appropriated $545,856,000 for expenses required to carry out international communication activities. Of this amount $7,303,000 shall remain available until expended.

This $545,856,000, together with funds appropriated in prior year, will be used for the before-mentioned activities, including the Special International Exhibitions program. It is now estimated that $2,433,000 of funds budgeted for the U.S. participation in the international exposition at Vancouver, Canada and at other international fairs will not be obligated during fiscal year 1985.

This deferral action is taken under the provisions of Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The amount deferred could not be obligated before 1986.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in 1984 (D84-34).

Deferral No: D85-23

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: J.S. Information Agency	New budget authority..... $ 8,000,000 (P.L. 98-411)
Bureau:	Other budgetary resources 3,997,000
Appropriation title and symbol: Salaries and expenses (Special foreign currency program) 67X0205 1/	Total budgetary resources 11,997,000
	Amount to be deferred: Part of year $ _____
	Entire year 852,000
OMB identification code: 67-0205-1-154	**Legal authority (in addition to sec. 1013):** |X| Antideficiency Act
Grant program: |___| Yes |X| No	|___| Other _____
Type of account or fund:	**Type of budget authority:**
|___| Annual	|X| Appropriation
|___| Multiple-year _____ (expiration date)	|___| Contract authority
|X| No-Year	|___| Other _____

Justification: P.L. 98-411 appropriated $8,000,000 to remain available until expended for the Salaries and expenses (Special foreign currency program) account. The account is used for payment of USIA local program expenses in U.S.-owned foreign currencies in those countries where the Department of Treasury determines that the supply of local currency is in excess of the normal requirement of the U.S. Government. In fiscal year 1985, the excess currency countries are Burma, Guinea, India and Pakistan.

As a result of exchange rate savings and recoveries of prior year obligations realized during 1984, the beginning-of-year unobligated balance for this account is estimated to be $3,997,000, which is significantly more than the sum estimated in the 1985 Budget. The deferred amount of $852,000 represents funds that will not be obligated during this fiscal year under current program plans. Accordingly, funds are reserved for use in succeeding years.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in 1984 (D84-35).

federal register

Friday
November 9, 1984

Part V

Environmental Protection Agency

40 CFR Part 51
Stack Height Regulation; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD-FRL-2686-2]

Stack Height Regulation

AGENCY: EPA.

ACTION: Proposed rule.

SUMMARY: Section 123 of the Clean Air Act, as amended, requires EPA to promulgate regulations to ensure that the degree of emission limitation required for the control of any air pollutant under an applicable State implementation plan (SIP) is not affected by that portion of any stack height which exceeds good engineering practice (GEP) or by any other dispersion technique. Regulations to implement Section 123 were proposed on January 12, 1979, at 44 FR 2608 and reproposed on October 7, 1981, at 46 FR 49814. The final regulation was promulgated on February 8, 1982, at 47 FR 5864.

The final regulation was challenged by the Sierra Club Legal Defense Fund, Inc., Natural Resources Defense Council, Inc., and the Commonwealth of Pennsylvania; on October 11, 1983, the U.S. Court of Appeals for the DC Circuit reversed two portions of the regulation, upheld other portions, and remanded certain other portions to the Agency for reconsideration. *Sierra Club* v. *EPA*, 719 F.2d 436 (DC Cir., 1983), *cert. denied*, 104 S. Ct. 3571 (July 2, 1984).

Today's action proposes to revise the Agency's stack height regulation by adding additional provisions and by modifying or rescinding existing provisions as necessary to comply with the court's opinion. Today's action also requests comments on alternative methods of implementing Section 123 in light of the DC Circuit Court mandate. When finalized, this action will require that SIP's be revised to incorporate and implement specific provisions necessary to carry out the requirements contained in Section 123 of the Clean Air Act.

DATES: Comments must be received by the Central Docket Section no later than 4 p.m. (EST) on December 10, 1984. Because the mandate issued by the court requires that EPA promulgate a final regulation not later than January 18, 1985, it will not be possible to extend this comment period beyond the 30 days provided in this notice.

ADDRESS: All comments must be submitted (in triplicate if possible) to: Central Docket Section (LE-131), EPA, Attention: Docket Number A-83-49, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Eric O. Ginsburg, MD-15, Office of Air Quality Planning and Standards, EPA, Research Triangle Park, North Carolina 27711, telephone (919) 541-5540.

SUPPLEMENTARY INFORMATION:

Docket Statement

All pertinent information concerning the development of this regulation is included in Docket Number A-83-49. The docket is open for public inspection between the hours of 8 a.m. and 4 p.m., Monday through Friday, at the EPA Central Docket Section, West Tower Lobby, Gallery One, 401 M Street, SW., Washington, DC. Background documents normally available to the public, such as **Federal Register** notices and Congressional reports, are not included in the docket. A reasonable fee may be charged for copying documents.

Background

Subject

The problem of air pollution can be approached in either of two ways: through reliance on a technology-based program that mandates specific control requirements (either control equipment or control efficiencies) irrespective of ambient pollutant concentrations, or through an air quality management-based program that relies on ambient air quality levels to determine the allowable rates of emissions control. The Clean Air Act incorporates aspects of both approaches, but the SIP program uses the air quality management approach to establish emission limitations for sources. Implicitly, this approach acknowledges and is based on the normal dispersion of pollutants from their points of origin into the atmosphere.

There are two general methods for preventing violations of the national ambient air quality standards (NAAQS) and prevention of significant deterioration (PSD) increments. Continuous emission controls reduce the quantity, rate, or concentrations of pollutants released into the atmosphere from a source. In contrast, dispersion techniques rely on the dispersive effects of the atmosphere to carry pollutant emissions away from the source and to prevent high concentrations of pollutants near the source. Section 123 of the Clean Air Act limits the use of dispersion techniques by pollution sources to meet the NAAQS and PSD increments.[1]

Tall stacks, manipulation of exhaust gas parameters, and intermittent or supplemental control systems (ICS or SCS) are the basic types of dispersion techniques. Tall stacks enhance dispersion by releasing pollutants into the air at elevations high above ground level, thereby providing greater mixing of pollutants into the atmosphere. The result is to dilute the pollutant levels and reduce the concentrations of the pollutant at ground level, without reducing the total amount of pollution released. Manipulation of exhaust gas parameters increases the plume rise from the source, which increases the effective release height of the pollutant. Intermittent and supplemental control systems vary a source's rate of emissions to take advantage of meteorological conditions. When atmospheric conditions do not favor dispersion and a standard may be violated, the source temporarily reduces its pollutant emissions. When conditions favor rapid dispersion, the source emits pollutants at higher rates.

Use of dispersion techniques in lieu of constant emission controls results in additional atmospheric loadings of pollutants. The use of tall stacks and increased plume rise increases the possibility that pollution will travel long distances before it reaches the ground.

Although overreliance on dispersion techniques may produce adverse effects, use of the dispersive properties of the atmosphere has long been an important factor in air pollution control. For example, some stack height is needed to prevent excessive concentrations of pollutants near a source, which are created by airflow disruptions caused by structures, terrain features, and ground-level meteorological phenomena. Such disruptions cause downwash, wakes, and eddies which can force a plume rapidly to the ground, resulting in excessive concentrations of pollutants near the source. As discussed below, the Clean Air Act recognizes these facts and responds by allowing sources to calculate their emission limitations with explicit consideration of that portion of a source's stack height that is needed to ensure that excessive concentrations due to downwash will not be created near the source. This height is called "good engineering practice" (GEP) stack height.

Statute

Section 123, which was added to the Clean Air Act by the 1977 Amendments, regulates the manner in which techniques for dispersion of pollutants from a source may be considered in setting emission limitations. Specifically,

[1] See Section 110(a)(2)(B), 123, 302(k), and 302(m) of the Act, 42 U.S.C. 7410(a)(2)(B), 7423, 7602(k), and 7602(m). For additional discussion of the Act's prohibition of the use of dispersion techniques, see 44 FR 2608-2610.

Section 123 requires that the degree of emission limitation shall not be affected by that portion of a stack which exceeds GEP or by "any other dispersion technique." It defines GEP, with respect to stack heights as:

> the height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies or wakes which may be created by the source itself, nearby structures or nearby terrain obstacles . . . [Section 123(c)].

Section 123 further provides that GEP stack height shall not exceed two and one-half times the height of the source unless a demonstration is performed justifying a higher stack. In addition, Section 123 provides that the Administrator shall regulate only stack height credits, rather than actual stack heights.[3]

With respect to "other dispersion techniques" for which emission limitation credit is restricted, the statute is less specific. It states only that the term shall incude ICS or SCS. Regulations proposed at 49 FR 37542, September 24, 1984, would limit such systems for which credit may be allowed to those implemented prior to 1971.

Thus the statute delegates to the Administrator the responsibility for defining key phrases in Section 123: "excessive concentrations," "nearby," with respect to both structures and terrain obstacles, and "other dispersion techniques." It also requires the Administrator to define what constitutes an adequate demonstration justifying stack height credits in excess of 2.5 times the height of a source.

Rulemaking

On January 12, 1979 (44 FR 2608), EPA published a notice proposing limitations on stack height credit and other dispersion techniques. The notice proposed specific rules to be used in determining GEP stack height for any source and specific requirements for SIP's. EPA provided an extended period for the submission of public comments on this proposed regulation. EPA held a public hearing on May 31, 1979, followed by a 30-day period for submission of additional comments (44 FR 24329, April 25, 1979). EPA later requested comments on additional technical information (44 FR 40359, July 11, 1979; and 46 FR 24596, May 1, 1981). EPA then reproposed the regulation with changes made in response to the comments received (46 FR 49814, October 7, 1981). Finally, EPA promulgated the final regulation on February 8, 1982, at 47 FR 5864. Information concerning the development of the regulation was included in Docket Number A–79–01 and is available for inspection at the EPA Central Docket Section.

Litigation

Petitions for review of the 1982 regulation were filed in the D.C. Circuit within the statutory time period. In addition, petitions for reconsideration of the 1982 rule were filed by the Sierra Club Legal Defense Fund, Inc. and the Natural Resources Defense Council, Inc., on April 6, 1982, and by the Commonwealth of Pennsylvania on April 20, 1982. EPA published a notice denying these petitions at 47 FR 31321 (July 19, 1982).

Petitions to review the denial were also filed and consolidated with the previous petitions in the U.S. Court of Appeals for the D.C. Circuit. On October 11, 1983, the court issued its decision ordering EPA to reconsider portions of the stack height regulation, reversing certain portions and upholding other portions. The following is a summary of the court decision.

Plume Impaction

Sections 51.1(ll) and 51.12(l) of the regulation addressed pollutant concentrations estimated to occur when a plume interacts with elevated terrain, by allowing an increase in stack height credit to avoid excessive concentrations under such circumstances, and by allowing the Agency to consider increased stack height to avoid plume impaction in setting the degree of emission limitation required for sources in hilly areas. In reviewing this provision, the court observed that there was "* * * much to commend EPA's action from a policy perspective. Without EPA's plume impaction provisions, the law discriminates harshly against utilities located in mountainous terrain, for it will require them to emit for less than their flatland counterparts" (*Sierra Club* v. *EPA 719F. 2d at 455*). However, the court also held that, "In enacting Section 123, Congress clearly did not intend to legislate geographic equality. In fact, it specifically expected that the tall stacks provision would have a disproportionately heavy impact on polluters in mountain areas" (slip op. 37)(Id.). Accordingly, the court ruled that Section 123 did not permit EPA to make allowances for plume impaction in setting source emission limitations and reversed these portions of the stack height regulation.

Timetable for State Implementation

In the preamble to the final regulation, EPA provided a two-stage process for State implementation of the regulation. This process allowed 9 months for the drafting and submission of rules limiting stack height credit, providing 4 months for EPA review and approval, followed by an additional 9 months for States to revise their emission limitations to be consistent with the State rules. The court found the resulting 22-month period between promulgation of EPA's regulations and submission of revised emission limitations to be contrary to section 406(d)(2) of the Clean Air Act Amendments of 1977 and reversed the Agency's two-stage plan.

Excessive Concentrations

In § 51.1(kk) of the regulation, EPA defined excessive concentrations, based on traditional engineering practice, as a 40-percent increase in pollutant concentrations due to downwash, wakes, and eddy effects caused by structures or terrain features over that which would occur in the absence of such downwash, wakes, or eddy effects. While the court did not question the validity of traditional engineering practice, it held that EPA erred in failing to establish a correlation for the determination of excessive concentrations in a manner that was directly responsive to concerns for public health and welfare under the Clean Air Act. For this reason, the court remanded the definition of excessive concentrations to EPA with instructions to incorporate such a health and welfare related consideration.

Definition of Dispersion Techniques

In § 51.1(hh) of the stack height regulation, EPA defined "dispersion techniques" as those techniques which attempt to affect the concentration of a pollutant in the ambient air by using that portion of a stack exceeding GEP, by varying emission rates according to atmospheric conditions or ambient concentrations of a pollutant, or by addition of a fan or reheater to obtain a less stringent emission limitation. The court found that this definition was too narrow because it may have excluded some techniques that should have been prohibited. As a result, the court ordered EPA to develop broader rules disallowing credit for all dispersion techniques as the term is used in Section 123 of the Clean Air Act. In discussing the different options available to the Agency, the court specifically noted that

[3] The credit is the height assigned to the stack, irrespective of higher actual height, in calculating a source's emission limitations through the use of dispersion modeling.

EPA could either provide a more comprehensive list of prohibited techniques or could define the term broadly, listing specific practices that were to be excluded from that definition.

Automatic Credit for Stack Height Increases up to Formula Height

The definition of GEP stack height contained in § 51.1(ii) established several bases for determining GEP stack height. The first approach established a *de minimis* stack height up to which stacks would be allowed credit with no additonal demonstrations required. The second approach provided formulae that calculated GEP stack height based on the dimensions of nearby structures. The third approach based GEP stack height determinations on fluid modeling analyses or field studies of downwash, wakes, and eddy effects due to nearby structures or terrain obstacles. In its decision, the court found that EPA had not sufficiently established the adequacy of the formulae, holding that there appeared to be a reasonable possibility that the formulae provides more stack height credit in certain situations than was necessary to avoid excessive concentrations due to downwash, wakes, or eddy effects. Furthermore, the court held that the regulation allowed sources to increase the height of their existing stacks up to that allowed by the formulae without a demonstration that such increase is actually needed for the purpose of avoiding excessive concentrations due to downwash, wakes, or eddy effects. For these reasons, the court remanded the definition of GEP stack height to EPA to consider how well the formulae protect against excessive concentrations and whether they are sufficiently reliable to preclude the need for demonstrations to justify increasing the height of existing stacks.

The Allowance of Credit for New Sources Tied into Old Stacks Exceeding GEP Height

Section 51.12(k) of the regulation provided grandfathering protection from GEP requirements for stacks in existence on or prior to December 31, 1970. As written, the regulation did not prohibit sources constructed after December 31, 1970, from receiving credit for tying into grandfathered stacks. In the absence of an explanation from the Agency for not including such a prohibition, the court remanded this issue to EPA for justification.

Absence of a Specific "Nearby" Limitation for GEP Demonstrations

The regulation defines "nearby" for the purposes of application of the GEP stack height formulae as five times the lesser of either the height or projected width of the structure causing downwash, wakes, or eddy effects not to exceed one-half mile. No such distance limitation was placed on structures or terrain features in order for their effects to be considered in field studies and fluid modeling demonstrations. While the court agreed that placing such a limitation on terrain features and structures for the purpose of considering their effects in fluid modeling was clearly arbitrary, the court also held that such arbitrariness was apparently intended by Congress. Consequently, the court remanded this issue to EPA to apply the same "nearby" limitation to field studies and fluid modeling demonstrations.

Reliance on the 2.5H Formula

Section 51.1(ii)(2) of the regulation provided two separate formulae for the calculation of GEP stack height. For sources constructed on or before January 12, 1979, this formula established GEP stack height as 2.5 times the height of the source or other nearby structure (2.5H). Sources constructed after that date were subject to the second formula which specified that GEP stack height was equal to the height of the source or other nearby structure plus 1.5 times the height or width of that structure, whichever is the lesser (H + 1.5L). In reviewing these formulae, the court held that sources constructed on or before January 12, 1979 should not automatically receive the full stack height credit provided by the 2.5H formula, but should be required to demonstrate that the 2.5H formula was actually relied upon in the design of the stack in order to prevent downwash, wakes, and eddy effects caused by the nearly structure. Consequently, these provisions were remanded to EPA to take actual reliance on the 2.5H formula into account.

Plume Rise, Exclusion of Flares, and Definition of "In Existence"

Three other provisions of the regulation were challenged in the Sierra Club suit: The failure to consider plume rise in the establishment of GEP formulae, the exclusion of flares from the definition of "stack," and EPA's definition of "stacks in existence prior to December 31, 1970." In its review of these provisions, the court held that EPA had acted properly and upheld these portions of the regulation.

Other provisions of the stack height regulation, such as the *de minimis* stack height established under § 51.1(ii)(1), were not challenged in the suit and thus remain in effect.

Administrative Proceedings Subsequent to the Court Decision

On December 19, 1983, EPA held a public meeting to take comments to assist the Agency in implementing the mandate of the court. This meeting was announced in the **Federal Register** on December 8, 1983, at 48 FR 54999. Comments received by EPA are included in Docket Number A–83–49 and are available for review in EPA's Central Docket Section. On February 28, 1984, a group of affected industries filed a petition for a writ of certiorari with the U.S. Supreme Court. While the petition was pending before the court, the mandate from the U.S. Court of Appeals was automatically stayed. On July 2, 1984, the Supreme Court denied the petition (104 S.Ct. 3571), and on July 18, 1984, a mandate was formally issued by the U.S. Court of Appeals. This mandate implements the court's decision and requires the Agency to promulgate revisions to the stack height regulation not later than January 18, 1985.

Documents

In conjunction with the 1982 regulation, EPA developed several technical and guidance documents. These served as background information for the regulation, and all were included in Docket Number A–79–01. The following documents have been placed in the National Technical Information Service (NTIS) system and may be obtained by contacting NTIS at 5285 Port Royal Road, Springfield, Virginia 22161.

(1) "Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for Stack Height Regulations)," July 1981, EPA, Office of Air Quality Planning and Standards, EPA–450/4–80–023 (NTIS PB82 145301).

(2) "Guideline for Use of Fluid Modeling to Determine Good Engineering Stack Height," July 1981, EPA, Office of Air Quality Planning and Standards, EPA–450/4–81–003 (NTIS PB82 145327).

(3) "Guideline for Fluid Modeling of Atmospheric Diffusion," April 1981, EPA, Environmental Sciences Research Laboratory, EPA–600/8–81–009 (NTIS PB81 201410).

In developing the revisions being proposed today, the Agency also relied on the following additional reference materials. These served as background

information for the regulation. Copies of the documents are available in Docket Number A–83–49. Copies of EPA documents may also be available, depending on supply, from the EPA contact identified above.

(1) Draft "Guidance for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulation), (With Addenda)," November 1984.

(2) "Economic Impact Assessment for the Proposed Revisions to the EPA Stack Height Regulation," Draft, November 1984.

(3) "Determination of Good Engineering Practice Stack Height-A Fluid Model Demonstration Study for a Power Plant," April 1983, EPA, Environmental Sciences Research Laboratory, EPA–600/3–83–024 (NTIS PB 83207407).

Program Overview

Program

The revision proposed today redefines "excessive concentrations," "dispersion techniques," "Nearby," and certain other important concepts. It also modifies some of the bases for determining the GEP stack height for all sources to which this regulation applies.

This regulation does not limit the physical stack height of any source, or the actual use of dispersion techniques at a source, nor does it require any specific stack height for any source. Instead, it sets limits on the maximum credit for stack height and other dispersion techniques to be used in ambient air modeling for the purpose of setting an emission limitation and calculating the air quality impact of a source. Sources are modeled at their actual physical stack height unless that height exceeds their GEP stack height. The regulation applies to all stacks in existence and all dispersion techniques implemented since December 31, 1970.

Excessive Concentrations.

EPA is proposing two alternative approaches to this problem. First, pursuant to the court's opinion, EPA invites comment on whether the approach adopted in 1982, defining "excessive concentrations" in keeping with historic engineering practice, as a 40 percent increase over the levels in the absence of a downwash creating obstacle, in fact protects against dangers to health and welfare.

Second, in the event such a showing cannot be made, EPA is proposing a two-part definition of "excessive concentrations." The proposed regulation requires that the downwash, wakes, or eddy effects induced by nearby structures or terrain features results in an increase in ground-level pollutant concentrations that:

(a) Causes or contributes to an exceedance [3] of a NAAQS or applicable PSD increment; and

(b) Is at least 40 percent in excess of concentrations projected to occur in the absence of such structures or terrain features.

When a flow of air contacts a structure or terrain feature, a region of turbulent air is produced downwind of the structure with a high that is approximately 2.5 times the height of the obstacle. A plume entering this region, i.e., one emitted from a stack that does not exceed the height of the region, is rapidly brought to earth, with a resulting substantial increase in ground-level concentrations.

Because the NAAQS represent pollutant concentrations which the Agency has previously determined to result in adverse health and welfare effects, the inclusion of the exceedance of a NAAQS in the definition of "excessive concentrations" provides a straightforward response to the court's directive. Further information on health and welfare effects is contained in the criteria documents prepared in conjunction with the NAAQS for each pollutant.

The basis for inclusion of the remaining PSD increments in the definition of "excessive concentrations" is less obvious, but is derived from the congressional intent expressed in Section 160(1) of the Clean Air Act. EPA is not proposing to find that adverse health or welfare effects occur at ambient concentrations equivalent to the PSD increments, nor does the Agency believe that it is necessary to do so in order to adequately respond to the requirement established by the court. In its decision, the court ordered EPA to develop a standard that is "responsive to the concern for health and welfare that motivated Congress to establish the downwash exception." [4] In enacting Part C of the 1977 Clean Air Act Amendments, Congress itself stated that the purposes of this part are "(1) to protect public health and welfare from any actual or potential adverse effect which in the Administrator's judgment may reasonably be anticipated to occur from air pollution . . . notwithstanding attainment and maintenance of all national ambient air quality standards." [5] Consequently, EPA finds this determination by Congress to provide sufficient justification for inclusion of PSD increments, consistent with the court's mandate.

In its 1981 reproposal and 1982 promulgation, EPA expressed concerns about comparing the short-term, poorly-diluted pollutant concentrations that occur during downwash with the NAAQS and PSD increments, which represent concentrations measured over somewhat longer periods of time and after greater opportunity for dispersion. *See* 46 FR 49819 (October 7, 1981). These concerns still exist. The court's decision, however, requires EPA to find some way to link downwash-induced concentrations with adverse impacts on health and welfare. EPA's criteria documents show that pollutants affect health and welfare at the levels of the NAAQS: the statute and legislative history state that the PSD increments were intended to protect health and welfare. EPA, in the absence of other acceptable alternatives, believes that the NAAQS and PSD increments may constitute acceptable indicators for health and welfare affects under downwash conditions. Since, however, the NAAQS and PSD increments may not be ideal tools for measuring the effects of downwash, EPA particularly invites comments on other approaches to resolving this problem.

Requiring a source to show only that concentrations during downwash would exceed a NAAQS or PSD increment would not demonstrate that the downwash is significant enough to warrant stack height credit. Background pollutant levels or meteorological conditions might allow a source whose stacks emit only a few micrograms of a pollutant to cause or contribute to an exceedance. To ensure that sources obtain stack height credit only when downwash causes significant increases in ground level pollutant concentrations, the proposed regulation retains that portion of the 1982 regulation requiring that pollutant concentratons under downwash conditions be at least 40 percent greater in the presence of the obstacle than they would be without the obstacle.

As explained in the technical support document, researchers have found that a stack 2.5 times the height of a nearby structure reduces the effects of

[3] The term "exceedance" means a value in excess of the standard or PSD increment and should not be confused with "violation," which is defined separately for each pollutant. For additional information on the subject of exceedances versus violations, 40 CFR Part 50, and accompaning appendices further describes the NAAQS, sampling and determination methods. PSD requirements and the increments are described in 40 CFR 51.24 and 52.21.

[4] *Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir., 1983), page 28.

[5] Clean Air Act (42 U.S.C. 1857 et seq.), Park C. Section 160(1).

downwash produced by the structure so that it increases ground level pollutant concentrations by only 20 to 80 percent (extremely wide buildings and buildings oriented at a 45° angle to the wind were observed to produce increases approaching 80 percent). Consequently, EPA believes it is prudent to set its change in concentration requirements somewhere below this maximum. EPA selected 40 percent as a reasonably conservative choice from the middle of the range of impacts observed. Moreover, the engineeering community has traditionally accepted the increases in concentration due to downwash that were associated with the application of the 2.5H rule. These increases have been found to be in the range of 40 percent.

It was not necessary under the previous definition of "excessive concentrations" to establish a source emission limitation prior to conducting fluid modeling because the definition required only that sources show an increase in concentration due to downwash, wakes, or eddy effects. With the revised definition, it will be necessary to specify an emission rate in the fluid model, in order to determine whether a NAAQS or PSD increment is being exceeded. Consequently, the Agency will require in its technical support document that the emission limitation be established based on either: (1) The existing, approved emission limit; (2) any applicable technology-based emission limit, such as the new source performance standards (NSPS); or (3) the emission limit that would result from the use of GEP formula stack height, whichever is applicable to the source being modeled. Once the emission limitation is identified, fluid modeling may consider the actual downwash, wake, and eddy effects of nearby terrain features and structures on ground level concentrations. Sources will then be allowed to calculate stack height credit based on that height needed to eliminate excessive concentrations caused by such effects.

Definition of GEP Stack Height

The most important issue in this section of the regulations is the use of traditional (2.5H) and refined (H + 1.5L) formula for calculating GEP stack height. The court, in remanding this issue to EPA for further consideration, did not reject the use of a formula, but directed that the formula be reevaluated in light of any revised definition of excessive concentrations. The court also acknowledged elsewhere in its opinion that the formula would necessarily be a somewhat rough rule of thumb. The Agency believes that its reevaluation satisfies the remand and clearly demonstrates the continuing validity of both formula, with the exceptions noted below.

EPA is relying on the following considerations as the bases for its belief in the validity of the formula:

1. In response to the Court's questions concerning the accuracy of the formulae, EPA has reviewed fluid modeling studies for five separate power plants known to have predicted ambient concentrations as well as changes in concentrations due to downwash and found that, in four cases, the concentration predicted to occur with GEP formula stack heights exceeded both the 40 percent and the NAAQS criteria. When the 40 percent criterion was just met (i.e., by increasing stack height), further reductions in emissions would still be required in order to eliminate NAAQS exceedances under downwash conditions in three of these cases. The fifth case demonstrated a GEP stack height lower than that derived from the formula; however, the demonstrated GEP height was less than 10 percent lower than the formula height. This difference was not sufficient to significantly affect the source emission limitation. Generally a change in stack height credit of roughly 10 percent is not likely to significantly change the final emission limitation.

EPA also conducted several modeling exercises using the Industrial Source Complex Model in an effort to better define the reliability of the formula. The results of this modeling indicated that, when emission limitations are calculated based on controlling atmospheric stabilities other than downwash, and using a GEP formula stack, the predicted concentrations in all cases were greater than or equal to the NAAQS under downwash conditions.

2. EPA has found that the formula represents, not an average, but a lower limit, of the height needed to avoid the 40-percent increase in pollutant concentrations that the engineering community has traditionally regarded as excessive. Rather than being statistically distributed uniformly around the formula, the height needed to limit the impact of downwash to a 40-percent increase in concentration tends to be skewed toward greater than formula height. The reason for this skewed distribution is that the formula was developed based on the height needed to reduce downwash caused by a simple structure, with wind direction perpendicular to the side of the structure.

The original 2.5H formula was based on demonstrations of the height needed to avoid excessive concentrations that resulted from downwash caused by a cubic structure. The Agency subsequently reexamined that engineering rule and noted that it tended to overpredict the height needed to limit the impact of downwash when building heights exceeded their widths. EPA responded to this tendency by developing a formula (H + 1.5L) that more conservatively based stack height on the lesser of either the height or width of the structure producing downwash, wakes, or eddy effects. The Agency has more recently examined fluid modeling studies carried out subsequent to the development of the revised formula, and finds that these studies further corroborate the findings on which the H + 1.5L formula was based.

Structures more complex than simple cube- or block-shaped structures produce more complicated air disturbance patterns, which will increase, rather than decrease, ground-level concentrations due to downwash. EPA guidance on the use of the formula requires that the formula be applied to complex structures in a conservative fashion. Sources may not base formula stack height on the total dimensions of complex structures (such as tiered buildings) at their maximum heights and widths but, as described further in the technical support document, must restrict the dimensions that are used in a way that may underestimate the aerodynamic effects of the complex structures.

Finally, when buildings are positioned at an angle to the wind direction, their effective width is increased beyond that on which the formula is based. An angled position may result in an increase in downwash over that which occurs when the building is perpendicular to wind direction. Because the formula is based on studies that assumed a perpendicular wind direction, the formula tends to underpredict the height needed to reduce the impact of downwash to a 40-percent increase.

3. In the legislative history of Section 123, Congress clearly indicated that it expected the traditional 2.5H formula would accurately predict stack height credit in the majority of cases. The facts outlined above corroborate Congress' expectations by showing that, for most sources, the formula provides a conservative prediction of the amount of stack height needed to avoid excessive concentrations. Consequently, Congress' endorsement provides additional support for the use of the formulae.

4. In addition to the data and discussion presented above, EPA views

the formulae as essential for the operation of the Clean Air Act's air quality programs. The Agency is presently aware of fewer than 10 fluid modeling facilities in the United States that may be considered available to conduct the necessary studies to establish GEP stack height.[8] Given that it takes up to 3 months to conduct a fluid modeling study, EPA could expect States and sources to model at most 30 to 40 sources in a year. Since this proposal may affect 400 or more sources, it would not be possible to model all sources—or even a significant fraction of all sources—within the 9-month deadline for plan revisions required by the Clean Air Act and the court's decision.

The limitations on fluid modeling compel EPA to use some type of stack height formula. Despite the limited amount of data that exist to support the 2.5H and H + 1.5L formulae, EPA has found even less to support any alternative formula or screening method.

5. EPA sometimes found it necessary to use a formula when performing fluid modeling to determine GEP height. To determine whether downwash creates excessive concentrations, the modeler must specify an emission rate. If not already established as a part of the SIP or dictated by technology-based standards, such as NSPS, however, the modeler must perform dispersion modeling to determine an appropriate emission rate; this effort requires that a stack height be specified. Since the modeler cannot use fluid modeling until he sets an emission limitation, he must find an alternative method for estimating stack height. The formula is currently the best starting point.

In light of all these considerations, EPA is proposing to continue to allow use of the traditional and refined formulae to set stack height credits. EPA, however, is also proposing to place two new restrictions on the use of the formulae. The first restriction reflects the only two cases where EPA found that formulae may produce stack height credits greater than needed to reduce changes in concentrations to 40 percent: (1) "Porous" structures, such as the unenclosed metal supporting framework or "lattice" used in some refineries and powerplants; and (2) structures whose shapes are aerodynamically smoother than the block-shaped structure used in the development of the formula. The most common examples of such structures are hyperbolic cooling towers, and domed, rounded, or tapered buildings. In such cases, the wind disturbance patterns around the structures are not as well understood, and may not be as great as in the case of simple block structures. Presently, insufficient data exist, and the state of the analytical art is not yet advanced sufficiently to enable EPA to establish an engineering formula to calculate GEP stack height for these structures. While such a formula may be developed in the future, the Agency is currently proposing to require, in its revised GEP guideline document, that sources seeking credit for the effects of porous structures or structures that are domed, tapered or rounded, as in the examples noted above, conduct field studies or fluid modeling demonstrations to determine GEP stack height.

The Agency acknowledges that the effect of this requirement may be to: (1) Encourage owners of porous structures to enclose them, rather than conduct fluid modeling that may result in more restrictive emission limitations; and (2) discourage owners from constructing more aerodynamically smooth structures that could reduce the stack height needed to avoid excessive concentrations due to downwash, wakes and eddy effects. However, allowing use of the formula by the owners of such porous or aerodynamically smooth structures could result in the granting of more stack height credit than is needed to avoid excessive concentrations.

Also, EPA is proposing to revise § 51.1(ii)(2)(ii) of the regulation by providing that, although sources may generally receive formula stack height credit, EPA, the State or local air pollution control agency may require the use of a field study or fluid model if it believes that a further demonstration of GEP stack height is needed.

In light of the Agency's conclusions about the validity of the formula, and the new authority for air pollution control agencies to require specific demonstrations, EPA also believes that it has adequately responded to the court's directive to consider the need for sources to demonstrate the need to raise existing stacks to formula height. Consequently, no such demonstrations will be required unless specifically requested, as provided in the previous paragraph.

Finally, EPA is proposing to revise its restrictions on the use of the traditional formula. EPA is proposing to revise § 51.1(ii)(2)(i) of the regulation to require that, in order for stacks in existence on or before January 12, 1979 to receive stack height credit under the 2.5H formula, source owners demonstrate to EPA that this formula was actually relied on in the design of the stack.

EPA would consider contemporaneous documentary evidence, such as original engineering calculations and facility design plans attesting that the 2.5H equation was, in fact, used as the basis for the design of the facility stack, or that the facility relied on EPA guidance which based GEP stack height on the 2.5H formula. In addition, EPA is considering an alternative that would allow the submission of reconstructed documentation, such as affidavits from individuals and engineering firms responsible for the original design of the facility.

Definition of Nearby

EPA is also proposing to revise § 51.1(ii)(3) to limit the consideration of downwash, wakes, and eddy effects of terrain features only to those features that can be classified as being "nearby" as that term is defined in § 51.1(jj). In proposing this change, the Agency is specifically requesting comments on several aspects of the distance limitation.

For the purposes of demonstrations under § 51.1(ii)(3), terrain features would be considered to be "nearby" if such features fall within a distance of not more than 0.8 km (½ mile). Those portions of terrain falling beyond 0.8 km may be considered if they achieve at a distance of 0.8 km a height greater than or equal to 40 percent of the GEP stack height (i.e., 1/2.5H) calculated using the formula § 51.1(ii)(2)(ii). The extent to which such features may be considered is limited to those portions which fall within 10 times the maximum height of the features, not to exceed two miles.

The rationale for the 40-percent minimum height is that EPA presently allows consideration of structures up to such heights in the use of formula. The rationale for the maximum limit is as follows:

1. EPA conservatively estimates that the wake region proposed by a terrain feature extends downwind approximately 10 times the height of the feature. Current research suggests that this distance can be anywhere between 10 and 15 times the height of the feature.

2. The court indicated the need for a constrained distance limitation and the Agency does not believe that unlimited consideration of complex terrain in GEP determinations is warranted by the statute as indicated by the judicial opinion.

3. The downwash effects of terrain features exceeding 1200 feet within a distance of approximately 2¼ miles (or

[8] A listing of fluid modeling facilities of which EPA is presently aware is included in the docket; this listing should not be construed as an endorsement of any facility, nor a rejection of any other qualified facilities which may exist.

10 times 1200) cannot be overcome, in a practical sense, by construction of a GEP stack. Consequently, greater downwash effects would have to be addressed through reduced emissions.

This provision does not by any means guarantee that such terrain features will, in fact, produce downwash in the fluid model which will justify greater stack height. Rather, it limits the extent to which terrain effects may be considered in fluid modeling.

EPA is proposing to select one of the two options below for applying the distance limitation to new sources versus those sources in existence prior to the date of publication of this notice of proposed rulemaking. Option 1 uses the approach described above for new and existing sources. In Option 2, the Agency is considering an approach that differentiates between stacks in existence at the time this revision to the regulation is proposed and stacks constructed at a later date. Under this option, existing sources would use the approach described above. However, stacks constructed after the date of promulgation of this rule would be modeled using only those portions of terrain features which fall within 0.8 km (½ mile) of the stack. EPA's rationale for this approach is based on its opinion that future sources have greater flexibility to locate in less complex terrain and that, under such circumstances, the Agency should be somewhat more restrictive in allowing stack height credit for terrain effects.

Additionally, the Agency must decide how fluid modeling of the effects of terrain features should be conducted. In preliminary investigations, three general approaches have emerged, and are summarized here (further information on these approaches is included in the technical support document for this proposed rulemaking).

a. Establishing a model baseline that assumes no influencing terrain or structure, i.e., assuming a flat plane up and downwind of the stack; to evaluate the effects of structures and terrain features, a second model run would be conducted by inserting all nearby structures and terrain features, but "cutting off" all structures and terrain beyond the distance limitation such that it appears as a smooth and level plane in the model.

b. Establishing a model baseline in the same manner as the first approach; to evaluate the effects of nearby structures and terrain, the features would be inserted into the model, smoothing and sloping the terrain beyond the distance limitation downward into a single oblique plane.

c. Establishing a model baseline by initially representing in the model all relevant terrain features beyond a distance of 0.8 km for new sources or, for existing sources, $10H_t$, not to exceed 2 miles, but excluding the nearby features, i.e., smoothing and sloping those features falling within the distance limit to minimize their effects; to evaluate the effects of nearby terrain, these latter features would then be inserted into the model, and the resulting concentrations compared to the baseline.

The Agency is presently inclined to adopt the third approach as most accurately distinguishing between the effects of near and far terrain features, but is requesting further comment on the appropriateness of each approach. Additional information on the approaches is contained in the technical support document to this proposal.

In proposing these revisions to the definition of "nearby," EPA recognizes that distance limitations are somewhat arbitrary in nature, but feels that the proposal best comports with the instructions given by the court. The Agency intends to continue to examine the effects of terrain on atmospheric downwash, and the relationship between terrain-induced downwash effects and those produced by structures. In this regard, EPA solicits additional information on terrain-induced downwash, and alternative approaches to satisfying the court remand on this issue.

Definition of Dispersion Techniques

EPA is proposing to revise the definition of "dispersion techniques" to include any practice intended to increase final plume rise. The reason for this inclusion is that, regardless of actual stack height, increasing final plume rise can have the result of increasing the effective release height of pollutants into the atmosphere. A greater effective release height, in turn, can lead to less stringent emission limitations and greater dispersion of pollutants than is justified to avoid excessive concentrations due to downwash, wakes, and eddy effects.

EPA is requesting comment on defining the circumstances under which the combining of gas steams should not be considered a prohibited dispersion technique. The Agency is proposing to allow sources to take credit for such merging of gas streams: (1) Where the facility was originally designed and constructed with merged gas streams, or (2) where it is associated with a change in operation at a facility that includes the installation of pollution control equipment that results in a net reduction in total pollutant emissions.

Sources may combine stacks, or exhaust gas streams in order to use more effective control technologies, which can yield significant reductions in pollutant emissions. A prime example of this is the combining of stacks for the purpose of installing an electrostatic precipitator. EPA is proposing to allow such a source to perform modeling to establish its TSP emission limitation in a way that considers the plume enhancement effects of combining stacks. However, if no additional SO_2 reductions are produced through the change in operation, EPA is proposing that modeling to set the SO_2 emission limitation not be allowed to consider the plume enhancement effect.

Facilities have been traditionally designed, as a standard engineering practice, with multiple flue stacks, or with several emission points ducted into a common stack. Existing facilities, in the process of upgrading their equipment, frequently resort to combining of stacks in place of several existing stacks. While this practice can increase the bouyancy of the effluent gas stream, resulting in higher plume rise and greater dispersion, there are a number of economic reasons for such practices, which may be independent of their potential effects on emission limitations. These economic considerations include the costs of constructing and maintaining separate stacks, limits on the available land, and the cost savings of combining gas streams for the application of a single piece of pollution control equipment over the costs of installing control equipment on numerous separate stacks.

In response to these concerns, EPA has considered several additional alternatives for determining when the practice of merging gas streams should be excluded from the definition of prohibited dispersion techniques. These alternatives are:

1. The resulting stack height is less than the *de minimis* 65 meter height;

2. The maximum allowable emissions are less than 5000 tons per year (or some other size limit);

3. The source demonstrates that the merging of gas streams is for sound engineering or economic reasons; and

4. The source demonstrates, on a case-by-case basis, that such merging is associated with installation of pollution control devices, irrespective of the effect on emissions.

The Agency's rationale for considering Alternatives 1 and 2 is that the emissions from sources eligible for such exemptions are relatively small

and the higher plume rise resulting from merged gas streams in these cases would not have so great an effect on the sources' emission limitations as to contribute significantly to total pollutant burden.

Alternative 3 would acknowledge the many engineering and economic reasons for emerging gas streams and would allow credit for such merging where a source demonstrates to the satisfaction of EPA that the justification for merging gas streams is independent of any potential effect on the source emission limitation. The Agency acknowledges that this approach is inherently subjective and involves some test of intent that might be difficult to administer.

Alternative 4 would presume that if a source is combining the merging of gas streams with the installation of pollution control equipment, that such merging is not being undertaken in order to avoid a more stringent emission limitation, but is being carried out for other reasons. This approach would require some limitation in its application to prevent sources from taking credit for the allow merging of gas streams if the change in operations would yield no significant benefit in controlling pollutant emissions.

EPA's present regulation excludes smoke management in agricultural and silvicultural prescribed burning programs. The Agency is proposing additional exclusions for episodic restrictions on residential woodburning and debris burning. Programs incorporating such restrictions are currently being carried out by a number of State and local agencies around the country as part of EPA-approved SIP's, and can be used to provide expeditious relief in some areas during periods of atmospheric stagnation. EPA does not believe that Congress intended regulation of these source categories under Section 123 of the Clean Air Act.

EPA requests comments on the alternatives described above, and on other bases for excluding the merging of exhaust gas streams from the definition of prohibited dispersion techniques. EPA will consider in the future whether to include or exclude other practices from the definition of dispersion techniques.

New Sources Tied into Pre-1971 Stacks

Where, after December 31, 1970, a new source, or an existing source for which a major modification, as defined in 40 CFR 51.18(j)(1)(v)(*a*), 51.24(b)(2)(i), and 52.21(b)(2)(i), is carried out, has tied into a grandfathered stack of greater than GEP height, EPA is proposing to allow credit only for so much stack height as conforms to GEP, as defined in Sections 51.1 (ii) and (hh) of this proposal. Sources in existence on or before December 31, 1970, for which modifications after that date are not classified as "major," will be allowed to retain full credit for height of the grandfathered stack.

EPA's rationale for the above distinction is that sources in existence on or before December 31, 1970, and in need of minor modification, have limited flexibility, and such modifications would not significantly affect an existing emission limitation. New sources and sources contemplating reconstruction or major modification are better able to accommodate the effects of reducing stack height credit, either through the application of greater emission controls or through relocation to areas with less complex terrain.

State Implementation Plan Requirements

All States would be required to review and revise, as necessary, their SIP's to comply with this new regulation on stack height credits and dispersion techniques. Extensive State and Federal effort will be necessary to review, in detail, all emission sources in accordance with the stack height requirements.

In accordance with Section 406(d)(2)(b) of the Act, revisions to SIP's that are required by the stack height regulation must be submitted within 9 months after promulgation of the regulation. Where existing emission limitations are affected by stack height credit above GEP, the SIP revisions will be required to include any changes needed to bring the limitations into conformance.

Sources in rugged terrain may face serious implementation problems when using current complex terrain screening models to establish emission limitations. Although EPA is currently developing more refined complex terrain models, such models will not be available in time for implementing Section 123. Accordingly, EPA is soliciting comment on whether allowance should be made for implementation problems created by application of GEP stack height credit assumptions to complex terrain sources and, if so, how should allowance be made.

Interim Guidance

EPA intends to use the proposed regulation to govern stack height credits during the period before promulgation of the final regulation. Any stack height credits based on this interim guidance would be subject to review against the final rules and may need to be revised.

Impact Analysis

The air quality and economic impact of the stack height regulation is directly related to the degree that actual stack heights conform to GEP stack heights. Thus, in general when the regulation is applied to tall stack facilities, i.e., those with stack heights greater than GEP, it will have the potential for producing positive air quality impacts (emission reductions and negative economic impacts (increased control cost). Impacts on short stack facilities, if permitted to raise their stacks, are expected to be the reverse.

A preliminary evaluation of the potential air quality impacts and a cost analysis of the regulation was performed on a sample of the potentially affected sources. The impacts identified have been established in isolation of other regulatory requirements. For example, for sources affected by NSPS in 40 CFR Part 60, the degree of emission reduction required by such standards may greatly exceed the degree of emission reduction determined to be needed for the source when it is modeled with a GEP stack height. In this example, the stack height regulation impacts are clearly hypothetical ones and would only have a quantifiable effect if the NSPS did not exist.

The report predicts a range of impacts, from a "low impact" scenario that presumes that many potentially affected sources will be able to justify their existing stack heights, configurations, and emission limitations to a "high impact" scenario which assumes that all of the potentially affected sources will be required to reduce their emissions to some degree. In this regard, the report predicts that the proposed revisions to the regulation will impose annualized costs of between $300 million and $1.4 billion, with total capital costs of between $900 million and $4.6 billion. Reductions in sulfur dioxide emissions are projected within a range of 790,000 tons to 2.88 million tons. To a great extent, affected sources will be able to respond to these changes in the regulation through conversion to lower sulfur fuel. However, some sources may have to install additional control equipment, i.e., scrubbers, and there is likely to be some increase in reliance on those sources with scrubbers already in place.

Regulatory Flexibility Analysis

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have significant economic impacts on a substantial number of small entities. This rule is structured to

apply only to large sources; i.e., those with stacks above 65 meters (213 feet). Based on an analysis of impacts, electric utility plants and possibly several smelters and pulp and paper mills will be significantly affected by this regulation.

Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. EPA's initial analysis of economic impacts predicts a potential cost to emission source owners and operators exceeding $100 million; therefore, this is a major rule under Executive Order 12291. However, due to the 6-month promulgation deadline imposed by the court, EPA did not have sufficient time to develop a full analysis of costs and benefits as required by the Executive Order. A preliminary economic impact analysis has been prepared and is in the docket. Consequently, it is not possible to judge the annual effect of this rule on the economy. This proposal was reviewed by the Office of Management and Budget.

Solicitation of Comments

The Agency actively solicits comments on all aspects of the proposed regulation.

List of Subjects in 40 CFR Part 51

Administrative practice and procedure, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

(Sec. 110, 301(a), and 123, Clean Air Act as amended, (42 U.S.C. 7410, 7601(a) and 7423))

Dated: November 7, 1984.

William D. Ruckelshaus,

Administrator.

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

It is proposed to amend Part 51 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. Section 51.1 is amended by revising paragraphs (hh), (ii), (jj), and (kk) as follows:

§ 51.1 Definitions.

* * * * *

(hh)(1) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:

(i) Using that portion of a stack which exceeds good engineering practice stack height;

(ii) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

(iii) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

(2) The preceding sentence does not include:

(i) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of exhaust gas streams where:

(A) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams; or

(B) Such merging is associated with a change in operation at the facility that includes the installation of pollution control equipment which results in a net reduction in total emissions of the pollutant being controlled. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such control equipment;

(iii) Smoke management in agricultural or silvicultural prescribed burning programs; or

(iv) Episodic restrictions on residential woodburning and debris burning.

(ii) "Good engineering practice (GEP) stack height" means the greater of:

(1) 65 meters;

(2) (i) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR Parts 51 and 52,

$$Hg = 2.5H,$$

provided the owner or operator produces evidence that this equation was actually relied on in designing the stack to ensure protection against downwash;

(ii) For all other stacks,

$$Hg = H + 1.5L,$$

where

Hg = good engineering practice stack height, measured from the ground-level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack,

L = lesser dimension (height or projected width) of nearby structure(s),

provided that the EPA, State or local control agency may require the use of a field study or fluid model to determine GEP stack height for the source; or

(3) The height demonstrated by a fluid model or a field study approved by the EPA, State or local control agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(jj) "Nearby" as used in paragraph (ii) of this section is defined for a specific structure or terrain feature and for purposes of applying the formulae provided in paragraph (ii)(2) of this section means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 km (½ mile), and for conducting demonstrations under paragraph (ii)(3) of this section means not greater than 0.8 km (½ mile). The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

Option 1

For purposes of demonstrations under paragraph (ii)(3) of this section, terrain features may be considered to be nearby if such features fall entirely within a distance of 0.8km (½ mile) from the stack. Portions of terrain features which extend beyond 0.8km may be considered up to a distance equal to 10 times the maximum height of the features, not to exceed 2 miles, if such features achieve a height 0.8km from the stack that is greater than or equal to 40 percent of the GEP stack height determined by the formulae provided in paragraph (ii)(2)(ii) of this section, as measured from the ground-level elevation at the base of the stack.

Option 2

For stacks in existence prior to (date of promulgation), terrain features may be considered to be nearby for purposes of demonstrations under paragraph (ii)(3) of this section if such features fall entirely within a distance of 0.8 km (½ mile) from the stack. Portions of terrain features which extend beyond 0.8 km may be considered up to a distance equal to 10 times the maximum height of the features, not to exceed 2 miles, if such features achieve a height 0.8 km from the stack that is greater than or

equal to 40 percent of the GEP stack height determined by the formulae provided in paragraph (ii)(2)(ii) of this section, as measured from the ground-level elevation at the base of the stack.

For stacks on which construction was commended after (date of promulgation), only those portions of terrain features which fall within a distance of not more than 0.8 km (½ mile) may be considered to be nearby for purposes of demonstrations pursuant to paragraph (ii)(3) of this section.

(kk) "Excessive concentration" for the purpose of determining good engineering practice stack height means a maximum ground level concentration due to emissions from a stack due in part or whole to downwash, wakes, or eddy effects produced by nearby structures or terrain features which individually is at least 40 percent in excess of the maximum concentrations experienced in the absence of such downwash, wakes, or eddy effects (and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program (40 CFR 51.24 and 52.21) an excessive concentration is a maximum ground level concentration due to emissions from a stack due in part or whole to downwash, wakes, or eddy effects produced by nearby structures or terrain features which individually is at least 40 percent in excess of the maximum concentrations experienced in the absence of such downwash, wakes, or eddy effects and that is greater than that permitted by an applicable prevention of significant deterioration increment.) [1]

§ 51.1 [Amended]

2. Section 51.1 is amended by removing paragraphs (ll) and (mm).

§ 51.12 [Amended]

3. Section 51.12 is amended by removing paragraph (l).

4. Section 51.12(j) is amended by removing "and (l)" from the first sentence.

[1] The language in parentheses would be added if the second option under "Nearby" is adopted.

5. Section 51.12(k) is revised as follows:

§ 51.12 Control strategy: General

* * * * *

(k) The provisions of paragraph (j) of this section shall not apply to stacks in existence, or dispersion techniques implemented on or before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techiques by sources, as defined in section 111(a)(3) of the Clean Air Act, which were constructed, or for which major modifications, as defined in §§ 51.18(j)(1)(v)(*a*), 51.24(b)(2)(i) and 52.21(b)(2)(i), were carried out after December 31, 1970.

* * * * *

§ 51.18 [Amended]

6. Section 51.18(l) is amended by removing "and (l)" from the first sentence.

[FR Doc. 84-29713 Filed 11-8-84; am]
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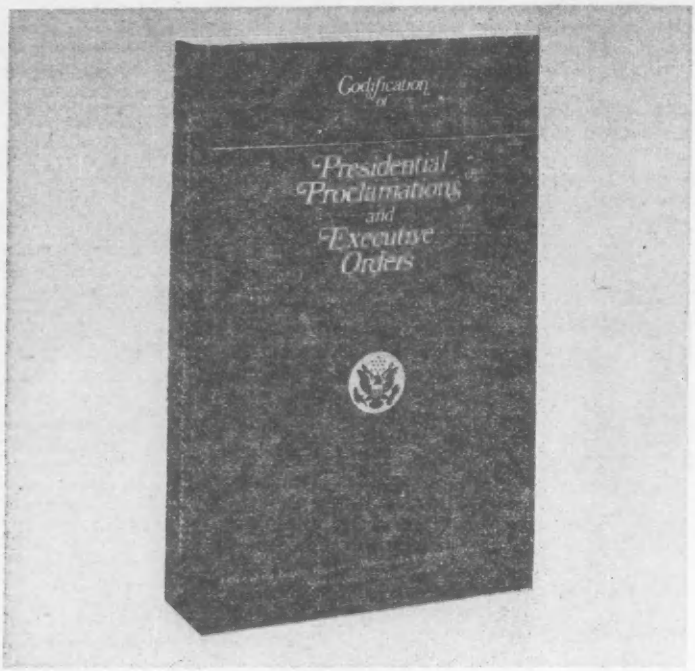

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