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federal register

Friday
October 12, 1984

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Environmental Protection Agency

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Civil Aeronautics Board

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Hazardous Waste
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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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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 485]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 200,000 cartons during the period October 14–20, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: October 14, 1984.

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

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

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

This action is consistent with the marketing policy currently in effect. The committee met publicly on October 9, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is easier.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.785 is added as follows:

§ 910.785 Lemon Regulation 485.

The quantity of lemons grown in California and Arizona which may be handled during the period October 14, 1984, through October 20, 1984, is established at 200,000 cartons.

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

Dated: October 10, 1984.

Thomas R. Clark,

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

[FR Doc. 84–27180 Filed 10–11–84; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Temporary Revision of Diversion Limitation Percentages

AGENCY: Agriculture Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes for the months of October 1984 through March 1985 the limit on how much milk not needed for fluid (bottling) use may be moved directly from farms to nonpool manufacturing plants and still be priced under the Nebraska-Western Iowa order. The revision is made in response to a request by a cooperative association representing a substantial number of producers supplying the market in order to prevent uneconomic movements of milk.

EFFECTIVE DATE: October 12, 1984.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington D.C. 20250 (202) 447–2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Proposed Temporary Revision of Diversion Limitation Percentages: Issued September 17, 1984; published September 21, 1984 (49 FR 37102).

William T. Manley, Acting Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*) and the provisions of § 1065.13(d)(4) of the Nebraska-Western Iowa milk order.

Notice of proposed rulemaking was published in the **Federal Register** (49 FR 37102) concerning a proposed increase in the amount of milk that may be moved directly from producer farms to nonpool manufacturing plants for the months of October 1984 through March 1985. Interested parties were afforded

the opportunity to comment on the proposal by submitting written data, views, and arguments. No comments in opposition to the proposal were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that the diversion limitation percentage as set forth in § 1065.13(d) should be increased from the present 40 percent to 50 percent for the months of October and November 1984, and from 40 percent to 60 percent for the months of December 1984 through March 1985.

Pursuant to the provisions of § 1065.13(d)(4), the diversion limitation percentages as set forth in § 1065.13(d) (2) and (3), respectively, may be increased or decreased up to 20 percentage points during any month. Such changes may be made to encourage additional needed milk shipments to pool distributing plants or to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Associated Milk Producers, Inc., a cooperative association which represents producers supplying the Nebraska-Western Iowa market, requested that for the months of October and November 1984, the percentage of allowable diversions be increased 10 percentage points, and for the period December 1984 through March 1985, the diversion limits be increased 20 percentage points.

The basis of the cooperative's request is that for the period in question, the order provisions require more milk to move through pool plants than is necessary to meet the fluid, or bottling requirements of the market. The cooperative cited improved milk quality as a result of less pumping and more economic hauling as the benefits to be gained from the proposed temporary relaxation. According to the cooperative, the financial status of its producer members may be jeopardized unless the more economic hauling practices resulting from increased diversion allowances can be adopted.

The cooperative also stated that diversion percentages should be the reciprocal of supply plant shipping percentages in order to allow the maximum amount of milk to move directly to manufacturing. The 50-percent diversion limit for October and November, and 60-percent limit for the period December 1984 through March 1985, will complement the 50-percent (temporarily revised) supply plant requirement for October and November and the 40-percent supply plant standard for December through March.

Without the temporary revision, milk of some dairy farmers would first have to be received at a pool plant to qualify it for pooling rather than being shipped directly from the farm to nonpool manufacturing plants for surplus use. These requirements would result in costly and inefficient movements of milk. It is concluded that the relaxation of the diversion limits by 10 percentage points for October and November 1984, and by 20 percentage points for the months of December 1984 through March 1985, will prevent uneconomic movements of milk through pool plants merely for the purpose of qualifying it as producer milk under the order.

It is hereby found and determined that thirty days' notice of the effective date is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing in the marketing area for the months of October 1984 through March 1985;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the months of October 1984 through March 1985.

List of Subjects in 7 CFR Part 1065

Milk marketing orders, Milk, Dairy products.

It is therefore ordered. That in paragraphs (d) (2) and (3) of § 1065.13 the provision "40 percent" is revised to "50 percent" for the months of October and November 1984, and to "60 percent" for the months of December 1984 through March 1985.

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

Effective Date: October 12, 1984.

Signed at Washington, D.C. on: October 9, 1984.

Joel L. Blum,

Acting Director, Dairy Division.

[FR Doc. 84–27039 Filed 10–11–84; 8:45 am]

BILLING CODE 3410–02–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Interim Emergency Rule for Services

AGENCY: Small Business Administration.

ACTION: Interim Emergency Rule.

SUMMARY: SBA is immediately establishing, on an interim basis, a residual size standard for services of $3.5 million average annual receipts. This applies to all services not specifically listed with individual size standards in § 121.2. This action is being taken to reduce the need to issue separate notices in the **Federal Register** for individual industries in services which do not presently have their own size standards.

DATES: This regulation is effective October, 12, 1984. Submit comments by December 11, 1984.

ADDRESSES: Submit Comments To: Andrew A. Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW.—Room 500, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Andrew A. Canellas, (202) 653–6373.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Act, 15 U.S.C. 631, et seq., and 13 CFR 121.10(b), in urgent situations SBA may put into effect interim emergency size standards when needed for program purposes if no size standard exists for the industry in question. SBA believes there is an urgent need for the immediate establishment of this rule to facilitate the operation of SBA programs and to reduce the need to publish separate notices in the **Federal Register** for individual service industries.

On February 9, 1984, SBA published a Final Rule (49 FR 5024) revising the size standards. Not all industries, however, were given separate size standards because of lack of need or because certain industries were outside the traditional scope of SBA assistance. This is especially true in services. Out of 131 industries in services, only 106 have separately listed size standards in § 121.2.

Since February, SBA has received numerous requests in industries without size standards for the immediate establishment of size standards, especially in services. These requests were made in order to facilitate the delivery of the SBA procurement set-aside or financial assistance programs. By regulation § 121.10), SBA must issue an interim emergency rule to comply with requests which require expedited

action. Public comments, however, are invited on this action.

Because of the administrative complexity of issuing rules piecemeal in the **Federal Register** and because of the lack of size standards in various service industries, SBA is establishing a general size standard of $3.5 million applicable to those industries which do not have specific size standards in services. Prior to the February final rule revising the size standards, SBA employed residual size standards for broad areas of industry, including services. Thus, this rule restores the longstanding use of this provision. A residual size standard would therefore reduce the need for separate **Federal Register** notices to deal with those activities which presently lack size standards. It would also facilitate decisions by program officials as to the appropriate size standard to use.

The size standard of $3.5 million is being used because it is the lowest generally used size standard in the SBA regulations. Preliminary economic analysis indicates that the structure of these services industries—competitive with low average firm size—is such that a $3.5 million size standard would be appropriate. Also, for administrative reasons, SBA has determined that a minimum size standard of $3.5 million should be used regardless of industry. This is consistent with the February 9, 1984, final rule and prior notices. For individual industries different size standards could be established separately in later actions but, in the interim, the general size standard of $3.5 million should be used.

This action is being undertaken in conformity with section 8 of Executive Order 12291 and section 608 (5 U.S.C. 608) of the Regulatory Flexibility Act, as well as the Administrative Procedures Act, 5 U.S.C. 553(b)(A). There are no recordkeeping or paperwork requirements inherent in the regulation. SBA will publish a final rule on this regulation after the expiration of the comment period.

List of Subjects in 13 CFR Part 121

Small businesses, Standard Industrial Classification Codes.

Accordingly, pursuant to 15 U.S.C. 634(b)(7) of the Small Business Act, SBA hereby amends Part 121 of 13 CFR § 121.2(c)(2), Division I by inserting a center heading after "Division I—Services" to read as follows:

§ 121.2 [Amended]

(c) * * *

(2) * * *

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Division I—Services

For industries not specifically listed in this division, the size standard is $3.5 million.

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James C. Sanders,

Administrator.

Dated: September 24, 1984.

[FR Doc. 84-26612 Filed 10-10-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-113-AD; Amdt. 39-4932]

Airworthiness Directives; British Aerospace Model DH/HS/BH 125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to certain British Aerospace Model DH/HS/BH 125 airplanes which requires replacement of fuses and installation of covers on an electrical panel. There has been an incident on the ground that seriously damaged an airplane due to a short circuit on this panel. These actions are needed to prevent electrical failures in the panel which could cause a fire in the aircraft.

DATE: Effective November 14, 1984. Comments must be received on or before the effective date.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the Federal Aviation Administration, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington. Submit comments in duplicate to the following address: FAA, Northwest Mountain Region, Office of the Regional Counsel, Attn: Airworthiness Rules Docket No. 83-NM-113-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region; telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority of the United Kingdom (CAA) has classified British Aerospace 125 Service Bulletins 24-239-(2885) and 24-220-(2749) as mandatory. Incidents have been reported where resetting a circuit breaker after an electrical system failure led to rupture of the main electrical bus feeder fuses. Service Bulletin 24-239-(2885) prescribes replacement of the two existing 80 amp fuses on the 'ZL' panel with 100 amp fuses. In another incident also related to the 'ZL' panel, an aircraft was badly damaged on the ground when a mechanic created a short circuit in the panel. Service Bulletin 24-220-(2749) prescribes the addition of protective covers on the 'ZL' panel.

A Notice of Proposed Rulemaking (NPRM) to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of fuses and installation of covers on the 'ZL' electrical panel was published in the **Federal Register** on January 4, 1984 (49 FR 415). The comment period closed February 20, 1984, and interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received.

Three persons commented on the NPRM. One commenter stated no objection to the amendment. The second commenter indicated that the number of airplanes affected was higher than the number indicated in the economic impact statement in the Notice. Accordingly, the economic impact statement contained in the preamble of this AD has been changed to reflect a greater number of airplanes affected and the associated costs. There is no change in the wording of the amendment itself, since it contains no economic impact statement.

The third commenter pointed out that aircraft retrofitted with Garrett TFE 731-3 engines in accordance with Supplemental Type Certificates (STC) SA3870WE or SA3925WE could not have the upper covers for the 'ZL' panel installed in accordance with British Aerospace 125 Bulletin 24-220-(2749) due to wiring change. The commenter added that for these airplanes, the installation of covers on the 'ZL' panel should be accomplished in accordance with AiResearch Aviation Service Bulletin 6-7. The FAA has investigated this problem and, as a result, AiResearch Aviation Service Bulletin 6-7 has been added to the final rule. Minor

editorial changes have also been accomplished in the final document.

After the NPRM was published, the manufacturer issued Revision 1 to Service Bulletin 24–239–(2885). In this revision, five airplanes were added to those requiring replacement of fuses. Operators of these airplanes have not had the opportunity to comment on the NPRM. The FAA has, therefore, extended the compliance time from 60 days to 90 days and will accept comments from the operators of these five additional airplanes, series 1A with manufacturer serial numbers 020, 023, 032, 038, and 079. Comments must be received before the effective date of the AD to be considered. The AD may then be amended in light of the comments received.

It is estimated that 276 U.S. registered airplanes will be required to replace fuses, that it will take one manhour per airplane to accomplish the work, and that replacement parts will cost $50 per airplane; in addition, 135 U.S. registered airplanes will be required to install covers, it will take 5 manhours to accomplish the work, and replacement parts will cost $900 per airplane. The average labor cost is $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $173,340.

For these reasons, this rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected.

Accordingly, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes mentioned above.

List of Subjects: 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

British Aerospace

Applies to all Model DH/HS/BH 125 series airplanes certificated in all categories, with the serial numbers specified in the service bulletins listed below. Compliance is required as indicated. To prevent electrical failures in the 'ZL' panel, accomplish the following within the next 90 days after the effective date of this AD unless previously accomplished:

A. Replace the two existing 80 amp fuses on the 'ZL' panel with 100 amp fuses, in accordance with the Accomplishment Instructions of British Aerospace 125 Aircraft Service Bulletin 24–239–(2885), Revision 1, dated February 27, 1984.

B. Install covers on the 'ZL' panel as follows:

1. For aircraft that have accomplished STC SA3870WE or STC SA3925WE, in accordance with the Accomplishment Instructions of AiResearch Aviation Company Service Bulletin No. 6–7, dated October 25, 1983.

2. For any other aircraft fitted with Garrett TFE 731–3 engines, in accordance with the Accomplishment Instructions of British Aerospace 125 Aircraft Service Bulletin 24–220–(2729), Revision 3, dated March 3, 1983.

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

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

This amendment becomes effective November 14, 1984.

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

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model HS/BH/DH 125 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **FOR FURTHER INFORMATION CONTACT.**

Issued in Seattle, Washington, on October 1, 1984.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 84–26968 Filed 10–11–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 95

[Docket No. 24270; Amdt. No. 320]

Air Traffic and General Operating Rules, IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: October 25, 1984.

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

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Administration (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.

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

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

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

Kenneth S. Hunt,

Director of Flight Operations.

BILLING CODE 4910-13-M

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 320 EFFECTIVE DATE, OCTOBER 25, 1984

FROM	TO	MEA
§95.1001 DIRECT ROUTES-U.S.		
IS ADDED TO READ		
NANTUCKET, MA VORTAC *1700 - MOCA	BOSTON, MA VORTAC	*3900
WILKES-BARRE, PA VORTAC	LATTY, NY FIX	4000 MAA-10000
IS AMENDED TO READ IN PART		
EAST TEXAS, PA VORTAC	RAVINE, PA VORTAC	3400
IS AMENDED TO DELETE		
ANCHORAGE OCEANIC CONTROL BDRY VIA CONTROL 1400 *2000 - MOCA	GARRS, AK FIX	*3000
FLUKE, AK FIX VIA CONTROL 1483	ANCHORAGE OCEANIC CONTROL EAST BOUNDARY	3000
GARRS, AK FIX VIA CONTROL 1400 *2000 - MOCA	ANCHORAGE OCEANIC CONTROL EAST BOUNDARY	*3000
GARRS, AK FIX VIA CONTROL 1400 *2000 - MOCA	SALDO, AK NDB	*3000
GROTON, CT VOR *1400 - MOCA	INT TMU VOR 264 & ORW VORTAC 241	*2000
HERRY, AK FIX VIA CONTROL 1401 *2000 - MOCA	KING SALMON AK LOM	*3000
LEBANON, NH VOR/DME VIA LEB VOR/DME 135 & PSM VOR 317	PEASE, NH VOR	10000 MAA-26000
OSCARVILLE, AK NDB VIA CONTROL 1483 *2500 - MRA **1400 - MOCA	*FLUKE, AK FIX	#**2000
#HF COMMUNICATION REQUIRED BELOW 2500'.		
WOODY ISLAND, AK NDB VIA CONTROL 1217	MARLO, AK FIX	4000
ATLANTIC ROUTES		
AR 10 IS ADDED TO READ		
MIAMI, FL VORTAC *2000 - MOCA	BEEAN, BF FIX	*5000

FROM	TO	MEA
§95.1001 DIRECT ROUTES-U.S.—Continued		
AR 11		
MIAMI, FL VORTAC *2000 - MOCA	KUPEC, BF FIX	*5000
§95.6003 VOR FEDERAL AIRWAY 3		
IS AMENDED TO READ IN PART		
PALM BEACH, FL VORTAC *2000 - MOCA	VERO BEACH, FL VORTAC	*3000
§95.6006 VOR FEDERAL AIRWAY 6		
IS AMENDED TO READ IN PART		
OAKEY, CA FIX VIA S ALTER.	SACRAMENTO, CA VORTAC VIA S ALTER.	2500
§95.6014 VOR FEDERAL AIRWAY 14		
IS AMENDED TO READ IN PART		
DUNKIRK, NY VORTAC *2300 - MOCA	BUFFALO, NY VORTAC	*2800
§95.6016 VOR FEDERAL AIRWAY 16		
IS AMENDED TO READ IN PART		
CALVERTON, NY VORTAC	SALEM, CT FIX	2000
§95.6018 VOR FEDERAL AIRWAY 18		
IS AMENDED BY ADDING		
GUTHRIE, TX VORTAC *3500 - MOCA	MILLSAP, TX VORTAC	*9500
§95.6023 VOR FEDERAL AIRWAY 23		
IS AMENDED TO READ IN PART		
LODDI, CA FIX VIA W ALTER.	SACRAMENTO, CA VORTAC VIA W ALTER.	3000
§95.6097 VOR FEDERAL AIRWAY 97		
IS AMENDED TO READ IN PART		
WINCO, FL FIX *1400 - MOCA	LA BELLE, FL VORTAC	*2000
GILBI, FL FIX VIA E ALTER. *1400 - MOCA	LA BELLE, FL VORTAC VIA E ALTER.	*2000

FROM	TO	MEA
§95.6123 VOR FEDERAL AIRWAY 123		
IS AMENDED TO READ IN PART		
ROBBINSVILLE, NJ VORTAC	LISSA, NY FIX	2000
§95.6128 VOR FEDERAL AIRWAY 128		
IS AMENDED TO READ IN PART		
SWIFT, WV FIX *4300 - MOCA	BITES, WV FIX	*5000
BITES, WV FIX *6000 - MOCA	VELLI, WV FIX	*7000
§95.6130 VOR FEDERAL AIRWAY 130		
IS AMENDED TO READ IN PART		
ALBANY, NY VORTAC *6000 - MRA *6000 - MCA CANAN FIX, NW BND	*CANAN, NY FIX	6000
§95.6132 VOR FEDERAL AIRWAY 132		
IS AMENDED TO READ IN PART		
FLOSS, KS FIX *2800 - MOCA	CHANUTE, KS VOR	*5000
§95.6141 VOR FEDERAL AIRWAY 141		
IS AMENDED TO READ IN PART		
HYANNIS, MA VORTAC *5000 - MRA **1500 - MOCA	*DRUNK, MA FIX	**2000
§95.6157 VOR FEDERAL AIRWAY 157		
IS AMENDED TO READ IN PART		
WINCO, FL FIX *1400 - MOCA	LA BELLE, FL VORTAC	*2000
§95.6169 VOR FEDERAL AIRWAY 169		
IS AMENDED TO READ IN PART		
THURMAN, CO VORTAC *6200 - MOCA	AKRON, CO VORTAC	*7000
§95.6203 VOR FEDERAL AIRWAY 203		
IS AMENDED TO READ IN PART		

FROM	TO	MEA
§95.6203 VOR FEDERAL AIRWAY 203—Continued		
CANAN, NY FIX	ALBANY, NY VORTAC	6000
§95.6225 VOR FEDERAL AIRWAY 225		
IS AMENDED TO READ IN PART		
FORT MYERS, FL VORTAC LA BELLE, FL VORTAC *3000 - MRA **1400 - MOCA	LA BELLE, FL VORTAC *HOMEY, FL FIX	2000 **2000
§95.6295 VOR FEDERAL AIRWAY 295		
IS AMENDED TO READ IN PART		
STOOP, FL FIX *1500 - MOCA	VERO BEACH, FL VORTAC	*2000
§95.6334 VOR FEDERAL AIRWAY 334		
IS AMENDED TO READ IN PART		
OAKEY, CA FIX	SACRAMENTO, CA VORTAC	2500
§95.6437 VOR FEDERAL AIRWAY 437		
IS AMENDED TO READ IN PART		
JETSO, FL FIX *5000 - MRA	*STARY, GA FIX	6000
§95.6438 VOR FEDERAL AIRWAY 438		
IS AMENDED TO READ IN PART		
ANCHORAGE, AK VOR/DME *4700 - MCA BIG LAKE VORTAC, N BND	*BIG LAKE, AK VORTAC	2000
§95.6450 VOR FEDERAL AIRWAY 450		
IS AMENDED TO READ IN PART		
GREEN BAY, WI VORTAC MUSKEGON, MI VORTAC FLINT, MI VORTAC	MUSKEGON, MI VORTAC FLINT, MI VORTAC HOCKY, MI FIX	3000 3000 3000
§95.6456 VOR FEDERAL AIRWAY 456		
IS AMENDED TO READ IN PART		
ANCHORAGE, AK VOR/DME *5000 - MCA BIG LAKE VORTAC, NE BND	*BIG LAKE, AK VORTAC	2000
§95.6479 VOR FEDERAL AIRWAY 479		
IS AMENDED TO READ IN PART		
MUFLA, NJ FIX *1600 - MOCA	YARDLEY, PA VORTAC	*2500

FROM	TO	MEA

§95.6483 VOR FEDERAL AIRWAY 483

IS AMENDED BY ADDING

DEER PARK, NY VORTAC	CARMEL, NY VORTAC	2100

§95.6492 VOR FEDERAL AIRWAY 492

IS AMENDED TO READ IN PART

PALM BEACH, FL VORTAC	STOOP, FL FIX	*3000
*1600 - MOCA		
STOOP, FL FIX	VERO BEACH, FL VORTAC	*2000
*1500 - MOCA		

§95.6506 VOR FEDERAL AIRWAY 506

IS AMENDED TO READ IN PART

KOWOK, AK FIX	CAYON, AK FIX	*8000
*7500 - MOCA		

§95.6512 VOR FEDERAL AIRWAY 512

IS AMENDED TO READ IN PART

SWIFT, WV FIX	BITES, WV FIX	*5000
*4300 - MOCA		
BITES, WV FIX	ELKINS, WV VORTAC	*5000
*4100 - MOCA		

§95.6531 VOR FEDERAL AIRWAY 531

IS AMENDED TO READ IN PART

PALM BEACH, FL VORTAC	SHEDS, FL FIX	*3000
*2000 - MOCA		
SHEDS, FL FIX	BAIRN, FL FIX	*6000
*2000 - MOCA		

§95.6402 HAWAII VOR FEDERAL AIRWAY 2

IS AMENDED BY ADDING

SOUTH KAUAI, HI VORTAC	LIHUE, HI VORTAC	5000
LIHUE, HI VORTAC	MOREY, HI FIX	
	SE BND	3000
	NW BND	4000
MOREY, HI FIX	BROMS, HI FIX	*3000
*1200 - MOCA		
BROMS, HI FIX	HONOLULU, HI VORTAC	4000

IS AMENDED TO READ IN PART

HONOLULU, HI VORTAC	*LANAI, HI VORTAC	4000
*4400 - MCA LANAI VORTAC, E BND		

§95.6404 HAWAII VOR FEDERAL AIRWAY 4

IS AMENDED TO READ

*SQUAT, HI FIX	**TIKYS, HI FIX	4000
*19000 - MRA		
**13000 - MRA		

FROM	TO	MEA

§95.6404 HAWAII VOR FEDERAL AIRWAY 4—Continued

TIKYS, HI FIX	*POTEN, HI FIX	4000
*5000 - MRA		
POTEN, HI FIX	KOKO HEAD, HI VORTAC	4000

§95.6405 HAWAII VOR FEDERAL AIRWAY 5

IS AMENDED TO READ IN PART

LEMAY, HI FIX	*LAVAS, HI FIX	
VIA W ALTER.	VIA W ALTER.	**7000
*7000 - MRA		
**6100 - MOCA		
LAVAS, HI FIX	MAKEN, HI FIX	
VIA W ALTER.	VIA W ALTER.	*7000
*6100 - MOCA		

§95.6408 HAWAII VOR FEDERAL AIRWAY 8

IS AMENDED TO READ IN PART

MAKAI, HI FIX	LINDY, HI FIX	2000
LINDY, HI FIX	MOLOKAI, HI VORTAC	3500

§95.6409 HAWAII VOR FEDERAL AIRWAY 9

IS ADDED TO READ

*LULUS, HI FIX	CLANN, HI FIX	**9000
*9000 - MRA		
**1000 - MOCA		
CLANN, HI FIX	CORAL, HI FIX	*6000
*1000 - MOCA		
CORAL, HI FIX	MAKAI, HI FIX	*4000
*1000 - MOCA		
*MAKAI, HI FIX	SOLDO, HI FIX	**2000
*4000 - MCA MAKAI FIX, S BND		
**1200 - MOCA		
SOLDO, HI FIX	HONOLULU, HI VORTAC	
	N BND	4000
	S BND	2000

§95.6411 HAWAII VOR FEDERAL AIRWAY 11

IS AMENDED BY ADDING

MAUI, HI VORTAC	*NAPIR, HI FIX	5000
*7000 - MRA		
NAPIR, HI FIX	*MOLOKAI, HI VORTAC	7000
*5000 - MCA MOLOKAI VORTAC, E BND		
MOLOKAI, HI VORTAC	LINDY, HI FIX	3500
LINDY, HI FIX	MAKAI, HI FIX	2000

§95.6412 HAWAII VOR FEDERAL AIRWAY 12

IS AMENDED TO READ IN PART

VILET, HI FIX	*SEIZE, HI FIX	24000
*24000 - MRA		
SEIZE, HI FIX	*MEDLY, HI FIX	
	W BND	7000
	E BND	4000
*15000 - MRA		

FROM	TO	MEA

§95.6412 HAWAII VOR FEDERAL AIRWAY 12—Continued

MEDLY, HI FIX	*SEGUL, HI FIX	
	W BND	7000
	E BND	4000
*11000 - MRA		
SEGUL, HI FIX	*SILLS, HI FIX	
	W BND	7000
	E BND	4000
*7000 - MRA		
SILLS, HI FIX	OLDER, HI FIX	
	W BND	7000
	E BND	4000
OLDER, HI FIX	HONOLULU, HI VORTAC	4000

§95.6414 HAWAII VOR FEDERAL AIRWAY 14

IS ADDED TO READ

*DOGGY, HI FIX	SOUTH KAUAI, HI VORTAC	**10000
*10000 - MRA		
**4000 - MOCA		
SOUTH KAUAI, HI VORTAC	KOKO HEAD, HI VORTAC	4000

§95.6415 HAWAII VOR FEDERAL AIRWAY 15

IS AMENDED TO READ IN PART

*VANDA, HI FIX	SOUTH KAUAI, HI VORTAC	**6000
*6000 - MRA		
**4400 - MOCA		
SOUTH KAUAI, HI VORTAC	HONOLULU, HI VORTAC	5000
HONOLULU, HI VORTAC	*KOKO HEAD, HI VORTAC	5000
*4500 - MCA KOKO HEAD VORTAC, W BND		

FROM	TO	MEA

§95.6416 HAWAII VOR FEDERAL AIRWAY 16

IS AMENDED TO READ IN PART

HONOLULU, HI VORTAC	SOLDO, HI FIX	
	N BND	4000
	S BND	2000
SOLDO, HI FIX	MAKAI, HI FIX	*2000
*1200 - MOCA		
MAKAI, HI FIX	SAMPA, HI FIX	2000
SAMPA, HI FIX	LANAI, HI VORTAC	4000
LANAI, HI VORTAC	*LAVAS, HI FIX	4300
*7000 - MRA		

§95.6420 HAWAII VOR FEDERAL AIRWAY 20

IS AMENDED TO READ IN PART

HONOLULU, HI VORTAC	ONOTE, HI FIX	
	NW BND	4000
	SE BND	2000
ONOTE, HI FIX	PEBLE, HI FIX	2000
PEBLE, HI FIX	FERRA, HI FIX	4000
FERRA, HI FIX	TYPHO, HI FIX	8000

§95.6421 HAWAII VOR FEDERAL AIRWAY 21

IS AMENDED TO READ IN PART

MAKAI, HI FIX	SAMPA, HI FIX	2000
SAMPA, HI FIX	*LANAI, HI VORTAC	4000
*4400 - MCA LANAI VORTAC, E BND		

§95.6422 HAWAII VOR FEDERAL AIRWAY 22

IS AMENDED TO DELETE

*MOLOKAI, HI VORTAC	PLUMB, HI FIX	7000
*5000 - MCA MOLOKAI VORTAC, E BND		
PLUMB, HI FIX	MAUI, HI VORTAC	5000

FROM	TO	MEA	MAA
§95.7065 JET ROUTE NO. 65			
IS AMENDED TO READ IN PART			
PALMDALE, CA VORTAC	BAKERSFIELD, CA VORTAC	18000	45000

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
V-437			
IS AMENDED TO READ IN PART			
ORMOND BEACH, FL VORTAC	SAVANNAH, GA VORTAC	80	ORMOND BEACH
V-450			
IS AMENDED TO READ IN PART			
MUSKEGON, MI VORTAC	FLINT, MI VORTAC	54	MUSKEGON
V-506			
IS AMENDED TO READ IN PART			
KING SALMON, AK VORTAC	BETHEL, AK VORTAC	96	KING SALMON
HAWAII V-2			
IS AMENDED BY ADDING			
HONOLULU, HI VORTAC	LANAI, HI VORTAC	29	HONOLULU
HAWAII V-15			
IS AMENDED BY ADDING			
SOUTH KAUAI, HI VORTAC	HONOLULU, HI VORTAC	51	SOUTH KAUAI

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
J-103			
IS AMENDED BY ADDING			
ORMOND BEACH, FL VORTAC	SAVANNAH, GA VORTAC	80	ORMOND BEACH

[FR Doc. 84-26967 Filed 10-11-84; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 97

[Docket No. 24269; Amdt. No. 1279]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

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

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

SUPPLEMENTARY INFORMATION:

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

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

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

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

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Aviation safety.

Adoption of the amendment

PART 97—[AMENDED]

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

§ 97.23 [Amended]

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

** * * Effective December 20, 1984*

Ruston, LA—Ruston Muni, VOR/DME RWY 16, Orig., Cancelled
Ruston, LA—Ruston Muni, VOR RWY 34, Amdt. 2, Cancelled

** * * Effective November 22, 1984*

Ocala, FL—Ocala Muni/Jim Taylor Field, VOR RWY 36, Amdt. 13
Lawrenceville, GA—Gwinnett County, VOR RWY 7, Amdt. 8
Lawrenceville, GA—Gwinnett County, VOR/DME RWY 25, Amdt. 4
Eureka, KS—Eureka Muni, VOR/DME RWY 18, Orig.
Lexington, KY—Blue Grass, VOR-A, Amdt. 5
Baltimore, MD—Baltimore-Washington Intl, VOR/DME RWY 22, Amdt. 7
Montevideo, MN—Montevideo-Chippewa County, VOR RWY 14, Amdt. 2
Moberly, MO—Omar N Bradley, VOR/DME-A, Amdt. 2
Lewistown, MT—Lewistown Muni, VOR RWY 7, Amdt. 9
Norfolk, NE—Karl Stefan Memorial, VOR RWY 1, Amdt. 4
Norfolk, NE—Karl Stefan Memorial, VOR RWY 13, Amdt. 4
Norfolk, NE—Karl Stefan Memorial, VOR RWY 19, Amdt. 4
Norfolk, NE—Karl Stefan Memorial, VOR RWY 31, Amdt. 4
Rochester, NH—Skyhaven, VOR-A Amdt. 3
Somerville, NJ—Somerset, VOR-A, Amdt. 1
Somerville, NJ—Somerset, VOR RWY 8, Amdt. 10
Vincentown, NJ—Red Lion, VOR-A, Amdt. 4
Woodward, OK—West Woodward, VOR/DME-A, Amdt. 5
Union City, TN—Everett-Stewart, VOR/DME-A, Amdt. 6

Dallas, TX—Redbird, VOR RWY 13, Amdt. 8
Dallas, TX—Redbird, VOR RWY 17, Amdt. 4
Dallas, TX—Redbird, VOR RWY 31, Amdt. 9

* * * *Effective October 2, 1984*

Lexington, NC—Lexington Muni, VOR/DME RWY 8, Amdt. 2

* * * *Effective September 24, 1984*

Gastonia, NC—Gastonia Muni, VOR/DME-A, Amdt. 3
Monroe, NC—Monroe, VOR-A, Amdt. 8
Monroe, NC—Monroe, VOR/DME-B, Amdt. 5
Waxhaw, NC—Jaars-Townsend, VOR/DME-A, Amdt. 2

* * * *Effective September 21, 1984*

Charlotte, NC—Charlotte/Douglas Intl, VOR/DME RWY 18R, Amdt. 4
Charlotte, NC—Charlotte/Douglas Intl, VOR/DME RWY 18L, Amdt. 4
Charlotte, NC—Charlotte/Douglas Intl, VOR/RWY 36L, Amdt. 3
Charlotte, NC—Charlotte/Douglas Intl, VOR/RWY 36R, Amdt. 3

§ 97.25 [Amended]

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

* * * *Effective November 22, 1984*

Arlington, WA—Arlington Muni, LOC RWY 34, Amdt. 1

* * * *Effective September 27, 1984*

Greenville, TN—Greenville Muni, LOC RWY 5, Amdt. 2

* * * *Effective September 21, 1984*

Charlotte, NC—Charlotte/Douglas Intl, LOC BC RWY 23, Amdt. 4

§ 97.27 [Amended]

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

* * * *Effective December 20, 1984*

DeQueen, AR—J Lynn Helms Sevier County, NDB RWY 8, Amdt. 4

* * * *Effective November 22, 1984*

Denver, CO—Centennial, NDB RWY 34R, Amdt. 6
Hartford, CT—Hartford-Brainard, NDB-B, Amdt. 6
Moberly, MO—Omar N Bradley, NDB RWY 13, Amdt. 3
Moberly, MO—Omar N Bradley, NDB RWY 31, Amdt. 3
Holdrege, NE—Brewster Field, NDB RWY 18, Amdt. 3
Roanoke Rapids, NC—Halifax County, NDB RWY 5, Amdt. 3
Holdenville, OK—Holdenville Muni, NDB RWY 17, Amdt. 1
Woodward, OK—West Woodward, NDB RWY 17, Amdt. 1
Rock Hill, SC—Bryant Field, NDB-C, Amdt. 1
Dallas, TX—Redbird, NDB RWY 35, Amdt. 6
Wichita Falls, TX—Kickapoo Downtown Airpark, NDB-A, Amdt. 4
Wichita Falls, TX—Kickapoo Downtown Airpark, NDB RWY 35, Amdt. 1
Arlington, VA—Arlington Muni, NDB RWY 34, Amdt. 1

* * * *Effective November 8, 1984*

Martinsville, VA—Blue Ridge, NDB RWY 30, Orig.
Martinsville, VA—Blue Ridge, NDB-A, Amdt. 3, Cancelled

* * * *Effective October 2, 1984*

Lexington, NC—Lexington Muni, NDB RWY 8, Amdt. 3

* * * *Effective September 27, 1984*

Greeneville, TN—Greeneville Muni, NDB RWY 5, Amdt. 1

* * * *Effective September 24, 1984*

Gastonia, NC—Gastonia Muni, NDB RWY 3, Amdt. 2
Shelby, NC—Shelby Muni, NDB RWY 5, Amdt. 3

* * * *Effective September 21, 1984*

Charlotte, NC—Charlotte/Douglas Intl, NDB RWY 5, Amdt. 28
Charlotte, NC—Charlotte/Douglas Intl, NDB RWY 23, Amdt. 4

§ 97.29 [Amended]

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

* * * *Effective November 22, 1984*

Denver, CO—Centennial, ILS RWY 34R, Amdt. 3
Norfolk, NE—Karl Stefan Memorial, ILS RWY 1, Amdt. 1
Greer, SC—Greenville-Spartanburg, ILS RWY 3, Amdt. 17
Dallas, TX—Redbird, ILS RWY 31, Amdt. 3
Mosinee, WI—Central Wisconsin, ILS RWY 8, Amdt. 8

* * * *Effective September 21, 1984*

Charlotte, NC—Charlotte/Douglas Intl, ILS RWY 18R Amdt. 3
Charlotte, NC—Charlotte/Douglas Intl, ILS RWY 36L Amdt. 7

§ 97.31 [Amended]

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

* * * *Effective November 22, 1984*

Wichita Falls, TX—Kickapoo Downtown, RADAR-1, Amdt. 1

§ 97.33 [Amended]

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

* * * *Effective November 22, 1984*

Denver, CO—Centennial, RNAV RWY 28, Amdt. 3
Middletown, DE—Summit Airpark, RNAV RWY 35, Amdt. 2
Baltimore, MD—Baltimore-Washington Intl, RNAV RWY 22, Amdt. 5
Moberly, MO—Omar N Bradley, RNAV RWY 13, Amdt. 1
Moberly, MO—Omar N Bradley, RNAV RWY 31, Amdt. 1
Somerville, NJ—Somerset, RNAV RWY 12, Amdt. 2
Tullahoma, TN—Tullahoma Muni, RNAV RWY 36, Amdt. 2
Midland, TX—Midland Regional, RNAV RWY 16R, Orig.
Midland, TX—Midland Regional, RNAV RWY 34L, Orig.
Wichita Falls, TX—Kickapoo Downtown Airpark, RNAV RWY 35, Amdt. 1

* * * *Effective September 27, 1984*

Blackwell, OK—Blackwell-Tonkawa Muni, RNAV RWY 35, Amdt. 2

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

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

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

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

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 84-26970 Filed 10-11-84; 8:45 am]
BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[Reg. ER-1390; Economic Reg. Amdt. No. 66 to Part 221; Docket 42329]

Tariffs; Interpretative Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative Amendment.

SUMMARY: The CAB is revising its rules concerning notice of baggage liability limitations in foreign air travel. Air carriers may now, if they choose, provide notice "with" their ticket, rather than on the ticket. This change is in response to a petition by USAir. It will give air carriers greater flexibility in their ticketing practices without reducing the effectiveness of notice to passengers.

DATES: Adopted: October 4, 1984. Effective: October 12, 1984.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825

Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION:

14 CFR 221.176, *Notice of limited liability for baggage; alternative consolidated notice of liability limitation,* requires each air carrier or foreign air carrier that avails itself of limitations on liability for loss, damage or delay in the delivery of baggage in foreign air travel to provide a Board-mandated notice to passengers. The rule states that this notice shall be included "on" each ticket.

On July 5, 1984, USAir petitioned the Board to take action to allow the notice to be provided "on or with" tickets. The petitioner stated that it had decided to adopt an automated ticketing and boarding pass system to replace the existing ticketing format. It stated that under the new format, it would not be feasible to include the international notice of baggage liability limitations on each computer card. USAir suggested that carriers be permitted to provide the notice on a separate stuffer or on the ticket envelope.

In support of its petition, USAir noted that the Board currently allows other consumer protection notices to be included on or with the ticket. These notices include the notice of limited liability for death or injury under the Warsaw Convention (§ 221.175), domestic baggage liability (§ 254.5), overbooking of flights (§ 250.11), and notice of incorporated terms (§ 253.5).

The International Air Transport Association (IATA) supported the petition. It stated that the proposal would provide adequate consumer notice while avoiding unnecessary expense to the airlines. It argued that a passenger will read a stuffer or a ticket jacket as readily as a sheet of paper attached to the ticket. In addition, it noted that a notice on an extra sheet of paper attached to the ticket, rather than one separated from the ticket, is more difficult and costly for the industry to provide. IATA concluded that air carriers should be given the option of giving the notice on or with the ticket.

The Board agrees with USAir and IATA. The Board has permitted airlines to provide notices on or with the ticket for all the consumer protection rules except international baggage liability limitations. This rule is one of the Board's older rules and simply had not been updated to conform with other consumer rules.

In addition to the Board's desire to conform its rules, there are reasons why additional flexibility should be granted in this case. It may well be that allowing carriers the discretion to provide notices on or with the ticket will result in highlighted notices more apt to be seen by consumers. It is important that consumers be given the baggage notice at the time their ticket is issued. This revision to the baggage notice rule does not change that requirement. It simply will allow carriers the option of providing the notice or with the ticket.

It is found for good cause that notice and comment are unnecessary and not in the public interest, and that the rule should be effective upon publication in the **Federal Register.** It relieves a restriction by giving carriers slightly broader discretion in the placement of a notice, and conforms this rule with other, similar Board rules. An immediate effective date will also promote efficiency by allowing carriers that are ordering new stock to take immediate advantage of the new flexibility.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities. The rule only applies to air carriers and foreign air carriers in foreign air transportation, almost all of which are not small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 221

Air rates and fares, Credit, Explosives, Freight, Handicapped.

PART 221—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs,* as follows:

1. The authority for Part 221 is:

Authority: Secs. 102, 204, 401, 402, 404, 411, 416, 1001, 1002, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1374, 1381, 1386, 1481, 1482.

2. Paragraph (b) of § 221.176 is amended to add the phrase "or with". The introductory text of paragraph (6) is revised to read as follows:

§ 221.176 Notice of limited liability for baggage; alternative consolidiated notice of liability limitations.

* * * * *

(b) Each air carrier and foreign air carrier which, to any extent, avails itself of limitations of liability for loss of, damage to, or delay in delivery of, baggage shall include on or with each ticket issued in the United States or in a foreign country by it or its authorized agent, the following notice printed in at least 10 point type:

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–27082 Filed 10–11–84; 8:45 am]

BILLING CODE 6320–01–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 33

Domestic Exchange-Traded Commodity Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of effective date of rule amendment.

SUMMARY: On August 24, 1984, the Commodity Futures Trading Commission ("Commission") published in the **Federal Register** an amendment to Regulation 33.4(a)(6) which will permit domestic boards of trade to be designated as a contract market for up to five options on futures contracts not involving the domestic agricultural commodities specifically enumerated in Section 2(a)(1)(A) of the Commodity Exchange Act ("Act") (7 U.S.C. 2). *See* 49 FR 33641; *see also* 49 FR 35010 (September 5, 1984) (correction). The Commission indicated, however, that the amendment would not become effective until the expiration of 30 calendar days of continuous session of Congress after the transmittal of the rule amendment and related materials to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry and the publication in the **Federal Register** of a notice of the effective date of the rule amendment.

The Congressional review period specified in section 4c(c) of the Act (7 U.S.C. 6c(c)) has now expired. Accordingly, the Commission now provides notice that the amendment to § 33.4(a)(6) of its regulations, as published at 49 FR 33641 and 49 FR 35010 became effective on October 5, 1984.

EFFECTIVE DATE: October 5, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Rosenzweig, Associate Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C.20581 Telephone: (202) 254–8955.

List of Subjects in 17 CFR Part 33

Commodity options, Commodity futures, Commodity exchange designation procedures.

Issued in Washington, D.C. on October 9, 1984 by the Commission.

Jean A. Webb,

Acting Secretary of the Commission.

[FR Doc. 84-27015 Filed 10-11-84; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436 and 442

[Docket No. 84N-0162]

Antibiotic Drugs; Ceforanide for Injection

Correction

In FR Doc. 84-16788 beginning on page 25845 in the issue of Monday, June 25, 1984, make the following corrections:

§ 436.20 [Corrected]

1. On page 25846, second column, § 436.20(d)(7), second line, "and" should read "add".

§ 436.349 [Corrected]

2. On page 25847, second column, § 436.349(e)(2), line five, "50°" should read "50° C".

3. On the same page, third column, § 436.349(g), in the explanation of "C_u" below the formula, line one, "millilter" should read "milliliter".

§ 442.50a [Corrected]

4. On the same page, third column, § 442.50a(a)(1), line seven, "(carboxymethyl" should read "(carboxymethyl)"; also in line eight, remove the comma following "(6*R-trans*)".

§§ 442.50a and 442.250 [Corrected]

5. On page 25848, the formulas appearing in § 442.50a(b)(1)(ii) in the first column and in § 442.250(b)(1)(ii)(*a*) in the third column were transposed. The formula appearing in column one should appear in column three, and the formula appearing in column three should appear in column one. The explanations following the formulas in each column appeared correctly.

§ 442.250 [Corrected]

6. On page 25849, first column, § 442.250(b)(1)(ii)(*b*), the second explanation below the formula that reads "A_u" should read "A_s".

7. On the same page, first column, § 442.250(b)(2), last line, remove the hyphen from "100-milliliters".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 660

[FHWA Docket No. 84-2]

Forest Highways; Construction and Maintenance; Allocation of Funds

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the FHWA regulation which prescribes procedures for the development and improvement of forest highways as it relates to the allocation of funds. This amendment has been developed in accordance with the criteria specified in section 126 of the Surface Transportation Assistance Act of 1982 (1982 STAA). The amendment provides for the allocation of the forest highway funds based upon the relative transportation needs of the national forest system. The Forest Service (FS) has participated in the development of this final rule, and the Chief of the Forest Service has concurred in the allocation method. For fiscal years 1985 and 1986, the allocation methods established by this final rule will apply only to the percentage of authorized funds as mandated by Title I, Chapter VI of the Supplemental Appropriations Act, 1984 (Pub. L. 98-396, 98 Stat. 1369) (Appropriations Act of 1984).

EFFECTIVE DATE: This final rule is effective October 12, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Allen W. Burden, Chief, Program Planning and Coordination, Office of Direct Federal Programs, (202) 426-0456, or Mr. Michael J. Laska, Attorney, Office of the Chief Counsel, (202) 426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 6, 1983, the President signed into law the 1982 STAA (Pub. L. 97-424, 96 Stat. 2097). Section 126 of the 1982 STAA amends 23 U.S.C. 202 and requires the Secretary of Transportation to allocate forest highway funds according to the relative needs of the various elements of the National Forest System by taking into consideration the need for access as identified through renewable resource and land use planning and the impact of such planning on existing transportation facilities. Section 105 of the 1982 STAA increased authorization for forest highway funds from $33 million per year to $50 million per year.

In distributing funds prior to the 1982 STAA, including the funds made available under the FY 1983 Continuing Appropriations, the 1958 land area and land value formula were utilized for apportionments. The remaining forest highway funds, made available for FY 1983 under the 1982 STAA, were allocated using the previous apportionment values as an interim measure until such time as the relative needs of the various elements of the national forest system could be determined.

In 1983, the FHWA and the United States Forest Service (FS) jointly developed a new allocation method using values based on relative transportation needs of renewable resource outputs and costs for backlog of improvements on roads designated as forest highways. This new allocation method was used in FY 1984 with a protection provision that ensured each forest highway area will be allocated at least the amount of funds it received in FY 1982.

On March 27, 1984, the FHWA published a notice of proposed rulemaking (NPRM) at 49 FR 11681 requesting comments on proposed revisions to the procedures for the allocation of funds for the development and improvement of forest highways. The revised procedures had been developed in accordance with section 126 of the 1982 STAA. On May 15, 1984, a notice of correction to the NPRM and an extension of the comment period was published (49 FR 20517). This notice clarified the allocation formula for distribution of forest highway funds and extended the comment period until June 15, 1984.

In the March 27, 1984, Federal Register it was proposed that 23 CFR 660.107, apportionments, be revised to read as "Allocations" and that funds be allocated based upon relative needs of the various elements of the national forest system as determined by the relative percent of resource outputs and the relative percent of road related improvement costs attributed to forest traffic.

The allocation formula, as amended, which was proposed for utilization without any prior fiscal year protection values was as follows:

$$1/2\frac{(TV+RVD)}{2}+1/2\ (K \times Cost \times \%\ FS\ Traffic).$$

Where
—TV is percent of total timber harvest volume.
—RVD is percent of total recreation visitors days.
—Cost is improvement cost to bring forest highways to a given standard.
—K is regional standardization factor based on ratio of relative percent resources outputs to relative percent forest related vehicle miles traveled.

The justification for reaching such a formula was explained in the NPRM as follows:

1. Timber Harvest Volumes (TV) and Recreation Visitors Days (RVD) are the two main National Forest's renewable resource outputs identified by land management planning as having a direct impact on forest highway transportation needs. Table 1 and Table 2 shows the relative percent of the national total in each State for TV and RVD respectively. This data was derived from current alternative data (May 1983) which will be used in the 1985 update of the Forest and Range Land Renewable Resources Planning Act Program. The tables have been expanded to nine decimals from those shown in the NPRM. Equal weight is being given to TV and RVD since both have similar impacts on relative transportation needs when expressed in units of 1 million cubic feet of harvested timber and 1 million recreational visitor days.

2. Standardized improvement cost factors were used which took into consideration road width, terrain, and type of improvement needed. Roads, which are designated as forest highways, are open to public travel. As such, these roads not only serve the national forest but other areas as well. The Federal responsibility to assist in the development and improvement of forest highways as related to the national forest can be expressed as the forest related cost. The forest related cost to improve a forest highway can be determined by multiplying the relative improvement costs by the percent of forest related traffic. When this is cumulated by forest highway areas, the relative costs of forest related improvements can be detemined and are summarized in Table 3. Table 3 values have been refined from those contained in the NPRM. In the NPRM, some North Carolina national forest data had been inadvertently included under Nebraska as well as under North Carolina. Also the values have been expanded to nine decimals.

3. Cost of improvements is indirectly related to forest highway mileage which is a product of forest highway route designation. To minimize the influence of forest highways route designation on the allocation of funds, a regional standardization factor (K) has been incorporated to ensure proper weight between benefits (resource outputs) and costs (forest highway investments) is achieved. The K value consists of relative percent of FS Regional resource outputs (TV+RVD) divided by relative percent of forest related vehicle miles of travel (VMT). For a specific area where the relative percent of resource output is constant, as the forest highway mileage is increased or decreased, VMT increases or decreases, and the "K" factor will decrease or increase respectively. When the relative forest related improvement costs are multiplied by this factor, the relative improvement costs are placed in proper balance with resource outputs. The K values are shown in Table 4. Idaho, Wyoming, and California have different K factors for the portions that are in different FS regions. Also, the K values have been refined from those contained in the NPRM to reflect to the correct April 1, 1983, a percent FH vehicle mile travel (VMT) data. The VMT data used in the NPRM calculations was based upon June 1983 data which had some incorrect FH mileage entries. The table has also been expanded to nine decimals.

When the forest related cost of improvement in Table 3 is multiplied by the K values in Table 4 and the product is added for all forest highway areas, the total is 96.835978351 percent. These values then can be normalized by factor of 100 divided by 96.835978351. The normalized values for (K × Cost ×% FS Traffic) as shown in Table 5.

ALLOCATION FACTORS

State boundary	Table 1 percent TV	Table 2 percent RVD	Table 3 cost × percent FS traffic (percent)	Table 4 K	Table 5 normalized K × cost × percent FS traffic (percent)
Alabama	0.664834678	0.503229053	1.762590126	0.681743590	1.240896762
Alaska	4.042194841	2.096787721	.956205831	2.526184045	2.494477860
Arizona	3.550217179	7.171014007	3.844031490	1.579018701	6.268122358
Arkansas	1.405017286	.880650843	2.121396701	.681743590	1.493503373
California:					
Reg. 4	.062051237	. 1.090329615	.359140982	.887786436	.329265722
Reg. 5	12.024643205	21.177555984	5.161033556	.962579834	5.130228360
Colorado	1.626628845	9.477480500	9.905545847	1.141046244	11.671990180
Florida	.598351210	1.132265369	1.188900536	.681743590	.837008448
Georgia	.531867742	.964522352	.498383669	.681743590	.350871523
Idaho:					
Reg. 1	5.589043525	2.348402248	2.833587650	1.583415724	4.633347354
Reg. 4	2.273734598	4.151639688	2.865134336	.887786436	2.626737958
Illinois	.137399167	.377421790	.915425270	.476452109	.450407285
Indiana	.075347930	.377421790	.638372461	.476452109	.314091839
Kentucky	.336849570	1.174201124	.694038995	.681743590	.488616570
Louisiana	1.285347044	.251614527	.230026916	.681743590	.161943296
Maine	.088644624	.020967877	.101741609	.476452109	.050058878
Michigan	1.400585055	2.600016774	3.171441787	.476452109	1.560411898
Minnesota	1.050438791	2.054851967	5.506818274	.476452109	2.709463182
Mississippi	1.950181721	.461293299	1.684654975	.681743590	1.188028943
Missouri	.443223119	.880650843	1.897423149	.476452109	.933569605
Montana	6.302632745	3.522603372	6.143700483	1.583415724	10.045885955
Nebraska	0	.125807263	.297442958	1.141046244	.350485611
Nevada	0	.838715088	.958456912	.887786436	.878707543
New Hampshire	.208314866	1.006458106	.727294462	.476452109	.357843217
New Mexico	1.746299087	2.641952529	3.411755823	1.579018701	5.563248639
North Carolina	.642673522	2.348402248	4.886695760	.681743590	3.440326176
North Dakota	0	0	.956394041	1.583415724	1.563849913
Ohio	.062051237	.209678772	.998622325	.476452109	.491341876
Oklahoma	.234908253	.125807263	.448726981	.681743590	.315912276
Oregon	31.180746388	7.548435796	6.450055209	1.287016076	8.572562478
Pennsylvania	.381171882	.964522352	1.021777893	.476452109	.502734872
South Carolina	.797801613	.419357544	.720987504	.681743590	.507588830
South Dakota	1.334101587	.905812296	1.419605579	1.141046244	1.672762171
Tennessee	.323552877	.964522352	1.652347509	.681743590	1.163283876
Texas	.842123925	.838715088	1.530320945	.681743590	1.077374869
Utah	.523003280	6.374234672	3.154169269	.887786436	2.891723450
Vermont	.124102473	.335486035	.337918631	.476452109	.166262630
Virginia	.496409893	1.803237440	5.343487006	.681743590	3.761915846
Washington	13.824129067	5.703262602	5.149971568	1.287016076	6.844662812
West Virginia	.274798333	.587100562	3.113158546	.476452109	1.531735394
Wisconsin	.961794167	.712907825	3.334766793	.476452109	1.640771022
Wyoming:					
Reg. 2	.385604113	1.216136878	1.088857375	1.141046244	1.283032029
Reg. 4	.212747097	1.383879896	.381331290	.887786436	.349602237
Puerto Rico	.004432231	.230646649	.135429436	.681743590	.095344883
Totals	100.000000000	99.999999809	99.999176608	N/A	100.000000000

In FY 1984, forest highway funds were distributed on a FS region basis to allow flexibility as required in certain States to meet project funding and scheduling needs. The allocation on a FS region basis does not require that the annual distribution of funds by State boundary be expended in that State that year. Transfer of funds on a borrow basis between States is allowed in order to maximize use of all available funds. Each State will be assured that over a 3 year period (FY 1984, FY 1985, and FY 1986), the total allocated funds will be available for use on forest highways within that State boundary. Any temporary transfer (borrow) of funds shall have the concurrence of the FS and State highway administrations (SHAs) affected by the transfer. The FHWA Direct Federal Division Engineer will ensure that credits are appropriately established within the overall approved forest highway program plans and schedules. Table 6 shows the regional allocation of funds for forest highways including a breakdown by State boundary.

TABLE 6. ALLOCATION

$$1/2\,\frac{(TV+RVD)}{2} + 1/2\,(K \times Cost \times \%\ FS\ Traffic).$$

Forest Service region	State	State percentage	Regional percentage
1	Idaho	4.301035120	
	Montana	7.479252007	
	North Dakota	.781924956	12.562212083
2	South Dakota	1.396359556	
	Colorado	6.612022426	
	Wyoming	1.041951262	
	Nebraska	.206694621	11.257027866
3	Arizona	5.814368976	
	New Mexico	3.878687224	9.693056199
4	Utah	3.170171213	
	Idaho	2.919712551	
	Wyoming	.573957867	
	Nevada	.649032543	
	California	.452726074	7.765602248
5	California	10.865663977	10.865663977
6	Oregon	13.968576785	
	Washington	8.304179323	22.272756108
8	Alabama	.912464314	
	Arkansas	1.318168719	
	Florida	.851158369	
	Georgia	.549533285	
	Kentucky	.622070959	
	Louisiana	.465212041	
	Mississippi	1.195883227	
	North Carolina	2.467932030	
	Oklahoma	.248135017	
	South Carolina	.558084204	
	Tennessee	.903660745	
	Texas	.958897188	
	Virginia	2.455869756	
	Puerto Rico	.106442161	13.613512015
9	Illinois	.353908882	
	Indiana	.270238350	
	Maine	.052432584	
	Michigan	1.780356406	
	Minnesota	2.131054281	
	Missouri	.797753293	
	New Hampshire	.482614852	
	Ohio	.313603440	
	Pennsylvania	.587790995	
	Vermont	.198028442	
	West Virginia	.981342421	
	Wisconsin	1.239061009	9.168184934
10	Alaska	2.781984570	2.781984570
Totals		100.000000000	100.000000000

Discussion of Comments

Fifty comments were received in response to the NPRM issued on March 27, 1984. Comments were submitted by representatives from the following interest groups: 4 Congressional, 21 State highway agencies, 20 local government agencies and 5 timber associations. The majority of the comments (35) expressed support for the proposed FH allocation method. Most of the affirmative responses indicated that the proposed allocation method met the intent of the statutory requirement for relative transportation need. There were 15 commenters who expressed opposition or offered revision to the method of allocation.

Three commenters indicated that their share of Forest Highway funds will decrease with the proposed fund allocation method and suggested that the FY 1982 protection be included in the proposed fund allocation. Chapter VI of Title I (Pub. L. 98–396, Stat. 136) Supplemental Appropriations Act of 1984, enacted on August 23, contained provisions for allocating the first $33 million of FH funds using the 1958 forest land area and land value factors. This provision is being adopted. The $33 million portion provides the FY 1982 funding level protection.

One commenter indicated that the very general nature of the proposed regulation leaves the method of determining needs as a basis of allocation entirely too open to interpretation by Federal Highway Administration (FHWA). The method of needs determination under the proposed allocation formula is not available for interpretation by FHWA.

Timber and recreation values were provided by the Forest Service based upon the Resources Planning Act (RPA) which is updated every 5 years. The percent Forest-related traffic and average daily traffic were provided by the State for Forest Service. The cost information was based on the April 1, 1983, conditions of the FH route, type of improvements to bring the route up to a uniform standard, and standardized improvement costs which took into consideration type of improvement and terrain. Based on the above available data, FHWA performed the mathematic calculations required for the allocation formula.

Six commenters suggested that the proposed allocation method contain land area as one of the factors. Two of these comments indicated that land area is a recognized indicator of need and has been widely used in apportionment formulas such as primary and secondary

road system formulas. Two others indicated that large tracts of roadless areas are under consideration for wilderness designation. After such designation much of this land will be released for resource development and Forest Highway routes will be needed to serve the areas.

Land area was considered as a factor during the development of the allocation formula. It was rejected because land area in itself does not generate traffic or need for access. As an example, grazing lands in the west occupy large areas of National Forest that have no potential for timber growth nor are attractive for recreation use. Therefore, the use of this land constitutes a very low traffic generating resource. This is contrasted with National Forest lands that adjoin large population areas, are heavily utilized for recreating or could produce high volumes of timber. These areas represent high traffic generators on very small national forest acreage.

Many national forest areas throughout the country are equally affected by proposed wilderness designation. States will have an opportunity to designate new routes when the undeveloped forest land is released. Since the Supplemental Appropriations Act of 1984 provision is being adopted, land area has been included in allocating the $33 million portion of FH funds.

One commenter was concerned that timber harvest values obtained from the updated forest resource management plans were based on timber production records for a period of time when wood used in construction was down and nonstructural outputs were normal. The timber harvest value used in the allocation formula is based on current trends of timber volumes offered for sale, not sold. These volumes are based on long-term sustained yields of the timber resource and do not vary due to short-term economic fluctuations in the value of timber purchased or harvested within a geographic area of the country.

Resource data used in the timber and recreation elements comes from Resources Planning Act (RPA) data which is based on long-term capacities of the forest land to produce these renewable resources. The RPA program takes into consideration 50 years into the future. The RPA program is updated every 5 years and provisions will be made to modify the allocation formula values as projected estimates of resource uses change with time.

Five commenters expressed concern with the damage caused by heavy trucks. Four commenters questioned the fact that equal weight was being given to recreation visitor day (RVD) and timber volumes (TV). One commenter indicated that timber is more important to the economy and should be weighted heavier. Two commenters indicated that equal weighting between TV and RVD ignores the impact of heavily loaded very large timber vehicles on safety, geometric width, and structural design of forest transportation facilities. One commenter suggested that TV should be given a 60 percent weighting and RVD 40 percent.

The typical section used during the forest highway inventory provided up to 12 feet wide travel lane plus shoulder width which would safely accommodate large trucks and recreational vehicles. The standardized cost figures contained in the proposed allocation method were based upon this typical highway design. Generally, the wider typical section is desirable for both large trucks, recreational motor homes, and other recreational traffic. Therefore, the desirable typical section is the same for both timber and recreational type vehicles. The increased cost of the pavement structure thickness in new construction and reconstruction projects, to accommodate varying amounts of trucks and recreational vehicles, is a relatively small percentage of the overall cost needs. Also there is a built-in weighting of the two forest related output factors expressed in terms of unit measurements which can be correlated to the approximate type and number of vehicles and their respective induced design/improvement costs on the facility.

Forest highway mileage as an alocation factor was mentioned by three commenters. One commenter indicated that the route designations were not representative of forest highway (FH) mileage in its area, and the needs study did not consider the additional routes designated after the inventory study was initiated. Other commenters indicated that the mileage used was not representative of its FH network and that some States have a disproportionate ratio of mileage to national forest area.

The FH mileage is not used as a direct factor in the proposed allocation method because these designated routes do not constitute a fixed highway system or network. The mileage can decrease or increase as designated routes are removed or added in accordance with 23 CFR 660.105. The cost factor is related to FH mileage but the potential to influence allocation of funds by designating additional FH routes has been minimized by multiplying the factor by a regional standardization factor K and by the percent forest service traffic. Prior to beginning the FH inventory and needs study, an April 1, 1983, deadline was established to have FH route designations completed. The FH routes designated by a few States after the study began were not included in this allocation formula because all forest areas had not been given an opportunity to modify FH route designations. The validity of this study would have been totally compromised if the opportunity to modify mileage was allowed.

One commenter applauded the use of the K factor and the forest related traffic to remove distortions from the cost of improvements data. It was recommended that the use of the K factor be used on a State-by-State basis rather than on a Forest Service (FS) region basis. Also no maximum cap should be placed on the K.

The maximum cap of 2.0 was placed on FS Region 10. At the time K values were being calculated, an error in the placement of a decimal point in the percent vehicle mileage travel was made. It resulted in a K value of approximately 30. Since the K factor was intended to be a minor adjustment to the basic cost x percent FS traffic factors, a cap of 2.0 was assigned. This cap value was used since all other K factors ranged from 0.45 to 1.78. While reviewing the output of an independent computer run, the above error was discovered. The uncapped factor of 2.526184045 will be used in the allocation method.

In several national forest areas, the amount of designated FH mileage is much lower than other areas. When these routes also have a lower percentage of forest-related traffic, the local percentage of vehicle mileage travel becomes statistically insignificant. When this small value is used in the calculations, an unusually large K value (5.0 to 9.0) is obtained, which would incorrectly influence the allocation method. Since the allocation is being made based upon Forest Service Regional Areas and because some individual or subregional areas have small vehicle mileage travel, a regional K factor will be used.

Two commenters indicated that the formula ignores providing access to nonrenewable resources. Nonrenewable resources were not used because Section 202 of the 1982 STAA emphasizes that the need for access as identified by the Secretary of Agriculture through renewable resources and land use planning is to be considered.

Two commenters indicated that the change in the allocation adversely affects the economy of rural communities and requested that the new formula not be adopted. The allocation

method was developed based upon section 202 of the 1982 STAA requiring that funds be allocated based upon *relative transportation needs* taking into consideration the transportation needs identified through land management planning by the Forest Service (emphasis added). Although the allocation formula has regional impacts, it does not affect local economies of any single community to the same extent as the process of identifying needed improvements and developing the priority program of projects.

Chapter VI of the Supplemental Appropriations Act of 1984 requires allocating the first $33 million of FH funds using the 1958 forest land area and land value factors and allocating the remaining $17 million pursuant to 23 U.S.C. 202(a).

Based on a further review and on the analysis of the comments submitted to the public docket, the FHWA is adopting the allocation formula proposed in the March 27, 1984, NPRM, as amended by the May 15, 1984, correction notice, as meeting the requirements of 23 U.S.C. 202(a).

Table 7 shows the 1958 forest land area and land value percentages for allocating the first $33 million portion of FH funds.

TABLE 7.—1958 FOREST LAND AREA AND LAND VALUE (PERCENTAGE)

Forest service region	State	State percentage	Regional percentage
1	Idaho	3.447952936	
	Montana	7.971404692	
	North Dakota	.000355276	11.419712904
2	South Dakota	.783466725	
	Colorado	7.181555693	
	Wyoming	2.362953568	
	Nebraska	.093349879	10.421325865
3	Arizona	5.628831492	
	New Mexico	4.007189852	9.636021344
4	Utah	3.321052039	
	Idaho	6.733842240	
	Wyoming	1.902975499	
	Nevada	1.793900405	
	California	.735878110	14.487648293
5	California	13.585832040	13.585832040
6	Oregon	13.775946263	
	Washington	6.950563774	20.726510037
8	Alabama	.286361672	
	Arkansas	1.359457696	
	Florida	.580918690	
	Georgia	.352318256	
	Kentucky	.205567244	
	Louisiana	.230754577	
	Mississippi	.471745177	
	North Carolina	.616128735	
	Oklahoma	.068967689	
	South Carolina	.327826671	
	Tennessee	.335229179	
	Texas	.316562741	
	Virginia	.650290803	
	Pureto Rico	.028203250	5.830332390
9	Illinois	.115255323	
	Indiana	.067035762	
	Maine	.037454093	
	Michigan	1.073085574	
	Minnesota	1.382975325	
	Missouri	.511104001	
	New Hampshire	.534385353	
	Ohio	.054763867	
	Pennsylvania	.266899871	
	Vermont	.178926802	
	West Virginia	.394636101	
	Wisconsin	.559242206	5.175764278
10	Alaska	8.716852849	8.716852849
	Totals	100.000000000	100.000000000

Table 8 shows the FY 1958 and FY 1986 FH fund allocation percentages which meets the provision of the Supplemental Appropriations Act of 1984. Funds are being allocated by FS region, with a provision to transfer funds on a borrow basis, as proposed in the March 27, 1984, NPRM. Table 8 is computed as follows:

[(17/50 × (Table 6 Values)] + [(33/50) × (Table 7 Values)]

TABLE 8.—FOREST HIGHWAY FUND ALLOCATION

{(17/50)×(table 6 percent values)}+{(33/50)×(table 7 percent values)}

Forest service region	State	State percentage	Regional percentage
1	Idaho	3.738000879	
	Montana	7.804072779	
	North Dakota	.266088967	11.808162625
2	South Dakota	.991850288	
	Colorado	7.667914382	
	Wyoming	1.913812784	
	Nebraska	.131887091	10.705464545
3	Arizona	5.691914236	
	New Mexico	3.963498958	9.655413195
4	Utah	3.269752558	
	Idaho	5.437038146	
	Wyoming	1.451109504	
	Nevada	1.404645332	
	California	.639607098	12.202152638
5	California	12.660974899	12.660974899
6	Oregon	13.841440640	
	Washington	7.410793061	21.252233701
8	Alabama	.499236570	
	Arkansas	1.345419444	
	Florida	.672800181	
	Georgia	.419371372	
	Kentucky	.347178507	
	Louisiana	.310470115	
	Mississippi	.717952114	
	North Carolina	1.245741855	
	Oklahoma	.137935377	
	South Carolina	.406114232	
	Tennessee	.528495912	
	Texas	.534956453	
	Virginia	1.264187647	
	Puerto Rico	.056406500	8.476613462
9	Illinois	.196397533	
	Indiana	.136124642	
	Maine	.042546773	
	Michigan	1.313557657	
	Minnesota	1.637322170	
	Missouri	.608564760	
	New Hampshire	.516783383	
	Ohio	.142769322	
	Pennsylvania	.376002853	
	Vermont	.185421360	
	West Virginia	.594116250	
	Wisconsin	.790380599	6.539987301
10	Alaska	6.698997634	6.698997634
Totals		100.000000000	100.000000000

Since the procedures for program and project selection (23 CFR 660.109) are not being changed, it is not anticipated that this rule will have a national significant economic effect. Accordingly, a full regulatory evaluation is not required. For the foregoing reasons and under the criteria of the Regulatory Flexibility Act, the FHWA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant rule under the regulatory policies and procedures of the Department of Transportation.

In order for the States to adequately plan for and utilize authorized funds for FY 1985, it is important for the allocations to be made as soon as possible beginning October 1. Therefore, the FHWA finds good cause to waive the 30-day delay in effective date and this final rule will become effective upon publication in the **Federal Register.**

In consideration of the foregoing and under the authority of section 126 of the 1982 Surface Transportation Assistance Act, 23 U.S.C. 202 and 49 CFR 1.48(b), the FHWA is amending Part 660 of Title 23, Code of Federal Regulations, by revising Subpart A, § 660.107, as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

List of Subjects in 23 CFR Part 660

Forest highways, Highways and roads.

Issued: October 5, 1984.

L.P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

PART 660—SPECIAL PROGRAMS (DIRECT FEDERAL)

Section 660.107 of 23 CFR is revised to read as follows:

§ 660.107 Allocations.

On October 1 of each fiscal year, the FHWA will allocate funds for forest highways using values based on relative transportation needs of the various elements of the national forest system, after deducting such sums as deemed necessary for the administrative requirements of the FHWA; the necessary expenses of the FS; and the necessary costs of forest highway planning studies.

[FR Doc. 84-27084 Filed 10-11-84; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7983]

Transition Rules for DISCs and FSCs

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the transition rules for Domestic International Sales Corporations (DISCs) and Foreign Sales Corporations (FSCs), specifically relating to elections for FSCs, small FSCs and interest charge DISCs, conformity of accounting period for FSCs (or interest charge DISCs) and their principal shareholders, and termination of a DISC and forgiveness of tax on a DISC's accumulated DISC income.

These temporary regulations provide taxpayers with the guidance necessary to obtain initial qualification under the foreign sales corporation (FSC) provisions of the Tax Reform Act of 1984.

DATE: The regulations are, in general, effective for taxable years beginning after December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Jacob Feldman of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (LR–146–34), 202–566–3289.

SUPPLEMENTARY INFORMATION:

Background

Present law provides a system of tax deferral for the export income of Domestic International Sales Corporations (DISCs) and their shareholders. A DISC is a U.S. corporation which is engaged in exporting property produced in the United States. A DISC is generally able to defer 42.5 percent of DISC income that exceeds the average DISC income for a base period. Deferral is provided for both export profits and export investment income. The tax on accumulated DISC income (the amount of untaxed income of the DISC) may be deferred indefinitely until the income is actually distributed unless the DISC fails to qualify as a DISC.

Under sections 801 through 805 of the Tax Reform Act of 1984, the DISC election is terminated as of December 31, 1984, and the DISC provisions are replaced by Foreign Sales Corporation (FSC) provisions. Unlike a DISC, a FSC must be a foreign corporation. In addition, if the FSC satisfies certain foreign management and economic processes tests, a portion of the FSC's income attributable to export profits but not export investment income will be tax exempt (generally an amount equal to 15 percent of the combined taxable income of the FSC and its related supplier).

These temporary regulations are presented in the form of questions and answers. The questions and answers are not intended to address comprehensively the issues raised by sections 803 and 805 of the Tax Reform Act of 1984. Taxpayers may rely for guidance on these questions and answers, which the Internal Revenue Service will follow in resolving issues arising under sections 801, 803 and 805. No inference, however, should be drawn regarding questions not expressly raised and answered.

Discussion

This regulation deals with transition rules for DISCs and FSCs and is divided into three separate parts. Paragraph (a) of § 1.921–1T deals with termination of a DISC. Paragraph (b) deals with establishing and electing status as a FSC, small FSC and interest charge DISC and paragraph (c) deals with export trade corporations.

The DISC's 1984 taxable year shall be deemed to terminate on December 31, 1984, and this termination shall be treated as a revocation of the DISC election; so that, even if a DISC decides to continue as an interest charge DISC, a new election will be necessary. If the DISC's termination results in a short taxable year, the export gross receipts for the current taxable year must be annualized in computing the distribution under section 995(b)(1)(E) for 1984. For the DISC's taxable year beginning in 1984, all of the DISC provisions apply except for the qualified export assets test under section 992(a)(1)(B). In addition, a related supplier need not pay DISC accounts receivable arising from commissions payable to a DISC with respect to the DISC's last taxable year.

In general, all corporations which qualify as DISCs on December 31, 1984 will be able to treat their accumulated DISC income as previously taxed income and, therefore, make tax-free distributions. An exception is made for DISCs which were previously disqualified, but are requalified on December 31, 1984, and for deficiency distributions made pursuant to audit adjustments after December 31, 1984. In such cases, the accumulated DISC income previously required to be recaptured or to be distributed to cure a deficiency will not be treated as previously taxed income. In addition, the DISC's deemed distributions for its last taxable year will be taken by the DISC's shareholders into income in equal installments over a 10 year period unless the shareholder elects to accelerate the income inclusion. Unless the shareholder has more than one taxable year beginning in 1984, the installments will not be included in the shareholder's income until the shareholder's taxable year beginning in 1985. The shareholder will be required to attach a statement to its first tax return with respect to which an installment is includable in income indicating its pro rata share of the DISC's deemed distribution and the period over which the amount will be paid.

A corporation electing to be treated as a FSC, small FSC or interest charge DISC for its first taxable year shall make an election within 90 days after the beginning of its first taxable year in a manner similar to a DISC election. Since section 803 of the Tax Reform Act of 1984 requires that the FSC, small FSC or interest charge DISC must adopt the same taxable year as its principal shareholder (*i.e.*, shareholder with the highest percentage of voting power), rules are provided permitting a taxpayer to make an election for taxable years beginning after December 31, 1984 and to close its taxable year so as to conform to that of its principal shareholder. In addition, rules are provided in the event the principal shareholder changes its annual accounting period or there is a new principal shareholder. Finally, rules are provided to permit the transfer of certain of the DISC's assets to a FSC without incurring tax liability as a consequence of section 367. For this purpose, an interest charge DISC is considered a continuation of the prior DISC. Paragraph (b) also provides special rules for applying the foreign presence and economic processes tests for certain long-term contracts.

Paragraph (c) provides rules with respect to export trade corporations. A corporation which qualifies as an export trade corporation with respect to its last taxable year beginning before January 1, 1985, may elect to discontinue operations as an export trade corporation in which case its earnings attributable to previously excluded export trade income will be forgiven. In addition, an export trade corporation may make a separate election to be treated as a FSC. If the latter election is made, rules are provided to permit an export trade corporation to transfer its assets to a FSC in a nonrecognition transaction.

In addition, the current regulations under sections 921 and 922 involving Western Hemisphere Trade Corporations (WHTCs) have been removed since these sections of the Code have been repealed.

Nonapplicability of Executive Order 12291

The Treasury Department has determined that these temporary regulations are not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 20, 1983. Accordingly, a Regulatory Impact Analysis is not required.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Paperwork Reduction Act

These regulations were submitted to the Office of Management and Budget for review under the Paperwork Reduction Act and approved. The OMB number is 1545–0884.

Drafting Information

The principal author of these regulations is Jacob Feldman of the Legislation and Regulations Division.

Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects in 26 CFR §§ 1.861–1 through 1.997–1

Income taxes, Aliens, Exports, DISC, FSC, Foreign investments in U.S., Foreign tax credit, Source of income, United States investments abroad.

Amendments to the Regulations

The Income Tax Regulations (26 CFR Part 1) are amended as follows:

PART 1—[AMENDED]

Paragraph 1. A new § 1.921–1T is added immediately after § 1.912–2 to read as follows:

§ 1.921–1T Temporary regulations providing transition rules for DISCs and FSCs.

(a) *Termination of a DISC*—(1) *At end of 1984.*

Question 1: What is the effect of the termination on December 31, 1984 of a DISC's taxable year?

Answer 1: Without regard to the annual accounting period of the DISC, the last taxable year of each DISC beginning during 1984 shall be deemed to close on December 31, 1984. The corporation's DISC election also shall be deemed revoked at the close of business on December 31, 1984. (A DISC that does not elect to be an interest charge DISC as of January 1, 1985, in addition to a corporation described in section 992(a)(3), shall be referred to as a "former DISC".) A corporation which wishes to be treated as a FSC, a small FSC, or an interest charge DISC must make an election as provided under paragraph (b) (Q & A #1) of this section.

(2) Deemed distributions for short taxable years.

Question 2: If the termination of the DISC's taxable year on December 31, 1984, results in a short taxable year, how are the deemed distributions under section 995(b)(1)(E) determined?

Answer 2: The deemed distributions are determined on the basis of the DISC's taxable income for its short taxable year ending on December 31, 1984. In computing the incremental distribution under section 995(b)(1)(E), the export gross receipts for the short taxable year must be annualized.

(3) Qualification as a DISC for 1984.

Question 3: Must the DISC satisfy all the tests set forth in section 992(a)(1) for the DISC's taxable year ending December 31, 1984?

Answer 3: All of the tests under section 992(a)(1), except the qualified assets test under section 992(a)(1)(B), must be satisfied.

(4) Commissions for 1984.

Question 4: Must commissions be paid by a related supplier to a DISC with respect to the DISC's taxable year ending December 31, 1984?

Answer 4: No.

(5) Producer's loans of 1984.

Question 5: Must the producer's loan rules under section 993(d) be satisfied with respect to the DISC's taxable year ending December 31, 1984?

Answer 5: Yes.

(6) Accumulated DISC income.

Question 6: Under what circumstances is any remaining accumulated DISC income treated as previously taxed income (and not taxed)?

Answer 6: The accumulated DISC income of a DISC (but not a DISC described in section 992(a)(3)) as of December 31, 1984, is treated as previously taxed income when actually distributed after December 31, 1984. Any amounts distributed by the former DISC after December 31, 1984, shall be treated as made first out of current earnings and profits and then out of previously taxed income to the extent thereof.

If property other than money is distributed and if such property was a qualified export asset within the meaning of section 993(b) on December 31, 1984, then for purposes of section 311, no gain or loss will be recognized on the distribution and the distributee will have the same basis in the property as the distributor.

Question 7: May a DISC that was previously disqualified, but has requalified as of December 31, 1984, treat any accumulated DISC income as previously taxed income?

Answer 7: If a DISC was previously disqualified, but has requalified as of December 31, 1984, any accumulated DISC income previously required to be taken into income upon prior disqualification shall not be treated as previously taxed income. All accumulated DISC income derived since requalification, however, will be treated as previously taxed income.

(7) Distribution of previously taxed income.

Question 8: What effect will the distribution of previously taxed income have on the earnings and profits of corporate shareholders of the former DISC?

Answer 8: The earnings and profits of the corporate shareholders of the former DISC will be increased by the amount of money and the adjusted basis of any property which is distributed out of previously taxed income.

Question 9: Will the distribution of the former DISC's accumulated DISC income as previously taxed income after December 31, 1984, result in a reduction in the shareholder's basis of the stock of the former DISC and consequent taxation of the excess of the distribution over such basis as capital gain under section 996(d)?

Answer 9: No. This distribution will be treated both as amounts representing deemed distributions under section 995(b)(1) and as previously taxed income. Thus, no capital gain will arise.

(8) Qualifying distributions.

Question 10: How is a qualifying distribution to satisfy the qualified export receipts tests under section 992(c)(1)(A) which is made with respect to the DISC's taxable year ending on December 31, 1984, treated?

Answer 10: The distribution will not be treated as previously taxed income but will be taxed to the shareholder of the former DISC, as provided under section 992(c) and 996(a)(2) and the regulations thereunder, in the shareholder's taxable year in which the distribution is made.

(9) Deficiency distributions.

Question 11: With respect to an audit adjustment made after December 31, 1984, may a deficiency distribution be made, and if so, in what manner may it be made?

Answer 11: A deficiency distribution may be made notwithstanding the fact that after December 31, 1984 the former DISC is a taxable corporation under Subchapter C, has elected to be treated as an interest charge DISC, or has been liquidated, reorganized or is otherwise no longer in existence. However, such deficiency distribution shall be treated as made out of accumulated DISC income which is not previously taxed income because it will be treated as distributed prior to December 31, 1984 to the DISC's shareholders.

(10) Deemed distribution for 1984.

Question 12: How is the deemed distribution to a shareholder for the DISC's taxable year ending December 31, 1984, taken into account?

Answer 12: The deemed distribution under section 995(b) with respect to the DISC's taxable year ending December 31, 1984, shall be deemed distributed to the shareholder in 10 equal annual installments (unless the shareholder elects to include the deemed distributions in income over a shorter period). The first annual installment shall be deemed distributed (1) in the shareholder's second taxable year beginning in 1984, or (2) in the

shareholder's first taxable year beginning in 1985, if the shareholder had no more than one taxable year beginning in 1984. The shareholder shall attach a statement to its tax return for its first taxable year for which an installment is deemed distributed indicating the amount of the shareholder's pro rata share of the DISC's deemed distribution for 1984 and the period, if less than 10 years, over which the shareholder wishes to spread its pro rata share of the deemed distribution for 1984. For purposes of estimated taxes, the deemed distribution will be treated as income of the shareholder over the period selected.

(11) Conformity of accounting period.

Question 13: May a DISC be established or change its annual accounting period for taxable years beginning after March 21, 1984, and before January 1, 1985?

Answer 13: A DISC that is established or that changes its annual accounting period after March 21, 1984, must conform its annual accounting period to that of its principal shareholder (the shareholder with the highest percentage of voting power as defined in section 441(h)).

(12) DISC gains and distributions from U.S. sources.

Question 14: What is the effective date of the amendment to section 996(g), made by section 801(d)(10) of the Tax Reform Act of 1984, which treats certain DISC gains and distributions as derived from sources within the United States?

Answer 14: Under section 805(a)(3) of the Act, the amendment to section 996(g) shall apply to all gains referred to in section 995(c) and all distributions out of accumulated DISC income including deemed distributions made on or after June 22, 1984.

(b) *Establishing and electing status as a FSC, small FSC or interest charge DISC*—(1) *Ninety-day period.*

Question 1: How does a corporation elect to be treated as a FSC, a small FSC, or an interest charge DISC?

Answer 1: A FSC, a small FSC, or an interest charge DISC must make an election on Form 8279 for a FSC or small FSC and Form 4876A for an interest charge DISC. A corporation electing to be treated as a FSC, a small FSC, or an interest charge DISC for its first taxable year as a FSC, small FSC, or interest charge DISC, respectively, shall make its election within 90 days after the beginning of such taxable year. In the case of a corporation electing for its first taxable year beginning after June 30, 1985, which year is not the first taxable year of the corporation, the election shall be made during the 90-day period immediately preceding the first day of such taxable year. The rules contained in § 1.992 (a)(1), (b)(1) and (b)(3) shall apply to the manner of making the election and the manner and form of shareholder consent.

(2) FSC incorporated in a possession.

Question 2: Where does a FSC which is incorporated in a U.S. possession file its election?

Answer 2: The election is filed with the Internal Revenue Service Center, Philadelphia, Pennsylvania 19255.

(3) Information returns.

Question 3: Must Form 5471 be filed with respect to the organization of a FSC pursuant to section 6046 or to provide information with respect to a FSC pursuant to section 6038?

Answer 3: A Form 5471 required under section 6046 need not be filed with respect to the organization of a FSC. The requirements of section 6046 shall be satisfied by the filing of a Form 8279 dealing with the election to be treated as a FSC or small FSC. However, a Form 5471 will be required with respect to a reorganization of a FSC (or small FSC) or an acquisition of stock of a FSC (or small FSC), as required under section 6046 and the regulations thereunder. Provided that a Form 1120 FSC is filed, a Form 5471 need not be filed to satisfy the requirements of section 6038.

(4) Conformity of accounting period.

Question 4: Since a FSC, small FSC, and interest charge DISC must use the same annual accounting period as the principal shareholder, must such corporation delay the beginning of its first taxable year beyond January 1, 1985 if the principal shareholder (the shareholder with the highest percentage of voting power as defined in section 441(h)) is not a calendar year taxpayer?

Answer 4: No. Where the principal shareholder is not a calendar year taxpayer, a corporation may elect to be treated as a FFSC, small FSC, or interest charge DISC for a taxable year beginning January 1, 1985. However, such corporation must close its first taxable year and adopt the annual accounting period of its principal shareholder as of the first day of the principal shareholder's first taxable year beginning in 1985. A FSC, small FSC, or interest charge DISC need not obtain the consent of the Commissioner under section 442 to conform its annual accounting period to the annual accounting period of its principal shareholder.

(5) Dollar limitations for short taxable years.

Question 5: If a small FSC or an interest charge DISC has a short taxable year, how are the dollar limitations on foreign trading export gross receipts and qualified export gross receipts, respectively, determined for small FSCs and interest charge DISCs?

Answer 5: The dollar limitations are to be prorated on a daily basis. Thus, for example, if for its 1985 taxable year a small FSC has a short taxable year of 73 days, then in determining exempt foreign trade income, any foreign trading gross receipts that exceed $1 million (73/365 × $5 million) will not be taken into account.

(6) Change of accounting period.

Question 6: The principal shareholder of a FSC, a small FSC, or an interest charge DISC (hereinafter referred to as a "FSC") changes its annual accounting period or is replaced by a new principal shareholder during a taxable year, is it necessary for the FSC to change its annual accounting period?

Answer 6: If the principal shareholder changes its annual accounting period, the FSC must also change its annual accounting period to conform to that of its principal shareholder. If the voting power of the principal shareholder is reduced by an amount equal to at least 10 percent of the total shares entitled to vote and such shareholder is no longer the principal shareholder, the FSC must conform its accounting period to that of its new principal shareholder. However, in determining whether a shareholder is a principal shareholder, the voting power of the shareholders is determined as of the beginning of the FSC's taxable year. Thus, for example, assume that for 1985 a FSC adopts a calendar year period as its annual accounting period to conform to that of its principal shareholder. Assume further than in March 1985 there is a 10 percent change in voting power and a different shareholder whose annual accounting period begins on July 1 becomes the new principal shareholder. The FSC will not be required to adopt the annual accounting period of its new principal shareholder until July 1, 1986. The FSC will have a short taxable year for the period January 1 to June 30, 1986.

(7) Transition transfers.

Question 7: Under what circumstances may a DISC or former DISC transfer its assets to a FSC or small FSC without incurring any tax liability on the transfer?

Answer 7: A DISC or former DISC will recognize no income, gain, or loss on a transfer of its assets to a FSC or small FSC if all of the following conditions are met:

(1) The assets transferred were held by the DISC on August 4, 1983, and were transferred by the DISC or former DISC to the FSC or small FSC in a transfer completed before January 1, 1986; and

(2) The assets are transferred in a transaction which would qualify for nonrecognition under subchapter C of Chapter 1 of the Code, or would so qualify but for section 367 of the Code.

In such case, section 367 shall not apply to the transfer. In addition, other provisions of subchapter C will apply to the transfer, such as section 358 (basis to shareholders), section 362 (basis to corporations), and section 381 (carryovers in corporate acquisitions). In determining whether a transfer by a DISC to a FSC or small FSC qualifies for nonrecognition under subchapter C, a liquidation of the assets of the DISC into a parent corporation followed by a transfer by the parent of those assets to the FSC or small FSC will be treated as a transaction described in section 368(a)(1)(D).

(8) Completed contract method.

Question 8: Under what conditions is a taxpayer using the completed contract method of accounting as defined in § 1.451–3(d) exempted from satisfying the foreign management and foreign economic process requirements of subsections (c) and (d) of section 924?

Answer 8: If the taxpayer has entered into a binding contract before March 16, 1984, or has on March 15, 1984, and at all times thereafter a firm plan, evidenced in writing, to enter the contract and enters into a binding contract by December 31, 1984, then the taxpayer will be treated as having satisfied the foreign management tests of section 924(c) for periods before December 31, 1984, and the foreign economic process tests of section 924(d) with respect to costs incurred before December 31, 1984, with respect to the transaction. The FSC rules will apply to the income from the long-term contract if an election is made and the general FSC requirements under section 922 are satisfied. However, such taxpayer need not satisfy the activities test under section 925(c) for activities which occur before January 1, 1985 in order to use the transfer pricing rules under section 925.

(9) Long-term contract—before March 15, 1984.

Question 9: Under what conditions is a taxpayer who enters into a binding long-term contract (*i.e.*, a contract which is not completed in the taxable year in which it is entered into) before March 15, 1984, but does not use the completed contract method of accounting exempted from satisfying the foreign management and economic process requirements of subsections (c) and (d) of section 924?

Answer 9: If a taxpayer enters into a binding contract before March 15, 1984, the taxpayer will be treated as having satisfied the foreign management tests of section 924(c) for periods before December 31, 1984, and the foreign economic process tests of section 924(d) with respect to costs incurred before December 31, 1984, but only with respect to income attributable to such contracts that is recognized before December 31, 1986. The FSC rules will apply to the income from the long-term contract if an election is made and the general FSC requirements under section 922 are satisfied. However, such taxpayer need not satisfy the activities test under section 925(c) for activities which occur before January 1, 1985, in order to use the transfer pricing rules under section 925.

(10) Long-term contract—after March 15, 1984.

Question 10: Under what conditions is a taxpayer who has a long-term contract (i.e., a contract which is not completed in the taxable year in which it is entered into) but does not use the completed contract method of accounting exempted from satisfying the foreign management and economic process requirements of subsections (c) and (d) of section 924 if such taxpayer enters into a binding contract after March 15, 1984 and before January 1, 1985?

Answer 10: If a taxpayer enters into a contract after March 15, 1984, and before January 1, 1985, the taxpayer will be treated as having satisfied the foreign management tests of section 924(c) for periods before December 31, 1984, and the foreign economic process tests of section 924(d) with respect to costs incurred before December 31, 1984, but only with respect to income attributable to such contract that is recognized before December 31, 1985.

The FSC rules will apply to the income from the long-term contract if an election is made and the general requirements under section 922 are satisfied. However, such taxpayer need not satisfy the activities test under section 925(c) for activities which occur before January 1, 1985 in order to use the transfer pricing rules under section 925.

(11) Incomplete transactions.

Question 11: In computing its foreign trade income, how should a FSC treat transfers of export property from a related supplier to a DISC which is subsequently resold by a FSC after the DISC's termination?

Answer 11: In applying the gross receipts and combined taxable income methods under section 925 (a)(1) and (a)(2), the transaction is treated as if the transfer of export property were made by the related supplier to the FSC except that the foreign management and economic processes tests under section 924 and the activities test under section 925(c) shall be deemed to be satisfied for purposes of the transaction.

(12) Pre-effective date costs and activities.

Question 12: Are costs incurred and activities performed prior to January 1, 1985 taken into account for purposes of satisfying the foreign management and foreign economic processes requirements of subsections (c) and (d) of section 924 and the activities test under section 925(c)?

Answer 12: For purposes of determining the costs incurred and the activities performed to be taken into account with respect to contracts entered into after December 31, 1984, only those costs incurred and activities performed after December 31, 1984 are taken into consideration.

(13) FSC and interest charge DISC.

Question 13: Can a FSC and an interest charge DISC be members of the same controlled group?

Answer 13: A FSC and an interest charge DISC cannot be members of the same controlled group. If any controlled group of corporations of which an interest charge DISC is a member establishes a FSC, then any interest charge DISC which is a member of such group shall be treated as having terminated its status as an interest charge DISC.

(c) *Export Trade Corporations*—(1) *Previously taxed income.*

Question 1: Under what circumstances are earnings of an export trade corporation that have not been included in income under section 951 treated as previously taxed income previously included in the income of a U.S. shareholder for purposes of section 959 (and not taxed)?

Answer 1: A corporation which qualifies as an export trade corporation (ETC) with respect to its last taxable year beginning before January 1, 1985, and elects to discontinue operations as an ETC for all taxable years beginning after December 31, 1984, shall not be required to take into income earnings attributable to previously excluded export trade income, as defined in § 1.970–1(b), derived with respect to taxable years beginning before January 1, 1985. However, any amounts distributed by the former ETC (*i.e.* a corporation which was an ETC for its last taxable year beginning before January 1, 1985) shall be treated as being made out of current earnings and profits and then out of previously taxed income. For purposes of determining the shareholder's basis in the ETC stock, distributions of previously excluded export trade income shall be treated as if made out of previously taxed income which has already been included in gross income under section 951(a)(1)(B).

Thus, no basis adjustment under section 961 is necessary. In addition, upon the sale or exchange of the stock of such corporation in a transaction described in section 1248(a), the earnings and profits of the corporation attributable to such previously untaxed income shall not be subject to section 1248(a).

(2) Qualification as an ETC for last year.

Question 2: Must an ETC satisfy all of the tests set forth in section 971(a)(1) for the ETC's last taxable year beginning before January 1, 1985?

Answer 2: All of the tests in section 971(a)(1) must be satisfied, except that for purposes of the working capital requirements set forth in section 971(c)(1), the working capital of the ETC at the close of its last taxable year beginning before January 1, 1985 shall be deemed reasonable.

(3) Continuation of ETC status.

Question 3: May a corporation which chooses to remain an ETC after December 31, 1984 continue to do so?

Answer 3: Yes. However, previously untaxed income of such ETC shall not be treated as previously taxed income in accordance with Q&A #1 of this section.

(4) Discontinuation of ETC status.

Question 4: How does an ETC make an election to discontinue its operation as an ETC?

Answer 4: The United States shareholders (as defined in section 951(b)) must file a statement of election on behalf of the ETC indicating the intent of the ETC to discontinue operations as an ETC for taxable years beginning after December 31, 1984. In addition, the statement of election must include the name, address, taxpayer identification number and stock interest of each United States shareholder. The statement must also indicate that the corporation on behalf of which the shareholders are making the election qualified as an ETC for its last taxable year beginning before January 1, 1985, and also the amount of earnings attributable to previously excluded export trade income. The statement must be jointly signed by each United States shareholder with each shareholder stating under penalties of perjury that he or she holds the stock interest specified for such shareholder in the statement of election. A copy of the statement of election must be attached to Form 5471 (information return with respect to a foreign corporation) filed with respect to the ETC's last taxable year beginning before January 1, 1985.

(5) Transition transfers.

Question 5: Under what circumstances may an electing ETC transfer its assets to a FSC without incurring any tax liability on the transfer?

Answer 5: An electing ETC will recognize no income, gain, or loss on a transfer of its assets to a FSC but only if all of the following conditions are met:

(1) The assets transferred were held by the ETC on August 4, 1983, and were transferred by the ETC to the FSC in a transfer completed before January 1, 1986; and

(2) The assets are transferred in a transaction which would qualify for nonrecognition under subchapter C of Chapter 1 of the Code, or would so qualify but for section 367 of the Code.

In such case, section 367 shall not apply to the transfer. In addition, other provisions of Subchapter C will apply to the transfer such as section 358 (basis to shareholders), section 362 (basis to corporation) and section 381 (carryovers in corporate acquisitions). In determining whether a transfer by an ETC to a FSC qualifies for nonrecognition under Subchapter C, a liquidation of the assets of the ETC into a parent corporation followed by a transfer by the parent of those assets to the FSC will be treated as a transaction described in section 368(a)(1)(D).

(OMB control number 1545-0884)

§§ 1.921-1 and 1.922-1 [Removed]

Paragraph 2. Sections 1.921-1 and 1.922-1 are hereby removed.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. The DISC election terminates on December 31, 1984, and a new election must be made which in a large number of cases will result in setting up a new corporation outside the United States. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Approved by the Office of Management and Budget under control number 1545-0884. This Treasury decision is issued under the authority contained in sections 803 and 805 of the Tax Reform Act of 1984 (98 Stat. 1001) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: September 28, 1984.

Ronald A. Pearlman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 84-26886 Filed 10-5-84; 4:43 pm]

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26 CFR Part 1

[T.D. 7984]

Income Tax, Taxable Years Beginning After December 31, 1953; Taxation of DISC Income to Shareholders

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains Income Tax Regulations relating to the taxation of Domestic International Sales Corporation [DISC] income to shareholders. Changes to the applicable tax law were made by the Tax Reform Act of 1976 and the Tax Equity and Fiscal Responsibility Act of 1982. In addition, amendments are also made to the regulations under section 993, one relating to the treatment of accrued interest on a producer's loan as a qualified export asset and another defining the term "trade receivables." A further amendment is made to the regulations under section 994 allowing treatment of a prior DISC dividend as an additional payment of transfer price or repayment of a commission by the DISC. The regulations provide the public with the guidance needed to comply with these Acts and would affect all corporations which have elected to be treated as a DISC and their shareholders.

DATES: The amendments under §§ 1.995-2(a), 1.995-6 and 1.995-7 are effective for taxable years beginning after December 31, 1975. The amendments under §§ 1.993-2(d) and 1.994-1(e) are effective for all open taxable years ending after December 31, 1971, and the amendment under § 1.996-3 is effective for taxable years of DISCs beginning after December 31, 1982. The amendments under § 1.993-2(f) apply for taxable years beginning after January 10, 1985, except that the taxpayer may at its option apply this provision for all open taxable years ending after December 31, 1971.

FOR FURTHER INFORMATION CONTACT: Jacob Feldman of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (LR-246-76), 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) under sections 995 and 996 of the Internal Revenue Code of 1954. These amendments are proposed to conform

the regulations to section 1101 of the Tax Reform Act of 1976 (90 Stat. 1655) and a portion of section 204(a) of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 423), and are to be issued under the authority contained in sections 995(e) (7), (8) and (10), 995(g) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1655; 90 Stat. 1659; 68A Stat. 917, respectively). Amendments are also being made under section 993, one relating to the treatment of accrued interest on a producer's loan and another defining trade receivables; under section 994 allowing treatment of a prior DISC dividend as an additional payment of transfer price or repayment of a commission by the DISC; and under section 996 to conform to changes made by the Tax Equity and Fiscal Responsibility Act of 1982. A notice of proposed rulemaking was published in the **Federal Register** on January 9, 1984 (49 FR 1075). A number of comments were received, but no hearing was requested and none was held.

Discussion

A number of issues were raised by commenters with respect to the proposed regulations. With respect to the definition of trade receivables under proposed § 1.993–2(d)(1), it was suggested that the "arise by reason of" language in section 993(b)(3) be added to restrict the definition to its proper scope and that "evidences of indebtedness" should not be limited to "written evidences of indebtedness." Both of these comments were adopted.

With respect to proposed § 1.993–2(f) which permits accrued interest on a producer's loan to qualify if paid within 60 days following the close of the DISC's taxable year, objections were raised as to the 60-day period and with respect to the retroactive application of this provision. A 60-day rule was believed necessary to prevent the interest between the DISC and its related supplier from accruing indefinitely without ever being paid. The 60-day period was chosen since it is the same period as is provided in § 1.994–1(e)(3) for the payment of initial transfer price or commission. No change was, therefore, made with respect to the 60-day period. Another suggestion was that the 60-day payment of accrued interest on a producer's loan should not be limited to the payment of cash or other property, but should also include a written obligation and offsetting accounting entry as permitted under § 1.994–1(e)(3) with respect to the initial payment of transfer price or commission. This suggestion was adopted. With respect to the effective date of § 1.993–2(f), the final regulations provide that this provision is effective for taxable years of a DISC beginning after January 10, 1985, but may be applied retroactively at the option of the taxpayer. A suggestion that accrued interest on foreign trade receivables be treated as a qualified export asset in the same manner as accrued interest on producer's loans was not adopted.

With respect to the proposed change to § 1.994–1(e)(5) which allows the DISC to reclassify that which would otherwise be treated as a distribution as a repayment of a commission or an adjustment of transfer price, several commenters suggested that the provision apply for all open years. This suggestion has been adopted in the final regulations. Other commenters suggested that the provision should be expanded to include other adjustments of DISC income not involving related parties as well as voluntary adjustments. These suggestions were not adopted.

With respect to § 1.995–6 dealing with the deemed distribution with respect to taxable income attributable to military property, a commenter suggested that in the event that gross income from the sales of military property cannot be determined on an item-by-item basis, the apportionment should not be limited to fair market value apportionment. Instead the commenter suggested that the taxpayer should be permitted to use other methods of apportionment based, for example, on gross receipts or cost of goods sold where appropriate. In addition, where an apportionment is required, the commenter suggested that the apportionment should only be applied where the sales of military property cannot be determined on an item-by-item basis. Both of these suggestions were adopted.

With respect to the separation rules under § 1.995–7(e) a number of commenters suggested the double attribution should apply only if there has been tax avoidance. This suggestion was not adopted since the provisions of section 995(e)(9)(A) do not restrict the double attribution rule to tax avoidance situations and the only exceptions to the separation rule are provided under section 995(e)(9)(B). The double attribution rule is also specifically referred to in the legislative history (S.R. 938, 94th Cong., 2d Sess. 296 (1976)), and there is no language limiting the application of the double attribution rules to tax avoidance situations. A corollary issue which a commenter raised is whether a DISC which is disqualified and recaptures accumulated DISC income can requalify and have a pro rata reduction in its base period export gross receipts. The proposed regulations under § 1.995–7(e)(5) take the position that the recapture of accumulated DISC income results only in a reduction of the base period export gross receipts associated with the DISC, not with the separated trade or business. Unlike a newly formed DISC, a DISC which has been disqualified and then requalifies has had the benefit of deferral during the years it was a DISC, a benefit which was not available to a new DISC. Therefore, the suggestion was not adopted.

Several other suggestions including a change in the method of computation of base period export gross receipts where DISCs in a controlled group have different annual accounting periods and special short taxable year rules where DISCs with different annual accounting periods elect to adopt the same annual accounting period, were considered but where not adopted.

Sections 801 through 805 of the Tax Reform Act of 1984 have replaced the Domestic International Sales Corporation (DISC) provisions with new Foreign Sales Corporation (FSC) provisions. In addition to the FSC provisions, a qualified domestic corporate taxpayer may elect to defer income attributable to $10 million or less in qualified export receipts by electing to be treated as an "interest charge DISC" and the shareholders of such DISC pay an annual interest charge on the amount of income deferred. The major portion of this regulation deals with the "incremental distribution" under sections 995(b)(1)(E), 995(e), and 995(g) of the Code. The incremental distribution will not apply with respect to either a FSC or an interest charge DISC. Nevertheless, these regulations are necessary to compute DISC benefits for taxable years of a DISC prior to December 31, 1984.

Regulatory Flexibility Act and Executive Order 12291

The Service has concluded that the regulations do not constitute regulations subject to the Regulatory Flexibility Act [5 U.S.C. Chapter 6]. The Commissioner of Internal Revenue has also determined that this regulation is not a major regulation as defined in Executive Order 12291 and therefore a regulatory impact analysis is not required.

Drafting Information

The principal author of these regulations is Jacob Feldman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal

Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects in 26 CFR §§ 1.861–1 through 1.997–1

Income taxes, Aliens, Exports, DISC, Foreign investments in U.S., Foreign tax credit, Source of income, United States investments abroad.

PART 1—[AMENDED]

Amendments to the Regulations

The Income Tax Regulations (26 CFR Part 1) are amended as follows:

Paragraph 1. Section 1.993–2 is amended by adding the text of paragraph (d)(1) and revising paragraph (f) to read as follows:

§ 1.993–2 Definition of qualified export assets.

* * * * *

(d) *Trade receivables*—(1) *In general.* For purposes of this section, trade receivables are accounts receivable and evidences of indebtedness which arise by reason of transactions of such corporation or of another corporation which is a DISC and which is a member of a controlled group which includes such corporation described in subparagraph (A), (B), (C), (D), (G), or (H), of section 993(a)(1) and which are due the DISC (or, if it acts as an agent, due its principal) and held by the DISC.

* * * * *

(f) *Producer's loans.* For purposes of this section, a producer's loan is an evidence of indebtedness arising in connection with producer's loans which are made by a DISC and which meet the requirements of § 1.993–4. If a producer's loan is a qualified export asset, interest accrued with respect to the producer's loan will also be treated as a qualified export asset provided that payment is made in the form of money, property (valued at its fair market value on its date of transfer and including accounts receivable for sales by or through a DISC), a written obligation which qualifies as a debt under the safe harbor rule of § 1.992–1(d)(2)(ii), or an accounting entry offsetting the account receivable against an existing debt owed by the person in whose favor the account receivable was established to the person with whom it engaged in the transaction and that payment is made no later than 60 days following the close of the taxable year of accrual of the interest. This paragraph (f) is effective for taxable years beginning after January 10, 1985 except that the taxpayer may at its option apply the provisions of this paragraph to taxable years ending after December 31, 1971.

* * * * *

Par. 2. Section 1.994–1(e) is amended as follows:

1. The last sentence of paragraph (e)(4) is revised to read as set forth below:

2. The last sentence of subdivision (i)(*a*) of paragraph (e)(5) is amended by adding the phrase "due the DISC" after the term "account receivable" the first time such term appears.

3. Subdivision (v) of paragraph (e)(5) is renumbered as subdivision (vi) and a new subdivision (v) is added to read as set forth below.

§ 1.994–1 Inter-company pricing rules for DISCs.

* * * * *

(e) *Methods of applying paragraph (c) and (d) of this section.*

* * * * *

(4) *Subsequent determination of transfer price or commission.* * * * Such a redetermination would include a redetermination by reason of an adjustment under section 482 and the regulations thereunder or section 861 and § 1.861–8 which affects the amounts which entered into the determination of the transfer price or commission.

(5) *Procedure for adjustments to transfer price or commission.*

* * * * *

(v) (*a*) In lieu of establishing an account receivable in accordance with subdivision (i) of this subparagraph for all or part of an amount due a related supplier, the related supplier and DISC are permitted to treat all or part of any distribution which was made by the DISC out of its previously taxed income with respect to the year to which the determination or redetermination relates as an additional payment of transfer price or repayment of commission (and not as a distribution) made as of the date the distribution was made. Any additional amount arising on the determination or redetermination due the related supplier after this treatment shall be represented by an account receivable established under subdivision (i) of this subparagraph. To the extent that a distribution is so treated under this subdivision (v), it shall cease to qualify as distribution for any Federal income tax purpose, and the DISC's account for previously taxed income shall be adjusted accordingly. If all or part of any distribution made to a shareholder other than the related supplier is recharacterized under this subdivision (v), the related supplier shall establish an account receivable from that shareholder for the amount so recharacterized. Such account receivable shall be paid in the time and manner set forth in this paragraph (e)(5). In order to obtain the relief provided by this subdivision (v), the conditions and procedures prescribed by Revenue Procedure 84–3 must be met. The provisions of this paragraph (e)(5)(v) shall apply to all open taxable years ending after December 31, 1971.

(*b*) If, for example, during 1982, a DISC commission from a related supplier with respect to a transaction completed in 1980 was redetermined to be $1,000 less than the commission actually charged by, and paid to, the DISC, the amount of any distribution previously made by the DISC from its 1980 previously taxed income to the related supplies as a shareholder may, to the extent of $1,000, be treated not as a distribution but as a repayment of the commission.

* * * * *

Par. 3. Section 1.995–2 is amended by adding new paragraphs (a)(4) and (a)(5) and revising paragraph (a)(6)(i) as follows:

§ 1.995–2 Deemed distributions in qualified years.

(a) General rule.

* * * * *

(4) For taxable years beginning after December 31, 1975, an amount equal to 50 percent of the taxable income of the DISC for the taxable years attributable to military property (as defined in § 1.995–6).

(5) For taxable years beginning after December 31, 1975, the taxable income for the taxable year attributable to base period export gross receipts (as defined in § 1.995–7).

(6) The sum of—

(i)(A) In the case of a corporate share holder, an amount equal to 57.5 percent of the excess (if any) (one-half for DISCs' taxable years beginning before January 1, 1983) of the taxable income of the DISC for such year (computed as provided in § 1.991–1(b)(1)) over the sum of the amounts deemed distributed for the taxable year in accordance with subparagraph (1), (2), (3), (4) and (5) of this paragraph, or

(B) in the case of a non-corporate share holder, an amount equal to one-half of the excess (if any) of the taxable income of the DISC for such year (computed as provided in § 1.991–1(b)(1)) over the sum of the amounts deemed distributed for the taxable year in accordance with subparagraphs (1), (2), (3), (4), and (5) of this paragraph.

* * * * *

Par. 4. The following §§ 1.995–6 and 1.995 are added immediately after § 1.995–5:

§ 1.995–6 Taxable income attributable to military property.

(a) *Gross income attributable to military property.* For purposes of section 995(b)(3)(A)(i), the term "gross income which is attributable to military property" includes income from the sale, exchange, lease, or rental of military property (as described in paragraph (c) of this section). The term also includes gross income from the performance of services which are related and subsidiary (as defined in § 1.993–1(d)) to any qualified sale, exchange, lease, or rental of military property. Where gross income cannot be determined on an item by item basis, the gross income with respect to those items not so determinable shall be apportioned. Such apportionment shall be accomplished using appropriate facts and circumstances, so that the gross income apportioned to sale of military property bears a reasonably close factual relationship to the actual gross income earned on such sales. The apportionment shall be based on methods which include the fair market value of property sold or exchanged, the fair rental value of any leaseholds granted, the fair market value of any related or subsidiary services performed in connection with such sale or leases or methods based on gross receipts or costs of goods sold, where appropriate.

(b) *Deductions.* For purposes of section 995(b)(3)(A)(ii), deductions shall be properly allocated and apportioned to gross income, described in paragraph (a) of this section, in accordance with the rules of § 1.861–8. These deductions include all applicable deductions from gross income provided under part VI of subchapter B of chapter 1 of the Code.

(c) *Military property.* For purposes of this section, the term "military property" means any property which is an arm, ammunition, or implement of war designated in the munitions list published pursuant to section 38 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2778 which superseded 22 U.S.C. 1934) and the regulations thereunder (22 CFR 121.01).

(d) *Illustration.* The principles of this section may be illustrated by the following example:

Example. X Corporation elects to be a DISC for the first time in 1976. X has taxable income of $50,000, of which $30,000 is attributable to military property and $10,000 to interest on producer's loans. The total deemed distributions with respect to X are as follows:

(1) Gross interest from Producer's loans in 1976	$10,000
(2) 50 percent of the taxable income of the DISC attributable to military property in 1976	15,000
(3) One-half of the excess of taxable income for 1976 over the sum of lines (1) and (2) (½ of ($50,000 minus $25,000))	12,500
(4) Total deemed distributions (sum of total lines (1), (2), and (3))	37,500

§ 1.995–7 Taxable income attributable to base period export gross receipts.

(a) *General rule.* This section provides rules for the computation of taxable income attributable to base period export gross receipts. Section 995(b)(1)(E) treats taxable income attributable to base period export gross receipts as a deemed distribution to a shareholder of a DISC for taxable years of a DISC beginning after December 31, 1975. The amount attributable to base period export gross receipts that must be included in income of a shareholder will be referred to as the nonincremental distribution. The nonincremental distribution must be computed for each taxable year of a DISC. Such year will be referred to as the computation year.

(b) *Nonincremental distribution*—(1) *General rule.* The nonincremental distribution for a computation year of a DISC is computed by multiplying the adjusted taxable income of the DISC by a fraction. The numerator of the fraction is the amount of the adjusted base period export gross receipts and the denominator is the amount of the export gross receipts of the DISC for the computation year.

(2) *Adjusted taxable income.* The "adjusted taxable income" is the taxable income of a DISC for the computation year reduced by the amounts described under section 995(b)(1) (A) through (D) and the regulations thereunder.

(3) *Export gross receipts.* The "export gross receipts" is the qualified export gross receipts described in section 993(a)(1) (A), (B), (C), (G), and (H) of a DISC for a taxable year reduced by 50 percent of those receipts which are attributable to military property (as defined under § 1.995–6). For purposes of determining the denominator described in this paragraph (b), if the computation year is a short taxable year, the amount of export gross receipts for that year is multiplied by a fraction. The numerator of the fraction is the number of days which would have been in the taxable year of the taxpayer if there had been a full taxable year and the denominator is the number of days in the short taxable year.

(4) *Adjusted base period export gross receipts.* The amount of adjusted base export gross receipts is 67 percent of the average of the base period export gross receipts.

(c) *Average base period export gross receipts*—(1) *Base period of 48 months or less.* If a DISC has a base period of 48 months or less, the amount of average base period export gross receipts is determined by dividing the base period export gross receipts by number four (4).

(2) *Base period or more than 48 months.* If a DISC has a base period of more than 48 months, the amount of average base period export gross receipts is determined by multiplying the base period export gross receipts by a fraction. The numerator of the fraction is the number 365.25 and the denominator is the total number of days in the base period.

(3) *Change of accounting period.* Notwithstanding paragraph (c)(1) of this section, if a corporation that is a DISC changes its annual accounting period (other than during the first taxable year of its existence), and the effect of such a change creates a base period of less than 48 months, the average base period export gross receipts are determined under paragraph (c)(2) of this section. This paragraph (c)(3) applies with respect to changes of accounting period permitted under § 1.995–7(d)(5).

(4) *Base period export gross receipts.* "Base period export gross receipts" means the aggregate export gross receipts of a DISC for all taxable years beginning during the base period reduced by the base period export gross receipts attributable to property that is excluded from export gross receipts during the computation year. Excluded property is property described in section 993(c)(2) (C) or (D) without regard to the fixed contract exception under § 1.993–3(g)(6). When the fixed contract exception applies, the amount of excluded property is multiplied by a fraction. The numerator of the fraction is the amount of the gross receipts in the computation year attributable to excluded property less the amount of the export gross receipts by reason of the fixed contract exception under § 1.993–3(g)(6). The denominator of the fraction is the total amount of gross receipts in the computation year attributable to excluded property. For taxable years of a DISC ending before November 15, 1982, base period export gross receipts do not include receipts attributable to property sold or leased to a WHTC or receipts which arose in the absence of a written supplier's agreement unless the receipts were treated as qualified export by the taxpayers

(5) *Illustration.* The following example illustrates the application of paragraph (c)(4) of this section:

Example. X Corporation, a DISC since 1972, derived $2000 from sales of coal and $3000 from sales of foodstuffs in 1976. In 1975 gross receipts from the sale of agricultural products were $1000 and from the sale of coal were $3000. One thousand dollars of the $3000 was derived from sales prior to March 19, 1975, and $2000 from sales made after March 18, 1975, of which $500 of the latter sales were pursuant to a fixed contract. Assume that all gross receipts are qualified export receipts (and, therefore, export gross receipts as provided in paragraph (b)(3) of § 1.995–7) except to the extent that section 993 (c)(2)(C) (which treats natural resources such as coal as excluded property) is applicable. Assume further that the gross receipts for 1972, 1973, and 1974 were each $500, all derived entirely from the sale of foodstuffs and all qualifying as export gross receipts. Under these facts the adjusted base period export gross receipts are determined as follows:

(1) Export gross receipts for 1975:	
(i) Export gross receipts—agricultural products	$1,000
(ii) Export gross receipts—coal	$1,500
(*a*) Sales prior to March 19, 1975	$1,000
(*b*) Sales subsequent to March 18, 1975:	
(1) Fixed Contract sales	$500
(2) Non-fixed contract sales	$1,500
Total	$2,000

$$\text{Excluded property receipts (\$2,000} \times \frac{\text{Excluded property receipts (\$2,000)}}{\text{Excluded property receipts (\$2,000)}} - \text{Fixed contract receipts (\$500)}$$

Total export gross receipts ($1,000 + 1,500)	$2,500
(2) Adjusted export gross receipts:	
1972 export gross receipts	$500
1973 export gross receipts	500
1974 export gross receipts	500
1975 export gross receipts	2,500
Base period export gross receipts	4,000
Average base period export gross receipts 1972–75	1,000
Adjusted base period export gross receipts (.67 × average for base years	670

(6) *Base years.* The base period is a 4-year period attributable to a computation year. For computation years of a DISC beginning before January 1, 1980, the base period calendar years are 1972, 1973, 1974, and 1975. For other computation years, the base period calendar years are the fourth, fifth, sixth and seventh calendar years preceding the calendar year in which the computation year begins. If a DISC has taxable years beginning in every base period calendar year, the base period is the period which begins on the first day of the first taxable year beginning in the earliest base period calendar year and ends on the last day of the last taxable year beginning in the latest base period calendar year. A corporation that revoked its election to be treated as a DISC or failed to satisfy the conditions of section 992(a)(1) for a taxable year to be a DISC will, for purposes of computing its base period export gross receipts, be treated as a DISC newly established in such subsequent taxable year. However, see paragraph (e)(3) of this section, which treats a disqualification as a separation. This paragraph (c)(6) applies whether or not the DISC qualified (or was treated) as a DISC (within the meaning of section 992(a)(1) and § 1.992–1) for all taxable years beginning in the base period calendar years. If a DISC does not have a taxable year beginning in every base period calendar year, the base period is the period which begins on the the date during the earliest base period calendar year that corresponds to the date on which the first taxable year of the DISC begins, and ends on the last day of the last taxable year of the DISC beginning in the latest base period calendar year.

(7) *Illustrations.* The following examples illustrate the application of this paragraph (c):

Example (1). X Corporation, a DISC, was organized on March 1, 1972, and adopted a taxable year beginning on March 1. With respect to the computation year beginning on March 1, 1976, X's base period calendar years are 1972, 1973, 1974, and 1975. The base period is the period which begins on March 1, 1972, and ends on February 29, 1976.

Example (2). Y Corporation, a DISC, was organized on March 15, 1974, and adopted a taxable year beginning on October 1. With respect to the computation year beginning on October 1, 1977, Y's base period is the period which begins on March 15, 1972, and ends on September 30, 1976.

Example (3). Z Corporation, a DISC, was organized on December 10, 1974, and adopted a taxable year beginning on February 1. With respect to the computation year beginning on February 1, 1980, Z's base period calendar years are 1973, 1974, 1975, and 1976. The base period is the period which begins on December 10, 1973, and ends on January 31, 1977.

(d) *Controlled group*—(1) *General rule.* Where more than one member of a controlled group of corporations (as defined in section 993(a)(3) and § 1.993–1(k)) qualifies or is treated as a DISC, special rules are used to calculate the nonincremental distribution. In such a case, the fraction described in paragraph (d)(2) of this section to compute the nonincremental distribution is the aggregate of the adjusted base period export gross receipts over the aggregate of the computation year export gross receipts for the computation year of every member DISC within the controlled group. This fraction is multiplied by the aggregate adjusted taxable income of each member DISC within the controlled group. The computation of the nonincremental distribution described in this paragraph applies to shareholders of a DISC that is a member of a controlled group even though such shareholder is not a related person within the meaning of § 1.993–1(a)(6).

(2) *Aggregate adjusted base period export gross receipts.* If any DISC that is a member of the controlled group uses a taxable year that is different from another DISC that is a member of the same controlled group, the aggregate of the adjusted base period export gross receipts consists of the sum of the adjusted base period export gross receipts of each of the following DISCs:

(i) The DISC (primary DISC) with respect to which the nonincremental distribution is being determined; and

(ii) All other DISCs (secondary DISCs) that are members of the same controlled group (as defined in section 993(a)(3)) as the primary DISC and whose computation years end with or within the computation year of the primary DISC.

For purposes of this paragraph (d)(2), the base period calendar years of any secondary DISC is the base period calendar years of the primary DISC.

(3) *Aggregate current year export gross receipts.* If paragraph (d)(2) of this section applies, the aggregate of the export gross receipts for the computation year consists of the sum of the export gross receipts of the primary DISC and the export gross receipts of all secondary DISCs for their computation years described in paragraph (d)(2)(ii) of this section.

(4) *Illustrations.* The following examples illustrate the application of this paragraph (d):

Example (1). P Corporation owns all of the stock of V and X Corporations. V owns all of the stock of Y Corporation, a DISC. X owns all of the stock of Z Corporation, a DISC. P, V, X, Y, and Z are members of the same controlled group for all periods involved. V uses a fiscal year ending June 30 as its taxable year. X uses the calendar year as its taxable year. Y and Z both use the calendar year as their taxable years. For the computation year ending in 1980, Y has adjusted taxable income (as defined under paragraph (b)(2) of this section) of $3,000, adjusted base period export gross receipts (as defined under paragraph (b)(4) of this section) of $2,000, and export gross receipts (as defined under paragraph (b)(3) of this section) of $5,000. For the same year, Z has adjusted taxable income of $4,000, adjusted base period export gross receipts of $6,000 and export gross receipts of $5,000. The numerator of the fraction to determine the nonincremental distribution is $8,000, the aggregate of the adjusted base period export gross receipts of Y and Z. The denominator of the fraction is $10,000, the aggregate of the export gross receipts of Y and Z. The nonincremental distribution under paragraph (b)(1) of this section with respect to Y is $2,400 ($3,000 × 8/10), and with respect to Z is $3,200 ($4,000 × 8/10).

Example (2). The facts are the same as in example (1) except that Y uses a fiscal year ending January 31 as its taxable year and the computation year ends in 1980. In computing the nonincremental distribution with respect to Z, a calendar year DISC, Z is the primary DISC described in paragraph (d)(2)(i) of this section. In computing the adjusted base period export gross receipts of Y, Y's base period is the same as that of Z even though Y's computation year begins in the calendar year 1979. The adjusted taxable income and current year export gross receipts of Z are for the calendar year beginning January 1, 1980, and the current year export gross receipts of Y are for Y's fiscal year ending January 31, 1980.

(5) *Change of annual accounting period.* Where more than one member of a controlled group of corporations (as defined in section 993(a)(3) and § 1.993–1(k)) qualifies or is treated as a DISC and where any two or more of the member DISCs have different annual accounting periods, the annual accounting periods of the member DISCs may be changed without the approval of the Secretary if, and only if

(i) All member DISCs have the same annual accounting period after the change; and

(ii) The period chosen is the annual accounting period of one of the member DISCs.

In the case of an existing controlled group with member DISCs having different annual accounting periods, the change may be made within one year after (the date of adoption of the regulations as a Treasury decision); and in the case of a newly acquired DISC, the accounting period of such DISC may be changed by adopting the period of any existing DISC within one year after acquisition.

(e) *Separation of DISC and trade or business*—(1) *General rule.* If, at any time after the beginning of the base period of a DISC, there has been a separation of the ownership of the stock in that DISC from the ownership of a trade or business that produced export gross receipts of the DISC, the persons who own the trade or business during the taxable year are treated as having in any DISC in which they have (or acquire) a direct or indirect interest additional export gross receipts attributable to the trade or business for purposes of computing base period export gross receipts. Notwithstanding the separation, the base period export gross receipts remain with the DISC after separation and are taken into account by shareholders of the DISC (whether or not there are new shareholders of the DISC as a result of the separation) in computing the adjusted base period export gross receipts of the DISC for taxable years beginning prior to the year in which the separation occurs.

(2) *Ownership.* A person will be treated as an owner of a trade or business which produced export gross receipts of a DISC if the person owns stock, directly or indirectly, in a corporation that conducts the trade or business. A person will also be treated as an owner of a trade or business if that person is, for example, a partner in a partnership that either conducts the business or owns stock, directly or indirectly, in a corporation that conducts it, a lessee of substantially all the assets of a trade or business, or a licensee of a patent, copyright, trademark, or similar property essential to the conduct of a trade or business. For purposes of this paragraph (e)(2), a person who owns indirectly less than 5 percent of the entity conducting the trade or business shall not be treated as the owner of the trade or business. For purposes of this paragraph (e)(2), stock owned, directly, or indirectly, by or for a corporation, partnership, trust, or estate shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries. Stock considered to be owned by a person by reason of the application of the preceding sentence may be treated as actually owned by such person.

(3) *Separation.* A separation occurs if the ratio of a person's percentage ownership interest in a DISC to his percentage ownership in the trade or business which produced export gross receipts of the DISC changes at any time during the year. Thus, if A Corporation owns all the stock of B, C, and D Corporations, and D is a DISC and B and C produced export gross receipts for D, the transfer of the stock of B and C will result in a separation. Similarly, the transfer of the stock of C and the stock of D will result in a separation as will the liquidation of D by A. The disqualification of a DISC by revocation of the election or by failing to satisfy the conditions of section 992(a)(1) for a taxable year shall be treated as a separation, and the export gross receipts produced prior to the disqualification will be attributed to the separated trade or business. A requalified DISC will be treated as having additional export gross receipts attributable to the separated trade or business. For purposes of this paragraph (e)(3), members of the same controlled group (as defined in section 993(a)(3)) will be treated as one person.

(4) *Amount of attribution.* If a separation described in paragraph (e)(3) of this section occurs, the additional amount referred to in paragraph (e)(1) of this section is the amount of the export gross receipts attributable to the separated trade or business.

(5) *Recapture of accumulated DISC income.* If a shareholder of a DISC recaptures accumulated DISC income (as defined in section 996(f)(1)) as a result of a disposition (as described in section 995(c)) of stock in a DISC or a disqualification which results in a separation, the base period export gross receipts of the DISC for base period years prior to the disposition are reduced on a pro rata basis to the extent of the recapture in the taxable year. This reduction does not apply for purposes of determining the amount described in paragraph (e) (1) and (4) of this section which is attributable to the owner of a trade or business after the separation.

(6) *Illustrations.* The principles of this paragraph (e) are illustrated by the following examples:

Example (1). A Corporation owns all the stock of B, C and D Corporations. D is a DISC and B and C each produced $5,000 of the export gross receipts of D. A sells the stock of B to Z, an unrelated party, which organizes P Corporation, a DISC, for which B produces export gross receipts. Under paragraph (e)(3) of § 1.995-7, the sale of the stock of B constitutes a separation and under paragraph (e) (1) and (4), $5,000 of export gross receipts is attributable to P. Under paragraph (e)(1) the export gross receipts of D are $10,000 unchanged by the separation. If D is liquidated by A and F Corporation a new DISC is organized, F will have export gross receipts of $5,000. Under paragraph (3)(5), the export gross receipts of D are eliminated. However, paragraph (e)(5) does not apply to amounts attributable to the owner of the trade or business after the separation under paragraph (e)(4). Therefore, $5,000 is attributable to P (by B) and $5,000 is attributable to F (by C).

Example (2). G Corporation owns all the stock of H and I Corporations and H Corporation owns all the stock of J Corporation, a DISC. During the base period H produces all the export gross receipts of J, which amounts to $25,000. The sale of the stock of H to B does not constitute a separation within the meaning of paragraph (e)(3). If J is liquidated, there will be attributed to any future DISC organized with respect to H the export gross receipts attributable to the separate trade or business. Although the liquidation will result in a recapture of accumulated DISC income, paragraph (e)(5) does not apply for purposes of determining the amount attributable to the owner of the trade or business after the separation, and under paragraph (e)(1) such amount is attributed to any future DISC for which H produces export gross receipts.

Example (3). P Corporation owns several corporations including R Corporation, a DISC, and M Corporation, which has produced export gross receipts for R. P also owns several other DISC's. The stock of M is sold to W Corporation. Assuming that M produced $100,000 of export gross receipts during the base period and that those receipts were the only receipts produced with respect to R, there is a separation under paragraph (e)(3) and under paragraph (e)(1) $100,000 in export gross receipts will be attributable to any DISC that W organizes with respect to M. In addition, under paragraph (e)(1) the export gross receipts of R are unreduced and taken into account in computing base period export gross receipts under the controlled group rules of paragraph (d). If R is liquidated there will be a recapture of accumulated DISC income and under paragraph (e)(5) a reduction of the export gross receipts of R, but no reduction with respect to any DISC that W organizes with respect to M.

(f) *DISC base period attributed through shareholders*—(1) *In general.* If—

(i) Any person owns 5 percent or more of the stock of a DISC (referred to as the "first DISC"), and

(ii) that person at any time during the base period of the first DISC owned 5 percent or more of the stock of a second DISC, and

(iii) Both DISCs derived export gross receipts from the sale of the same or similar property, or from the

performance of the same or similar services,

then the base period export gross receipts of the first DISC are increased by the shareholder's pro rata portion of the base period export gross receipts of the second DISC.

(2) *Exception.* Paragraph (f)(1) of this section does not apply to the extent paragraph (d) or (e) of this section apply.

(3) *Ownership of stock.* For purposes of this paragraph (f), the ownership of stock is determined under section 318.

(4) *Recapture of accumulated DISC income.* The rules with respect to recapture of accumulated DISC income described in paragraph (e)(5) of this section apply with respect to base period attribution under this paragraph.

(5) *Illustration.* The following example illustrates the application of this paragraph.

Example. A Corporation owns all the stock of B and C Corporations and B owns all the stock of D Corporation, a DISC. B produced $10,000 of export gross receipts of D for the base period 1972–1975. On January 1, 1976, A sells all the stock of C to X Corporation, an unrelated corporation. Subsequently A purchases 50 percent of the stock of F Corporation, another DISC, and B conducts all of its export business through F with B as the related supplier. Neither the sale of C by A nor the purchase of F result in a separation with respect to A under paragraph (e) of this section. In addition, D and F are not members of the same controlled group within the meaning of section 993(a)(3), and paragraph (d) of this section does not apply. However, under paragraph (f)(1) of this section, the base period export gross receipts of F are increased by $10,000.

(g) *Small DISC exception*—(1) *Adjusted taxable income of $100,000 or less.* Except as provided in paragraph (g)(4) of this section, if a DISC has adjusted taxable income of $100,000 or less for the taxable year, section 995(b)(1)(E) and this section do not apply for that year.

(2) *Partial exception.* If, for a taxable year, a DISC has adjusted taxable income of more than $100,000 but less than $150,000, the nonincremental distribution under paragraph (b)(1) of this section is reduced (but not below zero) by an amount equal to twice the excess of $150,000 over the adjusted taxable income.

(3) *Short taxable year.* In computing a DISC's adjusted taxable income for purposes of this paragraph (g), when the current taxable year is a short taxable year, the adjusted taxable income for the year is multiplied by a fraction. The numerator of the fraction is the number of days in the full taxable year and the denominator is the number of days in the short taxable year.

(4) *Controlled groups.* If more than one member of a controlled group (as defined in section 993(a)(3)) qualifies, or is treated, as a DISC for the current taxable year, the adjusted taxable income of each member of the group is aggregated for purposes of determining the application of paragraph (g) (1) or (2) of this section. The adjusted taxable income of any DISC for purposes of this aggregation may not be less than zero. The aggregation is made in the same manner and with respect to those DISCs described in paragraph (d)(2) of this section. If the adjusted taxable income of the member DISCs is more than $100,000, but less than $150,000, the nonincremental distribution under paragraph (b)(1) of this section is determined in accordance with paragraph (d) of this section. The reduction determined under paragraph (g)(2) of this section is apportioned among the DISCs described in paragraph (d)(2) of this section in accordance with the ratio which the adjusted taxable income of each member DISC for the year bears to the total adjusted taxable income of all member DISCs for the year. This paragraph (g)(4) applies to a shareholder of a DISC even though the shareholder is not a related person as defined in § 1.993–1(a)(6).

(h) *Certain transfer of DISC assets*—(1) *In general.* If—

(i) A corporation owns all the stock of a subsidiary and a DISC,

(ii) The corporation transfers (within the meaning of paragraph (h)(4) of this section) all the stock of the subsidiary,

(iii) The subsidiary has been engaged in the active conduct of a trade or business (within the meaning of section 355(b) and regulations thereunder) throughout the 5-year period ending on the date of the transfer, and continues to be so engaged thereafter,

(iv) During the taxable year of the subsidiary in which its stock is transferred, and its preceding taxable year, the trade or business produced qualified export receipts with respect to the subsidiary and the DISC,

(v) The DISC transfers all of its assets related to the conduct of the trade or business to a new DISC in exchange for all the stock of the new DISC, the DISC distributes the stock in the new DISC to the corporation and the corporation transfers the stock in the new DISC to the subsidiary, and

(vi) The transfers described in paragraph (h)(1)(v) of this section are undertaken for the sole purpose of avoiding the application of section 995(e)(9) and paragraph (e) of this section, and, therefore, preventing double attribution under paragraph (e)(1),

then notwithstanding any other rule or regulation to the contrary, the transfer described in paragraph (h)(1)(v) will be a reorganization within the meaning of section 368(a)(1)(D) to which section 355 applies and an exchange of stock of the new DISC by the corporation for stock of the subsidiary to which section 351 applies.

(2) *Special rule.* If—

(i) A corporation owns, directly or indirectly, all the stock of a subsidiary and a DISC,

(ii) A transfer or transfers described in this paragraph (h)(2) of the stock or assets of the subsidiary and the DISC are for the purpose described in paragraph (h)(1)(vi) of this section, and

(iii) The transfer or transfers occur in a transaction other than one described in paragraph (h)(1)(v) of this section but which satisfies the requirements of paragraphs (h)(1) (iii) and (iv) of this section,

then the transfer or transfers described in this paragraph (h)(2)(iii) will be a reorganization within the meaning of section 368, a transaction to which section 355 applies, an exchange of stock to which section 351 applies, or a combination of these, as the case may be, provided the transfer or transfers are consistent with the purpose and effect of those described in paragraph (h)(1)(v) of this section.

(3) *Ownership.* Stock owned, directly or indirectly, by a corporation shall be considered as owned proportionately by its shareholders.

(4) *Transfer.* The term "transfer" includes a sale, exchange, or other disposition of property.

(5) *Illustrations.* The following examples illustrate the application of this paragraph (h):

Example (1). P Corporation, which was organized on January 1, 1966, owns all the stock of X and Y Corporations, both also organized on January, 1 1966. X has been engaged in the manufacture of shoes. Y has been engaged in the manufacture of recreational equipment. On January 1, 1972, P organizes Z Corporation, a DISC. X and Y serve as the related suppliers of Z. On January 1, 1977, U Corporation offers to buy the stock of X. As part of an overall plan to avoid the application of section 995(e)(9), Z transfers all the export assets that relate to the trade or business conducted by X to V Corporation in exchange for all of the stock of V. Z then distributes all the stock of V to P, which transfers all the V stock to X. Immediately after this series of transactions, P sells all of the X stock to U Corporation. Under paragraph (h)(1) of this section, the transfer and distribution by Z constitute a reorganization under section 368(a)(1)(D) to

which section 355 applies, and the exchange by P constitutes and exchange to which section 351 applies. The result would be the same even if P sold less than all of the stock in X.

Example (2). The facts are the same as in example (1), except that Y organizes and owns all the stock of Z. Accordingly, after the transfer by Z, Z distributes the stock of V to Y, which in turn distributes the stock to P. P transfers all the V stock to X. Under paragraph (h)(2) of this section, the transfers by Z to Y, and Y to P constitute a reorganization described in section 368(a)(1)(D) to which section 355 applies. The transfer by P to X constitutes an exchange to which section 351 applies.

* * * * *

Par. 5. Section 1.996–3 is amended by adding a new paragraph (g) as follows:

§ 1.996–3 Divisions of earnings and profits.

* * * * *

(g) *DISCs having corporate and noncorporate shareholders.* In the case of a DISC having one or more corporate shareholders but less than all of its shareholders subject to the special rules of section 291(a)(4), relating to certain deferred DISC income as a corporate preference item, accumulated DISC income and previously taxed income of the DISC are divided between the corporate shareholders, as a class, and the other shareholders, as a class, in proportion to amounts of DISC income not deemed distributed and amounts deemed distributed to each class. Subsequent taxation of actual and qualifying distributions shall be based upon this division. Thus, if a DISC is owned 50 percent by corporate shareholders and 50 percent by individual shareholders and has undistributed taxable income of $2,000 for its year, the division is made as follows:

Corporate shareholders:	
Previously taxed income (57.5% of $2,000÷2)	$575
Accumulated DISC income (42.5% of $2,000÷2)	425
Individual shareholders:	
Previously taxed income (50% of $2,000÷2)	500
Accumulated DISC income (50% of $2,000÷2)	500

* * * * *

This Treasury decision is issued under the authority contained in sections 995(e) (7), (8) and (10), 995(g) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1655, 26 U.S.C. 995(e) (7), (8) and (10); 90 Stat. 1659, 26 U.S.C. 995(g); and 68A Stat. 917, 26 U.S.C. 7805).

Approved: September 26, 1984.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Ronald A. Pearlman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 84-26928 Filed 10-11-84; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 229

Implementation of the Provisions of Subsections 205 (c) and (d) of Title II of the Federal Oil and Gas Royalty Management Act of 1982

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule would implement provisions of subsections 205 (c) and (d) of Title II of the Federal Oil and Gas Royalty Management Act of 1982 (the Act). Section 205 of the Act provides for delegation of authority by the Secretary of the Interior to the States to conduct inspections, audits, and investigations with respect to all Federal lands within a State, and with respect to Indian lands with the permission of the affected Indian tribe or allottee.

MMS recently issued general regulations implementing the Act. However, subsection (c) of section 205 requires the Secretary to promulgate regulations defining functions which must be carried out jointly to avoid duplication of effort. Subsection (d) requires the Secretary to promulgate regulations and standards pertaining to the authorities and responsibilities which a State would administer under a delegation of authority. This interim rule would establish the standards required by the provisions of subsections (c) and (d). The Secretary of the Interior has delegated to MMS the authority to administer and implement these provisions of the Act.

DATES: Effective date November 13, 1984. Comments by November 13, 1984.

ADDRESS: Send comments to: Chief, Office of Royalty Regulations, Development and Review, Minerals Management Service (Mail Stop 660), 12203 Sunrise Valley Drive, Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Orie L. Kelm (703) 860–7511, (FTS) 928–7511.

SUPPLEMENTARY INFORMATION: The principal author of this rulemaking is Mr. Robert E. Boldt, Associate Director for Royalty Management, Minerals Management Service.

The Act, 30 U.S.C. 1701 *et seq.*, has established new avenues for cooperative efforts between States and the Federal Government in carrying out royalty management activities for onshore Federal leases and mineral leases on Indian lands. In particular, sections 202 and 205 of Title II of the Act, 30 U.S.C. 1732 and 1735, provide new authority for cooperative efforts with State governments. Under section 202, the MMS is authorized to enter into cooperative agreements with State and Indian governments to carry out audit and investigative activities related to oil and gas royalties paid and collected on Federal and Indian leases. Under section 205 the Secretary, after proper notice, opportunity for hearing, and rulemaking, is authorized to delegate to any State that properly petitions for it, all or part of the authorities and responsibilities of the Secretary to conduct inspections, audits, and investigations with respect to all Federal and Indian lands within that State; except that the Secretary may not undertake such a delegation with respect to any Indian Lands unless the permission of the affected Indian tribe or allottee involved has been obtained.

On September 20, 1984, MMS adopted a set of regulations to implement its new authorities under the Federal Oil and Gas Royalty Management Act of 1982. Part 229 of the new regulations implements section 205 of the Act by providing the general procedures for delegations of authority to the States. However, the Act contemplated more detailed regulations governing delegations of authority. The purpose of this interim final rule is to define those MMS authorities and responsibilities subject to delegation to State governments, those authorities and responsibilities reserved to the Secretary, and to promulgate standards by which State governments would carry out audit activities under a section 205 delegation of authority.

These standards by which State governments are to carry out audit activities are those contemplated by the Act. Included are the terms of authorities and responsibilities subject to delegation and the standards for: (a) Procedures for obtaining regulatory and policy guidance from MMS; (b) required recordkeeping; (c) coordination of State audit activities with those of the Department of the Interior (DOI); (d) procedures for the development, maintenance, and referencing of workpapers; and (e) standards for

carrying out audit activities under a delegation of authority.

Some related items are also addressed in this interim rulemaking. These include: (a) Procedures for the preparation and issuance of enforcement documents; (b) procedures for handling appeals; and (c) disbursement of revenues received as a result of audits conducted under a delegation of authority.

Section 205 of the Act does not authorize the Secretary to delegate enforcement authority to the States. Accordingly, the interim rules do not address this issue.

Administrative Procedures Act

The MMS has determined that good cause exists pursuant to 5 U.S.C. 553(b) to issue this rule as an interim final rule. Notice is impracticable and unnecessary for two principal reasons. First, a substantial amount of comment was received on the State delegation issue when MMS proposed its 30 CFR Part 229 regulations (since adopted on September 21, 1984), together with the other MMS rules implementing the Act. Moreover, extensive informal discussions were held with the States industry on the delegation issue during that rulemaking process.

The second reason why notice is impracticable and unnecessary is that section 205(b) of the Act requires notice and opportunity for a hearing before any authority under the Act actually is delegated to the State. Since the requirements of this rulemaking are general in nature, opportunity for comment on a specific delegation proposal will be more meaningful.

The MMS is providing a 30-day comment period on the interim final rule and encourages interested persons to submit comments. If any comments are received which warrant a change to the rules issued today, an appropriate amendment will be made when the interim final rule is issued in final form. MMS will not finally approve the delegation of authority to a State until final regulations are issued. This will allow for consideration of all comments and possible changes to the rule before any State's delegation petition is acted upon.

For the above reasons, MMS has determined that good cause exists to issue interim final rules.

Executive Order 12291

The Department has determined that this interim rule is not a major rule and does not require the preparation of a regulatory impact analysis under Executive Order 12291.

This rulemaking has minimal economic effect on any business, large or small, as it only addresses who will perform the functions. The delegated functions will be no more stringent than are presently being performed.

Regulatory Flexibility

Some portion of the lessees/payors who will be assessed for royalty underpayments resulting from the implementation of this rulemaking will be small businesses. However, because the requirement to pay royalties is imposed by other regulations and because most of the affected lessees/payors are not small businesses, the Department has determined that this rule will not have a significant economic effect on a substantial number of small entities. Therefore, a small entity flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required.

Paperwork Reduction Act of 1980

The information collection requirements contained in this rule do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*, because there will be fewer than 10 respondents annually.

National Environmental Policy Act of 1969

It is hereby determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

List of Subjects in 30 CFR Part 229

Auditing standards, Delegations of authority, Intergovernmental relations, Investigations, Mineral royalties.

Under the authority of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1735), Chapter II, Title 30 of the Code of Federal Regulations is amended as set forth below.

Dated: September 18, 1984.

Garrey E. Carruthers,

Assistant Secretary for Land and Minerals Management.

PART 229—[AMENDED]

1. 30 CFR Part 229, Subpart C is amended as shown in the following redesignation table.

REDESIGNATION TABLE

Old 30 CFR Part 229, Subpart C	New 30 CFR Part 229, Subpart C designations
	Inserting new subheading—ADMINISTRATION OF DELEGATIONS.
229.100(a)	229.101(a).
229.100(b)	229.101(b).
229.100(c)	229.101(c).
229.100(d)	229.101(d).
229.100(e)	Removed.
229.101(a)	229.102(a).
229.101(b)	229.102(b).
229.102	229.102(c).
229.103	229.103.
229.104	229.105.
229.105	Removed.
229.106	Removed.
229.120	229.106.
229.110	229.108.
229.109	229.109.
229.108	229.110.
	Insert new subheading—DELEGATION REQUIREMENTS.
229.107	229.127.

§ 229.103 [Amended]

2. 30 CFR Part 229, Subpart C is further amended by revising the title of § 229.103 to read "Duration of delegations; termination of delegations."

3. 30 CFR Part 229, Subpart C is further amended by adding a new table of contents and the following new §§ 229.100, 229.104, 229.107, 229.120, 229.121, 229.122, 229.123, 229.124, 229.125, and 229.126 to read as follows:

PART 229—DELEGATION TO STATES

* * * * *

Subpart C—Oil and Gas, Onshore

Administration of Delegations

Sec.

229.100 Authorities and responsibilities subject to delegation.
229.101 Petition for delegation.
229.102 Fact-finding and hearings.
229.103 Duration of delegations; termination of delegations.
229.104 Terms of delegation of authority.
229.105 Evidence of Indian agreement to delegation.
229.106 Withdrawal of Indian lands from delegated authority.
229.107 Disbursement of revenues.
229.108 Deduction of civil penalties accruing to the State or tribe under the delegation of authority.
229.109 Reimbursement for costs incurred by a State under the delegation of authority.
229.110 Examination of the State activities under delegation.
229.111 Materials furnished to States necessary to perform delegation.

Delegation Requirements

229.120 Obtaining regulatory and policy guidance.
229.121 Recordkeeping requirements.
229.122 Coordination of audit activities.
229.123 Standards for audit activities.
229.124 Documentation standards.

229.125 Preparation and issuance of enforcement documents.
229.126 Appeals.
229.127 Reports from States.

Authority: The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*)

* * * * *

Subpart C—Oil and Gas, Onshore

Administration of Delegations

§ 229.100 Authorities and responsibilities subject to delegation.

(a) All or part of the following authorities and responsibilities of the Secretary under the Act may be delegated to a State authority:

(1) Conduct of audits related to oil and gas royalty payments made to the MMS which are attributable to leased Federal or Indian lands within the State. Delegations with respect to any Indian lands require the written permission, subject to the review of the MMS, of the affected Indian tribe or allottee.

(2) Conduct of investigations related to oil and gas royalty payments made to the MMS which are attributable to leased Federal lands or Indian lands within the State. Delegation with respect to any Indian lands require the written permission, subject to the review of the MMS, of the affected Indian tribe or allottee. No investigation will be initiated without the specific approval of the MMS or the Secretary's designee and in accordance with the Departmental Manual.

(b) The following authorities and responsibilities are specifically reserved to the MMS and are not delegable under these regulations:

(1) Enforcement actions to assess and collect additional royalties identified as a consequence of audits, inspections, and investigations. These include all actions related to resolution of royalty obligations so identified, and the establishement and maintenance of payment performance bonds which may be required during the resolution process.

(2) Enforcement actions to collect civil penalties and interest charges related to findings of audits, inspections, and investigations.

(3) Administration of all appeals and all actions of the Department related to administrative and judicial litigation.

(4) Issuance of subpoenas.

(c) The provisions of this section do not limit the authority provided to the States by section 204 of the Act.

* * * * *

§ 229.104 Terms of delegation of authority.

Each delegation of authority under this part shall be in writing, shall incorporate all the requirements of this part, and shall specifically include:

(a) Terms obligating the State to conduct audit and investigative activities for a specific period of time;

(b) Terms describing the authorities and responsibilities reserved by the MMS, including, but not limited to, those specified under § 229.100;

(c) Terms requiring the State to provide annual audit workplans to include the lease universe by company, or by individual lease accounts, a description of the audit work product(s) to be delivered, and the State resources (staff and otherwise) to be committed to the delegation;

(d) Terms requiring the State to notify the MMS of any changed circumstances which would affect the State's ability to carry out the terms of the delegation;

(e) Terms requiring coordination of delegated activities among the State, the MMS, and the land management agencies responsible for management of the leases included in the audit universe;

(f) Terms requiring the State to maintain and make available to the MMS all audit workpapers, documents, and information gained or developed as a consequence of activities conducted under the delegation;

(g) Terms obligating the State to adhere to all Federal laws, rules and regulations, and Secretarial determinations and orders relating to the calculation, reporting, and payment of oil and gas royalties, in all activities performed under the delegation.

* * * * *

§ 229.107 Disbursement of revenues.

(a) The additional royalties and late payment charges resulting from State audit work done under a delegation of authority shall be collected by MMS. The State's share of any amounts so collected shall be paid to the State in accordance with the provisions of 30 U.S.C. 191 and Part 219 of this chapter.

(b) Amounts collected for Indian leases shall be transferred to the appropriate Indian accounts (designated Treasury accounts) managed by the Bureau of Indian Affairs at the earliest practicable date after such funds are received, but in no case later than the last business day of the month in which such funds are received.

(c) MMS shall provide to the State on a monthly basis, an accounting of collections resulting from audit work and enforcement actions resulting from a delegation of authority. Such accounting will identify collections broken down by royalties, penalties and interest paid.

* * * * *

§ 229.111 Materials furnished to State necessary to perform delegation.

The MMS shall provide to the State all reports, files, and supporting materials within its possession necessary to allow the State to effectively carry out the terms of the delegation specified in § 229.104.

Delegation Requirements

§ 229.120 Obtaining regulatory and policy guidance.

All activities performed by a State under a delegation must be in full accord with all Federal laws, rules and regulations, and Secretarial and agency determinations and orders relating to the calculation, reporting, and payment of oil and gas royalties. In those cases when guidance or interpretations are necessary, the State will direct written requests for such guidance or interpretation to the appropriate MMS officials. All policy and procedural guidance or interpretation provided by the MMS shall be in writing and shall be binding on the State.

§ 229.121 Recordkeeping requirements.

(a) The State shall maintain in a safe and secure manner all records, workpapers, reports, and correspondence gained or developed as a consequence of audit or investigative activities conducted under the delegation. All such records shall be made available for review and inspection upon request by representatives of the Secretary and the Department's Office of Inspector General (OIG).

(b) The State must maintain in a confidential manner all data obtained from DOI sources or from payor or company sources under the delegation which have been deemed "confidential or proprietary" by DOI or a company or payor. In this regard, the State regulatory authority shall be bound by provisions of 30 U.S.C. 1733. MMS shall provide to the State guidelines for determining confidential and proprietary material.

(c) All records subject to the requirements of subsection (a) must be maintained for a 6-year period measured from the end of the calendar year in which the records were created. All dispositions or records must be with the written approval of the MMS. Upon termination of a delegation, the State shall, within 90 days from the date of termination, assemble all records specified in subsection (a), complete all

working paper files in accordance with § 229.124, and transfer such records to the MMS.

(d) The State shall maintain complete cost records for the delegation in accordance with generally accepted accounting principles. Such records shall be in sufficient detail to demonstrate the total actual costs associated with the project and to permit a determination by MMS whether delegation funds were used for their intended purpose. All such records shall be made available for review and inspection upon request by representatives of the Secretary and the Department's Office of Inspector General (OGIG).

§ 229.122 Coordination of audit activities.

(a) Each State with a delegation of authority shall submit annually to the MMS an audit workplan specifically identifying leases, resources, companies, and payors scheduled for audit. This workplan must be submitted 120 days prior to the beginning of each fiscal year. A State may request changes to its workplan (including the companies and leases to be audited) at the end of each quarter of each fiscal year. All requested changes are subject to approval by the MMS and must be submitted in writing.

(b) When a State plans to audit leases of a lessee or royalty payor for which there is an MMS or OIG resident audit team, all audit activities must be coordinated through the MMS or OIG resident supervisor. Such activities include, but are not limited to, issuance of engagement letters, arranging for entrance conferences, submission of data requests, scheduling of audit activities including site visits, submission of issue letters, and closeout conferences.

(c) The State shall consult with the MMS and/or OIG regarding resolution of any coordination problems encountered during the conduct of delegation activities.

§ 229.123 Standards for audit activities.

(a) All audit activities performed under a delegation of authority must be in accordance with the "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions" as issued by the Comptroller General of the United States.

(b) The following audit standards also shall apply to all audit work performed under a delegation of authority.

(1) *General standards*—(i) *Qualifications.* The auditors assigned to perform the audit must collectively possess adequate professional proficiency for the tasks required, including a knowledge of accounting, auditing, agency regulations, and industry operations.

(ii) *Independence.* In all matters relating to the audit work, the audit organization and the individual auditors must be free from personal or external impairments to independence and shall maintain an independent attitude and appearance.

(iii) *Due professional care.* Due professional care is to be used in conducting the audit and in preparing related reports.

(iv) *Quality control.* The State governments must institute quality control review procedures to ensure that all audits are performed in conformity with the standards established herein.

(2) *Examination and evaluation standards—Standards and requirements for examination and evaluation.* Auditors should be alert to situations or transactions that could be indicative of fraud, abuse, or illegal acts with respect to the program. If such evidence exists, auditors should forward this evidence to the Royalty Compliance Division (RCD) of the MMS. The RCD will contact the appropriate Federal law enforcement agencies. The scope of examinations are to be governed by the principle of a justifiable relationship between cost and benefit as determined by the auditor or audit supervisor. Audit procedures should reflect the most efficient method of obtaining the requisite degree of satisfaction. The auditor should determine, to the extent possible, the effect on royalty reporting of the non-arms'-length nature of related party transactions, such as transfers of oil to refinery units affiliated with the producer. A review should be made of compliance with the appropriate laws and regulations applicable to program operations. MMS shall issue guidelines as to the definition and nature of arms'-length and non-arms'-length transactions for use in carrying out delegated audit activities.

(3) *Standards of reporting.* (i) Written audit reports are to be submitted to the appropriate MMS officials at the end of each field examination.

(ii) A statement in the auditors' report that the examination was made in accordance with the generally accepted program audit standards (including the applicable General Accounting Office (GAO) standards) for royalty compliance audits should be in the appropriate language to indicate that the audit was made in accordance with this statement of standards.

(iii) The auditor's report should contain a statement of positive assurance on those items tested and negative assurance on those items not tested. It should also include all instances of noncompliance and instances or indications of fraud, abuse, or illegal acts found during or in connection with the audit.

(iv) The auditor's report should contain any other material deficiency identified during the audit not covered in paragraph (b)(3)(iii) of this section.

(v) When factors external to the program and to the auditor restrict the audit or interfere with the auditor's ability to form objective opinions and conclusions (such as denial of access to information by a company), the auditor is to notify the MMS. If the limitation is not removed, a description of the matter must be included in the auditor's report. MMS will take all legally enforceable steps necessary to seek information necessary to complete the audit.

(vi) If certain information is prohibited from general disclosure, the auditor's report should state the nature of the information omitted and the requirement that makes the omission necessary.

(vii) Written audit reports are to be prepared in the format prescribed by the RCD.

(viii) In instances where the extent of the audit findings or the amounts involved do not warrant it, a formal audit report need not be issued. In lieu of an audit report, a memorandum of audit findings will be prepared and placed on the case file.

§ 229.124 Documentation standards.

Every audit performed by a State under a delegation of authority must meet certain documentation standards. In particular, detailed workpapers must be developed and maintained.

(a) "Workpapers" are defined to include all records obtained or created in performing an audit.

(b) Each audit performed varies in scope and detail. As a result, the audit team must determine the best presentation of the workpapers for a particular audit. The following general standards of workpaper preparation are consistent with the goal of achieving proper documentation while maintaining sufficient flexibility.

(1) All relevant information obtained orally must be promptly recorded in writing and incorporated in the workpapers.

(2) Workpapers must be complete and accurate in order to provide support for findings and conclusions.

(3) Workpapers should be clear and understandable without the need for supplementary oral explanations. The information they contain must be clear, complete, and concise, so that anyone using the workpapers will be able to

readily determine their purpose, the nature and scope of the work done, and the conclusions drawn.

(4) Workpapers must be legible and as neat as practicable. They must meet standards which allow their use as evidence in judicial and administrative proceedings.

(5) The information contained in workpapers should be restricted to matters which are materially important and relevant to the objectives established for the assignment.

(6) Workpapers must be in sufficient detail to permit a subsequent independent execution of each audit procedure, assuming the target company retains its accounting documentation.

§ 229.125 Preparation and issuance of enforcement documents.

(a) Determinations of additional royalties due resulting from audit activities conducted under a delegation of authority must be formally communicated by the State, to the companies or other payors by an issue letter prior to any enforcement action. The issue letter will serve to ensure that all audit findings are accurate and complete by obtaining advance comments from officials of the companies or payors audited. Issue letters must be prepared in a format specified by the MMS, and transmitted to the company or payor. The company or payor shall be given 30 days from receipt of the letter to respond to the State on the findings contained in the letter.

(b) After evaluating the company or payor's response to the issue letter, the State shall draft a demand letter which will be submitted with supporting workpaper files to the MMS for appropriate enforcement action. Any sustantive revisions to the demand letter will be discussed with the State prior to issuance of the letter. Copies of all enforcement action documents shall be provided to the State by MMS upon their issuance to the company or payor.

§ 229.126 Appeals.

(a) Appeals made pursuant to the rules and procedures at 30 CFR Parts 243 and 290 related to demand letters issued by officers of the MMS for additional royalties identified under a delegation of authority shall be filed with the MMS for processing. The State regulatory authority shall, upon the request of the MMS, provide competent and knowledgeable staff for testimony, as well as any required documentation and analyses, in support of the lessor's position during the appeal process.

(b) An affected State, upon the request of the MMS, shall provide expert witnesses from their audit staff for testimony as well as required documentation and analyses to support the Department's position during the litigation of court cases arising from denied appeals. The cost of providing expert witnesses including travel and per diem is reimbursable under the provisions of a delegation of authority, at the Federal Government's existing per diem rates.

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[FR Doc. 84-26933 Filed 10-11-84; 8:45 am]
BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Permanent State Regulatory Program of Pennsylvania; Modification of Deadline

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

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 938 by modifying the deadlines for Pennsylvania to meet two of the conditions of approval of the State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). After providing opportunity for public comment, the Secretary has decided to extend the deadline for the State to resolve conditions (d) and (k) to November 30, 1984. Condition (d) pertains to prime farmland requirements for a permit applicant who proposed to mine coal in the anthracite region and condition (k) pertains to Pennsylvania's hearings provision for bond release.

EFFECTIVE DATE: October 12, 1984.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101, Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION:

I. Background on Conditional Approval

Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The curing of each deficiency is a condition of the approval. Steps to terminate the conditional approval must be taken if the conditions are not met according to the schedule. The dates are established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and SMCRA and the time required for changes to be adopted under State procedures or legislative schedules.

II. Background on Pennsylvania State Program

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior disapproved the program. The State resubmitted its program on January 25, 1982, and, subsequently the Secretary approved the program conditioned on the correction of minor deficiencies. Information pertinent to the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** (47 FR 33050). Additionally, on April 20, 1983, the United States District Court for the Middle District of Pennsylvania in *Pennsylvania Coal Mining Association* v. *Watt*, Civil No. 82-1129, remanded to the Secretary with instructions to rectify the corresponding provision in the Pennsylvania program concerning the timing of the bond release hearing and the decision. Pursuant to 30 CFR 732.17(e), the Secretary notified Pennsylvania by a letter dated June 7, 1983, that a State program amendment was required to rectify the matter. In the **Federal Register** (48 FR 27102) dated June 13, 1983, OSM announced its intention to impose new condition (k) on the approval of the Pennsylvania program to comply with the District court decision. The State responded to OSM's June 7, 1983 letter on July 27, 1983 and advised OSM that it would amend its regulations (PA 86.171) to rectify the matter. In the **Federal Register** dated September 6, 1983 (48 FR 40223), OSM imposed condition (k) and required that Pennsylvania correct its program by August 1, 1984.

Pennsylvania agreed at the time of conditional approval to correct condition (d) by August 1, 1983. However, in a letter dated April 25, 1983, it requested an extension of time to

correct condition (d) until February 1, 1984. In the **Federal Register** dated September 12, 1983 (48 FR 40868), OSM granted Pennsylvania the extension.

In a letter dated February 3, 1984, Pennsylvania asked to extend the time until August 31, 1984 to satisfy conditions (d) and (k). Pennsylvania attached a copy of its proposed regulations intended to satisfy conditions (d) and (k), but can not formally submit these regulations until the State rulemaking process is complete. The Environmental Quality Board (EQB) adopted the proposed regulations on December 20, 1983, and Pennsylvania anticipated completion of the process by August 31, 1984, therefore, OSM extended the time to satisfy conditions (d) and (k) to August 31, 1984 (49 FR 16776, April 20, 1984).

III. Program Amendment

In a letter dated July 18, 1984, Pennsylvania asked to extend the August 31, 1984 deadline to satisfy conditions (d) and (k) until November 30, 1984. The State explains that the extension is necessary due to the timing of the review of the proposed regulations by the EQB and the associated public comment period.

Therefore, the Secretary proposed in the **Federal Register** dated August 9, 1984 (49 FR 31913) to allow the State until November 30, 1984 to meet condition (d) pertaining to certain coal mine permit requirements with respect to prime farmland in the anthracite region and condition (k) pertaining to bond release procedures.

IV. Secretary's Findings

Based on Pennsylvania's letter explaining the need for an extension of time to satisfy conditions (d) and (k) and the State's progress to date with respect to its pending rule, the Secretary finds that Pennsylvania's request is reasonable and will extend the deadline for both conditions to November 30, 1984.

V. Public Comment

The public comment period on the proposed extension ended September 10, 1984.

The Pennsylvania Coal Mining Association (PCMA) objects to an extension of time for Pennsylvania to satisfy condition (k). PCMA believes that the State could more expediently amend its program by policy. PCMA indicates that OSM has accepted policy in the past and that timely bond release decisions are critical to Pennsylvania coal mining operators.

OSM agrees that timely bond release decisions are critical and provided for such when it imposed condition (k) by requiring the State until the condition is removed to conduct bond release hearings or informal conferences and render the associated decisions in a manner consistent with the District Court's decision and Federal standards. For a complete discussion of conditions (k) see the **Federal Register** dated September 6, 1983 (48 FR 40223). Therefore, OSM believes that the requested extension of time of two months to accommodate Pennsylvania's rulemaking process is reasonable and should not have an adverse effect on Pennsylvania coal operators.

VI. 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 of 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 will 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 938

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

Dated: October 5, 1984.

Garrey E. Carruthers,

Assistant Secretary for Land and Minerals Management.

PART 938—PENNSYLVANIA

§ 938.11 [Amended]

(1) 30 CFR 938.11(d) (1), (2), and (3) are amended by substituting "November 30, 1984", for August 31, 1984 each time it appears.

(2) 30 CFR 938.11(k) is amended by substituting "November 30, 1984", for August 31, 1984 each time it appears.

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

[FR Doc. 84–27054 Filed 10–11–84; 8:45 am]
BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL–2690–7]

Air Programs; Approval and Promulgation of Implementation Plan Compliance With the Statutory Provisions of Part D and Section 110 of the Clean Air Act; Wisconsin

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

ACTION: Notice of Wisconsin State Implementation Plan (SIP) Inadequacy and Call for SIP Revision—Information Notice.

SUMMARY: USEPA here gives notice that it has: (1) Notified the Governor of Wisconsin, Anthony S. Earl, that the Wisconsin sulfur dioxide (SO_2) SIP is inadequate to achieve the primary and secondary National Ambient Air Quality Standards (NAAQS); and, (2) called upon the State of Wisconsin to submit curative SIP revisions to USEPA for approval.

DATES: Final SIP revisions, and the complete technical support document, are due to USEPA by September 30, 1985.

ADDRESSES: Copies of the technical support document supporting the determination of SIP inadequacy are available for review at the following addresses. (It is recommended that you telephone Colleen W. Comerford, at (312) 886–6034, before visiting the Region V office).

Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604

Wisconsin Department of Natural Resources, Bureau of Air Management (AIR/3), 101 South Webster, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Steve Rothblatt, Chief, Air Programs Branch, USEPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2211, FTS 353–2211.

SUPPLEMENTARY INFORMATION:

I. Background

The 1970 Clean Air Act Amendments established deadlines for attainment of the primary NAAQS and required States to adopt SIPs providing for attainment within the deadlines. In many areas of the country, the first SIPs failed to bring about timely attainment. In 1976, USEPA found these plans inadequate to achieve the NAAQS, and called for SIP revisions under section 110(a)(2)(H) (41 FR 28842; July 13, 1976).

In 1977, Congress amended the Clean Air Act to address the problem of continuing nonattainment of the NAAQS. Section 107(d) was added which required each State to immediately designate all areas as either attaining the NAAQS, not attaining the NAAQS, or unclassifiable for lack of data. Section 107(d) further required USEPA to review, modify, and promulgate these designations by February 1978. New section 110(a)(2)(I) required each State to revise its SIP to prohibit major stationary source construction or modification after July 1, 1979, in any nonattainment area whose SIP did not meet the requirements of Part D of the amended Act. Section 172(a)(1) of that part required each nonattainment area SIP to "provide for" primary NAAQS attainment as soon as practicable, but no later than December 31, 1982. Section 172(b) specified other requirements Part D plans had to meet. The 1977 amendments, however, retained the authority in section 110(a)(2)(H) to issue notices of deficiency and calls for SIP revisions as additional remedial mechanisms. Section 110(a)(2)(H) requires that a State SIP be revised whenever the Administrator determines, on the basis of information available to him, that the plan is substantially inadequate to achieve the primary or secondary NAAQS. Thus, in any part of the State where the SIP is inadequate because it fails to meet the requirements of section 110, the SIP must be revised to correct the inadequacy.

II. Finding of Inadequacy

On April 26, 1984, USEPA notified the Governor of Wisconsin, Anthony S. Earl, that the Wisconsin SO_2 SIP is inadequate to achieve the primary and the secondary NAAQS, pursuant to section 110(a)(2)(H) of the Clean Air Act, 42 U.S.C. section 7410(a)(2)(H). USEPA has concluded that the SIP does not contain sufficient specific SO_2 emission limitations, schedules, and timetables for compliance with such limitations, as required by section 110(a)(2)(B), in order to ensure attainment and maintenance of the SO_2 NAAQS. This finding of SIP inadequacy applies statewide, except for those sources regulated under the New Source Performance Standards (NSPS), and for areas where there are SO_2 plans approved pursuant to Part D of the Clean Air Act (i.e., City of Madison and Village of Brokaw).

III. Call for SIP Revision

This finding of inadequacy requires Wisconsin, pursuant to the provisions of section 110(a)(2)(H), to carry out its SIP obligation, and to adopt and submit to USEPA for approval whatever additional control measures are necessary to assure timely attainment and maintenance of the SO_2 NAAQS. USEPA calls upon Wisconsin to submit the necessary SIP revisions, according to the schedule outlined below:

Transmit generic rules to USEPA—January 31, 1985

Make available to USEPA site-specific revisions to the generic rules, plus adequate technical support—March 31, 1985

Submit final rules (generic rules, plus any site-specific rules) and the complete technical support material—September 30, 1985.

This schedule is consistent with the rule development schedule submitted by the Wisconsin Department of Natural Resources (WDNR) in a letter dated February 16, 1984.

If the State does not submit remedial SIP revisions to USEPA within the specified time frame, then USEPA will propose funding restrictions under Section 176(b), and will consider promulgating SIP revisions adequate to meet the Section 110 requirements.

IV. Guidance on the Necessary Revisions

Wisconsin has already received a copy of the USEPA publication entitled "Guidance Document for Correction of Part D SIPs for Nonattainment Areas," issued on January 27, 1984, which will assist the State in making the revisions necessary to cure the inadequacies in their SO_2 SIP. This document may also be inspected at the USEPA Region V Office. USEPA's November 2, 1983, notice (46 FR 50686) explains USEPA's general policy on which the guidance for these revisions is based.

As noted by the Guidance Document, and by USEPA's general preamble for proposing rulemaking, published on April 4, 1979 (44 FR 20372), additional control measures added to a SIP generally do not relax or revoke the existing requirement. The new requirement does not supersede or replace the old requirement unitl the source comes into compliance with the new requirement. Instead, the existing requirement remains an enforceable provision of the SIP and co-exists with the new requirement in the applicable implementation plan. The present emission control requirement must be retained because the source must be prevented from operating without controls (or with less stringent controls) while it is moving toward compliance with (or challenging) the new requirement. This policy applies to every Part D SIP action taken by USEPA unless such action fits within one of the exceptions enumerated in the above referenced 1979 **Federal Register** notice. The fact that a SIP revision fits within an exception shall be indicated in the **Federal Register** notice approving that SIP revision.

V. Final Action

On July 13, 1984, USEPA received a response from the Governor of Wisconsin, Anthony S. Earl, acknowledging receipt of the April 26, 1984, notice of SO_2 SIP deficiency. In his response, Governor Earl informed USEPA that the WDNR is currently working on the regulations, and the appropriate support material, which will enable Wisconsin to meet the specified deadlines.

List of Subjects in 40 CFR Part 52

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

(Secs. 101, 107, 110, 116, 171–178 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7401, 7407, 7410, 7416, 7501–08, and 7601(a); sec. 129(a) of the Clean Air Act Amendments of 1977 (Pub. L. 95–95, 91 Stat. 685 (August 7, 1977))

Dated: October 3, 1984.

William D. Ruckelshaus,

Administrator.

[FR Doc. 84–26822 Filed 10–11–84; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 60

[A-10-FRL-2692-8]

Standard of Performance for New, Modified and Reconstructed Sources; Delegation to the State of Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule related notice.

SUMMARY: EPA is announcing approval of a request dated August 27, 1984 from the State of Oregon Department of Environmental Quality (DEQ) for delegation of additional source categories under the New Source Performance Standards (NSPS) as approved in their OAR 340-25-505 to 705. The additional source categories are: Metallic mineral processing plants, tape and label surface coating, VOC leaks in synthetic organic chemical industry, beverage can surface coating, and bulk gasoline terminals. This delegation will amend the November 11, 1975, December 3, 1981 (46 FR 62006), September 3, 1982 (48 FR 38982) and September 27, 1983 (48 FR 46535) to DEQ.

DATE: Effective September 25, 1984.

ADDRESSES: The relative material in support of this delegation may be examined during normal business hours at the following locations:

Air Programs Branch (10A-84-12), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

Department of Environmental Quality, 522 SW. Fifth, Yeon Building, Portland, Oregon 97207.

FOR FURTHER INFORMATION CONTACT: Mark H. Hooper, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-1949, FTS: 399-1949.

SUPPLEMENTARY INFORMATION: On November 11, 1975, the Regional Administrator of EPA, Region 10 delegated to the State of Oregon Department of Environmental Quality (DEQ) the authority to implement and enforce New Source Performance Standards (SPS) for 13 categories of stationary source as promulgated by EPA prior to January 1, 1975. This delegation was published in the **Federal Register** on February 20, 1976 (41 FR 7749). Additional delegations were made on December 3, 1981 (46 FR 62066), September 3, 1982 (47 FR 38982) and September 27, 1983 (48 FR 46535).

DEQ in a letter dated August 27, 1984 requested additional delegation of five (5) source categories under NSPS. The letter granting this additional delegation of authority to DEQ was dated September 25, 1984 and is as follows:

Frederic J. Hansen, Director,
Oregon Department of Environmental Quality,
P.O. Box 1760, Portland, Oregon

Dear Mr. Hansen: On August 27, 1984 you requested that EPA extend the delegation of authority to enforce five (5) additional source categories under New Source Performance Standards (NSPS) as granted to the State of Oregon on November 11, 1975. We have reviewed that request and hereby delegate to DEQ authority to enforce the following categories:

Metallic Mineral Processing Plants (Subpart LL)
Tape and Label Surface Coating (Subpart RR)
VOC Leaks in Synthetic Organic Chemical Industry (Subpart VV)
Beverage Can Surface Coating (Subpart WW)
Bulk Gasoline Terminals (Subpart XX)

This delegation is subject to the conditions outlined in the original letter of delegation dated November 11, 1975 and published in the **Federal Register** on February 20, 1976 (41 FR 7749).

A Notice announcing this delegation will be published in the **Federal Register** in the future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the Federal NSPS from sources located in the State which were previously sent to EPA will now be sent to the State agency.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all the terms of the delegation. In addition, EPA hereby delegates to DEQ the authority to enforce revisions to NSPS which have been promulgated through April 18, 1984.

An advance copy of this Register is enclosed for your information.

Sincerely,

Ernesta B. Barnes,

Regional Administrator.

cc: Mike Gearheard

This notice is being published to notify the public that a delegation of authority under NSPS has occurred.

(Sec. 110, Clean Air Act 42 U.S.C. 7410(a) and 7502)

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel sulfuric acid plants, Waste treatment and disposal, and Zinc.

Dated: September 25, 1984.

Ernesta B. Barnes,

Regional Administrator.

[FR Doc. 84-27030 Filed 10-11-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6572

[C-016609]

Colorado; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Bureau order insofar as it affects 320 acres of public land withdrawn for the Bureau of Reclamation for its Colorado River Storage Project. This action will permit immediate selection of the land by the State of Colorado in satisfaction of its State Indemnity Selection rights. The land will be opened in approximately 30 days to other forms of surface entry and mining, subject to the terms of the State Indemnity Selection application. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: November 8, 1984.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, BLM Colorado State Office, 1037 20th Street, Denver, Colorado 80202, 303-837-2592.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Bureau of Land Management Order of January 4, 1957, is hereby revoked insofar as it affects the following described lands:

Ute Principal Meridian

T. 1 S., R. 1 E.,
Sec. 35, E½.

The area described contains 320 acres in Mesa County.

2. Effective immediately, the lands shall be available for selection by the State of Colorado in satisfaction of its State Indemnity Selection rights, subject to valid existing rights.

3. At 10 a.m. on November 8, 1984, the lands shall be opened to operation of the public land laws generally, other than State Indemnity Selections, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All

valid applications received at or prior to 10 a.m. on November 8, 1984, shall be considerd as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on November 8, 1984, the lands will be opened to location and entry under the United States mining laws, subject to valid existing rights. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, incluidng attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: October 3, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-27010 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-1009]

Amendment of the Commission's Rules Relating to Multiple Ownership of AM, FM and Television Broadcast Stations; Order Extending Time for Filing Oppositions to Petitions for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration; extension of time for oppositions.

SUMMARY: This action extends the time for filing opposition comments in response to the Petitions for Reconsideration concerning Amendments of §§ 73.35, 73.240 and 73.636 of the Commissions Rules relating to Multiple Ownership of AM, FM and Television Broadcast Stations. This action is taken to correct the previous deadline date.

DATE: Oppositions in the above noted proceeding must be filed on or before October 18, 1984.

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

FOR FURTHER INFORMATION CONTACT: David L. Donovan, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Order Extending the Time for Filing Oppositions to Petitions for Reconsiderations

In the matter of Amendment of § 73.3555 [formerly § 73.35, 73.240 and 73.636] of the Commissions rules relating to Multiple Ownership of AM, FM and Television Broadcast Stations; Gen. Docket No. 83-1009, (8/9/84, 49 FR 31877; 10/3/84, 49 FR 39105).

Adopted: October 10, 1984.

Released: October 11, 1984.

By the Chief, Policy and Rules Division.

1. Public Notice Report No. 1479, stated that comments responsive to reconsideration petitions in Gen. Docket 83-1009 would be due by October 15, 1984. In order to provide the full 15 days after publication of that notice in the **Federal Register** for the filing of comments that is specified in the rules, that date is revised and comments will now be due by October 18, 1984.

2. Accordingly, it is ordered, that the dates for filing opposition comments in response to the Petitions for Reconsideration are extended respectively to and including October 18, 1984.

3. This action is taken pursuant to authority found in sections (i), 5[d][1], 303 (g) and (r) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules.

Federal Communications Commission.

Charles G. Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-27202 Filed 10-11-84; 10:36 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 501

[AC-84-7]

Ratification of Unauthorized Contractural Commitments

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This Acquisition Circular temporarily amends the General Services Administration Acquisition Regulation (GSAR) to add section 501.675 on the ratification of unauthorized contractual commitments in order to provide GSA contracting activities with guidance regarding the procedures to be followed in connection with the ratification of unauthorized contractual commitments.

DATES: *Effective:* October 2, 1984. *Expiration:* This Acquisition Circular expires 6 months after issuance.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations, Washington, DC 20405, (202) 523-4754.

SUPPLEMENTARY INFORMATION: The Director, Office of Management and Budget (OMB), by memorandum dated December 15, 1983, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 501

Government procurement.

Authority: 40 U.S.C. 486(c).

PART 501—[AMENDED]

In 48 CFR Chapter 5, the following Acquisition Circular is added to Appendix C at the end of the chapter to read as follows:

Appendix C—Amended

October 2, 1984.

General Services Administration Acquisition Regulation; Acquisition Circular AC-84-7

To: All GSA contracting activities.

Subject: Ratification of unauthorized contractual commitments.

1. *Purpose.* This Acquisition Circular temporarily amends the General Services Administration Acquisition Regulation (GSAR) to add a section on the ratification of unauthorized contractual commitments.

2. *Background.* The Federal Acquisition Regulation (FAR) did not pick up the coverage in the Federal Procurement Regulations on the subject of ratification of unauthorized contract awards. GSA contracting activities have asked for guidance regarding the procedures to be followed in connection with the ratification of unauthorized contract awards.

3. *Effective date.* October 2, 1984.

4. *Expiration date.* This Acquisition Circular expires 6 months after issuance unless canceled earlier.

5. *Reference to regulation.* Subpart 501.6 of the General Services Administration Acquisition Regulation.

6. *Explanation of change.* Subpart 501.6 is amended to add section 501.675 to read as follows:

501.675 Ratification of unauthorized contractual commitments.

501.675–1 Definitions.

(a) "Ratification" means the act of confirming an unauthorized contractual commitment.

(b) "Unauthorized contractual commitment" means an agreement that is not binding solely because the Government representative who made it lacked the authority to enter into the agreement on behalf of the Government.

(c) "Otherwise proper" means the agreement could have been entered into by a Government official with authority to obligate the Government contractually without violating any statute or regulatory requirement.

501.675–2 Authority.

(a) Subject to the limitations and in accordance with the procedures prescribed in 501.675–3 a contracting officer may ratify a contractual commitment made by an employee who did not have the requisite authority to enter into a contract on behalf of the Government if the head of the contracting activity (HCA) has approved the ratification action.

(b) The head of a contracting activity (HCA) may approve ratification of an unauthorized contractual commitment if—

(1) Ratification is in the Government's interest;

(2) The resulting contractual action would otherwise have been proper if made by an authorized contracting officer;

(3) The price is determined to be fair and reasonable; and

(4) Funds are available to pay for the acquisition.

501.675–3 Procedures.

(a) The Government is generally not bound by agreements or contractual commitments made by persons to whom contracting authority has not been delegated. Such unauthorized acts may be in violation to the Federal Property and Administrative Services Act, other Federal laws, the FAR, the GSAR, and good acquisition practice. Therefore, such unauthorized contractual commitments should be considered to be a serious matter and consideration given to initiating disciplinary action. In any instances where suspected irregularities may involve fraud against the Government, or any type of misconduct which might be punishable as a criminal offense, either the employees supervisor or the contracting officer should report the matter immediately to the Office of Inspector General and request a complete investigation.

(b) The individual who made the unauthorized commitment shall furnish the appropriate contracting director all records and documents concerning the commitment and a complete written statement of facts, including, but not limited to, a statement as to why normal procurement procedures were not followed, why the contractor was selected, a list of other sources considered, description of work or products, estimated or agreed contract price, citation of appropriation available and a statement regarding the status of performance. Under exceptional circumstances, such as when the person who made the unauthorized commitment is no longer available to attest to the circumstances of the unauthorized commitment, the contracting director, may waive the requirement that the responsible employee initiate and document the request for ratification; provided, a written determination is made that a commitment was in fact made by an employee who shall be identified in the determination.

(c) The appropriate contracting director will assign the request for ratification action to an individual contracting officer for processing. The contracting officer assigned the action will be responsible for:

(1) Reviewing and determining the adequacy of all facts, records, and documents furnished, and for obtaining any additional material required.
October 2, 1984

(2) Obtaining an opinion from legal counsel as to whether the acquisition is ratifiable.

(3) Stating whether the price involved is considered fair and reasonable.

(4) Determining that sufficient funds are available to pay for the acquisition.

(5) Preparing a summary statement of facts addressing the foregoing, to include a recommendation as to whether the transaction should be ratified, and stating the reasons therefor. Advice against ratification should include a recommendation for other appropriate disposition. When ratification is not permissable due to legal improprieties in the procurement, the contracting officer may recommend payment be made for services rendered on a *quantum meruit* basis (the reasonable value of work or labor) or for goods furnished on a *quantum valebant* basis (the reasonable value of goods sold and delivered) provided there is a showing that a valid need was satisfied and the Government received a benefit.

(d) The request for ratification, the information required by paragraphs (a), (b) and (c) above, and a recommendation for corrective action to preclude recurrence, shall be forwarded, through appropriate channels, to the HCA for consideration.

(e) The HCA, upon receipt and review of the complete file, may approve the ratification if determined to be in the Government's best interest, direct that payment be made on a *quantum meruit* or *quantum valebant* basis, or direct other disposition as appropriate. Acquisitions which have been approved for ratification shall be forwarded to the contracting officer for issuance of the appropriate contractual documents. If the request for ratification is not justified, the HCA shall return the request without approval and provide an explanation for the decision not to approve ratification.

(f) Each HCA shall maintain a separate file containing a copy of each request for approval to ratify an unauthorized contractual commitment and a record of the response to the request. This file shall be available for review by the Office of Acquisition Policy and the Inspector General.

Allan W. Beres,

Assistant Administrator for Acquisition Policy.

[FR Doc. 84–27035 Filed 10–11–84; 8:45 am]
BILLING CODE 6820–61–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 178

[Docket No. HM–185, Amdt. Nos. 173–179, 178–81]

Standards for Polyethylene Packagings; Revisions

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, Department of Transportation.

ACTION: Final rule; petitions for reconsideration and revisions.

SUMMARY: This document contains revisions to a final rule published under Docket HM–185 (49 FR 24684; June 14, 1984) which amended the Hazardous Materials Regulations applicable to polyethylene packagings used for hazardous materials. This amendment to the final rule: (1) Removes the

authorization in § 173.247(a)(21) which permits use of Specification 34 polyethylene drums as packagings for thionyl chloride; (2) revises § 173.119(m)(19) to authorize use of Specification 34 drums for flammable liquids which are also corrosive liquids; and (3) revises manufacturing requirements in § 178.19–3(a) to permit a wall thickness of 0.090 inch rather than 0.125 inch, in corners and undercuts only, for Specification 34 drums of greater than 15 gallons capacity. These changes are made in response to two petitions for reconsideration.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590; (202) 426–2075.

SUPPLEMENTARY INFORMATION: On August 26, 1982, MTB published a notice of proposed rulemaking (Docket HM–185, Notice 82–7) in the **Federal Register** (47 FR 37592). Based on the proposals contained in the notice and the merits of comments received from the public in response thereto, on June 14, 1984, MTB published a final rule in the **Federal Register** (49 FR 24684). As part of this rulemaking § 178.19 was revised: (1) To authorize a Specification 34 polyethylene drum of 55 gallons maximum capacity, (2) to add a provision for continued use of 55 gallon polyethylene drums manufactured under the terms of exemptions, and (3) to add authorizations for use of Specification 34 for a number of materials previously authorized in polyethylene drums only under exemptions.

Two petitions for reconsideration were received, one jointly from Hedwin Corporation (Hedwin) and Container Corporation of America (CCA) and the other from Union Carbide Corporation (Union Carbide). The Hedwin and CCA petition requests reconsideration concerning authorization for use of Specification 34 for thionyl chloride and minimum thickness requirements for Specification 34. The Union Carbide petition requests reconsideration concerning the use of Specification 34 for flammable liquids which are also corrosive liquids.

With regard to the authorization for use of Specification 34 for thionyl chloride, the Hedwin and CCA petition states:

> *Thionyl chloride.* The amendment authorizes polyethylene packaging for this commodity in Section 173.247. To our knowledge, this addition is based only upon exemptions held by CCA and Greif Bros. Both exemption holders are deeply concerned from the standpoint of product quality, i.e., contamination from polyethylene. There also is a tangible safety concern, although more testing would be required to document this. This concern arises form information developed since addition of this commodity to the exemptions, and relates primarily to long term storage and reuse of the packaging.
>
> We understand that Mobay and Occidental are the only shippers who were interested in this authority, and that only four shipments have occurred. The rationale expressed in the preamble for adding this material is not consistent with such a small number of shipments: "MTB notes that all of these materials have successful shipping experience under exemption and that there has been over one year of additional experience acquired since comments were submitted to Notice 82–7".
>
> Accordingly, until further investigation can resolve the doubts regarding this material, were petition for removal of the authorization of Specification 34 for thionyl chloride.

MTB notes that Greif Bros. Corporation supports this petition. Upon further consideration and based on this demonstration of concern and allegation of insufficient shipping experience by the exemption holders, MTB agrees that the packaging of thionyl chloride in polyethylene drums should remain under the terms of exemptions. Therefore, the final rule is revised to remove § 173.247(a)(21), which contains the authorization for use of Specification 34 for thionyl chloride.

With regard to minimum thickness requirements for Specification 34 drums, the Hedwin and CCA petition is quoted again as follows:

> *Minimum thickness in corners and undercuts.* Under paragraph 7.a.ii of exemption E–6883, Hedwin is authorized to produce polyethylene drums with a wall thickness no less than 0.140 inch measured on any point of the container "except for no less than 0.110 inch measured in the chime area" as shown on the Hedwin drawing accompanying the original exemption application.
>
> Under paragraph 7.a.i. of E–7072, CCA is authorized to produce a drum having a wall thickness no less than 0.12 inch measured on any point on the container "except for no less than 0.090 inch measured in a small area of the top chime."
>
> Greif Bros. Corporation wrote to the Exemptions Branch on December 21, 1983, asking for a similar revision to their E–7933. Although their application has not been acted upon, as noted above, Greif Bros. supports this petition for reconsideration.
>
> In the notice of proposed rulemaking in Docket No. HM–185, this subject was addressed in the preamble as follows: "A minimum container wall thickness of 0.125 inch would be required with 0.090 inch thickness authorized in corners and undercuts." This was expressed in footnote "3" to proposed § 178.19–3: "A minimum thickness of 0.090 inch is authorized in corners and undercuts."

This part of the proposal was not adopted. In the preamble to the final rule, the MTB said, "Several commenters contended that it is in the best interests of safety not to provide a reduction of material thickness in corners and undercuts. MTB agrees with this contention and the final rule requires a minimum wall thickness of 0.125 inch throughout the container."

There were but three comments against this issue, and in essence these constitute but one comment since the three were the Chemical Packaging Committee and two of its members. The CPC's comments were based only upon a "feeling" of its members that reduced thickness should not be authorized "despite any exemption experience which would seem to indicate otherwise."

Pennwalt commented generally, without any specifics: "Our experience shows that palletization is sometimes not optimum (thick deck, wide board spacing, etc.) which puts abnormal stress load on chime areas which sometimes causes failures particularly in thin areas." Hedwin has provided polyethylene drums to Pennwalt for years, but has no record of a single incident being reported to them along the lines described by Pennwalt's Bob Schaefer. CCA, the other exemption holder, did not provide drums to Pennwalt but has no reports of such failures from other customers. Accordingly, it is difficult to identfy the failures Mr. Schaefer claimed in this comment.

He went on to say, "If 12 manufacturers can meet the 0.125 min., the thirteenth should be able to." He obviously was unaware of the fact that there are two existing exemptions related to wall thickness, held by manufacturers, who together accounted for a large proportion of the 55-gallon polyethylene drums in commerce at the time. His comment also predated the Greif Bros. application for similar authority.

Du Pont commented in a fashion similar to the Packaging Institute: "While, to the best of our knowledge, no negative experience has been reported to date under exemptions, it is our belief that this reduction at these stress points would not be in the best interest of safety."

In contrast to these unsubstantiated comments and "belief," Hedwin has the very real experience of shipping nearly 800,000 drums under this exemption without difficulty attributable to this aspect of the exemption. Also in contrast to such comments is CCA's experience in the production of over 200,000 drums without a failure.

In short, the reality of these companies' vast experience grossly outweighs the unsubstantiated and incorrect beliefs of two members of the Chemical Packaging Committee and the reflection of their views in the CPC's composite comments.

The MTB's failure to adopt the proposed 0.090 provision, a rulemaking designed to eliminate the need for most polyethylene drum exemptions, in fact, forces the continuation of two of them. In addition, the Greif application ought to be granted. More applications may be expected, because we have been in contact with other companies in the industry who may seek this authority.

Experience justifies a general rule in the codified volume of 49 CFR, not the continuation or new issuance of exemptions.

We also are mindful of the many drums made under these exemptions that are in use in the field. The grandfather clause offered in the amendment was to mark Spec. 34 on those exemption drums for which the exemption is no longer necessary. Thus, declining to adopt the 0.090 proposal means that these drums remain under the exemption.

We seek to eliminate unnecessary exemptions for several reasons. The most obvious is the administrative burden on the companies and the agency alike, in the application, review, issuance and renewal processes. In addition, while before HM-185 virtually every plastic drum was under exemption, that is no longer the case, and we are concerned that there may be a competitive disadvantage to those few containers that must remain under the exemption.

The alternative to maintaining these exemptions and issuing new ones would be to increase the overall weight of the container to achieve the 0.125 minimum in the corners and undercuts. The increase in costs has not been thoroughly documented as of this filing, but is generally estimated at between 5–10%.

Simply stated, the petitioners have actual experience in transportation of approximately one million drums meeting the 0.090 standard. It is a fact that there is no safety or quality problem with these drums. This is countered in the file only by comments that acknowledge this good experience, and yet oppose the proposal based only upon unsubstantiated "feeling" and "belief." Feeling and belief may be all one can rely upon when no facts are available, but that is not the case here.

Accordingly, exemption holders Hedwin and CCA, with the support of Greif Bros., hereby petition for reconsideration of this aspect of the amendment, and urge adoption of footnote "3" as originally proposed for the table in § 178.19–3.

Based on the foregoing discussion, it appears that at least two exemptions may be continued in effect because they do not meet minimum thickness requirements as adopted in the final rule and that other polyethylene drum manufacturers may apply for exemption from this provision. MTB shares the petitioners' desire to eliminate unnecessary exemptions. Also, MTB notes that another polyethylene drum manufacturer has submitted comments in support of this petition. The manufacturer claims that in laboratory testing of drums with 0.090 inch wall thickness in undercut areas there was no difference in performance to drums with 0.125 inch wall thickness in undercut areas, with respect to stacking tests and drop tests. MTB agrees with petitioners that there has been an adequate demonstration of safety for drums constructed with wall thicknesses of less than 0.125 inch, in corners and undercuts. Therefore, the final rule is revised, by adding a footnote to the table in § 178.19–3(a), to permit a minimum wall thickness of 0.090 inch rather than 0.125 inch, in corners and undercuts only, for Specification 34 drums of greater than 15 gallons capacity.

In the final rule, MTB had added authorizations for use of Specification 34 based on commenters' input, experience acquired under the terms of various polyethylene drum exemptions, and reliance on new permeation and compatibility standards addded in § 173.24(d). Authorizations were added for flammable liquids with flash points above 20° F., organic peroxides (including those classed as flammable liquids), hydrobromic acid (not over 49%), poisonous liquids, n.o.s., and cyanide solutions. Union Carbide has petitioned MTB to amend the final rule at § 173.119(m)(19) to authorize use of Specification 34 for both flammable liquids which are also organic peroxides and those flammable liquids which are also corrosive. The petitioner contends that current authorizations under various DOT exemptions are a basis for amending § 173.119(m)(19) and that the amendment would be consistent with MTB's stated intent of reducing the burden of regulatory compliance imposed under the terms of exemptions on manufacturers of polyethylene packagings and shippers who use these packagings.

With the addition of permeation and compatibility standards in § 173.24(d) as adopted in the final rule and shipping experience acquired under exemptions, MTB sees no reason for denying this petition. Therefore, § 173.119(m)(19) in the final rule is revised to authorize use of Specification 34 for flammable liquids which are also corrosive.

The change to § 173.247(a) made by this document negates the change made in the final rule; making it effective when that rule is scheduled to take effect would preserve the regulatory status quo and therefore avoid cost and confusion. Consequently, good cause exists for making this amendment effective October 1, 1984, the effective date of the final rule that it amends.

The other two changes provide relief from certain requirements adopted in the final rule. For this reason it is appropriate that the effective date of this amendment corresponds to the effective date of the final rule that they amend, that is, October 1, 1984.

Based on limited information available concerning size and nature of entities likely to be affected by this amendment, I certify that this amendment will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this amendment will be minimal. The MTB has determined that this rule, as promulgated, is not a major rule under the terms of Executive Order 12291 or significant under DOT implementing procedures (44 FR 11034). A regulatory evaluation and environmental assessment of the final rule are available for review in the docket. The economic impact of this document has been found to be so minimal that further evaluation is unnecessary.

List of Subjects

49 CFR Part 173

Hazardous materials transportation, Packagings and containers.

49 CFR Part 178

Hazardous materials transportation, Shipping container specifications.

In consideration of the foregoing, 49 CFR Parts 173 and 178 are amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. In § 173.119, paragraph (m)(19) is revised to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(m) * * *

(19) Specification 34 (§ 178.1 of this subchapter). Polyethylene drum. Authorized only for flammable liquids which are also organic peroxides or corrosive liquids. The shipper shall assure conformance with the requirements of § 173.24(d) of this part prior to first shipment.

§ 173.24 [Amended]

2. In § 173.247, paragraph (a)(21) is removed and reserved.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

3. In § 178.19–3, the table in paragraph (a) is revised by adding the superscript "2" following the figure ".125" in the column captioned *Minimum thickness (inches) measured on any point of container* and a second footnote is added to the table to read as follows: "[2] A minimum thickness of 0.090 inch is authorized in corners and undercuts."

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, and Appendix A to Part 1)

Issued in Washington, D.C. on October 1, 1984.

L.D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-27062 Filed 10-11-84; 8:45 am]

BILLING CODE 4910-60-M

NATIONAL RAILROAD PASSENGER CORPORATION

49 CFR Part 700

Freedom of Information Act Regulations; Correction

AGENCY: National Railroad Passenger Corporation (Amtrak).

ACTION: Final rule: Correction.

SUMMARY: On June 13, 1984, the National Railroad Passenger Corporation (Amtrak) published final regulations at 49 FR 24378 to satisfy, in Part 700 of 49 CFR, the requirements of 5 U.S.C. 552(a)(1) and (2) and to renumber, as Part 701, those regulations which had been published at 47 FR 17822 (April 26, 1982). This correction is intended to make minor changes to the Summary and Supplementary Information sections of that publication.

EFFECTIVE DATE: October 12, 1984.

FOR FURTHER INFORMATION CONTACT: Michelle Lore (Legal Assistant), Amtrak Law Department, 400 North Capitol Street, NW., Washington, D.C. 20001, (202) 383-2812.

SUPPLEMENTARY INFORMATION: Part 700 of Chapter VII of Title 49 of the CFR is to be corrected as follows:.

1. In 49 FR 24378 the first date mentioned under **SUMMARY** is corrected by changing the reference from "1983" to "1982."

2. In 49 FR 24378 the seventh line of text under **SUPPLEMENTARY INFORMATION** is corrected by striking the word "of."

Paul F. Mickey, Jr.,

Executive Vice President, Law and Public Affairs, National Railroad Passenger Corporation.

[FR Doc. 84-27020 Filed 10-11-84; 8:45 am]

BILLING CODE 0000-00-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule To Determine Styrax Texana (Texas Snowbells) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines a plant, *Styrax texana* (Texas snowbells), to be an endangered species under the authority contained in the Endangered Species Act of 1973, as amended. This plant is endemic to Edwards, Real, Kimble, and possibly Val Verde Counties, Texas. These known populations are currently very vulnerable due to low numbers and lack of reproduction. Populations are possibly threatened by cattle and deer browsing. This action implements the protection provided by the Endangered Species Act of 1973, as amended, for *Styrax texana*.

DATE: The effective date of this rule is November 13, 1984.

ADDRESS: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Region 2, 421 Gold Avenue, SW., Room 407, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Peggy Olwell, Botanist, Region 2, Endangered Species Staff (see **ADDRESS** above) (505/766-3972), or Mr. John L. Spinks, Jr., Office of Endangered Species, U.S. Fish and Wildlife Service, Washington D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

Styrax texana (Family Styracaceae) was first discovered on July 4, 1940, by V.L. Cory, and was described by him in 1943. This species grows as a shrub up to 3 meters high. The bark is smooth, the leaf blades are rounded, 4–8 centimeters long, about as broad as they are long, with entire to almost entire margins, bright green above, and silvery below from dense short soft hairs. Flowers are in clusters of 3–5, showy and white. Flowering occurs in April and May. Reproduction has not been studied. It is of concern, however, that there are no known seedlings or saplings, indicating a lack of recent reproduction.

Styrax texana grows in crevices in limestone cliffs along stream channels in juniper-oak savannas on the Edwards Plateau, and in creosote bush shrub in the eastern Trans-Pecos basins. The dominant associated trees are *Quercus texana, Juniperus ashei,* and *Fraxinus texensis*. Dominant associated shrubs are *Garrya ovata, Berveris trifoliolata,* and *Bumelia lanuginosa* var. *texana* (Mahler, 1981).

A total of 25 individuals of *Styrax texana* are presently known to exist. Seven plants have been collected or reported from along Polecat, Cedar, and Little Hackberry Creeks in Edwards County, and 14 from along the East Prong of the Neuces River in Real County. Eight plants have been reported from Kimble County, only four of which could be relocated recently (B. Simpson, Texas A&M, pers. comm., 1982). Plants also were reported, but not verified, to be on the Horace Faucett Ranch in Val Verde County (Mahler, 1981). One additional plant had been reported from Edwards County, but was not located by Mahler.

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 Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) of the 1973 Act (section 4(b)(3)(A) now), and of its intention thereby to review the status of the plant species included within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to Section 4 of the Act. *Styrax texana* was included in this proposal. Comments received in relation to the 1976 proposal were summarized in the April 26, 1978, **Federal Register** publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all listing proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice of withdrawal of the portion of the June 16, 1976, proposal that has not been made final, along with four other proposals which had expired (44 FR 70796). *Styrax texana* was included thereafter in the list of plants under review for threatened or endangered classification published as a notice in the December 15, 1980, **Federal Register** (45 FR 82480). A 1981 status report (Mahler) and investigations carried out by Service botanists since December 1979 have now provided new biological data that form the basis for the October 11, 1983, proposed rule (48 FR 46086) and for the present determination of this species as endangered. The new data include information on the low number of plants, the lack of reproduction in the species, its distribution, and ownership of the land on which the plants occur.

They lead to the conclusion that *Styrax texana* is an endangered species.

Summary of Comments and Recommendations

In the October 11, 1983, proposed rule (48 FR 46086) 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, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the San Antonio, Texas, *Express-News* on October 28, 1983, which invited general public comment. A total of seven comments were received on the proposal, one each from the Texas Parks and Wildlife Department, the U.S. Soil Conservation Service, the National Park Service, the International Union for the Conservation of Nature and Natural Resources, a professional botanist, and a landowner on whose property *Styrax texana* occurs. No public hearing was requested or held.

The Texas Forest Service, the U.S. Soil Conservation Service, and the National Park Service all commented that they could furnish no additional information on the species. In addition, the Texas Forest Service commented that if the species is subject to browsing by cattle and deer, then there is little that can be done to protect it. It suggested that such species should be established in protected areas such as arboreta.

Comments in support of the proposed listing of *Styrax texana* were submitted by the Texas Parks and Wildlife Department, the International Union for the Conservation of Nature and Natural Resources, and Mr. Harold Beaty, a professional botanist and leader of the Texas Plant Recovery Team.

One of the landowners on whose property *Styrax texana* is located requested more specific information as to the location of the plants on his lands, and offered his cooperation in protecting the plants. The Service arranged for a botanist familiar with this species to contact this landowner and provide the requested information.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Styrax texana* 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 provisioins of the Act (codified at 50 CFR Part 424; under revision to accommodate the 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 *Styrax texana* Cory (Texas snowbells) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

Currently, *Styrax texana* is known to exist in three Taxas counties: Real, Edwards, and Kimble. One historical report from Val Verde County has not been reconfirmed. In 1982, 25 plants were known to exist. Most of the sites where the plants occur are in private ownership, but one site is a State-owned roadside park. Present maintenance procedures in the park are not harming the plants and the State of Texas has no plans to change these procedures. However, there is no protection for the species at this site. Two of the private landowners are amenable to protecting the plants; however, there is no current planning for the species at any of the sites. At present, a known threat to the habitat is through natural erosion of a stream bank, which will probably soon eliminate one precariously located plant. Such erosion, both gradual and massive due to flooding, is a potential problem for all of these plants, and may be a threat to the species' survival in the absence of seedlings.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

At present, the taking of plants for scientific study is minimal; however, due to the small number of plants, collection should be prohibited or closely controlled. No taking prohibitions, either State or Federal, currently exist for the plants on private lands. *Styrax texana* is a shrub with attractive foliage and flowers and could be sought for horticultural purposes.

C. Disease or Predation

It has been suggested that the lack of seedlings and young plants may be due to browsing by cattle and/or deer. No data currently exist to confirm this suggestion, and additional studies are needed.

D. The Inadequacy of Existing Regulatory Mechanisms

There is currently no State or Federal protection for this plant. However, once this species is added to the Federal list to endangered species, Chapter 88 of the Texas Parks and Wildlife Code requires that it also be added to the Texas list of endangered species.

E. Other Natural or Manmade Factors Affecting its Continued Existence

The lack of reproduction will affect the species' survival. The small number of plants tends to make the species vulnerable to stress from natural or human-related factors and to intensify any adverse effects on the habitat.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to made this rule final. Based on this evaluation, the indicated action is to list *Styrax texana* as endangered. The vary small number of plants (25) in existence, their apparent complete lack of reproduction, and the lack of any protection for them make endangered status, rather than threatened status, appropriate for this species.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Styrax texana* at this time because of the potential threat to the species if its habitat were publicly identified. Publication of critical habitat maps in the **Federal Register** is required when critical habitat is designated. This publicity could lead to collection of the plants, and thus severely impact the populations due to the low known number of plants (25). Such publicity could also lead to habitat destruction during collection.

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. The protection

required of Federal agencies and the prohibitions against taking are discussed, in part, below.

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. 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 29990; June 29, 1983). 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 a listed species. If a Federal action may affect a listed species, the responsible Federal agency must enter into consultation with the Service. Section 7 involvement in the present listing is expected to be minimal, as *Styrax texana* is found only on private and State lands, and there are no known Federal activities or involvement planned for the areas in which the plants are located.

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 *Styrax texana*, 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. International and interstate commercial trade in *Styrax texana* is not known to exist. It is not anticipated that many trade permits involving plants of wild origin would ever be issued since this plant is not common in the wild and is not presently in cultivation.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. This new prohibition now applies to *Styrax texana*. Permits for exceptions to this prohibition are available through section 10(a) 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 it is anticipated that these will be made final following public comment. This species is not known from Federal lands, so no effect from this prohibition is expected.

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). It is anticipated that few permits for this species will ever be requested.

The Service will review this species to determine whether it should be placed upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through section 8(A)(e) of the Act, and whether it should be considered for other appropriate international agreements.

National Environmental Policy Act

The U.S. 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).

Literature Cited

Cory, V.L. 1943. The genus *Styrax* in central and western Texas. Madrono 7:110–115.

Mahler, W.F. 1981. Status report: *Styrax texana*. Office of Endangered Species, U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 9 pp.

Vines, R.A. 1960. Trees, shrubs, and woody vines of the Southwest. University of Texas Press. Austin. xii + 1104 pp.

Author

The primary author of this final rule is Ms. Peggy Olwell, Endangered Species Staff, Region 2, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 1306, Albuquerque, New Mexico 87103.

List of Subjects in 50 CFR Part 17

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

Regulation 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 by family, 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					
*	*	*	*	*	*	*
Styracaceae—Styrax family:						
Styrax texana	Texas snowbells	U.S.A. (TX)	E		NA	NA
*	*	*	*	*	*	*

Dated: September 24, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84–26787 Filed 10–11–84; 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 20

Migratory Bird Hunting; Late Seasons, and Bag and Possession Limits for Certain Migratory Game Birds in the United States; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule, correction.

SUMMARY: On September 24, 1984, the Service published in the **Federal Register** seasons, limits, and shooting hours for waterfowl and certain other migratory game birds. This rule revises § 20.105 of 50 CFR to correct the opening and closing dates for Canada geese in

the Mississippi River Zone of Wisconsin and the bag and possession limits for ducks in California.

DATE: Effective on October 12, 1984.

FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Phone (202) 254–3207.

SUPPLEMENTARY INFORMATION: On September 24, 1984, the Service published in the **Federal Register** (49 FR 37387) seasons, limits, and shooting hours for certain migratory game birds. In the table under § 20.105 where the seasons, limits, and shooting hours are listed for waterfowl, coots and gallinules in the Mississippi Flyway (49 FR 37402) the opening and closing dates for the first half of the split season for Canada geese in the Mississippi River Zone of the South Duck Zone of Wisconsin is listed as October 13 and November 1, respectively. The opening date should read November 1 and closing date should read November 20. At 49 FR 37417 in footnote (1) California is listed among those states having basic daily bag and possession limits for ducks of 7 and 14, respectively and among those states having basic daily bag and possession limits for ducks of 5 and 10, respectively. California should only be listed among the states having basic daily bag and possession limits for ducks of 5 and 10, respectively.

PART 20—[AMENDED]

1. Accordingly, the Service Corrects § 20.105 of 50 CFR Part 20 at 49 FR 37407, by revising the "South Duck Zone" for Wisconsin as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

* * * * *

Mississippi Flyway

	Season dates	Limits	
		Bag	Possession
Wisconsin			
Geese:			
Canada:			
South Duck Zone (1)	Nov. 1 to Nov. 20.	1	2
Mississippi River Zone.	Nov. 25 to Dec. 9.	2	4

2. In footnote (1), § 20.105, at 49 FR 37417, the Service corrects the entry for California to read as follows:

* * * * *

(1) Ducks Limits. Basic daily bag and possession limits on ducks (including mergansers) in *Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington,* and *Wyoming* are 7 and 14, respectively, and in *California,* and *Utah,* 5 and 10, respectively

* * * * *

Public comment was received on proposed rules for the season and limits contemplated herein. These comments were addressed in **Federal Registers** dated June 13, 1984 (49 FR 24417), August 20, 1984 (49 FR 33090) and September 14, 1984 (49 FR 36272). By the nature of the corrections and the time available, these changes must become effective immediately. Accordingly, the Notice and public comment required by the Administrative Procedure Act is unnecessary, and the Service finds that good cause exists for making this rule effective immediately upon publication in the **Federal Register.**

Dated: October 10, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-27117 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 49, No. 199
Friday, October 12, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Ch. III

Disciplinary Proceedings Against Federal Administrative Law Judges

AGENCY: Administrative Conference of the United States; Committee on Adjudication.

ACTION: Request for comments.

SUMMARY: The Administrative Conference's Committee on Adjudication is considering a tentative recommendation on the subject of disciplinary proceedings against federal administrative law judges. The recommendation is directed to the procedures which should be used in proceedings before the Merit Systems Protection Board under 5 U.S.C. 7521 and, in particular, to the standard of proof to be applied where the proceeding is based on a charge of unacceptably low productivity. The Committee seeks expressions of views and supporting material to aid in its consideration.

DATE: Comment deadline: October 31, 1984. One copy is sufficient. Comments received after the deadline will be considered to the extent feasible.

ADDRESS: Send comments to: Richard K. Berg, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Richard K. Berg, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037; telephone (202) 254–7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference's Committee on Adjudication has been working on a range of problems relating to the status, tenure and procedures for evaluation of administrative law judges (ALJ's). The tenative recommendation is addressed to two problem areas, the procedure to be employed under present law in proceedings against ALJ's before the Merit Systems Protection Board and the standard of proof which should be required of an agency when it seeks to discipline an ALJ on the ground of an unacceptable level of productivity. The recommendation is based in part on a report by the Committee's consultant, Professor Victor Rosenblum, *Contexts and Contents of 'For Good Cause' as Criterion for Removal of Administrative Law Judges: Legal and Policy Factors*, published at 6 Western New England L. Rev. 593 (1984). Copies of the report are available on request.

The Committee plans to meet in early November to consider the draft recommendation, with a view to approving a proposed recommendation for consideration at the December plenary session of the Conference. The notice of the meeting will be published when a date and time have been set.

Proposal on Which Comments Are Requested

Proposed Recommendation

Disciplinary Proceedings Against Federal Administrative Law Judges

Federal administrative law judges (ALJs) can be removed (or otherwise disciplined) by the agency that employs them only for good cause established before the Merit Systems Protection Board (MSPB), after an opportunity for a hearing on the record before the Board. 5 U.S.C. 7521. This special disciplinary procedure dates back to the 1946 Administrative Procedure Act. In the thirty years following passage of the Act, only four such proceedings were initiated, while 1978–1984 fifteen were brought. Most of these proceedings alleged misconduct, such as insubordination, financial improprieties or intemperate behavior. More recently, however, some ALJs (primarily in the Social Security Administration (SSA)) have been subjected to disciplinary actions on the basis of allegedly low productivity in the disposition of cases. The MSPB, in *SSA* v. *Goodman* (Docket No. HQ 752181210015) (February 6, 1984), ruled that although in the instant case the agency had not proven its charge that the judge had failed to achieve an acceptable level of productivity, such a charge, if proven, could as a matter of law, satisfy the good cause test.

Administrative law judges perform a unique and integral function in agency adjudication, and a special procedure for handling disciplinary proceedings is clearly warranted. Under the current system, ALJs are subject to a disciplinary procedure that parallels the one for other career federal employees—but with some additional protections.

An important difference is that when an agency decides to bring charges against an ALJ before the MSPB, the ALJ must be offered a hearing before the Board itself or (in practice) one of the two ALJs employed by the Board, whereas the Board may (and normally does) assign other hearing officers to preside over disciplinary cases involving other federal employees. Moreover, ALJs are protected by the "for good cause" test of section 7521, and are also exempt from the otherwise applicable performance appraisal system, while decisions by agencies to discipline other federal employees may be taken to promote "the efficiency of the service" (section 7513), and may be based upon unacceptable performance ratings.

Nevertheless, the frequency of disciplinary proceedings against ALJs in recent years has led to questions about whether these protections are sufficient. The Conference believes that an element of peer reviews, appropriate for the review of judicial performance, should be introduced by modifying the MSPB's hearing procedure to require a panel of ALJs, drawn from a larger pool of judges, to hear the charges and make the initial decision.

In addition the Conference believes that the MSPB's willingness to entertain actions agsinst ALJs based on low productivity, while not inappropriate, should be coupled with a requirement that agencies develop guidelines and procedures governing implementation of the "good cause" standard that will accord maximum protection to the decisional independence and integrity of ALJs, while at the same time assuring conscientious, fair and efficient judging.

The Conference reaffirms its position taken in Recommendation 78–2, in the context of social security adjudication, that an agency "possesses and should exercise the authority, consistent with the administrative law judge's decisional independence, to prescribe procedures and techniques for the accurate and expeditious disposition of [cases]." Moreover, as urged in that recommendation, it is appropriate for the agency to "establish by regulation the agency's expectations concerning

the administrative law judges' performance" after consultation with the judges and other affected interests, and agencies should not be precluded from articulating appropriate productivity norms and securing adherence to them.

This sort of cooperative development of reasonable standards of productivity should be required of an agency before it attempts to seek disciplinary action against one of its ALJs for low productivity.

Recommendation

I. *The MSPB hearing process.* A. The Merit System Protection Board should, by regulation, provide that a panel of three administrative law judges should be convened to hear and make an initial decision on all actions brought by agencies against administrative law judges.

(1) The panel should be drawn from a list of judges assigned on rotation and maintained by the Office of Personal Management.

(2) At least two of the judges shall be employed by agencies other than the MSPB and none by the prosecuting agency.

(3) The respondent judge should be permitted two peremptory challenges.

B. The panel of judges shall make an initial decision and, if it finds for the agency, shall recommend an appropriate sanction to the Board. The Board shall retain the ultimate decision as to whether "good cause" for removal or discipline has been established, and as to the appropriate level of sanction, but the Board should not overrule the panel's findings of fact where they are supported by substantial evidence.

II. *Agency actions against ALJs based on productivity concerns.* A. The MSPB should specify by regulation the factual showing which an agency must make in a proceeding brough against an ALJ for failure to meet the minimum standard of productivity. Such a showing should be based on a standard of performance developed by the Agency after a consultative process with the agency's administrative law judges, and an advisory committee made up of lawyers and others with expertise concerning that agency's adjudications.

B. The agency's productivity standard should be expressed in terms of case dispositions per month or year or in terms of average time taken, to dispose of cases. The standard should, in any event, take into account differences in categories of cases assigned to judges and in types of disposition (e.g. dismissals, dispositions with and without hearing, etc.)

C. In a proceeding against ALJ, the agency should be required to show that the respondent judge's performance did not meet the established standard, that the judge was apprised of this and was given sufficient time to improve the performance or to offer a justification for the level of performance, and that he failed to do so.

Dated: October 10, 1984.

Richard K. Berg,

General Counsel.

[FR Doc. 84-27116 Filed 10-11-84; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 24185, Notice No. 84-11A]

Fire Protection Requirements for Cargo or Baggage Compartments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: This notice announces the reopening of the comment period for Notice of Proposed Rulemaking (NPRM) No. 84-11 (49 FR 31830; August 8, 1984), which invites comments relative to amending Part 25 of the Federal Aviation Regulations (FAR) to upgrade the fire safety standards for cargo or baggage compartments in transport category airplanes by establishing new fire test criteria and by limiting the volume of Class D compartments. This reopening is necessary to afford all interested parties on opportunity to present their views on the proposed rulemaking.

DATES: Comments must be received on or before January 10, 1985.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 24185, 800 Independence Avenue SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C. 202591. All comments must be marked: Docket No. 24185. Comments may be inspected in Room 916 weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. In addition the FAA is maintaining an information docket of comments in the Office of the Regional Counsel (ANM-7), FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments in the information docket may be inspected in the Office of the Regional Counsel Weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Gary L. Killion, Manager, Regulations Branch, Regulations and Policy Office, ANM-110, Aircraft Certification Division, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2112.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments a they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in this notice are invited. Substantive comments should be accompanied by cost estimates. Commenters should identify the regulatory docket or notice number and submit comments, in duplicate, to the Rules Docket address above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 24185." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of Notice No. 84-11 by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center (APA-430), 800 Independence Avenue SW., Washington, D.C. 20591; or by calling (202) 426-8058. Communications must identify Notice No. 84-11. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

On May 7, 1984, the FAA issued Notice No. 84–11 (49 FR 31830; August 8, 1984). In that notice the FAA proposed to amend Part 25 of the FAR to upgrade the fire safety standards for cargo or baggage compartments in transport category airplanes by establishing new fire test criteria and by limiting the volume of Class D compartments. These proposals are the result of research and fire testing conducted by the FAA at its Technical Center. The FAA invited interested persons to submit comments and suggestions as to future action regarding this rulemaking. Since Notice No. 84–11 was published, requests have been received for extension of the comment period from persons wishing more time in which to study the proposal and to prepare their comments.

Reopening of Comment Period

In consideration of the requests to extend the comment period and the need for public participation in determining future action regarding his rulemaking, the FAA concludes that the comment period should be reopened.

Accordingly, the comment period for Notice No. 84–11 is reopened and will close on January 10, 1985.

Conclusion

This document reopens the comment period on an NPRM to afford the public and industry with additional time in which to review and respond to this notice. The FAA has determined that this document involves a proposed regulation which is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and is not major as defined in Executive Order 12291, and the FAA certifies that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities since few, if any, small entities are involved.

List of Subjects in 14 CFR Part 25

Aviation safety, Aircraft, Air transportation, Safety, Tires.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.45)

Issued in Seattle, Washington, on October 2, 1984.

Leroy A. Keith,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–26982 Filed 10–11–84; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 82–NM–79–AD]

Airworthiness Directives; Gates Learjet Models 24, 25, 28, 29 and 35 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdawal of Notice of Proposed Rulemaking (NPRM).

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) which proposed the adoption of an airworthiness directive (AD) that would require reworking the pilot and copilot seats on certain Gates Learjet Models 24, 25, 28, 29, and 35 series airplanes. This action was initiated as a result of reports that indicated that certain seats did not provide the strength necessary to minimize the potential of failure, and crew injury, in the event of a minor crash landing. Subsequent rulemaking action, which requires the installation of a shoulder harness in addition to a lap belt, makes the proposed rule unnecessary. Accordingly, the NPRM is being withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. Marvin D. Beene, Airframe Branch, Wichita Aircraft Certification Office, FAA, Central Region, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4808.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which, if adopted, would have required modification of the pilot and copilot seats in certain Gates Learjet Models 24, 25, 28, 29 and 35 series airplanes, was published in the **Federal Register** on October 18, 1982 (47 FR 46295). The comment period closed December 3, 1982.

Subsequent to the publication of the NPRM, the manufacturer, recognizing that crash loads would be reacted differently when the occupant is secured by both a seat belt and shoulder harness, conducted tests to re-evaluate the production seat with this occupant restraint. The result of these tests show the seat/seat belt/shoulder harness combination capable of withstanding a forward crash load of 12 g's.

Federal Aviation Regulations, Part 91, § 91.200, Amendment 91.177 (47 FR 10514; March 11, 1982) requires shoulder harnesses be installed on all transport category airplanes by March 6, 1983. Gates Learjet Corporation records indicate each of the affected airplanes were equipped with shoulder harnesses at the factory prior to delivery. Therefore, the required seat strength and, in turn, the level of safety necessary to prevent crew injury in the event of a minor crash is available without reworking the seats.

Since it has been established that the proposed modification is unnecessary, the NPRM is being withdrawn. The withdrawal of the Notice does not preclude the FAA from issuing similar notices in the future, nor does it commit the FAA to any course of action.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Withdrawal

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, the proposed Airworthiness Directive 82–NM–79–AD, published in the **Federal Register** on October 18, 1982 (47 FR 46295), is hereby withdrawn.

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85)

Note.—Since this action only withdraws a Notice of Proposed Rulemaking, it is neither a proposed nor final rule and, therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act.

Issued in Seattle, Washington, on October 3, 1984.

Leroy A. Keith,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–26965 Filed 10–11–84; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 84–ANM–16]

Proposed Revised Control Zone, Portland, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to redescribe the Portland Control Zone. The intended effect of the action is to reduce the size of controlled airspace designated at Portland, Oregon, to ease the burden imposed by controlled airspace to VFR operations at the Portland-Troutdale airport.

DATE: Comments must be received on or before December 6, 1984.

ADDRESS: Send comments on the proposal in duplicate to: Manager, Airspace & Procedures Branch, ANM–530, Federal Aviation Administration, Docket No. 84–ANM–16, 17900 Pacific

Highway South, C–68966, Seattle, WA 98168.

The official docket may be examined in the Regional Counsel Office.

An informal docket may also be examined during normal business hours at the Airspace & Procedures Branch, 17900 Pacific Highway South, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Robert Brown, Airspace & Procedures Specialist, ANM–534, the telephone number is: (206) 431–2534.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84–ANM–16". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Airspace & Procedures Branch, 17900 Pacific Highway South, Seattle, Washington 98168. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The purpose of this amendment to § 71.171 of Part 71 is to reduce the size of the Portland Control Zone. The present configuration of the Portland Control Zone extension to the east overlays the Portland-Troutdale Airport when the Troutdale Control Zone is not in effect. Due to Troutdale Tower's limited hours of operation, the VFR/IFR status of the Troutdale Airport is determined by the Portland International Airport reported weather for the control zone. This remote governing weather is an unnecessary imposition on the flying public operating at Troutdale Airport where the weather conditions could be substantially different than Portland International. To rectify this problem, this action will reduce the size of the Portland Control Zone by eliminating the control zone extension which overlies Portland-Troutdale Airport.

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

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Portland, Oregon [Amended]

By deleting the words ". . . and within 3 miles each side of the 119° and 229° bearing from the LAKER LOM" and replacing with the words, "and within 2 miles north and 3 miles south of the 299° bearing from the LAKER LOM (lat. 45° 32' 29" N., long. 122° 27' 40" W.) extending from the 5-mile radius to the LOM, excluding the portion within the Troutdale, Oregon, Control Zone when it is effective."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.65)

Issued in Seattle, Washington, on October 1, 1984.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 84–26969 Filed 10–11–84; 8:45 am]

BILLING CODE 4910–13–M

CIVIL AERONAUTICS BOARD

14 CFR Parts 398 and 399

[PSDR–68A; Policy Statement Docket: 38807]

Guidelines for Individual Determinations of Essential Air Transportation; and Statements of General Policy; Termination of Rulemaking

Dated: October 4, 1984.

AGENCY: Civil Aeronautics Board.

ACTION: Termination of rulemaking.

SUMMARY: The CAB is terminating a rulemaking that had proposed to require certificated airlines to increase their service at small communities to the levels that the CAB has determined to be essential for those communities. The rule is no longer necessary because all communities are or will shortly be receiving the essential level of air service. This action is taken at the CAB's own initiative.

FOR FURTHER INFORMATION CONTACT: William C. Boyd, Chief, Essential Air Services Division I, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5405 or Joanne Petrie, Office of the General Counsel, (202) 673–5442.

SUPPLEMENTARY INFORMATION: In PSDR–68, 45 FR 67357, October 10, 1980, the Board proposed to add a new rule that would allow it to order a certificated air carrier to increase its services at a small community to the level that the Board had determined to be essential for that community.

Under section 419 of the Federal Aviation Act, as amended, the Board set essential air service levels for more than 550 communities. Prior to 1982, the Board was subsidizing local service carriers under section 406 of the Act in some of these communities. In spite of the subsidy, some of these carriers were providing less service that the Board found to be necessary. The Board found it troubling that a carrier could receive Federal money for serving a small community when the community was not as a result receiving essential air service. The Board proposed to solve the problem by interpreting the "adequate service provision" of section 404 of the Act to require a certificated air carrier to provide essential air service at an eligible point in certain circumstances.

Comments were filed by Delta, Frontier, Ozark, Piedmont, Republic, TWA, United, USAir, the Colorado State Department of Highways, the Minnesota

Department of Transportation, the New York State Department of Transportation, and Brees Field Airport, Wyoming.

the Board had decided to terminate the proposed rulemaking in PSDR–68, because the circumstances outlined in the notice no longer exist. At the time the Board issued PSDR–68, several essential air service communities served by local service carriers under section 406 were not receiving sufficient service to meet essential air transportation definitions. The proposed rule would have enabled the Board to require an incumbent carrier receiving subsidy under section 406 and not providing enough service to meet the full essential air transportation requirements to increase its service in conformance with the essential air service determination. The essential air service levels at all communities are now, however, being met or are being addressed in essential air service cases where we are securing the required service. Thus, there is no need to require any incumbent carrier to increase its service. Furthermore, funding for the section 406 subsidy program has been terminated. All current subsidy, which is paid under section 419, is geared to the provision of the full level of essential air service. Under these circumstances, enactment of the proposed rule is no longer warranted.

Accordingly, the Civil Aeronautics Board terminates the rulemaking begun in PSDR–68 and closes Docket 38807.

(Secs. 204, 404, 406, and 419 of the Federal Aviation Act of 1958, as amended 72 Stat. 743, 760, 763, 92 Stat. 1732, 49 U.S.C. 1324, 1374, 1376, 1389)

By the Civil Aeronautics Board.

Phyllis T. Kaylor

Secretary.

[FR Doc. 84–27083 Filed 10–11–84; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 241 and 242

[Docket No. R–84–1193; FR–2004]

Insured Maximum Mortgage Amount for Hospitals

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

ACTION: Proposed rule.

SUMMARY: The Department proposes to modify its regulations governing the maximum mortgage principal amount that it will insure for a new or rehabilitated hospital. Under its existing regulations, the Department can insure a mortgage in any amount that does not exceed 90 percent of HUD's estimate of the replacement cost of the hospital (including major movable equipment). Under the proposal, however, the loan to replacement cost ratio would vary for insured mortgages on projects where the replacement cost exceeds 100 million dollars. In essence, the mortgagor's equity requirements would be required to increase as the principal obligation sought to be insured increased. This proposal is intended to (a) mitigate the possibility of large-scale defaults in future years; (b) ensure the long-term adequacy of the Department's insurance fund, and (c) avoid undue concentration of insurance commitments in a relatively small number of projects.

DATE: Comment Due Date: December 11, 1984.

ADDRESSES: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communciation will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James Hamernick, Director, Office of Insured Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–5720. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 242 of the National Housing Act (the Act) authorizes the Department to insure a mortgage covering a new or rehabilitated hospital, including equipment to be used in its operation, subject to limitations set out in the statute. (See 12 U.S.C. 1715z–7(d)). The statute provides that the principal obligation of an insured mortgage cannot exceed 90 percent of the estimated replacement cost of the project. Before August, 1974, the statute also limited the dollar amount of a mortgage insured under section 242. The maximum dollar limitation (then $50 million, up from a statutory limit of $25 million in effect until 1970) was stricken under a provision of the Housing and Community Development Act of 1974, Pub. L. 93–383, approved August 22, 1974. At that time, the Congress was generally concerned that adequate FHA insurance coverage be made available under all programs, including hospitals, and that, with reference to hospitals, the mortgage amounts insured should reflect the costs of the particular facility.

II. Basic of this Proposal

a. Grace Commission Report

In 1983, the Grace Commission prepared a report entitled "President's Private Sector Survey on Cost Control" (published in the Spring/Fall, 1983). The report contains summaries of the Grace Commission's findings and recommendations with reference to a host of business activities that involve the participation of Federal agencies. One of the matters specifically addressed by the report pertains to FHA insurance of hospitals. The Grace Commission characterized the capital financing of hospitals as "one of the key issues of the 1980s," and stated further that the Federal mortgage insurance program is "an important element of the capital financing picture." The Commission declared that, nationwide, the health care industry is one with an "aging capital stock and an increasingly acute need for renovation and replacement."

In support of this contention, the Commission cited statistics that evidence increasingly dramatic increases in the amounts of tax-exempt bond issuances for hospitals over the 10-year period ending in 1981. The Commission believed this recent activity evidenced a trend that will continue well into the future.

Other findings of the Grace Commission that specifically address FHA-insured hospital projects were (1) that the average size of hospital project loans has increased, and (2) that individually approved renovation projects have required financing in amounts that far exceed the average project amounts of prior years. In light of these findings, the Commission expressed concern that default rates on insured hospital mortgages (historically very low) may increase in the future to a level that could jeopardize the long-term adequacy of the Insurance Fund to cover eventual liabilities (extending 20 to 40 years into the future). One of the Commission's recommendations was that special procedures should be invoked for any project loan in excess of $50 million (one effect of which would be to avoid undue concentration of FHA insurance funds in a few projects).

b. Department's Analysis and Proposal

The Department has undertaken an independent analysis of the question raised by the Commission, to determine whether and to what extent revisions to its current regulation at 24 CFR 242.27 are warranted. Part 242 governs HUD's policies and procedures for insuring mortgages for hospitals. Section 242.27 governs maximum mortgage amounts. As part of this analysis, the Department reviewed the history of hospital mortgage loans it has insured between 1969 and 1983. During this perjod, the Department insured 214 mortgages under Part 242. The average mortgage approximated $19.2 million, with aggregate obligations totalling more than $4.1 billion.

(i) History of default claims

Initially, the Department assessed the default rate for loans insured since 1969. During the period between 1969 and 1983, the Department insured 214 mortgage loans issued to profit, and private nonprofit corporations or associations, under Part 242. [The Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98–181, approved November 30, 1983, amends Section 242 of the Act to authorize the Department to insure public hospitals as well. The Department is proposing regulatory changes to 24 CFR Part 242 for this purpose in a separate rulemaking proceeding.]

Of the loans insured, 176 mortgages remain in force, only 3 have defaulted, and the other 35 mortgages were "non-claim" terminations (*e.g.*, voluntary terminations or prepayments in full). These statistics reflect that, historically, loans insured by the Department have not, except in isolated instances, resulted in default claims. The defaulted loans ranged in size from about 8 to 19 million dollars.

(ii) Progressive increase in number and size of loans insured

The Department also assessed the number and size of loans insured, to determine whether and to what extent the number of loans insured has increased in recent years. Over the most recent five-year period (between 1979 and 1984) as many loans have been insured (107), as were insured over the prior 10-year period (between 1969 and 1978).

The average size of an insured loan has also increased in recent years. For finally endorsed loans, for the period between 1969 and 1978, the average loan size was 9.5 million dollars. For the period between 1979 and 1983, insured loans that were finally endorsed averaged about 18 million dollars. Moreover, the most recent 35 loans, initially (but not finally) endorsed since 1982, have averaged almost 46 million dollars.

Another telling statistic concerns the number of insured mortgages that involve loan amounts in excess of $50 million. During the period between 1979 and 1983, 17 mortgages (or about 16 percent of the total) were insured for amounts greater than $50 million. The largest of these mortgage loans approximated $190 million. The average mortgage amount for these 17 loans exceeded $84 million. Over the 10-year period ending in 1978, only 2 insured loan amounts equaled or exceeded $50 million. (One, issued in 1975, was for $54.5 million. The other, issued in 1978, was for $50 million).

These statistics clearly evidence a trend toward larger numbers of insured mortgages, for larger mortgage amounts. In light of these figures, the Department proposes to modify its current maximum mortgage amount regulation to (a) mitigate the possibility of large-scale defaults in future years; (b) ensure the long-term adequacy of the Department's General Insurance Fund, and (c) avoid the undue concentration of insurance commitments in a relatively small number of projects.

Generally, the Department is exploring a variety of methods for increasing equity requirements associated with insured mortgages under this authority. Public comment is solicited with reference to ways and means of providing additional protection for the insurance fund while still allowing for a useful and viable program in the final rule making.

III. Proposed Revision

Under the current regulation at 24 CFR 242.27 (maximum mortgage amount), the Department can insure a mortgage (this is otherwise qualified for insurance uder Part 242) irrespective of amount. Section 242.27 provides, however, that the mortgage cannot exceed 90 percent of HUD's estimate of the replacement cost of the hospital (including major moveable equipment). This requirement provides the General Insurance Fund with a measure of protection. However, given the nature and extent of the Department's concerns described above, the 90 percent of replacement cost criterion appears insufficient to guard against large-scale defaults (*i.e.*, defaults no mortgages containing relatively large principal obligations). Even a few defaults could jeopardize the viability of the General Insurance Fund if they involve substantial mortgage amounts. For this reason, the Department proposes to modify the equity requirements for hospital mortgages—but only with respect to insured mortgages for projects whose replacement costs *exceed $100 million*. The loan to replacement costs ratio would decline progressively as replacement costs increase above $100 million, with variations based on increments of 50 million dollars. Thus, for a hospital with a replacement cost in excess of $100 million, but not in excess of $150 million, the loan to replacement cost ratio could not exceed 87 percent. Where the replacement cost is greater than $150 million, but not in excess of $200 million, the loan to replacement cost ratio could not exceed 84 percent. The table below shows the relationship between the replacement cost and the loan to replacement cost ratio for all projects with replacement costs that exlceed $100 million. Notably, a 75 percent loan to replacement cost ratio would apply to any project with a replacement cost in excess of $300 million.

Project replacement cost (in millions of dollars)		Insurable mortgage amount cannot exceed percentage of replacement cost
Greater than—	But not greater than—	
100	150	87
150	200	84
200	250	81
250	300	78
300		75

This sliding-scale approach to the insurable mortgage amount requirement would help to alleviate the Department's above-descrided concerns. It would not, however, result in a greater equity requirement for the great majority of hospital mortgage loans (based on recent evidence), nor would it place a flat dollar ceiling on the actual amount of any mortgage loan for which insurance is sought.

The Department also proposes to amend 24 CFR 241.70, which governs maximum loan amounts related to supplementary financing for HUD-insured project mortgages. Section 241.70 now prescribes that an insured supplemental mortgage amount for a project cannot exceed the lesser of (1) ninety-percent of the estimated value of the improvements being financed, or (2) an amount which, when added to any outstanding indebtedness related to a project, does not exceed the "maximum mortgage amount insurable under the section or title under which the mortgage covering such project is insured." Under this proposal, § 241.70 would be modified to indicate clearly that the aggregate indebtedness insured for a project or facility could not exceed

the maximum mortgage amount allowable for a project or facility under Part 242. (Notably, section 241 of the Act, which authorizes the Secretary to insure supplemental loans, provides that a supplemental loan shall be limited to an amount that does not exceed amounts expressly provided by statute, *or an amount acceptable to the Secretary.*) (Emphasis added.)

IV. Grandfather Provision

The Department also proposes to include a grandfather provision in the amendment to the rule at 24 CFR 242.27. This provision would allow certain mortgagors who are otherwise qualified to obtain mortgage insurance under Part 242 to obtain insurance for a project that has a replacement cost that exceeds $100 million, subject to the 90 percent of replacement cost limitation.

The Federal mortgage insurance program authorized by section 242 of the Act is jointly administered by the Department of Health and Human Services (HHS) and HUD. In essence, HHS has the initial responsibility for reviewing financial and architectural/engineering aspects of a project for which mortgage insurance is sought, and making recommendations to HUD for issuing the insurance commitment. HUD issues commitments for insurance and administers the mortgage insurance program in accordance with the regulations at Part 242. Under the proposed grandfather provision, any project proposal that HHS has determined to be complete and has accepted for processing within 30 days following the effective date of the final rule that imposes the proposed sliding scale provision, would be subject to the 90 percent of replacement cost requirement—even if the replacement cost of the project exceeded $100 million. This provision is intended to cover instances in which a hospital proposal involving a project that has a replacement cost in excess of $100 million is already in the Federal review process at the time this rule takes effect.

V. Findings

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street SW., Washington, D.C. 20410.

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

Under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities because it does not impose any involuntary benefits or burdens, or limit the dollar amount of financial obligations that can be insured by the Department. Mortgagors and mortgagees affected by this rule (those seeking insurance on projects with a replacement cost in excess of $100 million) will not be small entities.

The proposed rule was not listed in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15902), under Executive Order 12291 and the Regulatory Flexibility Act.

The hospital mortgage insurance program is listed in the Catalog of Federal Domestic Assistance as program number 14.128 (Mortgage Insurance—Hospitals).

List of Subjects

24 CFR Part 241

Energy conservation mortgage insurance, Solar energy, project.

24 CFR Part 242

Hospitals, Mortgage insurance.

Accordingly, the Department proposes to amend 24 CFR Parts 241 and 242 as follows:

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

1. By revising paragraph (a)(2) of § 241.70 to read as follows:

§ 241.70 Maximum loan amount.

(a) * * *

(2) An amount which, when added to any outstanding indebtedness relating to the property, does not exceed the maximum mortgage amount allowable for the project or facility under the Department's regulations in Chapter II of Title 24 of the Code of Federal Regulations.

* * * * *

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

2. By revising § 242.27 to read as follows:

§ 242.27 Maximum mortgage amounts.

(a) The Secretary may insure a mortgage that is otherwise eligible for insurance under this Part in any amount, subject to the following requirements:

(1) For a project that involves a replacement cost that does not exceed $100 million, the maximum insurable mortgage principal obligation shall not be in excess of 90 percent of the Commissioner's estimate of the replacement cost of the hospital, including the equipment to be used in its operation (including major moveable equipment) when the proposed improvements are completed and the equipment is installed; and

(2) For a project that involves a replacement cost that is greater than $100 million, the maximum insurable mortgage principal obligation shall not be in excess of the percentage of the Commissioner's estimate of the replacement cost of the hospital, including the equipment to be used in its operation (including major moveable equipment) when the proposed improvements are completed and the equipment is installed, that is set out below:

Replacement cost (in millions of dollars)		Percentage of estimated replacement cost
Greater than	But not greater than—	
100	150	87
150	200	84
200	250	81
250	300	78
300		75

(b) Notwithstanding paragraph (a)(2) of this section, a mortgage principal amount may exceed $100 million, and be subject only to the requirement in paragraph (a)(1) of this section, if the Department of Health and Human Services has reviewed the proposed hospital project for which mortgage insurance is sought, has determined the project proposal to be complete and has accepted it for processing before (insert date which is 30 days after the effective date of this amendment).

(Secs. 211, 241 and 242 of the National Housing Act (12 U.S.C. 1715b, 1715z-6, 1715z-7; Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: September 18, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-27080 Filed 10-11-84; 8:45 am]

BILLING CODE 4210-27-M

24 CFR Part 242

[Docket No. R-84-1201; FR-1992]

Mortgage Insurance Requirements for Private and Public Hospitals

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

ACTION: Proposed rule.

SUMMARY: The Department proposes to amend its regulations governing the insurance of mortgages for hospitals in two significant ways. First, this rule would provide for the eligibility of public hospitals to obtain federal mortgage insurance for rehabilitation or new construction. This revision comports with recently enacted legislation. Second, the rule would contain new provisions designed to protect the Department's General Insurance Fund with respect to the insuring of projects that would otherwise pose and added insurance risk. The Supplementary Information section of this preamble invites comment on alternative proposals that would achieve this latter goal, while permitting hospitals to obtain needed financing. The Department's final rule will reflect its consideration of public comments received, as well as the feasibility of implementing any of these alternative programs.

DATE: Comment due date December 11, 1984.

ADDRESSES: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James L. Hamernick, Director, Insured Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-6500. (This is not toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 242 of the National Housing Act (the Act) authorizes the Department to insure a mortgage covering a new or rehabilitated hospital, including equipment to be used in its operation, subject to limitations set out in the statute. (See 12 U.S.C. 1715z-7(d).) This section was amended by section 436 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181, effective November 30, 1983 (the 1983 Act). The 1983 Act amended section 242(b)(1)(C) of the Act to authorize HUD to insure a hospital that is a public facility. Previously, the hospital insurance authorization was limited by statute to for-profit hospital and to private nonprofit facilities.

The 1983 Act further amended section 242 of the Act of specify that, in the case of public hospitals, activities shall be carried out by the involved agencies to encourage programs aimed at providing essential health care services to all residents of a community regardless of ability to pay.

II. Amendments to Incorporate Public Facilities into Part 243

The Department's regulations governing the insurance of hospital mortgages are contained in 24 CFR Part 242. To give effect to the legislative amendments described above, the Department proposes, initially, to amend 24 CFR 242.1(b)(3), 242.23, 242.51(b), 242.57(b) and 242.67(b). These amendments are generally technical in nature and would serve to incorporate public hospitals into the current regulatory scheme. A brief description of each proposed amendment follows:

(a) *Section 242.1(b)(3).* Section 242.1 (Definitions) defines various terms used in Subpart A (Eligibility Requirements) of Part 242. Section 242.1(b)(3) would be amended to include the definition of a 'public' hospital.

(b) *Section 242.23.* This section (Eligible mortgagors) would be amended to indicate that a mortgagor can also be a public hospital.

(c) *Section 242.51(b).* Section 242.51 (Prepayment privilege and prepayment charges) currently contains prepayment provisions for 'profit mortgagors' in subparagraph (a), and for 'nonprofit mortgagors' in subparagraph (b). Under this proposal, the provisions of § 242.51(a) would apply to all hospital mortgagors. In addition, a new paragraph, entitled "prepayment of bond-financed mortgages" would be added to this section. This paragraph would govern any mortgage given to secure a loan made by a mortgagee that has obtained the funds for the loan by the issuance and sale of bonds or bond anticipation notes, or both. The rule would allow a mortgage to contain a prepayment prohibition and prepayment penalty charage acceptable to the Commissioner as to term, amount and conditions.

(d) *Section 242.57(b).* Section 242.57 (Funds and finances—insured advances—general requirements), at paragraph (a) (establishment of funds) sets out circumstances under which a mortgagor must make certain cash deposits to a mortgagee, before initial endorsement, if the mortgage insurance commitment provides for the insurance of advances during construction. Paragraph (b) (Letter of credit), at subparagraph (1), indicates the circumstances under which a mortgagee can accept a letter of credit from a for-profit mortgagor, in lieu of a cash deposit. Paragraph (b)(2) indicates the circumstances under which a letter of credit may be accepted by a mortgagee from a nonprofit mortgagor, lieu of a cash deposit. Under this proposal, paragraph (b)(2) would be amended to apply also to public hospital mortgagors.

(e) *Section 242.67(c).* Section 242.67 (Labor standards) requires that any contract executed for the performance of construction or rehabilitation of a hospital must contain certain express provisions (designed to ensure that wages paid for services rendered by laborers or mechanics are appropriate, and conform with Federal wage-related regulations). Paragraph (b), however, allows an exception to the labor standards provisions—applicable only to *non-profit mortgagors*—where labor is voluntarily provided without compensation, and HUD determines that the mortgagor has received full credit for any amounts saved through such donated services. The waiver provision in paragraph (b) would be amended so that it would also apply to public hospital mortgagors.

III. Alternative Proposals Designed to Reduce Risk

The Department proposes to add a new section to Part 242 (§ 242.92), that would contain additional eligibility requirements for certain hospitals. Alternative proposed rule requirements are discussed in the preamble sections that follow. Comment is invited on each of these altenative proposals, as well as on other comparable requirements that could be adopted in the final rule.

The first alternative discussed below (in -Section III A), would impose added requirements on hospitals that have relied heavily on tax (or other public) appropriations to balance revenues and

expenses in recent years. In essence, under this proposal, HUD would reduce the amount of benefits paid in the event of a claim (by a predetermined amount) if a jurisdiction failed to provide necessary annual funding to the hospital. The mortgagee, however, would receive the claim balance from an escrow or letter of credit established by the jurisdiction for this purpose. [In lieu of the escrow or letter of credit provision, HUD is inviting comments on the feasibility of its paying the entire claim, but withholding or reducing certain Federal funds to which the jurisdiction would otherwise be entitled, until its (predetermined) debt is retired].

The Department is also giving serious consideration to adopting in the final rule the alternative proposal dscussed in section III B of this preamble. The alternative contemplates the establishment of a coinsurance program authorized under section 244 of the National Housing Act, under which there would be a sharing of the insurance risk between HUD and the mortgagee, where the mortgagor is a public hospital.

A. Insured Mortgages for Publicly Supported Hospitals (Alternative 1)

The Department proposes (as one alternative) to add a new section to Part 242 (section 242.92) containing additional security and other requirements for certain types of hospitals that pose unusual risk to the Department. In the case of some public hospitals, and a limited number of private hospitals, special allocations of funds from the jurisdiction are necessary to maintain continued viability. These special allocations are common in the case of hospitals which serve large numbers of patients who are unable to pay for such care. Special allocations, or tax support, are generally provided on an annual basis by the jurisdiction, but, because of local law, most jurisdictions cannot provide a legally binding commitment of such funds. A legally binding commitment would logically be a requirement for considering such funds in determining basic feasibility.

The Department is concerned that those hospitals which are particularly serving those who are unable to pay, as encouraged by the statute, would be most likely to have difficulty in demonstrating acceptable financial feasibility. Therfore, the Department has, in the proposed rule, attempted to safeguard the General Insurance Fund while simultaneously providing a reasonable opportunity for such hospitals to acquire Federal mortgage insurance. The proposed section (entitled "Eligibility of mortgages covering publicly supported hospitals") would have three basic components. *First*, it would clearly identify hospitals that would be subject to the additional requirements of this new section. *Second*, it would describe additional specific requirements. *Third*, it would describe the Department's remedies in the event that a default resulting in a claim occurred under the mortgage, and the requirements of this section had not been complied with. Each basic component of the proposed regulation is discussed below.

(1) Applicability of the proposed section

Every hospital mortgage insured by the Department poses some risks based on a variety of factors including the mortgagor's management strength and income stream. There is, however, a unique risk that is associated with insured mortgages issued on hospitals that must depend upon periodic funding support based on tax (or other public) appropriations in order to balance operating imcome and expenses.

Within the unverse of hosptials that are publicly supported, there is considerable disparity in the degree of subsidization received. Moreover, it does not necessarily follow that merely because a hospital receives some limited subsidy, it poses an unreasonably high insurance risk. However, the Department believes that, where a hospital has received a *significant degree of subsidization* in the recent past, insuring such a hosptial's mortgage would pose an *additional risk and would warrant additional security requirements.* Accordingly, the Department proposes to establish a new § 242.92 applicable to any hospital that has received greater than 10 percent of its revenue from tax (or other public) appropriations *for any one year in the five-year period* immediately preceding the year in which its submits its hospital proposal to the United States Department of Health and Human Services. [See § 242.3 (Applications)].

(2) Added Security Requirments

Proposed § 242.92 would establish additional security requirements for insuring mortgages on hospitals which are determined to be a special risk by virture of having received support funds from the jurisdiction to the extent described above. These security requirements would vary depending upon (1) the projected operating support (POS) needed, expressed as a percentage of annual operating revenues, which is calculated by HHS in their processing of the hospital mortgage insurance application from the jurisdiction, and (2) the legal capacity of the jurisdiction that would supply POS to make a legally binding commitment to provide the POS over the full mortgage term.

When HHS processes an application for hospital mortgage insurance, it reviews the projected operating revenues against projected operating costs and debt service to establish basic feasibility—the capacity of the hospital to support itself. Some hospitals, primarily those which have required public support in the past, will likely require some public support in the future. Therefore, before insuring a mortgage on a hospital which is dependent on exceptional support to avoid default, the Department would require a commitment to provide such support or to otherwise reduce HUD's exposure in insuring such a mortgage.

Where the mortgagor can demonstrate that the jurisdiction, whether State or local, will make a *legally binding* commitment to, at a minimum, provide the needed POS (at least 5 percent) over the entire life of the mortgage, no further security requirements are imposed.

The Department recognizes, however, that not all jurisdictions have the legal capcity to make such commitments. In the asbence of such capacity, the Department could still insure the hospital mortgage, but only if the jurisdiction agrees to reduce HUD's risk as specified below. In essence, the jurisdiction which would be providing the POS to the hospital would be required to provide for a reduction in any claim payment made by HUD where a default has occurred and the jurisdiction has failed to provide the appropriate POS at any time in the past five years. Where the jurisdiction was provide all of the appropriate POS over the past five years and a default occurs anyway, the jurisdiction would not be called upon to reduce HUD's claim.

In all cases, where the legally binding commitment cannot be given, a minimum five percent POS obligation and a five percent escrow or letter of credit would be required for the purpose of reducing the insurance benefits paid by HUD in the event of a claim, as discussed below. In no case, however, regardless of the annual POS obligation, would the jurisdiction be required to bring any year's revenues of the hospital past the break-even point. POS payments are "as needed" only.

In order to reduce the amount of HUD's claim payment, an escrow account, or letter of credit at the mortgagee's option, must be established with the mortgagee. Any letter of credit

of shorter duration than the claim reduction obligation must be extended or called before its expiration. The amount of the escrow account or letter of credit must remain in place for the life of the mortgage (or until the outstanding principal balance is less than the escrow or letter of credit) and would be used to reduce the insurance benefits paid to the mortgagee (as would any similar escrow held by the mortgagee under any of the mortgage insurance programs) in the event a claim is paid. The amount of the escrow is not includable in the mortgage.

The Department considered various procedures for establishing the amount of the escrow or letter of credit which must be deposited with the mortgagee. The proposed rule establishes the amount of the escrow or letter of credit as the POS percentage times the original mortgage amount with a minimum of five percent. For example, if the HHS-determined annual POS percentage is 15 percent of projected revenues, and the insured mortgage principal amount at final endorsement was $50 million, the escrow or letter of credit would be 15 percent of $50 million, or $7.5 million.

This procedure for establishing the amount of the escrow or letter of credit is preferable to selecting a fixed percentage of the original principal amount that would be applied in all cases, since it increases the penalty for failure to provide the POS as reliance on the jurisdiction in providing funding support increases. It is also preferable to requiring the amount to be a fixed percentage of the claim, because the proposed (actual dollar) amount is (1) established at the outset, and (2) continues to be a substantial penalty even when a claim payment would be relatively small because the mortgage has been outstanding for some time.

Further, it provides recognition over time of the jurisdiction's past performance in providing the POS. Although the POS percentage to be provided by the jurisdiction remains the same over the life of the project, the actual dollar amount may increase with inflation. Under the proposed procedure, there may be a "crossover" point, in approximately the sixth to eighth year, in which the actual dollar amount of POS due will become greater than the amount escrowed. This is because the escrow or letter of credit is a fixed amount, based on a percentage of the original mortgage amount, whereas the annual POS payment is based on a percentage of a varying amount, *i.e.*, operating costs. This crossover point would occur after the period of greatest risk of default under the mortgage. Thus, the procedure provides the greatest incentive to the jurisdiction to continue its support during the early period, while retaining, but reducing, the (relative) penalty for default after years of support have been provided.

As a possible alternative to the proposed rule provision reducing insurance benefits paid by the amount in an escrow or letter of credit, the Department invites comment on any other alternative that recognizes the legal problems of some jurisdictions in providing legally binding commitments, yet still provides HUD with reasonable security in insuring hospitals which might otherwise be rejected as infeasible. Partial alternatives might include (1) advance agreement by a jurisdiction to the reduction of certain Federal funds to which a jurisdiction would otherwise be entitled (*e.g.*, Community Development Block Grant funds under 24 CFR Part 570) or (2) making jurisdictions ineligible for Federal funding (*e.g.*, Urban Development Action Grants under Part 570), until the jurisdiction's debt (as calculated under the same formula as is proposed for the escrow or letter of credit) is fully retired.

(3) Department's remedy in the event of a default

If a default resulting in a claim occurs on a mortgage, and a jurisdiction has provided an escrow or letter of credit to the mortgagee, § 242.92 provides that the Department will reduce the amount of insurance benefits paid by the amount of the escrow or letter of credit, but only if the jurisdiction has failed to make any required annual POS payment during the five-year period preceding the default.

Finally, the requirements of proposed § 242.92 would apply to mortgages on hospitals that are considered to be a special risk because they have received more than 10 percent of their revenues from public appropriations in a recent year. It is possible, however, that a given hospital that has not received such public funding in the recent past could nontheless be found to be a special insurance risk. In such a case, the Federal government would not be precluded from imposing any necessary, added eligibility requirements for insuring a mortgage related to the financing of that hospital. The proposed rule indicates as much in subsection (a), entitled "Applicability".

B. Insured Mortgages for Public Hospitals (Alternative 2)

Under this alternative, the Department would establish a new § 242.92 that would contain additional eligibility requirements for public hospitals. [As noted previously, those hospitals that do rely on public appropriations to offset annual expenses are generally public hospitals. Also, under the Department's Part 242 insurance program, there have been very limited incidences of defaults resulting in claims for insured private and private non-profit hospitals].

Proposed § 242.92 would require a mortgagee to share in the risk of a default and claim occurring under an insured mortgage. In accordance with the coinsurance authority in section 244 of the National Housing Act (12 U.S.C 1715z–9) the rule would require a mortgagee to assume a percentage of any loss on the insured mortgage. Specifically, the Department would only be responsible for paying insurance benefits for 80 percent of the claim amount, with the lender assuming the balance of any loss. Among other things, the Federal government would retain full responsibility for the processing of the mortgage insurance proposal. Mortgage insurance premiums (MIP) would continue to be paid to the Department by the mortgagee in accordance with the existing rule provisions in Part 242 (which cross-references to 24 CFR Part 207, Subpart B provisions), with some modification to appropriately reflect the mortgagee's proportionate share in the risk. Also, under this alternative proposal, the Department is considering increasing the MIP amount.

Finally, although the accompanying proposed rule text does not include specific provision for the alternative apporach discussed in this section, the coinsurance apprach may nontheless be adopted in the final rule. The Department invites comment on all of the alternatives suggested, and its final rule will reflect its determination of what course is most appropriate for insuring mortgages that pose added risk.

IV. Findings

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule does not constitute a major rule as that term is defined in section 1(b) of Exective Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it

does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprise in domestic or export markets.

Under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities because it does not impose any involuntary burdens or benefits. The rule is generally applicable to large hospitals, including public facilities, and makes federal mortgage insurance available to public hospitals for the first time.

This proposed rule was not listed in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15902), under Executive Order 12291 and the Regulatory Flexibility Act.

The hospital mortgage insurance program is listed in the Catalog of Federal Domestic Assistance as program number 14.128 (Mortgage Insurance—Hospitals).

List of Subjects in 24 CFR Part 242

Hospitals, Mortgage insurance.

Accordingly, the Department proposes to amend 24 CFR Part 242 as follows:

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

1. By revising paragraph (b)(3) of § 242.1 to read as follows:

§ 242.1 Definitions.

* * * * *

(b) * * *

(3) Which is a facility licensed or regulated by the State (or, if there is no State law providing for such licensing or regulation by the State, by the municipality or other political subdivision in which the facility is located), that is (i) a public facility that is an instrumentality of a state or unit of local government, or owned by a public benefit corporation established by a state or unit of local government; (ii) a proprietary facility; or (iii) a facility of a private nonprofit corporation or association.

2. By revising § 242.23 to read as follows:

§ 242.23 Eligible mortgagors.

The mortgagor shall be either a public facility, a private nonprofit corporation or association, or a profit mortgagor, shall be approved by the Commissioner, and shall possess the powers necessary and incidental to operating a hospital.

3. By revising § 242.51 to read as follows:

§ 242.51 Prepayment privilege and prepayment charges.

* * * * *

(a) *Prepayment privilege.* Except as otherwise provided in paragraph (c) of this section, the mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date, after giving the mortgagee 30 days' notice in writng in advance of its intention to so prepay.

(b) *Prepayment charge.* The mortgage may contain a provision for such charge, in the event of prepayment of principal, as may be agreed upon between the mortgagor and the mortgagee, subject to the following:

(1) The mortgagor shall be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any 1 calendar year without any such charge.

(2) Any reduction in the original principal amount of the mortgage which the Commissioner may require pursuant to § 242.29(c) shall not be construed as a prepayment of the mortgage.

(c) *Prepayment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a mortgagee which has obtained the funds for such loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment prohibition and prepayment penalty charge acceptable to the Commissioner as to term, amount and conditions.

4. By revising paragraph (b)(2) of § 242.57 to read as follows:

§ 242.57 Funds and finances—insured advances—general requirements.

* * * * *

(b) * * *

(2) *Public mortgagor or private nonprofit mortgagor.* In the case of a public mortgagor or private nonprofit mortgagor, the mortgagee may accept a letter of credit in lieu of the cash deposit required by paragraphs (a) (1) and (2) of this section. If a letter of credit is accepted in lieu of the cash deposit required by paragraph (a)(1) of this section, the mortgage proceeds may be advanced prior to any demand being made on the letter of credit.

5. By revising paragraph (b) of § 242.67 to read as follows:

§ 242.67 Labor standards.

* * * * *

(b) *Waiver of compliance with contract requirements—public mortgagor or private nonprofit mortgagor.* In the case of a public mortgagor or private nonprofit mortgagor, the Commissioner may waive the requirement for compliance with the contract provisions prescribed in paragraph (a) of this section in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction or rehabilitation of the hospital, voluntarily donate their services without compensation for the purpose of lowering the costs of construction and where the Commissioner determines that full credit has been received by the mortgagor for any amount saved through such donated services.

6. By adding a new § 242.92 to read as follows:

§ 242.92 Eligibilty of mortgages covering publicly supported hospitals

(a) *Applicability.* A mortgage financing the rehabiliation, construction, or replacement of a hospital that has received greater than 10 percent of its operating income from tax revenues or other governmental appropriations in any year of the five-year period immediately preceding the calendar year in which the hospital has submitted its proposal to the Department of Health and Human Services, shall be eligible for insurance under this subpart, if, in addition to all other applicable rquirements, it meets the requirements of this section. For purposes of this determination, tax revenues or other public appropriations shall consist solely of unrestricted appropriations by a jurisdiction for the general support of the hospital, and do not include health care subsidies such as Medicare, Medicaid or other patient or program reimbursement mechanisms. The provisions of this section do not preclude the Federal government from imposing additional eligibility or security requirements on any hospital mortgage whether or not subject to the requirements of this section if such action is warranted.

(b) *Additional requirements.* The mortgage will be eligible for insurance if the mortgagor complies with all program requirements and the additional security requirements set out in paragraph (b)(1) or (b)(2) of this section.

(1) The mortgagor demonstrates to the Department that the jurisdiction

(whether State or local) providing funding support to the hospital to be financed has made a legally binding commitment to provide the projected annual operating support funds (POS) determined necessary by HHS in feasibility processing to cover projected deficits expected to be incurred by the hospital over the entire mortgage term. Such deficits shall be expressed as a percentage or anticipated annual inpatient and outpatient revenues (POS percentage), but in any case not less than five percent. In any year, however, in which the actual amount of operating support funds required by the hospital to cover deficits is less than the HHS-determined POS, the jurisdiction shall be required to provide only the actual amount of support funds necessary.

(2) If the hospital is to be supported by a jurisdiction that is precluded by law from making the commitment described in paragraph (b)(1) of this section, the mortgage will be eligible for insurance if:

(i) The mortgagor demonstrates to the Department that the jurisdiction has made a legally binding commitment to the maximum extent lawfully possible to provide the annual POS funds, or that no legal capacity to make such a commitment exists, and

(ii) An agreement is executed between the mortgagee and the jurisdiction whereby an escrow or letter of credit, at the option of the mortgagee, is provided to the mortgagee in an amount equal to the POS percentage times the original mortgage amount, or 5 percent of the original mortgage amount, whichever is greater. The amount of the escrow or letter of credit is not includable in the mortgage amount insured. The escrow or letter of credit must be held until the outstanding principal balance of the mortgage is less than the escrow or letter of credit. Letter of credit for less than the required term must be renewed or called by the mortgagee before expiration.

(c) *Remedies in the event of a default.* If a default occurs on a mortgage insured under the requirements of § 242.92(b)(2), one of the two provisions that follow shall apply.

(1) Where any annual POS payment has been needed and not paid during the five-year period preceding a default, any insurance benefits paid by HUD under a claim, will be reduced by the amount of the escrow or letter of credit.

(2) Where all annual POS payments needed during the five-year period preceding a default have been paid, no reduction will be made in the insurance benefits paid by HUD under a claim, and the escrow or letter of credit will be returned to the jurisdiction.

7. By revising § 242.260 to read as follows:

§ 242.260 Insurance benefits.

All of the provisions of § 207.259 of this chapter relating to insurance benefits apply to mortgages on hospitals insured under this subpart, except that (1) in a case where the mortgage involves the financing or refinancing of an existing hospital in accordance with § 242.93 and the commitment for insuring such mortgage is issued on or after April 1, 1969, the insurance claim shall be paid in cash unless the mortgagee files a written request for payment in debentures. If such a request is made, the claim shall be paid in debentures issued in multiples of $50, with the balance less than $50 to be paid in cash; and (2) in a case where the mortgage is insured under the provisions of § 292.92, the amount of insurance benefits will be reduced by any amount required under the escrow letter of credit provisions in § 242.92(b)(2)(ii), if the remedy described in § 242.92(c)(1) is applicable.

(Secs. 211 and 242 of the National Housing Act (12 U.S.C. 1715b and 1715z-7; sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)))

Dated: September 18, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 84-27079 Filed 10-11-84; 8:45 am]

BILLING CODE 4210-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2692-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: Indiana submitted as a revision to the Ozone portion of its State Implementation Plan (SIP) for volatile organic compounds (VOC) a request to discontinue the requirement for use of a carbon adsorption vapor recovery unit on the loading racks during the cold weather months of November to March at the Phillips Petroleum Company Terminal in Hendricks County. EPA is proposing to disapprove this request because the proposed discontinuance does not conform with Agency's policy on reasonably available control technology (RACT) requirements for sources impacting ozone nonattainment areas and the requirements for continuous control.

DATE: Comments on this revision and on EPA' proposed disapproval must be received by December 11, 1984.

ADDRESS: Copies of the SIP revision are available at the following addresses for review. (It is recommended that you telephone Uylaine E. McMahan, at (312) 353-0396 before visiting the Region V office.)

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

Indian Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

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

SUPPLEMENTARY INFORMATION: On August 17, 1984, the Indiana Air Pollution Control Board (Board) submitted a proposed revision to its ozone SIP for the Phillips Petroleum Company bulk gasoline storage and distribution terminal in Hendricks County, Indiana.[1] These loading racks are subject to the VOC control requirements of SIP Rule 325 IAC 8-4. The requested SIP revision would allow the above facility to discontinue the 325 IAC 8-4 requirement for the use of a carbon adsorption vapor recovery unit on the loading racks during the months of November through March.

Under EPA's Seasonal Afterburner Policy (December 1, 1980 memorandum from Walter Barber, Director of OAQPS), gas-fired afterburners installed to control VOC emissions for the purpose of ozone control may be shutdown during the cold weather months from November through March as a fuel conservation measure, see also, e.g. (47 FR 47552, October 27, 1982). However, this cold weather exemption only applies to gas-fired afterburners; not to other add-on control equipment such as the carbon adsorption vapor recovery unit at Phillips Petroleum's loading racks. Therefore, EPA has determined that this proposed

[1] The Phillips Petroleum terminal is within one mile of Marion County, a designated nonattainment area for ozone. Emissions from the terminal contribute to high ozone concentrations in the Marion County area.

exemption from SIP requirements is not consistent with EPA's Seasonal Afterburner Policy, and EPA is proposing to disapprove the exemption as a revision to the Indiana SIP.

EPA is prividing a 60-day comment period on this notice of proposed rulemaking. Public comments received on or before December 11, 1984 will be considered in EPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office.

Under 5 U.S.C. section 605(b), I certify that this proposed disapproval will not have a significant economic impact on a substantial number of small entities because it applies to only one firm, Phillips Petroleum.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at the EPA Region V office listed above.

(Sec. 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C.) 7410, 7502, and 7601(a)))

List of Subjects in 40 CFR Part 52

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

Dated: March 15, 1984.

Alan Levin,

Acting Regional Administrator.

[FR Doc. 84-27033 Filed 10-11-84; 8:45 am]

BILLING CODE 4650-50-M

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40 CFR Part 52

[KY-024; A-4-FRL-2693-1]

Approval and Promulgation of Implementation Plans Kentucky; Variances for Volatile Organic Compound Sources

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is today proposing to approve variances for two dry cleaning establishments in Mitchell and Cold Springs, Kentucky. The revisions will not interfere with the "Reasonable Further Progress" toward attainment of the ozone standard in this area. The revisions are supported by economic considerations.

DATE: To be considered, comments must be submitted on or before November 13, 1984.

ADDRESSES: Written comments should be addressed to Cheryl Espy of EPA Region IV, Air Programs Branch (see EPA Region IV address below). Copies of the material submitted by Kentucky may be examined during normal business hours at the following locations:

Kentucky Department for Environmental Protection, Fort Boone Plaza, Building 2, 18 Reilly Road, Frankfort, Kentucky 40601

EPA, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Cheryl Espy, Environmental Protection Agency, Region IV Air Management Branch, 345 Courtland Street, NE., Altanta, Georgia 30365, Telephone 404-881-2864 (FTS-257-2864).

SUPPLEMENTARY INFORMATION: The Commonwealth of Kentucky adopted Volatile Organic Compound Regulations as part of their ozone State Implementation Plan on June 5, 1979. Regulation 401 KAR 59:240 provides for the control of volatile organic compound emissions from existing perchloroethylene dry cleaning systems. Variance provisions in this Regulation allows for variation with the standards and limitations contained in the regulation when supported by adequate technical information due to technological or economic circumstances. The economic variance conditions allow for a maximum annual usage rate of perchloroethylene not to exceed 260 gal/year (1.75 tons/yr). EPA considers such variances on a case-by-case basis. RACT is defined as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Jiffy The Cleaners of Ft. Mitchell, Kentucky, a perchloroethylene dry cleaning plant, applied for a technical variance with the Kentucky Division of Air Pollution Control on April 27, 1983. A preliminary determination was made to grant the variance. A public hearing was held on August 17, 1983, and no comments were received. Under the provisions of Regulation 401 KAR 59:240, New Perchloroethylene Dry Cleaning Systems, Jiffy the Cleaners requested and received an economic variance from the Kentucky Division of Air Pollution Control. Kentucky submitted to EPA this proposed revision of the State Implementation Plan on April 12, 1984.

The Kentucky Division of Air Pollution Control has based its economic evaluation on the method of analysis as set forth in the volatile organic compounds (VOC), specifically perchloroethylene, from all dry cleaning systems which use this solvent.

The total emissions of VOC resulting from this variance will be 1.75 tons/year (TPY) uncontrolled emissions compared to 0.875 TPY, had this variance not been granted.

Hiland Cleaners applied for an economic variance for an existing perchloroethylene dry cleaning facility. The Kentucky Division of Air Pollution Control made a preliminary determination to grant the variance. A public hearing was held and no comments were made. The final determination of the Division was to approve an economic variance as provided for in section 7 of Regulation 401 KAR 61.160, the existing Perchloroethylene Dry Cleaning Systems. The economic variance allows for a maximum annual usage of perchloroethylene not to exceed 118 gal/yr. (0.80 tons/yr). Total emissions of VOC from this action will be 0.8 tons/yr uncontrolled compared to 0.4 had this variance not been granted.

It is the opinion of the Kentucky Division that Jiffy The Cleaners and Hiland Cleaners are small and insignificant to the overall VOC control strategy in the Northern Kentucky ozone nonattainment area. EPA agrees.

Action

EPA has reviewed the submitted material and agrees that in these two instances, application of the presumptive norm in the CTG is not appropriate. Therefore, EPA is today proposing to approve the State's variances for Jiffy The Cleaners and Hiland Cleaners and is soliciting public comment on the proposal.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709, January 27, 1981).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: September 4, 1984.

John A. Little,

Acting Regional Administrator.

[FR Doc. 84-27029 Filed 10-11-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-5-FRL-2692-1]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: USEPA proposes to revise the sulfur dioxide (SO_2) designations, from attainment to nonattainment, for three cities in Wisconsin. The three cities are: Rhinelander, located in Oneida County; Peshtigo, located in Marinette County; and Rothschild, including portions of the towns of Weston and Rib Mountain, located in Marathon County. These revisions are based on a redesignation request from the Wisconsin Department of Natural Resources (WDNR), dated March 27, 1984, and on supporting technical data submitted by the Department. The State has requested these redesignations because of recorded violations of the primary National Ambient Air Quality Standards (NAAQS) for SO_2 in these three cities. Under the Clean Air Act, attainment status designations can be changed if warranted by the available data.

DATE: Comments on these redesignations and on USEPA's proposed action must be received by November 13, 1984.

ADDRESSES: Copies of the redesignation requests, the technical support documents, and the supporting air quality data are available at the following addresses. (It is recommended that you telephone Colleen W. Comerford, at (312) 886-6034, before visiting the Region V office)

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

Wisconsin Department of Natural Resources, Bureau of Air Management (AIR/3), 101 South Webster, Madison, Wisconsin 53707.

Comments on this proposed rule should be addressed to (please submit an original and five copies, if possible): Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Colleen W. Comerford (312) 886-6034.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Clean Air Act, the Administrator of USEPA has promulgated a National Ambient Air Quality Standards (NAAQS) attainment status designation for each area of Wisconsin. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the available data warrant a revision.

USEPA's criteria for Section 107 redesignations are summarized in two policy memoranda: (1) An April 21, 1983, memorandum from Sheldon Meyers, then Director of the Office of Air Quality Planning and Standards, entitled "Section 107 Designation Policy Summary"; and (2) a December 23, 1983, memorandum from G.T. Helms, Chief of the Control Programs Operation Branch, entitled "Section 107 Questions and Answers." In general, all available information relative to the attainment status of the area should be reviewed, including the most recent eight consecutive quarters of ambient air quality data. However, USEPA does not require eight consecutive quarters of ambient air quality data when redesignating an area from attainment to nonattainment. In this case, USEPA only requires evidence of a violation of the NAAQS, plus any available supplemental information, including air quality modeling, emissions data, and any other pertinent information, with the rationale that even if all other data were below the standard, a violation would still have occurred.

The cities of Rhinelander, Peshtigo, and Rothschild (including portions of the towns of Weston and Rib Mountain) are currently designated as attainment areas for SO_2. On March 27, 1984, the Wisconsin Department of Natural Resources (WDNR) requested that USEPA revise the air quality attainment status designation for these areas from attainment to primary and secondary nonattainment of the SO_2 NAAQS. This request was based on monitoring data that showed violations of the primary and secondary NAAQS in these three areas. Modeling results were used by the WDNR to determine the boundaries of the proposed nonattainment areas, and these boundaries were submitted with the request for redesignation. They are identified in the following discussion.

The WDNR ran two sets of modeling for all three cities. The initial modeling studies were used to determine the nonattainment area boundaries. The additional modeling studies, using updated emissions data, were used to verify the results of the initial studies. The WDNR submitted Technical Support Documents that included summaries of the SO_2 ambient air monitoring data collected from the three cities, as well as the results of WDNR's initial modeling studies. These documents were the subject of public hearings conducted by WDNR on November 14, 1983, and November 15, 1983. The WDNR also submitted technical information on June 6 and 7, 1984, that included the results of the additional modeling studies. These documents, and results of USEPA's review of these documents, are available for public inspection at the Region V office listed above.

Rhinelander

The request for redesignation of Rhinelander to primary and secondary nonattainment for SO_2 is based upon monitoring data that were collected from April, 1981 to December, 1983. Sulfur dioxide concentrations were measured at one location by a monitoring van. Violations of the primary SO_2 NAAQS were recorded at this location in 1981 and 1983. A violation of the secondary NAAQS was also recorded there in 1983. These violations provide the justification for the redesignation to primary and secondary nonattainment.

Although monitoring data provide a basis for redesignation, they do not allow for determination of the boundaries of the nonattainment area. Therefore, the WDNR ran models for this purpose. Emissions data from the Rhinelander Paper Company were used in the models because the data indicated that the elevated SO_2 levels resulted from emissions from the company's pulp and paper mill complex. The results of the modeling showed that the exceedance area was localized to the area directly surrounding the mill complex, so the nonattainment area was limited to this area as opposed to the entire city of Rhinelander. The boundaries of the nonattainment area, which include the monitoring site and the mill complex, are as follows.

North–A line ENE from the intersection of Lynne and Maple Streets to the W end of Abner.

Abner Street from W end to intersection of Abner and Thayer Streets.

East—S on Thayer Street from intersection of Abner and Thayer Streets to intersection of Thayer and Anderson Streets.

Anderson Street S from intersection of Anderson and Thayer Streets to intersection of Anderson and Davenport Streets.

Davenport Street W from intersection of

Anderson and Davenport Streets to W bank of Wisconsin River.

W bank of Wisconsin River S from Davenport Street to Norway Street.

South—Norway Street W from Wisconsin River extended to intersection of High View Parkway and Hillside Road.

High View Parkway W from intersection of High View Parkway and Hillside Road to intersection of High View Parkway and Davenport Street.

West—Davenport Street ENE from intersection of Davenport Street and High View Parkway to intersection of Davenport and Maple Streets.

Maple Street N from intersection of Davenport and Maple Streets to intersection of Maple and Lynne Streets.

Peshtigo

The request for redesignation of Peshtigo to primary and secondary nonattainment for SO_2 is based upon monitoring data that was collected from June, 1983, to December, 1983. Sulfur dioxide concentrations were measured at one monitoring location. Violations of both the primary and secondary SO_2 NAAQS were recorded at this location during the seven-month monitoring period, providing justification for the redesignation to primary and secondary nonattainment. In the fall of 1983, two other monitors were placed in operation. These monitors have also recorded violations of the SO_2 NAAQS.

In order to determine the boundaries of the nonattainment area, the WDNR performed modeling two different times using emissions data from the Badger Paper Mill. Emission data from the Badger Paper Mill were used in the models because the data indicated that the elevated SO_2 levels resulted from emissions from that source. The results of the modeling indicated that the boundaries of the nonattainment area should coincide with the Peshtigo City boundaries, since the exceedance area extended over much of Peshtigo. These boundaries include the Badger Paper Mill.

Rothschild, Weston, and Rib Mountain

The request for redesignation of several portions of Marathon County (the City of Rothschild, part of the town of Weston, part of the town of Rib Mountain) to primary and secondary nonattainment for SO_2 is based upon monitoring data that was collected from January, 1982, to December, 1982. Sulfur dioxide concentrations were measured at three monitoring locations in the Rothschild area. In 1982, six exceedances of the primary SO_2 NAAQS were recorded at the monitoring site located to the northeast of the Weyerhaeuser Company Paper Mill complex. This violation provides the justification for the SO_2 redesignation to primary and secondary nonattainment. The WDNR performed an analysis that indicated that the Weyerhaeuser Company is responsible for the elevated SO_2 concentrations in the Rothschild area.

In addition to this analysis, the WDNR performed modeling two different times using emissions data from the major SO_2 sources located within the area, the Weyerhaeuser Company Paper Mill, Reed Lignin, and the Wisconsin Public Service (WPS) Weston Power Plant. The results of the modeling were used to determine the following boundaries:

Primary Nonattainment Area

Rothschild

North: State Highway 29 from E bank of Wisconsin River E to Volkman Street.

East: Volkman Street from State Highway 29 S to Lemke Avenue.

South: Lemke Avenue from Volkman Street W to Becker Avenue, Becker Avenue from Lemke Avenue W to Francis Street, Weston Avenue from Frances Street extended to E bank of Wisconsin River.

West: E bank of Wisconsin River, Weston Avenue extended N to State Highway 29.

Secondary Nonattainment Area

Rothschild

Same as primary.

Weston

North: State Highway 29 from Volkman Street, N to Jelinck Avenue E to Alderson Street.

East: Alderson Street from Jelinck Avenue S to Weston Avenue.

South: Weston Avenue from Alderson Street W to Volkman Street.

West: Volkman Street from Weston Avenue N to State Highway 29.

Rib Mountain

The NW ¼ of Section 23.
The SW ¼ of Section 23.
The NW ¼ of Section 25.

The boundaries of the proposed primary nonattainment area include the Weyerhaeuser Paper Mill complex and Reed Lignin, but Wisconsin did not include the WPS Weston Power Plant in either the proposed primary or secondary nonattainment area. Sources outside the proposed boundaries will be covered by action taken as a result of the notice of SIP deficiency issued to Wisconsin on April 23, 1984. The notice of SIP deficiency required Wisconsin to revise its SO_2 SIP in order to attain the NAAQS statewide. (This approach is consistent with the decision of the U.S. Court of Appeals for the Seventh Circuit in *Bethlehem Steel Corp* v. *U.S. EPA*, 723 F.2d 1303 (1983).) Moreover, if the State determines that a particular source is responsible for an area's nonattainment status, then the State must require SO_2 emission limitations sufficient to attain and maintain the SO_2 NAAQS, irrespective of whether that source is located in an attainment or nonattainment area.

Conclusion

USEPA is proposing to approve the SO_2 redesignation from attainment to primary and secondary nonattainment for the cities of Rhinelander, Peshtigo, and Rothschild, including portions of the towns of Weston and Rib Mountain. The redesignations are based on monitoring and modeling data that show violations of the primary and secondary SO_2 NAAQS. The boundaries of the proposed nonattainment areas were determined using modeling performed by the WDNR. Wisconsin will have 12 months from the effective date of the redesignations to develop an enforceable plan to attain the SO_2 NAAQS (48 FR 50686–50695; November 2, 1983). (See also U.S. EPA's "Guidance Document for Correction of Part D SIP's for Nonattainment Areas," Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, January 27, 1984.)

All interested persons are invited to submit written comment on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether USEPA will approve the redesignation. After reviewing all the comments that are submitted, the Administrator of USEPA will publish the Agency's final action on the redesignation in the **Federal Register.**

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

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

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: September 5, 1984.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 84-27028 Filed 10-11-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[WH-6-FRL-2692-6]

Arkansas; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination on application of State of Arkansas for final authorization, public hearing and public comment period.

SUMMARY: The State of Arkansas has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed the State's application and has made the tentative determination that the State of Arkansas' hazardous waste program satisfies all of the requirements necessary to quality for final authorization. Thus, EPA intends to grant Final Authorization to the State to operate its program in lieu of the federal program in the State. The State of Arkansas' application for Final Authorization is available for public review and comment and a public hearing will be held to solicit comments on the State's program submittal and EPA's tentative decision.

DATES: A public hearing is scheduled for November 13, 1984, at 7:00 p.m. The State of Arkansas will participate in the public hearing held by EPA on this subject. All comments on the State's application and EPA's tentative determination must be received by the close of the public hearing on November 13, 1984.

ADDRESSES: Copies of Arkansas' Final Authorization application are available during business hours at the following addresses for inspection and copying: Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas, 72219; U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, D.C. 20460, Phone: (202) 382-5926; U.S. EPA Region VI Library, 1201 Elm St, Dallas, Texas 75270, Phone: (214) 767-7341. Written comments should be sent to H.J. Parr, Hazardous Materials Branch, Environmental Protection Agency, 1201 Elm St., Dallas, Texas 75270 phone (214) 767-2645. EPA will hold the public hearing on November 13, 1984, at the Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72219 at 7:00 p.m.

FOR FURTHER INFORMATION CONTACT: H.J. Parr, Hazardous Materials Branch, U.S. EPA, 1201 Elm St, Dallas, Texas 75270, Phone: (214) 767-2645.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. Two types of authorization may be granted. The first type, known as "interim authorization," is a temporary authorization which is granted if EPA determines that the State program is "'substantially equivalent" to the Federal program (section 3006(c), 42 U.S.C. 6226(c)). EPA's implementing regulations at 40 CFR 271.121-271.137 established a phased approach to Interim Authorization: Phase I, covering the EPA regulations in 40 CFR Parts 260-263 and 265 (universe of hazardous wastes, generator standards, transporter standards and standards for interim status facilities) and Phase II, covering the EPA regulations in 40 CFR Parts 124, 264, and 270 (procedures and standards for permitting hazardous waste management facilities).

Phase II, in turn, has three components. Phase II, Component A, covers general permitting procedures and technical standards for storage of hazardous waste in containers and tanks. Phase II, Component B, covers incinerator facilities, and Phase II, Component C, addresses facilities that dispose of hazardous waste in landfills, land treatment facilities, surface impoundments and waste piles. By statute, all Interim Authorizations expire on January 26, 1985. Responsibility for the hazardous waste program returns (reverts) to EPA on that date if the State has not received final authorization, as described below.

The second type of authorization is a "final" (permanent) authorization that is granted by EPA if the Agency finds that the State program (1) is "equivalent" to the Federal program, (2) is consistent with the Federal program and programs in other States, and (3) provides for adequate enforcement (section 3006(b), 42 U.S.C. 6226(b)). States need not have obtained Interim Authorization in order to qualify for Final Authorization. EPA regulations for Final Authorization appear at 40 CFR 271.1-271.23.

B. State of Arkansas

Arkansas' Phase I Interim Authorization was effective on November 19, 1980. Arkansas received Phase II, Components A and B Interim Authorization on April 19, 1982, and Phase II, Component C, Interim Authorization on January 24, 1984. On July 18, 1984, Arkansas submitted a complete application for Final Authorization. Prior to its submission, Arkansas solicited public comment and held a public hearing on its draft application.

EPA has reviewed Arkansas' application and has tentatively determined that the State's program meets all of the requirements necessary to qualify for Final Authorization. Consequently, EPA intends to grant Final Authorization to Arkansas. In accordance with section 3006 of RCRA and 40 CFR 271.20(d), the Agency will hold a pubic hearing on the tentative decision on November 13, 1984, at 7:00 p.m. at the Akansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72219.

The public may also submit written comments on EPA's tentative determination and the State's submittal up until the close of the public hearing on November 13, 1984. Copies of Arkansas' application are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

EPA will consider all pubilic comments on its tentative determination. Issues raised by those comments may be the basis for a decision to deny Final Authorization to Arkansas. EPA expects to make a final decision on whether or not to approve Arkansas' program by January 10, 1985, and will give notice of it in the Federal Register. The Notice will include a summary of the reasons for the determination and a response to all major comments.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Dated: September 21, 1984.

Dick Whittington, P.E.,

Regional Administrator.

[FR Doc: 84-27031 Filed 10-11-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 107

[Docket No. HM-194; Notice No. 84-13]

Designation of Testing Laboratories; United Nations Packagings

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a procedure by which MIB may designate third-party packaging testing laboratories, for the purpose of certifying conformance of packaging designs with United Nations standards. Third-party testing is proposed as a means through which shippers and container manufacturers may voluntarily demonstrate the adequacy of their packagings, and thereby promote acceptance of their use in international transportation. This procedure should remove a potentially harmful impact that could result from delays of, or impositions against, U.S. exports transported in packagings that are not specifically approved by the Materials Transportation Bureau (acting as the National Competent Authority).

DATE: Comments must be received on or before November 13, 1984.

ADDRESSES: Comments should be addressed to the Docket Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket number and should be submitted, if possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, SW., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except for holidays.

FOR FURTHER INFORMATION CONTACT: Thomas G. Allan, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION:

Background

Many nations that regulate packagings for the transportation of hazardous materials are adjusting their regulatory systems to recognize the performance-oriented packaging standards adopted by the United Nations (UN) in Chapter 9 of the Recommendations prepared by the United Nations Committee of Experts on the Transport of Dangerous Goods (UN Recommendations). Such a proposal is under consideration in the United States under Docket No. HM-181 (47 FR 16268, April 15, 1982).

Individual nations and groups of nations are engaged in this effort. In addition, UN-affiliated organizations such as the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO) are adjusting their dangerous goods codes to conform with Chapter 9 standards.

Within Europe, the regulatory bodies for road and rail (ADR and RID, respectively) are very advanced in this process, and UN packaging will be requried in Europe for shipments of all flammable liquids (to 141 °F), corrosive materials and poisons as early as May 1, 1985, unless authorized transitional packaging is used. The new packagings require prescribed UN markings. Unlike certain other regulatory bodies, such as ICAO, which "grandfathered" all existing packaging specifications, the RID and ADR grandfather clause would not accommodate U.S. packaging specifications unless they are tested and marked in accordance with the previous RID and ADR requirements, or with the UN Recommendations.

Of particular concern in our proposed adoption of this procedure is the fact that most European nations will soon require that new packagings not only be tested and marked on accordance with the UN Recommendations, but that they be approved by their own governments on the basis of design testing conducted by a government laboratory or by third-party testing laboratories recognized by those governments. Consequently, those same governments currently either have their own certifying laboratories, or are recognizing third-parties to conduct testing, for the purpose of issuing government approvals of packagings. Should governments refuse to accept pakagings marked and self-certified as conforming with UN standards by U.S. shippers or packaging manufacturers, as provided for in 49 CFR 178.0-3, it may become necessary for U.S. shippers or packaging manufacturers to send empty packaging overseas for testing and approval. In order to attempt to avoid such a situation, MTB believes it must provide a viable alternative to packaging self-certification for U.S. packaging manufacturers and shippers that will be more akin to the approval procedures that are, or apparently will be, employed in Europe.

Historically, manufacturers of DOT specification packaging (except for certain cylinders and intermodal portable tanks) have been authorized to engage in testing and self-certification. MTB has no current plan to require third-party testing, or testing by MTB-designated laboratories on a mandatory basis in association with implementation of standards addressed by Chapter 9 of the UN Recommendations; nor does MTB currently intend to require registration or approval of packagings which are successfully tested and certified by a third-party labortory.

A testing laboratory has filed a petition for rulemaking for establishment of a procedure to provide U.S. Competent Authority recognition of its facility and this rulemaking is in response to that petition. The MTB proposes to adopt amendments to 49 CFR Part 107 whereby qualified testing laboratories can be designated by the U.S. Competent Authority and, therefore, may provide independent certification of conformance with UN Recommendations for each shipper and packaging manufacturer who chooses to seek such certification. This is a strictly voluntary procedure—there is no proposed MTB requirement that such laboratories be used, nor is such a requirement contemplated at this time.

Shippers and packaging manufacturers seeking a recognized third party testing labortory already face an extremely tight schedule. Delay in rulemaking could mean that the May 1, 1085 deadline is unattainable if anticipated problems become real at that time. Therefore, because of potential difficulties with acceptance of packagings in Europe as of May 1, 1985, it is important that the MTB consider implementation of this program as quickly as possible.

Summary of proposed amendments

Section 107.401 would be revised to expand its scope to include certifications issued for packagings conforming to standards appearing in the UN Recommendations on the Transport of Dangerous Goods. In addition, a new paragraph would be added to clearly indicate that authority delegated to approved agencies is shared with MTB. Accordingly, packaging manufacturers and shippers may apply for certification directly to the Associate Director for HMR, or appeal an adverse determination by a designated approval agency.

Section 107.402 would be amended in paragraphs (b)(3), (b)(4)(ii) and (b)(6) to expand the scope of packagings covered

by this section to include those conforming to UN Recommendations.

Section 107.404 would be amended to indicate that a designated approval agency which examines and tests packagings conforming to UN Recommendations will issue a certification, rather than an approval certificate, which is appropriate only to intermodal portable tanks.

OMB Control Number: 2137–0008

Paperwork Reduction Act: Information collection requirements contained in this regulation (§§ 107.402 and 107.404) have been approved by the Office of Personnel Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2137–0008. Information collection requirements pertaining to procedures which container manufacturers and shippers must follow in obtaining a certification for their packagings are not yet approved by OMB. The requests for OMB approval will be submitted in the near future.

List of Subjects in 49 CFR Part 107

Hazardous materials transportation, Administrative practice and procedures.

In consideration of the foregoing, 49 CFR Part 107 would be amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. Section 107.401 would be revised to read as follows:

§ 107.401 Purpose and scope.

(a) This subpart establishes procedures for the designation of approval agencies to issue approval certificates and certifications for types of packagings designed, manufactured, tested, or maintained in conformance with the requirements of this subchapter, Subchapter C of this chapter, and standards set forth in the United Nations (UN) Recommendations (Transport of Dangerous Goods). Except for certificates of compliance with UN packaging standards, this subpart does not apply unless made applicable by a rule in Subchapter C of this chapter.

(b) The Associate Director for HMR retains the right to also issue approval certificates and certifications addressed in paragraph (a) of this section.

2. In § 107.402, paragraph (b)(6) would be amended by removing the word "specification"; and paragraphs (b)(3) and (b)(4)(ii) would be revised to read as follows:

§ 107.402 Application for designation as an approval agency.

* * * * *

(b) * * *

(3) A listing, by DOT specification (or exemption) number or UN designation, of the types of packagings for which approval authority is sought.

(4) * * *

(ii) A knowledge of the applicable regulations of this subchapter and, when applicable, UN standards;

* * * * *

§ 107.404 [Amended]

3. In § 107.404, paragraphs (a)(2) and (a)(3) would be amended by adding the words "and certifications" immediately following the word "certificate".

(49 U.S.C. 1804, 1805, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(3) of App. A to Part 106)

Note.—Because the proposals made in this Notice relate to (a) agency practices and procedures or (b) clarifications of existing regulations and policies, the Materials Transportation Bureau determined that this Notice—(1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979); and (3) does not require an enviornmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*). For these same reasons, I certify that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84–27051 Filed 10–11–84; 8:45 am]

BILLING CODE 4910–60–M

NATIONAL RAILROAD PASSENGER CORPORATION

49 CFR Part 701

Freedom of Information Act Regulations

AGENCY: National Railroad Passenger Corporation (Amtrak).

ACTION: Notice of Proposed Rulemaking with Request for Comments.

SUMMARY: This proposed rule intends to clarify and expand upon those regulations published April 26, 1982 at 49 CFR Part 700 establishing procedures for requesting records under 5 U.S.C. 552(a)(3). 47 FR 17822. Amtrak published a final rule on June 13, 1984, which renumbered as Part 701 the regulations published in 1982 as Part 700 and which satisfied, in a new Part 700, the requirements of 5 U.S.C. 552(a) (1) and (2). The amendments listed in this publication are intended to announce a number of administrative changes that have taken place at Amtrak since 1982, an increase in fees to be charged FOIA requesters and an expansion on some definitions and policy statements published at 49 CFR Part 701. Moreover, the Corporation desires to establish procedures for the handling of business records submitted to Amtrak by third parties and disclosure of which is requested under the provisions of the Act. The Corporation's experience with the FOIA over the past several years has demonstrated that a number of changes and clarifications need to be made to facilitate future handling of FOIA requests directed to Amtrak.

DATES: Written comments must be submitted on or before December 11, 1984. No hearings will be held.

ADDRESSES: Comments may be mailed or delivered to the National Railroad Passenger Corporation, Law Department, 400 North Capitol Street, NW., Washington, D.C. 20001. Comments received by the Corporation will be available for review by the public during regular business hours at this same address.

FOR FURTHER INFORMATION CONTACT: Michelle Lore (Legal Assistant), Amtrak Law Department, 400 North Capitol Street, NW., Washington, D.C. 20001. (202) 383–2812.

SUPPLEMENTARY INFORMATION: On April 26, 1982, the National Railroad Passenger Corporation (Amtrak) published regulations at 49 CFR Part 700 establishing the procedures governing requests for records under 5 U.S.C. 552(a)(3). 47 FR 17822. On June 13, 1984, Amtrak published a final rule renumbering as Part 701 the regulations which had been published as Part 700 on April 26, 1982, and satisfying, in a new Part 700, the requirements of 5 U.S.C. 552(a) (1) and (2). The purpose of this notice of proposed rulemaking is to amend, as described below, selected provisions of the regulations renumbered as Part 701, and to obtain public comments on those proposed amendments. During the two years the procedures for handling requests for records under 5 U.S.C. 552(a)(3) have been in effect, internal administrative practices related to those procedures have changed, and experience indicates additional improvements can be made. For example, requests are no longer the responsibility of the Amtrak department of Corporate Communications; a revision in fee schedule appears to be

appropriate; and special procedures are needed to govern requests for commercial or financial information of persons who may have provided such information to Amtrak.

List of Subjects in 49 CFR Part 701

Freedom of information.

PART 701—[AMENDED]

For the reasons set out in the preamble, Part 701 of Chapter VII of Title 49 of the *Code of Federal Regulations* are proposed to be amended as follows.

1. In 49 CFR Part 701, under the caption "Authority", and after citation of the Rail Passenger Service Act, change the period to a semicolon and add "5 U.S.C. 552(a)(3)". As amended, the authority for Part 701 reads as follows:

Authority.—Sec. 306(g), Rail Passenger Service Act, 45 U.S.C. 546(g); 5 U.S.C. 552(a)(3).

The following changes are made within Part 701:

§ 701.2 [Amended]

2. In § 701.2, the definition of "President" in paragraph (b) is revised to read as follows: "President means the President of the Corporation or his delegee".

§ 701.3 [Amended]

3. In § 701.3(a), delete the expression "the Freedom of Information Act" and substitute in its place the word "law".

4. In § 701.3, paragraph (b) is revised to read as follows:

(b) A requested record of the Corporation may be withheld from disclosure if it comes within one or more of the exemptions in 5 U.S.C. 552(b) or is otherwise exempted by law.

§ 701.4 [Amended]

5. In § 701.4, paragraph (a)(4) is revised to read as follows:

(4) The request shall be addressed to the Freedom of Information Officer, AMTRAK, 400 North Capitol Street, NW., Washington, D.C. 20001.

6. In § 701.4(c), delete the expression "employee handling the request" and subsitute in its place the expression "Freedom of Information Officer".

7. In § 701.4, paragraph (d) is revised to read as follows:

(d) The submission of a FOIA request constitutes an agreement by the requester to pay the fees specified in § 701.7, unless the requester is entitled to a fee waiver or specifies in the request a different amount to which the Corporation agrees in writing.

8. In § 701.4, a new paragraph (e) is added to read as follows:

(e) Searches will be made for requested records in the order of this receipt. Each so-called "continuing request" will be treated as a one-time request.

9. In § 701.7, paragraph (a) is revised to read as follows:

§ 701.7 Fees.

(a) The Corporation shall charge a fee of $15.00 per hour (per person) when a search for records is conducted by a clerical employee and $25.00 per hour (per person) when the search is conducted by a professional employee. There will be a charge of 25¢ per page to photocopy records. The fee for copies of material requiring other method of reproduction (including use of a computer) is the direct cost of reproduction and handling.

§ 701.7 [Amended]

10. In § 701.7(b), delete the title "Vice-President, Corporate Communications" and substitute in its place "Freedom of Information Officer."

11. In § 701.7, paragraph (c) is revised to read as follows:

(c) Except for services performed without charge or at a reduced charge, each request for a search of records or for a copy of a record should be accompanied by the fee calculated as prescribed in paragraph (a) of this section. When the fee is not readily ascertainable without examination of the records, the Freedom of Information Officer will furnish an estimate of the fee to the person making the request, or, in the discretion of the Corporation, the fee may be collected after the records are made available. If the Corporation requests an advance payment and such payment is not made, the Corporation may decline to respond to or may deny the request for records. The Corporation may require, before making records available, that the person making the request pay any fees that remain unpaid with respect to one or more prior requests by the same person. No search fee shall be charged for an initial search if records are not located, or are located but not made available to the requester. However, the Corporation may assess search fees if the requester insists on further search after being informed by the Corporation, based on an initial search, that the search is unlikely to be productive.

12. A new § 701.8 is added to read as follows:

§ 701.8 Business records.

(a) *In General.* Commercial or Financial information submitted to Amtrak by other persons will be disclosed in response to a FOIA request as described in this section.

(b) *Notices to Submitters of Commercial or Financial Information.* The Freedom of Information Officer shall provide a submitter of commercial or financial information with prompt written notice of a request or demand for the submitter's records. The notice will describe the nature of the records requested, or furnish copies thereof, and request the submitter to furnish to Amtrak with reasonable promptness a detailed statement of any objection to disclosure, including grounds for withholding any of the requested records on the basis of an exemption in the Act or in other applicable law. Upon receipt of that statement the Freedom of Information Officer, upon consultation with the General Counsel's office, will determine whether disclosure will be made. With respect to proposed disclosure of a record over the objection of the submitter of it, the Freedom of Information Officer shall forward to the submitter a written notice which will include:

(1) A statement of reasons for overriding the submitter's objection,

(2) Identification of the records to be disclosed, and

(3) A specified disclosure date.

The notice will be sent a sufficient number of days prior to the disclosure date to permit the submitter time, on an expedited basis, to file an action to prohibit disclosure. The Freedom of Information Officer will make available to the requester in due course a copy of each notice or statement described by this subsection, or will other wise keep the requester informed of the status of Amtrak's response to the request.

Paul F. Mickey, Jr.,

Executive Vice President, Law and Public Affairs, National Railroad Passenger Corporation.

[FR Doc. 84-27081 Filed 10-11-84; 8:45 am]

BILLING CODE 0000-00-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Critical Habitat for "Gardenia Brighamii" Mann (Na'u or Hawaiian Gardenia)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Gardenia brighamii* (na'u or Hawaiian gardenia) to be an endangered species and to designate its critical habitat under the authority contained in the Endangered Species Act of 1973, as amended. This plant is known only from about a dozen specimens located on the islands of Lanai (about 10 plants), Molokai (2 plants), and Oahu (1 plant), State of Hawaii. This species is vulnerable to any substantial habitat alteration and faces the potential threat of grazing and browsing by domestic and feral animals, fire, soil erosion, introduced insect pests, rodent predation, competition from exotic plants, and potential development on and/or near the sites where it occurs. A determination that *Gardenia brighamii* is an endangered species, and designation of its critical habitat, would implement the protection provided by the Endangered Species Act of 1973, as amended. The Service seeks data and comments from the public on this proposal. The Service is requesting further information on the species' status and any economic impacts that would result from designation of critical habitat.

DATES: Comments from all interested parties must be received by December 11, 1984. Public hearing requests must be received by November 26, 1984.

ADDRESS: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, 500 NE. Multnomah Street, Portland, Oregon 97232. Comments and material received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 500 NE. Multnomah Street, Portland, Oregon 97232 (503/231–6131), or Mr. John Spinks, Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

Past collections and field notes on *Gardenia brighamii* indicate that it once grew on the islands of Hawaii and Maui, where none are known to be extant in the wild today. The species was first collected in 1864–65 by Horace Mann and William Brigham, and was formally described by Mann in 1867. It still occurs on Lanai (about 10 plants) and Molokai (2 plants), as well as on Oahu, where a single plant remains in the wild. The current habitat has been severely degraded and altered by grazing and browsing animals (e.g., domestic cattle and feral goats, respectively). The invasion of exotic plants such as *Lantana camara, Leucaena leucocephala, Schinus terebinthifolius,* and various grass species crowd out the remaining dry forest and shades out any seedlings that may have survived rat predation on the fruits. The remaining habitats on Lana'i and Moloka'i are found on marginal land used for grazing.

Gardenia brighamii was a distinctive element of the lowland dry forest. It is a tree growing 20 to 30 feet in height, with a smooth trunk six to 12 inches or more in diameter and a spreading canopy of shiny dark-green leaves. The white to cream-colored flowers are one to two inches long, very fragrant, and resemble the Tahitian gardenia (*G. taitensis)* in shape.

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 published a notice in the **Federal Register** (40 FR 27823–27924) of his acceptance of this report as a petition within the context of subsection 4(c)(2) of the Act (petition acceptance is now governed by section 4(b)(3) of the Act, as amended), and of his intention to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523–24572) to determine approximately 1,700 vascular plant taxa 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. *Gardenia brighamii* was included in the July 1, 1975, notice and the June 16, 1976, proposal. General comments on the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909–17916).

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A 1-year grace period was given to those proposals already more than 2 years old. Subsequently, on December 10, 1979, the Service published a notice of the withdrawal of the portion of the June 16, 1976, proposal that had not been made final along with other proposals that had expired (44 FR 70796–70797); this notice of withdrawal included *Gardenia brighamii.* The Service now has sufficient information to warrant reproposing *Gardenia brighamii* as an endangered species. Its critical habitat is being proposed for the first time.

Summary of Factors Affecting the Species

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 of August 8, 1983, 48 FR 36062–36069) set forth the procedures for adding species to the Federal lists. 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 *Gardenia brighamii* Mann (Hawaiian gardenia or na'u) are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

This species once grew on five of the Hawaiian islands, where, at least on the island of Molokai, it was a fairly common component of the native dryland forests. Today it still occurs on the islands of Lanai (about 10 plants), Molokai (2 plants), and Oahu (1 plant). It is now believed extinct on Hawaii and Maui. Grazing and browsing by domestic and feral animals and the invasion of exotic shrubs, forbs, and grasses have caused severe degradation of its habitat. Urbanization, pineapple fields (on Lanai and Molokai), sugar cane fields (on Oahu and Maui), and pastures (on Oahu, Maui, and Hawaii) have replaced most of the dryland forests in Hawaii. The Molokai population grows at the edge of an erosion gully; several trees were lost recently when the gully walls collapsed during winter storms. Further grazing and browsing by domestic and feral animals, further invasion and spread of exotic plants, potential urbanization or development, and, as the plants grow in dry parts of the islands, the continual possibility of fires, are all existing threats to the future survival of the species.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Not applicable to this species.

C. Disease or Predation

The introduced Black Twig Borer, *Xylosandrus compactus* (Scolytidae), attacks the terminal shoots and has severely affected the one wild tree on Oahu. Rats appear to gnaw the fruit

while it is still on the tree, severely reducing the chances of successful regeneration. The full impact of grazing needs to be determined.

D. The Inadequacy of Existing Regulatory Mechanisms

No regulatory mechanisms exist at the present time. Federal listing would automatically invoke listing under Hawaii State law, which prohibits taking and encourages conservation by State government agencies.

E. Other Natural or Man-Made Factors Affecting Its Continued Existence

The number of plants of this species has been greatly reduced due to factors enumerated above. Further reduction of the breeding population (gene pool) may have adverse effects on the reproductive capacity and survival of this species.

The Service has carefully assessed the best scientific information available concerning the past abundance and subsequent decline of this species, as well as the threats faced by its remnant populations. Based on this evaluation, the preferred course of action is to propose to list *Gardenia brighamii* as endangered and designate the area occupied by the largest remnant population as critical habitat for the species. This choice reflects the strong likelihood that, without the institution of appropriate conservation measures, the species is likely to become extinct throughout its range.

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 (a) essential to the conservation of the species and (b) which may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act 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 proposed for *Gardenia brighamii* to include an area of about 685 acres just north of Kanepu'u, ahupua'a of Ka'a, island of Lanai. It contains a remnant native dryland forest and, although influenced by the presence of exotic vegetation and herbivores, is believed to provide the best remaining site for long-term survival and possible augmentation of *Gardenia brighamii*. The approximately 10 individuals found within the area represent the largest remaining population of this species. While the entire area to be designated as critical habitat does not contain individuals of *Gardenia*, this area nevertheless represents one of the few remnants of the once-widespread Hawaiian dryland forest, and is the only such remnant supporting a potentially viable population of this species. Unless this remnant forest is conserved for future transplantation or reestablishment programs, future survival in the wild of the Hawaiian gardenia is unlikely. Thus, the entire remnant ecosystem is believed to be essential for the conservation of the species.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public and private) which may adversely modify such habitat or may be affected by such designation. Such activities are identified below for this species. It should be emphasized that critical habitat designation may not affect all of the activities mentioned below, as critical habitat designation only affects Federal agency activities 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 *Gardenia brighamii* occurs would adversely modify its critical habitat. Land uses in the immediate locality of the population and in its surroundings would have to be carefully regulated to control such modifications. This might require fencing of populations to exclude or eliminate feral animals from the area. Inasmuch as no Federal activities are anticipated in the area proposed to be designated, it is unlikely that the designation will affect any activities.

Section 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 will reevaluate the geographic critical habitat designation prior to publishing any final rule, after considering any public comments received and all relevant economic information that is available.

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 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. The protection required by Federal agencies and taking prohibitions are discussed, in part, below.

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. 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 result in destruction or adverse modification of proposed critical habitat. When a species is subsequently 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 an effect is expected, the Federal agency must enter into consultation with the Service. Currently, no Federal involvement is known to exist with regard to *Gardenia brighamii*.

The only known potential action that may be affected by the listing is the casual use of the Kanepu'u area. Federal listing automatically results in similar listing by the State and, therefore, enforcement of the State's own regulations come into effect. These regulations may limit casual use by prohibiting the taking of the plants. Take, in the State law, is defined as picking or otherwise damaging the plants. Voluntary or mandatory protection of this species and its habitat will require cooperation among the land owners, Castle and Cooke, Inc., the State of Hawaii, the County of Maui, and the U.S. Fish and Wildlife Service.

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 *Gardenia brighamii*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would 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 would apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 16.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. No trade in this species is known. It is anticipated that few trade permits involving *Gardenia brighamii* would ever be sought or issued since the species is not common in cultivation nor 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 will not apply to *Gardenia brighamii* since all of the known plants are on private property.

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).

If this species is listed under the Act, the Service will review it to determine whether it should be placed upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through section 8A(e) of the Act, and whether it should be considered for other appropriate international agreements.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of each endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Gardenia brighamii*;

(2) The location of any additional populations of *Gardenia brighamii* and the reasons why any habitat of this species should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area and their possible impacts on *Gardenia brighamii*; and

(5) Any foreseeable economic and other impacts resulting from the proposed designation of critical habitat.

Final promulgation of the regulations on *Gardenia brighamii* will take into consideration any comments and additional information received by the Service, and such communications may lead to the adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, Region 1, U.S. Fish and Wildlife Service, 500 NE., Multnomah Street, Portland, OR 97232.

National Environmental Policy Act

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service has determined that Environmental Assessments need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. The recommendation from CEQ was based, in part, upon the decision by the Sixth Circuit Court of Appeals, which held that the preparation of NEPA documentation was not required as a matter of law for listing actions under the Endangered Species Act; *PLF* v. *Andrus* 657 F. 2d 829 (6th Cir. 1981). A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References

Foote, D.E., E.L. Hill, S. Nakamura, and F. Stephens. 1972. Soil survey of the islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii. U.S. Dept. of Agriculture, Soil Conservation Service: Washington, D.C. 232 pp., 130 maps.

Gagne, B.H. 1982. Status report on *Gardenia brighamii*. Research Corporation of the University of Hawaii, under contract 14–16–0001–79096 to the U.S. Fish and Wildlife Service. 42 pp.

Spence, G., and S.L. Montgomery. 1976. Ecology of the dry land forest at Kanepu'u, island of Lana'i. Newsletter, Haw'n Bot. Soc. 15(4/5): 62–80.

Authors

The primary authors of this proposed rule are Dr. Derral Herbst, U.S. Fish and Wildlife Service, P.O. Box 50167, Honolulu, Hawaii 96850 (808/546–7530) and Betsy Harrison Gagne, B.P. Bishop Museum, P.O. Box 19000–A, Honolulu, Hawaii 96819 (808/847–3511). The manuscript was edited by John L. Paradiso of the Service's Washington Office.

List of Subjects in 50 CFR Part 17

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

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

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

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

2. It is proposed to amend § 17.12(h) by adding the following in alphabetical order under the family Rubiaceae 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					
* *	* *	*	*	*		*
Rubiaceae-Coffee family:						
Gardenia brighamii	Na'u (Hawaiian gardenia)	U.S.A. (HI)	E		17.96(a)	NA
* *	* *	*	*	*		*

3. It is further proposed to amend § 17.96(a) by adding critical habitat of *Gardenia brighamii* as follows: [The position of this and any following critical habitat entries under § 17.96(a) will be determined at the time of publication of a final rule.]

§ 17.96 Critical habitat-plants.

(a) * * *

* * * * *

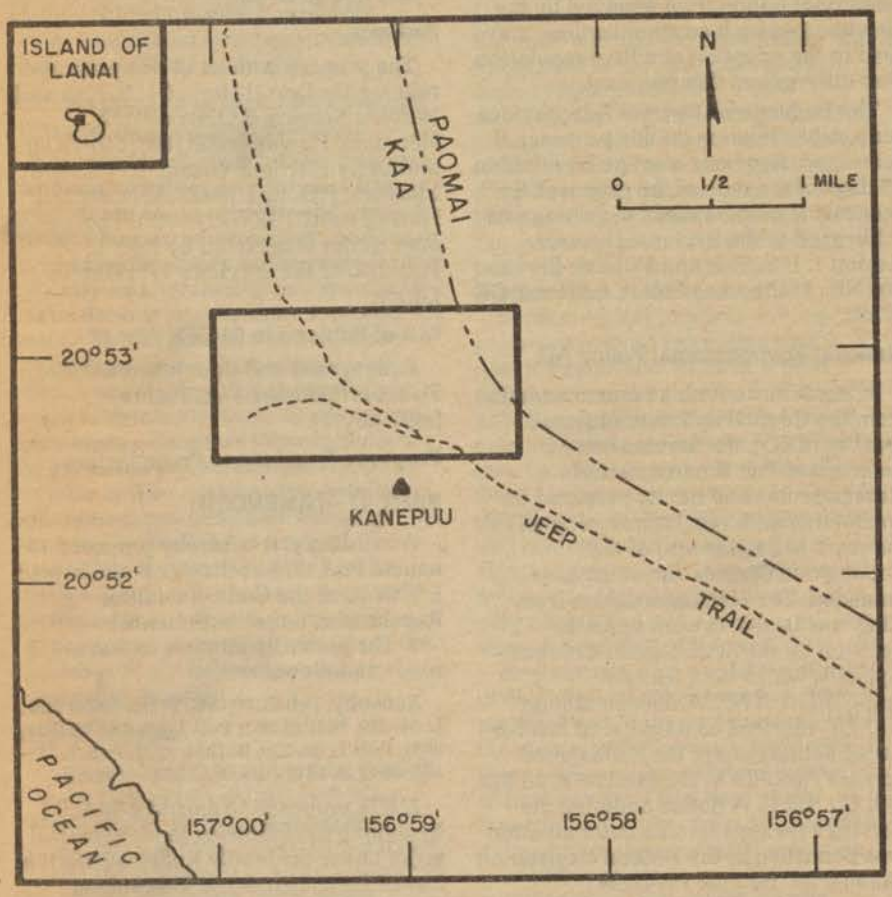
Family RUBIACEAE:

Gardenia brighamii (Na'u, Hawaiian gardenia)

Hawaii, Maui County, island of Lanai, ahupua'a of Ka'a, a rectangle just north of Kanepu'u comprising about 685 acres and enclosed by the following coordinates:

20°52'35" N latitude by 157°00'00" W longitude
20°53'10" N latitude by 157°00'00" W longitude
20°53'10" N latitude by 156°58'28" W longitude
20°52'35" N latitude by 156°58'28" W longitude

Known constituent elements include very dry, well-drained lateritic soils of high acidity and low fertility.



Dated: August 30, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-26788 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 49, No. 199
Friday, October 12, 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.

ACTION

Mini-Grant Program; Guidelines for Mini-Grants

AGENCY: ACTION.

ACTION: Final notice of revision of guidelines for Mini-Grants.

SUMMARY: The following notice sets forth the final guidelines under which applications for Mini-Grants will be accepted. This revision replaces the current Mini-Grant Guidelines which were published in the **Federal Register**, Volume 47, No. 162 on Friday, August 20, 1982. This Notice describes the program purpose, applicant eligibility, grant scope, application procedures and criteria for Mini-Grants. Both those mini-grants funded by the ACTION agency and those mini-grants funded through either non-federal contributions or Federal Inter-Agency Agreements are covered. This notice will also serve to announce the availability of funds and indicate funding priorities for Mini-Grants awarded in Fiscal Year 1985.

DATE: These guidelines shall take effect on November 26, 1984.

FOR FURTHER INFORMATION CONTACT: Office of Volunteer Liaison (OVL), ACTION, Room M-207, 806 Connecticut Avenue, NW., Washington, D.C. 20525, or telephone toll-free 800-424-8867.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Revision of Guidelines for Mini-Grants was published in the Federal Register, Vol. 49, No. 163 on Tuesday, August 21, 1984. The Notice proposed amendments that would affect (1) the ratio of expected volunteer hours to federal dollars and (2) the procedures pertaining to the place of submission and instructions for completing the application. It proposed to change the volunteer hour/federal dollar ratio from one hour for every dollar to one-half hour for every dollar. The notice proposed to change the location to which grant applications should be sumbitted, from the Office of Volunteer Liaison in Washington, D.C., to the appropriate ACTION State offices. It also proposed to eliminate the listing of specific application forms in the **Federal Register** since applicable forms will be included in each year's application packages that are mailed out.

Written comments were received by the Agency, and accordingly inserted as appropriate in the proposed Notice, now adopted as final.

ACTION has reviewed these Guidelines and has determined that they are not a major rule as defined in E.O. 12291. The reason underlying this determination is that both the size and purpose of these grants are such that they will not have the economic ramification envisioned by E.O. 12291's definition of a major rule. These Guidelines are published pursuant to the authority contained in section 123 of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4993).

Discussion of Comments Received

The Agency received two letters concerning the proposed revision to the guidelines. The comments contained in both letters expressed support for the proposed changes. Therefore, the revisions will be incorporated into the final guidelines without further modification.

Mini-Grant Program

1. Program Purpose

a. The ACTION Mini-Grant Program is intended to initiate, strengthen and/or supplement volunteer efforts and to encourage broad-based volunteer citizen participation which will develop and enhance community self-reliance. Mini-Grants are intended to be directed to meet a broad range of basic human needs, especially in the poverty sector.

b. Mini-Grants should be considered and used as a means to establish or strengthen activities, mechanisms, and programs which may be one-time or on-going in nature, but which must demonstrate a solid potential for long-term effect.

c. The program is intended to assist organizations, particularly low-income and community based groups.

2. Eligibility

Public or private non-profit organizations, including, for example, hospitals, institutions of higher learning, and local units of government, which utilize, or will utilize, volunteers as an integral part of their provisions of services may apply for grants.

3. Scope of Grant

The Mini-Grant Program provides funds on a one-time, non-renewable basis for a budget period not to exceed one year under the following conditions:

a. The Federal share of the grant award shall not normally exceed $10,000 to organizations for a local project of $15,000 to organizations for a project that relates to an entire state or Federal region.

b. All grants of $3,500 or more in ACTION Federal funds require a minimum matching share of 10% of the total grant cost. The matching share can be cash or an in-kind contribution; e.g., project director's salary and fringe benefits, space or equipment used by the project, or meals provided by project volunteers.

c. Mini-Grants will be awarded for projects which have measurable goals achievable in a specified time frame not to exceed one year.

d. Mini-Grants are basically a vehicle by which volunteers can be mobilized to help alleviate community problems. It is expected that for each Federal dollar awarded, at least one-half (½) hour of volunteer service will be generated. If the project is of a nature where numbers of volunteers and volunteer hours cannot be documented, then the grantee is asked to describe the impact of the project on the larger issue of volunteer activity in the organization/community.

e. ACTION reserves the right to establish funding priorities each year in order to meet national needs and Agency goals.

4. Procedures

a. After the notice which requests Mini-Grant applications appears in the **Federal Register**, application packages will be mailed out to those requesting them. The packages will contain the grant application forms, selection criteria, the application review process, and application due dates. Applications will be submitted to the appropriate ACTION State Office by the due date.

b. These procedures may not apply to grants funded either through Federal Inter-Agency Agreements or non-federal contributions.

5. Deadlines

Deadlines for submission of applications are established by the Office of Volunteer Liaison.

6. Reports and Records

a. Reports Requirements. Grantee should maintain sufficient records in order to validate required financial and program reporting. Grantee will make financial reports on ACTION form A–451, (OMB 3001–0068) Financial Status Report, within ninety (90) days after the end of the budget period. Grantee will submit a program progress report one-half of the way through the budget period and a final program report at the conclusion of the project in a form to be prescribed by the ACTION Office of Volunteer Liaison. The final program report should reflect degree of achievement toward goals as outlined in the program narrative, including the actual number of volunteers and volunteer hours generated.

b. Records Retention. Grantee must retain all financial records, supporting documents statistical records, and all other records pertinent to the grant for a period of three (3) years after submission of the final Financial Status Report. If any litigation, claim or audit is begun before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

(42 U.S.C. 4993)

Notice of the Availability of Funds

This announces the availability of funds for fiscal year 1985 under the Mini-Grant Program. Subject to the availability of funding, approximately $150,000 will be available for grants averaging $10,000 in size.

Funding priorities established for fiscal year 1985 are projects which use *primarily* young volunteers and/or projects which address *primarily* problems of young people, such as substance abuse, child abuse, latchkey, runaway, literacy, and other youth-serving areas.

The deadline for submission of applications is November 30, 1984. Applications will be submitted to appropriate ACTION State Offices. Addresses of the State offices will be included in the application package.

Application packages are available from ACTION's Office of Volunteer Liaison in Washington, D.C. To receive an application package, write to Mini-Grant Program/OVL, ACTION, Room M–207, 806 Connecticut Ave, NW., Washington, D.C. 20525, or call (202) 634–9772 or (800) 424–8867, toll-free.

Signed in Washington, D.C., on October 4, 1984.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 84–26857 Filed 10–11–84; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Proposed Procedures for Implementing National Environmental Policy Act (NEPA)

AGENCY: Department of Agriculture (USDA), Agricultural Research Service (ARS).

ACTION: Proposed procedures for compliance with the National Environmental Policy Act of 1969 (NEPA).

DATE: Written comments or suggestions must be received by the person listed below on or before December 11, 1984.

FOR FURTHER INFORMATION CONTACT: Richard M. Parry, USDA, ARS, Room 114, Building 005, Beltsville Agricultural Research Center-West, Beltsville, Maryland 20705, (301) 344–2734.

SUPPLEMENTARY INFORMATION: Proposed NEPA procedures were published February 20, 1980 (45 FR 1147), for Science and Education Administration (SEA). At the time, the Agricultural Research Service was part of SEA. The subsequent abolishment of SEA resulted in returning the units within SEA to agency status, with each agency independently reporting to the Assistant Secretary for Science and Education. This notice reflects a modification of the previous proposed SEA–NEPA procedures to accommodate the establishment of ARS as an agency.

This rule has been reviewed under Executive Order 12291 and it has been determined that this regulation is not a major rule. This rule will have little or no effect on the economy. NEPA regulations apply only to Federal agencies, and this rule is strictly procedural and assures that research and other activities of ARS comply with NEPA. This rule will not result in any major increase in costs to consumers, industry, or Federal agencies or have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete on the foreign market.

This action is not a rule as defined in Pub. L. 96–354, the Regulatory Flexibility Act, and thus it is exempt from the provisions of that Act.

I. Purpose

These procedures assure that research and other activities of the Agricultural Research Service (ARS) comply with the intent of the National Environmental Policy Act of 1969 (NEPA) and appropriate regulations implementing this Act. These procedures supplement, and are not a substitute for, Council on Environmental Quality regulations under 40 CFR 1500–1508, and Department of Agriculture NEPA Policies and Procedures, 7 CFR 1b.

ARS conducts and supports research of limited scale as authorized by legislation to support one of the USDA goals of assuring adequate supplies of high quality food and fiber. Information generated through such research often forms the basic data needed to assess the impact of a new technology upon the environment. Larger scale projects simulating commercial practices are normally implemented in cooperation with other agencies of the Federal or State Governments.

II. Authorities

The basic authorities for these policies and procedures are NEPA and regulations of the Council on Environmental Quality under 40 CFR 1500–1508. NEPA provides that a systematic interdisciplinary approach should be used in planning and decisionmaking for actions which may have an impact on the human environment. NEPA also requires detailed statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

III. Policy

A. It is ARS policy to comply with the provisions of NEPA and related laws and policies.

B. Environmental documents should be concise, written in plain language, and address the issues pertinent to the decision being made.

C. Environmental documents may replace or be combined with other reports which serve to facilitate decisionmaking.

D. Costs of analyses and environmental documents are to be planned for during the budgetary process for the plan, program, or project. Special provisions for financing NEPA process activities which are unanticipated and extraordinary may be made in the Office of the Administrator of ARS.

E. ARS personnel will cooperate with other agencies, States, contractors, or other entities proposing to undertake activities involving the ARS to assure

that NEPA considerations are addressed early in the planning process to head off potential delays and conflicts as required by 40 CFR 1501.02.

F. For some activities, project participants outside ARS may be required to provide data and documentation. When an applicant or contractor prepares an environmental assessment (EA) or a contractor prepares an environmental impact statement (EIS), their activities shall be according to 40 CFR 1506.5.

G. Environmental documents, decision notices, and records of decision must be made avaialble for review by the public.

H. The concepts of tiering to eliminate repetitive discussions applicable to EIS's (40 CFR Part 1502) are also applicable to EA's.

IV. Responsibilities

A. Administrator

The Administrator is responsible for environmental analysis and documentation required for compliance with the provisions of NEPA and related laws, policies, plans, programs, and projects. An official staff member has been delegated responsibility for the establishment of procedures and coordination necessary to carry out the policies and provisions of NEPA for ARS.

B. Deputy Administrators and Area Directors

The Deputy Administrators and Area Directors are responsible to the Administrator for assuring that ARS programs are in compliance with the policies and procedures of NEPA.

V. Categorical Exclusions

For the following categories of actions, the preparation of an EA or EIS is not required.

A. Department of Agriculture Categorical Exclusions

7 CFR 1b.3.

1. Policy development, planning and implementation which relates to routine activities such as personnel, organizational changes or similar administrative functions;

2. Activities which deal solely with the functions of programs, such as program budget proposals, disbursement, transfer or reprograming of funds;

3. Inventories, research activities and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

4. Educational and information programs and activities;

5. Civil and criminal law enforcement activities;

6. Activities which are advisory and consultative to other agencies, public and private entities such as legal counselling and representation; and

7. Activities related to trade representation and market development activities overseas.

B. ARS Categorical Exclusions

ARS actions which, based on previous experience, have been found to have limited scope and intensity and produce little or no environmental effects, individually or cumulatively, to either the biological or physical components of the human environment. Some examples are:

1. Repair, replacement of structural components or equipment, or other routine maintenance of facilities controlled in whole or in part by ARS;

2. Research including programs or projects of limited size and magnitude or with only short-term effects on the environment. Examples would be research operations conducted within any laboratory, greenhouse or other contained facility where research practices and safeguards prevent environmental impacts such as the release of hazardous materials into the environment. Similarly, inventories, studies or other such activities that have limited context and minimal intensity in terms of changes in the environment, or projects involving small units or plots. Generally, any wastes from activities which are categorically excluded will be contained, recycled, destroyed or otherwise treated in a manner which renders them environmentally safe, or are otherwise nontoxic and disposed of in small quantities.

C. Exceptions to Categorical Exclusions

An environmental assessment shall be prepared for an activity which is normally within the purview of a categorical exclusion if there are extraordinary circumstances in which such an activity may have a significant environmental effect.

VI. Preparation of an Environmental Assessment (EA)

A. The following actions normally require a documented EA, but not necessarily an EIS:

1. Programs, supported in the majority by ARS, which may assist in the transition of a particular technology from field research stage to large-scale demonstration or simulated commercial phase;

2. Field work having an impact on the local environment such as major earth excavation, explosives, weather modifications, or other such techniques; and

3. Research that involves introduction, field evaluation, and release into the natural environment of introduced biological control agents or other benefical organisms beyond their natural habitat range, for the purposes of manipulation of the natural ecosystem and assessment of the short- and long-term effects of these activities.

B. An EA is not needed for actions that are:

1. Categorically excluded;

2. Specifically and adequately analyzed and discussed by an EIS or another EA;

3. For which a decision has already been made to prepare an EIS; or,

4. Emergencies, provided that the requirements of 40 CFR 1506.11 have been satisfied.

C. If more than one Federal agency participates in a program activity, the EA shall be prepared by the lead agency as provided in 40 CFR 1501.5.

D. *Format and Conclusion.* An EA can be in any format provided it covers, in a logical and succinct fashion, the information necessary for determining whether a proposed Federal action may have a significant environmental impact and thus warrant preparation of an EIS. The EA will contain the information required by 40 CFR 1508.9, and will conclude with a written statement:

1. That the proposed major Federal action will significantly effect the quality of the human environment and, therefore, an EIS will be prepared; or,

2. That the proposed major Federal action will not significantly effect the quality of the human environment so the preparation of an EIS is not required. This is the "Finding of No Significant Impact" referred to at 40 CFR 1508.13.

E. *Decision Notice.* Upon completion of an EA, the responsible official will consider the information it contains and will document the decision and the reasons for it. The public shall be notified of the decision and the availability of the EA in a manner appropriate to the situation. If there is a finding of no significant impact, the EA may be combined with the decision notice.

VII. Preparation of an Environmental Impact Statement (EIS)

A. An EIS must be prepared for:

1. Proposals for legislation which are determined to be a major Federal action significantly affecting the quality of the human environment; or

2. Other major Federal actions significantly affecting the quality of the human environment that have not been

adequately addressed in another EIS. "Major actions" and "significant" effects are difficult to define precisely and uniformly because of the great variation in social, economic, physical, and biological conditions. An environmental impact statement may be required in situations such as when a research project has advanced beyond the laboratory and small plot testing to full scale field testing over a very large area and involving the introduction of chemicals or biological agents into the environment.

The responsible official shall determine when an EIS is needed, generally based upon an EA (40 CFR 1508.18 and 1508.27).

B. *Notice of Intent.* If the responsible official recommends the preparation of an EIS, then the public shall be apprised of the decision. This notice shall be prepared according to 40 CFR 1508.22.

C. *Draft and Final EIS.* The process of preparing the draft and final EIS, as well as the format, shall be according to 40 CFR 1502–1506.

D. *Decisionmaking and Implementation.* After the filing of the EIS with the Environmental Protection Agency as required by 40 CFR 1506.9, the responsible official may make a decision within the prescribed time period. The decisions will be documented in a Record of Decision as required by 40 CFR 1502.2, and implemented as required by 40 CFR 1502.2, and implemented as required by 40 CFR 1506.10.

VIII. Agency Contact for Review and Comment

Consistent with 40 CFR 1506.6(e) interested persons may contact: Richard M. Parry, telephone (301) 344–2734, for information regarding reports of EIS's and other elements of the NEPA process.

Dated: October 9, 1984.

T.B. Kinney, Jr.,

Administrator, ARS.

[FR Doc. 84-27040 Filed 10-11-84; 8:45 am]

BILLING CODE 3410-03-M

Commodity Credit Corporation

Proposed Determinations With Regard to the 1985 Wool and Mohair Incentive Payment Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Proposed Determinations.

SUMMARY: This notice sets forth certain proposed determinations concerning the method of price support and the price support levels for pulled wool and mohair for the 1985 marketing year. These determinations are required to be made pursuant to the National Wool Act of 1954, as amended.

EFFECTIVE DATE: Comments must be received on or before December 11, 1984, in order to be assured of consideration.

ADDRESS: Dr. Howard C. Williams, Director, Commodity Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Philip Sronce, Agricultural Economist, Commodity Analysis Division, USDA–ASCS, P.O. Box 2415, Washington, DC. 20013 or call (202) 475–4645. The Preliminary Regulatory Impact Analysis describing the options considered in developing these proposed determinations is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been designated as "not major" since the proposed determinations are not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that the Commodity Credit Corporation (CCC) publish a notice of proposed rulemaking in accordance with 5 U.S.C. 553 or any other provision of law with respect to the subject matter of these proposed determinations.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published by 48 FR 29115 (June 24, 1983).

The title and number of the federal assistance program that this notice applies to are: Title—National Wool Act Payments, Number 10.059, as found in the Catalog of Federal Domestic Assistance Programs.

Section 703(a) of the National Wool Act provides that the Secretary of Agriculture shall support the prices of wool and mohair by means of loans, purchases, payments or other operations.

Section 703(b) of the National Wool Act provides that the level of support for shorn wool for each of the marketing years 1982 through 1985 shall be 77.5 percent of an amount which is determined by multiplying 62 cents (the support price in 1965) by the ratio of: (1) The average parity index (the index of prices paid by farmers, including commodities and services, interest, taxes, and farm wage rates) for the three calendar years immediately preceding the year in which such support price is being determined and announced to (2) the average parity index for the three calendar years 1958, 1959, and 1960, rounding the result to the nearest full cent. Based on current reported parity indices the calculation for the 1985 shorn wool support price (grease basis) is as follows:

(1) Average parity index, calendar years 1981–1983	1072.0
(2) Average parity index, calendar years 1958–1960	297.3
(3) Ratio of 1072.0 to 297.3	3.6058
(4) 3.6058×62 cents per pound (1965 support price)	$2.2356
(5) 77.5%×2.2356	$1.7326
(6) 1.7326 rounded to nearest full cent	$1.73

Section 703(c) of the National Wool Act provides that the support prices for pulled wool and for mohair shall be established at such levels, in relationship to the support price for shorn wool, as the Secretary determines maintain normal marketing practices for pulled wool, and as the Secretary shall determine is necessary to maintain approximately the same percentage of parity for mohair as for shorn wool. The support price for mohair shall not be calculated so as to cause it to rise or fall more than 15 percentum above or below the comparable percentage of parity at which shorn wool is supported.

It is necessary that the determinations for the 1985 marketing year of wool and mohair be made in sufficient time to permit wool and mohair producer to make production plans for the 1985 marketing year. Accordingly, the following methods for calculating the support price for pulled wool and for

mohair for the 1985 marketing year are being proposed:

Proposed Determinations

A. Support Price—Pulled Wool.

The support price for pulled wool for the 1985 marketing year cannot be determined until the 1985 average market price for shorn wool is calculated, which should occur by April 1986. Once the average price for shorn wool is known, it is proposed that the support price for pulled wool be determined, as in prior years, by subtracting the 1985 average market price for shorn wool from the 1985 support price of shorn wool and multiplying that number by 5 pounds (the amount of wool pulled from the pelt of an average 100-pound unshorn lamb). The result is then multiplied by 80 percent which is a quality adjustment factor which recognizes that unshorn lamb pelts contain a shorter staple and lower quality wool than wool shorn from other sheep.

B. Support Price—Mohair.

It is proposed that the support price for mohair for the 1985 marketing year shall be determined based on the October 1984 parity prices for mohair and shorn wool. The following percentages are being considered in the final computation of the mohair support price:

(1) 85 percent of the percent of parity at which shorn wool is supported.

(2) A percentage equal to the percent of parity at which shorn wool is supported.

(3) 115 percent of the percent of parity at which shorn wool is supported.

Interested persons are encouraged to comment on the proposed method of calculation for payments on pulled wool and the proposed levels of price support for mohair.

Consideration will be given to any data, views and recommendations which are submitted with respect to the above items.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 702–708, 68 Stat. 910–912, as amended (7 U.S.C. 1781–1787).

Signed at Washington, D.C. on October 9, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-27053 Filed 10-9-84; 4:29 pm]

BILLING CODE 3410-05-M

Forest Service

Eureka Consolidated Development, Plan of Operation for Black Diamond #1 Mining Claim, Angeles National Forest, Los Angeles County, CA; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an environmental impact statement for the development of the Black Diamond #1 Mining Claim by Eureka Consolidated Development Company on the Tujunga Ranger District.

A range of Alternatives for the development of the proposed mining operation will be considered.

Federal, State and local agencies, and other individuals or organizations who may be interested in or affected by the Decision will be invited to participate in the scoping process. This process will include:

1. Identification of those issues to be addressed.

2. Identification of issues to be analyzed in depth.

3. Elimination of insignificant issues or those which have been covered by a previous environmental review.

4. Determination of potential cooperating agencies.

The Forest Supervisor will hold a public scoping session on Wednesday, November 7, 1984 at 7:00 PM at the Sulphur Springs Elementary School, 16628 Lost Canyon Road, Canyon Country, CA.

Paul Sweetland, Forest Supervisor of the Angeles National Forest in Pasadena, CA, is the responsible official.

The analysis is expected to take about 6 months. The Draft environmental impact statement should be available for public review by June, 1985. The Final environmental impact statement is scheduled to be completed in October, 1985.

Written comments and suggestions concerning the analysis should be sent to Paul Sweetland, Forest Supervisor, Angeles National Forest, Pasadena, CA 91101 by December 24, 1984.

Questions about the proposed action and environmental impact statement should be directed to Charles McDonald, Environmental Coordinator, Angeles National Forest, (818) 577–0050.

Dated: October 3, 1984.

David W. Jones,

Acting Forest Supervisor.

[FR Doc. 84-26999 Filed 10-11-84; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Lower Latham Watershed, CO; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended; the Council on Environmental Quality NEPA Regulations (40 CFR Parts 1500–1508); and the Soil Conservation Service NEPA Procedures (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower Latham Watershed, Weld County, Colorado.

FOR FURTHER INFORMATION CONTACT: Sheldon G. Boone, State Conservationist, Soil Conservation Service, 2490 West 26th Avenue, Denver, Colorado, 80217, telephone 303–964–0295.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Sheldon G. Boone, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for irrigation water conservation and improvement of soil resources. The planned works of improvement include 43 structures for water control, 75 irrigation water measuring devices, 316,000 feet of on-farm conveyance systems (pipeline or concrete-lined ditches), 1,350 acres of land leveling, and other on-farm conservation practices.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Sheldon G. Boone.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

Dated: October 2, 1984.

Sheldon G. Boone,

State Conservationist.

[FR Doc. 84-26996 Filed 10-11-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Filed under subpart Q of the board's procedural regulations (See, 14 CFR 302.1701 et. seq.).

Week Ended September 28, 1984

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Sept. 26, 1984	42526	Turks Air Limited, c/o Thomas Conlon, Tigert & Roberts, Suite 770, 600 Maryland Avenue, SW., Washington, D.C. 20024. Application of Turks Air Limited requests a foreign air carrier permit pursuant to section 402 of the Act and Subpart Q of the Board's Procedural Regulations to engage in: (a) Non-scheduled foreign air transportation of property only between a point or points in the Turks and Caicos Islands on the one hand and Miami, Florida on the other; and (b) Property only off-route charter services. Answers may be filed by Oct. 24, 1984.
Sept. 27, 1984	42529	Pan Aviation, Inc., c/o J. Willian Doolittle, Prather, Seeger Doolittle & Farmer, 1101 Sixteenth Street, NW., Washington, D.C. 20036. Application of Pan Aviation, Inc., pursuant to section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in scheduled interstate and overseas air transportation of property and mail: Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory of possession of the United States. Conforming Applications, Motions to Modify Scope and Answers may be filed by Oct. 25, 1984.
Do	42530	Pan Aviation, Inc., c/o J. William Doolittle, Prather Seeger Doolittle & Farmer, 1101 Sixteenth Street, NW., Washington, D.C. 20036. Application of Pan Aviation, Inc., pursuant to section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in scheduled foreign air transportation of property and mail: Between point in the United States and a point or points in Switzerland. Conforming Applications, Motions to Modify Scope and Answers may be filed by Oct. 25, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-27085 Filed 10-11-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 44-84]

Foreign-Trade Zone 9, Honolulu, HI; Application for Subzone at Dole Pineapple Plant

An application has been submitted to the Foreign-Trade Zones Board (the Board) on behalf of the State of Hawaii, grantee of Foreign-Trade Zone 9, by the Hawaii State Department of Planning and Economic Development, requesting special-purpose subzone status for the pineapple cannery of Dole Processed Food Company, a division of Castle & Cooke, Inc., located in Honolulu, Hawaii, within the Honolulu 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 2, 1984. The applicant is authorized to make this proposal under Act 7 of the Session Laws of Hawaii, 1963.

The proposed subzone is located at Dole's cannery and can-making facility, 650 Iwilei Road, Honolulu. The 55-acre facility produces canned pineapple and pineapple juice and juice concentrate. The fresh pineapple and most of the juice are of domestic origin. The tin plate used to make the cans has traditionally been sourced abroad. About 6 percent of the canned products are exported.

Zone procedures would allow Dole to take advantage of the same duty-free treatment that is in effect for foreign producers of canned pineapple with respect to tin plate and cans. The duty rate for tin plate is 3.9 percent, whereas tin cans imported as containers with merchandise are dutiable only as part of the value of their contents. In the case of pineapple, foreign canners have an even greater cost advantage because the duties are "specific", based on net weight, and the cans enter duty free.

Offshore producers have captured 60 percent of the U.S. market for pineapple products in recent years. During the past 15 years the number of companies processing pineapple in Hawaii has decreased from nine to the two that are now in operation, with a 50 percent decline in employment. In an effort to prevent a further decline in its domestic production, Dole has embarked on a major cost reduction program. The duty exemption on tin plate that would be provided under subzone procedures would play an important role in helping the company increase its price competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report on the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; George Roberts, District Director, U.S. Customs Service, Pacific Region, 335 Merchant, 228 Federal Bldg., P.O. Box 1641, Honolulu, HI 96806; and Colonel Michael M. Jenks, District Engineer, U.S. Army Engineer District Honolulu, Building 230, Ft. Shafter, HI 96858.

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 November 14, 1984.

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

U.S. Dept. of Commerce District Office, 4106 Federal Building, 300 Ala Moana

Boulevard, P.O. Box 40026, Honolulu, HI 96850
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: October 5, 1984.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 84-27014 Filed 10-11-84; 8:45 am]
BILLING CODE 3510-DS-M

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; Boston University School of Medicine, et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-299. Applicant: Boston University School of Medicine, Purchasing Department, 80 E. Concord Street, T501E, Boston, MA 02118. Instrument: Inductively Coupled Plasma Mass Spectrometer. Manufacturer: SCIEX, Inc., Canada. Intended use: Accurate measurement of stable isotope composition of fluids (blood, urine, feces) derived from human metabolic studies. The instrument will be used primarily for training advanced students who will carry out the research projects and do thesis research in the area of mineral metabolism. Application received by Commissioner of Customs: September 13, 1984.

Docket No.: 84-300. Applicant: The University of Texas at Austin, Electrical Engineering Research Laboratory, 10100 Burnet Road, Austin, TX 78758. Instrument: Millimeter Reflex Klystron, Model VRE-2103A. Manufacturer: Varian Associates, Canada. Intended use: Research purposes in the field of radio astronomy. The phenomena studied are the spectral line emissions of interstellar molecules, the continuum radiation of planets and the emission of atmospheric constituents. The instrument will also be used in a sequence of astronomy courses to prepare students for independent research as millimeter-wavelength spectral-line radio astronomers. Application received by Commissioner of Customs: September 13, 1984.

Docket No.: 84-301. Applicant: U.S. Geological Survey, Geologic Division, 12455 West 52nd Avenue, Arvada, CO 80002. Instrument: Inductively-coupled Plasma/Mass Spectrometer, Model Elan 250. Manufacturer: SCIEX, Incorporated, Canada. Intended use: Scientific research in the trace element geochemistry and isotopic abundances of several geological systems for the improved understanding of the genesis of economic deposits of strategic minerals. These systems include geothermal transport of the platinoid metals, trace element patterns of placer gold deposits, stable isotope (Li, & B) ratios of light elements in magmatic and geothermal deposits, and isotopic analysis of lead in gold nuggets. Application Received by Commissioner of Customs: September 13, 1984.

Docket No.: 84-302. Applicant: University of California, Santa Barbara, Purchasing Department, Santa Barbara, CA 93106. Instrument: GC/Mass Spectrometer/Data System, Model VG 70-250HF. Instrument: VG Instruments, Inc., United Kingdom. Intended use: Analysis of various materials ranging from extremely volatile low mass gaseous samples to highly involatile ones typical of many biological and inorganic compounds, which often are of relatively high molecular weight, greater than 1,000 a.m.u. for example. The phenomena to be studied include:

(A) Analytical applications, both qualitative and quantitative, to aid in compound identification.

(B) Mixture analysis with or without prior separation.

(C) Metastable analysis including kinetic energy release and thermodynamic properties.

(D) Reaction mechanisms.

(E) Ion structure determinations and related internal energy effects.

The instrument will also be used to demonstrate instrumental analysis techniques in various chemistry courses. Application received by Commissioner of Customs: September 13, 1984.

Docket No.: 84-304. Applicant: The Research Foundation of State University of New York, P.O. Box 9, Albany, NY 12201. Instrument: Plasma Spray Equipment System. Manufacturer: Plasma Technik AG, Switzerland. Intended use: Plasma spraying within a reduced pressure environmental chamber in order to obtain a dense well-bonded protective coating for high temperature applications. The materials to be sprayed will include: NiCrAlY, FeCrAlY and CoCrAlY alloys. In addition, for corrosion and cavitation-erosion applications, reactive metals such as zinconium, tantalum and titanium will be vacuum plasma sprayed. Application received by Commissioner of Customs: September 13, 1984.

Docket No.: 84-305. Applicant: State University of New York, Optometric Center of New York, 100 East 24th Street, New York, NY 10010. Instrument: Joyce Display & Microprocessor Grating Generator w/special interface hardware, Model GRSYS-2. Manufacturer: Joyce Electronics, Ltd., United Kingdom. Intended use: Studies of human ability to detect, discriminate and match visual patterns composed of sinusoidal gratings which can be rotated in orientation, spatially-localized to a small patch or ring, and repositioned at different locations of the scope. Application received by Commission of Customers: September 13, 1984.

Docket No.: 84-308. Applicant: Cornell University, Department of Material Science/Bard Hall, Ithaca, NY 14853-0121. Instrument: Ultrahigh Vacuum Transfer Rod, Model MBE/GENII. Manufacturer: High Voltage Engineering Europa B.V., The Netherlands. Intended use: Investigation of the microstructure, stability, electrical properties and phases of thin film reactions. Application received by Commissioner of Customs: September 13, 1984.

Docket No: 84-311. Applicant: Research Foundation of the City of New York/Queens College, 6530 Kissena Blvd., Flushing, NY 11367. Instrument: Circular Dichroism Spectrophotometer, Model J-500C. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use: Studies of nucleic acids, proteins and lipids in experiments conducted to obtain circular dichroism spectra at various temperatures and concentrations of the molecular complexes. Application received by Commissioner of Customs: September 13, 1984.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,
Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-26986 Filed 10-11-84; 8:45 am]
BILLING CODE 3510-DS-M

Management-Labor Textile Advisory Committee; Open Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held Wednesday, October 31, 1984 at 1:00 p.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. (The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials on problems and conditions in the textile and apparel industry.)

Agenda: Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Helen L. LeGrande (202) 377–3737.

Dated: October 9, 1984.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 84–26973 Filed 10–11–84; 8:45 am]

BILLING CODE 3510–DR–M

Export Trade Certificate of Review; Issuance

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to N.B. Carson & Co., Inc. ("Carson"). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this certificate. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the certificate as "Export Trade Certificate of Review, application number 84–00027."

FOR FURTHER INFORMATION CONTACT: George Muller, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202–377–5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202–377–0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97–290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595–10604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant;

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant; and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937–15940 (April 13, 1983).

Description of Certified Conduct

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from Carson on July 9, 1984. The application was deemed submitted on July 13, 1984. A summary of the application was published in the **Federal Register** on July 26, 1984 (49 FR 30086–7). Based on analysis of the application, and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by Carson meet the four standards of the Act:

Carson—Application No. 84–00027.

Export Trade

a. Products

1. Food and kindred products.
2. Tobacco manufactures.
3. Textile mill products.
4. Apparel and other finished products made from fabrics and similar materials.
5. Lumber and wood products.
6. Furniture and fixtures.
7. Paper and allied products.
8. Printing and publishing products.
9. Chemicals and allied products.
10. Primary metals (ferrous and non-ferrous metals and their alloys).
11. Ferrous and non-ferrous metal products.
12. Non-electrical machinery and equipment.
13. Electrical and electronic equipment.
14. Transportation equipment.
15. Measuring, analyzing and controlling instruments, photographic, medical and optical goods, watches and clocks.
16. Miscellaneous manufactured products.

b. Related Services.

1. Market reserarch.
2. Overseas communication.
3. Overseas product promotion.
4. Domestic transportation for export trade.
5. Overseas shipping.
6. Credit lending.
7. Product servicing.
8. Distribution in foreign markets.

Export Markets

The Export Markets include all parts of the world (particularly Africa) except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

1. Carson may enter into agreements with individual suppliers of Products and Related Services wherein Carson may agree to serve as the exclusive sales agent for Products and Related Services in any Export Market and, in addition, may agree not to represent any competitors of such supplier for Products and Related Services in any Export Market unless authorized by the supplier.

2. Carson may enter into agreements with Export Intermediaries in the Export Markets whereby:

(a) Carson may agree to deal in Products and Related Services in the Export Markets only through that Export Intermediary; and/or

(b) That Export Intermediary may agree not to represent Carson's competitors in the sale of Products and Related Services or not to buy Products and Related Services from Carson's competitors for resale in any Export Markets.

3. In the agreements described in paragraph 2, Carson may:

(a) Establish the prices at which Products or Related Services will be sold or resold in the Export Markets;

(b) Establish quantities and/or quotas of Products or Related Services that will be sold in the Export Markets by the Export Intermediary; and/or

(c) Designate the territories in the Export Markets in which the Export Intermediary will represent Carson.

4. Carson may enter into joint ventures with individual persons (including state-controlled trading companies) located in the Export Markets for the export of Products and Related Services in Export Trade to the Export Market.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the Federal Register. Under section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The certificates may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copy of records at this facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Dated: October 9, 1984.

Irving P. Margulies,

General Counsel.

[FR Doc. 84–27087 Filed 10–11–84; 8:45 am]

BILLING CODE 3510–DR–M

Minority Business Development Agency

Minority Business Development Program; Request for Applications

AGENCY: Minority Business Development Agency.

Subject: Minority Business Development Program, Request for Applications.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its competitive Minority Business Development Center (MBDC) Program to operate a MBDC for a 12-month period from March 1, 1985 to February 28, 1986 in the U.S. Virgin Islands area. The total cost for the MBDC will be $200,000 which will consist of a maximum of $150,000 Federal funds and a minimum of $50,000 non-Federal funds (which can be a combination of cash, in-kind contribution and fees for service). The award number for this MBDC is 02–10–85006–01. This announcement supersedes Project I.D. No. 02–10–85001–01 which was previously advertised in the July 19, 1984 issue of the **Federal Register.** This previous announcement has been cancelled due to the limited response received to the RFA.

The funding instrument for the MBDC will be a cooperative agreement and is open to all individuals, nonprofit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clints in areas related to the establishment and operation of business. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to acomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from information and assistance to and about miniority businesses are funneled.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying. Ten (10) additional preference points may be provided to capable and experienced applicants that have an existing office in the geographic SMSA for which they are applying.

The MBDC will operate for a 12-month period with a two-year noncompeting continuation option. MBDCs shall be required to contribute at least 25% of the total program costs through non-Federal funds during each of the two option years. The noncompeting continuation application kit will be sent to a MBDC (who is performing at a satisfactory level or better) approximately 120 days prior to the last day of the initial award period. The MBDC should fill out and mail the continuation application to their appropriate MBDA regional office. After receipt of the continuation application kit by MBDA, the MBDC's option will be reviewed and awarded each year at the direction of MBDA based on its needs, availability of funds and the appliciant's satisfactory performance.

CLOSING DATE: The closing date for applications is November 21, 1984. Applications must be postmarked on or before November 21, 1984.

ADDRESS: New York Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 26 Federal Plaza, Room 3720, New York, New York 10278, (212) 264–3262.

Pre-Application Conference: A pre-application conference to assist all interested applicants will be held on October 31, 1984 at 9:00 a.m. in Room 110, Federal Building, U.S. Courthouse, St. Thomas, U.S. Virgin Islands.

FOR FURTHER INFORMATION CONTACT: Levi Pace, Business Project Officer, New York Regional Office, (212) 264–4743.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development
(Catalog of Federal Domestic Assistance)

Gina Sanchez,

Regional Director.

[FR Doc. 84-27005 Filed 10-11-84; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Application for Approval to Transfer Ownership of a U.S. Fishing Vessel to a U.S. Corporation Under Foreign Control

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

ACTION: Notice of proposed fishing vessel transfer and request for comments.

SUMMARY: The Maritime Administration (MarAd) has received an application to transfer ownership of the vessel LEA–ANN to Best Corporation. This would place the vessel under foreign control since Son Thanh Nguyen, a Vietnamese citizen, owns 95 percent of Best Corporation. Written comments are requested.

DATE: All comments must be postmarked no later than November 13, 1984.

ADDRESSES: Comments should be mailed to Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: John A. Kelly, Jr. (Financial Assistance Specialist), 202–634–7496.

SUPPLEMENTARY INFORMATION: Application for transfer of the vessel LEA–ANN (O.N. 637599, built 1981, reg. length 46.7'), owned by David Richard, 3700 Gaylynn, Orange, Texas 77630 was received by MarAd after the sale to Best Corporation, 6432 Kathy Court, New Orleans, Louisiana 70114 took place. If the transfer is approved, the vessel will be returned to documentation in the fisheries of the United States and be operated primarily in the Gulf of Mexico shrimp fishery. Approval of the transfer is required by section 9 of the Shipping Act, 1916 as amended (46 U.S.C. 808) because although Best Corporation, a Louisiana Corporation, meets the citizenship requirements for Federal documentation of a vessel, it is not a citizen of the United States within the meaning of section 2 of the Act because 95 percent of its stock is owned by a Vietnamese citizen. The MarAd is the Federal Agency responsible for the approval or disapproval of applications submitted under the Act. Where a foreign transfer involves a fishing vessel, MarAd customarily requests NMFS to review the application. In turn, we are soliciting the views of interested persons in this regard.

All written comments received on time will be considered before we respond to MarAd. However, since the Shipping Act provides little basis for disapproving the transfer of a fishing vessel, our response to MarAd will indicate no objection unless information received supports a conclusion that this sale would significantly affect the Gulf of Mexico shrimp fishery. No public hearing is contemplated.

Dated: October 5, 1984.

J.W. Angelovic,

Deputy Assistant Administrator for Science and Technology.

[FR Doc. 84-26929 Filed 10-11-84; 8:45 am]

BILLING CODE 3510-22-M

Coastal Zone Management; Federal Consistency Appeal by Exxon Co., U.S.A. From Objection of the California Coastal Commission (Santa Ynez Unit Development and Production Plan)

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Dissolution of Stay and Resumption of Consideration of Appeal by the Secretary of Commerce.

SUMMARY: Notice is hereby given that effective September 21, 1984, the Secretary of Commerce (Secretary) dissolved the stay entered February 18, 1984, and resumed consideration of the appeal by Exxon Company, U.S.A. (Exxon) to the Secretary under subparagraph (A) and (B) of section 307(C)(3) of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1456(c)(3) (A) and (B), and implementing regulations at 15 CFR Part 930 Subpart H, from the objection of the California Coastal Commission to Option A of Exxon's oil and gas Development and Production Plan (Plan) for the Santa Ynez Unit, Santa Barbara Channel, California.

Interested persons have 30 days from the date of this notice to submit comments of Exxon's appeal to the Secretary. Comments should be sent to Robert J. McManus, General Counsel, National Oceanic and Atmospheric Administration, Room 5814, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Copies of comments should be sent to the following persons:

1. Shelby Moore, Jr., Exxon Company, U.S.A., P.O. Box 5025, Thousand Oaks, CA 91359.

2. Tim Eichenber, California Coastal Commission, 631 Howard Street, 4th Floor, San Francisco, CA 94105.

3. William Grant, Minerals Management Service, Pacific OCS Region, 1340 W. 6th Street, Los Angeles, CA 90017.

4. David Yager, Board of Supervisors, County of Santa Barbara, 105 East Anapamu Street, Santa Barbara, CA 93101.

Comments should address whether Option A of Exxon's Plan meets the regulatory criteria, as set forth at 15 CFR 930.121 and 930.122, to be considered by the Secretary in deciding Exxon's appeal. Public information filed in the appeal is available at the California Coastal Commission and the Minerals Management Service at the above addresses, and at the Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Adminstration, Room 270, Page 1 Building, 2001 Wisconsin Ave., NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: David P. Drake, Attorney Advisor, Office of the Assistant General Counsel for Ocean Services, at the above address, (202) 254–7512.

SUPPLEMENTAL INFORMATION: For further information regarding Exxon's appeal see the notices published in the Federal Register, March 6, 1984 (49 FR 8274), August 31, 1983 (48 FR 39483), and August 5, 1983 (48 FR 35692).

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: October 4, 1984.

Robert J. McManus,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 84-27008 Filed 10-11-84; 8:45 am]

BILLING CODE 3510-08-M

Dismissal of Federal Consistency Appeal of the Tulalip Tribe of Washington State From Objection by the Washington State Department of Ecology

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Dismissal of Appeal.

SUMMARY: By letter dated August 13, 1984, the Tulalip Tribe withdrew its appeal to the Secretary of Commerce (Secretary) filed on May 17, 1984, from the consistency objection of the Washington State Department of Ecology (Department) that the Tulalip Tribe's proposed marina project on Tulalip Bay is inconsistent with the

Washington State Coastal Zone Management Program (CZMP). The Tulalip Tribe withdrew its appeal because, on July 23, 1984, the Department concurred with the determination of the Bureau of Indian Affairs that the project is consistent to the maximum extent practicable with the CZMP.

Notice is hereby given that the appeal by the Tulalip Tribe is dismissed in accordance with NOAA regulations at 15 CFR 930.128 and 930.130(d).

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: October 2, 1984.

Robert J. McManus,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 84-27003 Filed 10-11-84; 8:45 am]

BILLING CODE 3510-08-M

National Marine Fisheries Service; Issuance of Permit

On August 17, 1984, Notice was published in the **Federal Register** (49 FR 32897) that an application had been filed with the National Marine Fisheries Service by Zoologischer Garten der Stadt Wuppertal, Hubertusallel 30, 5600 Wuppertal 1, Federal Republic of Germany, for a permit to take three (3) California sea lions (*Zalophus californianus)* for public display.

Notice is hereby given that on October 5, 1984, and as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to Zoologischer Garten der Stadt Wuppertal, subject to certain conditions set forth therein.

The Permit is 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, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 5, 1984.

Richard B. Roe,

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

[FR Doc. 84-27093 Filed 10-11-84; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Marine Mammals; Fish Import Certification From Sweden; Correction

Regulations established in accordance with the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 *et seq.* (45 FR 72178-72196, October 31, 1980) provide that a nation may certify that vessels fishing under its flag are (1) fishing in conformance with U.S. regulations, or (2) if not in conformance, were not fishing in a manner prohibited for U.S. fishermen under these regulations. This certification is necessary in order to permit the importation into the United States of certain of its fish and fish products.

This document corrects the second paragraph of a document published September 28, 1984 (49 FR 38324) to read as follows:

"The Assistant Administrator for Fisheries, National Marine Fisheries Service, has received and accepted a certification from the Government of Sweden that vessels fishing for salmon under Swedish flag are fishing in conformance with U.S. regulations in regard to the taking of marine mammals incidental to commercial fishing operations. Therefore, salmon from Sweden are hereby exempt from the provisions of § 216.24(e)(3) and may be exported to the United States without an accompanying Standard Form 369-1 (Fisheries Certificate of Origin)."

Copies of the certification are on file and available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Dated: October 5, 1984.

Richard B. Roe,

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

[FR Doc. 84-27092 Filed 10-11-84; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 6-308,747 (4,461,167)
Psychrometer For Measuring the Humidity of A Gas Flow

SN 6-364,290 (4,466,923)
Supercritical CO2 Extraction of Lipids from Lipid-Containing Materials

SN 6-546,200 (4,468,346)
Monoclonal Antibodies To Porcine Immunoglobulins

SN 6-626,850
Temperature Adaptable Textile Fibers and Method of Preparing Same

SN 6-638,826
Microemulsions from Vegetable Oil and Lower Alcohol with Octanol Surfactant as Alternative Fuel for Diesel Engines

SN 6-638,827
Process to Produce Durable Press Low Formaldehyde Release Cellulosic Textiles

Department of Commerce

SN 6-567,451 (4,461,680)
Process and Bath For Electroplating Nickel-Chromium Alloys

Department of Health and Human Services

SN 6-349,313 (4,468,466)
Silver Stains for Protein in Gels—A Modified Procedure

SN 6-427,857 (4,468,383)
Dimeric Enkephalins

SN 6-636,261
Intact Gene and Method of Excising and Cloning Same

Department of the Air Force

SN 6-105,043 (4,461,574)
Environmentally Independent Fiber Optic Rotation Sensor

SN 6-304,123 (4,463,262)
Thick Film Radiation Detector

SN 6-313,861 (4,463,443)
Data Buffer Apparatus Between Subsystems Which Operate At Differing Or Varying Data Rates

SN 6-324,347 (4,463,436)
Programmable Digital Temperature Controller Apparatus

SN 6-341,459 (4,462,560)
Airplane Take-off System

SN 6-350,493 (4,459,803)
Variable Inlet Vane Assembly For A Gas Turbine Combustion

SN 6-361,019 (4,461,006)

Synchronously Pumped Mode-Locked Semiconductor Platelet Laser
SN 6-361,021 (4,462,103)
Tunable CW Semiconductor Platelet Laser
SN 6-376,891 (4,457,174)
Ultrasonic Inspection of Composite Materials
SN 6-386,488 (4,461,570)
Method For Dynamically Recording Distortion in a Transparency
SN 6-394,039 (4,461,955)
Isolated Load Switching With Surge Suppression
SN 6-418,117 (4,462,562)
Self-Deploying Afterbody Apparatus For An Ejection Seat
SN 6-418,951 (4,460,514)
Method For the Preparation of Poly (Carbonyl Fluoride) Oligomers
SN 6-431,436 (4,461,756)
Singlet Delta Oxygen Generator
SN 6-433,561 (4,461,145)
Stall Elimination and Restart Enhancement Device
SN 6-433,597 (4,462,563)
Simple Nonrestrictive Arm Restraint System
SN 6-452,605 (4,462,286)
Portable Slotting Device
SN 6-478,581 (4,462,975)
Synthesis of Pentafluorotellurium Hypofluorite
SN 6-607,087
Radio Frequency Probing Apparatus For Surface Acoustic Wave Devices
SN 6-607,094
Conductor Structure For Thick Film Electrical Device
SN 6-612,776
In Vivo Dermal Absorption Method and System for Laboratory Animals
SN 6-618,288
Noise Jammer Discrimination By Noise Spectral Bandwidth
SN 6-619,240
Radiation Measuring System Using Transistor Flux Sensors
SN 6-622,047
Draft Cabin Pressurization Control System Tester
SN 6-622,613
Modular Detonator Device
SN 6-622,614
Turnaround Control For Mechanically Scanned Radar Antennas
SN 6-623,581
Fast Envelope Detector With Bias Compensation
SN 6-623,667
Method for Measuring Haze in Transparencies
SN 6-623,873
Zero Adhesion System
SN 6-623,905
Reflector Antenna Having Sidelobe Suppression Elements
SN 6-624,846
Clutter Generator for Use In Radar Evaluation

Department of the Army

SN 6-626,520
Extractor for Spring-Lock Pin Connectors
SN 6-628,096
Stock Electromechanical Energy Converter With Permanent Magnet
SN 6-638,183
Broadband Transverse Field Interaction Continuous Beam Amplifier
SN 6-639,054
Moving Object Detection System Using Infrared Scanning
SN 6-639,558
Frequency Stabilizing Laser
SN 6-639,755
Frequency Synthesizer
SN 6-640,184
Transverse Field Interaction Multibeam Amplifier
SN 6-640,265
Method of Making A Porous Carbon Cathode, A Porous Carbon Cathode So Made, and Electrochemical Cell Including the Porous Carbon Cathode
SN 6-642,850
Lighweight Composite Launcher Pod
SN 6-644,165
Programmable Optical Sensor

Department of the Interior

SN 6-488,479 (4,468,973)
Remote Sequential Gas Sampler for Blasting Areas

[FR Doc. 84-26893 Filed 10-11-84; 8:45 am]
BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Levels for Certain Cotton, Wool and Man-Made Fiber Textile and Apparel Products Produced or Manufactured in the Republic of Korea

October 9, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 12, 1984. For further information contact Ross Arnold, International Trade Specialist (202) 337-4212.

Background

CITA directives of December 13, and 29, 1983, (See 48 FR 56100 and 49 FR 492), established restraint limits for certain cotton, wool and man-made fiber textile and apparel products, produced or manufactured in the Republic of Korea and exported during 1984. Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 1, 1982, as amended, and at the request of the Government of the Republic of Korea, the limits for Categories 313, 314, 315, 331, 333/334, 335, 336, 338/339, 340, 341, 345, 347/348, 351, 410, 433/434, 435, 440, 442, 443, 444, 445/446, 447, 448, 613, 631, 633/634/635, 636, 638/639, 641, 642, 643, 644, 647, 648, 649, 659pt. (headwear in TSUSAs 703.0500, 703.1000, and 703.1600), and 669pt. (tents only in TSUSAs 389.1105 and 389.6210) are being increased to account for swing. The limits for Categories 353/354/653/654, 605pt. (cordage in TSUSAs 316.5500 and 316.5800) and 669pt. (cordage in TSUSAs 348.0065, 348.0075, 348.0565, and 348.0575) are being reduced by an equal amount in equivalent square yards to account for the swing applied to the foregoing categories. In addition to the application of swing, the limit for Category 638/639 is being reduced to account for carryforward used in 1983. This results in an overall increase in the category limit to 5,629,104 dozen for goods exported during 1984.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 9, 1984.

Committee For the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directives of December 13 and 29, 1983 from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of Certain cotton, wool and man-made fiber textile products, produced or manufactured in Korea and exported during 1984.

Effective on October 12, 1984, paragraph 1 of the directives of December 13 and 29, 1983 are hereby amended to adjust the restraint limits established for the following categories according to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 1, 1983, as amended, between the Governments of the United States and the Republic of Korea:[1]

[1] The bilateral agreement, as amended, provides, among other things, that (1) during any agreement year specific limit and sublimits may be exceeded by designated percentages, provided a corresponding reduction in square yards equivalent is made in one or more other specific limits; (2) under specified conditions specific limits and sublimits may be adjusted for carryover and carryforward not to exceed 10 percent; and (3) administrative arrangements or adjustments may be

Continued

Category	Adjusted 12-mo. restraint limit [2]
313	39,386,250 square yards.
314	2,741,875 square yards.
315	22,492,392 square yards.
331	462,896 dozen pairs.
333/334	64,867 dozen.
335	66,236 dozen.
336	43,870 dozen.
353/354/653/654	107,562 dozen.
338/339	621,447 dozen.
340	201,223 dozen.
341	125,361 dozen.
345	66,938 dozen.
347/348	299,973 dozen.
351	112,175 dozen.
410	4,701,408 square yards.
433/434	17,789 dozen.
433	13,452 dozen.
434	6,966 dozen.
435	31,684 dozen.
440	219,623 dozen.
442	45,610 dozen.
443	29,180 dozen.
444	4,162 dozen.
445/446	53,732 dozen.
447	85,893 dozen.
448	32,089 dozen.
605-C [3]	1,674,886 pounds.
613	23,324,737 square yards.
631	230,315 dozen pairs.
633/634/635	1,427,008 dozen.
634	830,357 dozen.
635	630,448 dozen.
636	219,350 dozen.
638/639	5,829,104 dozen.
641	1,063,427 dozen.
642	79,729 dozen.
643	62,967 dozen.
644	87,740 dozen.
647	828,140 dozen.
648	347,947 dozen.
649	509,987 dozen.
659-H [4]	2,484,757 pounds.
669-T [5]	5,196,347 pounds.
669-C [6]	365,680 pounds.

[2] The limits have not been adjusted to account for any imports exported after December 31, 1983.
[3] In Category 605, only TSUSA numbers 316.5500 and 316.5800.
[4] In Category 659, only TSUSA number 703.0500, 703.1000, and 703.1600.
[5] In Category 669, only TSUSA numbers 386.1105 and 389.6210.
[6] In Category 669, only TSUSA numbers 348.0065, 348.0075, 348.0565 and 348.0575.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-26974 Filed 10-11-84; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Haiti Under a New Bilateral Agreement

October 9, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 15, 1984. For further information contact Kyle Poole, Trade Reference Assistant (202) 377-4212.

made to resolve minor problems arising in the implementation of the agreement.

Background

On February 17 and May 4, 1984, the Governments of the United States and the Republic of Haiti signed a new three-year Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement dating from January 1, 1984 and extending through December 31, 1986. The new agreement provides specific limits for cotton and man-made fiber textile products in Categories 337, 340, 347/348, 349/649, 632, 635, and 648, produced or manufactured in Haiti and exported during the twelve-month period which began on January 1, 1984. It also provides designated consultation levels for Categories 331, 639 and 641 which may be adjusted during the year upon agreement between the two governments.

As import data become available, charges will be made to the restraint limits for the foregoing categories to account for imports exported after December 31, 1983. The limit for Category 337 has been adjusted to account for overshipments amounting to 3,443 dozen from the previous agreement period which began on March 1, 1983.

Agreement has also been reached between the two governments to amend the new bilateral agreement to include Category 350 under its terms. Accordingly, the directive of April 5, 1984 which established a restraint limit for the period beginning on January 30, 1984 and extending through January 29, 1985 under Article 3 of the Arrangement Regarding International Trade in Textiles, is being cancelled.

During the course of negotiating the new agreement, it was agreed by the two governments to amend the expiring agreement to include a final agreement period of ten months, i.e., March 1, 1983 through December 31, 1983. In accordance with this agreement the following restraint limits have been established for the final agreement year, as amended:

Category	10-mo restraint limit
331	444,524 dozen pairs.
337	93,503 dozen.
340	147,125 dozen.
347/348	312,083 dozen.
349/649	1,248,333 dozen.
632	1,605,000 dozen.
635	156,042 dozen.
639	316,667 dozen.
641	264,368 dozen.
648	535,000 dozen.

If amounts in excess of these limits are imported, they will be charged to the limits established for the categories during 1984.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 9, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, *Department of the Treasury, Washington, DC 20229*

Dear Mr. Commissioner: This directive cancels and supersedes the directive issued to you on April 5, 1984, which directed you to prohibit entry to cotton textile products in Category 350, produced or manufactured in Haiti and exported during the twelve-month period which began on January 30, 1984.

Under the terms of section 204 of the Agriculture Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade In Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 17 and May 4, 1984, as amended, between the Governments of the United States and the Republic of Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on October 15, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Haiti and exported during the twelve-month period which began on January 1, 1984, in excess of the following restraint limits:

Category	12-month restraint limit
331	533,429 dozen pairs.
337	131,557 dozen.
340	188,909 dozen.
347/348	400,715 dozen.
349/649	1,602,860 dozen.
350	32,149 dozen.
632	2,060,820 dozen pairs.
635	200,358 dozen.
639	380,000 dozen.
641	317,241 dozen.
648	686,940 dozen.

Textile products in the foregoing categories which have been exported to the United States prior to January 1, 1984 shall not be subject to this directive.

Textile products in the foregoing categories which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or

1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The restraint limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of February 17 and May 4, 1984, as amended, between the Governments of the United States and the Republic of Haiti, which provide, in part, that: (1) Specific limits shall be increased by seven percent annually; (2) a specific ceiling may be exceeded in any agreement year by not more than seven percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent decrease in one or more specific limits; (3) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924, December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

The actions taken with respect to the Government of the Republic of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-27018 Filed 10-11-84; 8:45 am]

BILLING CODE 3510-DR-M

Adjusting Restraint Limit for Certain Apparel Products Produced or Manufactured in Malaysia

October 5, 1984.

The Chairman of the Committee for the Implementation of Textile Agreement (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 12, 1984. For further information contact Jane Corwin, International Trade Specialist (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981 between the Governments of the United States and Malaysia provides, among other things, for the borrowing of yardage from the following agreement year, provided the amount used is deducted from the same limit in the following year (carryforward). Under the terms of this provision of the bilateral agreement, 7,374 dozen is being deducted from the restraint limit established for women's, girls' and infants' woven cotton blouses in Category 341, produced or manufactured in Malaysia and exported during the period which began on April 27 and extends through December 31, 1984. This adjustment will decrease the limit for the category from 157,560 dozen to 150,186 dozen for that period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622) and July 16, 1984 (49 FR 28754).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 5, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, *Department of the Treasury, Washington, D.C. 20229.*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of July 12, 1984 which established a restraint limit for cotton textile products in Category 341, produced or manufactured in Malaysia and exported during the period, which began on April 27 and extends through December 31, 1984.

Effective on October 12, 1984, the directive of July 12, 1984 is hereby amended to reduce the restraint limit previously established for Category 341 to 150,186 dozen.[1]

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-26978 Filed 10-11-84; 8:45 am]

BILLING CODE 3510-DR-M

[1] The restraint limit has not been adjusted to reflect any imports exported after April 26, 1984.

Request for Public Comment on Bilateral Textile Consultation With the Government of Japan To Review Trade in Category 631pt. (Work Gloves)

October 2, 1984.

On September 12, 1984 the Government of the United States requested consultations with the Government of Japan with respect to Category 631pt. (work gloves in TSUSA numbers 704.3215, 704.8525, 704.8550, and 704.9000). This request was made on the basis of the bilateral agreement of August 17, 1979, as amended and extended, between the Governments of the United States and Japan relating to trade in cotton, wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that, until a different solution is reached in consultations, the Government of Japan should limit exports in Category 631pt., produced or manfactured in Japan and exported to the United States during the twelve-month period which began on January 1, 1984 and extends through December 31, 1984 to a level of 238,303 dozen pairs. The U.S. Government reserves the right to control imports at this level.

A summary market disruption statement concerning this category follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of this category under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement with the Government of Japan, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in this category, 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. 533(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.

Japan—Market Statement

Category 631 pt.—Man-made fiber work gloves, TSUSA Nos. 704.3215, 704.8525, 704.8550 and 704.9000

August 1984.

U.S. imports of Category 631 pt. from Japan totaled 203,000 dozen pairs during the year ending July 1984 compared with only 136,000 dozen pairs a year earlier. The import to production ratio increased from 315.8 percent in 1982 to 545.0 percent in 1983. These imports are being entered at duty-paid values well below the U.S. producer prices for comparable work gloves.

[FR Doc. 84-26975 Filed 10-11-84; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1984; Additions

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

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1984 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: October 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: On April 13, May 25, June 8, June 29, July 9, July 20, and August 3, 1984, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (49 FR 14787, 49 FR 22117, 49 FR 23908, 49 FR 26790, 49 FR 27969, 49 FR 29441 and 49 FR 31126) of proposed additions to Procurement List 1984, October 18, 1983 (48 FR 48415).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

(a) The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

(b) The actions will not have a serious economic impact on any contractors for the commodities and services listed.

(c) The actions will result in authorizing small entities to produce or provide the commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1984:

Class 2540

Cushion Seat, Vehicular—2540-00-904-5680

Class 7510

Clip, Binder (Small)—7510-00-282-8201

Class 8415

Liner, Cold Weather, Trousers—8415-00-782-2922, 8415-00-782-2924, 8415-00-782-2925, 8415-00-782-2926, 8415-00-782-2927, 8415-00-782-2928, 8415-00-782-2929, 8415-00-782-2930

SIC 7349

Janitorial/Custodial, Federal Building, 55 East Broadway, Tucson, Arizona
Janitorial/Custodial, Federal Building and U.S. Courthouse, 1130 "O" Street, Fresno, California
Janitorial/Custodial, Federal Building, 51 SW First Avenue, Miami, Florida
Janitorial/Custodial, Federal Building, U.S. Courthouse, U.S. Post Office, 601 North Florida Avenue, Tampa, Florida
Janitorial/Custodial, Federal Building, 355 Hancock Avenue, Athens, Georgia
Janitorial/Custodial, Federal Building, 210 Walnut Street, Des Moines, Iowa
Janitorial/Custodial, U.S. Post Office-Courthouse, 601 Broadway, Louisville, Kentucky
Janitorial/Custodial, U.S. Post Office and Courthouse, 455 Broadway, Albany, New York
Janitorial/Custodial, L. Mendel Rivers Federal Building, 334 Meeting Street, U.S. Post Office-Courthouse, Broad and Meeting Street, Charleston, South Carolina
Janitorial/Custodial, Jack Brooks Federal Building, U.S. Post Office-Court House, Willow and Broadway Streets, Beaumont, Texas

C. W. Fletcher,

Executive Director.

[FR Doc. 84-27025 Filed 10-11-84; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1984; Proposed Additions

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

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1984 services to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: November 14, 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 Committeed approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1984, October 18, 1983 (48 FR 48415):

SIC 0782

Grounds Maintenance, U.S. Postal Service, 1088 Nandino Boulevard, Lexington, Kentucky

SIC 7349

Janitorial/Custodial, U.S. Courthouse, 312 North Spring Street, Los Angeles, California Janitorial/Custodial, GSA Center, Warehouse 1, 2, 5, 7, and Building 815, Auburn, Washington
Janitorial/Custodial, Federal Building, 695 South Main, Colville, Washington
Janitorial/Custodial, Federal Building, First and Oak Streets, Port Angeles, Washington
Janitorial/Custodial, Federal Building, Walla Walla, Washington

SIC 7369

Commissary Shelf Stocking and Custodial Service, Brooks Air Force Base, Texas

Commissary Shelf Stocking and Custodial Service, Kelly Air Force Base, Texas

C.W. Fletcher,

Executive Director.

[FR Doc. 84-27024 Filed 10-11-84; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Medical Research and Development Advisory Committee; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix, sections 1–15), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Parasitic Diseases.

Date of meeting: 8 and 9 November 1984.

Time and place: 0830 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed agenda: This meeting will be open to the public from 0830–0945 hours on 8 November for the administrative review and discussion of the scientific research program of the Parasitic Diseases Group, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), U.S. Code, Title 5 and sections 1–15 of Appendix, the meeting will be closed to the public from 1000–1630 hrs on 8 November and from 0900–1200 hrs on 9 November for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg. 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20307–5100 (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Philip Z. Sobocinski,

Colonel, MSC, Assistant Deputy Commander.

[FR Doc. 84-27047 Filed 10-11-84; 8:45 am]

BILLING CODE 3710-08-M

Medical Research and Development Advisory Committee; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix, sections 1–15), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Low Molecular Weight Toxins.

Date of meeting: 13 and 14 November 1984.

Time and place: 0830 hours, Conference Room, US Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD.

Proposed agenda: This meeting will be open to the public from 0830–0945 hours on 13 November for the administrative review and discussion of the scientific research program of the Low Molecular Weight Toxins Group. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), US Code, Title 5 and sections 1–15 of Appendix, the meeting will be closed to the public from 1000–1630 hrs on 13 November and from 0900–1200 hrs on 14 November for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20307–5100 (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Philip Z. Sobocinski,

Colonel, MSC, Assistant Deputy Commander.

[FR Doc. 84-27046 Filed 10-11-84; 8:45 am]

BILLING CODE 3710-08-M

Medical Research and Development Advisory Committee; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix, sections 1–15), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Medicinal Chemistry.

Date of meeting: 29 & 30 November 1984.

Time & place: 0830 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed agenda: This meeting will be open to the public from 0830–0945 hours 29 November 1984 for the administrative review and discussion of the scientific research program of the Medicinal Chemistry Group, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), U.S. Code, Title 5, and sections 1–15 of Appendix, the meeting will be closed to the public from 1000–1700 hrs on 29 November and from 0900–1215 hrs on 30 November for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20307–5100 (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Philip Z. Sobocinski,

Colonel, MSC, Assistant Deputy Commander.

[FR Doc. 84-27045 Filed 10-11-84; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Statement Supplement No. 3 (DEIS Supplement No. 3) for the Red River Hydropower Feasibility Study, Old River to Shreveport Reach of the Red River, LA

AGENCY: U.S. Army Corps of Engineers, Vicksburg District.

ACTION: Notice of Intent to prepare a Draft Environmental Statement Supplement No. 3.

SUMMARY: 1. *Description of Action.* The proposed action is the construction of hydroelectric power generation facilities at five lock and dam sites authorized for construction on the Red River located at 1967 river miles (RM) in Catahoula Parish (RM 43), Rapides Parish (RM 87), Natchitoches Parish (RM 141), Red River Parish (RM 206), and Caddo Parish (RM 250), Louisiana. The development would consist of powerhouses, intake and outlet structures and transmission facilities.

2. *Alternatives.* Three alternatives have been selected for analysis. The

alternatives being considered are (a) Plan A, run-of-river; (b) Plan B, 2-foot pooling option; and (c) Plan C, 1-foot drawdown. The run-of-river alternative would utilize excess flows only to generate power (Plan A). Plan B provides for storage of an additional 2 feet during the low-flow, high-energy demand period from June through September in each of the five navigation pools. Daily fluctuation of the pools during this time would average approximately 0.75 foot for pools 1 and 2 and 0.5 foot for pools 3, 4 and 5. Plan C would utilize a maximum daily drawdown of 1 foot in each of the five pools during June through September. During the remainder of the year (October through May) Plans B and C would be operated as run-of-river.

3. *Issues Analyzed.* The DEIS Supplement No. 3 will address a variety of issues including but not limited to water quality, terrestrial and aquatic flora and fauna, cultural resources, recreation, and socioeconomics as they would relate to the construction and operation of the proposed facilities.

4. *Scoping Process.* No public scoping meeting is currently planned, but the proposed action is being closely coordinated with various state and Federal agencies. Any other interested organizations, individuals or agencies are encouraged to contact the Vicksburg District to identify significant issues related to possible hydropower development. Environmental review will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality regulations, and all applicable Corps of Engineers regulations and guidance.

5. *Date of Availability.* The Vicksburg District estimates that the DEIS will be completed and available for public review in March 1985.

ADDRESS: Questions Regarding the Proposed Action and DEIS Should Be Directed To: Ms. Maryetta Smith, LMKPD–Q, U.S. Army Corps of Engineers, Vicksburg District, Post Office Box 60, Vicksburg, Mississippi 39180–0060. Telephone: FTS 542–5433, Commercial (601) 634–5433.

Dennis J. York,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 84–27006 Filed 10–11–84; 8:45 am]

BILLING CODE 3710–84–M

Department of the Navy

Navy Resale System Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C.), notice is hereby given that the Navy Resale System Advisory Committee will meet on October 29, 1984 in the Savoy Room, at the Plaza Hotel, 768 Fifth Avenue, New York, New York. The meeting will consist of two sessions: the first from 8:00 a.m. to 8:50 a.m.; and the second from 9:00 a.m. until 3:45 p.m. The purpose of the meeting is to examine policies, operations, and organization of the Navy Resale System and to submit recommendations to the Secretary of the Navy. Topics to be discussed at the meeting will include organization of the Resale System, planning, financial management, merchandising, field support and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting be closed to the public because it will involve discussion of matters relating solely either to internal agency personnel rules and practices, or to trade secrets and confidential commercial or financial information. These matters fall within the exemptions listed in sections 552b(c)(2), (c)(4), and (c)(9)(B) of title 5, United States Code. Therefore, the second session will be closed to the public.

For further information concerning this meeting, contact: Commander R. F. Hendricks, SC, USN, Naval Supply Systems Command, NAVSUP 09B, Room 516, Crystal Mall, Building No. 3, Arlington, Virginia 22202, Telephone Number: (703) 695–5457.

Dated: October 9, 1984.

William F. Roos, Jr.,

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

[FR Doc. 84–27061 Filed 10–11–84; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

National Institute of Education

Regional Educational Laboratories and Research and Development Centers Program

AGENCY: Department of Education.

ACTION: Application notice for the transmittal of applications for planning grants and grants for institutional operations for NIE research and development centers.

SUMMARY: The Secretary of Education (the Secretary) announces competitions, under the Regional Educational Laboratories and Research and Development Centers Program, for grants to plan for or to operate a research and development center (a center). These competitions for planning grants and grants for institutional operations are part of a comprehensive, interrelated process for establishing centers nationwide through open competitions. Authority for these grants is contained in section 405 (e) and (f) of the General Education Provisions Act (GEPA), as amended (20 U.S.C. 1221e (e) and (f)).

Closing Dates for the Transmittal of Applications

Applications for planning grants must be mailed or hand delivered by January 4, 1985. Applications for grants for institutional operations must be mailed or hand-delivered by June 6, 1985. Applications sent by mail must be addressed to the National Institute of Education, Proposal Clearinghouse, Room 619, Brown Building, 1200 19th Street, NW., Washington, D.C. 20208.

An applicant must show one of the following as proof of mailing:

(a) A legibly dated U.S. Postal Service postmark.

(b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(c) A dated shipping label, invoice, or receipt from a commercial carrier.

(d) Any proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept the following as proof of mailing:

(1) A private metered postmark.

(2) A mailing receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not always provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first-class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application delivered by hand must be taken to the National Institute of Education, Proposal Clearinghouse, Room 619, Brown Building, 1200 19th Street, NW., Washington, D.C.

The Proposal Clearinghouse will accept an application delivered by hand between 8 a.m. and 4 p.m. (Washington, D.C. time), daily except Saturdays,

Sundays, and Federal holidays. An application that is hand delivered will not be accepted after 4 p.m. on either of the closing dates mentioned above.

Program Information

The National Institute of Education (NIE) currently supports ten (10) research and development centers in accordance with section 405(f) of GEPA. Nine of the ten existing centers are the remaining centers in a nationwide network of twenty regional educational laboratories and ten research and development centers established by the U.S. Office of Education in the mid-1960s. The tenth existing center, the Educational Technology Center, was established by NIE in 1983 through an open competition for a 5-year award.

The awards for the existing centers, except the Educational Technology Center, are scheduled to expire during 1985. Through committee report language, the Congress has indicated its desire that NIE conduct open competitions for future center awards. See the Conference Report accompanying the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (H.R. Rep. No. 208, 97th Cong., 1st Sess. at pp. 729–730 (1981)), and the Senate Report accompanying the Urgent Supplemental Appropriations Act of 1982, Pub. L. 97–216 (S. Rep. No. 402, 97th Cong., 2d Sess. at p. 58 (1982)).

This notice announces competitions for new grants to plan for or to operate eleven (11) centers. Each recipient of a new center grant for institutional operations must provide national research leadership with respect to the mission of its center, as required by 34 CFR 708.41(a). Based on extensive public comment and considerable expert and practitioner advice, the Secretary has established the mission of each center by choosing individual priorities, or combinations of priorities, from the list in 34 CFR 706.12. The priorities which form the bases of the center missions are listed below with the corresponding paragraph designations from 34 CFR 706.12:

(a) Learning.

(b) Teaching.

(e) Preparation and training of educational personnel.

(f) Organization and management of schools, including effective school administration and leadership.

(g) Evaluation and school indicators, including testing and measurement.

(h) Governance of education, including school board policies and practices.

(i) Educational finance.

(1) Student achievement and educational standards, including students' motivation to learn, their failure to learn, and their failure to attend school and graduate.

(m) Home, family, and community influences in education.

(n) Education, work, and careers.

(p) Guidance and counseling.

(r) Writing. (This individual priority has been selected from a broader priority listed in 34 CFR 706.12(r).)

(w) Elementary education.

(x) Secondary education.

(z) Postsecondary education.

The mission of each center is based on the priority or priorities indicated in parentheses after the name of the center:

1. NIE Center on Teacher Education (b,e).

2. NIE Center on Teacher Quality and Effectiveness (b,e,f).

3. NIE Center on Student Testing, Evaluation, and Standards (g,1).

4. NIE Center for the Study of Writing (r).

5. NIE Center for the Study of Learning (a).

6. NIE Center on Effective Elementary Schools (w,f,m,p).

7. NIE Center on Effective Secondary Schools (x,f,m,p).

8. NIE Center on Education and Employment (n).

9. NIE Center on Postsecondary Management and Governance (z,f,h).

10. NIE Center on Postsecondary Teaching and Learning (z,b,a,e).

11. NIE Center on State and Local Policy Development and Leadership in Education (f,h,i).

Eligible applicants

Public or private organizations, institutions, agencies or individuals are eligible to apply for planning grants. Institutions of higher education or interstate agencies established by compact which operate subsidiary bodies established to conduct postsecondary educational research and development are eligible to apply for grants for institutional operations. A group of eligible entities may also apply for a planning grant or a grant for institutional operations, but a single eligible entity must be designated as the recipient of the grant, in accordance with the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.127 through 75.129. Although ineligible entities may not be part of a group submitting a group application as described in EDGAR, such entities may collaborate with one or more eligible applicants under an approved subcontract as described in 34 CFR 75.708. Participation or nonparticipation in the competitions for planning grants in no way affects eligibility to participate in the competitions for grants for institutional operations.

Post-Award Requirements

The recipient of a center grant for institutional operations must meet the specific post-award requirements described in 34 CFR 708.41.

Selection criteria for planning grants

In evaluating applications for center planning grants, the Secretary will use the selection criteria for center planning awards contained in 34 CFR 708.31. The maximum number of possible points for all selection criteria is 100, distributed as follows:

(a) *Mission and strategy.* (30 points maximum)

(b) *Institutional capacity.* (15 points maximum)

(c) *Plan of operation.* (25 points maximum)

(d) Quality of key personnel. (15 points maximum)

(e) *Budget and cost effectiveness.* (5 points maximum)

(f) *Evaluation plan.* (5 points maximum)

(g) *Adequacy of resources.* (5 points maximum)

Procedures to be followed in selecting applications for planning grants are found in 34 CFR 75.216, 75.217, and 706.33(a).

Selection criteria for institutional grants

In evaluating applications for center grants for institutional operations, the Secretary will use the selection criteria for center awards for institutional operations contained in 34 CFR 708.32. The maximum number of possible points for all selection criteria is 100, distributed as follows:

(a) *Mission and strategy.* (20 points maximum)

(b) *Institutional capacity.* (20 points maximum)

(c) Plan of operation. (25 points maximum)

(d) *Quality of key personnel.* (20 points maximum)

(e) *Budget and cost effectiveness.* (5 points maximum)

(f) *Evaluation plan.* (5 points maximum)

(g) *Adequacy of resources.* (5 points maximum)

The Secretary uses the procedures contained in 34 CFR 75.216, 75.217, 706.32, and 706.33(a) to select applications for funding.

Length of Awards

The project period or planning grants will be 4 months. Planning grants are expected to be announced at the end of

February 1985. The project period for grants for institutional operations will be 5 years, beginning no earlier than October 1, 1985.

Available Funds

The Secretary estimates that up to three planning grants, not in excess of $15,000 each, will be awarded to assist planning for each of the 11 centers as described in this notice. For the 5-year grants for institutional operations, requests for assistance should be based on the following budgetary targets. (Budgetary targets for grants for institutional operations are included in parentheses following the center name, with the target for each annual budget period shown first and the target for the 5-year project period shown second.)

1. NIE Center on Teacher Education ($1.2 million; $6.0 million).
2. NIE Center on Teacher Quality and Effectiveness ($0.8 million; $4.0 million).
3. NIE Center on Student Testing, Evaluation, and Standards ($1.0 million; $5.0 million).
4. NIE Center for the Study of Writing ($1.0 million; $5.0 million).
5. NIE Center for the Study of Learning ($1.3 million; $6.5 million).
6. NIE Center on Effective Elementary Schools ($1.0 million; $5.0 million).
7. NIE Center on Effective Secondary Schools ($1.0 million; $5.0 million).
8. NIE Center on Education and Employment ($0.8 million; $4.0 million).
9. NIE Center on Postsecondary Management and Governance ($1.3 million; $6.5 million).
10. NIE Center on Postsecondary Teaching and Learning ($0.8 million; $4.0 million).
11. NIE Center on State and Local Policy Development and Leadership in Education ($1.5 million; $7.5 million).

These estimates are based on anticipated Congressional appropriations and the assumption that applications of satisfactory quality will be received. Moreover, these estimates do not bind the Department of Education either to the stated numbers or amounts of awards, unless those numbers or amounts are otherwise specified by statute or regulations.

Application Forms

Grant information packages, including application forms, may be obtained by contacting Susan Klein (telephone: (202) 254-6271) or Gail MacColl (telephone: (202) 254-7930), National Institute of Education, 1200 19th Street, NW., Washington, D.C. 20208.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the grant information package. However, the grant information package is intended only to aid applicants in applying for assistance. Nothing in the grant information package is intended to impose any requirement with respect to paperwork, the content of applications, reporting, or grantee performance beyond those imposed under the statute and regulations.

The Secretary strongly urges that the technical or narrative portion of applications for planning grants not exceed 35 pages in length, and that the entire application, including budget information, not exceed 60 pages. Applicants for 5-year grants for institutional operations are encouraged to limit the technical or narrative portion of their applications to 200 pages, and the total application to 250 pages.

Questions regarding the application notice and the grant information package will be answered on Friday, November 2, 1984, 1:00 p.m. to 4:30 p.m., at the Regional Office Building (ROB) Auditorium, Room 1041, D Street Entrance, 7th and D Streets, SW., Washington, D.C. This session will not provide applicants with a summary of information about the competitions already provided through this application notice, the grant information package, the regulations, and the statute. Nor will it provide additional information about the competitions that an applicant would need to know in order to apply for assistance. Rather, it will answer any questions and clarify any issues regarding information already made available to applicants, in particular the information in this application notice and in the grant information package. For this reason, prospective applicants are urged to read the application notice and the grant information package provided by the Government before attending the session. For more information, contact Raymond F. Wormwood, Acting Chief, Contracts and Grants Management. Telephone: (202) 254-5080. *Potential applicants who are unable to attend the information session are invited to contact NIE for a written summary of questions responded to at the session.* (Approved OMB Number 1850-0552)

Applicable Regulations

Regulations applicable to this program include the following:

(a) Final regulations governing center awards under the Regional Educational Laboratories and Research and Development Centers Program (34 CFR Parts 706 and 708), as published in the **Federal Register**, July 23, 1984 (49 FR 29746).

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

FOR FURTHER INFORMATION CONTACT: Raymond F. Wormwood, Acting Chief, Contracts and Grants Management, National Institute of Education, 1200 19th Street, NW., Washington, D.C. 20208. Telephone: (202) 254-5080.

(Sec. 405 (e) and (f) of the General Education Provisions Act, 20 U.S.C. 1221e (e) and (f))

(Catalog of Federal Domestic Assistance Number 84.117, Educational Research and Development)

Dated: October 9, 1984.

T.H. Bell,

Secretary of Education.

[FR Doc. 84-27049 Filed 10-11-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

International Atomic Energy Agreements; Canada and Indonesia; Proposed Subsequent Arrangements

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, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Indonesia Concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval of the following sales:

Contract Number S-CA-358, to Health and Welfare Canada, Ottawa, Canada, 42.2 grams of natural uranium, for use as standard reference material.

Contract Number S-CA-359, to Eldorado Resources Ltd. Ontario, Canada, 296.8 grams of natural uranium, for use as standard reference material.

Contract Number S-IE-7, to Badan Tenaga Atom Nasional, Yogyakarta, Indonesia, 148.4 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: October 9, 1984.

Dr. H.A. Merklein,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 84-26971 Filed 10-11-84; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Japan Proposed Subsequent Arrangement

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 Japan 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/JA(EU)-31, fuel pins containing 200 grams of uranium enriched to 60 percent in U-235, 50 grams of natural uranium, and 90 grams of plutonium for irradiation research and development related to fast breeder reactors. The fuel pins are to be transferred from CEA in France to the Power Reactor and Nuclear Fuel Development Corporation, Japan.

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: October 9, 1984.

Dr. H.A. Merklein,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 84-26972 Filed 10-11-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP82-542-009]

ANR Pipeline Co.; Petition To Amend

October 5, 1984.

Take notice that on September 24, 1984, ANR Pipeline Company (Petitioner), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP82-542-009 a petition to amend the Commission's order issued August 21, 1984, in Docket No. CP82-542-000 and RP82-80-017, 28 FERC ¶61,245 (August 21, 1984), pursuant to section 7(c) of the Natural Gas Act so as to authorize extension of the term of the certificate previously granted it in Docket Nos. CP82-542-000 and RP82-80-017, all as more fully set forth in the petition to amend on file with the Commission and open for public inspection.

The order of August 21, 1984, authorized Petitioner to provide a flexible discount rate service under Rate Schedule DF-1 to consumers who have alternative fuel capability and who, because of price, would use the alternative fuel if the gas were sold under Petitioner's existing Tariffs. The Commission authorized this service until October 31, 1984. Petitioner has requested that the Commission extend the term of the certificate for eight months, until June 30, 1985.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Oct. 12, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26941 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-704-000]

Kentucky West Virginia Gas Co.; Request Under Blanket Certificate

October 9, 1984.

Take notice that on September 10, 1984, Kentucky West Virginia Gas Company (Kentucky West), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP84-704-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport gas on behalf of Bethlehem Mines Corporation (BMC) under the certificate issued in Docket No. CP82-496-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Kentucky West proposes to receive up to 4,100 dt equivalent of gas per day on behalf of BMC from existing delivery points from KEPCO, Inc., to Kentucky West and redeliver equivalent volumes to Columbia Gas Transmission Corporation (Columbia Gas) at an existing interconnection between Columbia Gas' and Kentucky West's systems in Floyd County, Kentucky, or at other previously certificated interconnections between their systems. Kentucky West states that Columbia Gas would then transport the gas to Columbia Gas of Pennsylvania, Inc. (CPA), which in turn would deliver the gas to BMC in Hanover, Pennsylvania.

Kentucky West estimates that the annual volume, peak day volume and average day volume would be 1,496,500 dt, 4,100 dt and 4,100 dt, respectively. Kentucky West indicates that the end-user would use the gas for process use and that the transported volumes would constitute 100 percent of the fuel needs at the facility.

Kentucky West indicates that it would charge BMC a transportation rate of 36.2 cents per dt as reflected in Kentucky West's proposed Rate Schedule ITS. Kentucky West indicates that the intermediary between KEPCO, Inc., and BMC is Industrial Energy Services, Inc. (IESCO), and that IESCO's fee to BMC is five cents per million Btu.

Kentucky West has submitted a statement from CPA indicating it has sufficient capacity to transport the gas without detriment to its customers. Kentucky West states that the transportation would be rendered through the use of existing facilities. Kentucky West submitted a letter on September 20, 1984, indicating that the gas to be sold by KEPCO, Inc., to BMC was not previously under contract to a

pipeline company or distributor and that the gas would be sold at a price not in excess of the applicable maximum price ceilings under the Natural Gas Policy Act of 1978 (NGPA). Kentucky West in that same letter also clarifies that it is seeking authorization expiring June 30, 1985.

Kentucky West in that same letter also indicates that any changes in receipt or delivery points for transportation of gas on behalf of BMC at the same end use location would not affect the maximum daily and annual volumes to be authorized. Kentucky West also states that within 30 days of the addition or deletion of receipt or delivery points, it would file the following information:

(1) Copy of the gas purchase contract between the seller and the end-user;

(2) Statement as to whether the supply is attributable to gas under contract to and released by a pipeline or distributor and if so, identification of the parties, and specification of the current contract price;

(3) Statement of the NGPA pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(4) Statement that the gas is not committed or dedicated within the meaning of NGPA section 2(18);

(5) Location of the receipt or delivery points added or deleted;

(6) Where an intermediary participates in the transaction between the seller and the end-user, the information required by § 157.209(c)(1)(ix) of the Commission's Regulations.

(7) Identity of any other pipeline involved in the transportation.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26944 filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-53-000 and TA85-1-53-001]

K N Energy, Inc.; Proposed Changes in FERC Gas Tariff

October 9, 1984.

Take notice that K N Energy, Inc. ("K N") on October 1, 1984, tendered for filing proposed changes in its FERC Gas Tariff to adjust the rates charged to its jurisdictional customers pursuant to the Gas Cost Adjustment provision (section 19) and the Incremental Pricing Surcharges provision (section 20) of the General Terms and Conditions of K N's FERC Gas Tariff, Third Revised Volume No. 1 to reflect a decrease in the base cost of gas and to amortize certain unrecovered gas costs. The proposed changes would increase the commodity rate, under each of K N Energy's jurisdictional rate schedules by 26.32¢ per Mcf, of which (1.01)¢ per Mcf represents the decrease in the base purchase gas cost and 27.33¢ per Mcf represents the increase in the unrecovered gas cost surcharge. Included in the surcharge is the recovery of NGPA prices for certain company owned production authorized by previous rate case settlements. This filing is proposed to become effective on December 1, 1984.

K N states that certain pending "excess royalty" litigation in the state of Kansas may result in its seeking special relief from NGPA section 104 prices. K N proposes to use Account No. 191 treatment for any excess royalty obligations which may ultimately be established. The present application contains no adjustments for such excess royalty obligations.

Copies of the filing were served upon K N's jurisdictional customers, interested public bodies, and all direct and indirect customers which will be subject to the incremental pricing provisions.

Any person desiring to be heard or 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. All such petitions or protests must be filed on or before October 15, 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. 84-26945 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-698-000]

Montana-Dakota Utilities Co.; Request Under Blanket Authorization

October 9, 1984.

Take notice that on September 7, 1984, Montana-Dakota Utilities Co., (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP84-698-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new sales tap under the certificate issued in Docket Nos. CP83-1-000 and CP83-1-001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in its request which is on file with the Commission and open to public inspection.

MDU states that it proposes to add a new sales tap located on its transmission system as an additional delivery point in connection with its Rate Schedule T-3 program. It is stated that since the deliveries would be performed on a best-efforts basis, the terms of Amendment of *Stipulation and Agreement in Settlement of Remaining Issues* approved by the Commission's order issued February 19, 1982, regarding MDU's curtailment plan in Docket No. RP76-91 is inapplicable. MDU states that the proposed sales tap would be used to deliver up to 92,000 Mcf of natural gas annually to Phillips Petroleum Company, McKenzie County, North Dakota, to provide fuel to a field gathering compressor used in gathering gas condensate and oil well gas to be ultimately processed at a gas processing plant. MDU also indicates that the estimated costs for the tap would be $5,000 and would be 100 percent reimbursed by the end-user.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural

Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26947 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT85-1-000]

Natural Gas Pipeline Company of America; Change in FERC Gas Tariff

October 9, 1984.

Take notice that on October 1, 1984, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets to be effective April 1, 1985:

Twentieth Revised Sheet No. 301.
Twentieth Revised Sheet No. 302.
Twenty-first Revised Sheet No. 303.
Twentieth Revised Sheet No. 304.
Nineteenth Revised Sheet No. 305.
Seventh Revised Sheet No. 306.
Eighth Revised Sheet No. 307.
Eighth Revised Sheet No. 308.
Seventh Revised Sheet No. 309.

Natural states that the purpose of this filing is to set out the Buyer's quantity entitlements under Section 22 of the General Terms and Conditions of Natural's FERC Gas Tariff for the service year April 1, 1985 through March 31, 1986. It is respectfully requested that the Commission's regulations be waived to the extent necessary to permit the revised sheets as submitted herein to become effective April 1, 1985, the beginning of the 1985-86 service year.

The Monthly Quantity Entitlements on Sheet Nos. 301 through 309 have been changed, where required, to reflect requested changes in such entitlements by Natural's fifteen (15) DMQ-1 and thirty-four (34) G-1 customers. Customers requesting changes in Daily Quantity Entitlements were accommodated where feasible by Natural. The Monthly and Daily Quantity Entitlements on these sheets provide sufficient gas volumes to allow each customer to fully meet (within contractual limits) its reported requirements.

A copy of this filing has been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

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. All such petitions or protests must be filed on or before October 15, 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. 84-26948 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-143-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Filing

October 5, 1984.

Take Notice that on September 28, 1984, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), tendered for filing to become a part of Northern Natural Gas Company's (Northern) F.E.R.C. Gas Tariff, Original Volume No. 2:

First Revised Sheet No. 1954.

This revised tariff sheet amends Rate Schedule T-37, a Gas Transportation and Facilities Agreement between Northern Natural Gas Company and Amoco Gas Company, dated March 10, 1983.

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 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 October 12, 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. 84-26949 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2130-000]

Robert S. Howe; Application

October 9, 1984.

Take notice that on October 1, 1984, Robert S. Howe filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Comptroller, Central Maine Power Company.

Comptroller and chief accounting officer, Maine Yankee Atomic Power Company.

Chief accounting officer, Maine Electric Power Company, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 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 October 24, 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 this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26952 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP73-162-004]

Sea Robin Pipeline Co.; Petition To Amend

October 9, 1984.

Take notice that on September 13, 1984, Sea Robin Pipeline Company (Sea Robin), Post Office Box 1478, Houston, Texas 77001, filed in Docket No. CP73-162-004 a petition to amend the order issued April 5, 1974,[1] in Docket No.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

CP73-162 pursuant to section 7(c) of the Natural Gas Act so as to authorize two additional transportation redelivery points to Southern Natural Gas Company (Southern) at the terminus of the Sea Robin system near Erath, Louisiana, all as more fully described in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Southern purchases gas from producers in Blocks 231 and 232, East Cameron Area, offshore Louisiana. It is further stated that, pursuant to a gas transportation agreement (Agreement) dated November 29, 1972, Sea Robin transports such gas for Southern, under its Rate Schedule X-6, to an onshore redelivery point at the terminus of Sea Robin's system near Erath, Vermilion Parish, Louisiana, into the measuring facilities of United Gas Pipe Line Company. Pursuant to the terms of an amendment to the Agreement, dated April 13, 1984, Sea Robin proposes to add two new redelivery points at the Erath terminus of the Sea Robin system. These two points would be at (1) the inlet side of Faustina Pipeline Company's measuring station and (2) the inlet side of Columbia Gulf Transmission Company's measuring station.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Oct. 29, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26953 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-150-014]

Southern California Edison Co.; Refund Report

October 9, 1984.

Take notice that on September 28, 1984, Southern California Edison Company (Edison) submitted for filing its compliance refund report pursuant to the Commission's Letter Order dated July 20, 1984.

Edison states that it has made refunds to its resale customers amounting to $18,129,650.25 on August 14, 1984, including interest up to August 14, 1984.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 23, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26954 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-730-000]

Transcontinental Gas Pipe Line Corp.; Application

October 9, 1984.

Take notice that on September 21, 1984, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP 84-730-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a revision of the contract demand allocations of two of its sales customers, all as more fully set forth in the application which is on file and open to public inspection.

Applicant states that Owens-Corning Fiberglas Corporation (Owens-Corning), Applicant's only direct industrial customer, has installed more efficient equipment at its Anderson, South Carolina, plant. Therefore, it is submitted, Owens-Corning wishes to reduce its contract demand allocation of 10,000 dt equivalent of gas, based on a contract between Applicant and Owens-Corning, dated September 8, 1954, by 4,000 dt per day.

Applicant further states that Public Service Company of North Carolina, Inc. (Public Service), another sales customer of Applicant, desires to obtain the 4,000 dt equivalent per day that Owens-Corning desires to relinquish. The subject proposal would raise Public Service's demand allocation from 154,600 dt per day to 158,600 dt per day while at the same time reducing Owens-Corning's demand allocation from 10,000 dt per day to 6,000 dt per day. Applicant requests an effective date of November 1, 1984, so as to coincide with the start of the new contract year between Applicant and the above-mentioned customers.

Applicant states that it has held discussions with some of its other sales customers concerning reallocation of demand contracts. Applicant explains that at the time such a reallocation is submitted to, and approved by, the Commission, the above mentioned 4,000 dt per day reallocation may be transferred to another customer(s). However, it is explaned that until then, such 4,000 dt per day would remain with Public Service. Applicant also states that except for the reallocation of the 4,000 dt per day, there would be no change in the service provided by Applicant to the two sales customers concerned.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26957 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. OF84-377-000]

AEM Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 9, 1984.

On June 29, 1984, AEM Corp. (Applicant), located at 1445 Palisades Drive, Pacific Palisades, California 90272, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. Supplementary information was filed by Applicant on September 18, 1984. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Colestrip, Montana. The facility will consist of a steam turbine generating set and a combustion turbine generating set. The combustion turbine will be fueled by synthesis gas (a by-product of liquids from coal process developed by Synfuel Genesis, Inc.), whereas the steam boiler, known as the solid fuel boiler, will be fueled by coal (culm), and solid residue products from the process. Exhaust heat from the combustion turbine will be directed to a waste heat recovery boiler to generate steam for use in the liquids from coal process. Steam produced by the steam turbine will also be used in the same process, and for space heating and purposes related to mining processes. The electric power production capacity of the facility will be 30.75 MW.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26940 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-700-000]

Washington Water Power Co.; Filing

October 9, 1984.

The filing Company submits the following:

Take notice that on September 26, 1984, Washington Water Power Company (Washington) tendered for filing proposed changes in its FERC Electric Service Tariff, Schedule 61. The proposed changes would increase revenues from jurisdictional sales and service by approximately $999,000 based on the 12-month period ending September 30, 1983.

The proposed rate change is submitted for the purpose of compensating Washington primarily for the addition of two production facilities to plant in service and also for increase in its cost of capital, labor, materials, supplies and taxes.

Copies of the filing have been served upon the five Washington Water Power wholesale customers affected by this filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 18, 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. 84-26959 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-487-000]

Cogenic Energy Systems, Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 9, 1984.

On September 10, 1984, Cogenic Energy Systems, Inc. (Applicant), of 9353 Activity Road, Suite D, San Diego, California 92126, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at St. Erne Sanitarium, 527 West Regent Street, Inglewood, California 90301. The primary energy source will be natural gas. The electric power production capacity will be 100 kilowatts. The facility will include an M-100GWI Cogenic Energy Module powered by 150 hp internal combustion engine fueled by natural gas with waste heat recovery from both jacket water and exhaust gases. The module contains an induction generator which will be operated in parallel with the local utility. Recovered heat will be used for domestic hot water and heating

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26942 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-480-000]

Hospital Corporation of America; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 9, 1984.

On August 31, 1984, Hospital Corporation of America (Applicant) of Medical Center Del Oro, 8080 Greenbriar Drive, Houston, Texas 77054, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed facility is being installed in the Medical Center Del Oro. The cogeneration unit will produce electric power and hot water for use in absorbtion air conditioning, space heating, and domestic water heating. The unit will consist of a natural gas fired reciprocating engine coupled to a synchronous 500 kW generator and a waste heat recovery system.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26943 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-503-000]

Pacific Ultrapower Chinese Station; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

October 9, 1984.

On September 21, 1984, Pacific Ultrapower Chinese Station (Applicant), a Joint Venture, 16845 Von Karman Avenue, Irvine, California 92714, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed small power production facility will have a power production capacity of 22 megawatts and will be located near Chinese Station in Tuolumne County, California. It will utilize fluidized-bed combustion for the production of steam from boilers using biomass as fuel, consisting of orchard prunings, waste wood from lumber mills in the area of the facility, and in-forest wood chips from slash, limbs, tops and thinnings. Steam generated will be used in turbines to power generators for the production of electricity.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26950 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-486-000]

Point Arguello Pipeline Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 9, 1984.

On September 10, 1984, Point Arguello Pipeline Co. (Applicant), located at P.O. Box 7141, San Francisco, California 94120-7141, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal consitutes a complete filing.

The facility consists of five (5) topping-cycle cogeneration units. Each unit consists of a combustion turbine driving an electric generator. Coupled to the exhaust of each turbine is a waste heat recovery steam boiler. The steam produced will be used to heat and dehydrate approximately 200,000 BPD of oil and to sweeten and extract hydrocarbon liquids from 120 million standard cubic feet per day of sour natural gas. The electric power production capacity of the facility will be 17 MW. The primary energy source for the facility will be natural gas. The cogeneration facility will be located 30 miles west of Santa Barbara on U.S. Highway 101 in Gaviota, California.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26951 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-489-000]

TDEnergy, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

October 9, 1984.

On September 11, 1984, TDEnergy, Inc. (Applicant), located at 68 Broad Street, Boston, Massachusetts 02109, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility is a small power production facility. The primary energy source is wind. The power production capacity under peak generation is projected to be 11.34 megawatts, with phased development as follows: Phase I—640 kW, Phase II—2700 kW, and Phase III—8000 kW. The location of the facility is in the towns of Canaan and

Orange, New Hampshire, near the end of Pond Road, off Route 118.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26956 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-483-000]

The Mead Corp.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 9, 1984.

On September 4, 1984, the Mead Corporation (Applicant), located at Fine Paper Division-Chillicothe, Chillicothe, Ohio 45601, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Chillicothe, Ohio. It supplies electricity and steam to Mead's paper mill facilities. The cogeneration facility consists of five boilers and five turbine generators. The turbine generators can produce approximately 80.1 megawatts of electricity. Steam is extracted from the turbines for use in the paper making process. The energy sources for the facility will be coal, wood wastes, oil and black liquor.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26946 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-477-000]

Triple Seven, Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 9, 1984.

On August 31, 1984, Triple Seven, Inc. (Applicant), of 6300 Northwest Expressway, Suite 110, Oklahoma City, Oklahoma 73132, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility, consisting of two engine generator sets and a waste heat recovery heat exchanger, will be located in Severy, Kansas. The primary energy source will be natural gas. The electric power production capacity will be 700 kilowatts. The usesful thermal output power will be used to heat tanks of high paraffin crude oil to facilitate transfer to conventional transport vehicles.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26958 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-504-000]

Weyran Energy Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

October 9, 1984.

On September 20, 1984, Weyran Energy Corporation, 666 East Main Street, New York 10940, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will initially generate approximately 4,000 kW using internal combustion engine-generator sets fueled by landfill methane gas to be recovered from the Town of Islip landfill located at Blydenburgh Road, Hauppauge, New York.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-26960 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-107-000, et al.]

Boundary Gas, Inc. et al.; Canadian Import Project—U.S. Route Alternative Notice of Intent To Prepare a Draft Environmental Impact Statement and Request for Comments on its Scope

October 5, 1984.

Introduction

The Canadian Import Project is a major initiative to bring natural gas from Canada to the northeastern United States. The overall project basically consists of the Niagara Route Project and two major alternatives to it. One alternative is known as the U.S. Route alternative and the other is known as the MIDCON alternative. This Notice of Intent covers the U.S. Route alternative.

U.S. Route

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC) has determined that approval of the project, called the United States Route (U.S. Route) proposed in Docket Nos. CP84-318-000 and 001, CP84-363-000, and CP84-407-000 would constitute a major Federal action significantly affecting the quality of the human environment. Therefore, pursuant to § 2.82(b) of the Commission's Rules of Practice and Procedure (18 CFR 2.82(b)), a draft environmental impact statement (DEIS) will be prepared.

The facilities proposed in the above dockets, involving approximately 847 miles of pipeline and 359,000 horsepower of compression at an estimated cost of $1.3 billion, comprise the U.S. Route for transporting about 1 billion cubic feet per day of western Canadian natural gas to the northeastern United States.

In Docket No. CP84-407-000, Northern Border Pipeline Company (Northern Border) proposes to construct approximately 290 miles of 36-inch diameter pipeline east of the terminus of its existing system near Ventura, Hancock County, Iowa, to a connection with ANR Pipeline Company's (ANR) existing system near Sandwich, Kendall County, Illinois. This extension would include four new 16,000 horsepower compressor stations in Hancock, Linn, and Scott Countries, Iowa, and Whiteside County, Illinois. Additional compression is also planned for the existing Northern Border system to allow transportation of the proposed volume of gas. This would include expansion of both existing compressor stations 4 and 8 in McKenzie and McIntosh Counties, North Dakota, by 16,000 horsepower each, and construction of six new 32,000 horsepower compressor stations in Roosevelt County, Montana, Morton County, North Dakota, Edmunds, Clark and Deuel Counties, South Dakota, and Lyon County, Minnesota. The estimated cost of these facilities is $560 million.

To transport the gas received from Northern Border at Sandwich, Illinois to the proposed origins of Ohio Interstate Pipeline Company (Ohio Interstate) in Defiance County, Ohio, ANR proposes to increase the capacity of its system by looping 184 miles of its existing system and adding compression. The Sandwich Compressor Station would gain 9,000 horsepower and the Defiance Compressor Station 26,000 horsepower, as proposed in Docket No. CP84-363-000. The three loops would extend about 25.1 miles southeast from the Sandwich Compressor Station, from about 7.1 miles west to 30.1 miles northeast of the St. John Compressor Station in Lake County, Indiana, and for 121.4 miles southeast of the Bridgeman Compressor Station, in Berrien County, Michigan, through the Lagrance Compressor Station, Lagrance County, Indiana, to the Defiance Compressor Station. The estimated cost of these facilities is $237 million.

Ohio Interstate proposes to construct about 356 to 367 miles of new pipeline, depending on which alternatives are chosen from those in its environmental report filed in Docket No. CP84-318-000. This pipeline would extend east from ANR's Defiance Compressor Station, across the state of Ohio, to a new compressor station at an interconnection with Tennessee Gas Pipeline Company's (Tennessee) facilities in either Mercer County, Pennsylvania, or Columbiana County, Ohio. The pipeline would continue east to interconnections with Transcontinental Gas Pipe Line Corporation (Transco) and Texas Eastern Transmission Corporation (Texas Eastern) at a new compressor station near the existing compressor station complex at the Leidy Gas Storage Field in Clinton County, Pennsylvania.

The compressor station in Mercer County would require 22,000 horsepower of compression; the one in Columbia County would require 20,000 horsepower. The station at the eastern terminus would require either 14,000 or 16,000 horespower of compression, depending on the location of the interconnection with Tennessee's pipeline system. The total estimated cost of the pipeline and compressor facilities is $505 million.

The Niagara Route

The U.S. Route is proposed as a partial alternative to the proposed Niagara Route, Docket No. CP81-107-000, *et al.* The Niagara Route would accept imported natural gas which would be transported eastward from western Canada by TransCanada PipeLines, Ltd., Great Lakes Gas Transmission Company, and Union Gas Limited to an interconnection with the Niagara Interstate Pipeline System (NIPS) near Niagara Falls, N.Y. Natural gas for Tennessee and Boundary Gas, Inc. (Boundary) would be delivered through NIPS to Tennessee near East Aurora, New York, and Coudersport, Pennsylvania. Natural gas would be delivered to Transco and Texas Eastern near Leidy, Pennsylvania, for their system supply and for the system supply of Algonquin Gas Transmission Company (Algonquin).

All these companies, except Boundary, would construct additional Niagara Route facilities. In addition, the Niagara Route includes underground natural gas storage in Michigan and Ontario.

Most of the Niagara Route related facility expansion in Canada and in the United States, west and north of Leidy, would be replaced by the facilities of the U.S. Route. However, Algonquin, Tennessee, Texas Eastern and Transco would still need the facilities they have proposed east and south of the delivery points noted for the Niagara Route, and the Michigan storage would be required. Moreover, Tennessee would probably need additional looping on its system west of East Aurora or Coudersport toward the proposed connection with the U.S. Route. The extent of this looping is not yet known by the staff, but counties where looping may be required will receive copies of this notice.

The MIDCON Proposal

Natural Gas Pipeline Company of America (Natural) filed the MIDCON proposal, Docket No. CP84-325-001, as another partial alternative to the Niagara Route. The MIDCON proposal would replace all the U.S. Route proposal except new compression on the existing Northern Border Pipeline, and may require substantial facility construction by several Niagara Route sponsors along their respective systems between Louisiana and the Northeastern States. When details of the facilities required to complete the MIDCON proposal, and the route of the MIDCON proposal become available, a Notice of

Intent to prepare an EIS for that alternative project will be issued.

Comment Procedure

The FERC staff intends to prepare an EIS for these projects under the overall title: *Canadian Import Project* (CIP). The scope and geographic diversity of the three competing proposals would make a single volume EIS unwieldy. It is currently anticipated that separate volumes will be prepared for the Niagara Route, the U.S. Route alternative, and the MIDCON alternative. Because of the extended history of the Niagara Route, that project will be analyzed in two volumes; one of which has already been issued by the FERC staff and was entitled *Tennessee/Boundary Looping Project: Final Environmental Impact Statement*, February, 1983. A comparative analysis and discussion of the environmental considerations of the three proposals will also be prepared.

A copy of this notice and additional technical information about the proposed project, including general route maps, have been distributed to Federal, state, and local agencies, and parties to the proceedings. Interested readers of this notice are encouraged to comment on anticipated environmental concerns associated with the project. Comments will be used by the FERC staff to identify the issues which require in-depth environmental analysis.

Comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C., 20426. Recommendations that the EIS address specific issues should be supported with a detailed explanation of the need to consider such issues. Written comments should be submitted by November 14, 1984, and referenced to Docket Nos. CP84–318–000, CP84–363–000, and CP84–407–000.

Additional information about the proposals, including detailed route maps for specific locations, is available from Mr. John Leiss, Project Manager, at the above address, or by telephone at (202) 357–9041.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–27063 Filed 10–11–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–704–000]

Commonwealth Electric Co.; Filing

October 9, 1984.

The filing Company submits the following:

Take notice that on September 27, 1984, Commonwealth Electric Company (Commonwealth) tendered for filing an agreement governing the sale by Commonwealth of System Power (as defined therein) to Boston Edison Company (Buyer).

By the provisions of the Agreement, Commonwealth proposes to sell in amounts mutually acceptable to both parties. Commonwealth has requested the Commission waive its notice requirements to permit an effective date of July 12, 1984.

A copy of this filing has been served upon Buyer and upon the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 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 October 18, 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. 84–27064 Filed 10–11–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP79–224–005]

El Paso Natural Gas Co.; Informal Settlement Conference

October 9, 1984.

Take notice that, in response to the request by El Paso Natural Gas Company, an informal settlement conference in the above-captioned docket will be convened on October 17, 1984, at 10:00 a.m. The meeting will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Various issues raised by the application filed by El Paso Natural Gas Company on April 6, 1984, will be discussed at the conference. In its application, filed pursuant to section 7(c) of the Natural Gas Act in Docket No. CP79–224–005, El Paso Natural Gas Company seeks certificate authorization to expand the deliverability of storage volumes from its Washington Ranch storage facility and for system flexibility. Notice of the application was published in the **Federal Register** on April 27, 1984 (49 18163).

All interested parties and Staff will be permitted to attend. Mere attendance by interested parties will not serve to make them formally parties to the proceeding.

The number of the hearing or conference room where the conference will be convened will be posted on the second floor bulletin board by 9:30 a.m. on October 17, 1984. For further information contact Jack O. Kendall, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8601, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8033.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–27065 Filed 10–11–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–701–000]

Florida Power & Light Co.; Filing

October 9, 1984.

The filing Company submits the following:

Take notice that on September 26, 1984, Florida Power & Light Company (FP&L) tendered for filing a document entitled "Amendment Number Two to Contract for Interchange Service Between FP&L and Florida Power Corporation." Also enclosed in the filing was a certificate of concurrence to the proposed Amendment by Florida Power Corporation (FPC).

FP&L states that under the Amendment Number Two, FP&L and FPC have relocated a point of interconnection formerly between FP&L's Brevard Substation and FP&L's West Lake Wales Substation to a new point of interconnection between FP&L's Pinsett Substation and FPC's West Lake Wales Substation, as contemplated in the sale of certain transmission facilities to FP&L by FPC authorized by the Commission in Docket No. EC83–22–000. In addition, FP&L states that under the Amendment Number Two, FP&L and FPC have included in their Contract for Interchange Service a point of interconnection between FP&L and FPC in the vicinity of FPC's Barberville Substation.

FP&L states that the proposed Amendment Number Two will have no effect on sales, service, or revenues.

FP&L requests waiver of the Commission's regulations be granted to permit the proposed Amendment Number Two to become effective as of February 8, 1984.

FP&L states that copies of the filing were served upon FPC.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 18, 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. 84-27066 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-702-000]

Florida Power & Light Co.; Filing

October 9, 1984.

The filing Company submits the following:

Take notice that on September 26, 1984, Florida Power & Light Company (FP&L) tendered for filing a document entitled "Amendment Number One to St. Lucie Delivery Service Agreement between Florida Power & Light Company and Florida Municipal Power Agency (Rate Schedule FERC No. 72).

FP&L states that Amendment Number One revises the designation of delivery points and allocation of the Florida Municipal Power Agency's (FMPA) St. Lucie Nuclear Power Resources.

FP&L requests waiver of the Commission's regulations be granted and that the the proposed Amendment be made effective September 29, 1984.

Copies of the filing have been served upon the General Manager of the Florida Municipal Power Agency and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 18, 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. 84-27067 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-51-000 and TA85-1-51-001]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff Under Purchased Gas Adjustment Clause Provisions

October 5, 1984.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on September 28, 1984, tendered for filing Forty-Eighth Revised Sheet No. 57, and Ninth Revised Sheet No. 57-A to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective November 1, 1984.

Forty-Eighth Revised Sheet No. 57 includes a revised purchased gas cost adjustment which reflects an increase in the cost of gas purchased from TransCanada PipeLines Limited, its sole supplier of natural gas, as a result of an increase in the heat content of the gas.

In addition, the revised tariff sheet reflects a purchased gas cost surcharge resulting from maintaining an unrecovered purchased gas cost account for the period commencing March 1, 1984 and ending August 31, 1984.

Ninth Revised Sheet No. 57-A reflects the estimated incremental pricing surcharge for the six month period commencing November 1, 1984 and ending April 30, 1985. No incremental costs are estimated for this period.

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, DC 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 October 12, 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 to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-27068 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-46-000 and TA85-1-46-001]

Kentucky West Virginia Gas Co.; Proposed Change in Rates

October 5, 1984.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on September 28, 1984, tendered for filing with the Commission its Thirty-Second Revised Sheet No. 27 and Twelfth Revised Sheet No. 27A to its FERC Gas Tariff, First Revised Volume No. 1, to become effective November 1, 1984.

Kentucky West states that the change in rates results from the application of the Purchase Gas Cost Adjustment provision in section 18, General Terms and Conditions of FERC Gas Tariff, First Revised Volume No. 1. Kentucky West's effective tariff rate is reduced from 366.34¢/dth to 355.36¢/dth, effective November 1, 1984.

Kentucky West further states that, in making the instant filing, it does not waiver or prejudice its right to continue to prosecute its petition for review with the United States Court of Appeals for the Fifth Circuit of the Commission's Order dated December 2, 1982, denying Kentucky West's application for rehearing of the Order issued April 30, 1982 in Docket Nos. TA82-2-46-001 (PGA-2) (IPR82-2). (*Kentucky West Virginia Gas Company* vs. *FERC*, Case No. 82-4595—filed December 3, 1982).

Kentucky West further states that, in making the instant filing, it does not waive any rights it may have to a filing to charge and collect NGPA prices for all Company-owned production retroactive to December 1, 1978, nor does it waive any rights to collect any carrying charges or interest charges applicable thereto.

Kentucky West states that a copy of its filing has been served upon its purchasers and interested state commission and upon each party on the service list of Docket No. RP83-46.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and

Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 12, 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. 84-27069 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-73-002]

Midwestern Gas Transmission Co.; Tariff Filing

October 9, 1984.

Take notice that on October 1, 1984, Midwestern Gas Transmission Company (Midwestern), tendered for filing the following tariff sheets to Original Volume Nos. 1 and 2 of its FERC Gas Tariff to be effective on November 1, 1984:

Original Volume No. 1

Second Revised Sheet No. 263
First Revised Sheet No. 286

Original Volume No. 2

First Revised Sheet No. 2
Second Revised Sheet No. 47
First Revised Sheet No. 66
Original Sheet Nos. 68 through 680

A Sheet Reserving Original Sheet Nos. 69 through 149 for Future Use.

Midwestern states that the purpose of these tariff sheets is to implement the Terms and Conditions of Midwestern's and Northern Natural Gas Company's (Northern) Joint Stipulation and Agreement in Settlement of the State of North Dakota's complaint filed in Docket No. RP83-73 on April 14, 1983, and approved by the Commission on June 1, 1984.

Pursuant to the Stipulation and Agreement, Midwestern submits Second Revised Sheet No. 263, First Revised Sheet No. 286, and Original Sheet Nos. 68 through 680 to cancel Rate Schedule CRL-2 as it applies to Northern States Power Company (NSP) and establish a new transportation Rate Schedule T-9. The new transportation service is designed to transport gas sales made by Northern to NSP and to recover the non-gas costs attributable to Midwestern's CRL-2 sales service to NSP.

Midwestern further states that the purpose of Second Revised Sheet No. 47 and First Revised Sheet No. 66 is to cancel its transportation Rate Schedules T-3 and T-7 with NSP. According to the Settlement Agreement in Docket No. RP83-73, which provides for the abandonment of off-system sales to Tennessee Gas Pipeline Company by NSP, Midwestern's T-7 transportation of these off-system sales is no longer required. Also, Midwestern's Transportation Service Agreement with NSP underlying Rate Schedule T-3 expired March 26, 1984 and service under this rate schedule has been discontinued.

Midwestern states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

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, DC 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 October 15, 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. 84-27070 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC84-17-001]

National Fuel Gas Supply Corp.; Tariff Sheet Filing

October 9, 1984.

Take notice that on September 25, 1984, National Fuel Gas Supply Corporation, 10 Lafayette Square, Buffalo, New York 14203, tendered for filing its proposed First Revised Sheet No. 51 and First Revised Sheet No. 52 to its FERC Gas Tariff, First Revised Volume No. 1, to become effective November 1, 1984, pursuant to § 281.204(b)(2) of the Commission's Regulations, which section requires interstate pipelines to update their respective index of entitlements annually to reflect changes in priority 2 entitlements (Essential Agricultural Users).

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before October 19, 1984, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-27071 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-26-003 and RP84-145-000]

Natural Gas Pipeline Company of America; Compliance Filing

October 5, 1984.

Take notice that on September 28, 1984, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 (tariff), First Revised Sheet No. 147 to be effective September 1, 1984.

The purpose of this filing is to remove the Louisiana First Use Tax provision from the General Terms and Conditions of Natural's tariff, as required by Ordering Paragraph (C)(2) of FERC Order issued on August 31, 1984, in Docket Nos. TA84-2-26-000, *et al.*

Further, Natural submits additional information in support of its treatment of unpaid accruals; an explanation of the method used for pricing injections and withdrawals of storage gas inventory and; support for the storage costs reflected in its original filing at Docket No. TA84-2-26-000. Such information is filed in compliance with Ordering Paragraph (C)(1) and Ordering Paragraph (D) of the August 31, 1984, Order in Docket Nos. TA84-2-26-000, *et al.*

Natural requests any waivers of the Commission's regulations to the extent, if any, required to put the proposed tariff sheet into effect on September 1, 1984.

A copy of this filing has been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

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, DC 20426, in accordance with Sections 385.214 and 385.211 of this chapter. All such petitions or protests must be filed on or before October 12, 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. 84-27072 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-703-000]

Pacific Gas and Electric Co.; Filing

October 9, 1984.

The filing Company submits the following:

Take notice that on September 26, 1984, Pacific Gas and Electric Company (PG&E) tendered for filing notices of termination of Rate Schedule FPC Nos. 16 and 17 and FERC No. 73.

PG&E requests an effective date of September 21, 1966 for Rate Schedule FPC Nos. 16 and 17, and June 30, 1966 for Rate Schedule FERC No. 73. PG&E requests waiver of the Commission's notice requirements to allow the above effective dates.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 18, 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. 84-27073 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA85-1-29-000 and TA85-1-29-001]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

October 5, 1984.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on September 28, 1984, the following tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff:

Tariff Sheets Covering PGA Tracking Rate Changes

Thirty-Second Revised Sheet No. 12.
Thirty-Third Revised Sheet No. 15.
Original Sheet No. 15-A.
Twelfth Revised Sheet No. 16.

Tariff Sheets Covering Revisions to PGA Clause

Fourth Revised Sheet No. 247.
Fourth Revised Sheet No. 248.
Sixth Revised Sheet No. 249.
Fourth Revised Sheet No. 250.
Second Revised Sheet No. 250-A.
First Revised Sheet No. 250-B.
Original Sheet No. 250-C.
Original Sheet No. 250-D.

Tariff Sheet To Eliminate Louisiana First Use Tax (LFUT) Surcharge

First Revised Sheet No. 254.

Transco states that although there are reflected in its filing certain changes in various demand, commodity and delivery charges, the proposed tariff sheet nos. 12 and 15 of the instant filing reflect essentially no change in Transco's basic sales rates.

The above-listed tariff sheets, which are proposed to be effective November 1, 1984, reflect a decrease of 1.6¢ per dt in the commodity or delivery charge in Transco's CD, PS, S-2 and ACQ rate schedules, an increase of 50¢ per dt in the demand charge under the CD rate schedule and an increase of 4¢ per dt in the demand charge under the PS rate schedule. The charges for service under the E, G and OG rate schedules have not changed; the gas cost demand charge component proposed to be collected under these one-part commodity rates is offset by the reduction in current cost of gas.

Transco states that the instant filing gives effect to the estimated savings per dt in the currently effective cost of gas due to cost reduction measures taken by Transco pursuant to its Market Maintenance Plan (MMP). The MMP involves cost savings from voluntary relief under the pricing provisions of Transco's gas purchase contracts and the extension of Transco's Market Rentention Program (MRP).

Transco further states that the cost of purchased gas in the instant filing does not reflect the impact of the deregulation of any currently regulated source of gas which is scheduled to occur on January 1, 1985. Additionally, Transco states that the purchased gas cost contained in this filing does not include any costs associated with Order Nos. 93 and 93-A, which were reversed by the United States Court of Appeals for the District of Columbia Circuit. All projected gas costs and all deferred gas costs for purchases from suppliers reflected in Transco's PGA filing have been determined on a Btu measurement basis consistent with the Court's decision.

Transco's filing reflects the following changes:

A. Tracking rate increase in the commodity or delivery charge under PGA clause

The net decrease of 1.6¢ per dt in the commodity or delivery charge in the aforementioned rate schedules is made up of a PGA tracking increase of 2.5¢ per dt; a special surcharge of 4.5¢ per dt relating to retroactive installment payments required under FERC's Order Nos. 94, *et al.*, rulemaking; and an 8.6¢ per dt decrease to eliminate Transco's Industrial Sales Program (ISP) surcharge, all as more fully described in the filing.

The aforementioned 2.5¢ per dt increase is comprised of a 1.2¢ per dt increase in the current commodity cost of gas adjustment. A 1.3¢ per dt net increase in the Deferred Adjustment represents the difference between the currently effective positive Deferred Adjustment of 12.7¢ per dt and the proposed positive Deferred Adjustment of 14.0¢ per dt which is made up of the following proposed surcharges:

(i) A 12.8¢ per dt positive surcharge required to eliminate over the six-month period commencing November 1, 1984, the debit balance of $61,527,971 accumulated in Transco's Unrecovered Purchased Gas Cost Account (FERC Account No. 191) as of August 31, 1984.

(ii) A 1.2¢ per dt positive surcharge representing the surcharge necessary to fully discharge the estimated remaining balance of $5,921,171 in Transco's Industrial Sales Program (ISP) subaccount within Account No. 191 as of October 31, 1984.

The special surcharge of 4.5¢ per dt is proposed to recover installment payments representing known liabilities for retroactive production-related charges already made by producers to Transco applicable to the period July 25, 1980, through March 7, 1983, as prescribed in the Commission's Order Nos. 94, *et al.* rulemaking is reflected in the instant filing. These payments

represent installments required to be made under Order Nos. 94, *et al.*, during the months of September, October, November and December, 1984, and represent the remaining installments which Transco will pay to certain of its producers for "retroactive" Order No. 94 production-related charges which Transco commenced paying prior to August 31, 1984.

Transco's filing also reflects a net decrease of 8.6¢ per dt in the commodity or delivery charge in Transco's sales rate schedules in order to eliminate, effective November 1, 1984, the positive 8.6¢ per dt ISP surcharge.

B. Tracking rate increase in the demand charge under the PGA clause

The PGA tracking rate change reflects an increase of 50¢ per dt in the demand charge in Transco's CD rate schedule, and an increase of 4¢ per dt in the PS rate schedule. The changes in the demand portion of Transco's two-part rates result from the application of the purchase gas cost demand component related to the Canadian import purchase from Sulpetro Limited on an "as billed" basis, as explained below.

C. Revisions to the PGA clause under Section 22

Transco proposes to revise its purchased gas adjustment clause contained in Section 22 of the General Terms and Conditions to recover its purchased gas costs on an "as billed" basis. Transco has recently revised its purchase contract with Sulpetro to purchase gas under a two-part demand/commodity rate design, effective November 1, 1984. Although Sulpetro technically is not a pipeline supplier of Transco, the company states that the purchase is analagous to a pipeline purchase in that Sulpetro's demand charge is a pass-through of the transportation charge Sulpetro will pay TransCanada PipeLine Limited to transport the gas to the Canadian-United States border at Niagara Falls, New York. Under the circumstances, Transco requests that the Sulpetro import be treated as if it were a pipeline purchase in accordance with Section 154.38(d)(4)(ii) of the Commission's Regulations, and requests a waiver of the Regulations to that end.

D. Elimination of LFUT Surcharge under Section 25

Transco proposes to eliminate the Louisiana First Use Tax (LFUT) Tracking Provision contained in section 25 of the General Terms and Conditions, because such provision no longer is necessary and its elimination is consistent with Commission action in other recent proceedings.

Transco states that copies of the filing are being mailed to each of its jurisdictional customers and interested State Commissions.

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 Rule 211 and Rule 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 October 12, 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. 84-27074 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-147-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

October 5, 1984.

Take notice that Transwestern Pipeline Company (Transwestern) on September 28, 1984 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 the following sheet:

Twenty-seventh Revised Sheet No. 5.

The above listed tariff sheet is being filed to reflect a change in the form of Transwestern's transportation rates. In particular, the rates set forth in the revised tariff sheet utilize transportation rates based on the settlement cost of service approved by the Commission in Docket Nos. RP81-130-000 and RP83-25-000 on July 3, 1984. The proposed change in form provides for a mileage based rate for transmission facilities and a separate volumetric rate for production facilities for transportation services East of Roswell. There is no change in the settlement cost of service. There is merely a change in form of the rate pursuant to § 154.63(a) of the Commission's Regulations. Also included is a Statement of Nature and Reasons, and the comparative information required by § 154.63 with respect to changes other than in rates.

In this regard, Transwestern has reviewed with Staff its settlement agreement in Docket No. RP83-25-000, *et al.* Such settlement provides that it will continue until Transwestern either files a general rate increase filing pursuant to section 4 of the Natural Gas Act or the Commission determines pursuant to section 5 to change Transwestern's rates in a general fashion. The instant filing does not constitute either of such termination events, and Staff has so confirmed. However, Transwestern's filing is conditioned upon a determination that this is the case and Transwestern accordingly requests that any Commission order herein confirm that the settlement in Docket No. RP83-25-000 is still effective. If the Commission determines to the contrary, the attached filing is moot and of no effect.

The proposed effective date of the above tariff sheet is November 1, 1984.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 12, 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. 84-27075 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-52-000 and TA85-1-52-001]

Western Gas Interstate Co.; Proposed PGA Rate Adjustment

October 9, 1984.

Take notice that on Ocotober 1, 1984, Western Gas Interstate Company ("Western") filed herein First Revised Sheet No. 3A and First Revised Sheet No. 3B to its FERC Gas Tariff, Alternate Revised Volume No. 1. Said tariff sheets are proposed to become effective on November 1, 1984.

Western states the proposed change in rates reflected on First Revised Sheet No. 3A is being filed in accordance with its Tariff's PGA clause which permits the recovery of increases in the cost of gas and of unrecovered purchased gas cost. Western further states the proposed Purchased Gas Cost Adjustment for the Northern Division is (3.63)¢ per Mcf; for the Western Division it is 0.00¢ per Mcf; and for the Southern Division it is (23.32)¢ per Mcf. The proposed surcharge adjustment is 20.41¢ per Mcf for the Northern Division; 0.00C per Mcf for the Western Division and (23.24)¢ per Mcf for the Southern Division.

Western also states that First Revised Sheet No. 3B reflects the Projected Incremental Pricing Surcharge Adjustment for the Period November 1, 1984 through April 30, 1985 as required by 282.602(a)(ii) of the CFR.

Western states that copies of this filing were served upon Western's transmission system customers and the interested state regulatory commissions.

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 October 15, 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. 84-27076 Filed 10-11-84; 8:45 am]

BILLING CODE 6717-01-M

Southwestern Power Administration

Town Bluff Hydropower Project, Texas; Intent To Select Financial Sponsor and Preference Customer

AGENCY: Southwestern Power Administration, Department of Energy.

ACTION: Notice of intent to tentatively select the Sam Rayburn Municipal Power Agency as the financial sponsor and preference customer of the proposed Town Bluff Hydropower Project in Texas.

SUMMARY: 1. The existing Town Bluff Dam on the Neches River was authorized by the Rivers and Harbors Act, approved March 2, 1945 (Pub. L. 14-79-1) for the purposes of flood control, hydroelectric power and water conservation. The dam and lake (known as B.A. Steinhagen Lake) are located in Jasper and Tyler Counties in eastern Texas. Installation of the hydroelectric power plant was deferred in the original construction of the project. An assessment of the present and future energy needs and costs indicates that the addition of hydroelectric generating facilities to Town Bluff Dam is economically feasible and environmentally acceptable. The Lower Neches Valley Authority, an agency of the state of Texas, has been designated as the local cooperating agency for all Federal water resource projects on the lower Neches and Angelina Rivers. The Authority provided the local funds required for the construction of Town Bluff Dam.

2. The proposed addition of hydroelectric generating facilities to the existing dam is generally described in the U.S. Army Corps of Engineers Fort Worth District document entitled "Town Bluff Dam Design Analysis Report, Addition of Hydropower," dated April 1982 and approved by the Chief of Engineers on October 13, 1983. The proposed project would have 6,000 kW of installed capacity and produce an average of 35,900,000 kWh of energy annually. The estimated cost of the project is $20 million, which includes an allowance for inflation through the construction period. The annual operation, maintenance, major replacement cost, and administrative costs are estimated at $260,000.

3. President Reagan, in his letter to Senator Laxalt in January 1984, expressed a policy which requires each agency to negotiate reasonable non-Federal financing for each proposed water resource project. The Sam Rayburn Municipal Power Agency, a public body in the state of Texas, has proposed to finance the proposed Town Bluff Hydropower Project during the period of construction and to pay the annual operation, maintenance and major replacement costs and administrative costs. The project would be Federally-owned and operated by the Corps of Engineers. The operation of the project for the benefit of the Lower Neches Valley Authority would not change except that most of the water now discharged through the outlet works would be discharged through the hydropower turbines.

4. The Corps of Engineers and the Southwestern Power Administration, jointly, have tentatively selected the Sam Rayburn Municipal Power Agency to provide the financing for the proposed Town Bluff Hydropower Project, based on the proposal submitted by that Agency. Subsequent proposals received prior to November 13, 1984, will be considered in the final selection.

5. The Sam Rayburn Municipal Power Agency has expressed an interest in receiving the power and energy from the proposed project. The Southwestern Power Administration has determined that the Sam Rayburn Municipal Power Agency qualifies for preference, in accordance with section 5 of the Flood Control Act of 1944, and has tentatively selected that Agency to receive the power and energy produced at the proposed project. Subsequent applications for that power and energy received prior to November 13, 1984, will be considered in the final selection. Questions and/or comments are invited.

For further information about the proposed project financing, contact: James L. Hair, Chief, Project Operations Branch, Fort Worth District, Corps of Engineers, P.O. Box 17300, Fort Worth, TX 76102, (817) 334-2301.

For further information about the proposed marketing of the power and energy from the proposed project, contact: Walter M. Bowers, Director, Power Marketing, Southwestern Power Administration, P.O. Box 1619, Tulsa, OK 74101, (918) 581-7529.

Dated: October 3, 1984.

Ronald H. Wilkerson,

Administrator, Southwestern Power Administration.

[FR Doc. 84-27058 Filed 10-11-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59169A; FRL-2692-7]

Certain Chemicals Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-84-79. The test marketing conditions are described below.

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT: James Alwood, Premanufacture Notice Management Branch, Chemical Control

Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–613C, 401 M St. SW., Washington, DC 20460, (202–382–3374).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME–84–79. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and durations of exposure must not exceed those specified in the application. All other conditions and restrictions described in the application and in this notice must be met. The following additional restrictions apply. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, the company shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced and must make these records available to EPA upon request.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

TME 84–79

Date of Receipt: August 23, 1984.

Notice of Receipt: August 31, 1984 (49 FR 34574).

Applicant: Confidential.

Chemical: (G) Alkyl Phosphate Potassium Salt.

Use: (G) Contained use.

Production Volume: Confidential.

Number of Customers: 1.

Worker Exposure: Confidential.

Test Marketing Period: 6 months.

Commencing on: October 4, 1984.

Risk Assessment: No significant health or environmental concerns were identified. The estimated worker exposure and environmental release of the test market substance are expected to be low. The test market substance will not pose any unreasonable health or environmental risks.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: October 4, 1984.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 84–27032 Filed 10–11–84; 8:45 am]

BILLING CODE 6560–50–M

[OW–4–FRL–2693–2; Public Notice No. IV–404003–HLM (Graham Reeves)]

Proposed Determination To Prohibit, Deny, or Restrict the Specification, or the Use for Specification, of an Area as a Disposal Site; Extension of Public Hearing Comment Period

October 5, 1984.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Extension of Public Hearing Comment Period.

SUMMARY: On July 26, 1984 a Notice of Proposal for a Section 404(c) Determination and Notice of Public Hearing was published in the **Federal Register**, 49 FR 30111. The Notice provided that the hearing record would remain open after the hearing until close of business on September 21, 1984. That comment period has been extended until the close of business, October 21, 1984.

FOR FURTHER INFORMATION CONTACT: E.T. Heinen, Chief, Environmental Assessment Branch, Office of Policy and Management, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 881–7901.

Dated: September 26, 1984.

John A. Little,

Acting Regional Administrator, Region IV.

[FR Doc. 84–27027 Filed 10–11–84; 8:45 am]

BILLING CODE 6560–50–M

[OW–4–FRL–2693–3; Public Notice No. IV–404004–HLM (Jack Maybank)]

Proposed Determination To Prohibit, Deny, or Restrict the Specification, or the Use for Specification, of an Area as a Disposal Site; Extension of Public Hearing Comment Period

October 5, 1984.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Extension of Public Hearing Comment Period.

SUMMARY: On July 26, 1984 a Notice of Proposal for a Section 404(c) Determination and Notice of Public Hearing was published in the **Federal Register**, 49 FR 30113. The Notice provided that the hearing record would remain open after the hearing until close of business on September 21, 1984. That comment period has been extended until the close of business, October 21, 1984.

FOR FURTHER INFORMATION CONTACT: E.T. Heinen, Chief, Environmental Assessment Branch, Office of Policy and Management, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 881–7901.

Dated: September 26, 1984.

John A. Little,

Acting Regional Administrator, Region IV.

[FR Doc. 84–27028 Filed 10–11–84; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–2692–4]

Availability of Environmental Impact Statements Filed October 1, 1984 Through October 5, 1984 Pursuant to 40 CFR 1506.9

Responsible Agency

Office of Federal Activities, General Information (202), 382–5073 or (202) 382–5075.

EIS No. 840451, Final, COE, FL, Key Biscayne Beach Erosion Control/ Shore Protection, Key Biscayne, Dade County, Due: November 13, 1984, Contact: Rea Boothby, (904) 791–3453.

EIS No. 840452, Final, COE, MS, Sowashee Creek Flood Control, Meridan, Lauderdale County, Due: November 13, 1984, Contact: Tommy Lightcap, (205) 690–2726.

EIS No. 840453, Final, FHW, WA, North Foothill Drive Construction, Ruby

Street to Crestline Street, Spokane County, Due: November 13, 1984, Contact: P.C. Gregson, (206) 753–2120.
EIS No. 840454, Final, AFS, ID, Sunbeam Mountain Gold and Silver Mining and Milling Operation Plan, Approval, Challis National Forest, Custer County, Due: November 13, 1984, Contact: Tim Hancock, (208) 838–2201.
EIS No. 840455, Draft, BLM, WA, Spokane District, Resource Management Plan, Due: December 31, 1984, Contact: Joseph Buesing, (509) 456–2570.
EIS No. 840456, Draft, FHW, WA, WA–2/WA–28 Corridor, Improvement, between Rocky Reach Dam and East Wenatchee Vicinity, Douglas County, Due: November 26, 1984, Contact: P.C. Gregson, (206) 753–2120.
EIS No. 840457, DSuppl, COE, MN, East Grand Forks Flood Control Plan, Red and Red Lake Rivers, Polk County, Due: November 26, 1984, Contact: Robin Blackman, (612) 725–7746.
EIS No. 840458, Final, AFS, UT, Uinta National Forest Land Resource Management Plan, Utah, Wasatch, Juab, Sanpete and Tooele Counties, Due: November 13, 1984, Contact: Don Nebeker, (801) 377–5780.
EIS No. 840459, Final, FHW, IN, East 96th Street Reconstruction, Keystone Avenue (IN–431) to I–69, Hamilton and Marion Counties, Due: November 13, 1984, Contact: John Breitwieser, (317) 269–7481.
EIS No. 840460, Final, IBR, UT, Diamond Fork Power System, Central Utah Project, Expansion, Utah and Wasatch Counties, Due: November 13, 1984, Contact: Larry Roberts, (202) 343–8278.
EIS No. 840461, Draft, COE, FL, Canaveral Harbor West Basin and Approach Channel Improvement, Brevard County, Due: November 26, 1984, Contact: Dr. Gerald Atmar, (904) 791–2615.

Amended Notices:

EIS No. 840423, Draft, BLM, NV, Caliente Resource Area, Wilderness Study Areas, Designation, Clark and Lincoln Counties, Due: January 2, 1985, Published FR 9–28–84—Review Extended.
EIS No. 840381, Draft, COE, IA, Mississippi River Lock and Dam 11 Hydropower Development, Dubuque County, Due: November 30, 1984, Published FR 8–31–84—Review Extended.

Dated: October 9, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84–27086 Filed 10–11–84; 8:45 am]

BILLING CODE 6560–50–M

Health Effects of Nitrogen Dioxide; Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting to review the proposed research plan for studying the health effects of nitrogen dioxide.

DATE: November 2, 1984, 9:00 a.m. to 4:00 p.m.

ADDRESS: Hospitality House, 2000 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Karen Morehouse, Office of Health Research (RD–683), U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460 (202–382–5893).

SUPPLEMENTARY INFORMATION: Copies of the proposed plan may be obtained in advance by writing the above address.

Bernard G. Goldstein,

Assistant Administrator for Research and Development.

[FR Doc. 84–27182 Filed 10–11–84; 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

October 5, 1984.

The next meeting of the Space WARC Advisory Committee is scheduled for *November 1, 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.–1:00 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) Development in Consultations
(4) Work Activity Reports
(5) Other Business
(6) Adjournment

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–26937 Filed 10–11–84; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOME LOAN BANK BOARD

Home Federal Savings and Loan Association of Puerto Rico, Ponce, PR; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5(a)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Home Federal Savings and Loan Association of Puerto Rico, Ponce, Puerto Rico on October 4, 1984.

Dated: October 9, 1984.

J.J. Finn,

Secretary.

[FR Doc. 84–27091 Filed 10–11–84; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 84–34]

Shipping Conditions in the United States/Argentina Trade; Filing of Petition

Notice is hereby given that Ivaran Lines (Ivaran) has filed a petition with the Federal Maritime Commission alleging that conditions unfavorable to shipping exist in the United States/Argentina trade and requesting relief pursuant to section 19 of the Merchant Marine Act, 1920. Specifically, Ivaran alleges that decrees of the Government of Argentina (1) preclude or tend to preclude Ivaran from competing on the same basis as other carriers in the trade; (2) reserve substantial cargoes to national flag and other lines, preventing equal access to those cargoes; (3) are discriminatory and unfair to Ivaran and United States importers, exporters and ports. Ivaran requests issuance of a rule either suspending operations under various pools in the trade or suspending tariffs of Argentine-flag carriers in the trade.

In order for the Commission to make a thorough evaluation of Petitioner's allegations, interested persons are requested to submit views, arguments or data on the petition no later than November 9, 1984. Responses shall be directed to the Secretary, Federal

Maritime Commission, Washington, D.C. 20573, in an *original and 15 copies*. Responses shall also be served on counsel for Petitioner: Elmer C. Maddy, Esq., Kirlin, Campbell & Keating, 120 Broadway, New York, New York 10271.

On October 2, 1984, the Commission, on its own motion, initiated a proceeding pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, to investigate whether conditions unfavorable to shipping exist in the U.S. trades with Argentina and Brazil. [1] That proceeding will obviously deal with at least some of the issues raised by Ivaran's petition. The Commision therefore invites the attention and comments of interested parties on the appropriate procedural relationship of the Ivaran petition to Docket No. 84–33.

Copies of the petition are available for examination at the Washington, D.C., office of the Commission, 1100 L Street, NW., Room 11101.

Francis C. Hurney,

Secretary.

[FR Doc. 84–26985 Filed 10–11–84; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank of Virginia Company, 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 section 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 1, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. *Bank of Virginia Company*, Richmond, Virginia; to acquire 19 percent of the voting shares of Citizens Trust Company, Portsmouth, Virginia, thereby indirectly acquiring Citizens Trust Bank, Portsmouth, Virginia.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Commercial Ban Corp*, Carroll, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of Commercial Savings Bank, Carroll, Iowa.

2. *Forrest Bancshares, Inc.*, Forrest, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of The Heights Bank, Peoria Heights, Illinois.

3. *Rossville Bancorp, Inc.*, Rossville, Illinois; to become a bank holding company by acquiring 89 percent of the voting shares of The First National Bank of Rossville, Rossville, Illinois.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President), 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Rockford Bancorporation, Inc.*, Rockford, Minnesota; to become a bank holding company by acquiring 89.33 percent of the voting shares of Rockford State Bank, Rockford, Minnesota.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Carroll County Bancshares, Inc.*, Carrollton, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of The Carroll County Trust Co., Carrollton, Missouri.

2. *The Farmers Bancapital Corp.*, Carnegie, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of The Farmers Bank, Carnegie, Oklahoma.

3. *One Stop Financial, Inc.*, Fairfield, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of Fairfield State Bank, Fairfield, Nebraska.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Crockett Bancshares, Inc.*, Crockett, Texas; to become a bank holding company by acquiring 100 percent of the voting shares or The Crockett State Bank, Crockett, Texas.

2. *East-Tex Bancorp, Inc.*, Trinity, Texas; to acquire 30 percent of the voting shares of assets of First National Bank of Highlands, Highlands, Texas, a *de novo* bank.

3. *Executive Bancshares, Inc.*, Houston, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First City National Bank of Paris, Paris, Texas.

4. *Marshall Bancshares, Inc.*, Hempstead, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Guaranty Bond State Bank of Waller, Waller, Texas.

5. *National Bancshares Corporation of Texas*, San Antonio, Texas; to acquire 100 percent of the voting shares of Uvalde Bancshares, Inc., Uvalde, Texas, thereby indirectly acquiring The Uvalde Bank, Uvalde, Texas.

6. *Northwest Bancshares, Inc.*, Roanoke, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Northwest Bank, Roanoke, Texas.

Board of Governors of the Federal Reserve System, October 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–27036 Filed 10–11–84; 8:45 am]

BILLING CODE 6210–01–M

Fleet Financial Group, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (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.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that

[1] Docket No. 84–33, Section 19 Inquiry—United States/Argentina and United States/Brazil Trades.

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 application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 1, 1984.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet Financial Group, Inc.*, Providence, Rhode Island; to engage *de novo* through its subsidiary, Fleet Real Estate, Inc., Providence, Rhode Island, in real and personal property leasing.

Board of Governors of the Federal Reserve System, October 9, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-27037 Filed 10-11-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Amendment of Memorandum of Understanding; Honoring of Outstanding Airline Issued Traffic Documents on a Default Airline Carrier

This general notice publicizes a second amendment of the Memorandum of Understanding (MOU) that was initially agreed to by the Air Traffic Conference of America and the General Services Administration, on behalf of all Federal agencies, as published in the **Federal Register** on February 22, 1983, and March 8, 1984 (48 FR 7503 and 49 FR 8678, respectively).

The original MOU (48 FR 7503), related to honoring airline traffic documents of a default airline carrier, and the amendment (49 FR 8678), which added language that actuates the Offer of Accommodation, is further amended to add members of the Regional Airline Association as participants to the MOU.

The following are the changes to the MOU.

1. The title, preamble, and Section I, Definitions, paragraph A, are revised as follows:

Memorandum of Understanding Regarding Accommodation Offered by Air Traffic Conference of America *and the Regional Airline Association* for and on Behalf of all Members of the Air Traffic Conference of America *and all Members of the Regional Airline Association* to all Federal Government Agencies Relating to the Honoring of Outstanding Airline Issued Traffic Documents of a Default Airline Carrier

"Whereas, the Air Traffic Conference of America, for and on behalf of all members of the Air Traffic Conference of America, *and the Regional Airline Association, for and on behalf of all Members of the Regional Airline Association* and the General Services Administration, on behalf of Federal Agencies, pursuant to 31 U.S.C. *3726*, desire to continue to accommodate the interests of each other, the parties hereto understand as follows:

I. Definitions

A. Participating Carriers. All Air Traffic Conference of America (ATC) Member Air Carriers *and all Regional Airline Association (RAA) Members.*

2. Paragraph III, Withdrawal of Accommodation Offer, and paragraph IV, Implementation of Offer of Alternative Air Transportation, are revised as follows:

III. Withdrawal of Accommodation Offer

This Offer of Accommodation may be withdrawn by Director, Military and Government Transportation Services, Air Traffic Conference of America, on behalf of ATC Member Air Carriers, *or the President of the Regional Airline Association, on behalf of Regional Airline Association Members* upon publication by notice in the **Federal Register** by GSA at the request of ATC, or upon thirty (30) days written notice to the other party, whichever occurs first. The withdrawal of such offer shall not affect the rights or obligations of either party which shall have arisen hereunder prior to the effective date of such withdrawal.

IV. Implementation of Offer of Alternative Air Transportation

In the event any Carrier shall become a default Carrier, as defined herein, this Offer of Accommodation shall become operative.

3. Paragraph VI, Acceptance of Alternative Air Transportation, is revised as follows:

VI. Acceptance of Alternative Air Transportation

Upon implementation of this Offer of Accommodation, ATC Member Carriers *and RAA Member Carriers* shall honor for transportation on their scheduled services, the then outstanding airline tickets/coupons written by the default Carrier, on its own airline issued tickets/coupons for air transportation service on that default Carrier, and validated on or before the date of implementation; provided, however, that the obligation to honor such tickets/coupons shall be for a period of ninety (90) days from the date the ticket/coupon was validated, and such honoring shall be subject to special reservation conditions which may be established by the individual honoring Carrier. The method of honoring the outstanding airline ticket/coupon of the default Carrier for air transporation over that default Carrier, shall be by presentation of that airline ticket/coupon by the designated Government traveler to the honoring Carrier.

The effective date of this amendment to the Memorandum of Understanding is July 24, 1984.

For the: General Services Administration.

Thomas P. Wolf,

Director, Office of Transportation Audits, General Services Administration.

For the: Air Traffic Conference of America and the Regional Airline Assocation.

Aden D. Riggin,

Director, Military and Government, Transportation Services, Air Transport Association of America.

As of July 24, 1984, the extent of participation in the above MOU by Air Traffic Conference of America carriers was:

Air 1, Air California, Air Florida, Alaska Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Best Airlines, Inc., Braniff, Inc., Capitol Air, Inc., Continental Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Evergreen International Airlines Inc., Federal Express Corporation, Frontier Airlines, Inc., Hawaiian Airlines, Inc., Jet America Airlines, Inc., Midway Airlines, Inc., Muse Air Corporation, Northwest Airlines, Inc., Ozark Air Lines, Inc., Pacific Southwest Airlines, Inc., Pan American World Airways, Inc., Piedmont Airlines, Inc., Republic Airlines, Inc., The Flying Tiger Line, Inc., Trans World Airlines, Inc., US Air, Inc., Western Airlines, Inc., Wien Air Alaska, Inc., Non-participating, United Airlines, Inc.

As of July 24, 1984, the extent of participation in the above MOU by Regional Airline Association carriers was:

Air Midwest, Air North, Air Resorts, Air U.S., Air Vectors Airways, Air Virginia, Airways of New Mexico, Air Wisconsin, Altantic Air, Atlantic Southeast Airlines, Atlantis Airlines, Bar Harbor Airlines, Bemidji Airlines, Blackhawk Airlines, Britt Airways, Capitol Airlines, Catskill Airlines, Chaparral Airlines, Chatauqua Airlines, Clinton Aero, Colgan Airlines, Comair, Command Airways, Connectair, Crown Airways, Direct Air, Emerald Airlines, Empire Airlines, Executive Express Airlines, Fischer Brothers Aviation, FlightLine, Inc., Golden Pacific Airlines, Golden South Airlines, Green Hills Aviation, Gull Air, Henson Aviation, Holiday Airlines, Horizon Airlines, Imperial Airlines, Interstate Airlines, Liberty Airlines, Mall Airways, Mesa Air Shuttle, Mesaba Airlines, Metro Airlines, Metro Express, Midstate Airlines, Mississippi Valley Airlines, Montauk Caribbean Airlines, National Air, National

Florida Airlines, New England Airlines, NewAir, New York Helicopter, Oceanair Lines, Pacific Coast Airlines, Panorama Air, Pennsylvania Airlines, Pilgrim Airlines, Pocono Airlines, Precision Valley Airlines, Provincetown-Boston Airlines, Prinair, Ransome Airlines, Rio Airways, Rocky Mountain Airways, Ross Aviation, Royal Hawaiian Airlines, Royale Airlines, Scenic Airlines, Scheduled Skyways, Sierra Pacific Airlines, SFO-Helicopter, S.M.B. Stage Lines, Simmons Airlines, Skywest Airlines, Southern Express Airlines, Southern Jersey Airlines, Suburban Airlines, Summit Airlines, Sunaire Lines, Sun Aire, Sunbird Airlines, Tennessee Airways, Trans Air, Trans Colorado Airlines, Trans Midwest Airlines, Trans Mo, Tri-State Airlines, Universal Airlines, Vee Neal Airlines, Walkers International, Westair Airlines, Wheeler Airlines, Wings Airways, Wings West Airlines, Wright Airlines.

Dated: September 28, 1984.

Raymond A. Fontaine,

Comptroller.

[FR Doc. 84-27034 Filed 10-11-84; 8:45 am]

BILLING CODE 6820-AM-M

Office of the Administrator Advisory Board; Meeting

Notice is hereby given that the GSA Advisory Board will meet on October 16, 1984 from 9:00 a.m. to 4:00 p.m. in Room 6120, 18th & F Streets, NW., Washington, D.C. The meeting shall be open to the public and shall be devoted to discussions related to the agency's management goals and objectives for Fiscal Year 1985; reports from the Board's subcommittees on Facilities and Buildings Management, Finance and Organization and General Management; and agency initiatives to improve service to its customer agencies.

In addition, the GSA Advisory Board's subcommittee on Facilities and Buildings Management shall meet on October 15, 1984 in Room 6324, 18th & F Streets, NW., Washington, D.C. from 9:00 a.m. to 3:30 p.m. This meeting shall be open to the public and will be devoted to discussions related to the management initiatives of the Public Buildings Service including efforts to institute work space management reforms, introduce high technology into the design and construction of Federal office buildings and increase utilization of the private sector in the management of Federal properties.

Less than fifteen (15) days notice of these meetings is being provided due to scheduling difficulties.

Questions regarding this notice should be directed to Mr. James Dean on (202) 566-0382.

Dated: October 9, 1984.

Thomas J. Simon,

Director, Office of Program Initiatives.

[FR Doc. 84-27055 Filed 10-11-84; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on October 5.

Public Health Service

Office of the Assistant Secretary for Health

Subject: National Health and Nutrition Examination Survey (NHANES) I Epidemiologic Follow-up Study: Continued Follow-up 1985-86—New
Respondents: Individuals, Businesses or other for profit, Federal Agencies or employees, Non-profit institutions, small businesses or organizations
OMB Desk Officer: Fay S. Iudicello

Health Care Financing Administration

Subject: Evaluation of the Medicare and Medicaid Alcoholism Services Demonstration HCFA-429 (0938-0286)—Revision
Respondents: Providers
OMB Desk Officer: Fay S. Iudicello

Subject: Dialysis Patient Questionnaire (HCFA-2744-B)—New collection
Respondents: Dialysis Patients

Subject: Physicians' Practice Costs and Income Survey (HCFA-414) (0938-0284)—Revision
Respondents: Physicians

Subject: Negative Case Action Review Schedule and Summary Tables—HCFA-6401 (0938-0300)—Reinstatement
Respondents: States
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Statistical Report on Recipients Under Public Assistance Programs (0960-0157)—Extension no change
Respondents: State Agencies Administering Public Assistance Programs

OMB Desk Officer: Robert J. Fishman

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer of 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 Report Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. ATTN: (name of OMB Desk Officer).

Dated: October 15, 1984.

Wallace O. Keene,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84-26826 Filed 10-11-84; 8:45 am]

BILLING CODE 4150-04-M

[BDM-010-GN]

Medicare Program; Monthly Actuarial Rates and Monthly Premium Rate

Correction

In FR Doc. 84-26010 beginning on page 38510 in the issue of Friday, September 28, 1984, make the following corrections:

1. On page 38511, column one **Notice of Monthly Acturial Rates**, lines two and three, "(42 U.S.C. 1395 (a) (1) and (4))" should read "(42 U.S.C. 1395r (a) (1) and (4))".

2. On the same page, Table 2, column three "Residues [3]" should read "Residual [3]".

3. On page 38512, Table 2, column three, "Residues [3]" should read "Residual [3].

4. On the same page, Table 3, third column "July 1, 1983, through Dec. 31, 1983", last entry, "27.00" should read "27.00 [1]"; also in the last column, "January 1, 1985, through Dec. 31, 1985", entry fourteen "−.27" should read "−1.27".

BILLING CODE 1505-01-M

Alcohol, Drug Abuse, and Mental Health Administration

Correction

This notice is to correct a document that was published in the **Federal Register** on September 25, 1984, Docket #84-25377, beginning with page 37666, which should read as follows: The Research Scientist Development Review Committee meeting will begin at 7:00 p.m., on October 24, instead of 10:00 p.m.

Dated: September 27, 1984.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 84-26936 Filed 10-11-84; 8:45 am]

BILLING CODE 4160-20-M

National Institutes of Health

Advisory Committee to the Director; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Advisory Committee to the Director, NIH, on November 19, 1984, at the National Institutes of Health, Bethesda, Maryland 20205. The meeting will take place from 9:00 a.m. to approximately 5:00 p.m. in Building 31, Conference Room 6, C Wing. The meeting will be open to the public.

The meeting will be devoted to a discussion of the NIH extramural awards system.

The Acting Executive Secretary, Kurt Habel, National Institutes of Health, Building 1, Room 137, Bethesda, Maryland, 301-496-3152, will furnish the meeting agenda, rosters of Committee members and consultants, and substantive program information.

Dated: October 4, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-26980 Filed 10-11-84; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute, National Institutes of Health, November 27-28, 1984. The meeting will be held in Conference Room B119, Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20205.

This meeting will be open to the public on November 27 from 9:00 a.m. to recess and from 8:30 a.m. to adjournment on November 28 to discuss new initiatives, program policies and issues. Attendance by the public is limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide a summary of the meeting and a roster of committee members upon request. Dr. William Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: October 4, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84-26981 Filed 10-11-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Presidential Commission on Indian Reservation Economies; Postponement of Work Session

AGENCY: Presidential Commision on Indian Reservation Economies, Interior.

SUMMARY: The work session of the Presidential Commission on Indian Reservation Economies scheduled for October 17-19, 1984, at the Tsa-La-Gi Lodge in Tahlequah, Oklahoma (49 FR 39111, FR Doc. 84-26197, October 3, 1984) has been postponed as a result of scheduling problems. An announcement will be made at a later date to reschedule the work session.

FOR FURTHER INFORMATION CONTACT: Eric Rudert, Deputy Director, Presidential Commission on Indian Reservation Economies, at 1717 H Street, Northwest, Washington, D.C. 20006. Telephone: 202-653-2436.

Eric Rudert,

Deputy Director.

[FR Doc. 84-26955 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges on the Wapato Irrigation Project, WA

This notice of proposed operation and maintenance rate is published under the authority delegated to the Assistant Secretary—Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelagated by the Assistant Secretary—Indian Affairs to the Area Director in 10 BIAM 3.

This notice is given in accordance with § 171.1(e) of Part 171, Subchapter H, Chapter I, of Title 25 of the Code of Federal Regulations, which provides for the Area Director to fix and announce the rates for annual operation and maintenance assessments and related information on the Wapato Irrigation Project for Calendar Year 1985 and subsequent years. This notice is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1938 (45 Stat. 210) and September 26, 1961 (75 Stat. 680).

The propose of this notice is to announce an increase in the assessment rates commensurate with actual maintenance costs incurred in the reconstruction of the 60 inch wood stave discharge line from the Toppenish Creek Pump Plant.

The relocation of Pumphouse Road in Section 27, T. 10N., R.18E., provides for replacing about 800' of the 60-inch discharge line at the Toppenish Creek Pump Plant. For several years, the replacement of this 50-year-old wood stave pipeline has been considered. Because of the work being done on the lower portion of this line, it is now proposed to replace the complete 3200 ft. wood pipe with the 72-inch salvage pipe acquired a few years ago. The cost of doing this work will be about $200,000 to the Wapato Irrigation Project. This work and other major pipelines that need replacing will amount to about $275,000 or $2.00 per acre.

By this notice, it is proposed to enact an additional O&M assessment of $0.20 per acre per year, not to exceed ten years. This assessment will be in addition to the normal operation and maintenance assessments and increases necessary for routine operation of the Project.

Stanley M. Speaks,

Area Director.

[FR Doc. 84-26989 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Kingman Resource Area Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Phoenix, District.

ACTION: Notice is hereby given in accordance with Pub. L. 92-463 of a meeting of the Kingman Resource Area (Phoenix District) Grazing Advisory Board.

DATE: Tuesday, November 20, 1984 at 9:00 a.m.

ADDRESS: 2475 Beverly Avenue, Kingman, AZ 86401 BLM Conference Room.

SUMMARY: The agenda for the meeting will include:

1. Review of the Allotment Management Plan and Grazing Program.
2. Status of Range Improvements FY 84.
3. Status of Range Improvements FY 85.
4. Update of the Bureau's Land Sales and Exchange Program.
5. Status of Wilderness Study Process.
6. Burro Capture Operations—Use of Helicopters and Motor Vehicles.
7. Arrangements for Future Meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hour) within 30 days following the meeting.

Dated: October 3, 1984.

Marlyn V. Jones,

District Manager.

[FR Doc. 84-26995 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-32-M

Phoenix/Lower Gila Resource Areas Grazing Advisory Board; Meetings

AGENCY: Bureau of Land Management, Phoenix District.

ACTION: Notice is hereby given in accordance with Pub. L. 92-463 of a meeting of the Phoenix/Lower Gila Resource Areas (Phoenix District) Grazing Advisory Board.

DATE: Thursday, November 15, 1984 at 9:00 a.m.

ADDRESS: 2015 West Deer Valley Road, Phoenix, AZ 85027, BLM Conference Room.

SUMMARY: The agenda for the meeting will include:

(1) Review of the Allotment Management Plan and Grazing Program.
(2) Status of Range Improvements, FY 84.
(3) Status of Range Improvements, FY 85.
(4) Update of the Bureau's Land Sales and Exchange Program.
(5) Status of Wilderness Study Process.
(6) Status of Phoenix Grazing Environmental Impact Statement.
(7) Arrangements for Future Meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: October 3, 1984.

Marlyn V. Jones,

District Manager.

[FR Doc. 84-26994 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-32-M

[5-00257-GP5-001]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collections requirements and related forms and explanatory material may be obtained by contacting the Bureau of Land Management's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and the Office of Management and Budget Reviewing Official at 202-395-7340.

Title: 43 U.S.C. Chaps. 1-38 "Master Name System".

Abstract: Respondents are asked on a voluntary basis to disclose their Social Security Number, Employer Identification Number, or if they elect not to disclose their SSN or EIN, then the BLM will assign them a Bureau Assigned Number (BAN). This identification number will be used by individuals doing business with the BLM and will be used by all BLM automated systems that require name and address information. The use of one ID in place of a client's name and address can significantly reduce computer storage requirements while increasing computer processing efficiency. To accomplish this the BLM is faced with a difficult choice. The BLM could as the business community does, assign a different ID for each system it automates; for example, most of us have a bank account, a savings account, gasoline credit cards, charge cards at department stores and so on. Each has a different ID because they are issued by different entities. The BLM on the other hand is one entity; therefore, the use of one ID for all of the BLM's automated systems makes sense. The use of one ID number in all automated systems is less expensive than using a different ID for each system it automates, thus decreasing the burden on the public (having to remember many different IDs). Therefore, the BLM has elected to establish a Master Name System which stores the applicant's name and address once. The ID selected by a client will then be used in all BLM automated systems requiring name and address information, and allow processing to be done in a more accurate, effective and efficient manner.

Bureau Form Number: N/A.

Frequency: Once.

Description of Respondents: Individuals, corporations, or governmental agencies making an application to use or purchase Federal resources managed by the Bureau of Land Management.

Annual Responses: 75,000.

Annual Burden Hours: 2,497.5.

Bureau Clearance Officer (alternate) Jesse Felix 202-653-8853.

Dated: October 3, 1984.

James M. Parker,

Acting Director.

[FR Doc. 84-27007 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-75-M

Colorado; Craig District Advisory Council Meeting

In accordance with Pub. L. 94-579, notice is hereby given that there will be a meeting of the Craig District Advisory Council on November 14, 1984.

The meeting will begin at 10 a.m. at the White River Resource Area Office, 73544 Highway 64, Meeker, Colorado.

Agenda items will include:

1. Committee reviews on (a) Oil Shale Tract C-a Offsite Disposal; (b) Raven Ridge; and (c) Little Snake Resource Management Plan.
2. Western Area Power Authority (WAPA) line.
3. BLM's involvement in Federal Minerals/Private Surface.

The meeting will be open to the public and interested persons may make oral statements to the Council beginning at 10:30 a.m. The District Manager may establish a time limit for oral statements, depending on the number of people wishing to speak. Anyone wishing to address the Council or file a written statement should notify the District Manager, Bureau of Land Management, 455 Emerson, Craig, Colorado 81625, by November 7, 1984.

Summary minutes of the Council Meeting will be maintained in the Craig District Office and will be available for public inspection and reproduction during regular business hours.

Dated: October 4, 1984.

Terry L. Plummer,

Associate District Manager.

[FR Doc. 84-26990 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-JB-M

Susanville District; Alturas Resource Area Management Plan; Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability for final decision on Alturas Resource Management Plan.

SUMMARY: The Susanville District, Alturas Resource Area has completed the Record of Decision for the Alturas Resource Management Plan covering 407,306 acres of BLM administered lands in portions of Lassen and Modoc counties in Northeastern California.

DATES: The Final Resource Management Plan and EIS was filed with the EPA on October 28, 1983, and notice was published in the **Federal Register** on November 3, 1983. The Bureau published a Notice of Availability of the Final Plan and EIS in the November 4, 1983, **Federal Register.** Five protests were filed and responded to by the Director. The California State Director signed the Record of Decision August 28, 1984.

SUPPLEMENTARY INFORMATION: The issue and concerns addressed in the RMP are recreation/OHV; cultural resources; fish and wildlife; wetland riparian; threatened and endangered species; timber; fuelwood; soil and water; minerals/energy; socioeconomics; lands; energy; wilderness; and range management.

The decision concerns multiple-use management of 407,306 acres of public lands in 11 management areas.

(1) Range Management—Authorization of 49,152 livestock AUMs with additional authorization of 32,111 suspended nonuse AUMs and additional forage. 280 AUMs are allocated to support a portion of 150 wild horses and burros. Forage conditions will be improved through prescribed burning on 54,640 acres. Develop 21 Allotment Management Plans.

(2) Fish and Wildlife—Maintain antelope winter range and kidding grounds. Exclude livestock from 20 miles of riparian habitat and 70 meadow habitats. Improve browse conditions by juniper thinning on deer winter range.

(3) Fuel-wood—Harvest of juniper and mahogany will be permitted except for restrictions within National Register sites and districts, T&E plant populations, 350 acres in Sheep Valley, and 6,640 acres of the Pit River Canyon Wilderness Study Area.

(4) Timber—Intensive management will be applied to 5,027 acres of timber lands with practices modified to provide protection to soils and streams, National Register sites and districts, raptor nest locations, and T&E plant populations.

(5) Cultural—High quality cultural resource sites will be protected by designating 25 National Register sites and 10 National Register districts. Develop five Cultural Resource Management Plans.

(6) Threatened and Endangered Plants—Sensitive plant species will be protected by fencing or buffer zones, and designation as a Research Natural Area.

(7) Watershed—Maintenance and improvement of critical watershed values through restrictions on other resource activities. Improvement of Sheep Valley riparian and meadow habitats by managing 350 acres under Best Management Practices.

(8) Wilderness—Recommend wilderness designation on 6,640 acres of public lands within the Pit River Canyon.

(9) Minerals—Exploration and development of mineral resources will be allowed throughout the Planning Area. Restrictions will be placed on flat rock sales within cultural resource National Register sites and districts. Cinder use will be allowed to continue at established pits (Babcock, Roundbarn and Day). All mineral activity will be prohibited within the recommended 6,640 acre wilderness area.

(10) Lands—12,440 acres of primarily small isolated and uneconomical parcels of public land will be considered for sale and/or exchange. Eight thousand acres of public land in the Madeline Plains area will be exchanged with Lyneta Ranches.

ADDRESSES: Copies of the Public Summary are available from the Alturas Resource Area Office, P.O. Box 771, 120 S. Main, Alturas, California 96101, telephone (916) 233-4666, and the Susanville District Office, P.O. Box 1090, 705 Hall St., Susanville, California 96130, telephone (916) 257-5381.

FOR FURTHER INFORMATION CONTACT: Richard Drehobl, Alturas Area Manager, (916) 233-4666.

Dated: September 12, 1984.

Richard J. Drehobl,

Alturas Area Manager.

[Fr Doc. 84-26987 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the California Desert District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally on November 15, 16 and 17, 1984, in the Sierra West Room of the Antelope Valley Inn Convention Center, 44055 N. Sierra Highway in Lancaster, California.

The meeting will begin at 1 p.m., Thursday, November 15, and adjourn for the day at 5 p.m. The Council will reconvene at 8 a.m., Friday, November 16, and adjourn at 12 noon. A half-day field trip is planned for Friday afternoon. The formal session will reconvene at 8 p.m., Saturday, November 17 and the meeting will close at noon.

Agenda items will include a panel discussion of long-range plans for communication sites on public lands in the California Desert Conservation Area; finalization of the California Desert Monitoring Report; military uses of public lands; land tenure adjustments; and, District Manager's Annual Report for FY 1984 and FY 1985 outlook.

All formal Council meetings are open to the public and time will be allocated for public comment. Written comments on any item may be filed in advance of the meeting with the Council Chairman, Frank W. DeVore, c/o Bureau of Land Management Public Affairs Office, 1695 Spruce Street, Riverside, CA 92507.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, California Desert District Public Affairs Office, 1695 Spruce Street, Riverside, CA 92507, (714) 351-6383/6391.

Dated: October 3, 1984.

Gerald E. Hillier,

District Manager, California Desert District.

[FR Doc. 84-26997 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-40-M

California Desert District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the California Desert District Grazing Advisory Board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579, Title IV, Section 403, that a public meeting of the California Desert Grazing Advisory Board will be held Wednesday, November 14, 1984, from 10 a.m. to 4:30 p.m., at the Barstow Fire Hall, 861 Barstow Road, Barstow, California 92311.

The agenda will include a status report on project programs for Fiscal Year 1984 and a discussion of the status of ongoing allotment management plans.

The meeting is open to the public, with time allotted for public comment after each subject has been presented.

Summary minutes of the meeting will be maintained in the California Desert District office, 1695 Spruce Street, Riverside, California, and will be available for public review and inspection during regular business hours within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, California 92507, (714) 351–6402.

Dated: October 3, 1984.

Gerald E. Hillier,

District Manager, California Desert District.

[FR Doc. 84–26998 Filed 10–11–84; 8:45 am]

BILLING CODE 4310–40–M

Susanville District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Mangement, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94–579 (FLPMA), that a meeting of the Susanville District Grazing Advisory Board will be held on November 16, 1984.

The meeting will begin at 10:00 a.m. at the Susanville District Office of the Bureau of Land Management, 705 Hall Street, Susanville, California. The agenda will include a discussion of FY 84 project accomplishments, planned work for FY 85, wild horse management, grazing fee study, wildfire impacts, prescribed burn program, and other items as appropriate.

The meeting is open to the public. Interested persons may make oral statements to the Board between 3:30 p.m. and 4:30 p.m. on November 16, 1984, or file a written statement for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1090, Susanville, California 96130, by November 7, 1984. Depending upon the number of persons wishing to make oral statements, a per person list limit may be established.

Summary minutes of the board meeting will be maintained in the District Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

C. Rex Cleary,

District Manager.

[FR Doc. 84–26988 Filed 10–11–84; 8:45 am]

BILLING CODE 4310–40–M

Utah; Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 92–463 that a meeting of the Vernal District Grazing Advisory Board will be held on November 15, 1984.

The meeting will begin at 9:00 a.m. at the Bureau of Land Management Office (at the above noted address).

The agenda for the meeting will include: (1) Review of Minutes, (2) Report of FY 84 Range Improvement Work, (3) Rating of Proposed FY 85 and 86 Range Improvement Work, (4) Utah Division of Wildlife Range Wildlife Related Programs, (5) Report on Book Cliffs Big Game Study, (6) BLM–SCS Range Management Plans, (7) Maintenance Coop Agreements, (8) Predator and Pest Control, (9) Progress Report Book Cliffs RMP–EIS, (10) Book Cliffs Range Program Summary, (11) District Allotment Management Plan Program, (12) Cooperative Management Agreements.

The meeting is open to the public. Interested persons may make oral or written statements for the Board's consideration. Anyone wishing to make a statement should notify the District Manager, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078, phone (801) 789–1362 by November 14, 1984.

Dated: October 5, 1984.

Lloyd H. Ferguson,

District Manager.

[FR Doc. 84–26991 Filed 10–11–84; 8:45 am]

BILLING CODE 4310–DQ–M

Oregon; Designation of Upper and Lower Table Rocks and King Mountain Rock Garden as Areas of Critical Environmental Concern

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of designation of two special areas as areas of critical environmental concern (ACECs): Upper and Lower Table Rocks and King Mountain Rock Garden.

SUMMARY: Pursuant to the authority in the Federal Land Policy and Management Act of October 21, 1976 (section 202(c)(3)) and 43 CFR Part 1610 I have designated Upper and Lower Table Rocks and King Mountain Rock Garden as ACECs. Woodcock Bog will not be designated, but will continue to be managed as a research natural area. The Foots Creek area will not be designated an ACEC, but the plant monitoring program for the Lady Slipper Orchid will be continued. These designations were developed with public involvement in the plan amendment and environmental assessment for areas of critical environmental concern to the Josephine and Jackson-Klamath Management Framework Plans (MDPs) for the Bureau of Land Management (BLM), Medford District. These documents are available for inspection at the district office. The decisions provided for appropriate levels of management restriction or exclusions. The areas have unique management requirements, however both will be managed to maintain generally undisturbed conditions.

SUPPLEMENTARY INFORMATION:

Upper and Lower Table Rocks

1,240 acres of BLM administered land in T. 35 S., R. 2 W., Secs. 34 and 35, T. 36 S., R. 2 W., Secs. 1 and 9, W.M., Jackson County, Oregon.

This area is designated to preserve the Rocks as examples of major ecosystem types and outstanding biological phenomena (vernal pools and patterned ground vegetation); to provide research and educational opportunities for scientists and others in the observation, study, and monitoring of the natural area; and to help preserve a full range of genetic diversity for all proposed threatened or endangered fauna and flora. The following are specific management requirements which will protect and prevent damage to plants, geologic formations and scenic values.

1. Prior to withdrawal, mining operations (except casual use) will be regulated pursuant to surface management regulations (43 CFR Part

3809), requiring an approved plan prior to commencement of operations. Issuance of leases and permits for leasable and saleable minerals will be discretionary upon environmental review.

2. Withdrawal from locatable mineral entry will be pursued. Any existing mining claims will be examined for validity. Valid mining claims will be regulated similar to management requirement No. 1.

3. The acquisition of 960 acres of private land, including the mineral estate, in Section 2 and the E½ of section 3 on Upper Table Rock, will be pursued. This action will protect and enhance recreational and visual values on government lands in Section 1, T. 36 S., R. 2 W., and Sections 34 and 35, T. 35 S., R. 2 W., Willamette Meridian.

4. Additional trail maintenance will reduce erosion. Surfacing will be placed on the existing trails to protect resource values.

5. Interpretive signing will be provided to increase awareness and aid in resource value protection.

6. The use of tractors and other heavy equipment will be limited in the suppression of wild fires. An agreement will be pursued with the Oregon State Forestry Department for extra fire protection which emphasizes retardant drops and hand fireline construction.

7. Livestock grazing will be permitted as a management tool to improve native plant presence. Grazing management may be revised if evaluation determines that specific objectives for enhancement of native vegetation are not being achieved.

8. The BLM-administered land on the Upper Table Rock is hereby designated as an outstanding natural area. The primary objective of designating and managing the proposed outstanding natural area will be to provide outdoor recreational use of the area while preserving the resource in its natural condition.

9. The existing airstrip on the Lower Table Rock will be used as long as the use does not materially interfere with government plans and the integrity of the ACEC. No improvements beyond those necessary to meet the minimum safety standards of such an airstrip will be required. The minimum improvement to the airstrip will consist of a warning sign identifying the airstrip and its use, a wind-sock, and annual mowing of vegetation on the airstrip. No steps will be taken to change the present drainage patterns.

10. Timber harvesting, firewood cutting, cone picking, and other vegetation removal will not be permitted.

11. Camping and campfires will not be permitted.

12. A parking area will be evaluated for the Upper Table Rock trailhead on BLM-administered land. The need to eliminate the existing hazard of the public crossing a busy county road will be analyzed in relation to resource degradation expected from increased visitor use.

13. Visitor use will be monitored and, if necessary, controlled to prevent resource degradation. Additional trail construction will be dependent upon the ability to protect important and relevant resource values.

King Mountain Rock Garden

90 acres of BLM administered land in T. 33 S., R. 5 W., Sec. 13, W.M., Josephine and Douglas Counties, Oregon.

This area is designated to provide protection to the area's special high elevation, serpentine habitat.

The following are specific management requirements:

1. Road signs will be posted to deter off-road vehicle and ground-disturbing activities with potential for resource degradation.

2. Prior to withdrawal, mining operations (except casual use) will be regulated pursuant to surface management regulations (43 CFR Part 3809), requiring an approved plan of operations. Issuance of leases and permits for leasable and saleable minerals will be discretionary upon environmental review.

3. Withdrawal from locatable mineral entry will be pursued. Existing mining claims will be examined for validity. Valid mining claims will be regulated pursuant to management requirement No. 3.

4. Construction of access roads and quarrying will be prohibited within the area.

5. Mitigation measures will be developed to protect the area's sensitive plant species.

6. Trails will be designated when/and if the level of visitor use activities has potential for significant damage to ACEC resource values.

7. Off-road vehicle use that may adversely impact ACEC resource values will be restricted.

8. Timber management will be restricted to salvaging on 11 acres classified for high intensity management.

Woodcock Bog and Foots Creek (South Portion)

Woodcock Bog will not be designated as an ACEC as the flora values are adequately protected under a research natural area designation. The area will continue to be used for research and education activities with such uses being limited to those of a non-destructive nature, i.e., those that do not impair or alter the bog's environment.

The Foots Creek (South Portion) drainage will not be designated an ACEC. The on-going *Cypripedium montanum* monitoring plan will be continued. This ten-year plan will monitor a control unit, shelterwood unit, and clearcut/spray unit to determine some ecological factors on the plant's life history. Although the formal monitoring program for the Great Gray Owl will not be continued, protection will be provided through normal procedures of inventory, identification, and undisturbed buffer protection. The Great Gray Owl and the Lady Slipper Orchid are adequately protected along with other resource values provided for under existing management terms and conditions.

Reading Copies

Public reading copies of the designations will be available for review at the following locations:

Klamath County Library, Klamath Falls, Oregon
Josephine County Library, Grants Pass, Oregon
Coos County Library, Coquille, Oregon
Curry County Library, Gold Beach, Oregon
Douglas County Library, Roseburg, Oregon
Jackson County Library, Medford, Oregon
Rogue Community College Library, Grants Pass, Oregon
Library, Southern Oregon State College, Ashland, Oregon
Library, Oregon Institute of Technology, Klamath Falls, Oregon
Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah Street, Portland, Oregon
Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon
Library, University of Oregon, Eugene, Oregon
Library, Protland State University, 727 S.W. Harrison, Portland, Oregon
Library, Oregon State University, Corvallis, Oregon.

A limited number of copies are available upon request to the BLM Medford District Office.

Protest Procedures

1. Any person who participated in the planning process and has an interest which is, or may be, adversely affected by the above amendment may protest such amendment. A protest may raise

only those issues which submitted for the record during the planning process.

(a) The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date of this notice.

(b) The protest shall contain:

(1) The name, mailing address, telephone number, and interest of the person filing the protest;

(2) A statement of the issue or issues being protested;

(3) A statement of the part or parts of the amendment being protested;

(4) A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and

(5) A concise statement explaining why the State Director's decision is believed to be wrong.

2. The decision of the Director shall be the final decision of the Department of the Interior.

The protest shall be filed within 30 days of this notice. Send protest to: Director, Bureau of Land Management, 1800 C Street NW, Washington, D.C. 20240.

Questions

Questions on specific management plan, research opportunities or development/protection plan should be addressed to: District Manager, Attn: Mike Walker, Team Leader, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97504, Telephone: (503) 776–4604.

Dated: October 3, 1984.

Hugh Shera,

District Manager.

[FR Doc. 84–26992 Filed 10–11–84; 8:45 am]

BILLING CODE 4310–33–M

Campground Use Fee Increase, Camping and Occupancy Restriction Order Established; Bishop Resource Area, Bakersfield District, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Increase of campground user fee for Crowley Lake Campground, and the establishment of camping and occupancy stay limits and use restrictions for developed campgrounds and undeveloped public lands in the Bishop Resource Area, Bakersfield District, California.

SUMMARY: Campground use fees at Crowley Lake Campground are increased to $4.00 per night per site. In addition, use of the waste holding station at the Crowley Lake Campground is established at $2.00 per individual use.

In regard to use and occupancy limits in designated Bureau campgrounds and on undeveloped public lands in the Bishop Resource Area: persons may camp in any one Bureau campground or on undeveloped public lands not closed to camping for a period not to exceed 14 days during the calendar year. A maximum camping limit of 28 days per calendar year is established for all Bureau campgrounds in the Bishop Resource Area. The fourteen day limit for any one campground or occupancy of undeveloped public lands, as well as the 28 day maximum occupancy period for all Bureau campgrounds may be reached through a number of separate visits or through a period of continuous occupation as long as (1) occupancy does not exceed a total of 14 days in any one campground or on undeveloped public lands per calendar year; and (2) occupancy does not exceed a maximum of 28 days in two or more Bureau campgrounds per calendar year. Camping or occupancy greater than the aforementioned limits is not allowed, unless authorized by law. Under special circumstances, the authorized officer may give written permission for extension of occupancy and use limits. Camping is defined as living in tents, vans, recreational vehicles, or shelters such as lean-tos, cabins, tepees, huts, shacks, etc. Occupancy is defined as the taking or holding possession of a camp or residence on public land.

At the determination of the Authorized Officer, any camping, occupancy, or use of designated campgrounds or undeveloped public lands in the Bishop Resource Area not related to recreation activities or that is determined to be inappropriate for the purpose which the area is designated, is prohibited.

SUPPLEMENTARY INFORMATION: The Crowley Lake Campground user fee increase is established under authority contained in CFR Title 36, Chapter 1, Part 71, § 71.9 in order to charge comparable recreation fees charged by other Federal agencies, non-Federal public agencies, and the private sector located within the immediate service area.

The camping and occupancy stay limit restriction order is established to allow orderly use and administration of public lands and to discourage unauthorized occupancy. Authority for this restriction order is contained in CFR Title 43, Chapter II, Part 8364, Subpart 8364.1. Any person who fails to comply with a restriction order may be subejct to a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months. Penalties are contained in CFR Title 43, Chapter II, Part 8360, § 8360.0–7.

FOR FURTHER INFORMATION CONTACT: James S. Morrison, Bishop Area Manager, Bishop Area Office, 873 N. Main St., Ste. 201 Bishop, Ca 93514. Telephone (619) 872–4881.

Dated: October 1, 1984.

James S. Morrison,

Area Manager.

[FR Doc. 84–27012 Filed 10–11–84; 8:45 am]

BILLING CODE 4310–40–M

Arizona; Filing of Plats of Survey

The plats of survey of the following described lands were officially filed in the Arizona State Office, Phoenix, Arizona, on the dates indicated:

A plat, in two sheets, representing a dependent resurvey of a portion of the west boundary and portions of the subdivisional lines and a survey of the subdivisions of Sections 19 and 20, and metes-and-bounds survey of Lot 5, Section 19, and Lot 9, Section 20, and the retracement of HES No. 499 in Section 20 of T. 5 N., R. 31 E., Gila and Salt River Meridian, Arizona, was accepted September 17, 1984 and was officially filed September 18, 1984.

This survey was executed at the request of Region Three, U.S. Forest Service.

A plat representing a dependent resurvey of the north and south boundaries and a portion of the east boundary of Section 34 and a survey of subdivisions and a metes-and-bounds survey of Section 34, T. 8. N., R. 31 E., Gila and Salt River Meridian, Arizona, was accepted July 30, 1984, and was officially filed July 30, 1984.

This survey was executed at the request of Region Three, U.S. Forest Service.

A plat representing a dependent resurvey of a portion of the subdivisional lines and a portion of the subdivision lines in Section 15 and a survey of subdivisions in Sections 15 and 16, and the metes-and-bounds survey of Tract 37 and Tract 38, T. 10 N., R. 22 E., Gila and Salt River Meridian, Arizona, was accepted July 13, 1984, and was officially filed July 13, 1984.

This survey was executed at the request of the City of Show Low, Arizona, and Region Three, U.S. Forest Service.

A plat representing a dependent resurvey of a portion of the subdivisional lines and a survey of Tract

37 in Section 20, T. 14 N., R. 20 W., Gila and Salt River Meridian, Arizona, was accepted July 30, 1984, and was officially filed July 30, 1984.

This survey was executed at the request of Region Two, U.S. Fish and Wildlife Service.

A plat representing a dependent resurvey of a portion of the line between Sections 27 and 28, and ties to the San Carlos Indian Reservation Boundaries in T. 5 S., R. 18 E., Gila and Salt River Meridian, Arizona, was accepted September 11, 1984, and was officially filed September 14, 1984.

This survey was executed at the request of the Arizona State Land Department and the Branch of Records and Data Management.

A supplemental plat showing a subdivision of original Lot 3, Section 9, T. 10 N., R. 10 E., Gila and Salt River Meridian, Arizona, was accepted August 13, 1984 and and was officially filed August 13, 1984.

This plat was prepared at the request of Region Three, U.S. Forest Service.

A supplemental plat showing amended lottings in Section 33, T. 41 N., R. 15 W., Gila and Salt River Meridian, Arizona, was accepted August 13, 1984 and was officially filed August 16, 1984.

This plat was prepared at the request of the Arizona Strip District, Bureau of Land Management.

A supplemental plat showing amended lottings in Sections 24, 25 and 36, T. 18 S., R. 15 E., Gila and Salt River Meridian, Arizona, was accepted July 13, 1984 and was officially filed July 13, 1984.

This plat was prepared at the request of Region Three, U.S. Forest Service.

A supplemental plat showing amended lottings in Sections 19, 30 and 31, T. 18 S., R. 16 E., Gila and Salt River Meridian, Arizona, was accepted July 13, 1984 and was officially filed July 13, 1984.

This plat was prepared at the request of Region Three, U.S. Forest Service.

These plats will immediately become the basic records for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

All inquiries relating to these lands should be sent to the Arizona State Office, Bureau of Land Management, P.O. Box 16563, Phoenix, Arizona 85011.

James P. Kelley,

Chief, Branch of Cadastral Survey.

[FR Doc. 84-27011 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-32-M

Minerals Management Service

State Requests for Delegation of Royalty Management Authority; Public Hearings

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Public Hearings on State Requests for Delegation of Royalty Management Authority.

SUMMARY: The Minerals Management Service (MMS) of the Department of the Interior hereby gives notice of the schedule and agenda for public hearings on seven state petitions for delegation of authority for royalty management activities. These petitions were submitted pursuant to section 205 of the Federal Oil and Gas Royalty Management Act of 1982. Written comments from interested persons also will be accepted.

Petitions for delegations of audit authority have been received from the states of Alaska, Colorado, Montana, North Dakota, Oklahoma, Utah, and Wyoming.

DATES: Hearings: Each hearing will be held at 9 a.m., as follows:

Hearing date	Subject of hearing
1. Oct. 29, 1984	Petition of the State of Wyoming.
2. Oct. 30, 1984	Petition of the State of Colorado.
3. Oct. 30, 1984	Petition of the State of Utah.
4. Oct. 31, 1984	Petition of the State of North Dakota.
5. Oct. 31, 1984	Petition of the State of Oklahoma.
6. Nov. 1, 1984	Petition of the State of Montana.
7. Nov. 2, 1984	Petition of the State of Alaska.

Comments: Written comments will be accepted by MMS on each State's request for a delegation until November 13, 1984.

ADDRESSES: The hearings will be held at the following locations:

Hearing date	Location of hearing
1. Oct. 29, 1984	Joseph C. O'Mahoney Federal Center, 2120 Capital Avenue, Room 2016, Cheyenne, WY 82201.
2. Oct. 30, 1984	New Customs House, 721 19th Street, Room 158, Denver, CO 80202.
3. Oct. 30, 1984	Federal Building, 125 S. State Street, Room 2404, Salt Lake City, UT 84138.
4. Oct. 31, 1984	Federal Building, Post Office/Court House, 220 E. Rosser Avenue, Room 337, Bismarck, ND 58501.
5. Oct. 31, 1984	Federal Court House, 200 NW. 4th Street, Room 5409, Oklahoma City, OK 73102.
6. Nov. 1, 1984	Colonial Inn, 2301 Colonial Drive, Lewis Room, Helena, MT 59601.
7. Nov. 2, 1984	Federal Building, 701 C. Street, Conference Room C-109, Anchorage, AK 95513.

Written comments should be sent to the following address: Mr. Milton K. Dial, Chief, Royalty Compliance Division, P.O. Box 25165, DFC, MS 655, Denver, CO 80225.

FOR FURTHER INFORMATION CONTACT: Mr. Milton K. Dial, Chief, Royalty Compliance Division, P.O. Box 25165, DFC, MS 655, Denver, CO 80225, (303) 231-3011 (FTS) 326-3011.

SUPPLEMENTARY INFORMATION: Section 205 of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), 30 U.S.C. 1735, authorizes the Secretary of the Interior to delegate to States certain audit, inspection and investigation authority for oil and gas production on Federal and Indian leases. The MMS issued general regulations implementing its FOGRMA responsibilities on September 21, 1984, (49 FR 37336), which included general provisions regarding delegations of authority (30 CFR Part 229). Section 205 (c) and (d) of FOGRMA require the Secretary to issue regulations defining specifically the scope of authority which may be delegated, and the standards for such delegation. Pursuant to that requirement, MMS is issuing interim final rules establishing additional criteria for delegation of its responsibilities to States which petition for such a delegation. Those interim rules are being issued concurrently with this notice and appear in the rules section of this issue of the **Federal Register.**

Section 205(c) of FOGRMA requires notice and opportunity for a hearing before the Secretary delegates authority. Accordingly, the purpose of these hearings is to provide a public forum to discuss each State's written request for delegation of audit activities for oil and gas royalties with respect to all Federal lands and, when appropriate, Indian lands within each State. Each State's written request for delegation will be available for public inspection at its hearing. Topics for discussion at each hearing include:

1. State resources to be devoted to the delegated audit activity.

2. The ability of the State to effectively and faithfully administer the rules and regulations of the Secretary of the Interior under the FOGRMA.

3. Whether delegation of authority will create an unreasonable burden on any lessee, with respect to the Federal and Indian lands within the State.

The presiding officer will establish the procedures for conduct of the hearings when the hearing commences.

Any interested person may submit written comments on a State's request for delegation. Written comments will be accepted by MMS until November 13, 1984.

Dated: October 5, 1984.

Orie L. Kelm,

Acting Associate Director for Royalty Management.

[FR Doc. 84-26934 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Exxon Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 1090, Block 91, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Grand Isle, Louisiana.

DATE: The subject DOCD was deemed submitted on October 3, 1984.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 3, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-26982 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Phillips Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Phillips Oil Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 3115, Block 155, High Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Galveston, Texas and Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on October 4, 1984.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 4, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-26983 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; the Superior Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0253, Block 149, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on October 4, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the

Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: October 4, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-26984 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Availability and Public Meeting Planning Workbook, an Invitation to Participate in Planning for a New General Management Plan/ Development Concept Plan; Amistad Recreation Area, Val Verde County, TX

Pursuant to the National Environmental Policy Act of 1969, and title 40 of the Code of Federal Regulations, the National Park Service has prepared a Planning Workbook. An Invitation to Participate in Planning for a new General Management Plan/ Development Concept Plan, Amistad Recreation Area, Val Verde County, Texas.

The new General Management Plan/ Development Concept Plan will replace the existing Master Plan of 1968, last revised in 1973, and will guide management of the area and deal with access, resources management, visitor activities, interpretation, and facilities.

Copies of the Planning Workbook are available from Amistad Recreation Area, Post Office Box 420367, Del Rio, Texas 78842-0367; and the Southwest Regional Office, Post Office Box 728, Sante Fe, New Mexico 87501, and will be sent upon request.

A Public Meeting is scheduled for October 30, 1984, at 7:00 p.m., at the Civic Center, 1915 Avenue F (Highway 90), Del Rio, Texas.

Anyone wishing to provide input to this planning effort are invited to ask questions or submit suggestions at the Public Meeting, or, provide written comments to the Superintendent, Amistad Recreation Area, at the address provided above, by November 23, 1984.

Dated: October 1, 1984

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 84-27044 Filed 10-11-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[332-196]

Probable Economic Effect of Providing Duty-Free Treatment for Selected Imports from Canada

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) concerning the probable economic effect of providing duty-free treatment for selected imports from Canada on U.S. industries producing like or directly competitive articles and on consumers, at the direction of the President, and the scheduling of a hearing in connection therewith.

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Roeder (202-724-1170)—Agricultural and forest products
Mr. Eric Land (202-523-0491)—Energy and chemicals
Mr. Bob Ruhlman (202-523-0309)—Minerals and metals
Mr. Harold Graves (202-523-0360)—Machinery and equipment
Mr. Rhett Leverett (202-724-1725)—Miscellaneous manufactures.

All of the above staff are in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel at 202-523-0487.

Background and Scope of Investigation

The Commission instituted the investigation, No. 332-196, following receipt on September 10, 1984, of a request therefor by the President transmitted through the U.S. Trade Representative (USTR). The United States and Canada have agreed to examine the possibility of establishing free trade on a sectoral basis between the two nations; there has been no decision by the United States to enter into negotiations on any sector. The advice requested of the Commission is to be used to assist the President in making an informed judgment as to the impact of establishing free trade in selected sectors.

The sectors to be examined by the Commission include the following: Steel and steel products; alcoholic beverages; petrochemicals; wood and wood products; furniture; paper and paper products; perfumery, cosmetics, and other toilet preparations; pesticides; articles to be used for agricultural or horticultural purposes; and informatics. A list of the specific items of the Tariff Schedules of the United States is available by request from the Secretary to the Commission (telephone 202-523-5178). The Commission will, as requested by the USTR, advise the President with respect to each item as to the probable economic effect of providing duty-free treatment for imports from Canada on industries in the United States producing like or directly competitive articles and on consumers.

As requested by the USTR, the Commission will conduct this investigation as if the request had been made pursuant to section 131 of the Trade Act of 1974 (19 U.S.C. 2151). The Commission's scheduled completion date for the report is March 11, 1985.

Public Hearing

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m., on January 15, 1984, to be continued on January 16, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, not later than noon, January 8, 1985.

Written Submissions

In lieu of our in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Written statements should be received by the close of business on January 8, 1985. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential

business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: October 5, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-26880 Filed 10-11-84; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Celanese Corporation, 1211 Avenue of the Americas, New York, New York 10036.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

(i) Celanese Chemical Company, Inc., Box 47320, 1250 W. Mockingbird Lane, Dallas, Texas 75247—Texas

(ii) Pama Manufacturing, Inc., Box 1677, 2015 North Chester Street, Gastonia, North Carolina 28052—Delaware

(iii) Narmco Materials, Inc., 1440 N. Kraemer Boulevard, Anaheim, California 92806—California

(iv) Virginia Chemicals, Inc., 3340 W. Norfolk Road, Portsmouth, Virginia 23703—Delaware

(v) Quantum, Incorporated, Box 748, Barnes Industrial Park, Wallingford, Connecticut 06492—Delaware

The following are divisions of Celanese Corporation:

(i) Celanese Fibers Operations, P.O. Box 32414, Carclay Downs Drive, Charlotte, North Caroline 28232

(ii) Celanese Specialties Operations, 26 Main Street, Chatham, New Jersey 07928

(iii) Celanese International Company, 1211 Avenue of the Americas, New York, New York 10036.

1. Parent Corporation and address of principal office: Dawn Food Products, Inc., 2021 MicorDrive, Jackson, MI 49203.

2. Wholly-owned subsidiaries which will participate in the operations, and state(s) of incorporation:

(i) Dawn/Besco, Inc.—Kentucky

(ii) Bessire Bakery Supply, Inc.—Michigan

1. Parent Corporation: Excell Home Fashions Inc., P.O. Box 1879, Goldsboro, NC 27530.

2. Wholly owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Flair Creations, Division of Excell Home Fashions Inc.—North Carolina

(ii) Linde Transportation Co., Division of Excell Home Fashions Inc.—North Carolina

(iii) Linde Products Manufacturing Co., Division of Excell Home Fashions Inc.—North Carolina

(iv) Excell Linde of Carolina Inc., Subsidiary of Excell Home Fashions Inc.—North Carolina

(v) Excell of Bentonville Inc., Subsidiary of Excell Home Fashions Inc.—Arkansas

(vi) Excell-Linde of California Inc., Subsidiary of Excell Home Fashions Inc.—California

(vii) Jerlee, Inc., Subsidiary of Excell Home Fashions Inc.—New Jersey

1. Parent corporation and address of principal office—General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440.

2. Divisions of parent corporation and addresses of their principal offices

a. Izod Ltd., 498 Seventh Avenue, New York, NY 10019

b. The Gerton Group, 327 Main Street, P.O. Box 361, Gloucester, MA 01930

c. O-Cel-O Division, 305 Sawyer Avenue, Tonawanda, NY 14150

d. Pennsylvania House, 137 North Tenth Street, Lewisburg, PA 17837

e. Ship'n Shore Division, Bridgewater-At-Aston, Aston, PA 19014

f. Trans World Seafood, 600 Third Avenue, 14th Floor, New York, NY 10016

g. We Are Sportsware, 3175 Airway, Costa Mesa, Ca 92626

3. Wholly-owned subsidiaries, addresses of their respective principal offices and state(s) of incorporation:

a. Casa Gallardo, Inc., 1009 Executive Parkway Drive, St. Louis, MO 63141—Missouri

b. CPG Products Corp., P.O. Box 1113, Minneapolis, MN 55440—Delaware

c. Eddie Bauer, Inc., 15010 Northeast 36th St., Redmond, WA 98052—Delaware

d. Empire Textile Corp., P.O. Box 1113, Minneapolis, MN 55440—Delaware

e. Fashion Flair, Inc., 498 Seventh Avenue, New York, NY 10018—Pennsylvania

f. Foot Joy, Inc., 144 Field Street, Brockton, MA 02403—Massachusetts

g. General Mills Export Company, 156 William Street, New York, NY 10038—Delaware

h. General Mills Products Corp., P.O. Box 1113, Minneapolis, MN 55440—Delaware

i. General Mills Restaurant Group, Inc., P.O. Box 1431, Orlando, FL 32802—Florida

j. LeeWards Creative Crafts, Inc., 1200 St. Charles Road, Elgin, IL 60120—Delaware

k. J. Lynch & Company, Inc., 1700 East Iron, Salina, KS 67401—Kansas

l. Pioneer Products, Inc., 808 Southwest 12th St., PO Box 279, Ocala, FL 32670—Delaware

m. The Talbots, Inc., 175 Beal Street, Hingham, MA 02043—Massachusetts

n. Wallpapers To Go, Inc., PO Box 5016, Hayward, CA 94540—California

o. York Steak House Systems, Inc., PO Box 27975, Columbus, OH 43227—Ohio

4. Divisions of wholly-owned subsidiaries and addressess of their principal offices—

a. Danco Division of General Mills Products Corp., 1914 So. Elm Street, High Point, NC 27262

b. Darryl's, a Division of General Mills Restaurant Group, Inc., PO Box 1431, Orlando, FL 32802

c. Fundimensions Division of CPG Products Corp., 26750—23 Mile Road, Mt. Clemens, MI 48043

d. General Mills Toy Group Operations Division of CPG Products Corp., 151 Bodman Place, Red Bank NJ 07701

e. Kenner Products Division of CPG Products Corp., 1014 Vine Street, Cincinnati, OH 45202

f. Monet Division of General Mills Products Corp., PO Box 376, Murray Hill Station, New York, NY 10016

g. Parker Brothers Division of CPG Products Corp., PO Box 1000, Beverly, MA 01915

h. Red Lobster Inns of America, a Division of General Mills Restaurant Group, Inc., PO Box 13330, Orlando, FL 32809

i. Sigmacon, a Division of General Mills Restaurant Group, Inc., 8100 Presidents Drive, Orlando, FL 32809

j. Yoplait USA Division of General Mills Products Corp., PO Box 9329, Minneapolis, MN 55440

k. Blue Water Seafoods Division of General Mills Canada, Inc., 1640 Brandon Crescent, Lachine, Montreal, Quebec, Canada H8T 2N1

l. Eddie Bauer Division of General Mills Canada, Inc., 1020 Lawrence Avenue West, Toronto, Ontario, Canada MCA 1C3

m. Impressions Division of General Mills Canada, Inc., 7883 Keele Street, Concord, Ontario, Canada L4K 1B7

n. Lancia-Bravo Foods Division of General Mills Canada, Inc., 58A Hook Avenue, Toronto, Ontario, Canada M6P 1T5

o. Parker Brothers Division of General Mills Canada, Inc., PO Box 600, 7883 Keele Street, Concord, Ontario, Canada L4k 1B7

5. Wholly-owned subsidiaries of General Mills' wholly-owned subsidiaries, addresses of their respective principal offices and States of their incorporation:

a. General Mills Canada, Inc., 1330 Martin Grove Road, Rexdale, Ontario, Canada, M9W 4X4 (owned by Toronto Macaroni & Imported Foods, Ltd).—Ontario, Canada

b. GMD Distributing, Inc., CNA Tower, Suite 1446, 225 So. Orange Ave., Orlando, FL 32801 (owned by General Mills Restaurant Group)—Florida

c. Toronto Macaroni & Imported Foods, Ltd., 58A Hook Avenue Toronto 9, Ontario, Canada (owned by General Mills Products Corp).—Ontario, Canada

1. Parent corporation and address of principal office: Heck's, Inc., HUB Industrial Park, McJunkin Road, P.O. Box 158, Nitro, WV 25143.

2. Wholly-owned subsidiaries which will participate in the operations and States of Incorporation:

(i) F.W.C. Trucking, Inc., an Ohio corporation

(ii) T & R Brokers, Inc., an Ohio corporation

1. Parent Corporation and address of principal office: Winfield Manufacturing Co., Inc., Suite 6608, 350 Fifth Avenue, New York NY 10118.

2. Wholly owned subsidiary which will participate in the operations and States of Incorporation: (i) CLP Monarch, Inc.—Mississippi

James H. Bayne,

Secretary.

[FR Doc. 84-27041 Filed 10-11-84; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388; Sub-Nos. 12 and 32]

Intrastate Rail Rate Authority, Louisiana and Utah

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission has extended the provisional certification of the Louisiana Public Service Commission and the Public Service Commission of Utah under 49 U.S.C. 11501(b) to regulate intrastate rail rates, classifications, rules, and practices. This extension will permit them to modify their standards and procedures as required by the full decision.

DATES: The provisional certification of Louisiana and of Utah will expire on December 10, 1984, unless prior to that date these States file standards and procedures complying with the requirements stated in the full decision. If Louisiana and Utah file such standards, interested parties may file comments by January 9, 1985, and Louisiana and Utah must reply by January 29, 1985.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTAL INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Dated: October 2, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley, and Strenio. Commissioner Simmons dissented in part with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 84-27042 Filed 10-11-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12; Sub-No. 78]

Southern Pacific Transportation Co.; Abandonment; in Colusa County, CA; Findings

The Commission has issued a certificate authorizing Southern Pacific Transportation Company to abandon its 24.125-mile rail line between milepost 109.375 near Harrington and milepost 133.500 near Colusa in Colusa County, CA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,

Secretary.

[FR Doc. 84-27043 Filed 10-11-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-26 (Sub-No. 27)]

Southern Railway Co.; Abandonment in Perry and Hale Counties, AL; Notice of Findings

The Commission has found that the public convenience and necessity permit Southern Railway Company to abandon its 39-mile rail line between Marion (milepost 27.8P) and Akron (milepost 66.8P) in Perry and Hale Counties, AL. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than October 22, 1984. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: October 9, 1984.

By the Commission, Division 1, Commissioners Gradison, Andre, and Simmons.

James H. Bayne,

Secretary.

[FR Doc. 84-27118 Filed 10-11-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

Voting Rights Act Certification; Bamberg County, SC

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Bamberg County, South Carolina. This county is included within the scope

of the determination of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the **Federal Register** on August 7, 1965 (30 FR 9897).

Dated: October 10, 1984.

William French Smith,

Attorney General of the United States.

[FR Doc. 84-27196 Filed 10-11-84; 8:57 am]

BILLING CODE 4410-01-M

Voting Rights Act Certification; Colleton County, SC

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Colleton County, South Carolina. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the **Federal Register** on August 7, 1965 (30 FR 9897).

Dated: October 10, 1984.

William French Smith,

Attorney General of the United States.

[FR Doc. 84-27195 Filed 10-11-84; 8:57 am]

BILLING CODE 4410-01-M

Voting Rights Act Certification; Hampton County, SC

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Hampton County, South Carolina. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the **Federal Register** on August 7, 1965 (30 FR 9897).

Dated: October 10, 1984.

William French Smith,

Attorney General of the United States.

[FR Doc. 84-27194 Filed 10-11-84; 8:57 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Domestic Cannabis Eradication/ Suppression Program on Non-Federal Lands in the Continental United States and Hawaii; Intent To Prepare a Programmatic Environmental Impact Statement

The Department of Justice, Drug Enforcement Administration (DEA), will prepare a programmatic Environmental Impact Statement (EIS) on the possible environmental and health implications associated with domestic cannabis eradication on Non-Federal lands in the continental United States and Hawaii. This EIS will incorporate by reference relevant portions of a May 1984 Draft EIS on the Eradication of Cannabis on Federal Lands in the Continental United States.

The EIS will review a range of alternatives which will include manual and mechanical means, fire, alternative herbicides such as 2, 4–D Paraguat, Glyphosate, and alternative methods of application. Health effects associated with spraying will also be considered.

The eradication and suppression of domestically produced marijuana is an obligation placed upon the United States Federal Government by the Single Convention on Narcotic Drugs, 1961, the Controlled Substances Act of 1970, and the 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking. In addition to these mandates, a vigorous eradication campaign in the United States is necessary to demonstrate to foreign governments our commitment to controlling illicit cannabis cultivation.

Federal, State, and local agencies, law enforcement officials, and other individuals and organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of those issues to be addressed.

2. Identification of those issues to be analyzed in-depth.

3. Elimination of insignificant issues or those that have been covered by a previous environmental review.

4. Determination of potential cooperating agencies and assignment of responsibilities.

5. Identification of a reasonable range of alternatives.

All Federal land management agencies and the Environmental Protection Agency as well as the Department of Health and Human Services and the Bureau of Indian Affairs will be invited to participate as cooperating agencies to evaluate the potential impacts of the proposed action.

Public scoping meetings will be held at the following times and locations:

November 13, 1984
(Time) 7:00 p.m.
(Place) Harley Hotel of Orlando
(Address) 151 East Washington Street, Orlando, Flordia 32801

November 15, 1984
(Time) 7:00 p.m.
(Place) Ramada Inn Northwest
(Address) 3740 North High School Road, Indianapolis, Indiana 46224

November 19, 1984
(Time) 2:00 p.m.
(Place) Health and Human Services—North Auditorium
(Address) 330 Independence Avenue, SW., Washington, D.C. 20001

November 27, 1984
(Time) 7:00 p.m.
(Place) The Bahia Hotel
(Address) 998 West Mission Bay Drive, San Diego, California 92109

November 29, 1984
(Time) 7:00 p.m.
(Place) Princess Kaiulani Hotel
(Address) 120 Kaiulani Avenue, Honolulu, Hawaii 96830

Francis M. Mullen, Jr., Administrator, Drug Enforcement Administration, Department of Justice, Washington, D.C., is the responsible official.

Question about the proposed action, and written comments and suggestions concerning the scope of the environmental impact statement should be address to Thomas G. Byrne, Chief, Cannabis Investigations Section, Operations Division, Drug Enforcement Administration, U.S. Department of Justice, Washington, D.C., 20537, (202) 633–1271 by December 14, 1984.

Copies of the Draft Environmental Impact Statement (DEIS) will be made available for agency and public comment upon publication. Requests for copies of the DEIS should be addressed to Mr. Byrne.

Dated: October 5, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-26840 Filed 10-11-84; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Notice of Annual List of Labor Surplus Areas

Correction

In FR Doc. 84–25495 beginning on page 37865 in the issue of Wednesday, September 26, 1984, make the following corrections:

1. On page 37871, in the second column, under **New York**, insert "Cortland County" afrer "Clinton County" in both columns of the table.

2. On page 37874,in the first column, under **Virginia**, insert "Westmoreland County" after "Waynesboro City" in the left column of the table.

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 84–144; Exemption Application No. D–4340 et al.]

Grant of Individual Exemptions; Middlewest Freightways, Inc., 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 sumit 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, April 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.

Middlewest Freightways, Inc. Retirement Trust (the Plan) Located in Louisville, Kentucky

[Prohibited Transaction Exemption 84–144; Exemption Application No. D–4340]

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 continuation, past June 30, 1984, of a lease of certain improved real property (the Real Property) by the Plan to Middlewest Freightways, Inc. (the Employer), provided the terms and conditions of the Lease are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

For a more complette statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on May 4, 1984 at 49 FR 19158.

Effective Date: This exemption is effective July 16, 1984.

Written Comments: The Department received one written comment to the proposed exemption which was submitted on behalf of the Employer. The Department was informed by the applicant that the transaction was not entered into until July 16, 1984. The applicant represents that it will pay the excise taxes for the leasing of the Real Property for the period of July 1, 1984 to July 16, 1984 within 60 days of the date of grant of this exemption.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Nasco, Inc. Amended and Restated Retirement Plan (the Retirement Plan) and Nasco, Inc. Amended and Restated Profit Sharing Plan (the Profit Sharing Plan) Located in Springfield, Tennessee

[Prohibited Transaction Exemption 84–145; Exemption Application Nos. D–4363 and D–4364]

Exemption

The restrictions of section 406(b)(2) of the Act shall not apply to the transfer of a group annuity contract from the Retirement Plan to the Profit Sharing Plan, the concurrent transfer of cash from the Profit Sharing Plan to the Retirement Plan and the assumption by the Profit Sharing Plan of benefits due certain participants, as described in the Notice of Proposed Exemption.

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 August 13, 1984 at 49 FR 32272.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

Dr. Steven Misencik, Inc. Profit Sharing Plan and the Dr. Steven Misencik, Inc. Pension Plan (collectively, the Plans) Located in Strongville, Ohio

[Prohibited Transaction Exemption 84–146; Exemption Application Nos. D–4518 and D–4519]

Exemption

The restrictions of sections 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 sections 4975(c)(1) (A) through (E) of the Code, shall not apply to a proposed loan (the Loan) by the Plans to Dr. Steven Misencik, Inc. of an amount not to exceed $80,000, provided the terms and conditions of the Loan are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 7, 1984 at 49 FR 31507.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Wilson Clinic Profit Sharing Plan and Wilson Clinic, P.A. Pension Plan (the Plans) Located in Wilson, North Carolina

[Prohibited Transaction Exemption 84–147; Exemption Application Nos. D–4809 and D–4810]

Exemption

The restrictions of sections 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 sections 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The proposed purchase (the Purchase) by the Plans of an unimproved parcel of real property (the Property) from Wilson Clinic, P.A. (the Employer), the sponsor of the Plans; (2) incident to the Purchase, the assumption by the Plans of the Employer's obligation under an existing mortgage on the Property; (3) the proposed lease (the Lease) of the Property by the Plans to the Employer; and (4) the possible repurchase of the Property by the Employer pursuant to the terms of the Lease, provided that the terms and conditions of the transactions are at least as favorable to the Plans as those obtainable from 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 August 13, 1984 at 49 FR 32275.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

Family Health Program Money Purchase Pension Plan (the Plan) Located in Fountain Valley, California

[Prohibited Transaction Exemption 84–148; Exemption Application No. D–4925]

Exemption

The restrictions of sections 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 sections 4975(c)(1) (A) through (E) of the Code, shall not apply to the prior cash sale of a four acre parcel of real property (the Property) by the Plan to FHP, Inc., provided that the price paid for the Property was no less than its fair market value at the time the sale was consummated.

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 August 13, 1984 at 49 FR 32276.

Effective Date: The effective date of this exemption is December 29, 1983.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

Esly M. Barreras, M.D., Inc. Defined Benefit Pension Plan (the Plan) Located in Oakland, California

[Prohibited Transaction Exemption 84–149; Exemption Application No. D–4989]

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, for a period of five years, to the proposed loans by the Plan of up to 25% of its assets to Esly M. Barreras, M.D., Inc., provided that the terms of the transactions are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of each transaction.

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 August 13, 1984 at 49 FR 32277.

Temporary Nature of Exemption

This exemption is temporary and will expire five years after the date of grant with respect to the making of any loan. Subsequent to the expiration of this exemption, the Plan may hold loans originated during this five year period until the loans are repaid. Should the applicant wish to continue entering into loan transactions beyond the five year period, the applicant may submit another application for exemption.

For Further Information Contact: Alan H. Levitas at the Department, telephone (202) 523–8971. (This is not a toll-free number.)

USGA, Inc. (USGA) Located in New York, New York

[Prohibited Transaction Exemption 84–150; Application No. D–4996]

I. Transactions

(A) The restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the following transactions involving mortgage pools (Mortgage Pools) in which employee benefit plans (Plans) will invest:

(1) The direct or indirect sale, exchange or transfer of certificates (Certificates) representing interests in Mortgage Pools in the initial issuance of Certificates between USGA or its affiliates and an investing Plan when USGA or any affiliate, the trustee (the Trustee) of a Mortgage Pool, or a mortgagor of such Mortgage Pool is a party in interest with respect to such plan, provided that the Plan pays no more than fair market value for such Certificates, and provided further that the rights and interests evidenced by such Certificates are not subordinated to the rights and interests evidenced by other Certificates of the same Mortgage Pool; and (2) The continued holding of Certificates acquired by a Plan pursuant to subsection (1), above.

(B) The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to transactions in connection with the servicing and operation of the Mortgage Pool provided that:

(1) Such transactions are carried out in accordance with the terms of a binding servicing agreement (Trust and Servicing Agreement); and

(2) Such Trust and Servicing Agreement is made available to investors before they purchase Certificates issued by the Mortgage Pool.

(C) The restrictions of sections 406(a) and 407 of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to any transaction to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a Plan by virtue of providing services to the Plan (or who has a relationship to such service provider described in section 3(14) (F), (G), (H) or (I) of the Act), solely because of the ownership of a Certificate evidencing an interest in a Mortgage Pool by such Plan.

II. General Conditions

The relief provided under Part I, above, is available only if the following conditions are met:

(A) The Trustee for each Mortgage Pool must not be an affiliate of USGA or its affiliates provided, however, that the Trustee shall not be considered to be an affiliate of USGA or its affiliates, solely because the Trustee has succeeded to

the rights and responsibilities of USGA or its affiliates pursuant to the terms of the Trust and Servicing Agreement providing for such succession upon the occurrence of one or more events of default by USGA or its affiliate; and

(B) The sum of all payments made to and retained by USGA or any affiliate thereof in connection with a Mortgage Pool and all funds inuring to the benefit of USGA or any affiliate as a result of the administration of the Mortgage Pool must represent not more than adequate consideration for selling the Certificates and underwriting the sale of the Certificates, plus reasonable compensation for services provided by USGA or any affiliate to the Mortgage Pool.

III. Definitions

(A) For the purpose of this exemption, the term "Mortgage Pool" means an investment pool the corpus of which:

(1) Is held in trust; and

(2) Consists solely of

(a) Interest bearing obligations secured by multi-family residential property;

(b) Property which had secured such obligations and which has been acquired by foreclosure; and

(c) Undistributed cash.

(B) For the purpose of this exemption, the term "Certificate" means a certificate representing a beneficial undivided fractional interest in a Mortgage Pool and entitling the holder of such certificate to pass-through payment of principal and interest from the pooled mortgage loans, less any fees retained by USGA or any affiliate.

(C) For the purpose of this exemption, the term "affiliate" of another person means:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with such other person;

(2) Any officer, director, partner, employee or relative (as defined in section 3(15) of the Act) of such other person; and

(3) Any corporation or partnership of which such other person is an officer, director or partner.

For purposes of this section, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(D) For the purpose of this exemption, a person will be "independent of USGA, its affiliates, or the Trustee" only if:

(1) Such person is not an affiliate (as defined in section III(C) of this exemption) of USGA or the Trustee: and

(2) Neither USGA, the Trustee, nor any affiliate thereof, is a fiduciary who has investment management authority or renders investment advice with respect to any of the assets of such person.

(E) For the purpose of this exemption, the term "sale" includes a forward delivery commitment (as defined in section F below) by an investing Plan, provided:

(1) For the purposes of section I(A), the terms of the forward delivery commitment contract are no less favorable to the Plan than they would be in an arm's length transaction with an unrelated party; and

(2) For the purpose of section I(B)—

(a) The forward delivery commitment has been expressly approved by a fiduciary independent of USGA or its affiliate or the Trustee who has authority to manage and control those plan assets being committed for investment in such Certificates;

(b) The terms of the forward delivery commitment contract (including any fee paid to the investing Plan) are no less favorable to the Plan than they would be in an arm's length transaction with an unrelated party; and

(c) At the time of delivery, all of the conditions of section I(B) of this exemption are met.

(F) For the purpose of this exemption, the terms "forward delivery commitment," and "forward delivery commitment contract" mean a contract for the purchase or sale of one or more Certificates to be delivered at an agreed upon future settlement date, which is more than thirty calendar days after the contract's trade date. The terms include both mandatory contracts (which contemplate obligatory delivery and acceptance of the Certificates) and optional contracts (which give one party the right but not the obligation to deliver Certificates to, or demand delivery of Certificates from, the other party).

Effective Date: The exemption will be effective June 18, 1984.

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 August 7, 1984 at 49 FR 31508.

For Further Information Contact: Paul R. Antsen of the Department, telephone (202) 523–6915. (This is not a toll-free number.)

Bee Line Cooling, Ltd. Employees Pension Plan (the Plan) Located in Bronx, New York

[Prohibited Transaction Exemption 84–151; Exemption Application No. D–4997]

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 leases of certain properties by the Plan to Bee Line Cooling, Ltd., the sponsor of the Plan, provided that the terms of the transaction are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 14, 1984 at 49 FR 32478.

Effective Date: The effective date of this exemption is March 9, 1984.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

Plumbers' Union Local 690 Health and Welfare Plan, Plumbers' Union Local 690 Vacation Plan, Plumbers' Union Local 690 Apprenticeship Plan, Plumbers' Union Local 690 Metal Trades Division Health and Welfare Plan, Plumbers' Union Local 690 Pension Plan, and Plumbers' Union Local 690 Metal Trades Division Pension Plan (Collectively, the Plans) Located in Philadelphia, Pennsylvania

[Prohibited Transaction Exemption 84–152 Exemption Application Nos. L–5078 and L–5079]

Exemption

The restrictions of section 406(b)(2) of the Act shall not apply, effective January 1, 1984, to the past and proposed lease by the Plans of certain real property from the Plumbers' Union Local 690 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, a party in interest with respect to the Plans, provided that such lease is on terms at least as favorable to the Plans as the Plans could obtain in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 13, 1984 at 49 FR 32280.

Effective Date: This exemption is effective January 1, 1984.

For Further Information Contact: Ronald Willett of the Department,

telephone (202) 523–8194. (This is not a toll-free number.)

Adams, Levin, Kehoe, Bosso, Sachs & Bates, A Professional Corporation Profit Sharing Plan (the Plan) Located in Santa Cruz, California

[Prohibited Transaction Exemption 84–153 Exemption Application No. D–5109]

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: (1) The proposed cash purchase by the Plan of a parcel of land (the Land) currently owned by Eugene J. Adams, a retired plan participant; (2) the subsequent lease of the Land (the Ground Lease) to five shareholders (the Shareholders) of Adams, Levin, Kehoe, Bosso, Sachs & Bates, A Proferssional Corporation, the sponsor of the Plan; (3) the possible cash purchase of the Land by the Shareholders from the Plan pursuant to the terms of the Ground Lease; and (4) a guarantee by the Shareholders to the Plan with respect to the future disposition of the Property by the Plan, provided that the terms and conditions of the proposed transactions are at least as favorable to the Plan as those which the Plan could receive in similar transactions with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 13, 1984 at 49 FR 32281.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

Cluett, Peabody & Co., Inc. Master Trust (the Trust) Located in New York, New York

[Prohibited Transaction Exemption 84–154. Exemption Application No. D–5140]

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: (1) The lease (the Lease) effective July 1, 1984, of certain improved real property (the Property) by SCP Properties, Inc., a title holding company all of whose shares are owned by Manufacturers Hanover Trust Company, as trustee of the Trust to Cluett, Peabody & Co., Inc. (the Employer), the Plan sponsor, and (2) the possible purchase of the Property by the Employer pursuant to the terms of the Lease, provided that the terms and conditions of the proposed transactions are at least as favorable to the Trust as those obtainable in an arm's-length transaction with an unrelated party.

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 July 6, 1984 at 49 FR 27852.

Effective Date: The effective date of this exemption is July 1, 1984.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

Far West Federal Bank Retirement Plan and Trust (the Plan) Located in Portland, Oregon

[Prohibited Transaction Exemption 84–155; Exemption Application No. D–5142]

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, effective October 31, 1979, to fourteen interest-bearing loans to the Plan from Far West Federal Bank, the sponsor of the Plan.

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 August 13, 1984 at 49 FR 32282.

Effective Date: This exemption is effective October 31, 1979.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

Operating Engineers Pension Trust (the Plan) Located in Los Angeles, California

[Prohibited Transaction Exemption 84–156; Exemption Application No. D–5320]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply, effective October 1, 1981, to the lease of office space by the Plan to Wayne Jett, a sole proprietor now doing business as Jett, Clifford & Laquer, formerly Wayne Jett, Lawyers, under the terms described in the notice of proposed exemption, provided such terms are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on July 17, 1984 at 49 FR 28941.

Effective Date: This exemption is effective October 1, 1981.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Clark, Partington, Hart & Hart Employees Profit Sharing Plan (the Plan) Located in Pensacola, Florida

[Prohibited Transaction Exemption 84–157; Exemption Application No. D–5343]

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 (1) the proposed loan (the Loan) of $40,000 by the Plan to Clark, Partington, Hart, Hart & Johnson, P.A. (the Employer), a party in interest with respect to the Plan; and (2) the joint and several guarantees of the proposed Loan by the six principals of the Employer, also parties in interest with respect to the Plan, provided that the terms and conditions of the Loan and guarantees are not less favorable to the Plan than those obtainable in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 14, 1984 at 49 FR 32478.

For Further Information Contact: Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll-free number.)

Blackfoot Medical Clinic, Inc., P.A. Employee Profit Sharing Trust (the Plan) Located in Blackfoot, Idaho

[Prohibited Transaction Exemption 84–158; Exemption Application No. D–5383]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the continuation beyond June 30, 1984 of a lease of certain real property located at 625 W. Pacific, Blackfoot, Idaho, by the Plan to Blackfoot Medical

Clinic, Inc., P.A., the sponsor of the Plan, provided that such lease is on terms and conditions at least as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 13, 1984 at 49 FR 32285.

Effective Date: This exemption is effective July 1, 1984.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

R.L. Fitzwater & Son, Inc. Profit Sharing Plan (the Plan Located in Pennsauken, New Jersey

[Prohibited Transaction Exemption 84–159; Exemption Application No. D–5396]

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 proposed loan by the Plan of cash in the amount of $200,000 to R.L. Fitzwater & Sons, Inc., provided that the terms and conditions of the proposed transaction are not less favorable to the Plan than those obtainable in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 13, 1984 at 49 FR 32286.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll-free number.)

A.H. Peters Funeral Home of Grosse Pointe, Inc. Employees Profit Sharing Trust (the Plan) Located in Grosse Pointe, Michigan

[Prohibited Transaction Exemption 84–160; Exemption Application No. D–5570]

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 proposed cash sale by the Plan of a parcel of improved real property (the Property) to A.H.P. Building Company, a party in interest with respect to the Plan, provided that the sales price is not less than the fair market value of the Property at the time the sale is consummated.

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 August 14, 1984 at 49 FR 32479.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 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 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 9th day of October, 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84–27059 Filed 10–11–84; 8:45 am]
BILLING CODE 4510–29–M

[Application No. L–3086 at al.]

Proposed Exemptions; Carpenters Apprenticeship and Training Fund for Northern California, 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 Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice of Interested Persons

Notice of proposed exemption 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.

Carpenters Apprenticeship and Training Fund for Northern California (the Apprenticeship Fund) and Carpenters Pension Trust Fund for Northern California (the Pension Fund), (collectively, the Funds) Located in San Francisco, California

[Application Nos. L–3086 and D–3110, respectively]

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) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to: (1) The extension of credit by the Pension Fund to the Apprenticeship Fund, created through the purchase by the Apprenticeship Fund from Pleasanton Partners III (the Partnership) of a building (the Training Center) under which purchase the Apprenticeship Fund will assume the Partnership's debt obligation pursuant to a loan (the Loan) to be made by the Pension Fund to the Partnership; (2) the subordination by the Apprenticeship Fund of its interest in a parcel of land (the Land) to the Pension Fund in order to induce the Pension Fund to make the Loan; (3) the lease of office space (the Lease) in the Training Center by the Apprenticeship Fund to South County Community College District (the College); and (4) the assignment by the Apprenticeship Fund to the Pension Fund of its interest in the Lease, provide that the terms and conditions of the above transactions are negotiated at arm's-length and are at least as favorable to each Fund as the terms and conditions each could obtain from and unrelated party.

Summary of Facts and Representations

1. The Funds are collectively bargained multiemployer plans established in accordance with section 302 of the Labor-Management Relations Act of 1947, as amended. The Pension Fund had 44,649 participants and the Apprenticeship Fund had approximately 5,000 participants as of January 1, 1981. The Pension Fund had assets of approximately $397 million and the Apprenticeship Fund had assets of approximately $4.1 million as of August 31, 1981.

Each of the Funds has 14 trustees (the trustees). Three of the Trustees serve on both the Pension Fund and the Apprenticeship Fund Board on Trustees. These three Trustees have not participated and will not participate in any decisions to be made by the Funds concerning transactions described below which involve both Funds.

The Apprenticeship Fund makes contributions to the Pension Fund for 24 Apprenticeship Fund employees. Therefore, the Apprenticeship Fund is a party in interest with respect to the Pension Fund under section 3(14)(C) of the Act.

2. The Apprenticeship Fund offers a program for training apprentice carpenters, drywall installers, millwrights and mill cabinet workers in many geographically diverse northern California locations. In order to provide a more economical operation and improve the quality of the instruction, the Apprenticeship Fund planned to consolidate five of the San Francisco Bay Area training locations into the Training Center, designed as a combined daytime training center containing offices, classrooms, shops, storage facilities and a cafeteria. It is estimated that the consolidation will enable the Apprenticeship Fund to save $62,000 per year in operating costs. The Training Center will serve approximately 3,300 trainees each year.

3. The Apprenticeship Fund has no in-house personnel with expertise in purchasing, developing and constructing buildings on real property, nor does it need such personnel in the ordinary course of its business. When the need for locating property and building a training facility arose, the Apprenticeship Fund Trustees had two alternatives. They could hire experts such as brokers, architects, builders and all the other people necessary to do the job, or they could find a real estate developer with the capability to deliver land with a completed building thereon, ready for occupancy.

The Apprenticeship Fund Trustees sought and obtained the guidance of McMorgan and Company (McMorgan), the investment manager of the Pension Fund, with regard to the development of the training facility. The Apprenticeship Fund Trustees and McMorgan surveyed successful developers and selected the Partnership whose principals had a proven record of success and could reasonably be expected to deliver the accommodations the Apprenticeship Fund needed to fulfill its mission.

4. The Partnership is a California limited partnership. The applicants represent that neither the Partnership nor its limited and general partners are parties in interest as defined in section 3(14) of the Act to either of the Funds.[1] On October 23, 1981, the Apprenticeship Fund purchased the Land, an eight acre parcel of unimproved real property, from the Partnership for $1,550,000. McMorgan and the Trustees of the Apprenticeship Fund negotiated various agreements with the Partnership as discussed below under which the Training Center would be constructed on the Land and would ultimately be owned by the Apprenticeship Fund.

The Partnership selected George A. Johnson Construction Company (the Johnson Company) through a competitive bidding process to construct the Training Center. Although the Johnson Company is a contributing employer to both Funds, no fiduciary with respect to the Funds has any interest whatsoever in the Johnson Company. Furthermore, there was no arrangement between the Funds and the Partnership which required the Partnership to select the Johnson Company as the construction contractor. The construction of the Training Center was completed on December 15, 1982.

5. On November 10, 1981, the Apprenticeship Fund entered into a ground lease (the Ground Lease) of the Land to the Partnership for a term ending 20 years after the completion of the Training Center. The Ground Lease specifically provides that any improvements constructed on the Land during the term of the Ground Lease are owned by the Partnership during such term. The Ground Lease is triple net and provides for an annual rental of $255,750 for the entire term thereof. The rental

[1] The Department expresses no opinion as to whether the Partnership is a party in interest to either of the Funds or whether transactions engaged in between either of the Funds and the Partnership constitute prohibited transactions under section 406 of the Act and section 4975 of the Code. No exemptive relief has been requested by the applicants for transactions between either of the Funds and the Partnership, nor is the Department proposing relief for any such transactions.

rate, which produces a net annual return on investment of 16.5% to the Apprenticeship Fund, was determined by comparisons with rentals for similar property in the area. The applicant state that ground leases of this type are common in the area where the Training Center is located.

The Apprenticeship Fund also entered into a lease (the Improvements Lease) with the Partnership on November 10, 1981, for the rental of the Training Center. The term of the Improvements Lease commenced upon the completion of the Training Center and ends 20 years thereafter. The rental rate for the first 15 months of the Improvements Lease represents the sum of the ground rent received by the Apprenticeship Fund under the Ground Lease plus either an amount equal to the interest on the construction loan or, after repayment of the construction loan, an amount equal to the regular monthly installment due on an interim loan or permanent loan used to finance repayment of the construction loan. Thus, the rent under the Improvements Lease was structured to treat the Apprenticeship Fund as if it owned both the land and the Training Center.

There was no profit to the Partnership under the Improvements Lease for the first 15 months. However, the rent increased by $2,500 per month after the first 15 months, i.e., at the same time that the Apprenticeship Plan had the right to exercise the option discussed in item 6 below. The applicants represent that the rental rate under the Improvements Lease was negotiated at arm's length and will not exceed the fair rental value of the Training Center during the term of the Improvements Lease.

6. The Apprenticeship Fund and the Partnership entered into an option agreement on November 10, 1981 under which the Apprenticeship Fund may purchase the Training Center and the Partnership's leasehold interest in the Ground Lease for $250,000 plus the assumption of the outstanding debt on the Training Center. The option period began 15 months after the completion of the Training Center and ends 40 months after such completion. The $250,000 represents payment for the Partnership's services performed in connection with the development of the Land and Training Center including site selection, zoning approval, supervision of architectual services and construction supervision. The applicants represents that this amount represents no more than reasonable compensation for the services rendered.

The Apprenticeship Fund has determined to exercise the option as soon as permitted under the option agreement, but only after an exemption has been granted for the extension of credit between the Pension Fund and the Apprenticeship Fund as discussed in item 7 below. The reason for entering into a 20-year Improvements Lease and also entering into an option agreement beginning 15 months after completion of the Training Center is that the Apprenticeship Fund Trustees believed at the time of negotiations with the Partnership that it would be prudent to have a long term leasehold interest in the Training Center in case there were financial or other reasons not to exercise the option.

7. The Pension Fund on January 31, 1983, agreed to make the Loan to the Partnership, conditioned on the granting of an administrative prohibited transactions exemption by the Department regarding the Pension Fund's ultimate extension of credit to the Apprenticeship Fund discussed below. The Loan, which is the permanent loan on the Training Center, will not exceed the amount of the Partnership's construction loan. [2]

The Loan which was negotiated on behalf of the Pension Fund by its investment manager, McMorgan, will be in the amount of $3.3 million and will bear interest at 13½% per annum. The Loan will be secured by a first lien mortgage on the Training Center and the Land, which had a total value of approximately $4.85 million upon completion of construction. The Loan will be further collateralized by the assignment of the Lease, discussed in item 8 below, by the Apprenticeship Fund to the Pension Fund.

The Department has determined that the Apprenticeship Fund's subordination of its interest in the Land to the Pension Fund in order to induce the Pension Fund to make the Loan is a separate and distinct prohibited transaction under section 406(a)(1)(D) of the Act. The applicants represent that the Trustees of the Apprenticeship Fund determined that it was common practice by lenders to require such subordination and that a loan could not be secured absent pledging the Land as security.

The Applicants represent that all terms and conditions of the Loan were negotiated at fair market value. The Pension Fund will not disburse the Loan unless it has received an M.A.I. appraisal indicating a total value for the Training Center and the Land of at least $4.125 million. Thus, the Loan would not exceed 80% of the value of the mortgaged property.

At the time the Apprenticeship Fund exercises its option to purchase the Training Center and Ground Lease from the Partnership, it will assume the Loan, thus creating an extension of credit by the Pension Fund to the Apprenticeship Fund. The Loan would constitute less than 1% of the Pension Fund's current assets.

McMorgan continuously reviews the entire investment portfolio of the Pension Fund. It determined that the location of the Land and Training Center is in an area now undergoing rapid development resulting in dramatic increases in real property values. The current increases in real property values, the outstanding future potential for the area and the quality construction of the Training Center make the Loan a prime investment and create an extremely low risk factor in making the Loan. McMorgan has determined that the Loan is consistent with the overall objectives of the Pension Fund's investments and that the return is comparable or preferable to other excellently situated investments available to the Pension Fund.

8. The College is a public community college which entered into an agreement with the Apprenticeship Fund to provide training personnel and services to the Apprenticeship Fund and to lease a portion of the Training Center from the Apprenticeship Fund. Because of the services provided by the College, it is a party in interest to the Apprenticeship Fund under section 3(14)(B) of the Act.

California Labor and Education Codes authorize the State of California, through subsidiary municipal authorities such as the College, to enter into leases for the purpose of providing instructional services to apprentices. The state law requires the premises to be leased on a "break even" bases, i.e., the Apprenticeship Fund will receive rent to cover the cost of the facilities but will not make a profit from the leasing. In addition to the rental payments, the College will pay the Apprenticeship Fund approximately $180,000 toward instructional staff salaries, administrative costs and materials related to the training program to be established and supervised by the College. Unlike most states, the State of

[2] The construction loan was made to the Partnership by Lloyds Bank California (the Bank), which is a corporate co-trustee of the Pension Fund. The Bank has no discretionary authority with regard to the assets of the Pension Fund. The Bank acts only under the direction of the Pension Fund's investment manager, McMorgan. The applicants represent that the Bank's role in making the construction loan and receiving repayment through the Loan is encompassed by Prohibited Transactions Exemption 81-75 (PTE 81-75), 46 FR 46435, September 18, 1981. The Department is expressing no opinion herein as to the application of PTE 81-75 in this situation.

California, through such vehicles as the College, subsidizes a significant portion of the cost of apprenticeship training.

The Lease is for 46,021 square feet of office and warehouse space for annually renewable terms of one year at a rental of approximately $.83 per square foot per month, amounting to $458,353 per annum. The Lease may be terminated by either party upon 30 days' written notice. The Lease rate was set to completely service the principal and interest on the Loan. While the Lease is set at a "break even" rate, the applicants represent that all terms and conditions of the Lease have been and will continue to be negotiated at arm's length thus producing a rental rate that is fair market value. They note that the Apprenticeship Fund has been paying $.68 and $.50 per square foot per month to unrelated parties for comparable training class and warehouse space in the same geographic area.

The Lease covers use of the premises by the College solely for the purposes of apprenticeship training. To the extent the College uses the space for any other reason, a separate rental fee will be negotiated at arm's length to cover such use.

9. In summary, the applicants represent that the transactions satisfy the statutory criteria of section 408(a) of the Act because: (a) The Funds' Trustees have reviewed the transactions and determined them to be in the interests of and protective of the respective Funds and their participants and beneficiaries; (b) the Apprenticeship Fund estimates a $62,000 savings in operating expenses each year by virtue of consolidating five of its training facilities into the Training Center; (c) all terms and conditions of the Ground Lease, the Improvements Lease, the purchase of the Training Center and the Partnership's interest in the Ground Lease, the Loan and the Lease have been or will be negotiated on an arm's-length basis; (d) the Loan is adequately secured and constitutes less than 1% of the Pension Fund's assets; (e) the rental payments under the Lease will fully amortize the payments due under the Loan; (f) all of the transactions are with parties who are not fiduciaries to either of the Funds; and (g) the three Trustees who serve as Trustees for both Funds have not and will not participate in any decisions regarding transactions involving both Funds.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons in the manner agreed upon by the applicants and the Department within 20 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. Comments are due within 50 days of the date of publication in the **Federal Register.**

For Further Information Contact: Mrs. Mary Jo Fite of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

United Bank of Alaska (UBA) Located in Anchorage, Alaska

[Application Nos. D-3122 and D-3123]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) as follows:

(I) Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the past and proposed sale, exchange or transfer between UBA and certain employee benefit plans (the Plans) of multi-family residential and commercial mortgage loans (the Mortgages) or participation interests therein (the Participation Interests) which are originated by UBA provided that:

A. Such sale, exchange or transfer is expressly approved by a fiduciary independent of UBA who has authority to manage or control those Plan assets being invested in Mortgages or Participation Interests;

B. The terms of all transactions between the Plans and UBA involving the Mortgages or Participation Interests are not less favorable to the Plans than the terms generally available in arm's-length transactions between unrelated parties;

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is paid to UBA with regard to such sale, exchange or transfer;

D. The decision to invest in a Mortage or Participation Interest is not part of an arrangement under which a fiduciary of a Plan, acting with the knowledge of UBA, causes a transaction to be made with or for the benefit of a party in interest (as defined in section 3(14) of the Act) with respect to the Plan; and

E. UBA shall maintain for the duration of any Mortgage or Participation Interest which is sold to a Plan pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records referred to above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: Any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, participant or beneficiary of a Plan.

(II) Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a Plan by virtue of providing services to the Plan (or who has a relationship to such service provider described in section 3(14) (F), (G), (H), or (I) of the Act) solely because of the ownership of a Mortgage or Participation Interest by such Plan.

Summary of Facts and Representations

1. UBA is a commercial bank chartered by the State of Alaska, regulated and audited by the Federal Deposit Insurance Corporation plus the Division of Banking, Securities and Corporations of the State of Alaska. UBA's parent company (which owns all of the common stock of UBA except for certain requisite qualifying shares owned by individual directors), United Bancorporation Alaska, is a bank holding company subject to regulatory oversight by the Board of Governors of the Federal Reserve System and the Alaskan bank regulator. As of June 30, 1984, UBA had assets of approximately $343,510,000. UBA's activities embrace those of a typical commercial bank with the principal exception of trust services, which UBA does not offer to its customers.

Since January 1, 1975, UBA has sold Participation Interests to Alaska Hotel and Restaurant Employees Pension Trust, Alaska Electrical Pension Trust and other non-plan investors. With respect to prospective transactions, sales between UBA and the Plans may include the above-mentioned multi-employer pension plans and other interested employee benefit plans.

2. UBA sells either the entire Mortgage or a Participation Interest therein. Typically, UBA retains a 10% to 25% interest in a mortgage and sells Participation Interests in the balance of the amount outstanding. UBA had no

pre-existing relationship with any of the Plans to which it initially sold a Participation Interest or Mortgage. However, by virtue of UBA servicing the subject Mortgages and Participation Interests it became a party in interest with respect to the Plans so that any subsequent sale of Mortgages or Participation Interests were prohibited transactions. The applicant represents that the transactions did not involve a conflict of interest or present a situation where advantage could be taken of the Plans or of the trustees of the Plans because all decisions regarding investment in the Participation Interests were solely and affirmatively made by Plan fiduciaries who are independent of UBA.[3]

3. UBA initiates a Mortgage by reviewing a loan application from a potential mortgagor, which includes a mortgage proposal consisting of a summary of facts relating to the loan, setting forth such matters as the terms of the Mortgage, a description of the property securing the Mortgage and an appraisal of the property from a qualified appraiser. UBA has imposed strict underwriting guidelines concerning the applicant's credit-worthiness and the value of the collateral which must be satisfied before any decision is made to fund a Mortgage. Once assembled and verified, a mortgage package is presented to a UBA loan committee to determine whether such Mortgage is a good risk. At or about such time, the mortgage package is presented to investors, typically thrift institutions, life insurance companies, pension plans,[4] or other financial institutions or Federal or State agencies such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation and the Alaska Housing Finance Corporation.

4. Generally, the average loan to value ratio does not exceed 75% for the Mortgages. In the event a greater loan to value ratio is warranted commercial loan insurance is required. The yield provided to the Plans by the Mortgages or Participation Interests has been and will continue to be the prevailing rate on comparable mortgages at the time of sale. The Participation Interests previously sold to the Plans have had excellent payment histories with no Plan experiencing any losses.

5. The Plans pay no investment management, investment advisory, sales commission or similar fee to UBA with respect to the acquisition or sale of Mortgages or Participation Interests. The applicants represents that the Plans have paid and will pay no more for Mortgages or Participation Interests than have been or would be paid by an unrelated party in an arm's length transaction.

6. All transactions relating to the Mortgages or Participation Interests are controlled by a set of servicing provisions embodied in a sales and participation agreement (the Servicing Agreement) which UBA represents is typical of bank servicing agreements.[5] The Servicing Agreement requires UBA to represent to the purchasing Plan, among other matters, the following for each Mortgage or Participation Interest: (a) That the Mortgage is a first lien on the property described therein, (b) that the Mortgage has been insured by a title company acceptable to the Plan in an amount equal to the full amount of the loan; (c) that the note and Mortgage are legal, valid and binding in accordance with their terms; (d) that the loan is not in default and that UBA has no knowledge of any state of facts which would entitle it to declare a default; (e) that UBA has in its possession a hazard policy or policies with respect to each loan at least equal to the value of the Mortgage or Participation Interest; (f) that UBA has inspected the property and that all representations as to the property, its improvements and conditions are correct; and (g) that an appraisal by an appraiser acceptable to the Plan has been procured indicating a value meeting the requisite loan to value ratio.

7. UBA's duties under the Servicing Agreement include the following: (a) To collect all payments under the Mortgages or Participation Interests as they become due; (b) to deposit all funds received on behalf of each Mortgage or Participation Interest in a separate account on behalf of the relevant Plan and to apply all sums collected by it on account of each such Mortgage or Participation Interest for principal and interest, taxes, assessments, other public charges, repairs and maintenance plus hazard, fire and mortgage insurance premiums; (c) to submit to the relevant Plan at least annually a written report of the balances of each Plan's account together with a certificate that all disbursements were made for proper purposes, as well as to make available for inspection by the Plan any records maintained with respect to the Mortgage or Participation Interest; (d) to retain physical possession of the Mortgage instruments and policies of insurance; (e) upon default on a Mortgage to give prompt notice of default to the Plan, and, subject to the Plan's approval, to foreclose upon the property, or purchase the mortgaged property at a foreclosure or trustee's sale.[6] With regard to the past sales of Participation Interests, UBA waives its right upon default by the borrower to unilaterally determine as a prudent lender pursuant to the operative servicing provisions, which default

[3] With regard to the past sales of Participation Interests to Alaska Hotel and Restaurant Employees Pension Trust and Alaska Electrical Pension Trust, investment decisions regarding the Participation Interests were made by Kennedy/Boston Associates, Inc., as the Plans' independent investment advisor. Other than acting as a fiduciary for these Plans with respect to the subject Participation Interests, the applicant represents that Kennedy/Boston Associates, Inc. has no ongoing relationship with UBA, either as a shareholder, service provider, contractor supplier or otherwise.

While stating affirmatively that UBA would not make investment decisions regarding the future sales of Mortgages or Participation Interests, the applicant was silent about who would make such decisions. In some situations it is possible that investment decisions will be made by trustees of the Plans. The Department notes that where the construction on the property which secures the Mortgage was by a contributing employer to the Plan and a principal of such employer exercises fiduciary authority in approving the Plan's investment in the Mortgage, a separate prohibited transaction under section 406(b) of the Act may occur which transaction would not be covered by this exemption. See also condition D of Part I of this exemption which has the effect of precluding relief under section 406(a) of the Act for certain transactions undertaken for the benefit of parties in interest.

[4] The Department notes that the application does not address the separate prohibited transactons under section 406(a)(1)(B) of the Act which would exist should any of the Mortgages originated by UBA and subsequently purchased by the Plans involve loans to any party in interest with respect to the purchasing Plan. Accordingly, no relief is afforded by this proposed exemption for such transactions. However, from the date of the grant of this exemption, UBA will request potential borrowers to list in their loan application their relationship to any pension plan in an effort to assist a potential purchasing plan in determining whether the borrower may be a party in interest.

[5] With regard to the past sales of Participation Interests to the Alaska Hotel and Restaurant Employees Pension Trust and to the Alaska Electrical Pension Trust, the transactions are currently controlled by servicing provisions in a sales and participation agreement prepared by the Plans' independent investment advisor, Kennedy/Boston Associates, Inc.

No exemption from section 406 of the Act is being granted for transactions pursuant to the Servicing Agreements beyond that which is provided by the statutory exemption pursuant to section 408(b)(2) of the Act.

[6] The Department notes that the application does not address the separate prohibited transaction under section 406(a) (1) (A) of the Act which would exist where upon foreclosure the Plan acquires title to real property and such property or a portion thereof is leased to a party in interest with respect to a Plan. Moreover, if the party in interest under such lease is an employer of employees covered by the Plan, the acquisition or real property by the Plan would result in the acquisition of employer real property which may violate the provisions of section 406(a) (2) and 407 of the Act. Accordingly, no relief is afforded by this proposed exemption for such transactions.

remedy(s) UBA should pursue on behalf of the loan participant(s) and UBA. UBA represents that there have been no foreclosures on the properties securing the Participation Interests previously sold to Plans. With regard to future decisions regarding foreclosure, UBA will procure the consent of any Plan(s) before UBA enforces the available default remedies.

8. UBA's compensation for servicing the Mortgages and Participation Interests is agreed to at the time each Mortgage or Participation Interest is accepted by the Plan. The applicant represents UBA's servicing fee is determined on the same basis as are the fees charged investors other than the Plans who similarly invest in the Mortgages and Participation Interests. Also, UBA's fee is consistent with servicing fees charged throughout the United States for similar services.

9. It is understood by the parties to the Servicing Agreement that the sale of a Mortgage or Participation Interest is without recourse except that (i) UBA agrees to repurchase any Mortgage or Participation Interest other than FHA insured, VA guaranteed or martgage company insured mortgages if UBA has violated any of the representations and warranties made to the Plan, and (ii) UBA further agrees to repurchase such insured or guaranteed mortgages if the applicable insurance or guarantee lapses as the result of UBA's act or omission. Any such repurchases will be at an amount equal to the then unpaid balance of the Mortgage or Participation Interest plus accrued interest to the date of such repurchase.

10. UBA represents that as a result of being a party in interest with respect to a Plan by virtue of servicing the Mortgages it would be prohibited from engaging in other commercial transactions with a Plan, such as the making of loans, which have nothing to do with the Mortgages or Participation Interests held by the Plan. The Department has considered UBA's request for relief for such transactions and has decided that because the servicing relationship is established as a necessary result of the purchase of a Mortgage or Participation Interest by a Plan subsequent transaction between the parties otherwise prohibited by section 406(a) are not likely to present an inherent abuse potential. Accordingly, the Department has determined it would be appropriate to propose the relief from section 406(a) contained in Part II of the proposed exemption.

11. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because: (a) The transactions were and will be between the Plans and UBA (a federally and state regulated institution) and are transactions made in the regular course of UBA's business; (b) all Plan decisions to invest in Mortgages and Participation Interests were and will be made by Plan fiduciaries who are independent of UBA; (c) the Plans have paid and will pay no more for the Mortgages or Participation Interests than would be paid by an unrelated party in an arms' length transaction; (d) UBA's servicing fee has been and will continue to be similar to fees charged other investors in the Mortgages or Participation Interests, and has been and will be consistent with that charged in the open market; (e) the Mortgages were and will be all first liens on commercial and milti-family residential property; (f) the warranties and representations made by UBA regarding the Mortgages and Participation interests are standard for these type of transactions; and (g) the Mortgages and Participation Interests sold by UBA to the Plans have had a long-term history of successful repayment.

Notice to Interested Persons: In addition to the notice requirement outlined in the general provisions of this notice, UBA agrees to provide a copy of the notice of proposed exemption and any subsequent grant of such exemption to fiduciaries of all employee benefit plans with whom UBA may contract in the future to provide services as described herein. Such notification will be provided prior to UBA entering into a contract to provide such services.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll-free number.)

Alaska Pacific Bank (APB) Located in Anchorage, Alaska

[Application No. D–3490]

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 froth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) as follows:

(I) Effective January 1, 1975, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the past and proposed sale, exchange or transfer between APB and certain employee benefit plans (the Plans) of multi-family residential and commercial mortgage loans (the Mortgages) or participation interests therein (the Participation Interests) which are originated by APB provided that:

A. Such sale, exchange or transfer is expressly approved by a fiduciary independent of APB who has authority to manage or control those Plan assets being invested in the Mortgages or Paticipation Interests.

B. The terms of all transactions between the Plans and APB involving the Mortgages or Participation Interests are not less favorable to the Plans than the terms generally available in arm's length transactions between unrelated parties.

C. No investment management, advisory, underwriting fee or sales commission or similar compensation is paid to APB with regard to any such sale, exchange or transfer.

D. The decision to invest in a Mortgage or Participation Interest is not part of an arrangement under which a fiduciary of a Plan, acting with the knowledge of APB, causes a transaction to be made with or for the benefit of a party in interest (as defined in section 3(14) of the Act) with respect to the Plan.

E. APB shall maintain for the duration of any Mortgage or Participation Interest which is sold to a Plan pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records mentioned above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plans, during normal business hours by: Any trustee, investment manager, employer of Plan participants, employee organization whose members are covered by a Plan, participant or beneficiary of a Plan.

II. Effective January 1, 1975, the restriction of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to any transactions to which such restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest (including a fiduciary) with respect to a Plan by virtue of providing services to the Plan (or who has a relationship to such service provider described in section 3(14), (F), (G), (H), or (I) of the Act) solely because of the ownership of a Mortgage or Participation Interest by such Plan.

Summary of Facts and Representations

1. APB is a commercial bank owned by its shareholders and chartered by the State of Alaska. The range of APB's

investments is limited by statute and consists largely of first mortgages on real estate. APB is regulated and audited by the Division of Banking of the Alaska Department of Commerce and Economic Development. APB is a member of the Federal Deposit Insurance Corporation and is subject to the regulations and audits for member banks. As of December 31, 1983, APB had assets totaling approximately $194,789,000.

Since January 1, 1975, APB has sold Participation Interests and Mortgages to the Plans and other investors. All past sales of Participation Interests and Mortgages involving employee benefit plans were to the Alaska Electrical Pension Trust, Alaska Teamsters Pension Trust, Alaska Carpenters Retirement Trust, International Brotherhood of Painters Pension Trust and Alaska Plumbers and Pipefitters Industry Pension Fund. With respect to prospective transactions, sales between APB and the Plans include the above-mentioned multi-employer pension funds and other interested Plan investors. The Mortgages consist of multi-family residential or commercial permanent first mortgage loans originated by APB in the ordinary course of its business.

2. APB sells either the entire Mortgage or a Participation Interest therein. Typically, APB retains a 10% to 25% interest in a mortgage and sells Participation Interests in the balance of the amount outstanding. APB had no pre-existing relationship with any of the Plans to which it initially sold a Participation Interest or Mortgage. However, by virtue of APB servicing the Mortgages and Participation Interests it became a party in interest with respect to the Plans so that any subsequent sale of Mortgages or Participation Interests was a prohibited transaction. APB represents that the transactions do not involve a conflict of interest or present a situation where advantage could be taken of the Plans or the trustees of the Plans because all decisions regarding investment in the Mortgages or Participation Interests are made by Plan fiduciaries who are independent of APB.[7]

3. APB initiates a Mortgage by reviewing a loan application from a potential mortgagor which includes a mortgage proposal consisting of a summary of facts relating to the loan setting forth such matters as the terms of the Mortgage, a description of the property securing the Mortgage and an appraisal of the property from a qualified appraiser. APB has imposed strict underwriting guidelines concerning the applicant's credit worthiness and the value of the collateral which must be satisfied before any decision is made to fund a Mortgage. APB requires current financial statements for the borrowing entity and any guarantor, plus copies of three years of tax returns for the borrower and guarantors. Once assembled and verified, a mortgage package is first presented to an internal officer's loan review committee of APB which determines whether such mortgage is good risk and should be approved. If this committee approves the loan, it is then presented to the senior loan committee consisting of senior officers of APB and outside directors. Thereafter, the mortgage package is presented to investors, typically savings and loan institutions, pension plans [8] financial institutions or federal agencies such as the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation.

4. Generally the average loan to value ratio does not exceed 75% for the Mortgages. In the event a greater loan to value ratio is warranted, commercial loan insurance would be required. The yield provided to the Plans by the Mortgages or Participation Interests has been and will continue to be the prevailing rate on comparable mortgages at the time of sale. The Mortgages or Participation Interests previously sold by the Plans have had excellent payment histories with no Plan experiencing any losses. No Mortgage has been foreclosed.

5. The Plans pay no investment management, investment advisory, sales commission or similar fee to APB with respect to the acquisition or sale of the Mortgages or Participation Interests. The applicant represents that the Plans have paid and will pay no more for the Mortgages or Participation Interests than have been or would be paid by an unrelated party in an arm's length transaction.

6. All transactions relating to Mortgages or Participation Interests are controlled by a blanket Participation and Servicing Agreement (the Servicing Agreement) which APB represents is typical of bank servicing agreements.[9] The Servicing Agreement, which is submitted to Plan fiduciaries for their review prior to a Plan's purchase of a Mortgage or Participation Interest, requires APB to represent and warrant the following for each Mortgage or Participation Interest:

(a) That the mortgage instruments with respect to any Mortgage or Participation Interest are legal, valid and in full force and effect and enforceable against the parties in accordance with their terms;

(b) That the Mortgage is a valid first lien on fee simple absolute title to the mortgaged premises and has been insured as such under an American Land Title Association form of mortgagee's title insurance policy for the benefit of the Plan in the amount and to the extent of its participation in the Mortgage. All ancillary security agreements are valid, enforceable, perfected and prior to all other security interest encumbrances and defects in ownership with respect to the collateral covered thereby;

(c) The funds provided by the Plan participating in or purchasing the Morgage have been fully loaned as provided in the Mortgage instruments. All fees and expenses in closing and funding the loan have been paid. The mortgage instruments have not been amended or modified from those made a matter of public record or otherwise exhibited to the Plan and no part of the security for the Mortgage or Participation Interest has been released or modified;

(d) No loan is in violation of any law, rule or regulation applicable to such loan including, without limitation, any law, rule or regulation respecting any maximum interest permitted to be charged or received on such loan or any

[7] While stating affirmatively that APB would not make investment decisions regarding the Mortgages or Participation Interests, the applicant was silent about who would make such decisions. In some situations it is possible that investment decisions have been or will be made by trustees of the Plans. The Department notes that where the construction on the property which secures the Mortgage was a contributing employer to the Plan and a principal of such employer exercises fiduciary authority in approving the Plan's investment in the Mortgage, a separate prohibited transaction under section 406(b) of the Act may occur, which transaction would not be covered by this exemption. See also condition D of Part I of this exemption which has the effect of precluding relief under section 406(a) of the Act for certain transactions undertaken for the benefit of parties in interest.

[8] The Department notes that the application does not address the separate prohibited transactions under section 406(a)(1)(B) of the Act which would exsist should any of the Mortgages originated by APB and subsequently purchased by the Plans involve loans to any party in interest with respect to the purchasing Plan. Accordingly, no relief is afforded by this proposed exemption for such transactions. However from the date of the grant of this exemption, APB will request potential borrowers to list in their loan application their relationship to any pension plan in an effort to assist a potential purchasing plan in determining whether the borrower may be a party in interest.

[9] No exemption from section 406 of the Act is being granted for transactions pursuant to the Servicing Agreements beyond that which is provided by the statutory exemption pursuant to section 408(b)(2) of the Act.

truth-in-lending requirements set by law; however, in no event will the interest rate on any Mortgage or Participation Interest sold to the Plan be less than the fair market interest rate;

(e) That APB has in its possession the mortgage instruments. Such mortgage instruments shall include original policies of fire and extended coverage insurance and if required under the commitment or if bank deems it prudent, flood and earthquake insurance. Hazard insurance policies shall have a loss payable clause in favor of the Plan to the extent of its participation.

(f) The improvements on the mortgaged premises and other collateral given to secure the Mortgage or Participation Interest are in good condition and repair; and

(g) APB has inspected the mortgaged premises, has currently represented the condition of the mortgaged premises, has no knowledge of any default or threatened default by the mortgagor and has no undisclosed knowledge of any fact which will adversely affect the value or marketability of the Mortgage or Participation Interest.

7. APB's duties under the Servicing Agreement include the following:

(a) To proceed diligently to collect all payments as they become due;

(b) To keep a complete and accurate account of and to properly apply such funds collected by it from the mortgagor on account of each such mortgage for principal and interest, taxes, assessments and other public charges and hazard insurance premiums; and to furnish the Plan with evidence acceptable to the Plan of all expenditures for taxes, assessments and other public charges and hazard insurance premiums;

(c) To deposit all funds received on behalf of such Mortgage subject to withdrawal on demand in a segregated trust or custodial account in a state or national bank, the deposits of which are insured by the Federal Deposit Insurance Corporation;

(d) From the funds so deposited, to pay promptly to the proper parties when and if due, taxes, special assessments and premiums on hazard insurance each month and to pay to the Plan all monies due to it under the mortgage instruments, retaining as its full compensation for all services, the earned portion of the servicing fee per annum agreed to and its proportionate part of the commitment fee for each loan;

(e) To submit to the Plan at least annually an audit of the balances on each such Plan account together with a certificate that all disbursements were made for proper purposes and that all payments required to be made thereunder have been made with exceptions, if any;

(f) To exercise a degree and care and skill of a prudent lender in performing the duties under the Servicing Agreement;

(g) To retain physical possession of the mortgage instruments but to provide conformed, complete and accurate copies to the Plan;

(h) To make a physical inspection of the mortgaged premises at least once every two years or at other times as the Plan may request; and

(i) To notify the appropriate Plan fiduciary in the event of any default on a Mortgage in which a Plan participates and to act upon the Mortgage and realize on the security afforded in connection with the Mortgage or Participation interest as directed by the Plan.[10]

8. APB's compensation for servicing the Mortgages and Participation Interests is agreed to at the time each Mortgage or Participation Interest is accepted by the Plan. The applicant represents APB's servicing fee is determined on the same basis as are the fees charged investors other than the Plans who similarly invest in the Mortgages and Participation Interests. Also, APB's fee is consistent with servicing fees charged throughout the United States for similar services.

9. It is understood by the parties to the Servicing Agreement that the sale of a Mortgage or Participation Interest shall be without recourse. However, the Servicing Agreement states that in the event of a default on any Mortgage, APB may repurchase from the Plan a Mortgage or Participation Interest upon payment of the unpaid balance of the Mortgage or Participation Interest plus interest to the date of such repurchase.

10. APB represents that as a result of being a party in interest with respect to a Plan by virtue of servicing the Mortgages it would be prohibited from engaging in other commercial transactions with a Plan, such as the making of loans, which have nothing to do with the Mortgages or Participation Interests held by the Plan. The Department has considered APB's request for relief for such transactions and has decided that because the servicing relationship is established as a necessary result of the purchase of a Mortgage or Participation Interest by a Plan subsequent transactions between the parties otherwise prohibited by section 406(a) are not likely to present an inherent abuse potential. Accordingly, the Department has determined it would be appropriate to propose the relief from section 406(a) contained in Part II of the proposed exemption.

11. In summary, the applicant represents that the transactions satisfy the statutory criteria of section 408(a) of the Act because: (a) The transactions were and will be between the Plans and APB (a federally and state regulated institution) and are transactions made in the regular course of APB's business; (b) all Plan decisions to invest in Mortgages and Participation Interests were and will be made by Plan fiduciaries who are independent of APB; (c) the Plans have paid and will pay no more for the Mortgages or Participation Interests than would be paid by an unrelated party in an arm's length transaction; (d) APB's servicing fee has been and will continue to be similar to fees charged other investors in the Mortgages or Participation Interests, and has been and will be consistent with that charged in the open market; (e) the Mortgages were and will be all first liens on commercial and multi-family residential propertyl (f) the warranties and representations made by APB regarding the Mortgages and Participation Interests are standard for these type of transactions; and (g) the Mortgages and Participation Interests which have been sold by APB to the Plans have had a long-term history of successful repayment.

Notice to Interested Persons: In addition to the notice requirement outlined in the general provisions of this notice, APB agrees to provide a copy of the notice of proposed exemption and any subsequent grant of such exemption to fiduciaries of all employee benefit plans with whom APB may contract in the future to provide services as described herein. Such notification will be provided prior to APB entering into a contract to provide such services.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8972. (This is not a toll-free number.)

The LaSalle Fund II (the Fund) Located in Chicago, Illinois

[Application No. D-5022]

[10] The Department notes that the application does not address the separate prohibited transaction under section 406(a)(1)(A) of the Act which would exist where upon foreclosure the Plan acquires title to real property and such property or a portion thereof is leased to a party in interest with respect to a Plan. Moreover, if the party in interest under such lease is an employer of employees covered by the Plan, the acquisition of the real property by the Plan would result in the acquisition of employer real property which may violate the provisions of section 406(a)(2) and 407 of the Act. Accordingly, no relief is afforded by this proposed exemption for such transactions.

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).

Section I. Exemption for Certain Transactions Involving the Fund [11]

(a) The restrictions of sections 406(a), 406(b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the transactions described below if the applicable conditions set forth in Section III are met.

(1) *Transactions Between Parties In Interest and the Fund: General.* Any transaction between a party in interest with respect to a qualified pension or profit sharing plan participating in the Fund (Unitholder) and the Fund, or any acquisition or holding by the Fund of employer real property, if the party in interest is not LaSalle advisors Inc. (LaSalle), any of its affiliates, or any other group trust managed by LaSalle or any of its affiliates, and if, at the time of the transaction, acquisition or holding, the interest of the Unitholder, together with the interests of any other Unitholders maintained by the same employer or employee organization in the Fund, does not exceed 10 percent of the total of all assets in the Fund.

(2) *Special Transactions Not Meeting the Criteria of Section I(a)(1) Between Employers of Employees Covered by a Multiemployer Plan and the Fund.* Any transaction between an employer (or an affiliate of an employer) of employees covered by a multiemployer plan (as defined in section 3(37)(A) of the Act and section 414(f)(1) of the Code) that is a Unitholder and the Fund, or any acquisition or holding by the Fund of employer real property, if at the time of the transaction, acquisition or holding–

The interest of the multiemployer plan in the Fund exceeds 10 percent of the total assets in the Fund, but the employer is not a "substantial employer" with respect to the plan and would not be a "substantial employer" if "5 percent" were substituted for "10 percent" in the definition of "substantial employer."

(3) *Acquisitions, Sales, or Holdings of Employer Real Property.* (A) Except as provided in subsection (B) of this section (3), any acquisition, sale or holding of employer real property by the Fund which does not meet the requirements of paragraphs (a)(1) and (a)(2) of this Section I, if no commission is paid to LaSalle or to the employer or to any affiliate of LaSalle or the employer in connection with the acquisition, sale or lease of employer real property; and

(i) Each parcel of employer real property and the improvements thereon held by the Fund are suitable (or adaptable without excessive cost) for use by different tenants, and

(ii) The property of the Fund that is leased or held for lease to others, in the aggregate, is dispersed geographically.

(B) In the case of a Unitholder that is not an eligible individual account plan (as defined in section 407(d)(3) of the Act), the exemption provided in subsection (A) of this section (3) shall be available only if, immediately after the acquisition of the real property, the aggregate fair market value of employer real property, held by the Fund does not exceed 10 percent of the fair market value of the Unitholder's interest in the Fund.

(C) For purposes of the exemption contained in subsection (A) of this section (3), the term "employer real property" shall include real property leased to a person who is a party in interest with respect to a Unitholder by reason of a relationship to the employer described in section 3(14) (E), (G), (H) or (I) of the Act.

(b) The restrictions of section 406(a)(1) (A) through (D) and section 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the transactions described below, if the conditions of Section III are met:

(1) *Certain Leases and Goods.* The furnishing of goods to the fund by a party in interest with respect to a Unitholder or the leasing of real property owned by the Fund to such party in interest and the incidental furnishing of goods to such party in interest by the Fund, if—

(A) In the case of goods, they are furnished to or by the Fund in connection with real property owned by the Fund;

(B) The party in interest is not LaSalle or any affiliate of LaSalle or one of the other Funds operated by LaSalle; and

(C) The amount involved in the furnishing of goods or leasing of real property in any calendar year (including the amount under any other lease or arrangement for the furnishing of goods in connection with the real property investments of the Fund with the same party in interest, or any affiliate thereof) does not exceed the greater of $25,000 or 0.5 percent of the fair market value of the assets of the Fund on the most recent valuation date of the Fund prior to the transaction.

(2) *Transactions Involving Places of Public Accommodation.* The furnishing of services, facilities and any goods incidental to such services and facilities by a place of public accommodation owned by the Fund to a party in interest with respect to a Unitholder, if the services, facilities and incidental goods are furnished on a comparable basis to the general public.

(c) The restrictions of section 406(a)(1) (A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the following transaction if the conditions of Section III are met:

Any transaction between the Fund and a person who is a party in interest with respect to a Unitholder, if—

(1) The person is a party in interest (including a fiduciary) solely by reason of providing services to the Unitholder, or solely by reason of a relationship to a service provider described in section 3(14) (F), (G), (H) or (I) of the Act, or both, and the person neither exercised nor has any discretionary authority, control, responsibility or influence with respect to the investment of the Unitholder's assets in, or held by, the Fund;

(2) At the time of transaction, the interest of the Unitholder, together with the interests of any other Unitholders maintained by the same employer or employee organization in the Fund, does not exceed 20 percent of the total of all assets in the Fund; and

(3) The person is not LaSalle or an affiliate of LaSalle.

(d) The restrictions of section 406(a)(1) (A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the purchase and sale of units of beneficial interest in the Fund if no more than reasonable compensation is paid therefor, each purchase and sale is authorized in writing by a fiduciary of the Unitholder who is independent of LaSalle and any of its affiliates, and the applicable conditions of Section III are met.

Section II. Excess Holdings Exemption for Employee Benefit Plans

(a) The restrictions of sections 406(a) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section

[11] References in the exemption to the Fund shall also refer to any future group trust structured and operated in a manner identical to the Fund.

4975(c)(1) (A) through (D) of the Code shall not apply to any acquisition or holding of qualifying employer real property (other than through the Fund) by a Unitholder if (1) the acquisition or holding constitutes a prohibited transaction solely by reason of being aggregated with employer real property held by the Fund; (2) the requirements of either paragraph (a)(1) or paragraph (a)(2) of Section I of this exemption are met; and (3) the applicable conditions set forth in Section III of this exemption are met.

Section III. General Conditions

(a) At the time the transaction is entered into, and at the time of any subsequent renewal thereof that requires the consent of LaSalle or its affiliates, the terms of the transaction are not less favorable to the Fund than the terms generally available in arm's-length transactions between unrelated parties.

(b) LaSalle or its affiliates maintain for a period of six years from the date of the transaction the records necessary to enable the persons described in paragraph (c) of this Section III to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of LaSalle or its affiliates, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest shall be subject to the civil penalty that may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by paragraph (c) below.

(c)(1) Except as provided in section 2 of this paragraph (c) and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (b) of this Section III are unconditionally available at their customary location for examination during normal business hours by:

(A) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(B) Any fiduciary of a Unitholder who has authority to acquire or dispose of the interests in the Fund of the Unitholder or any duly authorized employee or representative of such fiduciary,

(C) Any contributing employer to any Unitholder or any duly authorized employee or representative of such employer, and

(D) Any participant or beneficiary of any Unitholder or any duly authorized employee or representative of such participant or beneficiary.

(2) None of the persons described in subparagraphs (B) through (D) of this paragraph (c) shall be authorized to examine trade secrets of LaSalle or any of its affiliates, or commercial or financial information which is privileged or confidential.

Section IV. Definitions and General Rules

For the purposes of this exemption,

(a) An "affiliate" of a person includes—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person.

(2) Any officer, director, employee, relative of, or partner in any such person, and

(3) Any corporation or partnership of which such person is an officer, director, partner or employee.

(b) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(c) The term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or sister.

(d) The term "substantial employer" means for any plan year an employer (treating employers who are members of the same affiliated group, within the meaning of section 1563(a) of the Code, determined without regard to section 1563 (a)(4) and (e)(3)(c) of the Code, as one employer) who has made contributions to or under a multiemployer plan for each of—

(1) The two immediately preceding plan years, or

(2) The second and third preceding plan years, equaling or exceeding 10 percent of all employer contributions paid to or under that plan for each such year.

(e) The time as of which any transaction, acquisition or holding occurs is the date upon which the transaction is entered into, the acquisition is made or the holding commences. In addition, in the case of a transaction that is continuing, the transaction shall be deemed to occur until it is terminated. If any transaction is entered into, or an acquisition is made, on or after the effective date of this exemption, or a renewal that requires the consent of the Fund occurs on or after the effective date of this exemption, and the requirements of this exemption are satisfied at the time the transaction is entered into or renewed, respectively, or at the time the acquisition is made, the requirements will continue to be satisfied thereafter with respect to the transaction or acquisition and the exemption shall apply thereafter to the continued holding of the property so acquired. Notwithstanding the foregoing, this exemption shall cease to apply to transactions exempt by virtue of subsections I(a)(1) and I(c) at such time as the interest of the Unitholder exceeds the percentage interest limitations set forth in those subsections, unless no portion of such excess results from an increase in the assets allocated to the Fund by the Unitholder. For this purpose, assets allocated do not include the investment of Fund earnings. Nothing in this paragraph (e) shall be construed as exempting a transaction entered into by the Fund which becomes a transaction described in section 406 of the Act or section 4975 of the Code while the transaction is continuing, unless the conditions of the exemption were met either at the time the transaction was entered into or at the time the transaction would have become prohibited but for this exemption.

(f) Each Unitholder shall be considered to own the same proportionate undivided interest in each asset of the Fund as its proportionate interest in the total assets of the Fund as calculated on the most recent preceding valuation date of the Fund.

Preamble

On July 25, 1980, the Department published a class exemption, Prohibited Transaction Exemption 80–51 (PTE 80–51, 45 FR 49709), which permits collective investment funds that are maintained by banks and in which employee benefit plans particulate to engage in certain transactions provided that specified conditions are met. The transactions for which the applicants have requested relief are those which, in part, are the subject of PTE 80–51.

The Department stated in PTE 80–51 that a comment had been received to the proposed class exemption requesting that it be amended to apply to collective investment funds that are not maintained by banks. Relief was granted for bank collective investment funds because, among other reasons, such funds are regulated by other governmental agencies and constitute a well-defined class of funds. In the case of collective investment funds that are not maintained by banks, the Department found that the record was

insufficient to determine the nature of the funds and the entities managing the funds that would comprise the class covered by such broad relief. As a result, the Department stated that it could not make the required statutory findings for such relief, and that relief for non-bank maintained collective investment funds should be dealt with on an individual rather than a class basis.

Summary of Facts and Representations

1. The Fund and similar trusts organized by LaSalle will be organized as group trusts described in Rev. Rul. 81–100, to provide pension and profit-sharing plans a vehicle for investing a portion of their assets in real property on a commingled basis. In accordance with Rev. Rul. 81–100 and Code section 401(a)(24), only pension and profit-sharing plans qualified under Code section 401(a) and exempt from federal income tax under section 501(a), governmental plans described in Code section 414(d), and governmental units described in Code section 805(d)(6) will be permitted to invest in the Fund.

2. LaSalle, a Delaware corporation organized in 1976, is registered as an investment advisor under the Investment Advisers Act of 1940 and expects to organize and manage several group trusts. LaSalle is wholly-owned by LaSalle Partnership Inc. (LPI) and many of its officers are experienced officers and employees of LPI or its affiliates. Employee benefit plans currently have invested over $300,000,000 in accounts advised or managed by LaSalle.

3. LPI, founded in 1968, provides a variety of real estate services to major corporations and financial institutions throughout the United States. LPI comprises three operating divisions engaged in asset management, services, and development activities. LPI provides clients with a wide variety of services, including real estate investment management, property management, property acquisition and disposition, and mortgage brokerage and other financing services.

4. The Fund, which was organized on October 1, 1983, will acquire and manage interests in income-producing real property. It will seek investment opportunities, including projects under development, throughout the United States and will not be limited in the types of property it may acquire and manage.

5. The Offering Memorandum of the Fund fully sets out for potential investors the investment objectives, operations, and management of the Fund and the compensation to be paid to the investment manager. The trustees of the Fund are Kenneth M. Campia, C. Gary Gerst, William S. Sanders, and Stuart L. Scott (the Trustees). The Trustees also act as directors of LaSalle and are officers and directors of various affiliates of LaSalle. The Trustees will not be compensated by the Fund.

6. The Fund will maintain such reserves as the investment manager deems appropriate. These reserves, along with any subscription proceeds not immediately used to acquire real estate, will be temporarily invested in liquid investments, including short-term United States government securities, interest-bearing deposits, certificates of deposit, bankers' acceptances, or other short-term money market instruments. Interest earned from temporary investments will constitute income of the Fund. Selection of such short-term investments will be within the discretion of the investment manager.

7. Units in the Fund will be privately offered and will not be registered under the Securities Act of 1933. The offering price of each unit is $1,000,000 with a minimum subscription by an investor, subject to waiver by the Trustees, of five units ($5,000,000). It is anticipated that Unitholders will generally have assets of at least $100,000,000. The offering will terminate on March 31, 1985. The maximum number of units which will be sold by the Fund is five hundred.

The decision of any Unitholder to invest in the Fund will be made by fiduciaries of that Unitholder. The Trustees may reject a subscription for any reason.

8. It is anticipated that certain employee benefit plans and governmental plans which own shares in the LaSalle Street Fund Incorporated, a real estate investment trust within the meaning of Code section 856 advised by LaSalle, or which have retained LPI or one of its affiliates to provide investment management or advice with respect to real estate may also become Unitholders in the Fund. However, none of the individual Trustees of the Fund, nor any of the employees, officers, directors, or shareholders of LaSalle, LPI, or their affiliates will have discretionary authority over or otherwise participate in the decision of any plan to invest in the Fund.[2]

9. Although the Offering Memorandum advises fiduciaries that investment in the Fund should be considered only on a long-term basis, if a Unitholder desires to dispose of its investment, it may apply to the Trustees for redemption of all or a portion of its units. However, the Trustees will not redeem any units prior to March 31, 1988, and will make redemption payments only out of funds that would otherwise be available for investment or distribution. The Trustees will be under no obligation to sell any properties to satisfy redemption requests. However, after March 31, 1988, commencing ninety days after receipt of a redemption request, no new agreements to purchase properties will be entered into by the Fund which would require disbursement of funds prior to satisfying a request for redemption.

In their discretion, the Trustees may offer to the remaining Unitholders or plans not yet participating in the Fund the opportunity to purchase all or part of a withdrawing plan's units. Redemption will occur on a redemption date at least ninety days after receipt of a redemption request which shall be as soon as practical after funds for redemption become available. Upon the redemption date, the Trustees will distribute to the redeeming Unitholder ninety percent of the unit value determined as of the last date of the calendar quarter next preceding the redemption date of each unit being redeemed. In order to protect the interests of non-redeeming Unitholders from a loss in value of their units that may result principally from an overvaluation at the time of redemption by others, the Offering Memorandum advises all investors that the Trustees will withhold from distribution and place in a separate interest-bearing account ten percent of the unit value.[3]

[2] To the extent that, in the ordinary course of business, LaSalle provides "investment advice" to a plan within the meaning of regulation 29 CFR 2510.3–21(c)(1)(ii)(B) and recommends an investment of the plan's assets in a Fund that it is establishing, the presence of an unrelated second fiduciary acting on the consultant/investment adviser's recommendations on behalf of the plan is not sufficient to insulate LaSalle from fiduciary liability under 406(b) of the Act. (*See* Advisory Opinions 84–03A and 84–04A, issued by the Department on January 4, 1984.) The Department is unable to conclude that a fiduciary self-dealing of this type (if present) is in the interests or protective of the plans and their participants and beneficiaries and, accordingly, has limited exemptive relief for the acquisition or sales of participation interests in the Fund to section 406(a) violations only.

[3] Any interest-bearing account created pursuant to the redemption procedures will be segregated from other assets of the Fund and invested, in the investment manager's discretion, in securities or other investments earning fixed rates of interest at then prevailing market rates for terms consistent with the anticipated liquidation date of the Fund, including United States government securities, interest-bearing deposits, certificates of deposit, bankers' acceptances, high-grade corporate bonds, or other money market instruments. The applicant represents that the investment manager is compensated solely with respect to the Fund's investments in real estate and will receive no compensation for managing these "escrow" investments nor will it or any bank or other fiduciary have use of these funds during the "escrow" period.

Within ninety days after the scheduled termination date (March 31, 1995) of the Fund, the Trustees will distribute this remaining redemption amount with all interest accrued thereon to the previously redeemed Unitholders, less an amount, if any, by which the unit value for the remaining Unitholders on March 31, 1995, is less than the unit value for each previously redeemed Unitholder on its respective redemption date.

10. The Trustees, in their sole discretion, may terminate the Fund at any time; however, it is expected that the Fund will continue until March 31, 1995. The Fund's existence may be extended beyond March 31, 1995, for additional two year periods, if the Unitholders holding at least sixty percent of the number of units then outstanding so elect. During such periods of extension, the Trustees shall be obligated to attempt to dispose of properties as necessary to satisfy any requests for redemption. Nonetheless, ten percent of the value of units redeemed after March 31, 1995, will likewise be retained under the same arrangements described above until the next succeeding termination date.

Upon termination for any reason, the Trustees shall liquidate the Fund's properties in an orderly fashion and distribute, *pro rata*, all Fund assets (less reasonable reserves for unpaid expenses and contingencies) to the Unitholders.

11. LaSalle will serve as investment manager to the Fund pursuant to the Investment Management Agreement which is attached to the Offering Memorandum. Under the Investment Management Agreement, LaSalle, as investment manager, will be vested with exclusive authority to exercise all powers necessary to acquire, manage, and dispose of the Fund investments. LaSalle will be responsible for all decisions and actions in connection with Fund investments as well as for performing the day-to-day administrative operations of the Fund. Many of the services, including property management, may be performed by LPI or one of its affiliates on behalf of LaSalle, but such parties will be under the direction of LaSalle when performing such services and will not receive compensation from the Fund (other than that provided for LaSalle). LaSalle may, in its discretion and at its expense, retain other, unrelated property management organizations. Any unrelated third parties may receive additional leasing fees or brokerage commissions from the Fund. LaSalle or its affiliates will pay all fees and expenses in connection with the organization and the offering of units in the Fund.

LaSalle will receive no fee based on any particular transaction but will receive a single fee for its services. The fee will be based in part on revenues from real estate holdings of the Fund and in part on the value of the Fund's assets.[4] To determine the value of assets invested in real property, independent appraisals will be obtained annually.

12. LaSalle will have the books and records of the Fund audited by an independent public accountant each fiscal year and, within 120 days after the end of such fiscal year, will forward a copy of such reports, along with any other pertinent information, to the fiduciaries of each Unitholder. Within sixty days after the end of each of the first three quarters of each fiscal year, LaSalle will cause to be prepared and sent to the fiduciaries of each Unitholder a detailed report of the financial position of and the business transacted by the Fund during that quarter. Such quarterly reports will not be audited.

13. It is anticipated that there will be a number of Unitholders and that the number of persons and entities who will be parties in interest with respect to the Fund will be quite large. The Fund, it is represented, may lose favorable opportunities if, for example, it cannot lease to a party in interest or its affiliates. The investment opportunities of the Fund would also be significantly reduced if the exemption is not granted. The Fund will not be able to purchase or sell any property from or to any employer of a Unitholder or the employer's affiliates. Any loss from foregoing desirable investments or leases would be reflected in the performance of the investments of the Fund to the detriment of the Unitholders.

It is also necessary for the Fund to obtain certain goods for the efficient operation and management of its assets. Without an exemption, the Fund would have fewer providers of goods from which to choose which could result in increased operational costs for the Fund.

14. In summary, the applicant represents that the subject transactions meet the criteria of section 408(a) of the Act because: (a) The proposed exemption would allow the Fund to enter into transactions which, although otherwise prohibited, are necessary for the Fund to prudently make its investments and conduct its operations solely for the benefit of its Unitholders and their participants and beneficiaries; (b) the proposed exemption would only apply to certain classes of prohibited transactions which were afforded relief in PTE 80–51 and would be subject to similar conditions, limitations, and restrictions as those delineated with respect to those transactions afforded exemptive relief in PTE 80–51; (c) independent fiduciaries, unrelated to the Fund, the Trustees, or LPI, maintain complete discretion with respect to investment in or redemption of Unitholders' assets from the Fund; and (d) such fiduciaries are knowledgeable and experienced investors acting on behalf of large plans and are provided with detailed information on the Fund.

For Further Information Contact: Mr. Alan Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

[4] The Department is not proposing an exemption for the receipt of investment management fees beyond that provided by section 408(b)(2) of the Act.

The RGMB Corp. Pension Plan and the RGMB Corp. Profit Sharing Plan (the Plans) Located in Beverly Hills, California

[Application Nos. D–5245 and D–5246]

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 applicaiton of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply for a period of seven years to: (1) The proposed purchase by the Plans from RGMB Corp. (the Employer), the employer of participants under the Plans, of the right to receive all monthly payments due under some of the Employer's current and future automobile leases (the Leases), provided that the terms of such assignments and the Leases are at least as favorable to the Plans as arm's-length transactions between unrelated parties; and (2) the Employer's guarantee of the obligations of the lessees under the Leases in the event of a default by such lessees or termination of any Lease. With regard to the maintenance and examination of records, described in paragraph 9 of the Summary of Facts and Representations (below), a prohibited transaction will not be deemed to have occurred if due to circumstances beyond the control of the Plan fiduciaries such records are lost or destroyed prior to the end of the

specified six-year period; and the Employer shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if such records are not maintained or are not available for examination as represented below.

Temporary Nature of Exemption

The proposed exemption is temporary and, if granted, will expire seven years after the date of grant with respect to the purchase of interests in any Lease. If granted, the exemption with respect to the Employer's guaranty of the obligations of the lessees under the Leases, will expire upon the termination of all Leases in which the Plans purchased interests within seven years of the date the exemption was granted. Should the applicant wish to continue assigning interests in Leases to the Plans beyond the seven year period, the applicant may request another exemption.

Preamble

On March 23, 1979, the Department published a class exemption (Prohibited Transaction Exemption 79–9 (PTE 79–9), 44 FR 17819), which permits employee benefit plans to purchase certain notes from employers any of whose employees are covered by the plan where the employers receive such notes from their customers in the ordinary course of their business and the notes are collateralized by security agreements on the property purchased by the customers.

In PTE 79–9 the Department defined a customer note for purposes of the exemption as "* * * a two party instrument executed along with a security agreement for tangible personal property, which is accepted in connection with and in the normal course of the employer's primary business activity as a seller of such property * * *"

The transactions which are the subject of this exemption involve automobile Leases originated by the Employer and sold to the Plans and therefore do not fall within the definition of customer notes. However, because the Leases and attendant arrangements appear to parallel those transactions contemplated by PTE 79–9 in that the Leases were accepted by the Employer in connection with and in the normal course of the Employer's primary business activity as a seller and lessor of automobiles, the Department has determined that relief comparable to that afforded by PTE 79–9 would be appropriate.

Summary of Facts and Representations

1. One of the Plans provides defined benefits upon the retirement of a participant; the other is a profit sharing plan. As of April 30, 1983, the former Plan (the Pension Plan) covered 19 participants and had assets totalling $1,339,727.80, while the latter Plan (the Profit Sharing Plan) covered 69 participants and had assets totalling $848,338.29. Trust Services of America, Inc. (the Trustee) has agreed to serve as trustee to the Plans if the proposed exemption is granted.

2. The Employer, organized March 10, 1971 under California law, operates an automobile dealership in Beverly Hills, California and is engaged in the retail sale and leasing of automobiles. To engage in the business of leasing automobiles, the Employer purchases automobiles with funds provided under a line of credit granted by its bank, City National Bank (the Bank). Since the line of credit is substantially drawn for the purpose of purchasing automobiles, the Employer's ability to obtain needed working capital for plant improvements and expansion has been restricted. During the past 12 years, the Employer has entered into approximately 240 automobile leases and has experienced only one default; that default did not result in financial loss to the Employer.

3. The Trustee, a trust company authorized to transact business in California, has approximately 90 years experience as trustee to employee benefit plans and personal trusts. Presently, the Trustee has been appointed trustee of approximately 1,700 plans subject to the Act, having aggregate assets of $800,000,000 under trust administration. The Trustee also acts as investment manager to approximately 67 ERISA-covered plans with aggregate assets of $138,000,000 under investment management administration. The Trustee has a full-time staff of qualified and certified investment counselors and managers who analyze all kinds of investment and financial transactions, including transactions similar to the purchase of the right to receive monthly payments over a period of time. The Trustee represents that it is not related to the Employer or any of its officers, shareholders, directors, creditors, and members of their families. The Employer represents that it does not have any funds deposited in checking or savings accounts, certificates of deposit, etc., maintained by the Trustee or its parent corporation, California Federal Saving & Loan Association. The Trustee represents that it udnerstands and acknowledges its fiduciary duties, responsibilities, and liabilities as set forth in section 401, *et seq.*, of the Act and shall act in full compliance of same with respect to the Plans.

4. Each Lease will be evidenced by the standard lease agreement used by the Employer, which entitles the lessee to possession and use of the leased automobile during the lease term (three to four years) and obligates him to pay a monthly rental based upon current market value. This agreement also requires the lessee to maintain, in specified amounts, insurance policies providing personal liability protection, uninsured motorist coverage, collision, and comprehensive (including fire and theft) protection. The lessor must be the loss payee on both the collision and comprehensive insurance. The standard lease agreement permits the lessee to terminate the Lease if lessor permits, after the first 12 months of the Lease provided the lessee is not in default with respect to the Lease. In the event of such early termination, the lessee must pay the total amount of unpaid monthly rentals for the remaining months of the Lease to the lessor upon the latter's demand. The lessor may declare the Lease to be in default if the lessee—fails to perform any of its obligations under the Lease; fails to make any rental or other required payment within three days after notice from the lessor that such payment is due and unpaid; makes false representations on his credit application; becomes insolvent, commits an act of bankruptcy, makes any arrangement with or assignment for the benefit of creditors, or if a proceeding in bankruptcy, insolvency, reorganization, or receivership is instituted by or against the lessee or his property, of if any writ of attachment or execution or other process is levied or lien created against, or a receiver or trustee is appointed for any property of the lessee and the same is not released, bonded, or discharged within ten days thereafter; fails to advise the lessor, upon his request, of the location of the vehicle; or fails to cause specified insurance policies to remain in full force and effect during the Lease term. The lessor may also declare the Lease to be in default if for any reason it deems the vehicle is subject to misuse or danger or deems itself (i.e., the lessor) insecure.

5. Prior to executing a Lease, each lessee will complete a credit application which will be reviewed and approved by the Employer's credit department. The Employer will recommend from the Leases certain ones in which the right to receive all monthly payments thereunder will be assigned to the Plans, and will submit such Leases to the

Trustee for review, approval, certification, and monitoring. The applicant represents that in recommending the assignment of monthly rental payments under Leases to the Plans, only rentals from those Leases in which, after a complete verification and check, the lessee receives the highest possible credit rating will be recommended for assignment to the Plans. The Trustee will execute a written certification for each Lease for which it approves such assignment to the Plans. After a Lease is so approved and certified, the Employer will execute and assignment of all of its right, title, and interest in the monthly rental payments due under the Lease to either or both of the Plans at a price not more than, and on terms at least as favorable as, the price and terms that would otherwise be offered to unrelated third party lending institutions. Such price and terms will be determined from quotations obtained from time to time from such lending institutions.

6. At any time, not more than 25% of the fair market value of each Plan's assets will be invested in the Leases (the 25% Limitation). Furthermore, not more than 10% of the fair market value of each Plan's assets will be invested in any one Lease. The percentage interest of each Plan in an assigned Lease shall be determined on the basis of the following formula: The first Leases accepted for assignment to the Plans will be assigned to the Profit Sharing Plan provided the 25% Limitation is not exceeded; thereafter, any Leases which would cause the Profit Sharing Plan to exceed its 25% Limitation will be assigned to the Pension Plan provided the latter's 25% Limitation is not exceeded. Further, if the price paid for assignment of any Lease exceeds 10% of the fair market value of one Plan's assets but less then 10% of the fair market value of the other Plan's assets, such other Plan will have the Lease assigned to it provided that the 25% Limitation and the priority described above are respected.

7. The assignment document specifies the percentage interest of each Plan in the Lease and provides for payment of a guarantee (the Guarantee) to the Plans in the event of either default on or early termination of the Lease. The amount of the Guarantee equals the sum of the remaining unpaid monthly payments due under the Lease. Such amount will be paid by the Bank (see 2, above) after it has received written notice from the Trustee of such default or early termination, under the terms of a letter of credit issued by the Bank on the date interests in the Lease are assigned to the Plans. The Guarantee may be paid eighter in monthly installments as they are due under the terms of the Lease or in a single sum equal to the present value of such monthly payments, computed by applying the Bank's prime lending rate as of the date of the default on or early termination of the Lease. The Trustee shall have the sole discretion to choose either of these forms of payment of the Guarantee. Payments of the Guarantee, under the letter of credit, will be charged against the Employer's line of credit with the Bank (see 2, above). The assignment document also provides that except for the assignment to the Plans of the right to receive the monthly payments due under the Lease, the Employer shall retain all other rights, title, and interests as the lessor and owner under the Lease. If the Bank Pays the Guarantee to the Plans, their interests in any unpaid montly rentals revert to the Employer. The applicant explains that such reversion includes only the Employer's right to pursue any remedies it may have against the lessee with respect to his default under the Lease, but does not include the right to any monies paid to the Plans under the terms of either the Lease or the Guarantee.

8. The written certification by the Trustee (see 5, above) states, in pertinent part that:

(a) The Trustee has reviewed the terms of the proposed assignment and has analyzed the transaction, valuing the right to receive the monthly payments, the term over which the monthly payments are to be made, the determination of the purchase price, and the rights of the Plans under the assignment, the Guarantee, and the letter of credit;

(b) On the basis of this review and analysis, the Trustee certifies that the terms of the proposed assignment compare favorably with transactions involving the purchase of a similarly fixed term of monthly payments assuming such purchase was between unrelated parties;

(c) The Trustee further certifies that, based on its review and analysis of the proposed assignment, Guarantee, letter of credit, and the terms of the Plans, the transaction is in the best interests of the Plans and protects the rights of their participants and beneficiaries because the purchase price and the economic return to the Plans is fair and the Plans' investment is free from risk of loss;

(d) The Trustee shall monitor the assignment on behalf of the Plans, shall take appropriate actions to assure that all of the monthly payments are received when due and deposited into accounts of the Plans, and shall take all necessary steps to safeguard the interests of the Plans, and their participants and beneficiaries, in the Lease, including, if necessary, enforcing payment on the letter of credit;

(e) The Trustee will assume responsibility to the Plans for any loss caused by the default on or early termination of any assigned Lease if the Employer does not timely advise the Trustee that a default or early termination of an assigned Lease has occurred; and

(f) The Trustee believes that the Guarantee secures the Plans' investments in the Lease from any loss because, through the letter of credit, payment of the remaining monthly payments due under the Lease (or the lump-sum present value of same) will be assured.

9. The Employer will not receive any fees or commissions in connection with the proposed transactions. The applicant represents that no lessee will be a party in interest with respect to the Plans and that upon written request by the Department, the Trustee or the Employer shall submit to the Department such additional information regarding the subject transactions as may be requested.

10. If the proposed exemption is granted, the Plans shall maintain records necessary to enable the Department to determine whether the conditions of this exemption have been met. Such records will be maintained for a period of six years from the date of any transaction described in this notice. Notwithstanding anything to the contrary in section 504 (a)(2) and (b) of the Act, such records shall be unconditionally available at their customary location for examination during normal business hours by the Internal Revenue Service, the Department, Plan participants and beneficiaries, the Employer, any employee organization any of whose members are covered by the Plans, or any duly authorized employee or representative of the foregoing persons.

11. In summary, the applicant represents that the proposed transactions satisfy the exemption criteria set forth in section 408(a) of the Act because (a) the Trustee will determine that the terms of each purchase and assignment compare favorably with transactions between unrelated parties involving the purchase of a similarly fixed term of monthly payments; (b) the Trustee will review and analyze each proposed assignment and will approve such assignment to the Plans only if the Trustee believes the assignment is in the best interests of the

Plans and protects the interests of the participants and beneficiaries of the Plans; (c) the Trustee will monitor the assignment on behalf of the Plans and will take all necessary steps to safeguard the interests of the Plans and their participants and beneficiaries; (d) the Leases will be originated by the Employer in the ordinary course of its business; (e) the Employer will receive no fees or commissions in connection with the proposed transaction; (f) no lessee will be a party in interest with respect to the Plans; (g) Plan fiduciaries shall submit to the Department any additional information regarding the subject transactions as may be requested in writing; (h) the Plans shall maintain records necessary to enable the Department to determine whether the conditions of the exemption have been met and shall make such records unconditionally available at their customary location for examination during normal business hours by the Internal Revenue Service, the Department, Plan participants and beneficiaries, the Employer, any employee organization any of whose members are covered by the Plans, or any duly authorized employee or representative of the foregoing persons; and (i) the proposed transactions parallel those contemplated by PTE 79–9.

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interest 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 9th day of October, 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, Department of Labor.

[FR Doc. 84–27060 Filed 10–11–84; 8:45 am]

BILLING CODE 4510–29–M

MERIT SYSTEMS PROTECTION BOARD

Separation of Administration of Operations of the Merit Systems Protection Board and its Office of the Special Counsel

AGENCY: Merit Systems Protection Board.

ACTION: Separation of administration of operations of the Merit Systems Protection Board and its Office of the Special Counsel.

SUMMARY: The Chairman and the Special Counsel of the Merit Systems Protection Board have agreed to separately administer the operations of the Board and its Office of the Special Counsel.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Frank E. Hagan, Director, Office of the Comptroller, (202) 653–7263.

SUPPLEMENTARY INFORMATION: Herbert E. Ellingwood, Chairman of the Merit Systems Protection Board (MSPB), and K. William O'Connor, Special Counsel of the Merit Systems Protection Board, have agreed to separately administer the operations of the MSPB and its Office of the Special Counsel (OSC), effective October 1, 1984. This agreement is consistent with the intent of the Civil Service Reform Act that the Special Counsel should be independent of the Board and not subject to its programmatic control or administrative supervision.

During approximately the past three years, the Office of the Special Counsel has assumed full responsibility for all administrative functions, except procurement and payroll. Under the new agreement, OSC will assume full responsibility for all its administrative functions, including procurement and payroll. Continued informal administrative cooperation will be assured by reliance upon the existing working relationship between the Managing Director, MSPB, and the Director, Operation Management Division, OSC.

For the Board.

Dated: October 5, 1984.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 84–26939 Filed 10–11–84; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (84–78)]

National Environmental Policy Act; Finding of No Significant Impact

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Finding of No Significant Impact for the Space Shuttle Solid Rocket Motor (SRM) Production Program; the manufacture of SRM segments, their delivery to Kennedy Space Center (KSC) and Vandenberg Air Force Base (VAFB), and the refurbishment of SRM reusable components.

SUMMARY: The proposed action by NASA will be the result of moving from the design, development, test and evaluation (DDT&E) phase of Space Shuttle SRM's into the actual production phase that will support an operational manifest of up to 24 launches per year. The final Environmental Impact Statement (EIS) for the SRM DDT&E phase was released January 1977 and to assure that the environment would not be compromised by moving into full production, an Environmental Assessment has been prepared.

The assessment concludes that an updated EIS is not necessary because

there are no significant adverse environmental impacts with the production, delivery, and refurbishment of SRM's. The assessment included a description of the proposed action, purpose and need, alternatives to the proposed action, and environmental impacts of the proposed action and alternatives.

The SRM (two SRM's are required for each launch) consists of 11 steel case segments or four filament wound and three steel case segments assembled into four propellant-loaded segments; a forward segment including the igniter, two interchangeable center segments, and an aft segment including the nozzle. The propellant is case-bonded polybutadiene acrylonitrile (PBAN) composite propellant (approximately 70 percent ammonium perchlorate, 16 percent aluminum, and 14 percent PBAN binder as major constituents). A moveable nozzle provides for thrust vector control.

The manufacture and loading of SRM segments by Morton Thiokol Inc., Wasatch Division, Utah, includes: the receipt of case segments; cleaning, inspection, assembly, insulation, and internal-lining installation; casting with PBAN solid propellant; curing of the propellant; and final finishing. Waste propellant generated during SRM casting is disposed of via open-pit burning. Fabrication and installation of the composite nozzle and of the PBAN propellant igniter completes the manufacturing process. The SRM segments are then temporarily stored until shipment to the launch sites via rail. During transportation, the segments are protected with end-ring covers as well as shipping covers and specific rail routes are followed.

The SRM refurbishment activities are performed by Thiokol Inc. at the Freeport Center, Clearfield, Utah. This operation involves: removal of the charred insulation from inside the casting segments with high-pressure water; hydro-testing the segments; disassembly; grit-blasting and solvent cleaning; inspection; and the application of preservative. The nozzles removed from the aft segment are disassembled for remanufacturing. All residue from these operations is collected and disposed of in accordance with State and Federal regulations.

The alternatives to the proposed action that were investigated are: choice of solid propellant, methods for waste propellant disposal, transportation modes and routes, use of alternative processing sites, methods for washout water disposal, and "no action." The PBAN solid propellant qualified for the SRM has an extensive background of development and safe, reliable use in large SRM's. From an environmental viewpoint, it has the disadvantage of having Hydrogen Chloride (HC1) and Aluminum Oxide (Al_2O_3) in its combustion products. Propellants are known or could be developed that contain no Hydrogen Chloride and no Aluminum Oxide as combustion products; however, a considerable investment in tooling and requalification would be required for a propellant change. Because of the significant disadvantages (low specific impulse or mass-detonating characteristic) with a substitute and the present propellant not expected to cause any severe or prolonged environmental problems, alternative propellants have been rejected. For waste-propellant disposal, usage as a forest-service fire-starter, constituent reclamation processes (AP and polymer products), and confined burning with water scrubbing were evaluated. Either alternative could be adopted if shown to be beneficial; however, open burning is currently the safest and most economical method. None of the alternative casting-segment transportation modes (truck, air, or sea) offer environmental advantages over rail. Due to the segment size and mass, all transportation alternatives have operational and economic disadvantages such as cost, capability, restrictive route selection, and permit requirements. When investigating alternate processing sites, many of the disadvantages are alleviated with the present facilities. The current site provides remoteness and low human, plant, and animal population densities to mitigate any adverse effects during processing. An alternate site for processing SRM's would require heavy facilitization and a qualification program including static firings. The "no action" alternative implies abandonment of the current Space Shuttle. The SRM's were selected via a systematic evaluation of various concepts early in the program and at this juncture, there is no intent or need to change this concept.

The physical and socioeconomic impact of manufacturing, delivery, and refurbishment of the SRM's is positive overall and no significant adverse effects are to be expected from SRM production. In summary form, the following environmental conditions can be expected. The impacts to air quality are primarily the increased automobile exhaust emissions from a larger workforce and emissions from the open-pit burning of waste propellant. The emissions from automobiles can be expressed in terms of miles driven per day and this impact peaks, with the production of 24 flight sets, at 72,500 kilometers as compared to 1982 of 31,300 kilometers. The peak amount of waste propellant burned annually will result in emissions of approximately 150,000 kilograms of Al_2O_3 and 80,000 kilograms of HC1 as compared to 65,000 of Al_2O_3 and 35,000 of HCl in 1982. The peak ground concentrations from propellant burning will be well below criteria limits (peak of 2.3 ppm HC1 1 and 5.0 mg/m^3 Al_2O_3; criteria limits of 8.0 and 14.0, respectively). The impacts to water quality can be considered as no impact. The water supply is more than adequate, the waste disposal system is not expected to affect ground, surface, or subsurface waters, and the landfill dump and burn pits should not have carry-over into any stream beds or springs. The refurbishment facility washout water is cycled for reuse and when finally discharged to the North Davis County sewage system as industrial wastewater, it is filtered to remove any particles greater than 5 microns. Noise conditions can be regarded as no impact since the only source that would reach annoyance level is with traffic noises generated by the increased workforce. Birds may temporarily roost on or fly over Thiokol property on their way to or from the Bear River Migratory Bird Refuge; however, there is no impact to rare and endangered species. There is no impact to land use as the production program will use existing facilities, and with any upgrade of facilities, it is not expected to involve new land. The socioeconomic impact is positive from a larger workforce point of view, but minor as it relates to the gradual rise in overall goods and services over time. There is no measurable energy impact expected from the SRM production program. Increased energy usage at the raw material suppliers will increase proportionally to the increase in materials provided. The amount of energy used annually for SRM production will be about 2.1×10^{12} kilojoules locally and about 4.68×10^{12} kilojoules totally (includes local and nonlocal equipment fabrication, case fabrication, propellant ingredients, and rail transportation). This can be compared to about 1.3×10^{12} kilojoules required to build 10,000 automobiles. The impacts from accidents are mitigated by various means such as remoteness, protection of the casting segments during delivery, selected transportation routes, and stringent safety practices. The most severe impact would involve accidental ignition of a segment. This would result in localized degradation of air quality for a short

period of time due to the release of HCl and Al_2O_3.

The current production program for SRM's should be near full phase (up to 24 flight sets per year) in 1987 with a launch transition of 5/year in FY 1984 to 24/year in FY 1988.

DATE: Comments must be received on or before November 13, 1984.

ADDRESS: National Aeronautics and Space Administration, Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Paul Wetzel, 202–453–1872.

SUPPLEMENTARY INFORMATION: The Environmental Assessment for SRM Production was completed in July 1984. EIS's for the SRM DDT&E Program, and the Space Shuttle Program, and the subject Environmental Assessment are available upon request.

Conclusion: The SRM production program will not result in any significant adverse environmental impacts. No EIS is required.

Dated: October 4, 1984.

C. Robert Nysmith,

Associate Administrator for Management.

[FR Doc. 84–26931 Filed 10–11–84; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for International Programs; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Programs.

Dates: October 29, 1984, 9:00 a.m. to 5:00 p.m.;

October 30, 1984, 9:00 a.m. to 3:00 p.m.

Place: National Science Foundation, 1800 G Street, NW, Washington, DC; Room 1224.

Type of meeting: Open.

Contact person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation, Washington, DC 20550. Telephone (202) 357–9552.

Summary of minutes: May be obtained from Contact Person.

Purpose of meeting: To provide advice, recommendations, and oversight related to support for international cooperation in science and engineering.

Agenda: October 29: Welcome and initial briefing by NSF officials. Science activities with developing countries, UNESCO, committee discussions.

October 30: Eastern European program, export controls update. Discussion, assignments, and future agendas.

Dated: October 9, 1984.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 84–27021 Filed 10–11–84; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Cellular Physiology; 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 Cellular Physiology.

Date and time: Monday, Tuesday and Wednesday, October 29, 30, and 31, 1984, from 9:00 a.m. until 5:00 p.m.

Place: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Maryanna P. Henkart, Program Director, Cellular Physiology, Room 332, Telephone: 202/357–7377.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in Cellular Physiology.

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.

Dated: October 9, 1984.

M.R. Winkler,

Committee Management Officer.

[FR Doc. 84–27022 Filed 10–11–84; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–369 and 50–370]

Duke Power Co. (McGuire Nuclear Station, Units 1 and 2); Exemption

I

Duke Power Company (the licensee) is the holder of Facility Operating Licenses NPF–9 and NPF–17 which authorize the operation of the McGuire Nuclear Station, Units 1 and 2 (the facilities). The licenses provide, among other things, that they are subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission). The facilities comprise two pressurized water reactors at the licensee's site in Mecklenburg County, North Carolina.

II

10 CFR Part 50, Appendix J, paragraph III.D.2(b)(ii) of the Commision's regulations requires overall containment airlock tests to be performed if an airlock is opened during Modes 5 or 6. An overall airlock leakage test at not less than P_a must be conducted prior to plant heatup and startup (i.e., entering Mode 4).

III

By letter dated August 2, 1983, the licensee requested a change in the McGuire Nuclear Station Technicial Specification 4.6.1.3.b which currently requires overall containment airlock leakage tests to be performed " . . . if opened when CONTAINMENT INTEGRITY was not required . . . " The proposed change would be to require the overall airlock leakage test to be performed ". . . when maintenance has been performed on the airlock that could affect the airlock sealing capability." This change requires an exemption from the requirements of Appendix J, to 10 CFR Part 50.

The existing airlock doors are so designed that a full pressure, i.e., (14.8 psig), test of an entire airlock can only be performed after strong backs (structural bracing) have been installed on the inner door. Strong backs are needed since the pressure exerted on the inner door during the test is in a direction opposite to that of the accident pressure direction. Installing strong back, performing the test, and removing strong backs requires at least 6 ours per airlock (there are 2 airlocks) during which access through the airlock is prohibited.

If the periodic 6-month test of paragraph III.D.2(b)(i) of Appendix J and the test required by paragraph III.D.2(b)(iii) of Appendix J are current, not maintenance has been performed on the airlock, and the airlock is properly sealed, there should be no reason to expect the airlock to leak excessively just because it has been opened in Mode 5 or Mode 6. Accordingly, the staff finds that the licensee's proposed approach of relying on the seal leakage test of paragraph III.D.2(b)(iii) of Appendix J is acceptable when no maintenance has been performed on an airlock, and will not adversely affect maintaining containment integrity. Whenever maintenance has been performed on an airlock, the test requirement of paragraph III.D.2(b)(ii) of Appendix J must still be met.

IV

Accordingly , the Commission has determined that an exemption in

accordance with 10 CFR 50.12 is authorized by law, will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the requested exemption from the containment airlock test requirements of 10 CFR Part 50, Appendix J, Section III.D.2(b)(ii) is hereby granted.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the environment (49 FR 38425).

This exemption is efective upon issuance.

Dated at Bethesda, Maryland this 5th day of October 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-27089 Filed 10-11-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-272 and 50-311]

Public Service Electric and Gas Co., et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of relief from certain requirements of ASME Code Section XI to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company, and Atlantic City Electric Company (the licensees), for the Salem Nuclear Generating Station, Units 1 and 2, Salem County, New Jersey.

Environmental Assessment

Identification of Proposed Action

The relief pertains to the Ten-Year System Leakage and Hydrostatic In-Service Inspection programs for Class 1, 2, and 3 components. One relief relates to Articles IWB 5222 and IWC 5200, which require system leakage and hydrostatic pressure test temperatures be "not less than 100 °F."

The licensee proposes to meet the following alternative requirements:

"Test temperature of systems containing ferritic steel components shall meet the requirements specified by fracture prevention criteria. If fracture toughness criteria were neither specified nor required in the construction of the components, the owner will determine the test temperature. No limit on system test temperature is required for systems or portions of systems constructed entirely of austenitic steel."

The second relief relates to Article IWA 5200, which does not include pneumatic testing as an acceptable method of pressure testing.

The licensee proposes to meet the following alternative requirements:

"Pneumatic testing may be used in place of hydrostatic when the system is not compatible with a liquid test medium or the system is normally charged with a gas, provided code-required pressures and temperatures are met."

The Need for the Proposed Action

The request for relief from Article IWB 5222 and IWC 5200 is required because there is no viable means of heating certain components, systems, or portions of systems.

The request for relief from Article IWA 5200, ASME Code, 1974 Edition, stems from the fact that no provision was made in the Code for testing systems not compatible with a liquid test medium or systems normally charged with gas. This section of the Code was charged in the 1977 Edition to permit pneumatic testing in lieu of hydrostatic testing for those systems.

Environmental Impacts of the Proposed Action

The proposed relief will provide a degree of assurance of operability that is equivalent to that prescribed by the ASME Code. Consequently, the probability of the components not operating properly will not be increased and post-accident radiological releases will not be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with these proposes reliefs.

With regard to potential non-radiological impacts, the proposed relief involves features 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 Salem Nuclear Generating Station, Units 1 and 2.

Agencies and Persons Consulted

The NRC staff reviewed the licensees' request 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 relief.

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 respect to this action, see the application for the reliefs dated June 21, 1984 and supplement dated August 15, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Streets, NW., Washington, D.C. and at the Salem Free Library, 112 West Broadway, Salem County, New Jersey 08079.

Dated at Bethesda, Maryland, this 2nd day of October 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-27090 Filed 10-11-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-406]

Tuskegee Institute; Order Authorizing Disposition of Component Parts and Termination of Facility License

By application dated August 9, 1983, Tuskegee Institute (the licensee) requested authorization from the Nuclear Regulatory Commission (the Commission or NRC) to dismantle the Tuskegee AGN-201 Reactor (the facility), a research and training reactor located on the Institute's campus at Tuskegee, Alabama, to dispose of the component parts, and to terminate Facility License No. R-122. The authorization would allow the licensee to dismantle the facility, dispose of the component parts in accordance with the application, and terminate Facility License No. R-122. A "Notice of Proposed Issuance of Order Authorizing Disposition of Component Parts and Termination of Facility license," dated June 5, 1984, was published in the **Federal Register** on June 12, 1984. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has found the facility has been decontaminated, that satisfactory disposition has been made of the fuel, and the component parts can be disposed of without restriction in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common

defense and security or to the health and safety of the public.

The facility area has been inspected by NRC Region II inspectors and radiation surveys confirm that radiation levels meet the values acceptable to the Commission, and the area is available for unrestricted access.

Therefore, pursuant to the application filed by Tuskegee Institute, the licensee is hereby autorized to dispose of the component parts of the reactor, and Facility License No. R–122 is hereby terminated as of the date of this Order.

For further details with respect to this action see: (1) The application for authorization to dismantle facility and dispose of components parts and for termination of facility license, dated August 9, 1983, (2) the Commission's Safety Evaluation related to the termination of the license, and (3) the Notice of Proposed Issuance of Order Authorizing Disposition of Component Parts and termination of Facility License published in the **Federal Register** on June 12, 1984 at 49 FR 24189. Each of these items is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of October 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 84–27088 Filed 10–11–84; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Federal Acquisition Regulation (FAR) "Rule of Two"; Requirements for Setting Aside Acquisitions for Small Business

AGENCY: Office of Management and Budget.

ACTION: Notice of comment.

SUMMARY: The purpose of this notice is to solicit the views of all interested parties in both the public and private sector on the "rule of two" in Part 19 of the Federal Acquisition Regulation (FAR).

DATE: Comments are due on or before November 30, 1984.

FOR FURTHER INFORMATION CONTACT: William Maraist, Office of Federal Procurement Policy, OMB, (202–395–3300).

SUPPLEMENTARY INFORMATION: Although not new, the so called "rule of two" in FAR Part 19 has generated considerable controversy. The primary criticism is that this provision of the regulation did not receive adequate public notice and availability for comment.

The "rule of two" appears in FAR 19.502 which provides the requirements for setting aside acquisitions for small business:

"19.502 Setting aside acquisitions.

"19.502–1 Requirements for setting aside acquisitions.

Using the order of precedence in 19.504, the contracting officer shall set aside an individual acquisition or class of acquisitions when it is determined to be in the interest of (a) maintaining or mobilizing the Nation's full productive capacity, (b) war or national defense programs, or (c) assuring that a fair proportion of Government contracts is placed with small business concerns, and when the circumstances described in 19.502–2 or 19.502–3(a) exist.

"19.502–2 Total set-asides.

The entire amount of an individual acquisition or class of acquisitions, including contracts for architect-engineer services, research, development, test and evaluation, maintenance repair, and construction except small business—small purchase set-asides, shall be set aside for exclusive small business participation if the contracting officer determines that there is a reasonable expectation that (a) offers will be obtained from at least two responsible small business concerns offering the products of different small business concerns and (b) awards will be made at reasonable prices. Total set-asides shall not be made unless such a reasonable expectation exists (but see 19.502–3 as a partial set-aside). Although past acquisition history of the item or similar items is always important, it is not the only factor to be considered in determining whether a reasonable expectation exists. In making R&D small business set-asides, there must also be a reasonable expectation of obtaining from small business the best scientific and technological sources consistent with the demands of the proposed acquisition for the best mix of cost, performances, and schedules.

As shown above, the "rule of two" is part of the standard of competitiveness required before an acquisition may be set aside for small business—"a reasonable expectation that offers will be obtained from at least two responsible small business concerns * * * and awards will be made at reasonable prices." This standard was contained in the Defense Acquisition Regulation (DAR) and the NASA Procurement Regulation prior to the publication of the FAR. The Federal Procurement Regulations (FPR) coverage on set-asides, on the other hand, included a "sufficient number" standard. The FAR is essentially a consolidation of these two primary regulations. The drafters displayed the DAR and FPR coverages in side-by-side columns, and the proposed FAR coverage in a third column. These drafts were then made available for public comment. In the case of the set-aside provisions in question, the "sufficient number" standard was initially proposed for the FAR. Five of the six comments (including those of DOD, GSA, NASA and SBA) received on this provision requested that the language be amended to include the more specific criteria contained in the DAR (i.e., two or more) for determining if small business competition is available. The sixth comment requested added language to the effect that the set-aside would not impair agency mission or program requirements. Because contracting officers in the civil agencies had not consistently applied the "sufficient number" standard, and because the "rule of two" had worked well in DOD for more than five years as well as in NASA, the three regulatory agencies decided, in the final review phase, that the most workable standard for total set-asides was the "rule of two." "Sufficient number" as a standard provides little or no substantive guidance.

One of the issues raised by those who have criticized the "rule of two" is that in certain industries or product lines a disproportionate share of the Government's business is set-aside for exclusive participation by small businesses. However, this does not result from the "rule of two." The key to this issue is in the Small Business Act (15 U.S.C. 644) requirement that "* * * a fair proportion of the total purchases and contracts for property and services for the Government are placed with small business concerns * * *". Fair proportion is tied in the statute to *total* purchases and contracts made by the Government. The bulk of Federal expenditures are for major systems which, at the prime contract level, are unavailable to small business. Therefore, ensuring that small business receives a fair proportion of the *total* Government contracts practically dictates that a disproportionate share must be awarded to small business outside of the major systems area.

This is to be expected when there are *many* small businesses in a given industry sector. The experience of the major procuring agencies indicates that the result would not change, even if "sufficient number" or some other standard were substituted for the "rule

of two." The agencies report substantial competition in the small business set-aside program with an average of ten or more competitors on each procurement. Therefore, the issue is not the method of determining whether there is adequate competition among small businesses. Rather, it appears to be whether the situation should be allowed to continue which results in such disproportionate shares of Federal requirements for particular products or services being set-aside for small business?

We believe that the FAR language complies with current law and reflects the will of the Congress as expressed in the Small Business Act. This method of implementing the fair proportion of *total* contracts has been upheld by the Courts and the Comptroller General.

Comments

All interested parties are invited to comment on the issue of the most appropriate standard for determining competitiveness in making a small business set-aside determination (e.g., rule of two, sufficient number, other standard). Comments should not be sent on the related issue of setting small business size standards. Small business size standards are set by the Small Business Administration and do not fall within the procurement policy authority of the Administrator for Federal Procurement Policy. Comments should be forwarded to William Maraist, Office of Federal Procurement Policy, OMB, 726 Jackson Place, Washington, DC 20503 on or before November 30, 1984. Mr. Maraist may be contacted by phone at 202–395–3300.

Dated: October 3, 1984.

Donald E. Sowle,

Administrator.

[FR Doc. 84–27002 Filed 10–11–84; 8:45 am]

BILLING CODE 3110–01–M

DEPARTMENT OF STATE

Office of the Secretary

Determination To Make Available Supplemental Military Assistance for El Salvador

Pursuant to the Second Supplemental Appropriations Act, 1984 (Pub. L. 98–396) and applicable delegations of authority, I hereby determine that the Government of El Salvador has demonstrated progress toward free elections, land reform, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders.

This determination shall be transmitted to Congress immediately as part of the report required by Pub. L. 98–396 for the obligation and expenditure of supplemental military assistance funds for El Salvador after October 1, 1984.

This determination shall be published in the **Federal Register.**

George P. Shultz,

Secretary of State.

[FR Doc. 84–27009 Filed 10–11–84; 8:45 am]

BILLING CODE 4710–08–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 25.1455–XX; Waste Water/Potable Water Drain System Certification Testing

AGENCY: Federal Aviation Administration (FAA); DOT.

ACTION: Notice of Availability of Proposed Advisory Circular (AC) 25.1455–XX, and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) concerning draining of fluids subject to freezing. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before December 11, 1984.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Regulations and Policy Office, ANM–110, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Regulations and Policy Office, at the address above, telephone (206) 431–2134.

SUPPLEMENTARY INFORMATION:

Comments Invited

A copy of the draft AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 25.1455–XX and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Regulations and Policy Office before issuing the final AC.

Background

This AC sets forth a specific method of compliance with the requirements of § 25.1455 of the Federal Aviation Regulations (FAR). The method has been previously used and is designed to verify that, during flight, draining fluids will not accumulate as ice in sufficient quantity to be considered hazardous. Dyed fluid and painted surfaces are used. Freezing conditions are not required. The applicant may elect to follow an alternate test method, provided the alternate test method is also found by the FAA to be an acceptable means of complying with the requirements of § 25.1455.

Issued in Seattle, Washington, on October 1, 1984.

Leroy A. Keith,

Manager, Aircraft Certification Division, ANM–100.

[FR Doc. 84–28964 Filed 10–11–84; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement; City of Charlottesville and Albemarle County, VA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the City of Charlottesville and Albemarle County, Virginia.

FOR FURTHER INFORMATION CONTACT: George E. Kirk, Jr., District Engineer, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia 23240–0045, Telephone (804) 771–2380.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Virginia Department of Highways and Transportation, will prepare an environmental impact statement (EIS) on a proposal to provide a four-lane divided facility from the intersection of existing McIntire Road and Preston Avenue to an intersection with existing Rio Road.

The proposed highway project involves in part the upgrading of an existing two-lane facility to a four-lane divided roadway. The remaining part of

the proposed highway project calls for a four-lane divided facility on new location. Five alternative roadway alignments within the project corridor will be investigated for this study.

The proposed project will provide improved access to the downtown area in Charlottesville from the north, while reducing congestion on other, less adequate facilities.

There are also three alternatives to the proposed project under consideration:

(1) *Null or No-Build Condition*—which includes all elements of the Regional Transportation Plan with the exception of the proposed project.

(2) *Mass Transit*—to evaluate the ability of mass transit to accommodate the transportation demands in the study area.

(3) *Traffic System Maintenance*—to evaluate the ability of non-major construction activities on the existing roadway network to accommodate the transportation demands in the study area.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. No formal scoping meeting is planned at this time. The Draft EIS will be available for public and agency review and comment. Following publication of the DESI, a public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the DEIS should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.

Issued on: October 3, 1984.

M.J. Deale,

Assistant Division Administrator, Richmond, Virginia.

[FR Doc. 84–27001 Filed 10–11–84; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement, Kent and Washington County, RI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed improved access connection between RI Route 4 in East Greenwich; Kent County, Rhode Island and the Quonset Point/Davisville area in North Kingstown, Washington, County, Rhode Island.

FOR FURTHER INFORMATION CONTACT: Robert T. Millingan, Area Engineer, Federal Highway Administration, 380 Westminster Mall-Fifth Floor, The Federal Center, Providence, Rhode Island 02903, telephone (401) 528–4551 or Joseph F. Arruda, Assistant Director, Planning Division, Rhode Island Department of Transportation, Room 268, State Office Building Providence, Rhode Island 02903.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Rhode Island Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve access between Rhode Island Route 4 in East Greenwich, Kent County, Rhode Island southwesterly approximately 3 miles to Quonset Point/Davisville in North Kingstown, Washington County, Rhode Island.

In addition to providing improved access from Route 4 to Quonset Point-Davisville the proposed project is intended to relieve the current traffic congestion in the immediate area as well as providing capacity to handle the rapidly expanding Quonset Point/Davisville Industrial Park and associated growth. This project will provide a safe and efficient means of travelling through the project area.

Initially it was believed that only upgrade alternatives and the no-build alternative would need to be evaluated as part of this study. Upon completion of the traffic analysis and need statement, environmental inventory and public and private input it was deemed necessary to include freeway alternatives as part of the study. The no-build alternative includes those projects already under commitment.

To insure that the full range of alternatives related to this action are addressed and that all significant environmental issues are identified for study, coordination has taken place with numerous agencies, groups, and citizens.

An Advisory Committee has been created for this project which consists of State Senator and Representatives, Town Representatives from North Kingstown and East Greenwich, the Office of State Planning, the Rhode Island Department of Economic Development, the United States Navy, the Rhode Island Department of Environmental Management, the Audubon Society, and private citizens.

Coordination has also taken place with the following groups, agencies, or interested parties: From North Kingstown—Town Manager, Chief of Police, Fire Chief, Water Department, Superintendent of Schools, Zoning Board, Town Engineer, Town Council, Planning Board, and the Chamber of Commerce. From East Greenwich—Town Manager, Fire Chief, Police Chief, Superintendent of Schools, Town Council, Chamber of Commerce, Public Works, Housing Authority, Planning Board, and the Development Commission. Further coordination includes the Narraganset Electric Company, Providence Gas Company, Seaview Transportation Company, Rollins Cable Television, USEPA Region 1, New England Telephone Company, T.F. Green Airport, Coalition of Coastal Communities, DOI N.E. Region, FAA, Rhode Island Public Transit Authority, U.S. Coast Guard, HUD, National Railroad Passenger Corporation, and the New England Division Corps of Engineers.

Citizen input will also be maintained through a series of Public Workshops and Public Hearings. One public workshop has already taken place as well as three Advisory Committee meetings.

Any agency, groups or citizens affected by or interested in the proposed action are invited to participate in the scoping process for this proposed action by sending their written comments or questions to any of the contact individuals noted above within twenty-one days after publication of this Notice. No formal scoping meeting is planned at this time, but contacts with those agencies, groups or individuals responding to this Notice may be made to clarify indicated environmental issues. The study is expected to be completed by September, 1985.

The Provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and Federally-assisted programs and project apply to this program.

Issued on: October 3, 1984.

Robert T. Milligan,

Area Engineer.

[FR Doc. 84–27004 Filed 10–11–84; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

Change of Date of Public-Meeting

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of change of date of public meeting.

SUMMARY: This notice announces a change of date of a public meeting (originally announced at 49 FR 38216, September 27, 1984) at which NHTSA will answer questions from the public and the automobile industry regarding the agency's rulemaking, research and enforcement programs (including defects). The public meeting, originally scheduled for November 14, 1984, will now be held on November 15, 1984. The purpose of this is to focus on those phases of these NHTSA activities which are technical, interpretative or procedural in nature.

The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary.

DATES: Questions for the November meeting should be submitted in writing by October 19, 1984, to Barry Felrice, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, SW., Washington, D.C. if sufficient time is available, questions received after the October 19 date may be answered at the meeting. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by October 19 and the issues to be discussed will be mailed to interested persons on or before November 2, 1984, and will be available at the meeting. This list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C. within four weeks after the meeting. Copies of the transcript will then be available at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA Technical Reference Section, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

ADDRESSES: The public meeting will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

Issued on October 5, 1984

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-26930 Filed 10-11-84; 8:45 am]

BILLING CODE 4910-59-M

National Driver Register Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), notice is hereby given of a meeting of the National Driver Register Advisory Committee to be held on November 1 and 2, 1984 in Washington, D.C. All sessions will be held at the DOT Headquarters Building, Room 6200, 400 Seventh Street, SW., Washington, D.C. The meetings will be held from 9:00 a.m. to 4:00 p.m. on both days.

The agenda will consist of the following: (1) Review of the NDR NPRM; (2) review the congressionally mandated schedule for implementation of the new NDR; (3) review criteria for selection of the states that will participate in the pilot test; and (4) the two subcommittees, Program/Technical Issues and Driver Related Issues, will also meet to discuss topics for review.

All meetings are open to the interested public, but may be limited in attendance to the space available. Members of the public may present a written statement to the Committee at any time. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Additional information is available from the NHTSA Executive Secretariat, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2870.

Issued in Washington, D.C. on: October 9, 1984.

Robert E. Doherty,

Executive Secretary.

[FR Doc. 84-27050 Filed 10-11-84; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP84-7; Notice 2]

General Motors Corp.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by General Motors Corporation of Warrren, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.)* for an apparent noncompliance with 49 CFR 571.115, *Vehicle Identification Number,* on the basis that it is inconsequential as it relates to motor vehcile safety.

Notice of the petition was published on May 23, 1984, and an opportunity afforded for comment (49 FR 21817).

GM determined that 8 of its 1983 Cadillac de Ville/Fleetwood passenger cars had a VIN consisting of 15 characters, rather than the 17 characters required by S4.2 of the standard. As there are no other vehicles with VI's consisting of 15 characters, GM argued that the Cadillacs would be easily identified if necessary for notification and remedy. The correct VIN of 17 characters does appear on the certification label of the cars concerned. GM stated its intention to provide the owners of the 8 cars with a letter informing them of the error to minimize possible difficulties with State registration. The National Auto Theft Bureau was also to be informed.

No comments were received on the petition.

Given the small number of vehicles involved, and the fact that the vehicles are easily identifiable to their manufacturer in the event that notification and remedy become necessary, petitioner has met its burden of persuasion that the noncompliance with Standard No. 115 herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

The engineer and attorney primarily responsible for this notice are Ken Rutland and Taylor Vinson.

(Sec. 102, Pub. L. 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on October 5, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-27048, Filed 10-11-84; 8:45 am]

BILLING CODE 4910-59-M

UNITED STATES INFORMATION AGENCY

Renewal of Advisory Committee

Effective Date: October 6, 1984.

The United States Information Agency announces the renewal of the Advisory Panel on International Educational Exchange.

The creation and continued functioning of this advisory panel is considered to be in the public interest.

Dated: October 5, 1984.

Charles Z. Wick,

Director.

[FR Doc. 84-26938 Filed 10-11-84; 8:45 am]

BILLING CODE 8230-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementation of Modifications in Specialty Steel Import Relief

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice permits the withdrawal from warehouse for consumption of a quantity of certain stainless steel bar, presently subject to quota.

EFFECTIVE DATE: October 4, 1984.

FOR FURTHER INFORMATION CONTACT: Maria T. Springer, Office of the United States Trade Representative (202) 395–4946.

SUPPLEMENTARY INFORMATION:

Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provides for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel imported into the United States. Headnote 10(d), part 2A of the Appendix to the Tariff Schedules of the United States (TSUS) authorizes the U.S. Trade Representive to adjust the restraint level for any such steel to be exceeded during any restraint period.

Accordingly, I have determined that any amount not to exceed one and three-quarters ton of the following stainless steel bar, provided for in Traiff Schedules of the United States (TSUS) item 926.11, may be entered for consumption or withrawn from Customs bonded warehouse, in excess of the restraint level provided for the period July 20, 1984–October 19, 1984, for the "Other" foreign country category:

Stainless steel bars, each with a rectangular cross-sectional area of either 0.31 square inch or 0.59 square inch, containing, in addition to iron, each of the following elements by weight in the amount specified:

Carbon: 0.11 Percent
Chromium: 11.67 Percent
Magnesium: 0.69 Percent
Molybdenum: 1.66 Percent
Nickel: 2.51 Percent
Phosphorus: 0.014 Percent
Silicon: 0.22 Percent
Sulfur: 0.006 Percent; and
Vanadium: 9.29 Percent;

certified by the importer of record or the ultimate consignee at the time of entry to be used in the manufacture or repair of nozzle guide vanes for gas turbine engines for use on aircraft.

In addition, an identical amount shall be deducted from the quota quantity allocated to the "Other" foreign country category for TSUS item, 926.11 for the restraint period October 20, 1984–January 19, 1984. This determination supersedes the provisions of the notice of October 20, 1983 (48 FR 48888), to the extent inconsistent herewith.

William E. Brock,

U.S. Trade Representative.

[FR Doc. 84–26932 Filed 10–11–84; 8:45 am]

BILLING CODE 3190–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 199
Friday, October 12, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-412 amdt 1, 10/4/84]

Notice of addition of item at the October 4, 1984 Meeting

TIME AND DATE: 10:00 a.m., October 4, 1984.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, DC 20428.

SUBJECT: 26. Saudi Arabia Negotiations. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, *The Secretary,* (202) 673-5068.

[FR Doc. 84-27077 Filed 10-10-84; 8:47 am]
BILLING CODE 6320-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: See Times Below, Tuesday, October 16, 1984.

LOCATION: Third Floor Hearing Room, 1111-18th Street, NW, Washington, DC.

STATUS: Open to the Public—10:00 a.m.

MATTERS TO BE CONSIDERED: *Chain Saws: Meeting with Industry*

The Commission will meet with saw chain and chain saw manufacturers to find out how they plan to market and promote chain saw safety features.

Closed to the Public—2:30 p.m.

2. Commission Procedures Review

The staff will brief the Commission on procedures for setting agendas, reviewing staff documents, and recording decisions.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207, 301—492-6800.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 84-27174 Filed 10-10-84; 2:40 pm]
BILLING CODE 6355-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Tuesday, October 9, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded 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 a funding request.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: October 9, 1984.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,
Deputy Executive Secretary.

[FR Doc. 84-27137 Filed 10-10-84; 12:48 pm]
BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 5:05 p.m. on Friday, October 5, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to an administrative enforcement proceeding against certain individuals participating in the conduct of the affairs of an insured bank (names of persons and name and location of bank authorized to be exempt from disclosure pursuant to 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)).

At that same meeting, the Board of Directors also (1) received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The Farmers and Merchants Bank, Tecumseh, Oklahoma, which was closed by the Bank Commissioner for the State of Oklahoma on Friday, October 5, 1984; (2) accepted the bid for the transaction submitted by Republic Bank of Tecumseh, Tecumseh, Oklahoma, a newly chartered State nonmember bank; (3) approved the applications of Republic Bank of Tecumseh, Tecumseh, Oklahama, for Federal deposit insurance, and for consent to purchase certain assets of and to assume the liability to pay deposits made in The Farmers and Merchants Bank, Tecumseh, Oklahoma; and (4) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: October 9, 1984.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,
Deputy Executive Secretary.

[FR Doc. 84-27138 Filed 10-10-84; 12:48 pm]
BILLING CODE 6714-01-M

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FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO. 84-26561

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, October 11, 1984, 10:00 a.m.

THE FOLLOWING ITEMS HAVE BEEN CONTINUED FROM THE MEETING OF OCTOBER 4, 1984:

Draft Advisory Opinion #1984-48
Governor James B. Hunt, Jr., and the Jim Hunt Committee
Standards of Conduct for FEC Employees: Notice of Proposed Rulemaking

DATE AND TIME: Tuesday, October 16, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

DATE AND TIME: Thursday, October 18, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor)

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential primary matching funds
Draft Advisory Opinion #1984-47
Peter A. Peyser, Former Member of Congress
Draft Advisory Opinion #1984-49
Geraldine A. Ferraro, Member of Congress
Finance Committee Report
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-523-4065.

Mary W. Dove,

Administrative Secretary.

[FR Doc. 84-27164 Filed 10-10-84; 2:24 pm]

BILLING CODE 6715-01-M

6

PAROLE COMMISSION

AGENCY HOLDING MEETING: U.S. Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chey Chase, Maryland, Headquarters)

TIME AND DATE: 10:00 a.m., Tuesday, October 16, 1984.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately two cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

Dated: October 8, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84-27057 Filed 10-9-84; 4:33 pm]

BILLING CODE 4410-01-M

7

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 meeting during the week of October 15, 1984, at 450 Fifth Street, NW., Washington, DC.

A closed meeting will be held on Tuesday, October 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 Tuesday, October 16, 1984, at 10:00 a.m., will be:

Litigation matter.
Formal orders of investigation.
Institution of injunctive action.
Institution of administrative proceedings of an enforcement nature.
Regulatory matter regarding financial institution.
Opinion.

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: Marianne Keler at (202) 272-2014.

Shirley E. Hollis,

Acting Secretary.

October 9, 1984.

[FR Doc. 84-27056 Filed 10-09-84; 4:33 pm]

BILLING CODE 8010-01-M

federal register

Friday
October 12, 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 the 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 (1984). 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 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: AZ83–5105	Mar. 4, 1983.
Colorado: CO83–5113	July 15, 1983.
Mississippi: MS83–1014	Mar. 3, 1983.
MS83–1015	Apr. 1, 1983.
Missouri: MO84–4025	Apr. 27, 1984.
Ohio: OH84–5024	Aug. 24, 1983.
Oklahoma: OK84–4050	Sept. 7, 1984.

Supersedeas 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.

Missouri:	
MO84–4012 (MO84–4061)	Mar. 9, 1984.
MO84–4013 (MO84–6062)	Mar. 9, 1984.
Wisconsin: WI83–2075 (WI84–5029)	Sept. 23, 1983.

Signed at Washington, D.C. this 5th day of October 1984.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

DECISION NO. AZ83-5105 - MOD. #7
(48 FR 9426 - March 4,1983)
Pima County, Arizona

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Plumbers/Pipefitters	$18.34	3.38

DECISION NO. C083-5113 - MOD. #6
(48-FR-32451 July 15, 1983)
Adams, Arapahoe, Boulder, Clear Creek Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Electricians:		
Elbert, Park and Teller Counties:		
Electrician, Technicians	$16.12	2.31+6%
Remaining Counties		
Electricians, Technicians	16.70	2.60 + 3-3/10%

DECISION NO. MS83-1014
Mod # 5
(48 FR 12646 - March 3, 1983)
Warren County, Mississippi

CHANGE:

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
Carpenters	$12.10	.95
Millwrights	12.70	.95
Piledrivermen	12.70	.95
LABORERS:		
Mortar Mixer	8.20	.70
Unskilled	7.95	.70
POWER EQUIPMENT OPERATORS:		
Group 1	13.13	1.00
Group 2	12.25	1.00
Group 3	11.98	1.00
Group 4	11.20	1.00
Group 5	9.17	1.00

DECISION NO. MS83-1015
Mod # 7
(48 FR 14312 - April 1, 1983)
Hinds County, Mississippi

CHANGE:

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Construction Laborers	$7.95	.70
Wrecking & Demolition	7.95	.70
Mason Tenders	8.10	.70
Pipelayers	8.10	.70
Mortar Mixers	8.20	.70
Mechanical Tools, Motorized (GA) Buggy Ops.	8.20	.70
PLUMBERS, STEAMFITTERS & PIPEFITTERS	12.50	2.35
POWER EQUIPMENT OPERATORS:		
Group I	13.13	1.00
Group II	12.25	1.00
Group III	11.98	1.00
Group IV	11.20	1.00
Group V	9.17	1.00

DECISION NUMBER OH84-5024 - MOD. #1
(49 FR 33787 - August 24, 1984)
Clermont & Hamilton Counties, Ohio

Change:

	Basic Hourly Rates	Fringe Benefits
Carpenters	$8.11	
Electricians	9.92	
Laborers	6.06	
Painters, Brush	8.19	
Roofers	8.86	
Sheet Metal Workers	9.00	$1.43
Add:		
Drywall Hangers	7.00	
Insulators	6.06	
Truck Drivers	7.30	

DECISION NO. OK84-4050
MOD #3 (49 FR 35477 - September 7, 1984)

Alfalfa, Beckham, Blaine, Caddo, Canadian, Carter, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Roger Mills, Pottawatomie, Seminole, Stephens, Tillman, Washita, Woods and Woodward Counties, Oklahoma

CHANGE:

Area I

	Basic Hourly Rates	Fringe Benefits
Marble Masons, Tile Setters and Terrazzo Workers	$16.84	$1.50

Modification Published in Federal Register September 28, 1984 should read as Modification # 2

DECISION #MO84-4025-MOD#4
(49 FR 18220-April 27, 1984)
Cass, Clay, Jackson, Platte, Ray, Henry, Johnson and Lafayette Counties, Missouri; Johnson and Wyandotte Counties, Kansas

OMIT:

	Basic Hourly Rates	Fringe Benefits
Electricians:		
Zone 4 - Johnson & Wyandotte Counties, Kansas	16.18	10%+2.51

ADD:

	Basic Hourly Rates	Fringe Benefits
Electricians:		
Zone 4- Wyandotte County, Kansas	16.18	10%+ 2.51
Johnson County (that portion east of Monticello, Olathe, and Spring Hill Townships), Kansas	16.18	10%+ 2.51
Johnson County (that portion west of Aubry, Oxford and Shawnee Townships), Kansas	15.55	3%+ 2.13

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Painters:		
Zone 1 - Cass, Clay, Henry, Jackson, Johnson (excluding Whiteman AFB), Lafayette, Platte & Ray Counties, Mo.; Johnson & Wyandotte Counties, Kansas:		
Brush & Tapers	16.04	2.00
Spray	17.04	2.00
Bricklayers & stonemasons	15.94	3.00

SUPERSEDEAS DECISION

STATE: Missouri COUNTY: Cole
DECISION NUMBER: MO84-4061 DATE: Date of Publication
Supersedes Decision No. MO84-4012 dated March 9, 1984, in 49 FR 9074.
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$19.73	$ 3.12
BOILERMAKERS	17.495	3.25
BRICKLAYERS; STONEMASONS; TILE LAYERS	14.50	.50
CARPENTERS:		
Carpenters & Lathers	13.95	1.28
Millwrights	14.70	1.28
Piledrivers	14.35	1.28
CEMENT MASONS	14.85	
ELECTRICIANS:		
Electricians	15.71	3.47+ 10%
Cable Splicers	15.96	3.47+ 10%
ELEVATOR CONSTRUCTORS:		
Mechanics	16.49	2.69 +a
Helpers	70%JR	2.69 +a
Probationary Helpers	50%JR	
IRONWORKERS	16.575	2.90
PAINTERS:		
Brush	13.45	.45
Spray; Structural Steel; Stage or Saddle; Blasting	13.95	.45
PLASTERERS	14.30	
PLUMBERS & PIPEFITTERS	18.95	5.58
ROOFERS:		
Roofers	15.10	.65
Roofers in coal tar Pitch	15.60	.65
SHEET METAL WORKERS	12.86	.91
SPRINKLER FITTERS	16.67	3.23
LABORERS:		
Group 1	11.75	1.90
Group 2	12.00	1.90
Group 3	12.10	1.90
POWER EQUIPMENT OPERATORS:		
Group 1	15.17	3.00
Group 2	15.17	3.00
Group 3	13.92	3.00
Group 4	13.47	3.00

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (CONT'D):		
Group 5:		
(a)	15.87	3.00
(b)	16.72	3.00
(c)	17.17	3.00
(d)	17.92	3.00
(e)	15.67	3.00
(f)	17.07	3.00
(g)	17.57	3.00
(h)	18.07	3.00
TRUCK DRIVERS:		
Group 1	11.80	2.00+ d
Group 2	12.20	2.00+ d
Group 3	12.50	2.00+ d

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit, also 7 Paid Holidays
d. After 1 year a week's vacation

LABORERS CLASSIFICATIONS

Group 1: General Laborer; Heaters; Material Plant Man; Carpenter Tender; Landscaper: Signalman; Wrecker (old/new structures); Form Handler; Post Hole Digger; Cleaning and Clearing of all debris for all crafts; Loading and unloading, conveying, distributing, collecting and hoisting of construction material and debris; Backfilling, Grading and Landscaping; Covering of tanks, structures and material piles with Tarpaulins or other materials; Handling and cleaning of concrete chutes; Cleaning of concrete spills and chipping where hand tools are required; Cleaning of masonry and other type walls and windows; Signal and Hoisting Concrete Buckets; Rodman; All tools run by gas, electricity, or air except Vibrator, Jackhammer and Paving Breaker; Air Compressors; Motor Buggies; Pumps, except Set-up Men and Nozzle Men; Unloading and handling steel; Chipping Tool Operator; Concrete Mixer Operator

Group 2: First Semi-Skill - Brick Mason, Plasterer and Cement Finishers Tenders; Mortarmen; Scaffold Builders for Brick, Plasterer and Cement Masons; Forklifts (walk-behind or other similar types)

Group 3: Second Semi-Skiller - Concrete Pumps Set-up Men and Nozzle Men; Tile Layers, Bottom Men, Sewers and Drains; Cutting Torch; Burning Bar; Trench or Pier Holes 12' or over; Wagon Drill; Air Track or any Mechanical Drill; Power Man; Tamper 100 lbs. or over; Paving Breaker; Jackhammer and Vibrator; Laser Beam Man for Sewer; Grade checker

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

Group 1: Backhoe, Cableway; Crane, Crawler or Truck; Crane, Hydraulic Truck or Cruiser mounted 16 tons and over; Crane, Locomotive, Derrick, Steam; Derrick Car and Derrick Boat; Dragline; Dredge; Gradall; Crawler or tire mounted; Locomotive, gas, steam and other powers; Piledriver, land or floating; Scoop, Skimmer; Shovel, power (steam, gas, electric or other powers); Switch Boat; Whirley

POWER EQUIPMENT OPERATORS: (Cont'd)

Group 2: Air Tugger with Air Compressor; Anchor placing Barge; Asphalt Spreader; Athey Force Feeder Loader (self-propelled); Backfilling Machine; Boat Operator Push Boat or Tow Boat (job site); Boiler, High Pressure Breaking in period; Boom Truck, placing or erecting; Boring Machine, Footing Foundation; Bullfloat; Cherry Picker; Combination Concrete Hoist and Mixer such as Mixermobile; Compressor (when operator runs throttle); Compressors, two not more than 50' apart; Compressor, Generator Combination; Compressor Pump Combination; Compressor Welder Combination; Concrete Breaker (truck or tractor mounted); Concrete Pump, such as Pumpcrete Machine; Concrete Spreader; Conveyor, large (not self-propelled) Hoisting or moving brick and concrete into, or into and on floor level, one or both; Crane, Hydraulic Rough Terrain, self-propelled; Crane, Hydraulic Truck or Cruiser mounted under 16 tons; Drilling Machines, self-powered, used for earth or rock drilling or Boring (Wagon Drills and any Hand-drills obtaining power from other sources including Concrete Breakers, Jackhammers and Barco equipment on engineer required); Elevating Grader, Engine Man, Dredge; Excavator or Powerbelt Machine; Finishing Machine, self-propelled Oscillating Screed; Fork Lift; Grader Road with power blade; Highlift; Hoist, concrete and brick (Brick Cages or Concrete Skips operating in or on Tower, Tower-mobile, or similar equipment); Hoist, stack; Hydrohammer; Lad-a-vator, hoisting brick or concrete; Loading Machine (such as Barber-Greene); Mechanic, on job site; Mixer, paving; Mixer-mobile; Mucking Machine; Pipe Wrapping Machine; Plant, asphalt; Plant Concrete producing or Ready-mix job site; Plant, Mixing job site; Plant, power, generating job site; Pumps, two self-power over 2" through 6"; Pumps, electric submersible, one through three, over 4" Quad-Track; Roller, Asphalt, Top or Subgrade; Scoop, tractor drawn; Spreader Box; Subgrader; Tie Tamper; Tractor-Crawler, or wheel type with or without power unit, power Take Off, and attachments regardless of size; Trenching Machine, Tunnel Boring Machine; Vibrating Machine, Automatic propelled; Welding Machines (gasoline or diesel) more than one but not over four (regardless of size); Well Drilling Machines; plant heating job site.

Group 3: Air Tugger with plant air; Boiler, for power or heating shell of buildings or temporary enclosures in connection with construction work; Boiler, temporary; Compressor, air one; Compressor, air (mounted on truck); Concrete Saw, (self-propelled); Conveyor, large (not self-propelled); Conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; Curb Finishing Machine, Ditch Paving Machine; Elevator (building construction or alteration); Endless Chain Hoist; Fireman; Form Grader; Generator, one over 30 KW or any number developing over 30 KW; Greaser; Hoist, one drum regardless of size (except brick or concrete); Lad-a-vator; Manlift; Mixer, aspahlt, over 8 cu. ft. capacity; Mixer, if two or more of one bag capacity or less are used by one Employer on job, an Operator is required; Mixer, without Side Loader 2 bag capacity or more; Mixers, with Side Loader, 2 bag capacity or more; Mixers, with Side Loader, regardless of size, not Paver; Oiler on Dredge; Oiler on Truck Crane; Pug Mill Operator; Pump; Pump-self powered, automatic controlled over 2" during use in connection with construction work; Scissor Lift (used for hoisting); Sweeper, street; Tractor small wheel type 50 HP and under with Grader Blade and similar equipment; Welding Machine, one over 400 amp.; Winch Operating from truck; Mechanic in shop

POWER EQUIPMENT OPERATORS (Cont'd)

Group 4: Boat Operator Outboard Motor (job site); Conveyors (such as Con-Vay-it) regardless of how used; Oiler; Sweeper, floor

Group 5:

(a) Air-pressure; Oiler Engineer operating under 10 lbs.
(b) Air-pressure; Oiler Engineer operating over 10 lbs.
(c) Air-pressure Engineer operating under 10 lbs.
(d) Air-pressure Oiler Engineer operating over 10 lbs.
(e) Crane, Climbing (such as Linden); Crane, Pile Driving and extracting; Crane, using Rock Socket Tool; Derrick; Diesel, gas or electric, hositing material erecting steel (150' or more above ground); Dragline, 7 cu. yds. and over; Hoist, 3 or more drums in use; Scoop, Tandem; Shovel, power 7 cu. yds. and over; Tractor, Tandem, Crawler, Tunnel Man assigned to work in tunnel or tunnel shaft; Wrecking, when machine is working on second or higher; Crane - Booms (including jib) 100 ft. to 150 ft.
(f) Crane, Boom (including jib) 150 ft. to 200 ft.
(g) Crane, Boom (including jib) 200 ft. to 250 ft.
(h) Crane, Boom (including jib) 250 ft. to 300 ft

TRUCK DRIVERS CLASSIFICATIONS

Group 1: Warehousemen; Dumper; Flat Bed and Pick-up; Farm Tractor; Water Truck, single-axle; Fuel Truck, single axle

Group 2: Tandem; Tractor Trailer; Winch; Fork Lift; Tandem Water Truck; Tandem Fuel Truck

Group 3: Tandem-slip-bed operation Pitman; Hydro Broom Truck; Transit Mixer; Euclid, Belly Dump; Cat Wagon; Oil Distributor; Ross Carrier; Dumpster; Half Track; Water Pull; Mechanic

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDESA DECISION

STATE: Missouri
DECISION NUMBER: MO84-4062
COUNTIES: Boone,Cooper and Howard
DATE: Date of Publication
Supersedes Decision No. MO84-4013, dated March 9, 1984, in 49 FR 9076.
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$17.29	$ 4.35
BOILERMAKERS	17.345	3.25
BRICKLAYERS,STONEMASONS & TILE LAYERS	14.50	.50
CARPENTERS:		
Carpenters & Lathers	13.95	1.58
Millwrights	14.60	1.58
Piledrivers	14.35	1.58
CEMENT MASONS	15.35	
ELECTRICIANS:		
Area 1:		
Electricians	15.71	3.47 +10%
Cable Splicers	15.96	3.47 +10%
Area 2:		
Electricians (contracts exceeding 2000 man hrs.)	16.18	2.51 +10%
Electricians (contracts not exceeding 2000 man hrs.)	14.58	2.51 +10%
ELEVATOR CONSTRUCTORS:		
Area 1:		
Mechanics	16.89	2.69 +a
Helpers	70%JR	2.69 +a
Probationary Helpers	50%JR	
Area 2:		
Mechanics	16.49	2.69 +a
Helpers	70%JR	2.69 +a
Probationary Helpers	50%JR	
GLAZIERS:		
Area 1	14.24	2.96 +17.14%
IRONWORKERS	14.25	3.25
LINE CONSTRUCTION:		
Lineman and Cable Splicers	$16.37	$1.00+ 23-3/4%
Groundman,Winch Drivers	12.03	1.00+ 23-3/4%
Groundman Driver	11.60	1.00+ 23-3/4%
Equipment Operators	14.64	1.00+ 23-3/4%
Groundman	11.60	1.00+ 23-3/4%
PAINTERS:		
Area 1:		
Brush	13.45	.45
Spray, Structural Steel, Sandblasting	13.95	.45
Area 2:		
Brush	14.25	
Spray	15.25	
PLASTERERS	14.85	
PLUMBERS,PIPEFITTERS	16.38	2.27
ROOFERS:		
Roofers	15.10	.65
Roofers in Coat Tar Pitch	15.60	.65
SHEET METAL WORKERS:		
Area 1	12.86	.91
Area 2	16.75	2.78
SPRINKLER FITTERS	16.67	2.23
LABORERS:		
Group 1	11.75	1.90
Group 2	12.00	1.90
Group 3	12.10	1.90
POWER EQUIPMENT OPERATORS:		
Cooper & Howard Cos.:		
Group 1	15.86	2.85
Group 2	15.51	2.85
Group 3:		
(a)	10.45	2.85
(b)	13.61	2.85
(c)	11.25	2.85
(d)	13.86	2.85

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	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS: (CONT'D):		
Cooper & Howard Counties:		
Group 4	16.11	2.85
Group 5	15.76	2.85
Group 6	16.36	2.85
Group 7:		
(a)	15.71	2.85
(b)	15.46	2.85
(c)	13.46	2.85
Group 8	16.86	2.85
Group 9	16.36	2.85
Boone County:		
Group 1	15.17	3.00
Group 2	15.17	3.00
Group 3	13.92	3.00
Group 4	13.47	3.00
Group 5:		
(a)	15.87	3.00
(b)	16.72	3.00
(c)	17.17	3.00
(d)	17.92	3.00
(e)	15.67	3.00
(f)	17.07	3.00
(g)	17.57	3.00
(h)	18.07	3.00
TRUCK DRIVERS:		
Boone County:		
Group 1	12.805	1.50+b
Group 2	12.955	1.50+b
Group 3	13.455	1.50+b

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit, also 7 Paid Holidays
b. After 1 year a weeks vacation, also 7 Paid Holidays

AREA DESCRIPTIONS

ELECTRICIANS:
Area 1: Boone and Howard Counties
Area 2: Cooper County

ELEVATOR CONSTRUCTORS:
Area 1: Cooper and Howard Counties
Area 2: Boone County

GLAZIERS:
Area 1: Cooper and Howard Counties

PAINTERS:
Area 1: Boone and Howard Counties
Area 2: Cooper County

SHEET METAL WORKERS:
Area 1: Boone and Cooper Counties
Area 2: Howard County

LABORERS CLASSIFICATIONS

Group 1: General Laborer; Watchman; Flagman; Heaters; Material Plant Man; Carpenter Tender; Landscaper; Signalman; Wrecker (old/new structures); Form Handler; Post Hole Diggers; Cleaning and clearing of all debris for all crafts; Loading and unloading, conveying, distributing, collecting and hoisting of construction material and debris; Backfilling, Grading and Landscaping; Covering of tanks, structures and material piles with Tarpaulins or other materials; Handling and cleaning of Concrete Chutes; Cleaning of Concrete Spills and Chipping where hand tools are required; Cleaning of masonry and other type walls and windows; Signal and Hoisting Concrete Buckets; Rodman; All tools run by gas, electricity, or air except Vibrator, Jackhammer and Paving Breaker; Air Compressors; Motor Buggies; Pumps, except Set-up Men and Nozzle Men; Unloading and handling steel; Chipping Tool Operator; Concrete Mixer Operator

Group 2: First Semi-skill - Brickmason, Plasterer and Cement Finishers' Tenders; Mortarmen; Scaffold Builders for brick; Plasterer and Cement Masons; Forklift (walk-behind or other similar types)

LABORERS CLASSIFICATIONS (Cont'd)

Group 3: Second Semi-skill - Concrete Pumps Set-up Men and Nozzle Men; Tile Layers, Bottom Men, Sewers and Drains; Cutting Torch; Burning Bar; Trench or Pier Holes 12' or over; Wagon Drill; Air Track or any mechanical Drill; Powder Man; Tamper, 100 lbs. or over; Paving Breaker; Jackhammer and Vibrator; Laser Beam Man for Sewer; Grade Checker for roads and railroads

POWER EQUIPMENT OPERATORS CLASSIFICATIONS
Cooper and Howard Counties

Group 1: Asphalt Paver and Spreader; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Back Fillers; Backhoe; Barber-Greene Loader; Blade, power; Boats, power; Boilers (2); Boring Machines; Cableways; Cherry Pickers; Chip Spreader; Concrete Ready-mix Plant, portable (job site); Concrete Mixer Paver; Crane, Overhead; Crusher, rock; Derricks and Derricks Cars (power operated); Ditching Machines; Dozers; Dredges, any type power; Grade-all, similar type; Hoist; Endless Chain, power operated with power travel; Loaders; Mechanic and Welder; Mucking Machine; Orange Peels; Pumps, material; Push Cats; Scoops; Self-propelled Rotary Drill; Shovel, power; Side Boom; Skimmer Scoop; Testhole Machine; Throttle Man

Group 2: Boilers (1); Brooms, power operated; Chip Spreader (Front Man; Clef Plane Operator; Compressors (1) 125' or over; Concrete Saws, self-propelled; Crab, power operated; Curb Finishing Machine; Fireman on Rigs; Flex Plane; Floating Machine; Form Grader; Greaser; Hoist, Endless Chain, power operated; Hopper, power operated; Hydra Hammer; Lad-a-vator, similar type; Rollers; Siphons, Jets, and Jennies, Sub-grader; Tractors over 50 H.P.; Compressors (2) 125' or over not more than 20' apart, Compressors, Tandem; Compressors, single, truck mounted; Elevator; Finishing Machine

Group 3:
(a) Oilers
(b) Fork Lift, masonry
(c) Oiler Driver
(d) A-frame Trucks; Fork Lift, all types (except masonry); Mixers (with Side Loaders); Pumps (with Well Points) Dewatering Systems, Test or Pressure Pumps; Tractors (except when hauling material) less than 50 H.P.

Group 4: Clamshells, 100 feet of boom or over (excluding jib); Crane or Rigs, 100 feet of boom or over (excluding jib); Draglines, 100 feet of boom or over (excluding jib); Pile Drivers, 100 feet of boom or over (excluding jib)

Group 5: Hoists, each additional drum over 1 drum

Group 6: Crane or Rigs over 200 feet of boom

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Cont'd)
Cooper and Howard Counties (Cont'd)

Group 7: Ready Mixed Concrete Plants;
(a) Crane Operator
(b) Loader Operator and Plant Man
(c) Conveyor Operator

Group 8: Master Mechanic

Group 9: Crane, Tower or Climbing

Boone County

Group 1: Backhoe, Cableway; Crane, Crawler or Truck; Crane, Hydraulic Truck or Crusier mounted 16 tons and over; Crane, Locomotive, Derrick, Steam; Derrick Car and Derrick Boat; Dragline; Dredge; Gradall, Crawler or tire mounted; Locomotive, gas, steam and other power; Piledriver, Land or Floating; Scoop Skimmer; Shovel, power (steam, gas, electric or other powers); Switch Boats; Whirley

Group 2: Air Tugger, with Air Compressor; Anchor Placing Barge; Asphalt Spreader; Athey Force Feeder Loader (self-propelled); Backfilling Machine; Boat Operator; Push Boat or Tow Boat (job site); Boiler, high pressure breaking in period; Boom Truck, placing or erecting; Boring Machine; Footing Foundation; Bullfloat; Cherry Picker; Combination Concrete Hoist and Mixer such as Mixer-mobile; Compressor (when operator runs throttle); Compressors, two not more than 50' apart; Compressor Generator Combination; Compressor Pump Combination; Compressor Welder Combination; Concrete Breaker (truck or tractor mounted); Concrete Pump, such as Pumpcrete Machine; Concrete Spreader; Conveyor, large (not self-propelled) Hoisting or moving brick and concrete into, or into and on floor level, one or both; Crane, Hydraulic Rough Terrain, self-propelled; Crane; Hydraulic Truck or Cruiser mounted under 16 tons; Drilling Machines, self-powered, used for earth or rock drilling or boring (Wagon Drills and any Hand Drills obtaining power from other sources including Concrete Breakers, Jackhammers and Barco Equipment no engineer required); Elevating Grader, Engine Man, Dredge; Excavator or Powerbelt Machine; Finishing Machine, self-propelled Oscillating Screed; Fork Lift; Grader, road with power blade; Highlift; Hoist, concrete and brick (Brick Cages or Concrete Skips operating in or on tower, Towermobile, or similar equipment; Hoist, Stack; Hydro-hammer; Lad-a-vator, hoisting brick or concrete; Loading Machine (such as Barber-Greene); Mechanic, on job site; Mixer, paving; Mixer-mobile; Mucking Machine; Pipe Wrapping Machine; Plant, asphalt; Plant, concrete producing or Ready-mix job site; Plant, heating job site; Plant, mixing job site; Plant, power generating job site; Pumps, two self-power over 2" through 6"; Pumps, electric submersible, one through three, over 4"; Quad-Track; Roller, Asphalt, Top or Subgrader; Scoop, tractor drawn; Spreader Box; Subgrader; Tie Tamper; Tractor, Crawler, or wheel type with or without power unit, power take offs and attachments regardless of size; Trenching Machine, Tunnel Boring Machine, Vibrating Machine, automatic, propelled; Welding Machines (gasoline or diesel) more than one but not over four (regardless of size); Well Drilling Machine

POWER EQUIPMENT OPERATORS (Cont'd)
Boone County (Cont'd)

Group 3: Air Tugger with plant air; Boiler for power or heating shell of buildings or temporary enclosures in connection with construction work; Boiler, temporary; Compressor, air one; Compressor, air (mounted on truck); Concrete Saw (self-propelled); Conveyor, large (not self-propelled); Conveyor, large (not self-propelled moving brick and concrete distributing) on floor level; Curb Finishing Machine, Ditch Paving Machine; Elevator (building construction or alteration); Endless Chain Hoist; Fireman; Form Grader; Generator, one over 30 KW or any number developing over 30 KW; Greaser; Hoist, one drum regardless of size (except brick or concrete); Lad-a-vator; Manlift; Mixer, Asphalt, over 8 cubic feet capacity; Mixer, if two or more mixers of one bag capacity or less are used by one Employer on job, an Operator is required; Mixer, without Side Loader, 2 bag capacity or more; Mixers, with Side Loader, 2 bag capacity of more; Mixer, with Side Loader, regardless of size, not Paver; Oiler on Dredge; Oiler on Truck Crane; Pug Mill Operator; Pump, Sump-self powered, automatic controlled over 2" during use in connection with construction work; Scissor Lift (used for hoisting); Sweeper, street; Tractor small wheel type 50 HP and under with Grade-blade and similar equipment; Welding Machine, one over 400 amp.; Winch operating from Truck; Mechanic in shop

Group 4: Boat Operator Outboard Motor (job site); Conveyors, (such as Con-vay-it) regardless of how used; Oiler; Sweeper, floor

Group 5:
(a) Air-pressure; Oiler Engineer operating under 10 lbs.
(b) Air-pressure; Oiler Engineer operating over 10 lbs.
(c) Air-pressure Engineer operating under 10 lbs.
(d) Air-pressure Oiler Engineer operating over 10 lbs.
(e) Crane, climbing (such as Linden); Crane, Pile driving and Extracting; Crane, using Rock Socket Tool; Derrick, diesel, gas or electric, hoisting material erecting steel (150' or more above ground); Dragline, 7 cu. yds. and over; Hoist, three or more drums in use; Scoop, Tandem; Shovel, power, 7 cu. yds. and over; Tractor, Tandem Crawler Tunnel Man assigned to work in tunnel or tunnel shaft; Wrecking, when machine is working on second or higher; Crane, Booms (including jib) 100 feet to 150 feet
(f) Crane, Boom (including jib) 150 feet to 200 feet
(g) Crane, Boom (including jib) 200 feet to 250 feet
(h) Crane, Boom (including jib) 250 feet to 300 feet

TRUCK DRIVERS
Boone County

Group 1: Warehouseman; Dump Truck; Flat Bed; Pick-up; Farm Tractor; Single-axle Water Truck; Fuel Truck, single axle

Group 2: Tandem; Tractor-trailer; Winch Truck; Forklift; Tandem Water Truck; Tandem Fuel Truck

Group 3: Pitman; Hydro Boom Truck; Tandem-slip bed operation; Transit Mixer; Euclid; Belly Dump; Cat Wagon; Mechanic; Oil Distributor; Water Pull; Ross Carrier; Dumpster; Halftruck

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

STATE: WISCONSIN

COUNTIES: Barron, Dunn, Polk, and St. Croix

DECISION NUMBER: WI84-5029

DATE: Date of Publication

Supersedes Decision No. WI83-2075 dated September 23, 1983, in 48 FR 43536

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.32	3.58
BOILERMAKERS	17.345	3.25
BRICKLAYERS	15.90	1.54
CARPENTERS:		
Carpenters	13.66	2.11
Millwrights & Pile-drivermen	14.06	2.11
CEMENT MASONS	15.90	1.54
ELECTRICIANS	15.48	15-1/4%
ELEVATOR CONSTRUCTORS:		
Mechanic	16.43	2.465
Helpers	11.50	2.465
Helpers (Prob.)	8.215	
IRONWORKERS:		
Structural, Ornamental and Reinforcing	17.10	3.39
LABORERS:		
General	11.72	1.43
Mason Tenders	11.97	1.43
Jackhammer Operator	12.02	1.43
LATHERS	13.66	2.11
LINE CONSTRUCTION:		
Linemen	16.09	1.00+ 9-1/2%
Heavy Equipment Operator	14.48	1.00+ 9-1/2%
Light Equipment Operator	12.87	1.00+ 9-1/2%
Heavy Groundman Truck-driver	11.26	1.00+ 9-1/2%
Light Groundman Truck-driver	10.46	1.00+ 9-1/2%

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Brush & Swing Stage	13.00	.15 +5%
Spray	13.50	.15 +5%
Structural Steel	14.00	.15 +5%
PLASTERERS	13.76	1.91
PLUMBERS & STEAMFITTERS	14.17	3.65
ROOFERS	14.27	
SHEET METAL WORKERS	15.67	2.00+3%
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

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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)).

[FR Doc. 84-26892 Filed 10-11-84; 8:45 am]

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federal register

Friday
October 12, 1984

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 21 and 45

Parts Manufacturer Approval; Falsification of Airworthiness Certification Documents; Withdrawal of Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 45

[Docket No 17147; Notice 77-19E]

Parts Manufacturer Approval; Falsification of Airworthiness Certification Documents

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice withdraws the proposals to amend Parts 21 and 45 of the Federal Aviation Regulations as published in Notice of Proposed Rulemaking (NPRM) 77-19C (46 FR 3776; January 15, 1981). NPRM 77-19D (46 FR 38062, July 23, 1981) which extended the comment period of NPRM 77-19C is also withdrawn. Public comments, agency discussions, and information from other Federal departments and agencies indicate that there is substantial confusion about the Parts Manufacturer Approval (PMN) process and misinterpretation of PMA regulations. Thus, the agency has commissioned a study and evaluation of the PMA process to determine whether any regulatory changes are necessary.

FOR FURTHER INFORMATION CONTACT: Fred Laird, Manager, Regulatory Projects Branch, Program Management Staff, Office of Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Background

On August 24, 1977, the FAA issued NPRM 77-19 (42 FR 43985; September 1, 1977). The FAA proposed to: (1) Revise the application and reporting requirements applicable to Parts Manufacturer Approvals; (2) clarify the means by which an applicant for a PMA can show that the design of the applicant's part is identical to the design of a part that is covered under a type certificate (TC); (3) update certain form number references; (4) provide for the issuance of export certificates of airworthiness for unassembled normal category rotorcraft; and (5) provide for the issuance of export airworthiness approvals for aeronautical products that do not meet certain requirements if the importing country agrees to accept the products in such conditions.

The comment period was reopened twice to allow persons and organizations additional time to submit comments to the docket.

The portions of NPRM 77-19 dealing with form number revisions and export airworthiness requirements (items 3, 4, and 5 above) were adopted by Amendment 21-48 (44 FR 15648; March 15, 1979).

On January 8, 1981, the FAA issued NPRM 77-19C which superseded the proposals concerning PMA contained in NPRM 77-19. In addition, NPRM 77-19C proposed a rule to clarify and strengthen the agency's enforcement policy by prohibiting certain actions and prescribing administrative sanctions for certain acts involving falsified applications, reports, and records under Part 21. Reasons for Withdrawal of NPRM 77-19C.

In proposing NPRM 77-19C, the FAA intended to codify existing agency practices for administering the PMA program and clarify and strengthen the agency's enforcement policy.

However, public comments and intra-agency discussion inspired by NPRM 77-19C reveal that: (1) PMA administrative practices may not be uniform among FAA field offices; (2) there is substantial confusion among holders of both type certificates and parts manufacturer approvals about the application of the identicality concept; and (3) the industry, as well as other interested government agencies, have misinterpreted some of the revisions proposed in NPRM 77-19C.

Considering the response the NPRM 77-19C, the logical next steps are: (1) Survey present PMA administrative practices among the various FAA field offices; (2) take account of differing interpretations of the identicality concept specifically (and PMA regulations generally); (3) assess PMA-related issues raised by other Federal agencies and departments; and (4) respond to the concerns of all persons affected by the PMA process. In addressing these issues and concerns, FAA, is mindful of its principal statutory auty "to promote safety in civil aviation."

Thus, the FAA has formed an impratial investigative team to assess and prepare a detailed plan for evaluation of the PMA process. The team is comprised of agency consultants whose expertise includes air transportation and safety, economics, law, and Federal Aviation Regulations. The team is under the guidance of Michele Owsley, an FAA Aircraft Certification Engineer.

The team will survey each FAA Aircraft Certification Office (ACO) and selected parts manufacturers and orignal equipment manfucturers from late July through September to summarize current PMA certification practices which exist and to assist the agency in determining the appropriate national norm for administering a PMA program. The team will visit these ACOs and manufacturers, and conduct interviews that are designed to facilitate the evaluation process. The team will focus on issues critical to establishing and maintaining an efficient and uniform PMA program.

The results of the team survey will be reviewed by the FAA and will then be made available to the public. The interview results and evaluation will be used to asses the PMA program and determine whether any change is warranted. If the FAA determines that there is a necessity for change, it will publish a document to that effect.

The protracted nature of NPRM 77-19C rulemaking proceeding has generated additional issues. The original PMA rulemaking began in 1977. Since that time, there may have been changes in the regulatory and business climate the should be considered in formulating the substance of any PMA regulation. Additionally, it may be unfair to expect recent or prospective entrants into the PMA/OEM market to have an informed knowledge of the rulemaking history sufficient to participate meaning fully in any discussion. When a proposed rule remains under consideration for an unusually lont time, there arises a question as the whether the text of the proposal and the notice of its existence have become stale. The interested public may mistakenly, although reasonably, conclude that there is no active consideration being given of NPRM 77-19C.

Accordingly, NPRM 77-19C is withdrawn to: (1) Create a climate in which the PMA evaluation team can objectively investigate the program without predisposition toward the alternatives proposed in NPRM 77-19C; (2) encourage the parts manufacturer/original equipment manufacturer industry freely to raise new issues and suggestions beyond the scope of NPRM 77-19C; and (3) obviate any questions of fairness and timely notice of proposed changes to its PMA regulations. The FAA wishes to assure the interested public and other Federal agencies that while action on NPRM 77-19-C is discontinued, the FAA will continue to asses the status of PMA and the need for any changes to the program.

It is FAA policy to be receptive to public comment, and to make available to the public any appropriate information the agency considers in its deliberations. In keeping with this

policy, all correspondence relative to NPRM 77–19C has been placed in Docket 17147. The Statement of Work for the project team, the Evaluation Plan, and the results of the evaluation will be placed in that docket, along with any correspondence received on the general subject of PMA. The agency will consider any comments already received on NPRM 77–19C, including original and reply comments, in any subsequent evaluation or rulemaking.

Conclusion

The FAA has determined that this notice of withdrawal involves a rulemaking action which is not a "major rule" under Executive Order 12291 and is a "significant" rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, since this notice of withdrawal involves a rulemaking action which leaves all existing regulations unchanged, the FAA has determined that it does not warrant preparation of a regulatory evaluation because no impact in anticipated and it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

(Secs. 313(a) and 601, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655))

Issued in Washington, D.C., on August 28, 1984.

M.C. Beard,

Director of Airworthiness.

[FR Doc. 84–26988 Filed 10–11–84; 8:45]

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Federal Register

Vol. 49, No. 199

Friday, October 12, 1984

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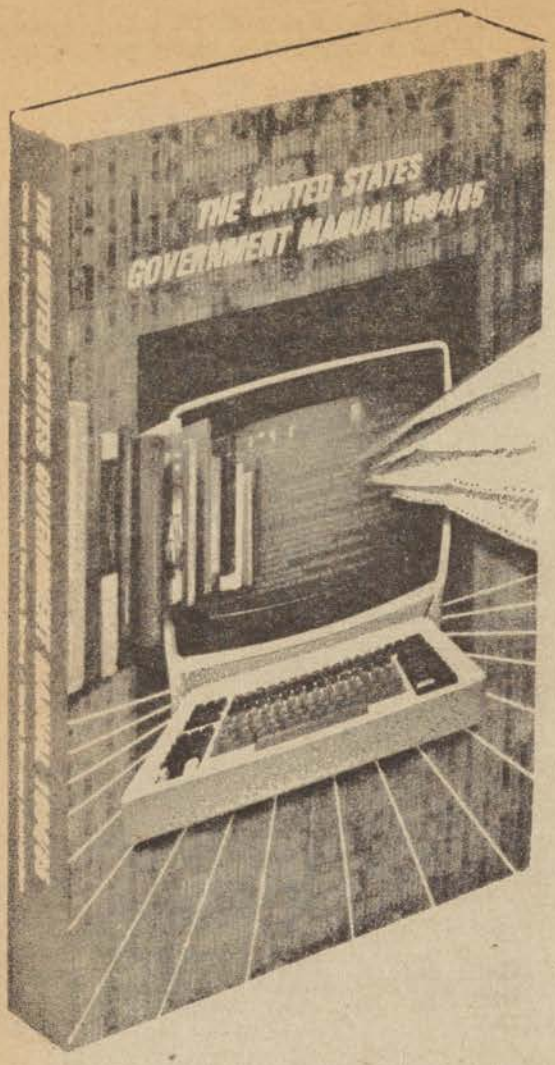

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