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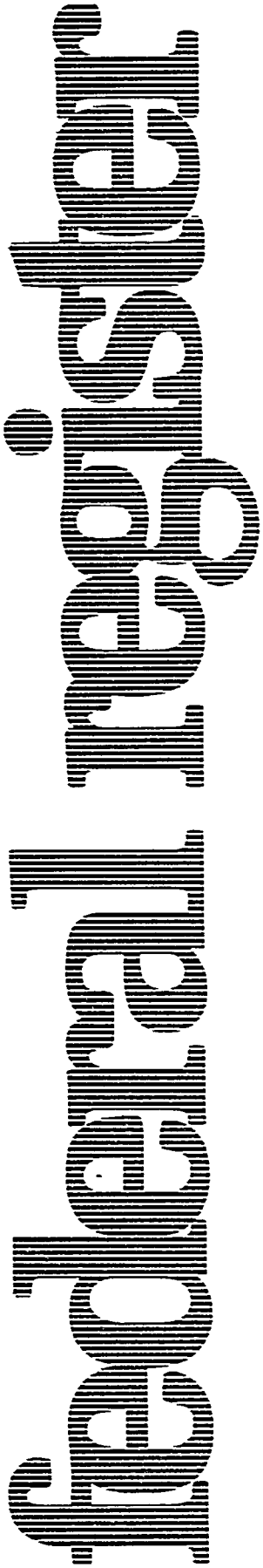

Monday
July 16, 1984

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Customs Service

Administrative Practice and Procedure
Drug Enforcement Administration

Air Pollution Control
Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Banks, Banking
Federal Reserve System

Consumer Protection
Consumer Product Safety Commission

Customs Duties and Inspection
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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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Federal Home Loan Bank Board

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FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0524]

Regulation Q; Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, hail and tornadoes in the Iowa counties of Keokuk, Kossuth and Mahaska.

EFFECTIVE DATE: June 27, 1984.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On June 27, 1984, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Iowa counties of Keokuk, Kossuth and Mahaska major disaster areas. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions has occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, hail and tornadoes beginning on or about June 7, 1984. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to June 27, 1984, and will remain in effect until 12 midnight, December 29, 1984.

List of Subjects in 12 CFR Part 217

Advertising, Banks, Banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated Iowa counties directly affected by the severe storms, hail and tornades, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, July 10, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18650 Filed 7-13-84; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 572a

[No. 84-352]

Extension of Sunset Date of the Voluntary Assisted-Merger Program

Date: June 29, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation") has determined to extend operation of its Voluntary Assisted-Merger Program, which had been established on a test-case basis originally ending on December 31, 1983, and subsequently extended through June 30, 1984, to June 30, 1985. The Board's action is intended to extend the availability of this program for twelve months to provide a better opportunity to use and study the benefits of this program.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Gregory B. Smith, Attorney, of the Office of General Counsel (202-377-6454), or Robert Brick, Office of the Federal Savings and Loan Insurance Corporation (202-377-7016), Federal Home Loan Bank Board, 1700 "G" Street, NW., Washington, D.C., 20552.

SUPPLEMENTARY INFORMATION: The Voluntary Assisted-Merger Program, 12 CFR Part 572a of the Rules and Regulations for the Federal Savings and Loan Insurance Corporation ("Insurance Regulations"), which was promulgated by the Board on June 9, 1983, Board Resolution No. 83-333, delegates to the Board's Principal Supervisory Agents authority to negotiate and approve certain mergers and acquisitions of eligible insured institutions, as designated by the Board, and to authorize financial assistance from the FSLIC to facilitate such mergers and acquisitions. The delegated authority covers mergers and acquisitions assisted by the FSLIC and voluntarily entered into by the affected institutions. The Board's action was intended to permit earlier solution of relatively simple situations, to reduce the time and cost required to complete those solutions, and to encourage innovative approaches to the financial problems of insured institutions. However, the Board only viewed the program as a temporary measure necessitated by the exigencies of the adverse operating conditions, caused by high interest rates, experienced by the thrift industry since 1980. Therefore, the Board established the program with a termination date of December 31, 1983. On December 30, 1983, the Board, by Board Resolution No. 83-767, extended the program to June 30, 1984. Public comments were solicited, but none were received. The Board has now determined that adverse operating conditions in the thrift industry continue to necessitate use of the program and

that, therefore, the program should be continued for an additional twelve months.

List of Subjects in 12 CFR Part 572a

Savings and Loan Association, Voluntary Assisted-Merger Program.

The Board finds that observance of the public notice and comment period, pursuant to 5 U.S.C. 553(b) and 12 CFR 508.12, and delay of the effective date, pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, is unnecessary and inappropriate in this case, because the regulation pertains to internal Board procedures and practices whereby currently exercised Board activities are delegated to its Principal Supervisory Agents.

Accordingly the Board hereby amends Part 572a, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

Revise paragraph (a) of § 572a.6, as follows:

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 572a—OPERATIONS

§ 572a.6 Sunset.

(a) The Voluntary Assisted-Merger Program shall terminate on June 30, 1985, unless extended by regulatory amendment by the Corporation.

* * * * *

(Authority: Secs. 401, 402, 403, 405, 406, and 407, 48 Stat. 1255, 1256, 1257, 1259 and 1260, as amended (12 U.S.C. 1724, 1725, 1726, 1728, 1729 and 1730); secs. 2 and 5, 48 Stat. 128 and 132, as amended (12 U.S.C. 1462 and 1464); Reorg. Plan No. 3 of 1947, CFR 1943–1948 Comp., P. 1071)

Dated: June 29, 1984.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 84–Filed 7–13–84; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84–ANE–3; Amdt. 39–4886]

Lycoming Aerobatic Reciprocating Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to certain Lycoming aerobatic reciprocating engines and requires periodic inspections of the crankshaft propeller flange or replacement with a new redesigned crankshaft. The AD is necessary to prevent cracking and eventual failure of the crankshaft propeller mounting flange. In order to reduce risk of failure the crankshaft has been redesigned to incorporate a thicker flange and eliminate the lightening holes.

DATES: Effective—July 16, 1984. Compliance is required as set forth in the AD. Comments related to the amendment must be received on or before August 16, 1984. The approval of the incorporation by reference by the Director of the Federal Register is effective July 16, 1984.

ADDRESSES: The applicable service bulletins may be obtained from AVCO Lycoming, Williamsport Division, 652 Oliver Street, Williamsport, Pennsylvania 17701. Send comments on the rule to: FAA, Office of the Regional Counsel New England Region, Attention: Rules Docket No. 84–ANE–3, 12 New England Executive Park, Burlington, MA 01803.

A copy of the referenced service bulletin is contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. The service bulletins and all comments received may be examined in the Rules Docket weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Irving Mankuta, ANE–174, New York Aircraft Certification Office FAA, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, telephone (516) 791–7421.

SUPPLEMENTARY INFORMATION: There have been reports of crankshaft flange failures in AVCO Lycoming Aerobatic engines. Three of the failures involved complete failure of the crankshaft resulting in loss of the propeller. Three other flanges showed cracks in the web of the flange and were found during ground inspections. Laboratory analysis performed on two of these failures revealed that the flanges failed due to high cycle fatigue. Since this condition is likely to exist or develop on other Lycoming AIO/AEIO–360 aerobatic engines, an AD is being issued to require repetitive visual inspections or magnaflux inspections until the Crankshaft is replaced with a new redesigned crankshaft.

Since a situation exists that may result in the loss of an aircraft, immediate adoption of this regulation is required. It is found that notice and public procedures hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedures, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. Send comments to Federal Aviation Administration, Office of Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

List of Subjects in 14 CFR Part 30

Engine, Aircraft, Aviation safety.

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 AD:

AVCO Lycoming: Applies to engine models AIO–360–A1A, –A2A, –A1B, –A2B, –B1B, all with serial numbers up to and including L–257–63A, engine models AEIO–360–A1A, –A1B, –A1B6, –A2A, –A1C, –A2C, –A1D, –A1E, –A2B, –B1B, –B1D, –B1F, –B1F6, –B2F, –B2F6, –B4A, –H1A, all with serial numbers up to and including L–23521–51A. Also all of the above models, remanufactured by Lycoming which were shipped before June 1, 1983, regardless of serial number. Engine models above, the affected serial numbers and remanufactured engines shipped on or after June 1, 1983, incorporate a redesigned crankshaft and are not subject to this AD.

Compliance is required as indicated unless already accomplished:

To preclude the possibility of in-flight propeller flange separation, accomplish either (a) or (b) or (c).

(a) Within the next 25 hours time in service and every 25 hours time in service thereafter, visually inspect the crankshaft flange in accordance with Inspection Procedure I specified in AVCO Lycoming Service Bulletin

No. 465A, or FAA approved equivalent. Use as 10 power magnifying glass for the inspection procedure.

(b) Within the next 25 hours time in service and every 100 hours time in service thereafter, comply with Magnaflux Inspection Procedure II specified in AVCO Lycoming Service Bulletin No. 465A or FAA approved equivalent.

(c) The inspections required under (a) or (b) may be discontinued when the crankshaft is replaced with a redesigned crankshaft in accordance with Procedure III specified in AVCO Lycoming Service Bulletin No. 465A or FAA approved equivalent.

(d) An equivalent method of compliance with this AD may be used if approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

(e) Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, New York Aircraft Certification Office, may adjust the compliance time specified in this AD.

(f) In accordance with FAR 21.197 and 21.199, the aircraft may be flown to a location where the inspections or alterations required by this AD can be performed.

AVCO Lycoming S/B No. 465A identified in this directive is incorporated herein and made by reference a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents may obtain copies upon request to AVCO Lycoming Williamsport Division, 652 Oliver Street, Williamsport, Pennsylvania 17701. These documents may also be examined at the Office of Regional Counsel, FAA New England Regional Office, 12 New England Executive Park, Burlington, Massachusetts 01803. A historical file on this AD is maintained at the New England Regional Office.

This amendment becomes effective on July 16, 1984.

(Secs. 313(a), 601, and 603, 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); 14 CFR 11.85)

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

Note.—The incorporation by reference provisions of this document were approved on July 16, 1984. The referenced Bulletins are available at the Federal Register

Issued in Burlington, Massachusetts, on June 22, 1984.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 84-18687 Filed 7-13-84; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1401

Chlorofluorocarbon Propellants; Deletion of Expired Reporting Requirement

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission has decided not to extend the requirement that manufacturers of consumer products containing chlorofluorocarbon propellants report certain information concerning their products to the Commission. Since the authorization for this requirement has expired and the Commission has decided not to extend it, this document revokes the requirement. This action will not affect the requirement that manufacturers label their products with a specified statement concerning the effect of the propellant on the upper atmosphere.

DATES: This revocation is effective July 16, 1984.

FOR FURTHER INFORMATION CONTACT: Charles Jacobson, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; phone (301) 492-6400.

SUPPLEMENTARY INFORMATION: During the 1970s, scientific information was obtained indicating that the release of certain chlorofluorocarbons into the atmosphere would produce chemical reactions that had the effect of reducing the concentration of ozone in the stratosphere. This in turn would allow a greater amount of ultraviolet radiation to reach the earth's surface, resulting in an increase in the incidence of skin cancer in humans, among other possible adverse effects.

In response to this hazard, several Federal agencies issued regulations banning the use of chlorofluorocarbon propellants in products under their jurisdiction, or requiring labeling of such products. The Commission issued 16 CFR Part 1401, which requires that self-pressurized consumer products containing chlorofluorocarbon propellants bear the following statement:

WARNING—Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere.

In addition, the Commission required the manufacturers of such products to submit to the Commission "an identification of such products by type, brand, and identifying features such as package size, package or label design, and production codes." 16 CFR 1401.4(a).

The reporting requirement of § 1401.4 was approved by the General Accounting Office under the Federal Reports Act for a period of three years, which expired February 28, 1981. Since Part 1401 was issued, however, most of the products originally subject to the requirements have been banned by the Environmental Protection Agency. 40 CFR Parts 712, 762; 43 FR 11301, March 17, 1978. Basically, the only consumer products containing chlorofluorocarbon propellants that have not been banned by EPA are those products where the chlorofluorocarbon propellant is not used to expel another liquid or solid substance from the container. An example of such products is cannisters containing a chlorofluorocarbon for powering boat or bicycle horns.

In view of the small number of products currently subject to Part 1401, the Commission preliminarily decided not to extend the reporting requirement of § 1401.4. Accordingly, the Commission proposed to delete that section from the CFR. 49 FR 7584; March 1, 1984. No comments were received on this proposal.

After again considering the issues associated with revoking § 1401.4, the Commission voted to revoke the requirement. The other requirements of Part 1401 will remain in effect.

Because of the minor nature of the requirement and the small number of products affected, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. For the same reasons, the Commission concludes that this revocation will have little or no potential for affecting the environment; therefore, neither an environmental assessment nor an environmental impact statement is required. Since the revocation issued below relieves a restriction, the requirement for a delayed effective date contained in 5 U.S.C. 553(d) is inapplicable, and the revocation is effective immediately upon publication in the Federal Register.

List of Subjects in 16 CFR Part 1401

Consumer protection, Hazardous materials, Labeling, Packaging and containers, Spray cans.

PART 16—[AMENDED]

Therefore, under the authority of 15 U.S.C. 2076(e) and 44 U.S.C. 3507, the Commission removes 16 CFR 1401.4.

§ 1401.4 [Removed]

Dated: July 10, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 84-18663 Filed 7-13-84; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 84-148]

Prevention of Pollution by Oceangoing Vessels

AGENCY: U.S. Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations relating to the prevention of oil pollution by oceangoing vessels. It finalizes interim regulations under which a district director of Customs is permitted, upon the request of the Coast Guard, to refuse or revoke the clearance or permit to proceed of a vessel until otherwise notified by the Coast Guard. The document will enable Customs to implement the provisions of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973. This action will protect and preserve the marine environment by reducing the amount of oily wastes discharged into the sea by oceangoing vessels of the U.S., and those of foreign countries within the navigable waters of the United States.

EFFECTIVE DATE: July 16, 1984.

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

SUPPLEMENTARY INFORMATION:

Background

The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol) was established to protect the marine environment from pollution caused by the discharge of oil from "oceangoing" vessels. The term "oceangoing" refers to those vessels not operating exclusively on the Great Lakes which are certified for oceans or coastwise service beyond 3 miles from land. The MARPOL Protocol was ratified by the United States and entered into force on October 2, 1983. It requires oceangoing ships of the United States, and those of foreign countries within the navigable waters of the United States, to comply with the preventive provisions contained in the Protocol. The provisions include requirements for the installation of oily-water separating equipment for ships over 400 gross tons, the carrying on board of an International Oil Pollution Prevention (IOPP) Certificate, maintaining a MARPOL Oil Record Book, and observing the limitations on the operational discharge of oil.

The Secretary of Transportation, acting through the U.S. Coast Guard, administers and enforces the provisions of the MARPOL Protocol. Pursuant to the Act to Prevent Pollution from Ships, 1980 (Pub. L. 96-478, 33 U.S.C. 1901-1911), the Secretary of Transportation has prescribed regulations to implement the provisions of the MARPOL Protocol (see 33 CFR Part 151).

The Secretary of the Treasury, acting through Customs, and upon request of the Secretary of Transportation, also administers and enforces the provisions of the MARPOL Protocol. Specifically, 33 U.S.C. 1904(f) provides that the Secretary of the Treasury may refuse or revoke the clearance or permit to proceed of a vessel under a detention order (33 U.S.C. 1904(e)) if requested to do so by the Secretary of Transportation.

So that Customs may directly and efficiently implement the provisions of the MARPOL Protocol, Part 4, Customs Regulations (19 CFR Part 4), was amended by publication of interim regulations as T.D. 84-36 in the Federal Register on February 1, 1984 (49 FR 3984), which added a new section 4.66c. The new section, which became effective on February 1, 1984, provides that if a district director of Customs receives a notification from a Coast Guard officer that an order has been issued to detain a vessel, the district director shall refuse or revoke the clearance or permit to proceed to the vessel. An order to detain a vessel may be issued either because the vessel does not have a valid certificate on board, or because the condition of the ship's equipment does not agree with the particulars of the MARPOL Protocol, whether a certificate is on board or not (i.e., countries not a party to the MARPOL Protocol must nonetheless comply with its provisions). The district director shall not grant clearance or issue a permit to proceed to the vessel until notified by a Coast Guard officer that detention of the vessel is no longer required.

New section 4.66c additionally provides that a district director shall, upon request by a Coast Guard officer, refuse or revoke the clearance or permit to proceed of a vessel, if the vessel, its owner, operator, or person in charge, is liable for a fine or civil penalty, or reasonable cause exists to believe that they may be subject to a fine under the provisions of (1) 33 U.S.C. 1908 for violating the MARPOL Protocol, (2) the Act to Prevent Pollution from Ships, 1980 (33 U.S.C. 1901-1911), or (3) regulations issued thereunder. The district director may grant clearance or a permit to proceed upon notification that a bond or other security satisfactory to the Coast Guard has been filed.

Discussion of Comments

Only one comment was received in response to the interim regulations. The commenter stated that the interim regulations are too limited in scope in that they do not apply to ships of countries not a party to the MARPOL Protocol. This observation is based on the fact that the interim regulations, as written, allow for the refusal or revocation of the clearance or permit to proceed in only two situations: (1) When the vessel does not have a valid certificate on board, or (2) the condition of the vessel or the equipment of the vessel does not substantially agree with the particulars of its certificate. In either case, a prerequisite to the refusal or revocation of the clearance or permit to proceed is that the vessel is required to have an IOPP certificate. Since only ships of countries that are parties to the MARPOL Protocol are required to have IOPP certificates, the interim regulations result in more favorable treatment to non-party countries.

After further review of the matter, Customs agrees with the commenter. Title 33, United States Code, section 1902(c), (33 U.S.C. 1902(c)), provides, "The Secretary shall prescribe regulations applicable to the ships of a country not a party to the MARPOL Protocol to insure that their treatment is not more favorable than that accorded ships of parties to the MARPOL Protocol." In addition, section 151.21, title 33, Code of Federal Regulations (33 CFR 151.21), refers to the MARPOL Protocol as Marpol 73/78 and provides that certain vessels of countries "not a party to Marpol 73/78, must have on

board valid documentation showing that the ship has been surveyed in accordance with and complies with the requirements of Marpol 73/78." Section 151.23(b), title 33, Code of Federal Regulations (33 CFR 151.23(b)), provides in part, that a vessel that does not comply with 33 CFR Part 151 may be detained by order of Coast Guard officials at the port where the violation is discovered. Therefore, to reflect the applicability of the MARPOL Protocol to ships of countries not a party to it, Customs is amending its regulations further by adding a new § 4.66c(c).

In addition to this change, several other minor changes have been made. Section 4.66c(b), which concerns fines and contains the legal citations, has been redesignated § 4.66c(a). To make that subsection conform to the provisions of 33 U.S.C. 1908, the words "or civil penalty" have been added after the world "fine" The redesignation of § 4.66c(a), which concerns retention of vessels for lack of a certificate, as § 4.66c(b) will allow the new § 4.66c(c) to follow in logical sequence.

Other than for the changes discussed above, Customs has determined to adopt the interim regulations set forth in T.D. 84-36.

Inapplicability of Notice and Delayed Effective Date Requirements

Because the MARPOL Protocol has already been ratified by the United States and entered into force on October 2, 1983, the amendment enabling Customs to implement its provisions was an immediate necessity in order to protect the marine environment from further oil pollution from oceangoing vessels. Therefore, it was determined that, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure were impracticable, unnecessary and contrary to the public interest. For the same reasons, Customs determined that good cause existed for dispensing with a delayed effective date pursuant to 5 U.S.C. 553(d)(3).

Executive Order 12291

It has been determined that this amendment is not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this amendment because the rule will not have a significant economic impact on a substantial number of small entities.

Accordingly, the document contains a certification pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the amendment will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 4

Coastal Zone, Oil pollution, Vessels, Water pollution control.

Amendment to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: July 2, 1984.

Edward T. Stevenson,

Acting Assistant Secretary of the Treasury.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Part 4, Customs Regulations, is amended by adding a new § 4.66c to read as follows:

§ 4.66c Oil pollution by oceangoing vessels.

(a) If a district director receives a request from a Coast Guard officer to refuse or revoke the clearance or permit to proceed of a vessel because the vessel, its owner, operator, or person in charge, is liable for a fine or civil penalty, or reasonable cause exists to believe that they may be subject to a fine or civil penalty under the provisions of 33 U.S.C. 1908 for violating the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol), the Act to Prevent Pollution from Ships, 1980 (33 U.S.C. 1901-1911), or regulations issued thereunder, such clearance or a permit to proceed shall be refused or revoked. Clearance or a permit to proceed may be granted when the district director is informed that a bond or other security satisfactory to the Coast Guard has been filed.

(b) If a district director receives a notification from a Coast Guard officer that an order has been issued to detain a vessel required to have an International Oil Pollution Prevention (IOPP) Certificate which does not have a valid certificate on board, or whose condition or whose equipment's condition does not substantially agree with the particulars of the certificate on board, or which presents an unreasonable threat of harm to the marine environment, the district director shall refuse or revoke the clearance or permit to proceed of the vessel if requested to do so by a Coast Guard officer. The district director shall not grant clearance or issue a permit to proceed to the vessel until notified by a Coast Guard officer that detention of the vessel is no longer required.

(c) If a district director receives a notification from a Coast Guard officer to detain a vessel operated under the authority of a country not a party to the MARPOL Protocol which does not have a valid certificate on board showing that the vessel has been surveyed in accordance with and complies with the requirements of the MARPOL Protocol, or whose condition or whose equipment's condition does not substantially agree with the particulars of the certificate on board, or which presents an unreasonable threat of harm to the marine environment, the district director shall refuse or revoke the clearance or permit to proceed of the vessel if requested to do so by a Coast Guard officer. The district director shall not grant clearance or issue a permit to proceed to the vessel until notified by a Coast Guard officer that detention of the vessel is no longer required.

(Pub. L. 96-478, 94 Stat. 2297 et seq., 33 U.S.C. 1901-1911; 46 U.S.C. 91, 46 U.S.C. 313; 19 U.S.C. 1443)

[FR Doc. 84-18741 Filed 7-13-84; 8:45 am]
BILLING CODE 4820-02-M

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19 CFR Parts 4, 6, 10, 18, 19, 24, 101, 103, 141, 144, 148, and 177

[T.D. 84-149]

Conforming Amendments to the Customs Regulations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: In accordance with Customs policy of periodically reviewing its regulations to ensure that they are current, this document makes certain conforming changes to the Customs Regulations which are necessary because of various executive, legislative, and administrative actions. The changes merely conform the regulations to existing law or practice. They are nonsubstantive and essentially are procedural.

EFFECTIVE DATE: July 16, 1984.

FOR FURTHER INFORMATION CONTACT: Marvin M. Amernick, Regulations

Control Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

As part of its program to keep its regulations current, the Customs Service has determined that various executive, legislative, and administrative actions require conforming amendments to the Customs Regulations contained in Chapter 1, Title 19, Code of Federal Regulations (19 CFR Chapter 1). Following is a list of these actions, the affected sections of the regulations, and the necessary changes.

Discussion of Changes

1. The reorganization of the regional management structure of the Customs Service, as described in T.D. 82-118 published in the Federal Register on June 25, 1982 (47 FR 27655), necessitates amending § 4.14 (c)(1) and (c)(2), regarding the locations of vessel repair liquidation units.

2. By T.D. 80-25, published in the Federal Register on January 18, 1980 (45 FR 3570), § 4.98(a) was amended to provide that a revised schedule of navigation fees to be charged and collected for specific services provided to vessels by Customs officers, will be published in the Federal Register and *Customs Bulletin* in December of each year for the specified vessel services to be performed during the following year. Since the schedule of navigation fees may not necessarily change each year, Customs does not want to be bound to publish a notice in December of every year setting forth the navigation fee schedule, when no changes have occurred. The better approach is to publish a schedule only when revisions have been made so as to notify the public of these changes. This approach will be consistent with the approach used for publishing changes in container station fees as provided in section 19.40(b)(1), by T.D. 83-56, published in the Federal Register on March 9, 1983 (48 FR 9853). Therefore, § 4.98(a)(1), must be amended to reflect this change.

3. Part 19, relating to Customs warehouses, was substantially revised by T.D. 82-204, published in the Federal Register on November 1, 1982 (47 FR 49355). As part of this revision, information regarding the computation of Customs warehouse officer's fees, formerly contained in section 19.5(b), is now set forth in § 24.17(d). Accordingly, it is necessary to amend § 4.98(a)(2), relating to Customs fees, to remove the reference to § 19.5(b).

4. Section 6.2(b), relating to advance notice of the arrival of aircraft, must be amended to conform to an amendment to § 6.14, concerning the specific procedures for reporting the arrival of private aircraft from areas south of the United States, made by T.D. 83-192, published in the Federal Register on September 15, 1983 (48 FR 41381).

5. Sections 10.53(g)(1) and 10.53(g)(2), as amended by T.D. 82-148, published in the Federal Register on August 23, 1982 (47 FR 36630), relate to the importation of antique articles composed of any endangered or threatened species, such as scrimshaw. Scrimshaw is any art form which involves the etching or engraving or design upon, or the carving of figures, patterns, or designs from, any bone or tooth of certain marine mammals, many of which have been determined to be endangered or threatened species. Congress subsequently enacted Pub. L. 97-304, 96 Stat. 1411, "The Endangered Species Act Amendments of 1982" on October 13, 1982, to "ensure that all Federal departments and agencies seek to conserve endangered and threatened species and utilize their authorities in furtherance of this purpose." Before Pub. L. 97-304, § 10.53(g)(1) stated that antique articles (other than scrimshaw) otherwise prohibited entry by the Endangered Species Act of 1973 (16 U.S.C. 1521, et seq.) may be entered if the article meets four requirements, one of which is that the article was made before 1830. Pub. L. 97-304 necessitates certain minor changes in § 10.53(g) (1) and (2) which include: (1) Eliminating the scrimshaw exception noted above; (2) updating the condition that the article was made before 1830 by requiring that the article not be less than 100 years of age; and (3) deleting § 10.53(g)(2) which defines scrimshaw. Therefore, § 10.53(g) (1) and (2) must be amended to conform to Pub. L. 97-304.

6. Sections 10.53 (h) and (i) relate to the additional duty imposed by item 766.30, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), which is applied to any article claimed to be an antique and therefore entered duty-free yet later found to be unauthentic with respect to the claimed antiquity. As set forth in § 10.53 (h) and (i), the duty rate imposed by item 766.30, TSUS, for such an article, is 12.5 percent or 25 percent, depending upon the origin of the article. The duty rate has been revised to 9.6 percent or 25 percent, as appropriate, in addition to any other duty imposed on such an article under the Tariff Schedules. Accordingly, § 10.53 (h) and (i) must be amended. However, rather than setting forth the revised additional duty and having to possibly amend the sections if the duty rate is further revised, § 10.53 (h) and (i) are being amended by deleting all references to the duty rate and only referring to Item 766.30, TSUS.

7. Section 10.92(a), regarding the filing of a bond at the time of making entry for consumption or withdrawal from a warehouse for consumption of wool or hair of the camel, must be amended to correct a reference to a particular Customs form. The second reference to Customs Form 7547 should be to Customs Form 7549.

8. Section 10.108(b), relating to entry of reimported articles exported under lease, must be amended to remove the reference to § 143.3, Customs Regulations. Section 143.3, which related to the release of merchandise, was deleted by T.D. 79-221, published in the Federal Register on August 9, 1979 (44 FR 46794). Section 10.108(b) should refer to § 141.66, Customs Regulations, relating to bonds for missing documents.

9. Section 10.135, relating to the entry of merchandise or withdrawal of merchandise from a warehouse for consumption without deposit of duty, cites § 8.28, Customs Regulations, for bond requirements. In a revision to the regulations, Part 8, Customs Regulations, relating to liability for duties and entry or merchandise, was deleted by T.D. 73-175, published in the Federal Register on July 2, 1973 (38 FR 17443) and replaced by several other parts. Therefore, § 10.135 must be amended by changing the citation for bond requirements from § 8.28 to § 142.4.

10. Section 18.1(a)(2), concerning merchandise to be transported from one port to another under cover of a TIR carnet, incorrectly refers to § 114.22(c)(3). There is no § 114.22(c)(3). The correct reference should be to § 114.22(d).

11. Section 19.5, regarding fees a warehouse proprietor will be charged to establish, alter, or relocate a warehouse facility, contains a reference to section 483a, Title 31, United States Code (31 U.S.C. 483a). Title 31, United States Code, was recently codified by Pub. L. 97-258, enacted on September 13, 1982, and section 483a (31 U.S.C. 483a) was redesignated as section 9701 (31 U.S.C. 9701). Therefore, § 19.5 must be amended to reflect this change.

12. Section 19.6(d)(2), relating to form distribution procedures concerning blanket withdrawal from warehouses, contains an incorrect reference to subparagraph (e) of that section. The reference should be to subparagraph (3) of that section.

13. The authority paragraph in Part 24, relating to Customs financial and

accounting procedure, cites 31 U.S.C. 483a. Due to the recent codification of Title 31, explained above in item 11, the authority paragraph in Part 24 must be amended to change the cite to 31 U.S.C. 9701.

14. Section 101.3(b), which lists Customs regions, districts, and ports of entry, contains an incorrect reference to T.D. 53876 in the listing for "New York, N.Y." The Treasury Decision (T.D.) that extended the limits of the New York, N.Y., port of entry was T.D. 40809. Section 101.3(b) must be amended to correct this reference.

15. Section 101.5, which lists Customs preclearance offices in foreign countries, must be amended to reflect changes regarding the Customs officer having supervision over Winnipeg, Manitoba, and Vancouver, British Columbia. Due to a recent organizational change, Winnipeg is under the supervision of the District Director of Customs, Pembina, North Dakota, and Vancouver is under the supervision of the District Director of Customs, Great Falls, Montana.

16. Section 103.10(g) (1), (2), and (3), regarding the fees charged the public for services performed by Customs officers and employees such as document duplication and information searches, must be amended to conform with corresponding sections of the Department of the Treasury regulations which were amended by a document published in the Federal Register on March 24, 1983 (48 FR 12350). Specifically, these changes include the following: (1) increasing the charge for photocopies per page up to 8½"x 14" from $0.10 to $0.15 each; (2) increasing the charge for services of personnel involved in searching for and locating records from $5.00 to $10.00 for each hour or fraction thereof; and (3) increasing the charge for personnel time associated with a computer search from $5.00 to $10.00.

17 Section 141.89 contains several paragraphs concerning the invoice requirement for additional information relating to sugar. Customs has determined that this information is no longer needed. Therefore, § 141.89 is being amended to delete the requirement.

18. Section 144.1(a), relating to types of merchandise eligible for warehousing, states that any merchandise may be entered for warehouse except for perishable merchandise, explosive substances (other than firecrackers), and unconditionally free merchandise. Customs has determined that § 144.1(a) must be amended to: (1) Eliminate the exception made for unconditionally free merchandise so as to allow unconditionally duty-free merchandise to be entered for warehouse; and (2) restrict the coverage of the regulation to "any merchandise subject to duty" so as to avoid an implication that domestic or duty-paid merchandise may be entered into or placed in a bonded warehouse.

19. Section 148.23(c)(2)(i) discusses the examination and clearance of baggage of any person arriving in the United States and cites § 8.15, Customs Regulations, for information regarding whether invoices are required in certain situations. Part 8 was deleted by T.D. 73-175, as explained in item 9 above, and therefore § 148.23(c)(2)(i) must be amended by changing the citation regarding invoices from § 8.15 to § 141.83.

20. Section 148.64(b)(1) discusses the administrative exemption allowed from the payment of duty by crewmembers arriving in the United States. The exemption limit of $25, as listed in the pamphlet, "U.S. Customs Pocket Hints", has been in effect since October 3, 1978. However, § 148.64(b)(1) was never revised and the exemption limit is incorrectly listed at $10. Therefore, § 148.64(b)(1) must be amended to reflect the correct administrative exemption of $25.

21. Section 177.2(b)(ii)(B) relates to the submission of tariff classification ruling requests to the Regional Commissioner, Region II. This section contains a citation to § 14.3(g)(1), Customs Manual ("difference cases"). However, § 14.3, Customs Manual was superseded by Manual Supplement 2126-01, dated June 8, 1981, which contains the current instructions and procedures pertaining to the resolution of "difference cases" Therefore, § 177.2(b)(2)(ii)(B) must be amended by updating the citation to reflect the revision.

22. The Customs Regional offices are now referred to by their location rather than number. Accordingly, the references to "Region II" in Part 177 are being changed to either "New York" or "the New York region"

Inapplicability of Public Notice and Delayed Effective Date Provisions

Inasmuch as these amendments merely conform the Customs Regulations to existing law or practice, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary and pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Executive Order 12291

Because this document will not result in a "major rule" as defined by section 1(b) of E.O. 12291, the regulatory analysis and review prescribed by section 3 of the E.O. is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act" That Act does not apply to any regulation, such as this, for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551, et seq.) or any other statute.

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

19 CFR Part 4

Vessels, Cargo vessels.

19 CFR Part 6

Air carriers, Air transportation, Aircraft, Airports.

19 CFR Part 10

Art, Exports, Wildlife.

19 CFR Part 18

Common carriers, Freight forwarders, Railroads, Surety bonds.

19 CFR Part 19

Warehouse.

19 CFR Part 24

Accounting.

19 CFR Part 101

Harbors, Organizations and functions (Government agencies).

19 CFR Part 103

Administrative practice and procedure, Freedom of Information, Information.

19 CFR Part 141

Imports.

19 CFR Part 144

Warehouses.

19 CFR Part 148

Seamen.

19 CFR Part 177

Administrative practice and procedure.

Amendments to the Regulations

Parts 4, 6, 10, 18, 19, 24, 101, 103, 141, 144, 148, and 177, Customs Regulations (19 CFR Parts 4, 6, 10, 18, 19, 24, 101, 103,

141, 144, 148, 177), are amended as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. Section 4.14(c)(1) is revised to read as follows:

§ 4.14 Foreign equipment purchases by, and repairs to, American vessels.

* * * * *

(c) *Remission or refund of duty*—(1) *Vessel repair liquidation units.* Vessel repair liquidation units under the supervision of the Regional Commissioner of Customs are established at New York, New York (New York Region); New Orleans, Louisiana (South Central Region); and San Francisco, California (Pacific Region). The New York Region unit shall process and liquidate each vessel repair entry filed at ports in the Northeast, New York, and the North Central Regions. The South Central Region unit shall process and liquidate each vessel repair entry filed at ports in the Southeast, the South Central, and the Southwest Regions. The Pacific Region unit shall process and liquidate each vessel repair entry filed at ports in the Pacific Region. After processing and liquidation of the entries, the bulletin notice of liquidation shall be returned to the respective ports of entry for posting.

* * * * *

2. Section 4.14(c)(2) is amended by removing the words "Regions II, V, and VIII" and inserting in their place, the words "the New York, South Central, and Pacific Regions"

§ 4.98 [Amended]

3. The first sentence of § 4.98(a)(1) is amended by removing the words "in December of each year, beginning in December 1980" and inserting, in their place, the word "periodically"

4. Section 4.98(a)(1) is further amended by deleting the sentence "The published revised fee schedule shall remain in effect throughout the following year." and inserting, in its place, the sentence "The published revised fee schedule shall remain in effect until changed."

5. Section 4.98(a)(2) is amended by removing the words "§§ 19.5(b) and 24.17(d), Customs Regulations (19 CFR 19.5(b), 24.17(d))," and inserting, in their place, the words "§ 24.17(d) Customs Regulations (19 CFR 24.17(d))."

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 6—AIR COMMERCE REGULATIONS

Section 6.2(b)(1) is revised to read as follows:

§ 6.2 Landing requirements.

* * * * *

(b) *Advance notice of arrival*—(1) *Applicability.*

All aircraft, except as provided in paragraph (b)(3) of this section, before coming into any area from any place outside the United States, for security reasons, and in order to avoid the penalties provided for in § 6.11, shall furnish a timely notice of intended arrival, either by or at the request of the commander of the aircraft, through the Federal Aviation Administration flight notification procedures or directly to the district director or other Customs officer in charge at the nearest intended place of first landing in such area. That officer shall notify the officers in charge of the other Government services. In the case of private aircraft arriving from areas south of the United States as specified in § 6.14 (a) and (b), advance notice shall be furnished in accordance with the procedure prescribed in § 6.14.

* * * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. Section 10.53(g) is revised to read as follows:

§ 10.53 Antiques

* * * * *

(g) Antique articles otherwise prohibited entry by the Endangered Species Act of 1973 (16 U.S.C. 1521, *et seq.*) may be entered if:

(1) The article is composed in whole or in part of any endangered or threatened species listed in 50 CFR 17.11 or 17.12,

(2) The article is not less than 100 years of age,

(3) The article has not been repaired or modified with any part of any such endangered or threatened species, on or after December 28, 1973,

(4) The article is entered at a port designated in § 12.26 of this chapter,

(5) A Declaration for Importation or Exportation of Fish or Wildlife (USFWS Form 3-177) is filed at the time of entry with the district director of Customs who will forward the form to the U.S. Fish and Wildlife Service, and

(6) The importer meets the requirements of paragraphs (a), (b), and (c) of this section.

2. Section 10.53(h) is amended by removing the words "of 12.5 percent or 25 percent, as appropriate"

3. Section 10.53(i) is amended by removing the words "12.5 percent or 25 percent, as appropriate"

§ 10.92 [Amended]

4. Section 10.92(a) is amended by removing the second reference to "Customs Form 7547" and inserting, in its place, "Customs Form 7549".

§ 10.108 [Amended]

5. Section 10.108(b) is amended by removing "143.3" and inserting, in its place, "141.66"

§ 10.135 [Amended]

6. Section 10.135 is amended by removing "8.28" and inserting, in its place, "142.4"

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.1 [Amended]

Section 18.1(a)(2) is amended by removing "§ 114.22(c)(3)" and inserting, in its place, "§ 114.22(d)"

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

§ 19.5 [Amended]

1. Section 19.5 is amended by removing "31 U.S.C. 483a" and inserting, in its place, "31 U.S.C. 9701"

§ 19.6 [Amended]

2. Section 19.6(d)(2) is amended by removing "subparagraph (e)" and inserting, in its place, "subparagraph (3)"

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

The authority paragraph set forth in the beginning of Part 24 is amended by removing "31 U.S.C. 483a" and inserting, in its place, "31 U.S.C. 9701".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 101—GENERAL PROVISIONS

§ 101.3 [Amended]

1. In the list of Customs regions, districts, and ports in § 101.3(b), the listing for "New York, N.Y.," under the

column headed "Ports of entry" is amended by removing "(T.D. 53876)" and inserting, in its place, "(T.D. 40809)"

§ 101.5 [Amended]

2. In the list of Customs preclearance offices in foreign countries in § 101.5, the listing for Vancouver, British Columbia, under the column headed "Customs officer having supervision", is amended by removing "District Director, Seattle, Wash." and inserting, in its place, "District Director, Great Falls, Mont."

3. In the list of Customs preclearance offices in foreign countries in § 101.5, the listing for Winnipeg, Manitoba, under the column heading "Customs officer having supervision," is amended by removing "Regional Commissioner, Chicago, Ill.," and inserting, in its place, "District Director, Pembina, N.D."

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 103—AVAILABILITY OF INFORMATION

1. Section 103.10(g)(1)–(4) is revised to read as follows:

§ 103.10 Fees for services.

* * * * *

(g) *Amount to be charged for specified services.* * * *

(1) *Duplication.* (i) The charge for photocopies per page up to 8½" x 14" is at the rate of $0.15 each.

(ii) The charge for photographs, films and other materials is their actual cost. The Customs Service may furnish the records to be released to a private contractor for copying and charge the person requesting the records the actual cost of duplication charged by the private contractor. No fee is charged where the requester furnishes the supplies and equipment and makes the copies at the Government location.

(2) *Unpriced printed materials.* The charge for unpriced printed material, which is available at the location where requested and which does not require duplication for copies to be furnished, is at the rate of $0.25 for each twenty-five pages or fraction thereof.

(3) *Search services.* The charge for services of personnel involved in locating records is $10.00 for each hour or fraction thereof. If a computer search is required because of the nature of the records sought and the manner in which the records are stored, the fee is $10.00 for each hour or fraction thereof of personnel time associated with the search plus the actual cost of extracting the stored information in the format in which it is normally produced. This actual cost of extracting information is based on computer time and supplies necessary to comply with the request.

(4) *Searches requiring travel or transportation.* The charge for transporting a record from one location to another, or for transporting a Customs officer or employee to the site of requested records when it is necessary to locate rather then examine the records, is the actual cost of the transportation.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 141—ENTRY OF MERCHANDISE

§ 141.89 [Amended]

1. The alphabetical list in § 141.89(a) of classes of merchandise (for which additional information is required on invoices) is amended by removing all information relating to "Sugar" set forth between "Screenings or scalpings of grains or seeds" and "Textile fiber products"

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

The first sentence of § 144.1(a) is revised to read as follows:

§ 144.1 Merchandise eligible for warehousing.

(a) *Types of merchandise.* Any merchandise subject to duty may be entered for warehousing except for perishable merchandise and explosive substances (other than firecrackers).

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

§ 148.23 [Amended]

1. Section 148.23(c)(2)(i) is amended by removing "§ 8.15" and inserting, in its place, "§ 141.83"

§ 148.64 [Amended]

2. Section 148.64(b)(1) is amended by removing "$10" and inserting, in its place, "$25"

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 177—ADMINISTRATIVE RULINGS

§ 177.0 [Amended]

1. The first sentence of § 177.0 is amended by removing the words "Region II, New York ("Regional Commissioner, Region II")." and inserting in their place, the words "New York Region."

2. Section 177.2(b)(2)(ii)(B) is revised to read as follows:

§ 177.2 Submission of ruling requests.

* * * * *

(b) * * *

(ii) * * *

(B) Ruling letters issued by the Regional Commissioner, New York Region, are limited to prospective transactions. The Regional Commissioner, New York Region, shall not prepare final decisions under § 177.11 (Requests for Advice by Field Offices), § 174.23 (Further Review of Protests), § 177.10 (Change of Practice), 19 U.S.C. 1516 (petitions under section 516, Tariff Act of 1930), or Policies and Procedures Manual Supplement 2126–01.

* * * * *

§ 177.4 [Amended]

3. The second sentence of § 177.4(b) is amended by removing the words "Region II, New York." and inserting, in their place, the words "the New York Region."

4. Part 177 is amended by removing the words "Region II" and inserting, in their place, the words "New York Region" in the following places:

§ 177.0 [Amended]

a. The second reference to "Region II" in the first sentence of § 177.0;

§ 177.1 [Amended]

b. The second sentence of § 177.1(a)(1);

c. The third sentence of § 177.1(b);

d. The first sentence of § 177.1(d)(1);

e. The first sentence of § 177.1(d)(2);

§ 177.2 [Amended]

f. The fourth sentence of § 177.2(a);

g. The second sentence of § 177.2(b)(2)(ii)(C);

h. The first sentence of § 177.2(d);

§ 177.5 [Amended]

i. The second sentence of § 177.5;

§ 177.8 [Amended]

j. The first sentence of § 177.8(a)(1);

k. The first sentence of § 177.8(a)(2);

l. The fourth sentence of § 177.8(a)(3);

§ 177.9 [Amended]

m. The first sentence of § 177.9(a);

n. The unnumbered paragraph following § 177.9(d)(2)(v);

§ 177.11 [Amended]

o. The first sentence of § 177.11(b)(1)(i).

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).

Approved: July 2, 1984.
Alfred R. De Angelus,
Acting Commissioner of Customs.
Edward T. Stevenson,
Acting Assistant Secretary of the Treasury.
[FR Doc. 84-18742 Filed 7-13-84; 8:45 am]
BILLING CODE 4820-02-M

19 CFR Part 24

[T.D. 84-147]

Customs Regulations Amendment Regarding Collection of Medicare Compensation Costs

AGENCY: U.S. Customs Service, Department of the Treasury.
ACTION: Final rule.

SUMMARY: This document implements, on a permanent basis, an interim amendment to the Customs Regulations which allows Customs to include in charges assessed to parties-in-interest for reimbursable services provided by Customs officers, Medicare compensation costs equal to 1.3 percent of the assessed amount. The inclusion of these costs in assessed charges will result in at least partial recovery of Customs' cost of matching employees' statutorily mandated contribution for Medicare coverage. The estimated recovery of Medicare costs by Customs is approximately $500,000 annually.

EFFECTIVE DATE: July 16, 1984.

FOR FURTHER INFORMATION CONTACT: James Kenny, Headquarters Accounting Division (202-566-2021), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

By T.D. 84-41, published in the Federal Register on February 14, 1984 (49 FR 5607), section 24.17(f), Customs Regulations (19 CFR 24.17(f)), was amended on an interim basis to allow Customs to include in charges assessed to parties-in-interest for reimbursable services provided by Customs officers, Medicare compensation costs equal to 1.3 percent of the assessed amount. That document, which set forth in detail the background of the statutory and regulatory provisions which provide Customs with the administrative authority to recover Medicare compensation costs, provided a 60-day period for public comments, and delayed the effective date of the amendment to allow for full consideration of written comments received. No comments were received. Accordingly, the amendment made on an interim basis by T.D. 84-41 is being adopted on a permanent basis, without change.

Inapplicability of Notice Provision

Because of the ongoing loss of revenue caused by the current inability to collect these monies from parties-in-interest, it was determined that, pursuant to 5 U.S.C. 553(b)(3)(b), notice and public procedure were inapplicable and unnecessary. Accordingly, this amendment was adopted on an interim basis effective April 16, 1984. Because it has been effective since that date, good cause exists for dispensing with a delayed effective date pursuant to 5 U.S.C. 553(d)(3).

E.O. 12291 and Regulatory Flexibility Act

Inasmuch as Customs does not believe that the amendment meets the criteria for a "major rule" within the meaning of section 1(b) of E.O. 12291, a regulatory impact analysis has not been prepared.

Pursuant to the provisions of section 5 of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), it is hereby certified that the regulation will not have a significant economic impact on a substantial number of small entities within the meaning of the Act. Accordingly, the amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 24

Accounting, Claims, Customs duties and inspection, Imports, Taxes, Wages.

Amendment to the Regulations

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Section 24.17, Customs Regulations (19 CFR 24.17), is amended by adding a new paragraph (f), as set forth below:

§ 24.17 Other services of officers; reimbursable.

* * * * *

(f) *Medicare Compensation Costs.* In addition to other expenses and compensation chargeable to parties-in-interest as set forth in this section, such persons shall also be required to reimburse Customs in the amount of 1.3 percent of the reimbursable compensation expenses incurred. Such payment will reimburse Customs for its share of Medicare costs.

(Pub. L. 97-248, Sept. 3, 1982, 96 Stat. 324; 31 U.S.C. 9701 (19 U.S.C. 267 and 1451))

Alfred R. De Angelus,
Acting Commissioner of Customs.
Approved July 2, 1984.
Edward T. Stevenson,
Acting Assistant Secretary of the Treasury.
[FR Doc. 84-18740 Filed 7-13-84; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1316

Delegation of Authority to DEA Officials

AGENCY: Drug Enforcement Administration, Justice.
ACTION: Final rule.

SUMMARY: This final rule delegates to the Resident Agents in Charge of DEA Resident Offices the authority to act as custodians of seized property and to declare seized property administratively forfeited.

EFFECTIVE DATE: July 16, 1984.

FOR FURTHER INFORMATION CONTACT: William M. Lenck, Associate Chief Counsel, Drug Enforcement Administration, Department of Justice 20537, (202-633-1404).

SUPPLEMENTARY INFORMATION: Pursuant to the existing provisions in Part 1316, only DEA Special Agents-in-Charge have the authority to act as "custodians" of seized property and to declare property administratively forfeited. Since DEA Special Agents-in-Charge are only located in DEA Divisional Offices, and many DEA Resident Offices are remote from their Divisional Offices (Hawaii and Alaska, for example), DEA has encountered delays in processing forfeiture matters in Resident Offices. Therefore, this final rule amends the applicable regulations to allow the DEA Resident Agents-in-Charge to process such forfeiture matters.

It has been determined that this is an internal management matter not requiring consultation with the Office of Management and Budget under E.O. 12291. Moreover, I hereby certify that this matter will have no impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq.

By virtue of the authority vested in me as Administrator of DEA by 28 CFR

0.100 and § 0.104 and 21 U.S.C. 871(b), the following amendments are made to Title 21, § 1316.71, of the Code of Federal Regulations.

List of Subjects in 21 CFR Part 1316

Administrative practice and procedure, Drug traffic control and research.

PART 1316—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart E—Seizure, Forfeiture, and Disposition of Property

§ 1316.71 [Amended]

Paragraph 1316.71(e) is amended by inserting the words "or Resident Agents in Charge" between the words "Charge" and "and" in the paragraph.

Dated: July 9, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-18727 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-09-M

PEACE CORPS

22 CFR Part 303

Compliance With Public Information Act

AGENCY: Peace Corps.

ACTION: Final rule.

SUMMARY: On March 27, 1984, the Director of the Peace Corps issued a notice in the Federal Register, Volume 49 at pages 11674 through 11678, that the Peace Corps proposed to amend Chapter III of Title 22, Code of Federal Regulations, by replacing Part 303 with a new Part 303, which would provide regulations permitting the inspection and copying of documents of the Peace Corps. No comments were received during the sixty day comment period.

EFFECTIVE DATE: August 15, 1984.

FOR FURTHER INFORMATION CONTACT: Robert McClendon, Freedom of Information Act Officer, Office of Administrative Services, 202-254-6180, or Robert Martin, Associate General Counsel, 202-254-3114.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Peace Corps has determined that this rule is not a major rule because it is not likely to result in an annual effect on the economy of $100 million or more.

Paperwork Reduction Act

This rule imposes no obligatory information requirements on the public.

Regulatory Flexibility Act of 1980

The Director certifies that this rule will not have a significant economic impact on a substantial number of small entities.

As a result of further review within the Agency, the following changes were made. Section 303.6, Manner of Requesting Records—Appeals, (j) was changed to indicate that Freedom of Information Act requests received by Peace Corps overseas employees are to be forwarded to the Freedom of Information Act Officer at headquarters for processing a response. Section 303.8, Location of Records, was changed to indicate that the contact for locating records is the Director, Office of Administrative Services, rather than the Peace Corps receptionist in the Office of the Director. Section 303.10, Schedule of Fees, (b)(3) was revised to clearly state that the requester will be given an opportunity to accept, cancel or amend his or her request when informed of estimated costs for a service when no specific fee has been established. Section 303.10(b)(5) was changed to indicate that fee payments should be sent or delivered to the Collections Officer, Accounting Division rather than to the Director, Office of Administrative Services.

Reasons for This Rule

The provisions of the Freedom of Information Act, 5 U.S.C. 552, as amended, require that each agency of the Federal government make available to the public at established places any records reasonably described in a request therefore and other records therein specified.

Accordingly 22 CFR Chapter III Part 303 is amended to provide a new procedure implementing the provisions of the Freedom of Information Act.

List of Subjects in 22 CFR Part 303

Administrative practice and procedure, Freedom of information, Records.

22 CFR Part 303 is revised to read as follows:

PART 303—INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH FREEDOM OF INFORMATION ACT

Sec.

303.1 Purpose.
303.2 Definitions.
303.3 Records generally available.
303.4 Availability of records.
303.5 Records which may be exempt from disclosure.
303.6 Manner of requesting records—appeals.
303.7 Authority to release and certify records.
303.8 Location of records.
303.9 Identification of records.
303.10 Schedule of fees.

Authority: 5 U.S.C. 552; Pub. L. 87-293 as amended (22 U.S.C. 2501 *et seq.*); Pub. L. 97-113, sec. 601; Executive Order 12137, May 16, 1979.

§ 303.1 Purpose.

The purpose of this part is to prescribe rules for the inspection and copying of opinions, policy statements, staff manuals, instructions, and other records of the Peace Corps pursuant to 5 U.S.C. 552.

§ 303.2 Definitions.

As used in this part, the following definitions shall apply:

(a) "The Agency" means Peace Corps.

(b) "Records" includes all books, papers, maps, photographs, films, tapes, or other documentary material or copies thereof, regardless of physical form or characteristics, made in or received by the Peace Corps and preserved as evidence of its organization, functions, policies, decisions, procedures, operations or other activities but does not include books, magazines, or other materials acquired solely for library purposes and available in the library of the agency.

(c) "Identifiable" means, in the context of a request for a record, one which is reasonably described in a manner sufficient to permit the location of the material requested.

(d) "Unit" means an office of the Agency headed by a senior official who shall be responsible for making initial determinations of availability of documents or records requested hereunder. The head of any such Unit may delegate his or her responsibility hereunder to his or her Deputy or some other official during any absence of such official. At present, the units of the Agency for the purposes hereof consist of, the Office of the Director; the Executive Secretariat; the Office of Private Sector Development; the Office of Executive Talent Search; the Office of General Counsel and Legislative Liaison; the Office of Public Affairs; the Office of the Associate Director for Marketing, Recruitment, Placement and Staging; the Office of the Associate Director for International Operations; and the Office of the Associate Director for Management.

§ 303.3 Records generally available.

The agency will make promptly available to any member of the public the following documents:

(a) All final opinions and orders made in the adjudication of cases.

(b) Statements of policy and interpretation adopted by the agency which have not been published in the Federal Register.

(c) Administrative staff manuals and instructions to the staff which affect a member of the public.

(d) A current index, which shall be updated at least quarterly, covering so much of the foregoing materials as may have been issued, adopted or promulgated after July 4, 1967, is maintained by the Agency and copies of same or any portion thereof shall be furnished upon request at a cost not to exceed the cost of duplication. The Agency deems further publication of such index in the Federal Register both unnecessary and impractical.

(e) To the extent necessary to prevent a clearly unwarranted invasion of personal privacy, the Agency may delete identifying details from materials furnished under this section.

(f) Brochures, flyers and other similar material shall be furnished to the extent that same are available. Copies of any such brochures and flyers which are out of print shall be furnished upon request at the cost of duplication, provided, however, that in the event no copy exists, the Agency shall not be responsible for reprinting the same.

(g) The Agency will not be required to create or compile selected items from its file and records or to provide a requester with statistical or other data unless such data has been compiled by the Agency and is available in the form of a record in which event such record shall be made available as provided in this part.

§ 303.4 Availability of records.

All records of the Peace Corps, in addition to those ordinarily maintained and disseminated under § 303.3 hereof, requested under 5 U.S.C. 552(a)(3) and reasonably described in any request therefore shall be made promptly available upon request of any member of the public for inspection or copying upon compliance with procedures established in this part, except to the extent that a determination is made, in accord with the procedures set forth herein, that a record is exempt from disclosure, and should be withheld in the public interest. All publications and other documents heretofore provided by the Peace Corps in the normal course of business will continue to be made available upon request to the appropriate unit of the Agency. No charge will be made for such documents unless necessary by reason of the fact that such document is no longer in print in which case the charge shall not exceed the cost of duplication as set forth herein.

§ 303.5 Records which may be exempt from disclosure.

The following categories are examples of records maintained by the Peace Corps which, under the provisions of 5 U.S.C. 552(b), may be exempted from disclosure:

(a) Records required to be withheld under criteria established by an Executive Order in the interest of national defense or foreign policy and which are in fact properly classified pursuant to any such Executive Order. Included in this category are records required by Executive Order No. 12356, as amended, to be classified in the interest of national defense or foreign policy.

(b) Records related solely to internal personnel rules and practices. Included in this category are internal rules and regulations relating to personnel management and operations which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Agency.

(c) Records specifically exempted from disclosure by statute.

(d) Information of a commercial or financial nature including trade secrets given in confidence. Included in this category are records containing commercial or financial information obtained from any person and customarily regarded as privileged and confidential by the person from whom they were obtained.

(1) It is the policy of the Peace Corps not to release information which is a trade secret, or commercial or financial information which was obtained from a person and is privileged or confidential within the meaning of 5 U.S.C. 552(b)(4). It is also the policy of the Peace Corps to give submitters of information which may be exempt from disclosure under 5 U.S.C. 552(b)(4) adequate opportunity to provide information at the administrative level which may establish such exemption.

(2) A person submitting information to the Peace Corps, if previously notified by the Peace Corps of his/her right to request confidential treatment for information, must request that the information be considered exempt from disclosure at the time of submission. Failure to do so will be deemed an acknowledgment that the submitter does not wish to claim exempt status.

(3) A person submitting information not covered by paragraph (d)(2) of this section which is the subject of a Freedom of Information Request, and which may be exempt from disclosure, shall be given prompt written notification of such request, unless it can be established that the information should not be disclosed, or that the information has already been lawfully published or made available to the public. Such notice must afford submitters at least ten working days in which to object to the disclosure of any requested information.

(4) Each request for exemption from disclosure under 5 U.S.C. 552(b)(4) as a trade secret or privileged or confidential commercial or financial information must:

(i) Specifically identify the exact material claimed to be confidential.

(ii) State whether or not the information identified has ever been released to a person not in a confidential relationship with the submitter.

(iii) State the basis for submitter's belief that the information is not commonly known or readily ascertainable by outside persons.

(iv) State how release of the information would cause harm to the submitter's competitive position.

(5) The agency will not normally decide whether material received with a request for exemption from disclosure under 5 U.S.C. 552(b)(4) is entitled to be withheld unless a request for disclosure is made. Any reasonably segregable portion of a record will be disclosed after deletion of any portions determined to be exempt.

(6) The agency will give careful consideration to all specified grounds for exemption prior to making its administrative determination and, in all cases in which the determination is to disclose, provide the submitter with a statement of the reasons why its disclosure objection was not sustained. The Peace Corps will provide the submitter with at lest ten days advance notice of the proposed release date of information in cases in which an objection to disclosure has been rejected.

(7) The Peace Corps will notify the submitter promptly of any instance in which a requester brings suit seeking to compel disclosure of its information. Submitters should not request exemption from disclosure unless they are prepared to assist the agency in the defense of any judicial proceeeding brought to compel disclosure.

(e) Interagency or intra-agency memoranda or letters which would not ordinarily be available by law to a party in litigation with the Agency. Included in this category are memoranda, letters, interagency and intra-agency

communications and internal drafts, opinions and interpretations prepared by staff or consultants and records of deliberations of staff, ordinarily used in arriving at policy determinations and decisions.

(f) Personnel, medical and similar files. Included in this category are personnel and medical information files of staff, volunteer applicants, former and current trainees/volunteers, lists of names and home addresses and other files or material containing private or personal information, the disclosure of which would amount to a clearly unwarranted invasion of the privacy of any person to whom the information pertains.

(g) Investigatory records compiled for law enforcement purposes. Included in this category are files compiled for the enforcement of all laws, or prepared in connection with government litigation and adjudicative proceedings; provided however, that such records shall be made available to the extent that their production will not (1) interfere with enforcement proceedings; (2) deprive a person of a right to a fair trial or an impartial adjudication; (3) constitute an unwarranted invasion of personal privacy; (4) disclose the identity of a confidential source, and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; (5) disclose investigative techniques and procedures; or (6) endanger the life or physical safety of law enforcement personnel.

(h) In the event any document or record requested hereunder shall contain material which is exempt from disclosure under this section, any reasonably segregable portion of such record shall, notwithstanding such fact, and to the extent feasible, be provided to any person requesting same, after deletion of the portions which are exempt under this section.

(i) Documents or records determined to be exempt from disclosure hereunder may nonetheless be provided upon request in the event it is determined that the provision of such document would not violate the public interest or the right of any person to whom such information might pertain, and that disclosure is not prohibited by law or Executive Order.

§ 303.6 Manner of requesting records—appeals.

(a) Requests under the Freedom of Information Act (5 U.S.C. 552) for access to Peace Corps records may be filed in person or by mail with the Director of Administrative Services, Peace Corps, 806 Connecticut Avenue NW., Washington, D.C. 20526. All requests and the envelope in which they are sent must be plainly marked "FOIA Request." Personal written requests will be received from between 10 a.m. and 4 p.m., Monday through Friday, except for official holidays. FOIA requests and appeals shall be deemed received when actually received by the Director of Administrative Services.

(b) Requested records which are reasonably described shall either be made available within ten working days after receipt of any such request or a written notice that the request cannot be complied with will be provided to the person making such request within such ten day period. Any such notice of inability to comply shall specify the reasons for refusal and the right of the person making such request to appeal such adverse determination. In the event a request for a record or document is made to the Director of Administrative Services, and such office does not have the requested material, the requester shall be immediately notified.

(c) Upon receipt of a notice of failure to comply, a person making a request for information, records, or documents may, within 15 calendar days from the receipt of such notice, appeal such adverse determination to the Director of the Peace Corps or designee. Such appeal shall be in writing and shall specify the date upon which the notice of failure or refusal to comply was received by the person making such request. The Director or designee shall make a determination with respect to such appeal within 20 working days after receipt of such appeal. Notice of such determination shall be provided in writing to the person making the request. If the original denial of the request for records is upheld in whole or in part, such notice shall include notification of the right of the person making such request to have judicial review of the denial and appeal as provided under the Freedom of Information Act (5 U.S.C. 552).

(d) The time limits specified above for initial compliance, and appeal from a refusal to comply, may be extended by the Agency upon written notice to the person making the request. Such notice shall set forth the reasons for such extension and the date upon which determination is expected. Such extension may be applied at either the initial stage or the appellate stage, or both, provided that the aggregate of such extensions shall not exceed ten working days. Circumstances justifying an extension will include the following:

(1) Time necessary to search and collect requested records from segments of the Agency separate from the office processing the request;

(2) Time necessary to search, collect and appropriately examine a voluminous number of records demanded in a single request; or

(3) Time necessary for consultation with another agency having a substantial interest in the determination of the request, or among two or more components of the agency which have an interest in the subject matter of the request.

(e) The time limits provided in this section are mandatory and a person requesting records shall be deemed to have exhausted his or her administrative remedies with respect to such request in the event the Agency fails to comply within the said applicable time limit provisions as extended in accord with this section. In unusual circumstances in which additional time is necessary to collect and review the records requested, the Act provides that a court of appropriate jurisdiction may allow the agency additional time for such purpose. Alternatively, the Agency and the person making such request may agree as to a reasonable time for completion of Agency work upon such request.

(f) Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of the persons primarily responsible for the denial of such request.

(g) Upon receipt of a request for a record or document the Director of the Office of Administrative Services will promptly make an initial determination as to whether the request for the record reasonably describes such record with sufficient specificity to determine the unit of the Agency to which such request should be referred. Upon making such initial determination, he shall immediately refer such request to the head of the unit concerned. Upon receipt of the request the head of the unit shall promptly determine whether the description of the record contained in the request is sufficient to permit its identification and production.

(h) If the Director of Administrative Services or the head of the unit concerned determines that the description contained in the request is not sufficient to reasonably describe the record requested, the requester shall be so advised and shall be permitted to amend the request to provide any additional information which would better identify the record. The requester shall be provided with appropriate

assistance from the head of the unit concerned, the Director of Administrative Services or any member of their staffs. A request which is amended in accord herewith shall be deemed to have been received by the Agency on the date of receipt of the amended request.

(i) If the head of the unit concerned determines that the record requested is reasonably described so as to permit its identification, he or she shall make it available unless he or she determines, after consultation with the General Counsel, that (1) the record is exempt from disclosure and (2) it should be withheld in the public interest or to protect the rights of persons to whom the information pertains. When such a determination is made the requester shall be immediately notified in writing as provided herein.

(j) Peace Corps offices overseas are not responsible for maintenance of Freedom of Information Act indexes, documents, or records (other than materials normally kept and maintained in such offices). FOIA requests received by overseas employees are to be forwarded to the Director, Office of Administrative Services, for processing. Such a request shall be considered received when actually received by the Director of Administrative Services.

(k) The Peace Corps maintains recruiting offices in many states. These offices are not responsible for maintaining Freedom of Information Act indexes, reading rooms, or other records or documents. Requests to any Recruiting Office or Service Center Office for materials not given out in the normal course of business shall be referred to the Director of Administrative Services. The request shall be in writing and shall be deemed received when actually received by the Director of Administrative Services.

§ 303.7 Authority to release and certify records.

(a) Authority is hereby delegated to the Director of Administrative Services, Office of Management, to furnish, pursuant to these regulations, copies of records to any person entitled thereto, and upon request to provide certified copies thereof for use in judicial proceedings or other official matters as provided below.

(b) The Director of Administrative Services and his or her deputy, are hereby designated to act as authentication officers. When both the authentication officers are unavailable, any other persons within such office designated by the Director of Administrative Services may act in his or her place and stead. The authentication officer is hereby authorized to sign and initial certificates of authentication for and in the name of the Director of the Peace Corps. The form of authentication shall be as follows:

Certificate of Authenticity

In testimony whereof, I ———————, Director of the Peace Corps, have hereunder caused my name to be subscribed by the authentication officer of said agency at Washington, D.C., this ——— day of ——— 19——

———————

Director of the Peace Corps.

By ———————

Authentication Officer, Peace Corps.

(c) The authentication officer is also hereby authorized to issue such statements, certificates, or other documents as may be required in connection with judicial proceedings or other official matters to show that, after a thorough search of Peace Corps records, a requested record has not been found. (See Rule 44(b) Federal Rules of Civil Procedure.)

§ 303.8 Location of records.

The Agency will maintain a central records room at its headquarters in Washington, D.C. The headquarters of the Peace Corps is presently located at 806 Connecticut Avenue, NW., Washington, D.C. The present location of the central records room shall be the Paperwork and Records Management Branch, the location of which may change from time to time. The specific location of the records room may be determined by requesting such information from the Director, Office of Administrative Services.

§ 303.9 Identification of records.

(a) In order for the Agency to locate records and make them available it is necessary that it be able to identify the specific records sought. Persons wishing to inspect or secure copies of records should therefore seek to describe and identify them as fully and as accurately as possible. In cases where requests are submitted which are not sufficient to permit identification, the officer receiving the request will endeavor to assist the person seeking the records in filling in necessary details.

(b) Among the kinds of information which a person seeking records should try to provide in order to permit an identification of a record are the following:

(1) The unit or program of the Agency which may be responsible for or may have produced the record.

(2) The specific event or action, if any, and if known, to which the record refers.

(3) The date of the record or the period to which it refers or relates, if known.

(4) The type of record, such as an application, a contract, or a report.

(5) Personnel of the office who may have prepared or have knowledge of the record.

(6) Citation to newspapers or publications which are known to have referred to the record.

§ 303.10 Schedule of fees.

(a) It is the policy of the Peace Corps to encourage the widest possible distribution of information concerning programs under its jurisdiction. To the extent practicable, this policy will be applied under this part so as to permit requests for inspection or copies of records to be met without substantial cost to the person making the request. Search and reproduction charges will be made in accordance with paragraph (b) of this section. On a case-by-case basis, the Peace Corps will conduct a thorough review of all fee waiver requests and will grant waivers or reductions in fees only in those cases in which the requester establishes that the disclosure of the information will primarily benefit the general public.

(b) Search and copying charges will be made as follows:

(1) Copies made by photostat or otherwise (per page) $.10.

(2) Search service will be charged according to current hourly rates or quarterly fraction thereof, at the first step of the FS–3/1 or FS–8/1 salary level rounded to the nearest dollar. Currently, $16.00 per hour will be charged for a search by a professional level employee and $7.00 will be charged for a search by a clerical level employee. Such charges will be changed on the effective date and in accordance with changes in the Foreign Service salary schedule. A charge will be made regardless of whether the search is successful in locating a requested record.

(3) When no specific fee has been established for a service, for example, when the search involves computer time or special travel, transportation, or communications costs, the Director of Administrative Services will estimate the direct costs of the service and inform the requester of the estimated fee and give him or her an opportunity to accept, cancel or amend the request. Such costs shall be included in the fees chargeable under this section to the extent actually incurred.

(4) In the event a request for documents or records is received which does not state that the requester will pay any or all reasonably necessary

costs, or costs up to an amount specified in such request, and the head of the unit or the Director of Administrative Services determines that the anticipated cost for search and duplication of the records requested will be in excess of $25, or in excess of the limit specified in the request, the Director of Administrative Services shall advise the requester promptly after receipt of the initial request. Such notification shall specify the anticipated cost of search and reproduction of the records requested. The requester may thereafter amend his or her request to specify fewer documents or agree to accept the estimate of anticipated costs, in which case the request shall be deemed received by the Agency upon the receipt date of the requester's response. A requester may, prior to making a request, ask for an estimate of cost from the Director of Administrative Services who shall promptly respond to such request.

(5) Payment should be sent or delivered to the Collections Officer, Accounting Division. Such payment must be by check or money order payable to Peace Corps—FOIA. A receipt for fees will be provided upon request. All fees collected are deposited into the General Fund Receipt Account at the U.S. Department of the Treasury.

(c) A requester may, in his or her original request, or subsequently, ask for a fee waiver or that documents be furnished at a reduced charge. A request for documents shall not be deemed to have been received until a determination of the question of fee waiver or reduction has been made, provided however, that such determination shall be made within five working days from the receipt of a fee waiver request. A request for waiver or reduction of fees shall specify the amount of reduction requested and the reasons which cause the requester to feel that the public interest would be served by a waiver or reduction of fees. The following procedure will be followed:

(1) Upon the receipt of a fee waiver or fee reduction request the Director of Administrative Services will refer such request to the Director of the Peace Corps or such official as he or she may designate. The Director or designee will promptly determine whether such request should be granted in whole or in part, and such determination is final. The request will be reviewed in accordance with the following Freedom of Information Act fee waiver objectives:

(i) The fostering of disclosure of non exempt agency records where it will primarily benefit the general public, and

(ii) The preservation of public funds where there will be insufficient public benefit derived from disclosure.

(2) There are five general factors which are considered in determining whether there is sufficient public benefit to be derived from disclosure to warrant the granting of a fee waiver.

(i) First, a determination must be made as to whether there is genuine public interest in the subject matter of the documents for which a fee waiver is sought; absent such a public interest, there is no basis for granting a waiver. The "public" to be benefited need not be so broad as to encompass all citizens, but it must be distinct from the requester alone. An interest which is personal to the requester is insufficient, nor is it in the public interest to grant a waiver solely on the basis of a requester's indigency.

(ii) The second factor which the Agency will examine is the value to the public of the records themselves. A fee waiver is appropriate only if the disclosable contents of the records are in fact informative on the issue found to be of public interest. No matter how interesting or vital the subject matter of a request, the public is benefited only if the information released meaningfully contributes to the public development or understanding of the subject.

(iii) The third factor to be considered is whether the requested information is already available in the public domain. Where requested information is already in the public domain, the fee waiver will be denied.

(iv) Fourth, the identity of a FOIA requester is considered in acting on a request for a fee waiver. A requester's identity and qualifications, e.g., expertise in the subject area and ability and intention to disseminate the information to the public, is evaluated. Therefore, requesters should specifically describe their qualifications, the nature of their research, and the purposes for which they intend to use the requested materials. Bare assertions by requesters that they are "researchers" or have "plans to author a book" are insufficient.

(v) The fifth criterion requires an assessement, based upon information provided by the requester as well as information independently available to the agency, of any personal interest of the requester reasonably expected to be benefited by disclosure. Such interests include any commerical interest, as well as the interests of first-party requesters in records pertaining to themselves and the interests of parties seeking records for use in litigation.

(3) Fee reductions may be based on any equitable basis, including the percentage of the material requested which meets the waiver criteria, or the extent to which the request meets the first four criteria described in paragraph (c)(2) of this section. The requirement that it meet the fifth criteria, that the primary benefit be to the public, is absolute.

(4) A decision to grant a fee waiver or reduction with respect to records pertaining to a particular subject, or with respect to a particular requester, does not create a precedent for subsequent requests for materials relating to the same subject, or by the same requester.

(Approved by the Office of Management and Budget, OMB control number 0420–A003)

Issued at Washington, D.C. on July 10, 1984.

Loret M. Ruppe,

Director.

[FR Doc. 84-17730 Filed 7-13-84; 8:45 am]

BILLING CODE 6051-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 913

[Docket No. 84–1144; FR 1882]

Definition of Income, Income Limits, Rent and Reexamination of Family Income for the Public and Indian Housing Programs; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects a correction document that appeared in the Federal Register on Friday, June 29, 1984 (49 FR 26719), which referenced a final rule published in the Federal Register on Monday, May 21, 1984 (49 FR 21475). The action is necessary to clarify one correction.

FOR FURTHER INFORMATION CONTACT: Sally Warner Watts, Regulations Division, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, Washington, D.C. 20410, (202) 755–7084. (This is not a toll-free telephone number.)

Accordingly, the Department is correcting FR Document 84–17350 published on June 29, 1984 (49 FR 26719) as follows:

Item 12 on page 26719, column two, is corrected to read: On page 21489, column two, line 7, in the text of § 913.110(c), "Annual Income" is

corrected to read "income for eligibility"

Dated: July 11, 1984.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 84-18761 Filed 7-13-84; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 30 and 31

[T.D. 7963]

Temporary Employment Tax Regulations Under the Economic Recovery Tax Act of 1981 and Employment Taxes and Collection of Income Tax at Source; Penalty for False Information With Respect to Withholding

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the civil penalty for false information with respect to withholding of income tax at source on wages. Changes to the applicable tax law were made by the Economic Recovery Tax Act of 1981. The regulations provide guidance to officers and employees of the Internal Revenue Service and to the public with respect to application of this civil penalty.

DATE: The regulations are effective after August 15, 1984 and apply to acts and failures to act occurring after, August 15, 1984.

FOR FURTHER INFORMATION CONTACT: Mitchell H. Rapaport of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3590).

SUPPLEMENTARY INFORMATION:

Background

On September 1, 1982, the Federal Register published Temporary Employment Tax Regulations under the Economic Recovery Tax Act of 1981 (26 CFR 30) and proposed amendments to the Employment Tax Regulations (26 CFR 31) under section 6682 of the Internal Revenue Code of 1954 (47 FR 38515, 38552). The amendments were proposed and the temporary regulations were adopted to conform the regulations to the changes made by section 721(a) of the Economic Recovery Tax Act of 1981 (Pub. L. 97-34; 95 Stat. 172, 340) to section 6682 of the Internal Revenue Code. The Service received one written comment responding to the notice of proposed rulemaking. No public hearing was requested or held. After consideration of the comment regarding the proposed regulations, those regulations are adopted as proposed. In addition, the regulations adopted by this Treasury decision supersede the temporary regulations under section 6682 (§ 30.6682-1). Therefore, the Temporary Employment Tax Regulations under the Economic Recovery Tax Act of 1981 are removed by this Treasury decision.

Public Comment

The Service received one public comment in response to the notice of proposed rulemaking. This comment dealt with the statutory requirements of section 6682 and not with the proposed rulemaking.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this Treasury decision is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 29, 1983.

Regulatory Flexibility Act

This regulation project will not have a significant impact on a substantial number of small entities and is, therefore, not subject to the requirements of the Regulatory Flexibility Act, because it will not significantly increase the reporting, recordkeeping, or compliance burdens for these entities.

Drafting Information

The principal author of these regulations is Mitchell H. Rapaport of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects

26 CFR Part 30

Employment taxes, Income taxes, Withholding, Penalties.

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social security, Unemployment tax, Withholding, Penalties.

Amendments to the Regulations

The amendments to 26 CFR Part 30 and Part 31 are as follows:

Paragraph 1. Part 30 is removed from Title 26 of the Code of Federal Regulations.

Par. 2. New § 31.6682-1 is inserted after § 31.6674-1 to read as follows:

§ 31.6682-1 False information with respect to withholding.

(a) *Civil penalty.* If any individual makes a statement under section 3402 (relating to income tax collected at source) which results in a lesser amount of income tax actually deducted and withheld than is properly allowable under section 3402 and, at the time the statement was made, there was no reasonable basis for the statement, the individual shall pay a penalty of $500 for the statement. There was a reasonable basis for a statement of the number of exemptions an individual claimed on a Form W-4, if the individual properly completed the Form W-4 by taking into account only allowable amounts for items which are allowable and by computing the number of exemptions in accordance with the instructions on the Form W-4. This penalty is in addition to any criminal penalty provided by law. This penalty may be assessed at any time after the statement is made, until the expiration of the applicable statute of limitations.

(b) *Deficiency procedures not to apply.* The civil penalty imposed by section 6682 may be assessed and collected without regard to the deficiency procedures provided by subchapter B of chapter 63 of the Code.

This Treasury decision is issued under the authority contained in 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: July 3, 1984.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 84-18774 Filed 7-15-84; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Extension of Deadline for Submission of Program Amendments to the Iowa Permanent Regulatory Program

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

ACTION: Final rule.

SUMMARY: OSM is announcing its decision to extend the deadline for Iowa to (1) promulgate rules governing the training, examination and certification of blasters and (2) develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation. On April 12, 1984, Iowa requested an extension of time for the development of a blaster certification program until January 1, 1985. Each State with a regulatory program approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) is required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause. In accordance with the State's request, the Director is granting the State an extension of time until January 1, 1985, to submit a proposed blaster certification program.

EFFECTIVE DATE: July 16, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Rieke, Director, Kansas City Field Office, Office of Surface Mining, 818 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-5527

SUPPLEMENTARY INFORMATION:

Background

On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Subchapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after the publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of the Iowa program, the applicable date is 12 months after publication date of OSM's rule, or March 4, 1984.

On April 12, 1984, Iowa requested an extension of the March 4, 1984 deadline, until January 1, 1985, to submit its blaster certification program. Iowa stated that blaster rules were proposed on January 16, 1984, but additional time would be necessary before a program with promulgated regulations could be developed and submitted to OSM.

In the May 29, 1984 Federal Register (49 FR 22345), OSM proposed an extension of time until January 1, 1985, for Iowa to submit to OSM a proposed blaster certification program. Public comment on this proposal was sought for 30 days ending June 28, 1984. No comments were received by OSM during the comment period.

Director's Decision

In accordance with the State's request, the Director has decided to extend the deadline for Iowa to submit a proposed blaster certification program until January 1, 1985. The extension will allow Iowa sufficient time to develop and promulgate regulations to implement a blaster certification program. Part 915 of 30 CFR Chapter VII is being amended to implement this decision.

Procedural Matters

1. *Compliance With the National Environmental Policy Act*

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act*

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather it will 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 915

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

Dated: July 10, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1203 *et seq.*).

PART 915—IOWA

Part 915 is amended by adding a new § 915.16 as follows:

§ 915.16 Required program amendments.

Pursuant to 30 CFR 732.17, Iowa is required to submit for OSM's approval the following proposed program amendments by the dates specified:

(a) By January 1, 1985, Iowa shall submit (1) rules governing the training, examination and certification of blasters, and (2) a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation.

(b) [Reserved].

[FR Doc. 84-18736 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 916

Extension of Deadline for Submission of Program Amendments to the Kansas Permanent Regulatory Program

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

ACTION: Final rule.

SUMMARY: OSM is announcing its decision to extend the deadline for Kansas to (1) promulgate rules governing the training, examination and certification of blasters and (2) develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface mining operation. On May 1, 1984, Kansas requested an extension of time for the development of a blaster certification program until May 1, 1985. Each State with a regulatory program approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) is required to develop and adopt a blaster certification

program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause. In accordance with the State's request, the Director is granting the State an extension of time to submit a proposed blaster certification program.

EFFECTIVE DATE: July 16, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Rieke, Director, Kansas City Field Office, Office of Surface Mining, 818 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374–5527

SUPPLEMENTARY INFORMATION:

Background

On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the uses of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after the publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of the Kansas program, the applicable date is 12 months after the publication date of OSM's rule, or March 4, 1984.

On March 23, 1984, Kansas requested an extension of the March 4, 1984 deadline, until May 15, 1985, to submit its blaster certification program. Subsequently, the State modified its request for an extension to May 1, 1985. (KS Administrative Record No. 321). The State's letter of May 1, 1984, stated that the extension was needed so that the State regulatory authority (Mined Land Conservation and Reclamation Board) will not have to promulgate its regulations in a piecemeal manner. Kansas anticipates that OSM's review of Kansas' existing regulations as a result of OSM's own regulatory reform effort will identify a number of necessary changes and the State wishes to make all regulation changes at the same time.

In the May 24, 1984 Federal Register (49 FR 21943), OSM proposed extending until May 1, 1985, the deadline for Kansas to develop and submit to OSM a proposed blaster certification program. Public comment on this proposal was sought for 30 days ending June 25, 1984. No comments were received by OSM during the comment period.

Director's Decision

In accordance with the State's request, the Director has decided to extend the deadline for Kansas to submit a proposed blaster certification program until May 1, 1985. This extension will allow Kansas to coordinate the development of the program with the development of other proposed regulatory modifications to the Kansas program which are necessary as a result of changes to the Federal regulations. The Director is amending Part 916 of 30 CFR Chaper VII to implememt this decision.

Procedural Matters

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

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

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will 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 916

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

Dated: July 10, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

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

PART 916—KANSAS

Part 916 is amended by adding a new § 916.16 as follows:

§ 916.16 Required program amendments.

Pursuant to 30 CFR 732.17, Kansas is required to submit for OSM's approval the following proposed program amendments by the dates specified:

(a) By May 1, 1985, Kansas shall submit (1) rules governing the training, examination and certification of blasters, and (2) a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation.

(b) [Reserved]

[FR Doc. 84–18739 Filed 6–13–84; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[OAR–FRL–2631–3]

Standards of Performance for New Stationary Sources; National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to States

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

ACTION: Delegation of authority.

SUMMARY: Sections 111(c) and 112(d) of the Clean Air Act permit USEPA to delegate to the States authority to implement and enforce the standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS), and in 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAPS). A number of States in USEPA Region V have recently requested and received one or more of these delegated programs or have recently received an expansion to an existing delegated program. More specifically, a number of NSPS have been added to the delegated programs in Michigan, Minnesota, Indiana, Ohio, and Wisconsin. Furthermore, an additional NESHAPS has been delegated to Michigan and Wisconsin and an initial delegation of all the NESHAPS was made to Ohio. Revisions and amendments to previously delegated standards were also delegated to a number of these States along with an automatic delegation feature covering future Federal NSPS and NESHAPS promulgations.

EFFECTIVE DATES: *Indiana*—March 18, 1982 and June 8, 1983; *Michigan*—March

29, 1982 and June 9, 1983; *Minnesota*—September 1, 1982 and March 29, 1984; *Ohio*—August 9, 1982; and *Wisconsin*—September 27, 1983.

ADDRESSES: The related material in support of these delegations may be examined during normal business hours at the following respective locations:

All Delegations—

U.S. Environmental Protection Agency, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Specific State Delegations—

Indiana—Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206

Michigan—Air Quality Division, Michigan Department of Natural Resources, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

Ohio—Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216

Minnesota Pollution Control Agency, 1935 West County Road, B–2, Roseville, Minnesota 55113

Wisconsin Department of Natural Resources, 101 South Webster Street G.E.F.2, Madison, Wisconsin 53707

FOR FURTHER INFORMATION CONTACT: Ronald J. Van Mersbergen of the USEPA Region V, Air and Radiation Branch (5ARB–26), 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 886–6056.

SUPPLEMENTARY INFORMATION:

A. Indiana

On February 19, 1982, the Technical Secretary of the Indiana Air Pollution Control Board requested delegation of authority to implement and enforce the NSPS source category of Automobiles and Light-Duty Truck Surface Coating Operations (40 CFR Part 60, Subpart MM). On March 18, 1982 this source category was added to the delegated program by the letter which follows.

Furthermore, on February 9, 1983 (the following delegation document incorrectly states February 10, 1983) the State requested an automatic delegation for any new NSPS and NESHAPS and any revisions to previously promulgated standards. For Indiana, an automatic delegation means that the State will assume any engineering and administrative responsibilities with respect to a new standard or an amendment upon USEPA promulgation. The State will assume full enforcement authority upon notification that the State has adopted the newly promulgated standards or amendments. The automatic delegation given in a June 8, 1983 letter to Mr. Harry D. Williams supercedes all previous delegations for NSPS and NESHAPS. The June 8, 1983 letter is published below following the March 18, 1982 letter.

Notices of earlier delegations and amendments were published in the Federal Register on September 30, 1976 (41 FR 43237), September 12, 1977 (42 FR 45705), and December 22, 1981 (46 FR 62065).

March 18, 1982.

Mr. Harry D. Williams,
Technical Secretary, Indiana Air Pollution Control Board, 1330 W. Michigan Street, Indianapolis, Indiana 46206

Dear Mr. Williams: Thank you for your February 19, 1982 letter requesting expansion of your existing Delegation of Authority to include an additional New Source Performance Standard (NSPS).

We have reviewed your request and have found the State procedures to be acceptable. Therefore, the U.S. Environmental Protection Agency (U.S. EPA) is hereby delegating to the State of Indiana authority to implement and enforce the NSPS for automative painting found in 40 CFR Part 60 subpart MM.

The terms and conditions applicable to this delegation are in the previous letter of delegation of April 21, 1976 as amended by the letters of June 6, 1977 and February 6, 1981.

A notice of this delegated authority will be published in the Federal Register.

This delegation is effective upon the date of this letter unless the U.S. EPA receives written notice from the Indiana Air Pollution Control Board of objections within 10 days of receipt of this letter.

Sincerely yours,

Valdas V. Adamkus,

Regional Administrator.

5AMD

June 8, 1983.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harry D. Williams,
Technical Secretary, Indiana Air Pollution Control Board, 1330 West Michigan Street, Indianapolis, Indiana 46206

Dear Mr. Williams: In response to your February 10, 1983, letter, we are amending the delegation of authority agreement for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Pollutants (NESHAPS). Since the original delegation on April 21, 1976, a number of amendments have been made, and it is the purpose of this letter to replace the original and the amendments.

We have reviewed the pertinent laws and regulations of the State of Indiana and the State's 7-year history of implementing the programs, and we have determined that the State of Indiana has the resources and the ability to implement and enforce the NSPS and NESHAPS Programs for the regulations appropriately promulgated by the State, and to implement the additional responsibilities requested in the February 10, 1983, letter. Therefore, subject to the specific conditions and exceptions set forth below, the U.S. Environmental Protection Agency (U.S. EPA) hereby grants delegation of authority to the State of Indiana to implement and enforce the NSPS and NESHAPS as follows:

A. Authority for all sources located or to be located in the State of Indiana subject to the NSPS promulgated in 40 CFR Part 60. This delegated authority includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards.

B. Authority for all sources located or to be located in the State of Indiana subject to the NESHAPS promulgated in 40 CFR Part 61. This delegation includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards.

This delegation is based upon the following conditions and exceptions:

1. This delegation letter replaces the previous delegation letter of April 21, 1976, and the amendments dated June 6, 1977, February 6, 1981, and March 18, 1982.

2. For new NSPS and NESHAPS pollutants and source categories and for amendments to existing NSPS and NESHAPS which the State of Indiana has not promulgated regulations or amendments, the State will perform the administrative and engineering responsibilities with respect to plan review, applicability determinations, notifications and record keeping, and performance testing in accordance with items 5, 9 and 13 of the conditions and exceptions. The administrative and engineering responsibilities shall continue until such time as the State promulgates appropriate regulations or amendments at which time the State is given full implementation and enforcement responsibility as is cited in item 3 of the conditions and exceptions.

3. Implementation and enforcement of the NSPS and NESHAPS in the State of Indiana will be the primary responsibility of the State of Indiana for those standards for which the State has promulgated appropriate regulations and subsequently notified the Regional Administrator.

4. If, after appropriate discussions with the Indiana Air Pollution Control Board (IAPCB), the Regional Administrator determines that a State procedure is inadequate for implementing or enforcing any NSPS and NESHAPS in accordance with item 2 or 3 of the conditions and exceptions, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the dates specified in a Notice of Revocation to the Governor of the State of Indiana or his designee for NSPS or NESHAPS matters.

5. If the State of Indiana determines that a violation of a NSPS or NESHAPS exists, the IAPCB shall immediately notify U.S. EPA, Region V, of the nature of the violation together with a brief description of State's efforts or strategy to secure compliance. With respect to those NSPS and NESHAPS for which the State has only administrative and engineering responsibilities and during the time which the State has only administrative and engineering responsibility, any violations

will be immediately referred to U.S. EPA, Region V. The U.S. EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with regard to any violations of an NSPS or NESHAPS regulation.

6. The Federal NSPS regulations in 40 CFR Part 60, as amended, do not have provisions for granting variances. Hence, this delegation does not convey to the State of Indiana authority to grant variances from NSPS regulations.

7. This delegation includes the authority on a case-by-case basis to waive a NSPS performance test in accordance to 40 CFR 60.8(b)(4), approve use of reference methods with minor modifications as specified in 40 CFR 60.8(b)(1), and waive NESHAPS emission tests in accordance with 40 CFR 61.13. The IAPCB must report any of these actions to the Regional Administrator in accordance with the reporting procedures set forth in condition 10.

8. This delegation does not include the Administrator's authority to waive certain existing requirements or establish alternative requirements under Section 111 or 112 of the Act, or any regulations promulgated thereunder. This would include the following: Alternative design, equipment, work practice or operational standards under Section 111(h)(3); innovative technology waivers under Section 111(j); alternative opacity standards under 40 CFR 60.11(e); approval of equivalent and alternate test methods under 40 CFR 60.8(b) (2) and (3) authority to issue commercial demonstration permits under 40 CFR 60.45a (subpart Da); approval of alternative testing times for primary reduction plants under 40 CFR 60.195(d); and certain portions of the Stationary Gas Turbine Standards dealing with nitrogen fuel allowance in 40 CFR 60.332(a) and ambient condition correction factors in 40 CFR 60.335(a)(ii).

9. Prior U.S. EPA concurrence is to be obtained on any matter involving the interpretation of Section 111 or 112 of the Clean Air Act and of 40 CFR Parts 60 and 61 to the extent that application, implementation, administration, or enforcement of these sections have not been covered by determinations or guidance sent to the IAPCB.

10. The IAPCB and U.S. EPA Region V will develop a system of communication for the purpose of insuring that each office is informed on (a) the current compliance status of subject sources in the State of Indiana; (b) the interpretation of applicable regulations; (c) the description of sources and source inventory data; and (d) compliance test waivers and other approvals under condition 7 The reporting provisions in 40 CFR 60.4 and 61.04 requiring sources to make submissions to the U.S. EPA are met by sending such submissions to the IAPCB. The State will make available this information to the U.S. EPA on a case-by-case basis.

11. At no time shall the State of Indiana enforce a State regulation less stringent than the Federal requirements for NSPS or NESHAPS (40 CFR Part 60 or 61 as amended).

12. Upon approval of the Regional Administrator of Region V, the Technical Secretary of the IAPCB may subdelegate this authority to implement and enforce these NSPS and NESHAPS to other air pollution control agencies in the State when the agencies have demonstrated that they have equivalent or more stringent programs in force.

13. The Indiana Air Pollution Control Board will utilize the methods specified in 40 CFR Parts 60 and 61 in performing source test pursuant to the regulations.

14. At least once a year and more frequently when appropriate, the State will amend its NSPS and NESHAPS to correspond with Federal Amendments and newly promulgated regulations for NSPS and NESHAPS pollutant and source categories.

A notice announcing this delegation will be published in the Federal Register in the near future. This delegation becomes effective as of the date of this letter. Unless the U.S. EPA receives written notice from the IAPCB of objections within 10 days of receipt of this letter, it will be deemed that the State has accepted all the conditions and exceptions of this delegation.

Sincerely yours,

Valdas V. Adamkus,

Regional Administrator.

B. Michigan

On January 4, 1982, the Director of the Michigan Air Quality Division requested delegation of authority for the NSPS and NESHAPS which were promulgated since the previous request of February 3, 1975, as well as any revisions or amendments to the previously delegated standards. On March 29, 1982, a revised delegation was made by the following letter. Furthermore on February 2, 1983, the State requested an automatic delegation for NSPS and NESHAPS. This request was granted on June 9, 1983 and is published below following the March 29, 1982 letter.

Notice of the initial delegation was published in the Federal Register on January 13, 1976 (41 FR 1942).

March 29, 1982.

Robert P. Miller,

Chief, Air Quality Division, Michigan Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909

Dear Mr. Miller: This is in response to your letter of January 4, 1982, requesting delegation of authority for implementation and enforcement of the New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of Michigan.

We have reviewed the pertinent procedures and supporting regulations of the State of Michigan and have determined that the State has an adequate program for the implementation and enforcement of the NSPS and NESHAPS. Therefore, in accordance with Clean Air Act Sections 111(c) and 112(d) and subject to the specific terms and conditions set forth below, the U.S. Environmental Protection Agency (USEPA) hereby delegates authority to the State of Michigan to implement and enforce the NSPS and NESHAPS as follows:

A. Authority for all sources located in the State of Michigan subject to the NSPS promulgated in 40 CFR Part 60 as of January 4, 1982. This delegation includes the source categories in Subpart D, Da, E, F, G, H, I, J, K, Ka, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, GG, HH, MM, and PP.

B. Authority for all sources located in the State of Michigan subject to the NESHAPS promulgated in 40 CFR Part 61 as of January 4, 1982. This delegation includes the pollutant categories of asbestos, beryllium, mercury, and vinyl chloride in Subparts B, C, D, E, and F

This delegation of authority for NSPS and NESHAPS supersedes the previous statewide delegations of November 5, 1975, and is subject to the following terms and conditions:

1. Granting this delegation does not obligate the USEPA to delegate authority for implementation and enforcement of additional NSPS or NESHAPS if other standards are promulgated. In addition, acceptance of this delegation of presently promulgated NSPS and NESHAPS does not commit the State of Michigan to request or accept delegation of future standards and requirements. A new request for delegation and another USEPA review will be required before any standards or requirements not included in the State's request of January 4, 1982, will be delegated.

2. Upon approval of the Regional Administrator of Region V, the Executive Secretary of the Michigan Air Pollution Control Commission may subdelegate this authority to implement and enforce the NSPS and NESHAPS to other air pollution authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

3. This delegation does not include the Administrator's responsibility to establish opacity standards as set forth in 40 CFR 60.11(e)(4).

4. The State of Michigan will at no time grant a waiver of compliance with NESHAPS.

5. The Federal NSPS regulations in 40 CFR Part 60, as amended, do not have provisions for granting waivers by class of testing requirements or variances, hence this delegation does not convey to the State of Michigan authority to grant waivers by class of testing requirements or variances from NSPS regulations.

6. The State of Michigan will utilize the methods specified in appendices and Subparts of 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations.

7 Enforcement of NSPS and NESHAPS in the State of Michigan will be the primary responsibility of the State of Michigan. If, after appropriate discussion with the Air Quality Division, the Regional Administrator determines that a State procedure for implementing and enforcing the NSPS or NESHAPS is not in compliance with Federal regulations (40 CFR Parts 60 and 61), or is not being effectively carried out, this delegation will be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Chief of the Air Quality Division.

8. The Air Quality Division and the USEPA Region V will develop a system of communication for the purpose of insuring that each office is informed on (a) the current compliance status of subject sources in the State of Michigan; (b) the interpretation of applicable regulations; and (c) the description of sources and source inventory data. The reporting provisions in 40 CFR 60.4 and 61.04 requiring industry to make submission to the USEPA are met by sending such submissions to the State. The State will make available this information to the USEPA on a case-by-case basis.

9. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of Sections 111 or 112 of the Clean Air Act or 40 CFR to the extent that application, implementation, administration, or enforcement of these sections have not been covered by determinations or guidance sent to the Air Quality Division. This concurrence request includes the innovative technology waivers authorized in Section 111(j) of ther Clean Air Act.

10. If the State of Michigan determines that a violation of a delegated NSPS or NESHAPS exists, the Air Quality Division shall immediately notify EPA, Region V, of the nature of the violation together with a brief description of the State's efforts or strategy to secure compliance.

A notice announcing this delegation will be published in the Federal Register in the near future. This delegation becomes effective as of the date of this letter and, unless the USEPA receives written notice from the Air Quality Division of objections within 10 days of the receipt of this letter, it will be decided that the State has accepted all the terms and conditions of this delegation.

Sincerely yours,

Valdas V. Adamkus,

Regional Administrator.

June 9, 1983.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert P. Miller,

Chief, Air Quality Division, Department of Natural Resources, P.O. Box 30028, Lansing, Michigan 48909

Dear Mr. Miller: This letter is in response to your February 2, 1983, request to amend the March 29, 1982, delegation of authority by including additional authorities to implement the New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS). Additionally, this letter amends the March 29, 1982, NSPS and NESHAPS delegation to the State by providing for Wayne County's implementation and enforcement of the NSPS and NESHAPS.

The U.S. Environmental Protection Agency hereby amends the March 29, 1982, delegation to Michigan as follows.

1. Paragraph "A" is amended to read as follows:

A. Authority for all sources located or to be located in the State of Michigan subject to the NSPS promulgated in 40 CFR Part 60. This delegated authority includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards.

2. Paragraph "B" is amended to read as follows:

B. Authority for all sources located or to be located in the State of Michigan subject to the NESHAPS promulgated in 40 CFR Part 61. This delegation includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards.

3. Paragraph "1" of the terms and conditions is amended to read as follows:

1. If the State of Michigan determines that for some reason, including budget reductions, that it is unable to accept any new NSPS or NESHAPS, the Chief of the Air Quality Division will notify the Regional Administrator. Upon such notification by the State, the primary enforcement responsibility for such new standards will return to the U.S. EPA.

4. The following language is added to the first sentence of item "7" of the terms and conditions: "except in Wayne County, Michigan during such time that a NSPS or NESHAPS is delegated to the County."

We trust that these amendments will provide for a more efficient program in Michigan.

Sincerely yours,

Valdas V. Adamkus,

Regional Administrator.

C. Minnesota

On August 13, 1982 the Executive Director of the Minnesota Pollution Control Agency requested delegation of authority for the NSPS which had been promulgated since the State's previous request of June 27, 1977 and requested delegation of authority for revisions and amendments which occurred since June 27, 1977 to its previously delegated source categories of the NSPS and NESHAPS. On September 1, 1982 a revised delegation was made by the following letter. Furthermore, on January 17, 1984 the State requested automatic delegation of the NSPS and NESHAPS. This request was granted on March 29, 1984 and is published below following the September 1, 1982 letter.

Notice of the initial delegation was published in the Federal Register on January 3, 1978 (43 FR 33).

September 1, 1982.

Mr. Louis J. Breimhurst,

Executive Director, Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota 55113-2785

Dear Mr. Breimhurst: On August 13, 1982 you requested delegation of authority to implement and enforce the New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) which have been promulgated since your previous request of June 27, 1977. The request included all revisions and amendments to the previously delegated NSPS and NESHAPS.

We have reviewed the pertinent procedures and supporting regulations of the State of Minnesota and have determined that the State has an adequate program for the implementation and enforcement of the NSPS and NESHAPS. Therefore, in accordance with Clean Air Act Sections 111(c) and 112(d) and subject to the specific terms and conditions set forth below, the U.S. Environmental Protection Agency (USEPA) hereby delegates authority to the State of Minnesota to implement and enforce the NSPS and NESHAPS as follows:

A. Authority for all sources located in the State of Minnesota subject to the NSPS promulgated in 40 CFR Part 60, as amended, as of August 13, 1982. This delegation includes the source categories in Subpart D, Da, E, F, G, H, I, J, K, Ka, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, GG, HH, KK, MM, NN, PP, and UU.

B. Authority for all sources located in the State of Minnesota subject to the NESHAPS promulgated in 40 CFR Part 61, as amended, as of August 13, 1982. This delegation includes the pollutant categories of asbestos, beryllium, mercury, and vinyl chloride in Subparts B, C, D, E, and F.

C. This delegation of authority for NSPS and NESHAPS supersedes the previous statewide delegations of September 20, 1977, and is subject to the following terms and conditions:

1. Upon approval of the Regional Administrator of Region V, the Executive Director of the Minnesota Pollution Control Agency (MPCA) may subdelegate this authority to implement and enforce the NSPS and NESHAPS to other air pollution authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

2. This delegation does not include the Administrator's responsibility to establish opacity standards as set forth in 40 CFR 60.11(e)(4).

3. The State of Minnesota will at no time grant a waiver of compliance with NESHAPS.

4. The Federal NSPS regulations in 40 CFR Part 60, as amended, do not have provisions for granting waivers by class of testing requirements or variances, hence this delegation does not convey to the State of Minnesota authority to grant waivers by class of testing requirements or variances from NSPS regulations.

5. The State of Minnesota will utilize the methods specified in appendices and Subparts of 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations.

6. Enforcement of NSPS and NESHAPS in the State of Minnesota will be the primary responsibility of the State of Minnesota. If, after appropriate discussion with the MPCA, the Regional Administrator determines that a State procedure for implementing and enforcing the NSPS or NESHAPS is not in compliance with Federal regulations (40 CFR Parts 60 and 61), or is not being effectively carried out, this delegation will be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Executive Director of the MPCA.

7. The Division of Air Quality and the USEPA Region V will develop a system of communication for the purpose of insuring that each office is informed on (a) the current

compliance status of subject sources in the State of Minnesota; (b) the interpretation of applicable regulations; and (c) the description of sources and source inventory data. The reporting provisions in 40 CFR 60.4 and 61.04 requiring industry to make submissions to the USEPA are met by sending such submissions to the MPCA. The MPCA will make available this information to the USEPA on a case-by-case basis.

8. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of Section 111 or 112 of the Clean Air Act or 40 CFR to the extent that application, implementation, administration, or enforcement of these sections have not been covered by determinations or guidance sent to the Division of Air Quality. This concurrence request includes the innovative technology waivers authorized in Section 111(j) of the Clean Air Act.

9. If the State of Minnesota determines that a violation of a delegated NSPS or NESHAPS exists, the Division of Air Quality shall immediately notify USEPA, Region V, of the nature of the violation together with a brief description of the State's efforts or strategy to secure compliance.

A notice announcing this delegation will be published in the Federal Register in the near future. This delegation becomes effective as of the date of this letter and, unless the USEPA receives written notice from the MPCA of objections within 10 days of the receipt of this letter, it will be deemed that the State has accepted all the terms and conditions of this delegation.

Sincerely yours,

Valdas V. Adamkus,

Regional Administrator.

March 29, 1984.

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Sandra S. Gardebring,

Executive Director, Minnesota Pollution Control Agency, 1935 W. County Road B-2, Roseville, Minnesota 55113-2785

Dear Ms. Gardebring: On February 21, 1984, you requested an expansion of the U.S. Environmental Protection Agency's (USEPA) delegation of authority to Minnesota to implement and enforce the New Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS). The request included all future promulgated NSPS and NESHAPS standards and all revisions and amendments to existing and future NSPS and NESHAPS.

We have reviewed the pertinent procedures and supporting regulations of the State of Minnesota and have determined that the State has an adequate program for the implementation and enforcement of the NSPS and NESHAPS. Therefore, in accordance with Clean Air Act Sections 111(c) and 112(d) and subject to the specific terms and conditions set forth below, the USEPA hereby delegates authority to the State of Minnesota to implement and enforce the NSPS and NESHAPS as follows:

A. Authority for all sources located or to be located in the State of Minnesota subject to the NSPS promulgated in 40 CFR Part 60. This delegation includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards. The delegation of authority to enforce future standards, revisions, and amendments will be effective as of the date that such standards become applicable pursuant to State law.

B. Authority for all sources located or to be located in the State of Minnesota subject to the NESHAPS promulgated in 40 CFR Part 61. This delegation includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards. The delegation of authority to enforce future standards, revisions, and amendments will be effective as of the date that such standards become applicable pursuant to State law.

C. This delegation of authority for NSPS and NESHAPS supersedes the previous statewide delegations of September 20, 1977; September 1, 1982; and June 17, 1983; and is subject to the following terms and conditions:

1. Upon approval of the Regional Administrator of Region V, the Executive Director of the Minnesota Pollution Control Agency (MPCA) may subdelegate this authority to implement and enforce the NSPS and NESHAPS to other air pollution authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

2. This delegation does not include the Administrator's responsibility to establish opacity standards as set forth in 40 CFR 60.11(e)(4).

3. The State of Minnesota will at no time grant a waiver of compliance with NESHAPS. The State of Minnesota may grant variances from State standards which are more stringent than the NSPS so long as the variances do not prevent compliance with the NSPS.

4. The Federal NSPS regulations in 40 CFR Part 60, as amended, do not have provisions for granting waivers by class of testing requirements or variances, hence this delegation does not convey to the State of Minnesota authority to grant waivers by class of testing requirements or variances from NSPS regulations. Minnesota may waive a performance test or specify the use of a reference method with minor changes in methodology under 40 CFR 60.8(b) on a case by case basis, however the State must inform USEPA of such actions.

5. The State of Minnesota will utilize the methods specified in appendices and Subparts of 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations. The Administrator retains the exclusive authority to approve (a) the use of equivalent and alternative test methods pursuant to 40 CFR 60.8(b) (2) and (3), and (b) approve the use of alternative testing times for primary aluminum reduction plants pursuant to 40 CFR 60.195(d).

6. Enforcement of NSPS and NESHAPS in the State of Minnesota will be the primary responsibility of the State of Minnesota. If, after appropriate discussion with the MPCA, the Regional Administrator determines that a State procedure for implementing and enforcing the NSPS or NESHAPS is not in compliance with Federal regulations (40 CFR Parts 60 and 61), or is not being effectively carried out, this delegation will be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Executive Director of the MPCA.

7. The Division of Air Quality and the USEPA Region V will develop a system of communication for the purpose of insuring that each office is informed on (a) the current compliance status of subject sources in the State of Minnesota; (b) the interpretation of applicable regulations; and (c) the description of sources and source inventory data. The reporting provisions in 40 CFR 60.4 and 61.04 requiring industry to make submissions to the USEPA are met by sending such submissions to the MPCA. The MPCA will make available this information to the USEPA on a case-by-case basis.

MPCA's annual report, submitted to USEPA pursuant to 40 CFR Part 51, will include information relating to the status of sources subject to 40 CFR Parts 60 and 61. Such information will include the name and address of the most recent stack test, compliance status of facility, enforcement actions initiated, surveillance action undertaken for each facility and results of reports relating to emissions data.

8. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of Section 111 or 112 of the Clean Air Act or 40 CFR Parts 60 and 61 to the extent that implementation, administration, or enforcement of these sections have not been covered by determinations or guidance sent to the Division of Air Quality. All applicability determinations which have not been specifically treated in the Compendium of Applicability Determinations issued by USEPA annually are reserved for USEPA. Any applicability determination made by MPCA based on a prior USEPA determination must be submitted to USEPA.

9. If the State of Minnesota determines that a violation of a delegated NSPS or NESHAPS exists, the Division of Air Quality shall within 30-days notify USEPA, Region V, of the nature of the violation together with a brief description of the State's efforts or strategy to secure compliance. Furthermore, if the State determines that it is unable to enforce an NSPS or NESHAPS standard, the State shall immediately notify USEPA, Region V. This delegation in no way limits the Administrator's concurrent enforcement authority as provided in Sections 111(c)(2) and 112(d)(2) of the Clean Air Act.

10. In addition to any future provision which may be cited in forthcoming NSPS or NESHAPS which cannot be delegated, the Administrator retains authority for approval of equivalency for design, equipment, or work practice or operational standard pursuant to Section 111(h) or Section 112(e) of the Clean Air Act and for the granting of an innovative technology waiver pursuant to Section 111(j) of the Clean Air Act.

11. If the State of Minnesota determines that for any reason, including budget reductions, it is unable to administer any new NSPS or NESHAPS, the Executive Director of the MPCA will notify the Regional Administrator. Upon such notification by the

State, the primary enforcement responsibility for such new standards will return to the USEPA.

A notice announcing this delegation will be published in the Federal Register in the near future. This delegation becomes effective as of the date of this letter and, unless the USEPA receives written notice from the MPCA of objections within 10 days of the receipt of this letter it will be deemed that the State has accepted all the terms and conditions of this delegation.

We trust that this amended delegation will provide for a more efficient NSPS and NESHAPS enforcement program in Minnesota.

Sincerely yours,

Valdas V. Adamkus,

Regional Administrator.

D. Ohio

On June 8, 1982, the Director of the Ohio Environmental Protection Agency requested authority for the NSPS promulgated since his previous request of May 12, 1980, as well as authority for revisions and amendments to the previously delegated NSPS standards. The request letter asked for automatic delegation of all future standards and revisions. The delegation was made on August 9, 1982 by means of the letter published below. Notices of previous delegations and amendments were published in the Federal Register on December 21, 1976 (41 FR 55575) and December 22, 1981 (46 FR 62065).

Furthermore, on June 2, 1982, the Director of Ohio Environmental Protection Agency made an initial request for the authority to implement and enforce the NESHAPS. The State also requested automatic delegation for all future standards and revisions. The subsequent NESHAPS delegation was combined with the NSPS delegation in the previously cited August 9, 1982 letter.

On September 11, 1979, certain NESHAPS has been delegated to the Regional Air Pollution Control Agency (RAPCA) located in Dayton, Ohio. The delegation agreement with RAPCA was published in the (44 FR 65477) on November 13, 1979. The RAPCA delegation agreement contained a condition which provides for the termination of the delegation when the NESHAPS program was transferred to the State of Ohio. Such a termination letter was sent to RAPCA on September 30, 1982 and follows in this section.

Because the August 9, 1982 delegation was the initial delegation to Ohio for NESHAPS, a rule change is published elsewhere in today's Federal Register which adds to 40 CFR Part 61.04(b) the addresses to which reports and notices required by the NESHAPS must be sent for Ohio sources.

August 9, 1982.

Wayne S. Nichols,

Director, Ohio Environmental Protection Agency, 361 E. Broad Street, Columbus, Ohio 43216

Dear Mr. Nichols: The purpose of this letter is to delegate to the State of Ohio the enforcement authority for additional source categories of the new source performance standards (NSPS) and to delegate for the first time to Ohio Environmental Protection Agency (OEPA) the authority for the National Emission Standards for Hazardous Air Pollutants (NESHAPS). The authority for the NSPS program had been previously delegated to Ohio based upon requests dated June 3, 1976, October 3, 1979, and May 12, 1980, and is hereby being amended based on the most recent request of June 8, 1982. The authority for the NESHAPS program was requested on June 2, 1982 and is hereby being delegated for the first time.

We have reviewed the pertinent procedures and supporting regulations of the State of Ohio and have determined that the State has an adequate program for the implementation and enforcement of the NSPS and NESHAPS. Therefore, in accordance with the Clean Air Act Sections 111(c) and 112(d) and subject to the specific terms and conditions set forth below, the U.S. Environmental Protection Agency (USEPA) hereby delegates authority to the State of Ohio to implement and enforce the NSPS and NESHAPS as follows:

A. Authority for all sources located or to be located in the State of Ohio subject to the NSPS promulgated in 40 CFR Part 60. This delegated authority includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards.

B. Authority for all sources located or to be located in the State of Ohio subject to the NESHAPS promulgated in 40 CFR Part 61. This delegation includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards.

C. This delegation of authority supersedes all other NSPS and NESHAPS delegations made to agencies in Ohio, and is subject to the following terms and conditions:

1. Upon approval of the Regional Administrator of Region V, the Director of OEPA may subdelegate this authority to implement and enforce the NSPS and NESHAPS to other air pollution authorities in the State when such authorities have demonstrated that they have an equivalent or more stringent program in force.

2. This delegaton does not include the Administrator's responsibility to establish opacity standards as set forth in 40 CFR 60.11(e) (4).

3. The State of Ohio will at no time grant a waiver of compliance with NESHAPS.

4. The Federal NSPS regulations in 40 CFR Part 60, as amended, do not have provisions for granting waivers by class of testing requirements or variances, hence this delegation does not convey to the State of Ohio authority to grant waivers by class of testing requirements or variances from NSPS regulations.

5. The State of Ohio will utilize the methods specified in appendices and Subparts of 40 CFR Parts 60 and 61 in performing source tests required by the regulations.

6. Enforcement of NSPS and NESHAPS in the State of Ohio will be the primary responsibility of the State of Ohio. If, after appropriate discussion with the OEPA, the Regional Administrator determines that a State procedure for implementing and enforcing the NSPS or NESHAPS is not in compliance with Federal regulations (40 CFR Part 60 and 61), or is not being effectively carried out, this delegation will be revoked in whole or in part after a 30 day notification. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Director of OEPA.

7. The OEPA and USEPA Region V will develop a system of communication for the purpose of insuring that each office is informed on (a) the current compliance status of subject sources in the State of Ohio; (b) the interpretation of applicable regulations; and (c) the description of sources and source inventory data. The reporting provisions in 40 CFR 60.4 and 61.04 requiring industry to make submission to the USEPA are met by sending such submissions to the State. The State will make available this information to the USEPA on a case-by-case basis.

8. Prior USEPA concurrence is to be obtained on any matter involving the interpretation of Section 111 or 112 of the Clean Air Act or 40 CFR Parts 60 and 61 to the extent that application, implementation, administration, or enforcement of these sections have not been covered by determinations or guidance sent to the OEPA. This concurrence request includes the innovative technology waivers authorized in Section 111(j) of the Clean Air Act.

9. If the State of Ohio determines that a violation of a delegated NSPS or NESHAPS exists, OEPA shall immediately notify EPA, Region V, of the nature of the violation together with a brief description of the State's efforts or strategy to secure compliance.

A notice announcing this delegation will be published in the Federal Register in the near future. This delegation becomes effective as of the date of this letter and, unless the USEPA receives written notice from the OEPA of objections within 10 days of the receipt of this letter, it will be deemed that the State has accepted all the terms and conditions of this delegation.

Sincerely yours,

Valdas V. Adamkus,

Regional Administrator.

September 30, 1982.

William Burkhart,

Supervisor, Regional Air Pollution Control Agency, Montgomery County Combined General Health District, 451 West Third Street, Dayton, Ohio 45402

Dear Mr. Burkhart: On September 11, 1979, the U.S. Environmental Protection Agency delegated to the Regional Air Pollution Control Agency (RAPCA) authority to implement and enforce certain national emission standards for hazardous air pollutants (NESHAPS) within the six-county

area of RAPCA. According to the agreement, the delegation was scheduled for termination when the State of Ohio received delegated authority for NESHAPS.

Since the State of Ohio now has received a full delegation of the NESHAPS program on August 9, 1982, this letter is to be considered a termination notice of the September 11, 1979 delegation.

Although the agreement must be terminated, we will continue to depend upon your Agency in its new cooperative role with the State of Ohio as the NESHAPS program is administered Statewide. When needed, we will also depend upon your cooperation in supplying source information which was accumulated during the period the authority was transferred to RAPCA.

I appreciate your 3 years of effort in implementing the NESHAPS program in your Region as well as your initiative in taking the lead in the State by assuming responsibility for the NESHAPS program. If you have need for further inquiry, please contact Ron Van Mersbergen, at (312) 886–6056, or me.

Sincerely yours,

Valdas V. Adamkus,

Regional Administrator.

E. Wisconsin

On August 10, 1983, the Secretary of the Wisconsin Department of Natural Resources requested a partial delegation of authority to implement any existing and future NSPS and NESHAPS and, futhermore, full authority for such standards upon notice to USEPA that the State has adopted similar standards. An automatic delegation with a temporary partial feature was granted on September 27, 1983 and is published below. The State was previously granted full delegation on September 29, 1976 for twelve NSPS and three NESHAPS which was published as a notice in the Federal Register on March 30, 1977 (42 FR 16845).

In accordance with the September 27, 1983 delegation, the State on October 20, 1983 informed USEPA that they adopted all Federal NSPS and NESHAPS which were promulgated as of July 1, 1983.

September 27, 1983.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carroll D. Besadny,

Secretary, Bureau of Air Management, Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707

Dear Mr. Besadny: In response to your August 10, 1983 letter, we are amending the delegation of authority agreement for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Pollutants (NESHAPS). Since the original delegation on September 28, 1976, a number of additional NSPS and NESHAPS have been promulgated and changes in delegation policy have been made. Therefore this letter replaces the original delegation.

We have reviewed the pertinent laws and regulations of the State of Wisconsin and the State's history of implementing the programs, and we have determined that the State of Wisconsin has the resources and the ability to implement and enforce the NSPS and NESHAPS programs for the regulations appropriately promulgated by the State, and to implement the additional responsibilities requested in your August 10, 1983 letter. Therefore, subject to the specific conditions and exceptions set forth below, the U.S. Environmental Protection Agency (U.S. EPA) hereby grants delegation of authority to the State of Wisconsin to implement and enforce the NSPS and NESHAPS as follows:

A. Authority for all sources located or to be located in the State of Wisconsin subject to the NSPS promulgated in 40 CFR Part 60. This delegated authority includes all future standards promulgated for additional pollutants and source categories and all revisions and amendments to existing and future standards.

B. Authority for all sources located or to be located in the State of Wisconsin subject to the NESHAPS promulgated in 40 CFR Part 61. This delegation includes all future standards promulgated for additional pollutants and sources categories and all revisions and amendments to existing and future standards.

This delegation is based upon the following conditions and exceptions.

1. This delegation letter replaces the previous NSPS and NESHAPS delegation letter of September 28, 1976.

2. Certain provisions of the NSPS and NESHAPS regulations allow the Administrator to take further standard setting actions. Such standard setting provisions cannot be delegated and these are as follows:

a. Alternative means of emission limitations in Clean Air Act (CAA) 111(b)(3) which is exemplified in 40 CFR 60.114a.

b. Innovative technology waivers in CAA Section 111(j).

c. Alternative testing times for Primary Aluminum Reduction Plants in 40 CFR 60.195(d).

d. Approval of equivalent and alternate test methods in 40 CFR 60.8(b) (2) and (3).

e. Establishment of alternative opacity standards in 40 CFR 60.11(e).

f. Issuance of commercial demonstration permits under 40 CFR 60.45a.

g. The portions of the Stationary Gas Turbine Standards dealing with nitrogen fuel allowance in 40 CFR 60.332(a) and the ambient condition correction factors in 40 CFR 60.335(a)(ii).

3. The following provisions are included in this delegation and can only be exercised on a case-by-case basis. When any of these authorities are exercised, the State must notify USEPA Region V in accordance with the reporting procedures referred to in item 10 of the conditions and exceptions.

a. Waiver of a performance test in accordance with 40 CFR 60.8(b)(4), or make minor modifications in accordance with 40 CFR 60.8(b)(1).

b. Determination of representative conditions for the purpose of conducting a performance test as allowed by 40 CFR 60.8(c).

c. Approval of smaller sampling times or sampling volumes under 40 CFR 60.46 (b) or (d).

d. Authorization of both the use of wet collectors in accordance with 40 CFR 61.23(b) and also the use of filtering equipment as explained in 40 CFR 61.23(c).

e. Approval of sampling techniques as specified in 40 CFR 61.43(a).

4. The Federal NSPS regulations in 40 CFR Part 60, as amended, do not provide for granting waivers by source class of testing requirements or granting variances, hence this delegation does not convey to the State of Wisconsin authority to grant waivers by source class of testing requirements or grant variances from NSPS regulations.

5. For Federal NSPS and NESHAPS pollutants and source categories and for amendments to existing Federal NSPS and NESHAPS for which the State of Wisconsin has not promulgated regulations or amendments, the State will exercise a partial delegation by performing the administrative and engineering responsibilities with respect to plan review, notifications and recordkeeping, and performance testing all in accordance with items 9 and 12 of the conditions and exceptions. The partial delegation does not include applicability determinations or enforcement actions. The administrative and engineering responsibilities shall continue until such time as the State promulgates appropriate regulations or amendments at which time the State is given fully delegated responsibility as is cited in item 6 of the conditions and exceptions.

6. Implementation and enforcement of the NSPS and NESHAPS in the State of Wisconsin will be the primary responsibility of the State of Wisconsin for those standards for which the State has promulgated appropriate regulations and for which the State has notified the Regional Administrator. The authority includes but is not limited to those responsibilities in item 5, routine applicability determinations in accordance with item 7, and enforcement actions.

7. The State will make routine applicability determinations pertaining to sources subject to NSPS and NESHAPS regulations. Where previous determinations exist in the form of written guidance from USEPA, the State's source specific determinations will be in accordance with such written guidance. The U.S. EPA will periodically forward such U.S. EPA compiled determinations to the Wisconsin Department of Natural Resources (WDNR). If a non-routine situation arises which is not covered by a U.S. EPA determination, the State will forward the details to U.S. EPA Region V for final resolution. A U.S. EPA resolution is to be obtained on any matter involving the non-routine interpretation of Sections 111 or 112 of the Clean Air Act and of 40 CFR Parts 60 and 61 to the extent that application, implementation, administration, or enforcement of these sections have not been covered by determinations of guidance sent to the WDNR.

8. If, after appropriate discussions with the WDNR, the Regional Administrator determines that a State procedure is inadequate for implementing or enforcing any NSPS or NESHAPS in accordance with item 5

or 6 of the conditions and exceptions, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the dates specified in a Notice of Revocation to the Secretary of WDNR.

9. If the State of Wisconsin determines that a violation of a NSPS or NESHAPS exists, the WDNR shall immediately notify U.S. EPA, Region V, of the nature of the violation together with a brief description of the State's efforts or strategy to secure compliance. With respect to those NSPS and NESHAPS for which the State has only administrative and engineering responsibilities and during the time which the State has only administrative and engineering responsibility, any violations will be immediately referred to U.S. EPA, Region V. The U.S. EPA may at any time exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with regard to any violation of an NSPS or NESHAPS regulation.

10. The WDNR and the U.S. EPA Region V will develop a system of Communication for the purpose of insuring that both agencies are informed on (a) the current compliance status of subject sources in the State of Wisconsin; (b) the interpretation of applicable regulations; (c) the description of sources and source inventory data; and (d) compliance test waivers and approvals listed in item 3 of the conditions and exceptions. The reporting provisions in 40 CFR 60.4 and 61.04 requiring sources to make submissions to the U.S. EPA are met by sending such submissions to the WDNR. The State will make available this information to the U.S. EPA on a case-by-case basis.

11. At no time shall the State of Wisconsin enforce a State NSPS or NESHAPS regulation less stringent than the Federal requirements for NSPS or NESHAPS (40 CFR Parts 60 or 61 as amended) in accordance with 116 of the CAA.

12. The WDNR will utilize the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to the regulations.

13. From time to time when appropriate, the State will revise its NSPS and NESHAPS to include the provisions of Federal amendments and newly promulgated regulations for NSPS and NESHAPS pollutant and source categories.

A notice announcing this delegation will be published in the Federal Register in the near future. This delegation becomes effective as of the date of this letter. Unless the U.S. EPA receives written notice from the WDNR of objections within 10 days of receipt of this letter, it will be deemed that the State has accepted all the conditions and exceptions of this delegation.

Sincerely yours,

Alan Levin,

Acting Regional Administrator.

If further revisions are made to any of the current delegation agreements in Region V, USEPA will publish these in the Federal Register.

(Sec. 111(c), sec. 112(d) and sec 301(a), Clean Air Act (42 U.S.C. 7411(c), 7412(d) and 7601(a))

Dated: July 6, 1984.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 84-18701 Filed 7-13-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[OAR-FRL-2631-2]

Standards of Performance for New Stationary Sources; National Emisson Standards for Hazardous Air Pollutants, Delegation of Authority to Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On August 9, 1982, authority was delegated to Ohio to implement and enforce the national emission standards for hazardous air pollutants (NESHAPS). Reports and notification from New Source Performance Standards (NSPS) and NESHAPS sources in Ohio must now be submitted to the State, through the appropriate district or local agency office instead of to the EPA. Therefore, EPA today is adding the appropriate addresses for the State of Ohio to 40 CFR Part 61. It is also making corrections to the Ohio addresses in Part 60.

EFFECTIVE DATE: August 9, 1982.

ADDRESSES: The related material in support of the delegation may be examined during normal business hours at the following locations. Support materials for the delegations are available in the Region V office.

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

Ohio—Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216

FOR FURTHER INFORMATION CONTACT: Ronald J. Van Mersbergen, Air and Radiation Branch (5ARB-26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6056.

SUPPLEMENTARY INFORMATION: Pursuant to section 112(d) of the Clean Air Act, the Director of the Ohio Environmental Protection Agency requested on June 2, 1982 authority to implement and enforce all the NESHAPS. After a review of the request, the appropriate State laws and regulations, and the State's new source review program, the Regional Administrator of Region V determined that the State procedures in Ohio were adequate to implement and enforce the NESHAPS program. The NESHAPS program was transferred to the State of Ohio on August 9, 1982 in a letter of delegation agreement. The delegation agreement is published elsewhere in today's Federal Register.

Effective immediately all information required pursuant to 40 CFR Part 61 from sources in Ohio must be sent directly to the appropriate district office or local agency rather than the EPA Region V office. The appropriate addresses for sources in the various counties are provided in 40 CFR 61.04(b)(KK). Finally, EPA is taking this opportunity today to update the Ohio addresses in 40 CFR 60.4 to reflect administrative changes within Ohio's NSPS program.

Under Executive Order 12291, EPA must judge whether or not a publication is "major" and, if it is "major", whether it is subject to the requirements of a regulatory impact analysis. The delegation of authority is not "major" because it is an administrative change, and no additional burdens are imposed on the parties affected.

List of Subjects

40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Fossil-fuel fired steam generators, Glass and glass products, Grain, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate fertilizer, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

40 CFR Part 61

Intergovernmental relations, Air pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

(Sec. 111(c), 112(d) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411(c), 7412(d) and 7601(a)).

Dated: July 6, 1984.

Valdas V. Adamkus,

Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.4(b) is amended by revising subparagraph (KK) to read as follows:

§ 60.4 Address.

(b) * * *

* * * * *

(KK) State of Ohio—

Medina, Summit and Portage Counties; Director, Air Pollution Control, 177 South Broadway, Akron, Ohio 44308.

Stark County; Director, Air Pollution Control Division, Canton City Health Department, City Hall Annex Second Floor, 218 Cleveland Avenue S.W., Canton, Ohio 44702.

Butler, Clermont, Hamilton and Warren Counties; Director, Southwestern Ohio Air Pollution Control Agency, 2400 Beekman Street, Cincinnati, Ohio 45214.

Cuyahoga County; Commissioner, Division of Air Pollution Control, Department of Public Health and Welfare, 2735 Broadway Avenue, Cleveland, Ohio 44115.

Belmont, Carroll, Columbiana, Harrison, Jefferson, and Monroe Counties; Director, North Ohio Valley Air Authority (NOVAA), 814 Adams Street, Steubenville, Ohio 43952.

Clark, Darke, Greene, Miami, Montgomery, and Preble Counties; Supervisor, Regional Air Pollution Control Agency (RAPCA), Montgomery County Health Department, 451 West Third Street, Dayton, Ohio 45402

Lucas County and the City of Rossford (in Wood County); Director, Toledo Pollution Control Agency, 26 Main Street, Toledo, Ohio 43605.

Adams, Brown, Lawrence, and Scioto Counties; Engineer-Director, Air Division, Portsmouth City Health Department, 728 Second Street, Portsmouth, Ohio 45662.

Allen, Ashland, Auglaize, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Marion, Mercer, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, Wood (except City of Rossford), and Wyandot Counties; Ohio Environmental Protection Agency, Northwest District Office, 1035 Devlac Grove Drive, Bowling Green, Ohio 43402.

Ashtabula, Holmes, Loraın, and Wayne Counties; Ohio Environmental Protection Agency, Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Athens, Coshocton, Gallia, Guernsey, Hocking, Jackson, Meigs, Morgan, Muskingum, Noble, Perry, Pike, Ross, Tuscarawas, Vinton, and Washington Counties; Ohio Environmental Protection Agency, Southeast District Office, Air Pollution Group, 2195 Front Street, Logan, Ohio 43138.

Champaign, Clinton, Highland, Logan, and Shelby Counties; Ohio Environmental Protection Agency, Southwest District Office, 7 East Fourth Street, Dayton, Ohio 45402.

Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, Morrow, Pickaway, and Union Counties; Ohio Environmental Protection Agency, Central District Office, Air Pollution Group, 361 East Broad Street, Columbus, Ohio 43215.

Geauga and Lake Counties: Lake County General Health District, Air Pollution Control, 105 Main Street P.O. Box 490 Painesville, Ohio 44077

Mahoning and Trumbull Counties; Mahoning-Trumbull Air Pollution Control, Metropolitan Tower, Room 404, 1 Federal Plaza West, Youngstown, Ohio 44503

* * * * *

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

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

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

§ 61.04 Address.

* * * * *

(b) * * *

(KK) State of Ohio—

Medina, Summit and Portage Counties; Director, Air Pollution Control, 177 South Broadway, Akron, Ohio 44308.

Stark County; Director, Air Pollution Control Division, Canton City Health Department, City Hall Annex Second Floor, 218 Cleveland Avenue S.W., Canton, Ohio 44702.

Butler, Clermont, Hamilton and Warren Counties; Director, Southwestern Ohio Air Pollution Control Agency, 2400 Beekman Street, Cincinnati, Ohio 45214.

Cuyahoga County; Commissioner, Division of Air Pollution Control, Department of Public Health and Welfare, 2735 Broadway Avenue, Cleveland, Ohio 44115.

Belmont, Carroll, Columbiana, Harrison, Jefferson, and Monroe Counties; Director, North Ohio Valley Air Authority (NOVAA), 814 Adams Street, Steubenville, Ohio 43952.

Clark, Darke, Greene, Miami, Montgomery, and Preble Counties; Supervisor, Regional Air Pollution Control Agency (RAPCA), Montgomery County Health Department, 451 West Third Street, Dayton, Ohio 45402

Lucas County and the City of Rossford (in Wood County); Director, Toledo Pollution Control Agency, 26 Main Street, Toledo, Ohio 43605.

Adams, Brown, Lawrence, and Scioto Counties; Engineer-Director, Air Division, Portsmouth City Health Department, 728 Second Street, Portsmouth, Ohio 45662.

Allen, Ashland, Auglaize, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Marion, Mercer, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, Wood (except City of Rossford), and Wyandot Counties; Ohio Environmental Protection Agency, Northwest District Office, Air Pollution Group 1035 Devlac Grove Drive, Bowling Green, Ohio 43402.

Ashtabula, Holmes, Loraın, and Wayne Counties; Ohio Environmental Protection Agency, Northeast District Office, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Athens, Coshocton, Gallia, Guernsey, Hocking, Jackson, Meigs, Morgan, Muskingum, Noble, Perry, Pike, Ross, Tuscarawas, Vinton, and Washington Counties; Ohio Environmental Protection Agency, Southeast District Office, Air Pollution Group, 2195 Front Street, Logan, Ohio 43138.

Champaign, Clinton, Highland, Logan, and Shelby Counties; Ohio Environmental Protection Agency, Southwest District Office, 7 East Fourth Street, Dayton, Ohio 45402.

Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, Morrow, Pickaway, and Union Counties; Ohio Environmental Protection Agency, Central District Office, Air Pollution Group, 361 East Broad Street, Columbus, Ohio 43215.

Geauga and Lake Counties: Lake County General Health District, Air Pollution Control, 105 Main Street, P.O. Box 490 Painesville, Ohio 44077

Mahoning and Trumbull Counties; Mahoning-Trumbull Air Pollution Control, Metropolitan Tower, Room 404, 1 Federal Plaza West, Youngstown, Ohio 44503

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[FR Doc. 84-18700 Filed 7-13-84; 8:45 am]

BILLING CODE 6560-50-M

LEGAL SERVICES CORPORATION

45 CFR Part 1629

Bonding of Recipients

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This rule requires any non-governmental recipient of Corporation funds to obtain a bond or bonds to indemnify such recipients against loss resulting from the fraud or lack of integrity, honesty or fidelity of directors, officers, employees or agents of such recipients. It provides protection for recipients and the Corporation against such acts and ensures that scarce resources will not be misappropriated.

EFFECTIVE DATE: August 16, 1984.

FOR FURTHER INFORMATION CONTACT: Richard N. Bagenstos, Assistant General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION: On June 6, 1984, the Legal Services Corporation published in the Federal Register (49 FR 23395) a proposed rule concerning a requirement that all recipients carry fidelity bonds to cover those affiliated with the programs who handle LSC funds. The proposed rule would have set the level of the bond required at twenty-five (25) percent of the program's annualized LSC funding level. Interested parties were given thirty days, until July 6, 1984, to submit comments on the proposed rule. Twenty-two comments were received by the end of the comment period and were given thorough consideration. Other comments received after the comment period closed also were reviewed, and no new issues were raised in those comments.

This rule implements a policy articulated by the Corporation's Board

at its meeting in Savannah, Georgia on March 30, 1984, that all persons who handle Corporation funds granted to recipients be bonded against loss due to fraud or dishonesty. Instances of dishonesty such as misappropriation of funds for personal use, embezzlement of funds, personal use of program credit cards, falsification of travel and housing documents, defalcation of petty cash funds, misuse of client trust funds and embezzlement of interest payments involving programs in various parts of the country have been documented by the Corporation. Sanctions in these cases have ranged from reprimands through discharge to successful criminal prosecution. While in some cases restitution was made, in others, where the programs were not bonded, they absorbed the losses. If a mandatory bonding requirement had been in place at the time of such incidents, the programs would not have been forced to bear the entire loss. The Corporation's research reveals that most programs currently carry coverage against fraud and dishonesty at some level. The purpose of this regulation is to make mandatory a requirement for adequate protection for the limited funds available to serve eligible clients.

This rule is authorized by the mandate in the Legal Services Corporation Act, as amended, to provide economical and effective legal assistance to eligible clients, and to ensure the compliance of recipients and their employees with the provisions of the Act, regulations, rules and guidelines promulgated by the Corporation.

Section 1629.1 of the rule requires that a program carry bond coverage of a value equal to at least ten (10) percent of the progam's previous year annualized LSC funding level, or a minimum of $50,000. The proposed rule would have required a bond equal to twenty-five (25) percent of a program's annual LSC funding level. On the basis of comments received as well as on its own extensive study of the matter, the Corporation has determined that a level of 10% of annualized funding would provide adequate protection for all but the smallest programs. The $50,000 minimum level was set on the basis of comments and in response to the recognition that a loss to a small program is proportionately greater in effect than a similar one to a large program. Language was added to make it clear that the requirement extended to new grantees or contractors as well as those already receiving LSC funds.

A number of comments suggested that the level be set by each local program. After consideration, the Corporation determined to retain a mandatory level of bonding, to ensure adequacy of coverage. While proper coverage varies with circumstances, a preponderence of the comments appeared to agree that a 10% level is adequate protection and not excessive or burdensome in cost.

Section 1629.2 of the rule requires that at least those directors, officers, employees and agents who handle funds or property of the program as defined in Section 1629.3 shall be covered by the required bond or bonds to protect the program against loss due to acts of fraud and dishonesty on the part of such persons.

Section 1629.3 provides guidance concerning what constitutes the handling of funds or property. Generally, handling means a relationship to the funds or property which gives rise to a risk of loss. Such risk of loss can occur through physical contact with cash, etc. However, persons who from time to time perform counting, packaging, tabulating, messenger or similar duties of an essentially clerical character involving physical contact with funds or other property would not be "handling" when they perform these duties under conditions and circumstances where risk of loss is negligible because of factors such as close supervision and control or the nature of the property.

Risk of loss may also arise through the power to exercise contact or control, or the power to transfer property. If a person meets such criteria, this rule requires that he or she be covered by the bond, whether individual or blanket. Persons who actually disburse funds or property or sign checks or similar instruments should be considered as being in this category. Whether other persons who may influence, authorize or direct disbursements or the signing or endorsing of checks or similar instruments would be considered to be "handling" funds or other property should be determined by reference to the risk of loss arising from the particular duties or responsibilities of such persons.

A person with supervisory authority over those described above may be considered "handling" under the terms of the proposed rule. However, to the extent that only general responsibility for the conduct of the business affairs of the program is involved, including such functions as approval of contracts, authorization of disbursements, auditing of accounts and similar responsibilities, such persons would be considered to be "handling" only when the facts of the particular case raise the possibility that funds or other property of the program are likely to be lost in the event of fraud or dishonesty. The mere fact of general supervision would not necessarily, in and of itself, mean that such persons are "handling."

In Section 1629.4, the rule defines "fraud" and "dishonesty" as used in this Part. That section makes it clear that the major criterion is risk of loss of the program, and that the required bond must provide for recovery for loss even though the act giving rise to the loss by the program does not result in personal gain for the person committing the act.

Section 1629.5 describes permissible forms of bonds, making it clear that blanket or schedule bonds are appropriate as well as individual bonds which aggregate at least the required level of ten (10) percent of the program s annualized funding.

Section 1629.6, providing that programs which choose to bond individuals rather than to carry a blanket bond for the program shall fix the amount required annully pursuant to a formula provided in that section, has been deleted in response to comments. This deletion does, not, however, prevent the use of individual bonds to fulfill the requirement of the regulation so long as such bonds aggregate to the minimum required coverage.

Section 1629.7, providing that the programs must report bond coverage in their applications for refunding, beginning with FY 1935, has been renumbered 1629.6.

List of Subjects in 45 CFR Part 1629

Legal services, Bonding.

For the reasons set out in the preamble a new 45 CFR Part 1629 is added as follows:

PART 1629—BONDING OF RECIPIENTS

Sec.

1629.1 General.
1629.2 Persons required to be bonded.
1629.3 Criteria for determining handling.
1629.4 Meaning of fraud or dishonesty.
1629.5 Form of bonds.
1629.6 Effective date.

Authority: Secs. 1006(b)(1)(A) and 1007(a)(3), Pub. L. 93-355, as amended, Pub. L. 95-222 (42 U.S.C. 2996e(1)(A) and 2996f(3)).

§ 1629.1 General.

(a) If any program which receives Corporation funds is not a government, or an agency or instrumentality thereof, such program shall carry fidelity bond coverage at a minimum level of at least ten (10) percent of the program's annualized LSC funding level for the previous fiscal year, or of the initial grant or contract, if the program is a new grantee or contractor. No coverage

carried pursuant to this part shall be at a level less than $50,000.

(b) A fidelity bond is a bond indemnifying such program against losses resulting from the fraud or lack of integrity, honesty or fidelity of one or more employees, officers, agents, directors or other persons holding a position of trust with the program.

§ 1629.2 Persons required to be bonded.

(a) Every director, officer, employee and agent of a program who handles funds or property of the program shall be bonded as provided in this Part.

(b) Such bond shall provide protection to the program against loss by reason of acts of fraud or dishonesty on the part of such director, officer, employee or agent directly or through connivance with others.

§ 1629.3 Criteria for determining handling.

(a) The term "handles" shall be deemed to encompass any relationship of a director, officer, employee or agent with respect to funds or other property which can give rise to a risk of loss through fraud or dishonesty. This shall include relationships such as those which involve access to funds or other property or decision-making powers with respect to funds or property which can give rise to such risk of loss.

(b) Subject to the application of the basic standard of risk of loss to each situation, the criteria for determining whether there is "handling" so as to require bonding are:

(1) Physical contact with cash, checks or similar property;

(2) The power to secure physical possession of cash, checks or similar property such as through access to a safe deposit box or similar depository, access to cash or negotiable instruments and assets, power of custody or safe-keeping, or the power to borrow or withdraw funds from a bank or other account whether or not physical contact actually takes place;

(3) The power to transfer or cause to be transferred property such as mortgages, title to land and buildings, or securities, through actual or apparent authority, to oneself or to a third party, or to be negotiated for value.

(c) Persons who actually disburse funds or other property, such as officers authorized to sign checks or other negotiable instruments, or persons who make cash disbursements, shall be considered to be "handling" such funds or property.

(d) In connection with disbursements, any persons with the power to sign or endorse checks or similar instruments or otherwise render them transferable, whether individually or as cosigners with one or more persons, shall each be considered to be "handling" such funds or other property.

(e) To the extent a person's supervisory or decision-making responsibility involves factors in relationship to funds discussed in subparagraphs (b) (1), (2), (3), or paragraphs (c) and (d) of this section, such persons shall be considered to be "handling" in the same manner as any person to whom the criteria of those subparagraphs apply.

§ 1629.4 Meaning of fraud or dishonesty.

The term "fraud or dishonesty" shall be deemed to encompass all those risks of loss that might arise through dishonest or fraudulent acts in the handling of funds as delineated in § 1629.3. As such, the bond must provide recovery for loss occasioned by such acts even though no personal gain accrues to the person committing the act and the act is not subject to punishment as a crime or misdemeanor, provided that within the law of the state in which the act is committed, a court could afford recovery under a bond providing protection against fraud or dishonesty. As applied under state laws, the term "fraud or dishonesty" encompasses such matters as larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, wrongful conversion, willful misapplication or any other fraudulent or dishonest acts.

§ 1629.5 Form of bonds.

Any form of bond which may be described as individual, schedule or blanket, or any combination of such forms of bonds, shall be acceptable to meet the requirements of this Part. The basic types of bonds in general usage are:

(a) An individual bond which covers a named individual in a stated penalty;

(b) A name schedule bond which covers a number of named individuals in the respective amounts set opposite their names;

(c) A position schedule bond which covers all of the occupants of positions listed in the schedule in the respective amounts set opposite such positions;

(d) A blanket bond which covers all the insured's directors, officers, employees and agents with no schedule or list of those covered being necessary and with all new directors, officers, employees and agents bonded automatically, in a blanket penalty.

§ 1629.6 Effective date.

(a) Each program shall certify in its Application for Refunding, beginning with the application for FY 1985 funds, that it has obtained a bond or bonds which satisfy the requirements of this Part.

(b) A copy of such bond or bonds shall be provided to the Corporation at its request.

Dated: July 11, 1984.

Alan R. Swendiman,

General Counsel.

[FR Doc. 84-18715 Filed 7-13-84; 8:45 am]

BILLING CODE 6820-35-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039 and 1300

[Ex Parte No. 387]

Railroad Transportation Contracts

AGENCY: Interstate Commerce Commission.

ACTION: Interim rules and request for comments.

SUMMARY: This action is taken pursuant to a court decision in *Water Transport Ass'n* v. *ICC*, 722 F.2d 1025 (2nd Cir. 1983). While the court essentially affirmed the current rules for rail contract disclosure, found the current rules too restrictive and it ordered a limited remand for the promulgation of rules to provide less strict "second-tier" discovery for parties with standing to challenge the contracts. Interim rules are established to implement the court's decision.

DATES: (1) The rules in the appendix are adopted as interim rules effective on July 16, 1984.

(2) Notice of intent to participate must be made by July 26, 1984. An original and 10 copies of comments will be due 20 days after service date of the service list. Replies will be due 20 days thereafter. Both comments and replies must be served on parties to the service list.

ADDRESS: Send a notice of intent to participate and comments in Ex Parte No. 387 to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll-free (800) 424 5403.

These interim rules will not have a significant economic impact on a

substantial number of small entities, based on our prior analysis in *Railroad Transportation Contracts*, 367 I.C.C. 9, 36–37 (1982). The rules will only further define the scope of affected parties and the procedures for obtaining inspection of contract terms. The current rules presently have established procedures; the interim and final rules will further define and expedite these procedures.

This action will not significantly affect either the quality of the human environment or energy conservation.

Authority: 49 U.S.C. 10321 and 10713; and 5 U.S.C. 553.

List of Subjects in 49 CFR Parts 1039 and 1300

Freight, Maritime carriers, Pipelines, Contracts.

Decided: July 27, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Vice Chairman Andre dissented with a separate expression.

James H. Bayne,

Secretary.

Appendix

49 CFR Parts 1300 and 1039 are amended as follows:

PART 1300—FREIGHT TARIFFS; RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

1. In § 1300.310, paragraph (b) is amended by revising paragraphs (b)(1) and (b)(2), and by adding new paragraphs (b)(3) and (b)(4), to read as follows:

§ 1300.310 Filing and availability of contract amendments, contract summary and contract summary supplements.

* * * * *

(b)(1) The contract filed under these rules or specific terms not in the contract summary shall not be available for inspection by persons other than the parties to the contract and authorized Commission personnel, except by petition showing that the petitioner has standing, is affected by the contract, and has a demonstrated need for access to additional contract information to perfect a formal complaint under 49 U.S.C. 10713(d).

(2) To demonstrate that it is affected by the contract at issue, a petitioner shall:

(i) Identify the provisions under which it is seeking relief;

(ii) Describe the circumstances which it believes place it in a position to be harmed by the contract, including—

(A) The nature and size of the business of the complainant;

(B) The relevent commodities that it ships or receives;

(C) The location of the relevant points of origin or destination, including whether it consigns or receives the contract commodity at each location, at which locations the complainant's facilities are located and what railroads serve each location; and

(D) Any additional information specific to the particular kind of complaint; and

(iii) Show to a reasonable degree, why it believes the contract or kind of contract could actually or potentially cause injury for which statutory protection is available.

(3) Discovery requests will be initially decided by the Commission's Suspension Board. Petitions shall be filed at the same time the complaint is filed, but no later than 18 days from the filing of the contract and contract summary. Petitions shall specifically note on the front page "Petition for Discovery—Suspension Board" and note the designated contract number. Complainant must certify that a copy of the petition and complaint has been sent to the contracting carrier(s) either by hand, express mail, or other overnight delivery service the same day as filed at the Commission. Replies to the petition and complaint are due within 5 days of the filing of the discovery request and complaint and in no event later than noon on the 23rd day following filing of the contract. We anticipate that the Suspension Board will rule on the discovery request within 2 days of the carrier's reply and in no event later than the 26th day following the contract. A party may appeal from a decision by the Suspension Board within 2 days from the date of decision. The appeal shall be filed with the Suspension Board for handling and will be considered by the entire Commission. Telegraphic notice or its equivalent must be given to the opposing party. Replies are due 1 day later. In the event that discovery is granted by the Suspension Board and that decision is undisturbed by the Commission, the contracting carrier(s) shall provide the required information by the 31st day following the filing of the contract. A decision of the Suspension Board granting discovery shall operate to institute a proceeding to review the contract. Unless the Commission, on appeal or upon its own motion, overturns the Board's decision by the 30th day following the filing of the contract, approval of the contract shall be postponed until the 60th day following the filing of the contract, or until the Commission issues a decision approving or disapproving the contract. Where discovery has been granted, petitioner s amended complaint (if any) will be due no later than 35 days following filing of the contract. The reply from the contracting carrier(s) will be due by the 40th day.

(4) *Protective order.* The following order applies to any petitioner and its duly authorized agents who are granted discovery to inspect the contract or its terms: *Order.* Petitioner and carriers, and their duly authorized agents agree to limit to the subject complaint proceeding, the use of contract information or other confidential commerical information which may be revealed in the contract, the complaint, or the reply (or where an investigation is initiated the amended complaint or the reply to the amended complaint). This agreement shall be a condition to the inspection of any contract by a complainant and shall operate similarly on a carrier in possession of confidential information which may be contained in a complaint. Any information pertaining to parties to the contract, or subject to the contract (including consignors, consignees and carriers) or pertaining to the terms of the contract, or relating to the complainant's confidential commercial information shall be kept confidential; neither the information nor the existence of the information shall be disclosed to third parties, except for: (i) Consultants or agents who agree, in writing, to be bound by this regulation; (ii) information which is publicly available; and (iii) information which, after receipt, becomes publicly available through no fault of petitioner, or is acquired from a third party free of any restriction as to its disclosure. The petitioner or carrier must take all necessary steps to assure that the information will be kept confidential by its employees and agents. No copies of the contract terms are to be retained subsequent to the termination of the proceeding or the expiration of Commission jurisdiction under 49 CFR 1039.3(f). This protective order may be amended by mutual consent.

* * * * *

2. In § 1300.311, paragraph (b)(4) is revised to read as follows:

§ 1300.311 Contract and contract summary title pages.

* * * * *

(b) * * *

(4) In the center lower portion, the issuing individual's name and address. The name of the individual for service of a complaint and request for discovery also should be noted, if different from the issuing individual. If not otherwise

noted, complainants may rely on service to the issuing individual.

* * * * *

PART 1039—CONTRACTS

3. In § 1039.3, paragraph (d)(3) is revised to read as follows:

§ 1039.3 Filing and approval.

* * * * *

(d) * * *

(3) An original and 6 copies of each plus 2 transmittal letters shall be filed with the Commission in an envelope labeled "Suspension Board—Confidential Contract Material."

* * * * *

[FR Doc. 84-18696 Filed 7-13-84; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 40675-4075]

Atlantic Surf Clam and Ocean Quahog Fisheries

Correction

In FR Doc. 84-17456 beginning on page 27156 in the issue of Monday, July 2, 1984, make the following corrections:

On page 27157, first column, fourth complete paragraph, second and third lines, "in from" should have read "inform" In the fourth line, "on" should have read "no"

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 49, No. 137
Monday, July 16, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 771

Agency Administrative Grievance System

AGENCY: Office of Personnel Management.

ACTION: Proposed rule amendment and request for comments.

SUMMARY: This amendment to OPM regulations would clarify the meaning of one of the regulatory exclusions of subject matter from coverage under the agency administrative grievance system. This exclusion concerns nonselection for promotion from a group of properly ranked and certified candidates, and as amended, would also exclude decisions not to promote an employee noncompetitively.

DATE: Comments must be received on or before September 14, 1984.

ADDRESS: Written comments may be sent or delivered to the Appellate Policies Division, Room 7459, Office of Policy and Communications, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Gary D. Wahlert, Office of Employee, Labor and Agency Relations, (202) 254–5200.

SUPPLEMENTARY INFORMATION: Current regulations exclude certain agencies, employees, and matters from coverage of the agency administrative grievance system. One of the subject matters not grievable is "nonselection for promotion from a group of properly ranked and certified candidates."

Guidance contained in the Federal Personnel Manual Chapter 771 stated that "the principle of nonselection for promotion includes the decision not to promote an employee noncompetitively, e.g., nonpromotion of an employee in a career ladder classification series." However, after review of this FPM provision, the Merit Systems Protection Board concluded that it was inconsistent with the regulatory exclusion it explained and declared the FPM guidance invalid.

OPM believes that nonselection for promotion, whether it concerns a competitive or a noncompetitive circumstance, is a function of management not subject to administrative grievance system review. Accordingly, OPM proposes to amend its regulations by adding language that excludes grievances over management decisions not to promote an employee noncompetitively. The amended exclusion then would also apply to any noncompetitive promotion decision (or lack of decision), including decisions not to promote an employee occupying a position in a career ladder series.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 771

Administrative practice and procedure, Government employees.

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

PART 771—AGENCY ADMINISTRATIVE GRIEVANCE SYSTEM

Accordingly, OPM proposes to revise 5 CFR § 771.206(c)(1)(iii) to read as follows:

§ 771.206 Exclusions.

* * * * *

(c) *Matters excluded.*

(1) * * *

(iii) Nonselection for promotion from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion.

* * * * *

(5 U.S.C. 1302, 3301, 3302, 7301)

[FR Doc. 84-18027 Filed 7-13-84; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1033

[Docket No. AO-166-A52]

Milk in the Ohio Valley Marketing Area; Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends several changes in the Ohio Valley milk marketing order based on proposals considered at a public hearing held in October 1983. The recommended changes would: (1) Eliminate minus location adjustments at plants located outside the marketing area and generally to the south and east of such area; (2) impose a charge on handler payment obligations that are overdue; (3) reduce the qualification requirements for pool plants; (4) adopt less-restrictive diversion provisions; and (5) revise certain handler reporting requirements. Also, the decision recommends changing the method of payment for bulk fluid milk products received from a pool plant operated by a cooperative association. These revisions are necessary to reflect current marketing conditions and to assure orderly marketing in the area.

DATE: Comments are due on or before August 6, 1984.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202) 447-7183.

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

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. The amendments would promote orderly marketing of milk by producers and regulated handlers.

The hearing notice specifically invited interested persons to present evidence concerning the probable regulatory and informational impact of the proposals on small businesses. However, no participants at the hearing testified about any potentially significant impact of the proposals on small businesses.

Prior documents in this proceeding:

Notice of Hearing: Issued September 26, 1983; published September 29, 1983 (48 FR 44565).

Suspension Order: Issued December 6, 1983; published December 12, 1983 (48 FR 55275).

Suspension Order: Issued December 12, 1983; published December 16, 1983 (48 FR 55829).

Suspension Order: Issued January 12, 1984; published January 17, 1984 (48 FR 1980).

Termination Order: Issued February 24, 1984; published February 29, 1984 (49 FR 7353).

Suspension Order: Issued March 16, 1984; published March 22, 1984 (49 FR 10656).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this partial recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Ohio Valley marketing area, and the opportunity to file written exceptions thereto. This notice 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 applicable rules of practice and procedure governing the formulation of marketing agreement and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the Federal Register. Four copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Columbus, Ohio, on October 12–13, 1983, pursuant to a notice of hearing issued September 26, 1983 (48 FR 44565).

The material issues on the record of the hearing relate to:

1. Pool plant qualification requirements.
   (a) Distributing plant.
   (b) Supply plant.
   (c) Balancing plant operated by a cooperative association.
2. Diversion of producer milk.
   (a) Diversions between pool plants.
   (b) Producer delivery requirement.
   (c) Diversions from a pool plant to a nonpool plant.
   (d) Limitation on diversions to nonpool plants.
3. Location adjustments.
4. Elimination of the "take-out/pay-back" producer payment plan.
5. Adoption of an advertising and promotion program.
6. Administrative provisions.
   (a) Charges on overdue accounts.
   (b) Payments by handlers for milk received from a pool plant operated by a cooperative association.
   (c) Other reports.

This decision deals with all of the aforementioned issues except issues 4 and 5. A prior action dealt with issue 4 in which a termination order was issued on February 24, 1984 (49 FR 7353). The remaining issue 5 is reserved for a later decision.

Findings and Conclusions

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

1. *Pool plant qualification requirements.* In connection with the issue of pool plant qualification requirements, several proposals were considered at the hearing. The pool plant qualification requirements for distributing plants, supply plants, and balancing plants operated by cooperatives are discussed in the following findings.

(a) *Distributing plant.* The total route disposition requirement, which varies seasonally and must be met by distributing plants to qualify for pool status under the order, should be reduced by ten percentage points each month. The minimum requirement should be lowered from 50 to 40 percent of a plant's receipts for the months of September through February and from 45 to 35 percent of such receipts in the months of March through August.

Beatrice Foods Company (Beatrice) and Defiance Milk Products Company (Defiance) proposed that the minimum route disposition requirement be reduced by 10 percentage points each month. Beatrice operates four distributing plants that are fully regulated under the order. Defiance operates a nonpool manufacturing plant at Defiance, Ohio. Until September 1983, this plant had been a pool supply plant under the order for many years.

The Beatrice witness testified that it qualifies its four distributing plants as a unit. Under this pooling arrangement, the receipts and disposition of each distributing plant in the unit are combined and treated as a single plant for the purpose of meeting the total route disposition requirement. However, he indicated that it has been extremely difficult for the handler to meet this requirement even on a unit basis in certain months without depooling some of the milk of dairy farmers and/or making uneconomic milk movements. This is evidenced by the numerous requests by the handler that the requirements be suspended.

For instance, these requirements were suspended for certain spring and summer months of 1982 and 1983 at the request of the handler. Also, since the hearing, these requirements were further suspended, for December 1983 through August 1984 at the request of Beatrice.[1]

The witness for Beatrice testified that the supply-demand conditions justifying his company's past suspension requests can no longer be considered temporary. He stated that the market's producer receipts have risen gradually over the past few years, while at the same time Class I sales have declined dramatically. This trend has been even more pronounced lately and a year-round reduction in the route dispostion standards is warranted now, in the handler's opinion.

A witness for the other proponent, Defiance, also testified in support of reducing the minimum route disposition requirement. He testified that adoption of a lower pooling standard for a distributing plant would assist him in maintaining a supply arrangement that has existed for many years between his supply plant and the local pool distributing plant of Arps Jersey Farms (Arps) during the period that his supply plant is not a fully regulated pool plant under the order.

A witness for Arps also testified in support of the proposal to lower the route disposition requirement. The handler witness testified that additional flexibility is needed to accommodate the recent changes in marketing conditions. Since the distributing plant's source of supplemental supplies (the former pool supply plant of Defiance) is no longer a

[1] Official notice is taken of the issuance of three suspension orders by the Department on December 12, 1983, January 12, 1984, and March 19, 1984, respectively.

pool plant, the only practical means for such handler to continue his relationship with such plant is for him to associate the milk of producers who were formerly shipping to the Defiance supply plant with his distributing plant and divert any excess seasonal supplies to the nonpool manufacturing plant of Defiance. In view of these circumstances, the distributing plant operator contends that the lower minimum pooling requirements will be needed to safely assure pool status for all of the milk supplies associated with his distributing plant. He further testified that since the Defiance supply plant is no longer a pool plant, supplemental milk received at his pool distributing plant from such supply plant is considered a receipt from an unregulated supply plant under the order and any such milk assigned to Class I at his pool distributing plant is subject to a compensatory charge.

The National Farmers Organization (NFO) also supported the joint proposal of Beatrice and Defiance to lower the route disposition requirements for distributing plants. NFO took the position that the proposed change is warranted to accommodate the pooling of milk of producers who have been historically associated with the market in the most efficient manner.

The Ohio Valley order became effective with the merger of five Federal milk orders in 1970. The current total route disposition percentages for distributing plants were adopted at that time.

Record data indicate that Class I use of the market's producer milk averaged 68 percent during 1971, which was the first full year's operation of the order. In contrast, fluid use represented only 58 percent (10 percentage points lower) of producer milk during 1982. Moreover, the relationship between producer receipts and Class I sales has deteriorated further. For instance, producer receipts in the first eight months of 1983 were up nine percent from the same months a year earlier while producer milk used in Class I was down five percent during the period. Class I use represented less than 50 percent of the market's producer milk during the first eight months of 1983. With a supply-demand balance considerably different now from when the minimum route disposition requirement was adopted, it is appropriate that the requirement be adjusted downward to reflect current marketing conditions.

Milk Marketing Inc. (MMI) the market's principal cooperative, opposed the proposal at the hearing primarily on the basis that, if the lower requirements are adopted, milk which is eligible for pool status could be pre-committed to manufacturing uses and not be available to meet the market's fluid needs. The association was also concerned that additional milk supplies could be attached to the Ohio Valley market.

The cooperative's opposition is purely speculation. There is no evidence on this record that the marketing practices which concern the association are likely to take place. Furthermore, there is no basis to conclude that the lower pooling requirements for distributing plants would jeopardize the milk supply for bottling plants in this market.

Also, the change should not result in additional milk becoming associated with this market, because essentially all of the milk eligible for fluid uses in this general area is already pooled under this or another order. Rather, this change should enable more efficient pooling of the market's current milk supplies under existing marketing conditions. Accordingly, the objections of MMI to the adoption of the proposal must be overruled.

(b) *Supply Plant.* The minimum delivery requirement to qualify a supply plant for pool status under the order each month should be reduced 15 percentage points from 50 percent to 35 percent of such plant's receipts. Also, the order should provide that a supply plant may qualify for pool status on the basis of both transfers and diversions of milk from the supply plant to pool distributing plants. However, such qualification credit for diversions should be limited to not more than one-half of the required deliveries.

A proposal to lower the monthly delivery requirement for supply plants from 50 percent to 35 percent was made by Defiance Milk Products Company. Beatrice supported the proposal. Arps, the Defiance, Ohio, pool distributing plant operator who has relied on the former pool supply plant of Defiance to furnish it with milk in the past, also supported the lower pooling requirement for supply plants.

Proponent stated that the lower delivery requirement is warranted because of changes in marketing conditions. In this connection, proponent cited several changes in marketing conditions that justify a downward adjustment in the order's supply plant performance requirement. He testified that generally the market's milk production is up and fluid sales are down.

He also testified about how the closing of a Babcock Dairy Company (Babcock) pool distributing plant located at Toledo, Ohio in April 1983 impacted on his operations. Proponent pointed out that his supply plant had been pooled under the order for many years, based in large part on its shipments to this distributing plant. Consequently, when that handler ceased fluid milk operations, the supply plant lost a significant outlet for its milk. He was unable to make arrangements with other distributing plants to buy his milk. Hence, when the new qualifying period for supply plants began on September 1, 1983, his supply plant could not meet the 50-percent requirement to quality as a pool plant. Thus, the producers who had shipped their milk to the Defiance supply plant for many years had to find another outlet for their milk because the nonpool plant operator was not in a position to pay a competitive price to such dairy farmers when their milk was not pooled.

As was the case with the minimum route disposition requirement for distributing plants, the minimum shipping requirement (50 percent) for supply plants was adopted for this market when the merged Ohio Valley order became effective in 1970. This market's supply-demand balance has changed significantly since that time.

For instance, during 1971 producer milk used in Class I represented 63 percent of producer deliveries. In contrast, Class I utilization of producer milk for the market was more than 18 percentage points lower and averaged less than 90 percent during the first eight months of 1983.

It should be noted that the trend to fewer and larger milk processing plants in addition to the increase in milk production and decrease of fluid milk sales has had a significant impact on the method of marketing milk under the Ohio Valley order. For instance, the record shows that nineteen distributing plants that were pooled under the order in January 1978 were not pool plants for August 1983.

In view of the foregoing, supply plant operators should be afforded as much flexibility as is prudent and practical under the order to deal with these changes in marketing conditions. Accordingly, it is appropriate that the delivery requirement for supply plants be reduced at this time to more nearly reflect prevailing marketing conditions. The 35-percent delivery requirement adopted herein effectively places such minimum requirement at about the same level of performance now with respect to the marketwide Class I utilization as it was when the 50-percent requirement was adopted.

The 35-percent delivery requirement is a reasonable and realistic standard for supply plants. It will continue to insure a

substantial association of a plant's milk supplies with the market's fluid needs but at a level that will not impede the pooling of plants regularly supplying the marketing area. At the same time, it will tend to avoid the possiblility of supply plant operators engaging in unnecessary and uneconomic milk movements simply for pool qualification purposes as has been the case in some instances.

MMI opposed the proposal to lower the delivery requirement for supply plants for the same reasons that the cooperative opposed the proposal to reduce the route disposition requirements for distributing plants. It would burden this decision to reiterate the same positions and rulings in connection with this issue since those arguments have already been dealt with in earlier findings of this decision. Accordingly, the cooperative's objections are overruled for the same reasons they were with respect to the lower requirements for distributing plants.

In connection with the issue of appropriate pooling requirements for supply plants, MMI proposed that a supply plant operator be permitted to deliver milk directly from the farms of producers and count such deliveries for qualification purposes. The witness for the cooperative testified that the adoption of this proposal would encourage efficiency in moving milk supplies to distributing plants when needed. In this regard, he indicated that while supply plants may be needed to meet daily variations in demand for fluid milk at distributing plants, much of the milk that goes through supply plants in this market could be moved more efficiently directly from the farm to such processing plants. In such cases, he claimed, it would be appropriate to accommodate such direct movements of milk under the order by crediting the supply plant with the delivery for qualification purposes.

As the proposal appeared in the hearing notice, a supply plant could qualify entirely on diversions of milk from the supply plant to pool distributing plants. However, MMI modified its proposal at the hearing to allow only up to one-half of the required deliveries to be met by diversion from the farms of producers. The cooperative considered such a limit necessary to insure that any supply plant qualified under the order has a "bona fide" association with this market.

A witness for MMI testified that the cooperative operates a supply plant located a Sardinia, Ohio. Some of the farms of producers associated with the plant are situated between Sardinia and Cincinnati where the pool distributing plants serviced by the Sardinia operation are located. Under the MMI proposal, milk could be moved directly from the farms of producers to a distributing plant in Cincinnati and be counted as a qualifying delivery from the Sardinia supply plant.

Under the current order provisions, only the milk received at a supply plant and then transferred to a distributing plant counts toward a supply plant's qualification as a pool plant. This requirement, however, in some cases results in milk movements and milk handling practices that are other than the most economical and efficient. Allowing up to one-half of the required deliveries to be made by diversion, will give supply plant operators more flexibility in moving their milk supplies.

Defiance supported the proposal of MMI as contained in the hearing notice to allow all qualifying deliveries from supply plants to be diverted to pool distributing plants. The handler spokesman considered MMI's modification of its initial proposal to be unnecessary. However, the spokesman for Defiance recognized that some limit on using diversions for the purpose of qualifying supply plants may be needed to prevent a distant plant having no association with this market from becoming pooled under the order.

To the extent possible, the order should promote efficient milk handling practices. By permitting a supply plant operator to move at least part of the milk supplies associated with such plant directly from farms to distributing plants and to count such movements as part of the supply plant's qualifying deliveries promotes economic and efficient milk movements. As indicated, there are obvious savings in hauling costs that could be achieved in this market under such an arrangement. In addition, extra pumping of milk in reloading operations could be avoided, which would help preserve the high quality of the milk that distributors demand.

Allowing the milk to move directly from the farm and receive partial credit toward pool plant qualification would not lessen in any way the effectiveness of the delievery requirement. A supply plant would still have to make available to pool distributing plants not less than 35 percent of the milk received from dairy farmers that is associated with the supply plant. It should, however, promote less costly milk handling practices by supply plant operators in certain cases.

Although the order should recognize a supply plant operator's deliveries of milk directly from producers' farms to pool distributing plants, a supply plant should not be able to qualify for pooling solely on the basis of such deliveries. Otherwise, there would be little discernible difference from an operational standpoint between a supply plant and a balancing plant operated by a cooperative association. Yet, the pooling standards for the two types of plants would be considerably different.

Adoption of this concept without any limitation on diversions would enable a supply plant to qualify as a pool plant without being required to transfer any milk from the supply plant to distributing plants. Pooling status could be achieved as long as the supply plant operator delivered at least 35 percent of its milk supply to pool distributing plants, which could be entirely by deliveries directly from the farms of producers. A similar method of pooling is now available to a cooperative association in the case of its balancing plant. However, the cooperative must deliver at least 50 percent each month (or 50 percent during the most recent 12-month period) of its member milk to pool distributing plants. No automatic pooling is provided for such plants during the heavy production, months, as is the case for supply plants.

Since there presumably would be little difference in the supply arrangements of the two types of handlers, the question arises as to whether any difference in the method of qualification for a cooperative's balancing plant and for a handler's supply plant can be justified. The record does not totally support the use of the pooling concept for balancing, plants in connection with the pooling standards applicable to supply plants.

Accordingly, to maintain some distinction between the types of plant operations, the order should not permit more than one-half of the required milk deliveries by a supply plant operator to be in the form of diversions to distributing plants. Under the current operating situation, this would allow more, flexibility to supply plant operators serving the market. At the same time, the order would continue to base a supply plant's eligibility for pooling to a significant degree on transfers of milk from the supply plant to distributing plants.

(c) *Blancing plant operated by a cooperative association.* The order should continue to afford pool status to a plant operated by a cooperative on the basis of the association's overall marketwide performance. However, pool status for such plants should not be limited to plants that manufacture dairy products.

The current order limits the pooling of a so-called "balancing plant" to plants operated by a cooperative association at which dairy products are manufactured. Hence, the lack of manufacturing operations at a cooperative's plant precludes the plant from qualifying as a balancing plant under the order even though the association meets the other performance requirements.

NFO proposed that a cooperative's supply plant that is not involved in manufacturing be permitted to qualify on the same basis as a balancing plant operated by a cooperative that manufactures dairy products. Proponent contended that the additional flexibility is needed to accommodate plants without manufacturing facilities that perform a comparable supply function for the market. There was no opposition to the proposal either at the hearing or in briefs.

Pool status should be afforded to a cooperative's plant even though manufacturing operations are not conducted at the plant, if the association otherwise meets the requirements for pool status. The most important consideration concerning such a plant's pool status is the cooperative's overall supply function for the market rather than whether the plant is manufacturing dairy products. Hence, the manufacturing requirement most appropriately should be eliminated.

The order would continue the monthly 50-percent delivery requirement presently imposed on a cooperative to qualify its balancing plant(s). However, the percentage could be met on the basis of the cooperative's deliveries to pool distributing plants during the current month or it could be met on the basis of such deliveries during the preceding 12-month period ending with the current month. The 12-month rolling average concept was proposed by NFO. This modification is needed to temper the effect of a dramatic change in marketing conditions from one month to the next, many of which are beyond the control of the cooperative. For instance, if a major fluid milk outlet of the cooperative unexpectedly goes out of business, the cooperative's balancing plant might lose its pool status. Allowing the association the flexibility to use a rolling average of its deliveries to distributing plants over the preceding 12 months, would lessen the impact of any dramatic change in marketing conditions.

As proposed by NFO and adopted herein, pool status for a balancing plant would be conditioned on a request by the association that its plant be so considered. Under the present order provisions, the cooperative must file a written request for nonpool status for its balancing plant. The positive and more straightforward approach whereby the cooperative requests pool rather than nonpool status for its plant is more appropriate and accomplishes the same intent. Accordingly, that procedure is adopted herein.

As the order currently provides, a balancing plant must be approved by the appropriate authorities to handle milk for fluid consumption. Such approval would be vested in the duly constituted regulatory agency having jurisdiction over the health standards for such milk and plants supplying the marketing area. Such a condition is needed because part of the justification for providing pool status to such plants is that they are available to make spot shipments on request to the market's pool distributing plants when the milk is needed there. If such approval is not included as a condition for pool status, the plant might let its approval lapse. In that event, the plant could not be called upon as a source of supplemental milk for the market's distributing plants.

The final condition imposed on the cooperative to pool its balancing plant would be that such plant does not qualify as a pool distributing plant or a pool supply plant under this or any other Federal milk marketing order. Any plant which meets the pool plant qualification requirements on the basis of performance as a distributing plant or a supply plant of any Federal order should not be afforded pool status on a request basis as a balancing plant pursuant to the provisions of this order. Such pooling procedures will insure the integrity of regulation under Federal milk orders in that plants will be pooled on the basis of their performance in the markets involved rather than on the basis of their request.

In connection with its proposal to provide pool status to a cooperative's supply plant as a balancing plant, the NFO representative testified that the delivery requirement for balancing plants be set at no higher level than the delivery requirement for supply plants. As already indicated, there are basic differences in the marketing operations of supply plants and balancing plants of cooperatives. For example, a cooperative's total milk deliveries (by transfer, diversion or as a bulk tank handler) to the market's pool distributing plants may count to qualify its balancing plant and all such deliveries may be made directly from the farms of producers. On the other hand, a supply plant qualifies as a pool plant on the basis of deliveries from such a plant either by transfer or diversion and, as is adopted herein, at least one-half of the required deliveries must be by transfer. Thus, the differences in the pooling requirements for these two types of pool plants (supply and balancing) were designed specifically to accommodate the operational differences of these handlers in supplying the market's distributing plants.

In certain respects, it may seem that a supply plant operator will have an advantage in qualifying such a plant for pool status under the order over a cooperative in qualifying its balancing plant in that the cooperative must deliver 50 percent of its member producer milk to distributing plants each month while a supply plant must furnish only 35 percent of its receipts to distributing plants during the month. However, if any cooperative considers that to be the case, there is nothing in the order to prevent the association from modifying its operations to the extent necessary to qualify such plant as a supply plant.

2. *Diversions of producer milk.* Several proposals to change the rules pertaining to the diversion of producer milk were considered at the hearing. They relate to the following material issues: (a) Diversions between pool plants; (b) Producer delivery requirement; (c) Diversions from a pool plant to a nonpool plant; and (d) Limitation on diversions to nonpool plants. The ensuing discussion covers each of these issues.

(a) *Diversions between pool plants.* The order should be amended to allow milk to be diverted from any pool plant (by the plant operator) to another pool plant. Such movements should not be limited.

Under the current order provisions, milk may be diverted from a pool distributing plant to another pool plant. However, milk may not be diverted from a pool supply plant or from a cooperative's pool balancing plant to another pool plant. In certain instances, such limits do not encourage the most efficient movement of the market's milk supplies.

MMI proposed that the order be revised to allow diversions from any pool plant (distributing, supply or balancing) to another pool plant. NFO supported the proposal. There was no opposition to it.

In support of its proposal, a witness for the association testified that the order provisions should facilitate efficient milk marketing practices. He indicated that the association has experienced marketing problems in certain instances because the order does not permit the association to divert milk

from its balancing plants to other pool plants.

The MMI witness testified that certain of its producers are assigned to its balancing plant at Goshen, Indiana and, thus, their milk is received at such plant on a regular basis. Occasionally, such milk is needed at a distributing plant. However, the milk may not be diverted from the Goshen plant to the pool distributing plant because the current order does not accommodate such movements. The only way for the cooperative to maintain pool accountability for such milk at the Goshen plant is to physically receive the milk at such plant and then transfer it to the distributing plant. These milk handling practices are costly.

As an alternative pooling arrangement, the cooperative could deliver the milk to the distributing plant directly from the farms of producers and pool it as a bulk tank handler under Section 1033.16(c). However, in such cases, the milk of certain producers would be included on two reports (the report for the Goshen plant and the report for the cooperative as a bulk tank handler). Proponent insisted that including part of an individual producer's milk on two different handler reports for the same month is cumbersome.

The proposal should be adopted. The order should recognize the need for occasional movements of milk associated with balancing plants of cooperatives to other pool plants. As adopted herein, a cooperative could divert milk from its balancing plant to other pool plants when the milk is needed there and maintain pool accountability for the milk at the balancing plant. This change will allow the milk to move to the pool plant where it is needed directly from the farm rather than through an intermediate plant.

There is no reason to limit diversions between pool plants. Since any milk of a producer that is received at a pool plant is eligible to be pooled, limiting diversions between such plants would serve no purpose.

Allowing diversions between pool plants, also provides the technical means under the order for milk to be delivered by a supply plant operator directly from producers' farms to pool distributing plants and to be counted as qualifying delivery from the supply plant. Also, it will allow the operator of any pool plant to divert milk supplies to another pool plant and retain the producer milk status and payroll responsibility for such milk.

(b) *Producer delivery requirement.* The order's producer delivery requirement, commonly referred to as a "rough-base" requirement, should be relaxed. In this regard, only one day's milk production, rather than two days' as now, of an individual dairy farmer should be required to be physically received at a pool plant during the month to qualify such producer's milk for diversion to nonpool plants in such month. Also, the touch-base requirement should apply only during the three months of September through November rather than in each month of the year as the order now provides.

NFO proposed the changes adopted herein with respect to the touch-base requirement. Proponent's witness testified that requiring a producer's milk to be physically received at a pool plant in each of three months when the market's fluid needs are greatest adequately demonstrates a dairy farmer's association with the market and the farmer's eligibility to share in the marketwide pool. The witness also suggested that one day's production instead of two days' milk production of a dairy farmer be required to be received at pool plants during such months to demonstrate a producer's association with the market. He argued that this change is needed because many of its producers are picked up every day. In some instances, the milk of such farmers is picked up on routes with other producers whose milk is picked up every other day. This results in four days' milk production of certain dairy farmers being received at pool plants solely to insure that all of NFO's producers meet the minimum touch-base requirement for the month.

In its brief, MMI supported NFO's proposal to relax the touch-base requirement. The cooperative agreed with the arguments presented by proponent at the hearing. In the association's opinion, these two changes are needed to give handlers greater flexibility to accommodate the efficient pooling of the market's milk supplies that are in excess of fluid needs. It claimed that the less stringent requirement should be adequate to assure that each dairy farmer's milk has a bona fide association with the market.

Following the October hearing, the touch-base provisions were suspended at the request of MMI.[2] The action was taken on the basis of the record and applied to the months of December 1983 through August 1984. The suspension was granted to assist handlers with the efficient and orderly disposition of the market's reserve milk supplies pending completion of the rule-making proceeding on this issue.

As noted previously, the requirements to qualify distributing plants, supply plants and cooperative balancing plants for pool status under the order are relaxed in this decision. Also, less-restrictive diversion provisions are adopted. These changes make it easier to qualify milk for pool status under the order. They also promote efficient milk marketing practices by handlers. To be consistent with such changes, the producer touch-base requirement should be relaxed also.

Requiring one day's production of a dairy farmer to be received at a pool plant during each of the months of September-November is sufficient to demonstrate that a producer is genuinely associated with the fluid market. The September-November period represents a time when the market's fluid needs are greatest. The minimum requirement adopted herein should adequately serve this market because it will continue to assure that the milk of each individual producer is available for the fluid needs of the market and yet it will recognize the changes that have resulted in the relationship between milk production and fluid demand.

Also, it will allow a handler who diverts on an aggregate basis greater flexibility in that he may pick and choose which producers to divert. By so doing, the handler may divert the milk of those dairy farmers that can most efficiently be diverted. Although this change would not increase the total amount a handler may divert, it would allow such person to divert the milk of those producers whose farms are so located in relation to the nonpool plant that their milk is the least costly to divert.

In connection with its touch-base proposal, NFO requested that a pool plant operator be permitted to divert the milk of a producer who is a member of a cooperative. The current order accommodates this situation. Accordingly, the order should continue to permit the operator of a pool plant to divert the milk of any member-producer during the month unless the cooperative is diverting such person's milk.

(c) *Diversions from a pool plant to a nonpool plant.* The order also should be amended to allow milk to be diverted from any pool plant to a nonpool plant.

Under the current order provisions, milk may be diverted from a pool distributing plant or a pool supply plant to a nonpool plant. However, milk may not be diverted from a cooperative's pool balancing plant to a nonpool plant.

[2] Official notice is taken of the issuance of a suspension order by the Department on December 6, 1983 (48 FR 55275).

MMI proposed that the order be revised to allow milk to be diverted from any pool plant to a nonpool plant. NFO supported the proposal. No one opposed it.

The witness for the proponent association testified that this change is needed to promote efficient milk handling practices. He contended that not permitting milk to be diverted from a balancing plant to a nonpool plant has resulted in inefficient movements of reserve milk supplies to manufacturing outlets. In support of that contention, the witness for the proponent cooperative testified that processing capacity at its balancing plants has not kept pace with the market's milk production increases. Thus, the cooperative at times must move reserve milk that is regularly assigned to these plants to other manufacturing outlets. The cooperative's witness indicated that such milk could be moved more efficiently directly from the farms of the producers involved to a nonpool manufacturing plant. However, the current order does not permit milk to be diverted from a balancing plant to a nonpool plant.

The record shows that the milk moving to MMI's balancing plant at Goshen, Indiana, incurs high hauling costs because of the plant's location outside the marketing area. Because of its location, certain producers are assigned to such plant on a regular basis. At times, there are alternative manufacturing outlets closer to where the milk is produced. However, dairy farmers whose milk is regularly associated with the Goshen plant could not be delivered to the nonpool plant directly from the farm and be pooled as diverted producer milk from the balancing plant under the current order provisions.

MMI could maintain pool status for milk of such producers by receiving the milk at Goshen and transferring it to the nonpool plant. However, such milk handling practices are costly. This is an example where the order provisions do not provide adequate flexibility for handlers to market the order's reserve milk supplies in the most efficient manner.

The order should facilitate the movement of milk in excess of the market's fluid needs by permitting the milk to move directly from the farms of producers to a nonpool plant to the extent possible. No purpose is served when milk is moved to and received at an intermediate plant simply to qualify it for pool status under the order.

Allowing milk to be diverted from any pool plant to a nonpool plant is consistent with the other pooling changes adopted in this decision, which make it easier to qualify milk for pool status under the order. Accordingly, the order should be modified to allow milk to be diverted from the balancing plant of a cooperative to a nonpool plant. This change provides a cooperative more flexibility to move its milk more freely among various outlets in balancing supplies for the fluid market.

(d) *Limitation on diversion to nonpool plants.* The limit on the quantity of milk that may be diverted to nonpool plants by handlers during the months of September through February should be increased by 10 percentage points from 40 to 50 percent. Also, the quantity of milk to which the limit applies should be expanded to include all of the handler's producer milk, i.e., the amount physically received at or diverted from the pool plant(s) rather than only the quantity physically received at such pool plant(s).

The current order limits the total amount of milk that a handler (cooperative or pool plant operator) may divert to nonpool plants to 40 percent of the producer milk physically received at the pool plant(s) during the month. Under the 40-percent limit, handlers, in effect, may divert only about 29 percent of their producer milk.

NFO proposed that the limitation on the amount of milk a cooperative may divert to nonpool plants be increased. The witness for proponent maintained that the order's present limit on such diversions no longer reflects prevailing marketing conditions. There was no opposition to the proposal either at the hearing or in post-hearing briefs.

Proponent cited numerous changes in marketing conditions that have occurred since the present limitation was adopted. For example, the number of pool plants has decreased (19 less than in 1978) and those remaining are located at or near the major population centers. Also, the number of nonpool plants available for surplus disposal has decreased (18 less than in 1978) and most of those remaining are located at great distances from the pool plants. Transportation costs have risen substantially. In addition, the portion of the market's producer receipts needed to meet its fluid requirements has declined dramatically.

The witness for NFO argued that these changes indicate that a higher diversion allowance for handlers is now warranted. Such changes, he pointed out, have resulted in uneconomic milk movements solely for the purpose of qualifying milk for pool status under the order. These movements also have resulted in a loss of income to dairy farmers, he added.

The present limit is too stringent in view of the market's Class I use of producer milk. For instance, during the first eight months of 1983, such utilization ranged from a high of 54 percent to a low of 44 percent and averaged below 50 percent.

The record shows that during September 1982–February 1983, NFO moved substantial quantities of milk to pool plants solely for the purpose of qualifying its milk that has been historically associated with this market. In this regard, the milk was moved to a pool plant, where it was unloaded, then reloaded, and moved to a nonpool manufacturing plant. The milk was delivered to such pool plant rather than directly to the nonpool plant simply to increase the handler's deliveries to pool plants, because the diversion allowance is based on such deliveries, i.e., the more the handler delivers to pool plants the more it may divert. By following this procedure the handler increased the amount of milk it could qualify for pool status under the order. However, such milk handling practices are costly and should be eliminated to the extent possible. Also, the quality of the milk deteriorates when such handling procedures are followed.

The record also indicates that the NFO used the same procedures to pool its milk in September and October, 1983. Most likely, if the supply-sales balance does not improve considerably, more uneconomic movements will need to be made by handlers to maintain pool status for their milk supplies in the future.

In view of these changes in marketing conditions, the current allowance on diversions to nonpool plants should be increased. The higher allowance should enable handlers to pool their available milk supplies without the need to move milk back and forth between plants solely for the purpose of maintaining its pool status under the order.

As noted previously, in computing a handler's diversion allowance, the base to which the diversion percentage applies should include the amount of producer milk delivered to the pool plants plus the amount diverted from such plants. This change together with increasing the amount of milk that may be diverted by 10 percentage points will increase the amount of milk a handler may divert to nonpool plants from about 29 to 50 percent of a handler s total receipts of producer milk. Such an increase should permit handlers adequate flexibility to operate more efficiently. They will be able to move milk which is not needed for fluid purposes directly from the farm to a

nonpool manufacturing plant rather than delivering the milk to an intermediate pool plant and them transferring it to the manufacturing plant. Allowing the market's milk supplies that are in excess of the needs at distributing plants to be moved in the most efficient manner possible promotes orderly marketing. Accordingly, the two changes to allow increased diversions are adopted.

NFO proposed that the limit be raised for cooperatives only. However, it is appropriate to relax the corresponding diversion limit for pool plant operators also. In view of the market's supply-sales situation, it would appear that proprietary operators may have a similar need for less-restrictive diversion provisions. Under the provisions adopted herein, pool plant operators will continue to be subject to the same limitation on diversions to nonpool plants as cooperatives. Hence, both handlers (pool plant operators and cooperatives) would be treated equally with respect to the amount of milk they may divert to nonpool plants under the order.

The present provisions allow a handler to divert milk on an individual product basis. Although proponent acknowedged that is generally more efficient to divert on an aggregate percentage basis, the witness testified that the order should continue to provide both methods. However, with the higher aggregate diversion allowances for handlers adopted herein, which are equal to those currently provided on an individual producer basis, there is no longer a need to allow for handlers to divert milk on an individual basis. Accordingly, these provisions are removed.

3. *Location adjustments.* The application of location adjustments at plants situated outside the marketing area should be revised. In this regard, no minus adjustments should apply at plants located in the Louisville-Lexington-Evansville (Order 46) marketing area or east of the Mississippi River and south of the northern boundary of Kentucky, West Virginia or Virginia. At other unspecified plant locations outside the marketing area, the present application of such adjustments would be retained. Presently, the order provides that minus location adjustments apply at plants located outside the marketing area and 60 miles or more in any direction from the nearest of 10 basing points specified in the order.

MMI proposed that the application of minus location adjustments at plants outside the marketing area be changed. Under the cooperative's proposal, a plant so situated would be subject to such an adjustment only if it was 130 miles or more from the nearest of the 10 basing points.

MMI operates a pool balancing plant at Goshen, Indiana and moves substantial quantities of milk to this facility for manufacturing. As proposed, this would be the only pool plant that would be affected by the cooperative's proposal. Consequently, most of the discussion at the hearing in connection with this issue focused on the appropriate prices (Class I and uniform) at Goshen location.

Goshen is located in Elkhart County, Indiana. This county is part of the Indiana marketing area. It is in the minus 8-cent location adjustment area under that order.

In applying the current location adjustment provisions of the order the Goshen plant, the nearest basing point is Lima, Ohio. Lime is in the Northwestern Zone where minus 5-cent location adjustment applies. Also, since Goshen is more than 60 miles from Lima, an additional minus location adjustment applies. In total, a location adjustment of minus 23.5 cents applies at Goshen.

Under the cooperative's proposal, the additional minus location adjustment, of 18.5 cents would not apply since Goshen is less than 130 miles from Lima. Thus, the same location adjustment applicable at plants in the Northwestern Zone (minus 5 cents) would apply at Goshen. The cooperative contended that milk diverted to the Goshen plant should not be priced lower than producer milk delivered to Northwestern Zone distributing plants since such milk is a part of the fluid market's total supply.

In support of its position, proponent's witness testified that the trend to fewer and larger processing plants in addition to changes in the market's supply-sales balance has had a significant impact on the way milk is marketed under this order. He pointed out that nineteen distributing plants that were listed as pool handlers for January 1978 did not appear on such list for August 1983. Also, the amount of milk polled under the order during the January-August 1983 period increased by more than 300 million pounds from the same eight-month period in 1978. On the other hand, the quantity used in Class I during thoses comparable periods decreased by almost 60 million pounds.

The spokesman for MMI, also pointed out that milk manufacturing plants have become fewer and larger. He indicated that in the past, most of the milk in excess of the market's fluid requirements was processed in nearby plants, primarily located in the marketing area. Now it must be transported longer distances as manufacturing facilities in the marketing area have closed. He further indicated that several manufacturing plants located in Ohio that were outlets for surplus milk in 1978 did not serve that purpose in 1983.

Because of these changes, the cooperative's witness stated that the MMI plant at Goshen, Indiana, now processes more of the market's reserve milk than any other manufacturing facility. Due to plant closings, the Goshen plant was expanded recently to provide a market for producers whose milk is pooled under this order. Milk of producers located throughout central and western Ohio now is regularly received at Goshen for manufacturing purposes. Nearly three times the amount of milk was processed at that plant during January-August 1983 compared with the same eight months of 1978.

Proponent's witness, also, testified that most of the milk that is associated with the Goshen plant comes from the farms of producers located in the marketing area or from producers who formerly shipped to plants located in the marketing area. Also cited by the spokeman for MMI was that in April 1983, a major distributing plant located in Toledo, Ohio, which handled about 10 million pounds of milk each month, ceased operation. Such plant's Class I sales accounts were taken over by a handler regulated under the Southern Michigan order. However, the milk of producers who were associated with that plant now is being moved to Goshen for processing.

Proponent maintained that it is inequitable and unfair for producers to be paid a lower price for milk delivered to the Goshen plant than when it is delivered to distributing plants in the northwestern segment of the marketing area. Since all producers in a marketwide pool share in the higher-valued Class I sales, it is only fair that the cost of disposing of the market's reserve milk supplies be distributed equally among all of the market's producers, in the cooperative's opinion. For that reason the cooperative submitted the proposal.

In addition, the spokesman for MMI testified that the minus location adjustment applicable at Goshen should be reduced to cover a portion of the cooperative's transportation costs involved in hauling milk historically associated with the market to its Goshen plant for surplus disposal. By disposing of the market's reserve milk supplies, proponent's spokesman argued, the cooperative is performing a marketwide service which benefits all producers supplying the market. In the

association's opinion, it should be compensated for providing this service.

Further MMI's witness indicated that during May 1983, milk marketings priced under the order from farms located in Indiana, Michigan and the Northwestern Zone of the marketing area were about 10 percent higher than in May 1978. Yet, the amount of milk priced at Goshen under the Ohio Valley order was up about 400 percent over a comparable time period.

It was MMI's contention that these data indicate that Goshen is a primary reserve processing plant for the milk of all producers on the market, not just those located outside the marketing area. During May 1983, MMI spent an additional $80,000 hauling milk that is normally delivered to nearby plants in the marketing area to its Goshen facility for manufacturing. In addition to the extra transportation cost, producers were penalized further because the uniform price for milk of producers received at Goshen was reduced by 23½ cents. MMI believes that from an equity standpoint some of the cost of disposing of the market's reserve supplies should be borne by all producers on the market rather than only those producer whose milk is priced at the reserve plant.

Proponent's witness also testified that a majority of the milk associated with the Goshen plant is obtained from farms of producers who are located in the marketing area in close proximity to distributing plants or who formerly shipped to pool plants that are so located. In either case, such milk is part of the market's reserve supply and must be moved to the more-distant Goshen plant for processing. There simply is not an alternative market for all of the milk produced within the marketing area. Because of this, the witness maintained that the normal justification for minus location adjustments does not fit the marketing situation. Hence, in proponent's opinion, the location adjustment provisions should be revised to more appropriately recognize how milk is marketed under the Ohio Valley order. The witness contended that adoption of its proposal will offset in part the costs involved in performing the balancing function for the market.

A representative of the Indiana Division of Associated Milk Producers, Inc. (AMPI), opposed the higher Class I and uniform prices at Goshen, Indiana as proposed by MMI. AMPI supplies two distributing plants near Goshen and it also operates a pool supply plant at Warsaw, Indiana. These plants, which are pool plants under the Indiana order, are located in the minus 8-cent location pricing area of that order. The spokesman for AMPI contended that adoption of higher prices at Goshen would cause procurement problems for the cooperative he represents in northcentral Indiana. For this reason, AMPI asked that the proposal be denied.

The Milk Foundation of Indiana (MFI) also opposed higher prices at Goshen. The handler group is made up of 13 members, each of which operates a pool distributing plant under the Indiana order. The group accounts for about 40 percent of the market's total fluid disposition.

The representative of MFI testified that the major production area for the Indiana market is located in northeast and northcentral Indiana where the Goshen plant is located. He contended that the price change that would be applicable at the Goshen plant under the proposal would result in serious misalignment of prices between the Ohio Valley and Indiana orders at that location.

A representative of the Kroger Company (Kroger) expressed concern about increasing prices under the Ohio Valley order at a plant location within the marketing area of the Indiana order. The handler spokesman suggested that some type of temporary relief might be more appropriate to accommodate the milk that lost its market as a result of the closing of the distributing plant of Babcock. In this regard, he suggested that the milk moving from the Northwestern Zone of the marketing area to Goshen for surplus disposal be priced at the Northwestern Zone price where the milk would be deemed to have been received for a limited period of time—say 12 months. This would give the association one year to make the necessary marketing adjustments and accommodate to such institutional change.

A representative of the Dean Foods Company (Dean) questioned the timing of making such a change in the location adjustment provisions. Dean operates a distributing plant under the Indiana order. He testified that the current oversupply situation may be corrected with the adoption of the legislation that the Congress had under consideration. If that becomes law, he indicated that the marketing problems of proponent might disappear.

The current location pricing provisions, which are based on zoning in the marketing area and on mileage in the outlying territory surrounding such area, were designed to encourage the movement of milk from supply areas to the main population centers of the market where it is processed for fluid uses. In this regard, higher prices are provided at locations where milk is needed for fluid use. They reflect the higher utility value of milk at that particular point. Lower prices are provided at plants located in outlying procurement areas as a transportation allowance to encourage the milk to move to the city plants for higher-valued fluid uses. If the prices at plants in the outlying supply area were the same as the city price, there would be no monetary incentive under the order to move the milk.

Higher location prices at Goshen should not be provided under the order for the purpose contemplated by proponent, i.e., to help compensate the cooperative for the cost of handling the market's reserve milk supply.

While the disposition of the market's reserve milk supplies is definitely a problem for proponent at this time because of abundant supplies and lower fluid use, the cooperative's solution to the problem should not be adopted. Such a solution would provide relief in the form of a higher uniform price to the proponent cooperative for milk received at Goshen, but it could cause serious procurement problems for other handlers operating under the Ohio Valley order in addition to those operating under nearby Federal milk orders, particularly the Indiana order.

If the proposed prices (Class I and uniform) at Goshen were the same as prices at plants in the Northwestern Zone, milk produced near the manufacturing plant could be committed for manufacturing uses at Goshen and not be available to the distributing plants in the Northwestern Zone of the marketing area. This could happen even though milk is needed for fluid purposes at the distributing plants. In certain cases, because of the lower farm to plant hauling cost, the cooperative could realize a higher net return by moving the milk to Goshen for surplus disposal rather than moving it to such distributing plants for fluid use.

As indicated, the Goshen plant is located in the heart of the Indiana market's milk production area. The record shows that about 15 to 25 million pounds of milk is obtained by Indiana order distributing plants located in the order's no location adjustment zone each month from the general procurement area of the Goshen plant. If higher prices were applicable at the Goshen plant as proposed, the milk would most likely not be available to Indiana regulated plants in the no location adjustment zone unless they were willing to pay higher prices for it. This could result in increasing the total handling and transportation costs for some Indiana handlers as opposed to

others in obtaining adequate milk supplies. Revising the location pricing structure in the manner proposed would be inappropriate and could culminate in disorderly marketing conditions in the northern and northcentral Indiana procurement areas.

Since the Goshen plant is located in a common supply area for the Indiana and Ohio Valley markets, the present location pricing structures of the two orders were designed to encourage the movement of milk from supply areas to the principal population centers of each market where it is processed for fluid use. Additionally, they were developed to maintain a reasonable price alignment with nearby markets, which is essential to the attraction of milk supplies to various locations where it is needed.

It should be noted that under the present pricing provisions of the Indiana and Ohio Valley orders, Class I prices at Goshen, Indiana are closely aligned. For instance, under the Ohio Valley order, the Class I differential is $1.465 at Goshen ($1.70—$.235=$1.465). Under the Indiana order the Class I differential is $1.45 (1.53—.08=$1.45). Under the cooperative's proposal, the Class I differential at Goshen under this order would be $1.65 or 20 cents more than the differential which is applicable at such location under the Indiana order. A difference of this magnitude could have an adverse impact on the procurement practices of handlers operating under the Indiana order.

There was considerable discussion at the hearing about the alignment of uniform prices at Goshen under the Indiana and Ohio Valley orders. However, such prices vary from month to month depending on the utilization of the market's milk supplies by handlers. Conversely, the market's Class I differential is the same each month. For this reason, the primary emphasis on alignment of prices between orders must be on a Class I basis.

The record evidence does not demonstrate that the present location pricing structures for the Indiana and Ohio Valley markets at the Goshen location are inappropriate or are contributing to disorderly marketing conditions. To the contrary, it appears that the present location pricing structure under each order is providing adequate milk supplies at all locations at which milk is delivered by producers. It also is providing a reasonable alignment of prices not only with other markets but among the various segments within each market. Accordingly, the location price structure now applicable at Goshen under the Ohio Valley order should be retained.

Dairymen, Inc. (DI), a cooperative supplying milk for the market, proposed that the application of minus location adjustments be eliminated at plants located outside the marketing area and generally to the south and east of such area.

There was no opposition to this concept either at the hearing or in briefs. The Kroger representative supported DI's proposal.

DI's proposal should be adopted. Specifically, the order would provide that no minus location adjustments shall apply at any plant located in the marketing area covered by the Louisville-Lexington-Evansville order or east of the Mississippi River and south of the northern boundary of Kentucky, West Virginia or Virginia.

This change is warranted because of the operation of Kroger's distributing plant at Winchester, Kentucky. This plant is located in the Louisville marketing area. A majority of the plant's milk supply is obtained from producers located in the same geographic area as producers shipping to handlers regulated under the Louisville order.

The Winchester plant began operating in November 1982 and was regulated under the Ohio Valley order in such month. For the months of December 1982 through March 1983, the plant was regulated under the Louisville order.[3] In April 1983, it once again became regulated under the Ohio Valley order. It has been a pool plant under this order since that time.

The record shows that a common procurement area exists for the Winchester plant and for Louisville handlers. Such evidence indicates that there are producers located in a number of Kentucky counties who are supplying the Kroger plant at Winchester and others located in the same counties who are supplying plants regulated under the Louisville order.

When the milk of producers is not needed at Winchester, it is normally diverted to nonpool manufacturing plants located in the marketing area covered by the Louisville order. An exhibit was presented by DI at the hearing showing the location of such manufacturing facilities that regularly process the reserve milk which is associated with the Kroger plant. It also shows that such plants are subject to location adjustments ranging from minus 14 cents to minus 20 cents under the Ohio Valley order. However, if the milk is diverted to the same manufacturing plant from a producer's farm in the same general area but is priced under the Louisville order, no minus location adjustment applies. Such pricing differences could lead to disorderly marketing and is inconsistent with the objective of providing stable marketing conditions under Federal milk orders.

Also, in some recent months the weighted average price under the Louisville order has been higher than the comparable Ohio valley price. The higher price is an incentive for producers to pool their milk under the Louisville order when it is not needed at Winchester. The minus location adjustment which applies under the Ohio Valley order for milk diverted to nonpool plants in the Louisville marketing area only compounds the problem. Providing that no minus location adjustments apply at Ohio valley order plants that are located in the Louisville order's marketing area will align producer pay-prices under these two orders more reasonably and therefore should be adopted.

Customarily, Class I prices under the Ohio Valley order have been reduced at distant plants irrespective of their direction from the marketing area. However, downward adjustments should be applicable only in those areas from which milk suppliers logically would be drawn for this market. Milk supplies in areas to the north and west generally are heavier and Class I prices are lower than in the Ohio Valley market. In the territory south and east of the market, supplies are less ample and Class I prices are generally higher than in the Ohio Valley market. Ohio Valleyhandlers should not be encouraged to procure milk from plants in these tighter-supply areas through the application of minus location adjustments. In the interest of marketing efficiency, any available milk supplies in the areas south and east of this market should be encouraged to move to those markets that are more distant from the heavy production areas than in the Ohio Valley market. Hence, the location adjustment provisions of the order should be modified to provide that no minus adjustments apply at plants that are east of the Mississippi River and south of the northern boundary of Kentucky, West Virginia or Virginia. In effect, minus location adjustments would not apply in a 10-state area where prices are generally higher.

6. *Administrative provisions.* Certain administrative proposals were considered at the hearing. They involved charges on the overdue accounts of handlers, payments by handlers for fluid milk products received from a pool plant

[3] Official notice is taken of the "List of Pool Handlers under Federal Order No. 46" published by the Market Administrator for the months of December 1982 through March 1983.

operated by a cooperative association, and handler reports concerning certain payroll information.

(a) Charges on overdue accounts. The order should impose a charge on handler payment obligations that are overdue. Such charge should be 1 percent per month and should apply on the first day after the due date and on the same day of each succeeding month until the obligation is paid. Overdue accounts of handlers that would be subject to the charge would be those due the market administrator for the producer-settlement fund and the administrative expense fund in addition to any adjustments needed to correct errors in payment obligations discovered on audit. The order should also provide that all later-payment charges shall accrue to the administrative expense fund.

A late-payment charge was proposed jointly by MMI and Defiance. Proponents stated that their proposal would provide handlers an incentive to pay their order obligations on time.

The MMI spokesman cited the market's payment record and indicated that handlers are using producer monies for a number of days with no monetary penalty. In addition, he indicated that those handlers making late payments have a competitive advantage in their business operations relative to handlers making timely payments.

In support of its proposed late-payment charge, MMI contended that the charge should be at least as much as the cost of obtaining a loan from commercial sources since delinquent handlers are, in effect, borrowing money from producers. The cooperative's spokesman indicated that based on experience gained in other markets, the proposed charge of 1 percent per month would encourage more timely payments of order obligations.

Two proprietary distributing plant operators (Kroger and Beatrice) serving the market supported the joint-proposal of MMI and Defiance to impose a charge on handler payments that are late. No one opposed the charge at the hearing or in post-hearing briefs. However, Beatrice proposed that the late-payment charge not apply until 10 days after the due date.

The record evidence indicates that the incidence of late payments by pool handlers to the market administrator is a serious problem in this market. Data submitted into evidence by the market administrator's office demonstrated the severity of the problem. For example, during the 8-month period of January through August 1983, only 163 or 61 percent of the final payments made by pool handlers were received by the market administrator by the 16th of the month. This allows two days for the payments to have been received by the market administrator assuming they were mailed on the due date (14th). With respect to partial payments, the experience during the same 8-month period was only slightly better. For this period, 193 or 74 percent of all partial payments were received by the market administrator by the 2nd day after the due date.

It is essential to the effective operation of the order that handlers make their payments to the market administrator on time. This is of particular importance in this market since the Ohio Valley order provides that a handler pay all order obligations for milk to the market administrator who, in turn, distributes such monies, in terms of the partial and uniform prices, to producers, cooperative associations, or handlers who elect to pay their producers. Payments to the market administrator must be made on a timely basis in order that he will be able to make the required payments to producers on time. Producers should not be expected to wait beyond the scheduled time for their payments. Delayed payments not only foster uncertainty and discontent among producers but also place them in a difficult position with respect to meeting their own financial obligations on a timely basis.

The prompt payment of accounts due the administrative expense fund by handlers is essential to the effective operation of the order also. Delinquent payments to this fund could impair the ability of the market administrator to perform his various administrative duties prescribed by the order on a timely basis and in the most efficient manner.

Payment delinquency results in an inequitable situation among handlers. Handlers who pay late are, in effect, borrowing money from producers. In the absence of any late-payment charge that approximates the cost of borrowing money from commercial sources, handlers who are delinquent in their payments have a financial advantage relative to those handlers who make timely payments.

Because of the late-payment problem that presently exists in the market, it is appropriate to adopt, as proposed, a charge of 1 percent per month on handler obligations that are overdue. Without such a charge handlers have little incentive to make their payments on time. While the 1 percent charge may not be high enough to encourage strict compliance by all handlers, it should provide handlers substantial inducement to make their payments on time.

As proposed and adopted herein, those unpaid handler obligations specified herein would be increased by 1 percent on the 1st day after the due date. Any unpaid balance on each such overdue account would be further increased by 1 percent on the same date of each succeeding month until the obligation is paid. The late-payment charge would apply not only to the original obligation but also to any unpaid charges previously assessed.

In order to remove any uncertainty as to when an order payment obligation is late, the order should provide that a handler's payments must be received by the market administrator by the prescribed dates to be considered to have been made on time. Such dates would be the 26th day of the month for the partial payment and the 15th day after the end of the month for the final payment. Payments not received by these dates would be considered late and subject to the charge on overdue accounts.

Under the current order, partial payments by handlers are due on or before the 25th day of the month and final payments are due by the 14th of the following month. Since this decision changes due dates from postmark dates to receipt dates in deciding whether payments have been made on time, it is appropriate to allow handlers one additional day to pay their obligations to the market administrator.

Even though the handler payments to the market administrator would be delayed by one day, sufficient time remains (2 days) for the market administrator to pay the money due producers, cooperatives or handlers who elect to pay their producers by the dates specified in the current order. Two days should be adequate time for him to complete such payments. Hence, no amendatory action is needed in this regard.

It is appropriate to delay the date handlers must pay their assessments for administration of the order by one day also. Under the provisions adopted herein, handlers would be required to pay such amounts to the market administrator by the 15th rather than the 14th as provided under the current order. This change will permit handlers to pay their final settlement obligations and their administrative assessments to the market administrator at the same time. This change will maintain the present coordination in the due date for such payments.

Recognition should be given, however, to the occasional conflicts between

scheduled payment dates and weekends or holidays. Accordingly, if the payment date should fall on a Saturday, Sunday, or national holiday, payments should not be due until the next day on which the market administrator's office is open for public business. Further, the order should provide that when the partial or final payments are so delayed, the corresponding payments by the market administrator to handlers, cooperatives or producers, as well as the subsequent payments by handlers to their producers, may be delayed the same number of days.

The application of a late-payment charge on the day following the date when payment is due may require some adjustment in the billing procedures of the market administrator when billing handlers. In this connection, the market administrator may need to reduce the period customarily taken to notify a handler of his payment obligations so that the handler, in turn, will have sufficient time to insure that the payment is received by the market administrator not later than the due date. This adjustment can be accomplished administratively within the framework of the existing order provisions and, thus, requires no amendatory action.

The MMI proposal made at the hearing that all late-payment charges accrue to the administrative expense fund maintained by the market administrator should be adopted. The money spent by the market administrator in collecting delinquent handler obligations comes from such fund. Thus, the competitors of a noncomplying handler who pay their assessments to the fund are bearing the administrative costs associated with collecting the money from a delinquent handler. Therefore, it is appropriate that the late-payment charges assessed on such noncomplying handlers be deposited in the administrative expense fund. This money will offset the additional administrative costs associated with collecting money from such handlers.

The Beatrice modification to delay the application of the late-payment charge for 10 days is denied. Adopting such a grace-period would not assure prompt payments by handlers to the market administrator because the late-payment charge would not be imposed until 10 days after the due date. If handlers paid their obligations 10 days late, it would make it impossible for the market administrator to get the money to producers on a timely basis. Imposing the late-payment charge on the 1st day after the due date will provide greater assurance of prompt payments by handlers and therefore should be provided.

Defiance also proposed that interest accrue on any refund of a handler's pool obligation that is due such person. At the hearing and in its post-hearing brief, the handler modified its proposal. The handler representative pointed out two specific overpayment situations where interest should accrue on refunds which are due and payable to a handler. In the first instance, if during an audit of a handler's records the market administrator discovers that a handler has overpaid an obligation, interest should accrue on the amount of the overpayment that is due such person. Also, if a handler successfully challenges a payment obligation in a 15(A) proceeding which results in money due the handler, interest should accrue on the refund due such person. The handler proposed that interest not begin to accrue on the amount that is to be refunded to such a handler until six months after the date of such overpayment in either situation. This six-month period was suggested as a reasonable amount of time for the market administrator to audit a handler's records and verify such person's payment obligations. Proponent claimed that, from an equity standpoint, there is little difference between a handler who overpays an obligation from one who pays an obligation late. Hence, monetary adjustments are needed in both situations to equalize the handler payments.

The Defiance proposal to require the market administrator to pay interest on refunds due a handler should not be adopted. Such overpayments discovered on audit are required to be paid promptly by the market administrator under the terms of the current order. There is no evidence in this record to indicate that this has not been done.

The other situation covered by the proposal dealt with contested obligations in a 15(A) proceeding. The record does not warrant changing the order to accommodate this situation either. In fact, where order obligations are in dispute in a 15(A) proceeding, at times it might be appropriate to escrow disputed amounts to protect the parties of interest.

The only purpose of adopting a late-payment charge under the order is to encourage handlers to pay their obligations on time and not to provide for payment of interest on outstanding obligations. This is essential so that the market administrator can make the required payments to producers, cooperative associations, or handlers who elect to pay their producers at the time specified in the order. If interest were to apply on certain refunds due handlers, as Defiance urges, the order would represent a banking service for handlers. That is not the purpose of a Federal milk order. Hence, the handler proposal most appropriately should be denied.

(b) *Payments by handlers for bulk fluid milk products received from a pool plant operated by a cooperative association.* MMI proposed that the operator of a pool plant who receives bulk fluid milk products from a cooperative association pool plant should be required to pay for such milk in essentially the same manner as now applies for cooperative bulk tank milk received directly from the farm. The proposal should be adopted.

As proposed and adopted herein, any pool plant operator who receives bulk fluid milk products from a cooperative association's pool plant during the month shall make a partial and final payment to the market administrator for such purchases. Under this method of payment, the handler would be required to make such payments to the market administrator for such plant milk by the same dates as the order now requires of a handler to pay for milk received directly from a cooperative acting as a bulk tank handler. In this regard, the partial payment, which would apply to such receipts during the first 15 days of the month, would be at the basic formula price for the preceding month. Final payments for such milk by the purchasing handler to the market administrator would be based on its classified use value less the amount of the partial payment. The purchase of such milk would be treated as a transfer between pool plants and classified accordingly. The class prices applicable at the location of the buying handler's plant where the milk is received and processed would be used to compute the transferee-plant's obligation to the market administrator for such milk. Also, such handler would be responsible for paying the administrative assessment applicable for such milk.

Under this adopted payment procedure, the cooperative association in turn would receive from the market administrator partial and final payments at the same rates and on the same dates that now apply with respect to payments to a cooperative association as the handler for farm bulk tank milk.

Presently, the order does not prescribe a schedule of payment dates that a handler must comply with for purchases of fluid milk products from a cooperative's pool plant. Rather, such

milk is a receipt of producer milk by the cooperative at the location of its pool plant and is treated for classification purposes as an interplant movement under the order. The cooperative is held accountable to the market administrator at such milk's class use value. The payment by the pool plant operator to the cooperative is outside the terms of the order. Under this accounting and payment arrangement, the cooperative is burdened with collecting the minimum classified use value on such milk and could be placed in a seriou financial bind, unless prompt payment is received from the buying handler.

In support of its propsal, MMI's witness testified that the present order does not provide adequate assurance of prompt payment by a pool plant operator to a cooperative association for milk sold from its pool plant. The witness contended that the cooperative should have the same payment protection under the order on that milk received by a handler from a pool plant operated by a cooperative as is now applicable on farm bulk tank milk that is received at a pool plant from a cooperative association. Proponent took the position that its proposed payment procedure whereby the pool plant operator who receives bulk fluid milk products from a cooperative's pool plant is accountable to the market administrator on such milk would provide handlers with a stronger incentive for making prompt payment for such milk purchases. There was no opposition to the proposal at the hearing or in post-hearing briefs.

The record establishes that most of the milk marketed by cooperatives in this market is moved to pool plants directly from the farm. However, to a limited extent, some milk is shipped to such plants, either on a regular or supplemental basis, from pool plants operated by cooperatives. Three such plants of MMI are located at Dayton and Sardinia, Ohio, and Goshen, Indiana. NFO also operates a supply plant located at Bryan, Ohio, which is regulated under the order and serves the market similarly.

Irrespective of the supply arrangements used, the producers involved are supplying milk for the fluid market and should be asured of receiving payment for their milk on a timely basis. Such assurance is essential to orderly marketing. Moreover, requiring handlers to channel all payments for milk purchases from a cooperative operated pool plant through the market administrator comports with the Act. In this regard, the Act provides that no cooperative association may sell milk to any handler at less than the prescribed class prices and retain its reblending privilege. By placing the obligation for such milk on the buying handler who receives, processes and disposes of it, the order will provide greater assurance that timely payments at minimum prices will be applicable on such milk.

Further, the revised payment procedure for such milk will facilitate the administration of the order with respect to matters of financial responsibility, enforcement, and subsequent audit adjustments that may arise. Since the actual utilization of such milk reflects the use of the milk at the receiving pool plant, it is reasonable, therefore, that the responsibility for its accounting and payment be placed directly on such pool plant operator.

As indicated previously, the order also should provide that the buying handler for milk purchased from a pool plant operated by a cooperative be responsible for paying the administrative assessment applicable to such milk. Presently, the cooperative association pays the administrative assessment on such milk. It is reasonable, however, that the handler processing the milk, rather than the cooperative, be the handler obligated under the order for the administrative assessment. This procedure is appropriate because much of the time and money expended in administering the order involves the verification of receipts and utilization of such milk by handlers. In contrast, the cooperative's role for such milk as a "handler" is merely that of moving the milk through its supply plant to the processing plant.

Applying the administrative assessment on such milk in the manner described herein also would be consistent with the intent of the Act that prices be uniform among handlers. The record establishes that it is a general practice in this market for cooperatives to pass on to the buying handler the administrative assessment on such milk. Otherwise, competitive pressures could develop that might tempt a cooperative to sell the milk at the class price and pay the related administrative assessment on the milk itself.

In connection with its proposal relating to payments for cooperative plant milk, MMI proposed offsetting the payments due from a cooperative to the market administrator with payments due the cooperative from the market administrator. The proposal should be adopted.

The order provisions now require that a cooperative association handler pay the market administrator the class use value of milk for which the cooperative is the handler. In turn, the market administrator pays the cooperative an amount equal to the value of such milk at the uniform prices payable to producers.

Cooperative associations in this market are handlers with respect to producer milk processed in their own pool plants or moved to nonpool plants. MMI operates three pool plants under the order in which, as the responsible handler, it is obligated to the market administrator at the class use value of the producer milk involved. On the milk so handled, the cooperative receives from the market administrator a payment at its uniform price value. Additionally, the cooperative receives payment at the uniform price from the market administrator on milk received by a pool plant operator from the cooperative as the handler for farm bulk tank milk. For such milk, the pool plant operator is obligated to the market administrator at its class use value. In these circumstances, the market administrator's payments due the cooperative for its overall handler operations in the market during the month normally far exceed the cooperative's payments due the market administrator for its milk at the classified use value. In such cases, the market administrator should be permitted to offset payments due from a cooperative association against payments due such handler. This payment procedure will eliminate the need for a cooperative to make payments to the market administrator for its milk when the amount due the handler from the market administrator for milk is greater.

(c) *Other reports.* The order should specify in detail the reporting requirements of handlers with respect to the various types of payroll data and the frequency when such data must be reported to the market administrator. This information is essential to the effective operation of the order s payment procedure to producers.

The current order does not prescribe the specific information that must be reported by handlers in this regard. Rather, the order provides that each handler shall report payroll data to the market administrator in the detail and on forms prescribed by him.

NFO proposed that the order prescribe more specifically the payroll information that handlers must report to the market administrator in connection with the order's payment procedure. Essentially, the proposal embraces the payroll data reporting procedure that is presently required of handlers under the

Eastern Ohio-Western Pennsylvania Federal milk order.

In support of its proposal, NFO's witness testified that the market administrator requires basically two different types of payroll information from handlers, depending on whether a handler elects to pay producers. He pointed out that in those cases where the market administrator pays a handler's producers, such handler is required to report detailed receipts from each individual producer. This information is necessary for the market administrator to make the partial and final payments to the producers involved. Conversely, he stated that the market administrator requires only aggregate payroll data from handlers (including cooperative associations) who elect to pay producers.

The spokesman indicated that NFO pays some of its members supplying milk for the Ohio Valley market and elects to have the market administrator pay others. Because of this, he testified that the market administrator requires NFO to report payroll information for each of its producer members in the same manner as is required of handlers who choose to have the market administrator pay the producers from whom they receive milk.

The witness for NFO contended that reporting individual dairy farmer information for those producers the handler pays directly is an unnecessary burden. He contended that such reporting requirements are inappropriate because they involve too much time and considerably more information than is necessary to carry out the order's payment plan. In this regard, NFO proposed that the order provide different reporting requirements for handlers who pay their producers from those handlers who do not pay dairy farmers from whom they receive milk.

As adopted herein, the order should specify that different payroll information shall be reported by a handler depending on whether the handler pays the partial and final payments to producers from whom milk is received. In this regard, when a handler elects to pay such producers, only the aggregate receipts from producers must be reported prior to the handler's making the partial and final payments to such dairy farmers. The total receipts from and payments to each individual producer would be reported on such handler's payroll report after the end of each month.

Alternatively, if a handler elects to have the market administrator make the partial and final payments to producers from whom he receives milk, the handler must furnish sufficient payroll information for each producer to the market administrator prior to the partial and final payment dates so that he can follow through and make such payments to each producer for his milk deliveries. In such cases, however, these handlers would not be required to submit payroll reports after the end of each month because the market administrator would have made the payments to the individual producers.

As noted previously, similar payroll reporting requirements are applicable under the adjacent Eastern Ohio-Western Pennsylvania order. This order provides under certain conditions for similar payment procedures whereby producer money is channelled through the market administrator. From an administrative standpoint, it is in the best interest of the order program to provide handler reporting requirements which are uniform to the extent possible under Federal orders that have similar payment procedures, and particularly those which are in this general region. For that reason, the cooperative's proposal should be and hereby is adopted.

Contrary to MMI's position, adoption of the NFO proposal will not limit the authority of the market administrator to obtain any additional information from handlers he deems necessary in administering the terms and provisions of the order. Such authority is specifically provided in the order.

Rulings on Proposed Findings and Conclusions

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

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the Ohio Valley order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Ohio Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

§ 1033.11 [Amended]

1. In § 1033.11, the word "transferred" is changed to "delivered"

2. Section 1033.12 is revised to read as follows:

§ 1033.12 Pool plant.

"Pool plant" means a plant described in paragraph (a), (b), or (c) of this section that is not a producer-handler plant or a plant that is subject to another Federal order as set forth in § 1033.56.

(a) A distributing plant with:

(1) Route disposition in the marketing area during each month of not less than 15 percent of its total route disposition; and

(2) Route disposition of not less than 40 percent during each of the months of September through February, and 35 percent during each of the months of March through August, of its total

receipts of fluid milk products (including milk diverted from such plant but excluding bulk fluid milk products received by transfer or diversion from other plants as Class II or Class III milk) that are approved by a duly constituted health authority for fluid consumption, subject to the following conditions:

(i) In making the percentage computations in paragraphs (a) (1) and (2) of this section, a plant's route disposition and receipts shall be exclusive of filled milk and of packaged fluid milk products priced as Class I milk under this or any other Federal order;

(ii) A distributing plant (except a plant that met the route disposition percentage on a unit basis under paragraph (a)(2)(iii) of this section) that does not meet the minimum route disposition percentage specified in paragraph (a)(2) of this section to qualify for pool status in the current month shall be deemed to have met such qualifying percentage in such month, if the plant met the applicable percentage in each of the three immediately preceding months; and

(iii) Two or more plants operated by the same handler may be considered as a unit for the purpose of meeting the total route disposition percentage specified in paragraph (a)(2) of this section if such handler requests that the plants be so considered and each plant in the unit meets the in-area route disposition percentage specified in paragraph (a)(1) of this section.

(b) A supply plant from which during the month 35 percent or more of the receipts at such plant from producers (including producer milk diverted from the plant but excluding milk diverted to such plant) and from handlers described in § 1033.16(c) is delivered by transfer or diversion as fluid milk products, except filled milk, to pool distributing plants qualified pursuant to paragraph (a) of this section, subject to the following conditions:

(1) The operator of a supply plant may include milk diverted from such plant to pool distributing plants as qualifying deliveries in meeting up to one-half of the required deliveries;

(2) A supply plant that does not meet the minimum delivery requirement specified in paragraph (b) of this section to qualify for pool status in the current month because a distributing plant to which the supply plant delivered its fluid milk products during such month failed to qualify as a pool plant pursuant to paragraph (a) of this section shall continue to be a pool plant for the current month if such supply plant qualified as a pool plant in the three immediately preceding months.

(3) A supply plant that qualified as a pool plant in each of the immediately preceding months of September through February on the basis of its deliveries to pool distributing plants shall be a pool plant for each of the following months of March through August, unless the plant operator files a written request with the market administrator asking that such plant not be a pool plant. Such nonpool status shall be effective on the first day of the month following the receipt of such request and thereafter until the plant again qualifies as a pool plant on the basis of its deliveries to a pool distributing plant(s).

(c) A plant operated by a cooperative association if, during the month, 50 percent or more of the producer milk of members of the association is delivered to a pool distributing plant(s) either directly from the farm or by transfer from such association's plant, subject to the following conditions:

(1) The cooperative requests pool status for such plant;

(2) The 50-percent delivery requirement may be met for the current month or it may be met on the basis of deliveries during the preceding 12-month period ending with the current month;

(3) The plant is approved by a duly constituted health authority to handle milk for fluid consumption; and

(4) The plant does not qualify as a pool plant under paragraph (a) or (b) of this section or under the similar provisions of another Federal order applicable to a distributing plant or a supply plant.

3. Section 1033.14 is revised to read as follows:

§ 1033.14 Producer.

(a) Except as provided in paragraph (b) of this section, "Producer" means any person who produces milk approved by a duly constituted health authority for fluid consumption, whose milk is:

(1) Received at a pool plant directly from such person;

(2) Received at a pool plant from a handler described in § 1033.16(c); or

(3) Diverted from a pool plant in accordance with § 1033.15.

(b) "Producer" shall not include:

(1) Any person defined as a producer-handler under a Federal milk order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by such dairy farmer which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1033.46(a)(8)(ii) and the corresponding step of § 1033.46(b); or

(3) Any person with respect to milk produced by such dairy farmer which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

4. Section 1033.15 is revised to read as follows:

§ 1033.15 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk from producers which is:

(a) Received at a pool plant directly from a producer, excluding any such milk received by diversion from another pool plant;

(b) Received at a pool plant from a handler described in § 1033.16(c) under the conditions set forth therein;

(c) Received by a handler described in § 1033.16(c) from producers in excess of the quantity delivered to pool plants;

(d) Diverted from a pool plant for the account of the handler operating such plant to another pool plant; or

(e) Diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler operation such pool plant or for the account of a handler described in § 1033.16(b), subject to the following conditions:

(1) During each of the months of September through November not less than one day's production of the producer must be physically received at a pool plant;

(2) In any month of September through February, the operator of a pool plant may divert the milk of any producer that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (e)(3) of this section. The operator of such plant may divert a total quantity of milk not exceeding 50 percent of the producer milk physically received at or diverted from such pool plant during the month;

(3) In any month of September through February, a cooperative association may divert an aggregate quantity of milk not exceeding 50 percent of the producer milk that the cooperative association caused to be physically received at or diverted from pool plants during the month; and

(4) Any milk diverted in excess of the limit set forth in paragraph (e) (2) or (3) of this section shall not be producer milk. The diverting handler shall designate the dairy farmer deliveries that shall not be producer milk. If the handler fails to designate the dairy farmer deliveries which are ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler; and

(f) Milk diverted pursuant to paragraph (d) or (e) of this section shall be priced at the location of the plant where it is received.

5. In § 1033.16, paragraphs (b) and (c) are revised to read as follows:

§ 1033.16 Handler.

* * * * *

(b) A cooperative association with respect to the producer milk which is diverted to nonpool plants for the account of such association pursuant to § 1033.15, excluding producer milk diverted by the association as the operator of a pool plant pursuant to paragraph (a) of this section;

(c) A cooperative association with respect to producer milk which is delivered for its account from the farm to a pool plant in a tank truck owned and operated by, or under contract to such cooperative association. Milk delivered pursuant to this paragraph shall not include producer milk diverted to another pool plant by the association as the operator of a pool plant pursuant to paragraph (a) of this section. Milk for which a cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by such cooperative association at the location of the pool plant to which such milk was delivered;

* * * * *

§ 1033.30 [Amended]

6. In § 1033.30(b)(2), the reference "§ 1033.15(a)(2)" in changed to "§ 1033.15(b)"

7 In § 1033.31, paragraphs (c), (d), and (e) are revised and two new paragraphs (f) and (g) are added to read as follows:

§ 1033.31 Other reports.

* * * * *

(c) On or before the 26th day of the month, each handler who receives milk from a producer and does not make payment to such producer shall report the following information to the market administrator with respect to the receipts of milk by such handler during the first 15 days of the month:

(1) The identity of each such producer from whom milk was received;

(2) The total pounds of producer milk received from such producer;

(3) The amount and nature of any deductions, as authorized by the producer, to be made from the partial payment for such milk;

(4) The total pounds of milk received from a handler described in § 1033.16(c); and

(5) The total pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(d) On or before the 26th day of the month, each handler who receives milk from a producer and makes payment to such producer, shall report the following information to the market administrator with respect to the receipts of milk by such handler during the first 15 days of the month:

(1) The total pounds of producer milk received from such producers;

(2) The total deductions authorized by such producers to be made from the partial payments for such milk;

(3) The total pounds of milk received from a handler described in § 1033.16(c); and

(4) The total pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(e) On or before the 6th day after the end of the month, each handler who receives milk from a producer and does not make payment to such producer shall report to the market administrator the following information with respect to the receipts of milk by such handler during such month:

(1) The identity of each producer from whom milk was received;

(2) The total pounds of producer milk received from such producer and its average butterfat content;

(3) The amount and nature of any deductions, as authorized by the producer, to be made from the final payment for such milk;

(4) The total pounds of skim milk and butterfat received from a handler described in § 1033.16(c); and

(5) The total pounds of skim milk and butterfat in bulk fluid milk products received from a pool plant operated by a cooperative association.

(f) On or before the second day prior to the reporting dates specified in paragraphs (c) and (e) of this section, each cooperative association that operates a pool plant from which bulk fluid milk products were transferred or diverted to another pool plant within the time periods described in paragraphs (c) and (e) of this section shall report to each such pool plant operator and the market administrator the name and location of each transferor-plant and the total pounds and butterfat content of the bulk fluid milk products transferred or diverted from each such plant.

(g) In addition to the reports required pursuant to paragraphs (a) through (f) of this section and §§ 1033.30 and 1033.32, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

8. A new § 1033.32 is added to read as follows:

§ 1033.32 Payroll reports.

(a) On or before the 20th day after the end of the month, each handler who elects to pay producers pursuant to § 1033.72(d) shall report to the market administrator the following information with respect to the handler's partial and final payments for producer milk received during such month:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds and, with respect to final payments, the average butterfat content of the milk for which payment is being made;

(3) The minimum rate of payment required by the order and the rate of payment used if such rate is other than the applicable minimum rate;

(4) The amount and nature of any deductions from the amount otherwise due the producer;

(5) The net amount of payment to the producer; and

(6) The dates such payments were made.

(b) On or before the 20th day after the end of the month, each handler operating a partially regulated distributing plant who elects to make payments pursuant to § 1033.57(a) shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his payroll for such month for dairy farmers from whom he received bottling grade milk. Such payroll shall show for each dairy farmer the total pounds of milk received from him, the average butterfat content thereof, and the rate and net amount of the payment made to such dairy farmer, together with the amount and nature of any deductions involved.

(c) On or before the 22nd day after the end of the month, each cooperative association with respect to the milk of producers shall submit to the market administrator the association's completed producer payroll which shall list the pounds of milk received, the average butterfat content thereof, and the rate and net amount of payment, together with the amount and nature of any deductions involved.

9. In § 1033.45, a new paragraph (d) is added to read as follows:

§ 1033.45 Computation of skim milk and butterfat in each class.

* * * * *

(d) Bulk fluid milk products transferred or diverted from a pool plant operated by a cooperative association to another pool plant shall be classified in accordance with the rules set forth in 1033.43(a) and the value thereof at class prices (applicable at the location of the

transferee-plant) shall be used to compute the receiving handler's pool obligation for such milk pursuant to § 1033.60.

10. In § 1033.53, the section title is changed, paragraph (a) is revised, and a new paragraph (c) is added to read as follows:

§ 1033.53 Plant location adjustments for handlers.

(a) For milk received at a plant from producers that is classified as Class I milk without movement in bulk form to a pool distributing plant at which a higher Class I price applies, the price specified in § 1033.51(a) shall be adjusted on the basis of where the plant receiving the milk is located, as follows:

(1) At a plant located in one of the zones set forth in § 1033.6, the adjustment shall be as follows:

Zone	Adjustment per hundredweight
Northwestern Zone	Minus 5 cents
Central Zone	No adjustment
Southeastern Zone	Plus 5 cents.

(2) At a plant located outside the marketing area and 60 miles or less from the city hall of the nearest city listed herein, the adjustment shall be the adjustment applicable at Cincinnati, Coshocton, Dayton, Lima, Marietta or Toledo, Ohio; Ashland or Maysville, Kentucky; or Beckley or Charleston, West Virginia; whichever city is nearest;

(3) At a plant located outside the marketing area and more than 60 miles from the city hall of the nearest city listed in paragraph (a)(2) of this section, the adjustment shall be the adjustment applicable at the nearest city, less 11 cents and less an additional 1.5 cents for each 10 miles or fraction thereof in excess of 70 miles that such plant is located from the city hall of the nearest city listed above. However, no minus location shall apply at any plant located in the Louisville-Lexington-Evansville marketing area under Part 1046 of this chapter or east of the Mississippi River and south of the northern boundary of Kentucky, West Virginia or Virginia; and

(4) For the purpose of computing location adjustments pursuant to this section, distances shall be measured by the shortest hard-surfaced highway distance as determined by the market administrator.

* * * * *

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraph (a) of this section.

§ 1033.57 [Amended]

11. In the introductory text and in paragraph (a)(1)(ii) of § 1033.57, the references to "1033.31(d)" should read "1033.32(b)" in both places.

12. In § 1033.60, paragraph (a) is revised to read as follows:

§ 1033.60 Computation of the net pool obligation of each handler.

* * * * *

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1033.46(c) and the pounds of bulk fluid milk products received from a pool plant operated by a cooperative association pursuant to § 1033.45(d) in each class as determined pursuant to § 1033.43(a) by the applicable class price and add the resulting amounts;

* * * * *

13. Section 1033.71 is revised to read as follows:

§ 1033.71 Payments to the market administrator.

(a) Subject to paragraph (c) of this section, each handler shall pay to the market administrator on or before the 26th day of each month an amount determined by multiplying the hundredweight of producer milk and bulk fluid milk products from a pool plant operated by a cooperative association received by such handler during the first 15 days of the month by the basic formula price for the preceding month less proper deductions and charges authorized in writing by such producers.

(b) Subject to paragraph (c) of this section, each handler shall pay to the market administrator on or before the 15th day after the end of each month the value of such handler's milk pursuant to § 1033.60(a) adjusted by the butterfat differential specified in § 1033.73 plus the amounts computed pursuant to § 1033.60 (b) through (g), less:

(1) The amount obtained from multiplying the weighted average price applicable at the location of the plants from which the other source milk is received (not to be less than the Class III price) by the hundredweight of other source milk for which a value is computed pursuant to § 1033.60(g);

(2) Partial payments made pursuant to paragraph (a) of this section for such month; and

(3) Proper deductions and charges authorized in writing by producers from whom the handler received milk, except that the total deductions and charges made under this section for the month for each producer shall not be greater then the total value of the milk received from such poducer during the month.

(c) The following conditions shall apply with respect to the payments prescribed in paragraphs (a) and (b) of this section:

(1) Payments to the market administrator shall be deemed not to have been made until such payments have been received by the market administrator;

(2) If the date by which payments must be received by the market administrator falls on a Saturday or Sunday or any day that is a national holiday, payments shall be considered to have been received by the due date if they are received not later than the next day on which the market administrator's office is open for public business; and

(3) Payments due the market administrator from a cooperative association as a handler may be offset by payments determined by the market administrator to be due the cooperative association pursuant to § 1033.72.

14. In § 1033.73, the section title is changed and the section is revised to read as follows:

§ 1033.72 Payments to producers and to cooperative associations.

(a) On or before the 28th day of the month, the marketing administrator shall make payment, subject to paragraph (c) and (d) of this section, to each producer for milk received from such individual producer and to each cooperative association for bulk fluid milk products delivered from its pool plant to another pool plant during the first 15 days of the month by handlers from whom the appropriate payments have been received pursuant to § 1033.71(a) at a rate per hundredweight equal to the basis formula price for the preceding month, less the deductions authorized in writing by producers and charges made by handlers with respect to such milk.

(b) On or before the 17th day after the end of the month, the market administrator shall make payment, subject to paragraphs (c) and (d) of this section, to each producer for milk received from such individual producer and to each cooperative association for bulk fluid milk products delivered from its pool plant to another pool plant during the month by handlers from whom the appropriate payments have been received pursuant to § 1033.71(b) at the uniform price per hundredweight as adjusted pursuant to §§ 1033.73 and 1033.74, less:

(1) Partial payments made pursuant to paragraph (a) of this section with respect to such milk;

(2) Deductions for marketing services pursuant to § 1033.75; and

(3) Other deductions authorized in writing by producers and made by handlers with respect to such milk.

(c) In lieu of making payments to individual producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay, on or before the day prior to the dates specified in such paragraphs, to each cooperative association that so requests with respect to those producers for whom it markets milk and who are certified to the market administrator as having authorized the cooperative association to receive such payment an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to paragraphs (a) and (b) of this section.

(d) In lieu of making payments to individual producers pursuant to paragraphs (a) and (b) of this section, the market administrator shall pay, on or before the day prior to the dates specified in such paragraphs, to each handler who so requests for milk received by the handler from producers from whom a cooperative association is not collecting payments pursuant to paragraph (c) of this section an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to paragraphs (a) and (b) of this section. The handler then shall pay the individual producers the amounts due them by the respective dates specified in paragraphs (a) and (b) of this section. Any handler who the market administrator determines is or was delinquent with respect to any payment obligation under this order shall not be eligible to participate in this payment arrangement until the handler has met all prescribed payment obligations for three consecutive months. In making payments to the individual producers pursuant to this paragraph, the handler shall furnish the following information to each producer:

(1) The identity of the handler and the producer and the month to which the payment applies;

(2) The total pounds and, with respect to finalf payments, the average butterfat content of the milk for which payment is being made;

(3) The minimum rate of payment required by the order and the rate of payment used if it is other than the applicable minimum rate;

(4) The amount and nature of any deducations subtracted from the amount otherwise due the producer; and

(5) The new amount of payment to the producer.

(e) The following conditions shall apply with respect to the payments by the market administrator prescribed in paragraphs (a) through (d) of this section:

(1) If the date by which such payments are to be made falls on a Saturday or Sunday or on any day that is a national holiday, such payments need not be made until the next day on which the market administrator's office is open for public business; and

(2) If the application of § 1033.71 (c)(2) or paragraph (e)(1) of this section results in a delay in the partial or final payments by handlers to the market administrator or by the market administrator to producers or cooperative associations, the corresponding partial or final payments prescribed in paragraphs (a) through (d) of this section may be delayed by the same number of days.

(f) If the market administrator does not receive the full payment required of a handler pursuant to § 1033.71, he shall reduce uniformly per hundredweight the payments to producers for milk received by such handler by a total amount not in excess of the amount due from such handler. The market administrator shall complete the payments to producers on or before the next date for making payments pursuant to this section following the date on which the remaining payment is received from such handler.

(g) If the unobligated balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, except those payments due producers as described in paragraph (f) of this section, the market administrator shall reduce uniformly per hundredweight the payments to producers and shall complete such payments on or before the next date for making payments pursuant to this section following the date on which the funds become available.

15. Section 1033.76 is revised to read as follows:

§ 1033.76 Expense of administration.

As a pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own farm production and milk received from a handler described in § 1033.16(c) but excluding bulk fluid milk products delivered from a pool plant operated by a cooperative association to another pool plant pursuant to § 1033.45(d));

(b) Receipts of bulk fluid milk products from a pool plant operated by a cooperative association pursuant to § 1033.45(d);

(c) Receipts of other source milk allocated to Class I pursuant to § 1033.46(a) (6), (7), and (11) and the corresponding steps of § 1033.46(b), except such other source milk on which no handler obligation applies pursuant to § 1033.60(g); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(2) Specified in § 1033.57(b)(2)(ii).

16. A new § 1033.78 is added to read as follows:

§ 1033.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1033.57, 1033.71, 1033.72(d), 1033.76, 1033.77, or 1033.78 shall be increased one (1) percent beginning on the first day after the due date, and on the same day of each succeeding month until such obligation is paid, subject to the following conditions:

(a) Charges on overdue accounts collected pursuant to this section shall be deposited into the administrative assessment fund maintained by the market administrator;

(b) Amounts payable pursuant to this section shall be computed by the market administrator monthly on the unpaid balance (including any unpaid charges previously assessed pursuant to this section) remaining on each overdue obligation on such date; and

(c) Any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

List of Subjects in 7 CFR Part 1033

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C., on July 11, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84–18760 Filed 7–13–84; 8:45 am]
BILLING CODE 3410–02–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-26-81]

Taxable Years to Which the Net Operating Loss of a Real Estate Investment Trust May Be Carried; Proposed Rulemaking

Correction

In FR Doc. 84-16876 beginning on page 26102 in the issue of Tuesday, June 26, 1984, make the following corrections:

On page 26103, first column, second complete paragraph, fifteenth line, "carryover" should have read "carryback"

§ 1.172-4 [Corrected]

On page 26104, third column, in § 1.172-4(a)(1)(iv), second line, "new" should have read "net"

§ 1.172-9 [Corrected]

On page 26105, second column, in Par. 11, eighth line, insert the word "paragraph" after "redesignated"

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1907, 1910, 1935, and 1936

[Docket No. S-110]

Safety Testing or Certification of Certain Workplace Equipment and Materials

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of informal public hearing.

SUMMARY: This notice schedules an informal public hearing concerning the proposed revised rules of safety testing or certification of certain workplace equipment and materials 29 CFR Parts 1907, 1910, 1935, and 1936 (49 FR 8326, March 6, 1984).

DATES: Notices of intention to appear at the informal public hearing must be postmarked by August 15, 1984. All testimony and evidence which will be introduced into the hearing record must be postmarked by August 27, 1984.

The hearing will begin at 9:30 a.m. on September 25, 1984, in Washington, D.C., and, depending on the number of requests to testify, may continue on September 26 and October 1 and 2, 1984.

ADDRESSES: Notices of intention to appear and testimony and documentary evidence which will be introduced into the hearing record must be sent to Mr. Tom Hall, Division of Consumer Affairs, Room N3662, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

The informal public hearing will be held in the Auditorium, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Hearing: Mr. Tom Hall, Division of Consumer Affairs, Room N3662, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-8024.

Proposal: Mr. James F. Foster, Office of Information, Room N3637, Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210, (202) 523-8151.

SUPPLEMENTARY INFORMATION: On March 6, 1984, OSHA published a Notice of Proposed Rulemaking on Safety Testing or Certification of Certain Workplace Equipment and Materials (49 FR 8326). Written comments were to be receive by May 7, 1984. A number of requests were received by OSHA asking for an extension of time to allow additional time to prepare comments. OSHA agreed to these requests and extended the comment period to June 21, 1984 (49 FR 19336).

Written comments and objections received by OSHA addressed a broad range of issues related to the proposal and were submitted by various interested persons and organizations. In addition, OSHA has received several written requests for a public hearing. Accordingly, pursuant to section 6(b)(3) of the Act, OSHA has scheduled an informal public hearing to receiving testimony on the proposed regulation.

Information will be sought at this hearing on the objections raised by the commenters as well as the questions and requests for information raised by OSHA in it March 6, 1984 proposal and in the May 7, 1984 Federal Register document extending the comment period. Many of these issues appear to have been inadequately addressed as yet in the public review and comment process. Persons interested in participating in the hearing should refer to the notice of proposed rulemaking entitled Safety Testing or Certification of Certain Workplace Equipment and Materials (49 FR 8326) for the text of the proposal and a discussion of issues related to this proceeding. A thorough discussion of all issues is encouraged by OSHA. Finally, in addition to the aforementioned objections, issues and questions, OSHA seeks additional information and specifically invites comments and testimony on the issues listed below.

Additional Issues

I. The agency requests comments and suggestions as to how it should resolve the proposals submitted by the Industrial Safety Equipment Association (ISEA) (Exh. 8-24), which are also reflected in the comments of the Safety Equipment Institute (SEI) (Exh. 8-25) and the International Brotherhood of Electrical Workers (IBEW) (Exh. 8-48) that third party certification requirements be added to the personal protective equipment regulations covered by Subpart I (29 CFR Part 1910).

Was the exclusion of Subpart I from this proposal inadvisable (see discussion at 49 FR 8329, column 1)? Do the requirements of Subpart I require certification by a non-governmental third-party? If so, should the actions proposed by the ISEA, i.e., insertion of a direct third-party certification requirement and the updating of the referenced standards, be accomplished within the parameters of this rulemaking as opposed to a separate rulemaking procedure? Finally, is data currently available as to the economic impact such a requirement would have?

II. Are the proposed rules on third party certification programs too restrictive as claimed by Factory Mutual (Exh. 8-26)? If so, how can they be changed to provide greater flexibility without jeopardizing the safety results desired.

III. Perhaps the most far reaching objections are contained in the National Electrical Manufacturers Association (NEMA) submission (Exh. 8-36) which includes the following assertions:

A. The proposal is contrary to the aims of OMB circular A-119, particularly as regards Part 1935.

B. The proposal is outside the scope of OSHA's jurisdiction and contains an illegal delegation of government power to private parties.

C. The proposed rule is not necessary to assure the Act's objectives.

D. The proposal would adversely affect product innovation because it requires that all testing be done to previously published standards.

E. The proposal pays improper deference to foreign entities and standards; it goes well beyond the Trade Act of 1979 and the GATT Agreement and is detrimental to U.S. interests.

F The competition which this proposal contemplates may be ultimately inconsistent with the Act's goal of safety in the workplace.

Comments and testimony on these objections are invited.

IV Several commenters (Exh. 8–29 and 8–46) objected to the proposed three year period for the temporary recognition of certain certification programs (e.g. UL and FM). They claimed that these applications should be filed immediately and that Agency action on such applications should be completed within six months. In the proposal, the Agency indicated that more time would be necessary (see discussion, 49 FR 8336, col. 3). The Agency invites interested persons to suggest alternative workable schemes to accomplish the recognition of these two programs in a more timely and yet an orderly manner.

Hearing participants are invited to submit additional information on these and other relevant issues raised by the proposal, following the requirements for submittal contained in this notice.

Economic Analysis

Pursuant to Executive Order 12291, OSHA conducted a Regulatory Impact Assessment (see 49 FR 8344) in which it concluded that the proposed regulation was not a "major" action requiring a Regulatory Impact Analysis (RIA). This preliminary conclusion was derived from information received in response to the Advance Notice of Proposed Rulemaking (48 FR 270, January 4, 1983) and data and analyses contained in a draft report prepared by Energy Resources Company, Inc. (ERCO). This report, entitled "Supporting Analysis for Economic Impact Study of Proposed OSHA Part 1936 Standards and Associated Changes—March 1984" (Exh. 3) is available from the Docket Office at the address noted below. Several commenters have raised objections to the conclusions reached on the economic impact of the proposal. For example, NEMA (comment 8–36B) contends that the proposal will have a "substantial" adverse economic impact upon industry and the market place.

OSHA continues to seek information on the cost of compliance and the economic impact of the proposal. Interested persons are encouraged to submit relevant economic information to OSHA to facilitate a complete determination of the regulatory impact of the proposal. It is most important that parties submitting economic analyses also provide all underlying data and assumptions on which these analyses are based so that OSHA may evaluate fairly the conclusions of each analysis.

In addition, OSHA invites the submission of any economic information regarding the impact of the proposed standard on small businesses and other small entities, so that OSHA may fully carry out its responsibilities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)* OSHA's economic consultants, Energy Resources Company, Inc. will be available to respond to questions during the hearing.

Public Participation in Hearing

Notice of Intention to Appear

Persons desiring to participate at the hearing must file a notice of intention to appear to the OSHA Division of Comsumer Affairs by (insert date 30 days from publication in Federal Register). The notice of intention to appear must contain the following information:

1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The specific issues that will be addressed;
5. A detailed statement of the position that will be taken with respect to each issue addressed;
6. Whether the party intends to submit documentary evidence and, if so, a detailed summary of the evidence.

Filing and Testimony and Evidence Before the Hearing

Any party requesting more than 10 minutes for presentation at the hearing or who will submit documentary evidence, must provide in advance of the hearing, in quadruplicate, the complete text of testimony, including all documentary evidence to be presented at the hearing. These materials must be provided to the OSHA Division of Consumer Affairs by August 27, 1984.

Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact prior to the hearing.

Any party who has not substantially complied with the above requirements may be limited a 10-minute presentation and may be requested to return for questioning at a later.time. Any party who has not filed a notice of intention to appear may be allowed to testify for no longer than 10 minutes, as time permits, at the discretion of the Administrative Law Judge, but will not be allowed to question witnesses.

Notices of intention to appear, testimony, evidence and all comments on this proposal which have been submitted to date will be available for inspection and copying at the Docket Office, Docket S–110, U.S. Department of Labor, Occupational Safety and Health Administration, Room S–6212, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–7894.

Conduct of the Hearing

The hearing will commence at 9:30 a.m. at the scheduled location with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have the power necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911, including the power:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections and comparable matters;
3. To confine the presentation to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. In the Judge's discretion; to question and permit questioning of any witnesses; and
6. In the Judge's discretion, to keep the record open for a reasonable time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and health.

Final Action

The proposal will be reviewed in light of all testimony and written submissions received as part of the record. The proposal will be modified or a determination will be made not to modify the proposed standards, based on the entire record of the proceeding.

Authority

This document was prepared under the direction of Patrick R. Tyson, Deputy Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Secs. 6(b) and 8(g)(2), 84 Stat. 1593 [29 U.S.C. 655]; 29 CFR Part 1911, Secretary of Labor's Order No. 9–83 [48 FR 35736])

Signed at Washington, D.C. this 11th day o July 1984.

Patrick R. Tyson,

Deputy Assistant Secretary of Labor.

[FR Doc. 84-18581 Filed 7-13-84; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Public Comment Period and Opportunity for Public Hearing on an Amendment to the Maryland Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for a public hearing on a amendment submitted by the State of Maryland to amend its permanent regulatory program which was approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed program amendment consists of proposed provisions to implement a blaster training, examination and certification program as required by 30 CFR Part 850.

This notice sets forth the times and locations that the proposed amendment is available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendment and information pertinent to the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. on August 15, 1984. A public hearing on the proposal will be held from 7:00 p.m. to 9:00 p.m. on August 10, 1984, at the Maryland Bureau of Mines Office listed below under "SUPPLEMENTARY INFORMATION" Any person interested in making an oral or written presentation at the hearing should contact Mr. John Heider at the OSM Charleston Field Office by 4:00 p.m. July 31, 1984. If no one has contacted Mr. Heider to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Heider, a public meeting, rather than a hearing may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, Attention: Maryland Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

See "SUPPLEMENTARY INFORMATION" for addresses where copies of the Maryland program amendment and administrative record on the Maryland program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Charleston Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. John Heider, Acting Director, Charleston Field Office, Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158.

SUPPLEMENTARY INFORMATION: Copies of the Maryland program amendment, the Maryland program and the administrative record on the Maryland program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining, Charleston Field Office, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158

Office of Surface Mining, 1100 "L" Street, NW., Room 5124, Washington, D.C. 20240, Telephone: (202) 343-7896

Maryland Department of Natural Resources, Bureau of Mines, 69 Hill Street, Frostburg, Maryland 21532, Telephone: (301) 689-4136.

In addition, copies of the amendment are available for inspection during regular business hours at the following location: Office of Surface Mining, Morgantown Area Office, 75 High Street, Post Office Box 886, Morgantown, West Virginia 26505, Telephone: (304) 291-4004.

On May 28, 1984, the State of Maryland submitted to OSM an amendment to its approved permanent regulatory program. The Maryland program was approved by the Secretary of the Interior on February 18, 1982, (47 FR 7214-7217). The proposed program amendment is intended to implement the provisions of 30 CFR Part 850 relating to blaster training, examination and certification. The proposed amendment consist of proposed regulations governing the standards for certification of blasters and a proposed training and certification outline for blaster certification. In addition, information on previous training requirements was included.

In accordance with the provisions of 30 CFR 732.17, OSM is seeking comments from the public on the adequacy of the proposed program amendment. Upon the close of the public comment period, the Acting Director of the Charleston Field Office will forward transcripts, public comments and a recommendation to the Director of OSM.

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 No. 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior had determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule does not impose any new requirements; rather, it ensures 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 920

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

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 note).

Dated: July 10, 1934.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

[FR Doc. 84-18733 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 931

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

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for requesting a public hearing on the substantive adequacy of a program amendment submitted by New Mexico to modify the New Mexico permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment submitted by New Mexico for the Secretary's approval includes modifications to regulations concerning roads, and the addition of regulations governing the training, examination and certification of blasters. This notice sets forth the times and locations that the New Mexico program and the proposed amendment are available for public inspection and the comment period during which interest persons may submit written comments on the proposed amendment.

DATE: Written comments, data or other relevant information not received on or before 4:00 p.m. August 15, 1984 will not necessarily be considered. A public hearing on the proposed modification has been scheduled for August 10, 1984 at 10:00 a.m. at the address listed below under "**ADDRESSES.**"

Any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Hagen at the address below by July 31, 1984. If no person has contacted Mr. Hagen by this date to express an interest to participate in this hearing, the hearing will not be held. If only one person has so contacted Mr. Hagen, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

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

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

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

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

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

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

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

SUPPLEMENTARY INFORMATION:

Background

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

Proposed Amendment

On June 6, 1984, New Mexico submitted a proposed program amendment to modify its regulations for roads performance standards and to add a program for the training and certification of blasters working in surface coal mining operations.

The proposed modifications for roads requirements would establish a system of primary and ancillary road designation and would include provisions for performance standards, design and construction requirements, location, maintenance, and reclamation of roads, with additional specifications for primary roads.

The remaining proposed provisions would establish regulations for a program for the training, examination and certification of blasters. On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of New Mexico's program; the applicable date is 12 months after publication date of OSM's rule, or March 4, 1984.

On March 5, 1984, New Mexico advised OSM that it would be unable to meet the March 4, 1984 deadline and requested an additional twelve months to develop and adopt a blaster certification program. In the May 14, 1984, Federal Register (49 FR 20287), after providing opportunity for public comment, OSM extended the deadline for New Mexico to promulgate rules governing the training, examination and certification of blasters and to develop and adopt a program for examination and certification of persons directly responsible for the use of explosives in a surface coal mining operating. The extension deadline is March 5, 1985. New Mexico is submitting regulations for the blaster certification and training program at this time to comply with this new deadline.

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

The full text of the proposed program modifications submitted by New Mexico for OSM's consideration is available for public review at the addresses listed under "**ADDRESSES.**"

Additional Determinations

1. Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

3. Paperwork Reduction Act

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

List of Subjects in 30 CFR Part 931

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

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

Dated: July 10, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

[FR Doc. 84-18735 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-01-M

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30 CFR Part 946

Public Comment Procedures and Opportunity for Public Hearing on Proposed Amendment to the Virginia Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of a program amendment submitted by Virginia as an amendment to the State's permanent regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of proposed changes to the Virginia statute concerning a reorganization of the Commonwealth's Executive Department as it relates to Virginia's administration of SMCRA.

This notice sets forth the times and locations that the Virginia program and proposed amendment will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed for requesting a public hearing.

DATES: Written comments from the public not received by 4:30 p.m., August 15, 1984 will not necessarily be considered in the decision on whether the proposed amendment should be approved and incorporated into the Virginia regulatory program. A public hearing on the proposed amendment will be held only if requested. If no one requests a public hearing, none will be held. If only one person requests a public hearing, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record. If a hearing is requested and scheduled, a notice announcing the time and location of the hearing will be announced in the Federal Register. Requests for a public hearing should be directed to Mr. Ralph Cox at the address or telephone number listed below by 4:00 p.m., July 15, 1984.

ADDRESSES: Written comments and requests for a hearing should be directed to Mr. Ralph Cox, Director, Big Stone Gap Field Officed, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

Copies of the Virginia program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM offices and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays.

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

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land Reclamation, 622 Powell Avenue, Big Stone Gap, Virginia 24210

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Director, Big Stone Gap Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

SUPPLEMENTARY INFORMATION:

I. Background

The Virginia program was conditionally approved by the Secretary of the Interior on December 15, 1981 (46 FR 61088-61115). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 Federal Register.

II. Submission of Amendment

By letter dated June 13, 1984, Virginia submitted Chapter 590 of the 1984 Acts of Assembly signed April 7, 1984, by the Governor. The proposed amendment would bring together those State programs which are responsible for the administration of SMCRA through the Virginia Surface Mining Control and Reclamation Act of 1979 and all programs related to mining, mineral resources, and energy into a new Department of Mines, Minerals and Energy. The new department would contain all the current duties and responsibilities now vested in the Department of Conservation and Economic Development and the Division of Mined Land Reclamation as the regulatory authority in Virginia. The State also has assured that the current staffing and funding levels of the approved program will remain intact.

OSM is seeking comment on whether the Virginia proposed reorganization will satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17 The full text of the proposed program amendment submitted by Virginia is available for public inspection at the addresses listed above. Upon request to OSM's Field Office Director, each person may receive, free of charge, one single copy of the proposed amendment. If approved, the amendment will become part of the Virginia program.

III. Procedural Requirements

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

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

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5

U.S.C. 601 *et seq.).* This rule would not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

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

List of Subjects in 30 CFR Part 946

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

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

Dated: July 10, 1984.

J. Lisle Reed,

Acting Director, Office of Surface Mining.

[FR Doc. 84–18737 Filed 7–13–84; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[OW–FRL–2631–4]

Ocean Dumping; Proposed Designation of Site; Correction

AGENCY: Environmenal Protection Agency (EPA).

ACTION: Correction to proposed rule.

SUMMARY: On May 10, 1984, EPA published a proposed designation of an ocean disposal site in the Southern California Bight in the Pacific Ocean near Terminal Island, California (49 FR 19854 et seq.). It has been called to our attention that one page of text was inadvertently omitted. In addition, one line of text was repeated. The corrections listed below will remedy these errors.

DATE: These corrections will become effective on July 16, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, Chief, Marine Protection Branch, (WH–585), EPA, Washington, DC, 20460, 202/755–0356.

SUPPLEMENTARY INFORMATION: In FR Doc. 84–11674 appearing at page 19854 in the Federal Register of May 10, 1984, the following changes should be made:

On page 19855, second column, under heading 4, the first two sentences should read as follows:

"The types of wastes to be disposed of have been listed previously. The maximum daily quantity of DAF sludge to be disposed is 164,000 gallons."

On page 19855, at the end of the third column, the following text should be added: "* * * processes. The rate will depend on wind, current, and sea state but should only persist from minutes to a few hours.

"No detectable levels of waste are anticipated to reach any shore or beach or interfere with other uses of the ocean. The permittee will be required to conduct a monitoring plan to evaluate the impact to the marine environment from disposal operations.

"7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* One dredged material dumpsite and one sewer outfall are located in the greater vicinity of the proposed dumpsite. The dredged material site is presently located 2.8 n mi west-southwest of the proposed site. Relocation of the dredged material site is under negotiation with the Coast Guard due to an impending shift in shipping lanes. The shift should not cause this proposed fish waste dumpsite to interfere with shipping traffic. Los Angeles County operates a discharge for advanced-primary treated sewage about 5.5 n mi northwest of the fish waste dumpsite. No interaction between these two sites and the proposed fish waste dumpsite is expected to occur.

"8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish* * * *"

List of Subjects in 40 CFR Part 228

Water pollution control.

(33 U.S.C. 1401)

Dated: July 9, 1984.

Henry L. Longest III,

Acting Assistant Administrator for Water.

[FR Doc. 84–18691 Filed 7–13–84; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 82–105]

Documentation of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise 46 CFR 67.03–5 to clarify when the "controlling interest" in a partnership is deemed to be owned by citizens of the United States for purposes of vessel ducumentation. New vessel documentation regulations were published in the Federal Register on June 24, 1982 [47 FR 27490]. At that time the Coast Guard said it would initiate further rulemaking limited to the definitional problem created when the term "controlling interest" was inserted into the Vessel Documentation Act by an amendment enacted just before the final regulations were published. An Advance Notice of Proposed Rulemaking (ANPRM) dealing with that issue was published on November 12, 1982 [47 FR 51170]. This Notice of Porposed Rulemaking (NPRM) is based on comments received in response to the ANPRM. The revision being proposed specifies when the controlling interest in a partnership is owned by citizens of the United States for purposes of vessel documentation. It also provides a basis for determining who has "control" in a partnership seeking to document a vessel.

DATES: Comments must be received on or before September 14, 1984.

ADDRESSES: Comments should be submitted to Commandant (G–CMC/24), (CGD 82–105), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426–1477 between the hours of 7 a.m. and 4 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert R. Meeks (Staff Attorney), Office of Merchant Marine Safety, (202) 426–1492, or (202) 426–1493. Normal office hours are between 7 a.m. and 3:30 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this proposal are Lieutenant Commander Robert R. Meeks (Staff Attorney), Office of Merchant Marine Safety; and Lieutenant Commander William B. Short (Project Attorney), Office of the Chief Counsel.

Comments Invited

The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person making them, and identify this notice (CGD 82–105). Persons desiring acknowledgment that their comment has been received should enclose a stamped, self addressed postcard or envelope. All comments received before expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is plannned, but the Coast Guard will further

evaluate the need for public hearings based on the comments received in response to the NPRM.

Background

The regulations governing documentation of vessels contained in Part 67 of Title 46, Code of Federal Regulations, were extensively revised in a final rule published on June 24, 1982. That rulemaking project was undertaken primarily to simplify documentation procedures and was in implementation of the Vessel Documentation Act (Pub. L. 96–594). In the supplementary information published with the final rule, the Coast Guard said amendment of the Vessel Documentation Act by section 10 of the Coast Guard Authorization Act of 1982 [Pub. L. 97–136] had created a definitional problem by introducing the new term "controlling interest" in the context of documentation of vessels owned by partnerships. The resolution of the definitional problem was deferred to a separate rulemaking project due to the relative timing of the amendment to the statute and the publication of the final documentation regulations. An ANPRM was published on November 12, 1982 [47 FR 51170] and the public was given until January 11, 1983 to comment. In response to requests for extension, a notice was published extending the comment period to January 24, 1983. The following summarizes the comments received and the action proposed by the Coast Guard.

Discussion of Comments and Action

The ANPRM requested comments concerning several specific questions. The questions are repeated here for ease of reference:

1. Should the Coast Guard promulgate a regulation defining "controlling interest" for use in connection with documentation of vessels owned by a partnership?

2. If a definition of "controlling interest" is promulgated, what factors or tests should be included for use by the Coast Guard in deciding whether the controlling interest in a partnership is owned by citizens of the United States? For example, issues which have been identified by the Coast Guard in connection with specific documentation inquiries since the statute changed are:

(a) Should the Coast Guard apply a test to partnerships to ascertain "controlling interest" which is the same as, or parallels, the provisions of 46 U.S.C. 802?

(b) If "controlling interest" is taken to mean "more than 50 percent," to what should the 50 percent be applied?

(c) Should the test be relative power of control, regardless of relative equity capital contributions?

(d) Can the relative number of citizen partners be used as a satisfactory test of "control by citizens of the United States"?

(e) Does it affect controlling interest for documentation purposes if certain partners can be stripped of their control or equity in the partnership?

(f) Should the idea that, in the final analysis, ultimate control rests with the sources of revenue in partnership ventures be the basis for the Coast Guard's assessments?

(g) Should eligibility for vessel documentation be affected by the fact that none of the partners has an address in the United States?

3. What evidence should the Coast Guard require a partnership to furnish in order to establish that the controlling interest is owned by citizens of the United States?

4. Any potential adverse impacts on members of the public which may occur if the Coast Guard adopts some particular definition of the term "controlling interest" in the partnership context.

In repeating question 2(a) above, the reference to section 802 of Title 46, United States Code, is as it appeared in the ANPRM. However, it should be noted that a recent reenactment of portions of Title 46, United States Code as positive law (see Pub. L. 98–89, 97 Stat. 500, 585, August 26, 1983) has resulted in a change in all of the sectioin numbers for the Vessel Documentation Act. These provisions are cited "46 U.S.C. ——" Certain other sections in Title 46 to which we made reference in the ANPRM were not included in the codification and are therefore redesignated "46 App. U.S.C. ——" to conform to the usage in the new Title 46, e.g. 46 U.S.C. 3704. Parallel citations to the new and former section numbers are included in the analysis of comments when necessary to avoid confusion.

Twenty-six substantive comments were received in response to the ANPRM. Commenters included shipping companies, trade associations, law firms, a bank, and a nonprofit research and educational association. After review of all comments, the Coast Guard has determined that further rulemaking is necessary.

Seventeen commenters responded to the question whether the Coast Guard should promulgate a regulation defining "controlling interest." Eleven said or stongly implied a regulatory definition was needed; six said it was not. Among commenters who indicated a definition was not needed, some did so because they believe the Coast Guard is required to apply 46 App. U.S.C. 802 (formerly 46 App. U.S.C. 802) to decide whether a vessel may be documented. That premise is not correct. The Coast Guard applies only the criteria in 46 App. U.S.C. 12102 (formerly 46 App. U.S.C. 65b) when determining whether a vessel is eligible for documentation. For example, if a corporation meets the criteria of 46 U.S.C. 12102(4) it is entitled to document the vessels it owns without regard to who owns the stock of the corporation or who has controlling interest in it. If the same corporation becomes a partner in a partnership seeking to document a vessel, the meaning of the phrase "controlling interest" then becomes a factor because it appears in 46 U.S.C. 12102(3) (formerly 46 U.S.C. 65b(2), not because it is also found in 46 App. U.S.C. 802.

Thirteen comments provided answers to the question whether the definition of "controlling interest" in the documentation regulations should be the same as or parallel that found in 46 App. U.S.C. 802. Twelve commenters said it should; one said it should not. As discussed above, the comments reflect a widespread misimpression that 46 App. U.S.C. 802 is applicable to all vessel documentation decisions and that a vessel owned by a corporation with more than 50 percent of its stock owned by aliens is ineligible for documentation. This is not correct. The Coast Guard has for many years documented vessels owned by corporations meeting the requirements now set out in 46 U.S.C. 12102(4). Stock ownership has not been considered unless the vessel was to be used for the Great Lakes or coastwise trades. If the Coast Guard were to now apply the controlling interest test of 46 App. U.S.C. 802 to corporations when they are partners in a partnership seeking to doucment a vessel, it would create the anomalous result that two or more corporations which could each own and document its vessels could not form a partnership and document the vessels as partnership property. One answer to that dilemma would be to apply the 46 App. U.S.C. 802 controlling interest test to corporations as well as to partnerships. However, to do so would reverse a longstanding agency practice and would be contrary to the literal terms of 46 U.S.C. 12102(4). In light of that, the proposed regulation does not apply the 46 App. U.S.C. 802 test for controlling interest. Instead, it reflects the concept that a partnership ought to be able to do as much insofar as documenting a vessel is concerned as those who have control over it could do in their own right.

Responses to the question about what to apply the "more than 50 percent" test to, if controlling interest is interpreted to mean more than 50 percent, included "equity and ownership", "equity", "equity in vessel", "equity in partnership", and "contract rights." One commenter felt "equity" should not be the sole test for controlling interest. He suggested the Coast Guard undertake a study of how control over vessels is actually acquired and exerted. The Coast Guard agrees that equity, which in common and ordinary understanding means the risk interest or ownership right in property, is not the sole test for control. However, since 46 U.S.C. 12102(3) refers to *ownership* of the controlling interest in the *partnership,* the Coast Guard agrees with those who suggested "equity in partnership" as the most appropriate measuring stick. On the other hand, the regulations also contain a description of "control" which reflects the view that control is not simply equal to equity.

On the question whether relative power to control regardless of equity is a valid test for controlling interest, eight commenters said no; one said yes. The commenter who said yes said the partnership contract is the sole basis for testing control. The Coast Guard does not agree that a partnership contract is the sole basis for testing control. Rather, it is one basis for establishing control which, along with equity, local laws, and other factors should be evaluated as to its actual effect on the eligibility of the vessel being considered for documentation. As indicated above, the proposed regulations describe the parameters of the word "control" accordingly.

The idea of using relative number of citizen partners as a suitable test for control by citizens of the United States was rejected by all eight commenters who responded to the question. The Coast Guard agrees.

Five commenters responded to the question whether the power to strip a partner of equity or control affects controlling interest. Four said it does; one said it does not. The Coast Guard proposal reflects the view that the ability to change the structure of the partnership may give one sufficient control over a partnership to affect whether the controlling interest is owned by citizens. For example, such indirect control might exist if one or more limited partners could replace or remove one or more general partners.

Ten commenters responded to the question whether ultimate control rests with the sources of revenue in partnership ventures. Eight commenters said, in effect, "money talks"; the other two said it is not that simple. For reasons already discussed, the proposed regulations reflect both points of view.

Only four commenters responded to the question whether lack of an address in the United States for all partners should affect eligibility for documentation of a vessel owned by a partnership. The responses were equally divided. The proposed regulations do not alter existing practice whereby applications from partnerships are considered on the same basis whether the partners' addresses are inside or outside the United States.

Responses to the question of what evidence the Coast Guard should require a partnership to furnish in order to establish controlling interest included recommendations for use of partnership contracts, positive proof of compliance with 46 App. U.S.C. 802 at every level, any credible evidence, sworn statements of the type used by the Maritime Administration, and charter agreements. The Coast Guard believes the materials presently required by the documentation regulations are sufficient to deal with applications by partnerships. No additional forms or submissions are being proposed at this time.

One commenter responded to the question about potential adverse impacts by saying there could be serious adverse impact on the domestic dredging industry if the definition of controlling interest in 46 App. U.S.C. 802 is not adopted. To the extent that a particular dredging operation involves engaging in the coastwise trade, the Coast Guard already uses the 46 App. U.S.C. 802 test in deciding whether the dredge is entitled to a coastwise license. If the dredging operation does not involve engaging in coastwise trade and the applicant seeks to document the vessel, the vessel's eligibility for documentation is not affected by 46 App. U.S.C. 802. For the reasons already discussed above, the Coast Guard does not propose to alter that practice.

Two commenters felt that public hearings would be appropriate before any change in the regulations is made which affects prior practice. The proposed regulations are consistent with prior practice. However, the Coast Guard will evaluate the comments received on the NPRM to determine whether a public hearing should be held.

One commenter suggested there should be conforming amendments to the Shipping Act, 1916, as amended, and the Vessel Documentation Act, as amended, to give parity to partnerships and corporations as relates to controlling interest. The idea would be to give general partners in a partnership the same treatment as is now given to the chief executive officer and directors in a corporation. The Coast Guard believes the proposed regulations will provide a measure of parity for partnerships and corporations which is consistent with 46 U.S.C. 12101(3) without the need for conforming amendments.

One commenter submitted suggested changes to the regulations designed to enable a trust arrangement involving noncitizen banking institutions to engage in leasing finance ventures. That proposal is outside the limits of the rulemaking project and has not been addressed.

Regulatory Evaluation

This proposed regulation has been reviewed under the provisions of Exective Order 12291 and determined not to be a major rule. It is considered non-significant within the guidelines of the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of May 22, 1980). A determination has been made that the expected economic impact of changing the regulation is so minimal that the proposal does not warrant further analysis. The proposed change should produce no more than a minimal impact on anyone because it merely clarifies the Coast Guard interpretation of the statutory eligibility requirements pertaining to documentation of a vessel owned by a partnership. For those reasons, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164) that this rule, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 46 CFR Part 67

Vessels, Documentation,

Proposed Regulatory Change

PART 67—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend 46 CFR Part 67 as follows:

1. The authority citation for Part 67 is revised to read as follows:

Authority: 46 U.S.C. 12103, 12113, 12115, 12120, 12121; 65 Stat 290 (31 U.S.C. 483a); 41 Stat. 1002, 80 Stat. 795 (46 App. U.S.C. 927); 41 Stat. 1006 (46 App. U.S.C. 983); 94 Stat. 978 (42 U.S.C. 9101).

2. Section 67.03–5 is amended by revising paragraph (a) and adding paragraphs (d) and (e) to read as follows:

§ 67.03-5 Partnership, association, or joint venture.

(a) A partnership is a citizen:

(1) For the purpose of obtaining a registry, a fishery license, or a pleasure license, if all its general partners are citizens and the controlling interest in the partnership is owned by citizens of the United States.

(2) For the purpose of obtaining a coastwise license or a Great Lakes license, if it meets the requirements or paragraph (a)(1) of this section and at least 75 percent of the equity in the partnership is owned by and under the control of a partner or partners who, if applying for a license to engage in those trades, would each qualify as a citizen owner under this subpart.

* * * * *

(d) The controlling interest in a partnership is not deemed to be owned by citizens of the United States if:

(1) By any means whatsoever, control of the partnership is conferred upon or permitted to be exercised by a partner or partners who, if applying for a certificate of documentation as owner of a vessel, would not qualify as a citizen owner under this subpart; or

(2) More than 50 per cent of the equity in the partnership is owned by a partner or partners who, if applying for a certificate of documentation as owner of a vessel, would not qualify as a citizen owner under this subpart.

(e) For the purpose of paragraph (d)(1) of this section, *control* includes any right to direct partnership business, to limit the actions of or replace any general partner, to direct the transfer or operations of any vessel owned by the partnership, or otherwise to exercise any authority over the business of the partnership, but does not include the right to receive a financing return, i.e., interest or the equivalent of interest, on a loan or other financing obligation.

Dated: July 11, 1984.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 84-18729 Filed 7-13-84; 8:45 am]

BILLING CODE 4910-14-M

Notices

Federal Register
Vol. 49, No. 137
Monday, July 16, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

National Forest Timber Sales; Control of Skewed Bidding; Procedures

AGENCY: Forest Service, USDA.

ACTION: Notice of revised proposed policy.

SUMMARY: On July 1, 1983, the Forest Service published a notice of proposed policy to limit skewed bidding (48 FR 30417).

This earlier proposal limited bidding on sales exceeding 1 million board feet in Regions 1, 5, and 6 to those species which exceed 10 percent of the total sale volume. In addition it was proposed that bidding be on a weighted average basis, with limits placed on the maximum amount of bid value increase above advertised rates that could be assigned to any biddable species. The amount of bid value increase assignable to any biddable species was based on a total value weighted formula. This notice revises the July 1, 1983, proposal to be responsive to the comments received.

The revised proposal upon adoption would revise agency procedures for establishing bid rates for National Forest timber sale contracts. The primary purpose of these procedures is to reduce the Government's revenue losses associated with skewed bidding, the practice in which a bidder on a multispecies timber sale attributes most of the total bid value to one species and bids the minimum price on the others. The revised proposal would limit bidding on species that represent a minor proportion of the total sale volume. The proposed procedures would better protect the Government's earnings on timber sales as well as preserve competition among prospective purchasers.

DATE: Comments must be received by September 14, 1984.

ADDRESS: Send written comments to: R. Max Peterson, Chief (2400), Forest Service, USDA, P.O. Box 2417, Washington, DC 20013.

All written submissions made pursuant to this notice will be available for public inspection during regular business hours in the office of the Director, Timber Management Staff, South Agriculture Building, Room 3207, 12th and Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lloyd W. Olson, Timber Management Staff, Forest Service, USDA; (202) 447-4051.

SUPPLEMENTARY INFORMATION: The National Forest Management Act authorizes the sale of timber from National Forest System lands to private purchasers through competitive bidding. Timber may not be sold at less than appraised value (16 U.S.C. 472a).

National Forest timber sales often include more than one species of timber. In such cases, prospective purchasers offer bids by species. The high bid is determined by multiplying the price bid for a species by the estimated timber volume of that species. The sale is awarded to the qualified bidder whose bid has the highest total value.

A bidder who believes there are possible inaccuracies in the Forest Service's volume estiamtes of a particular species may place most of the bid value on that species and bid the minimum prices established by the Forest Service on the other species. This practice is known as "skewed bidding" and may also be used when a bidder has a better market for a particular species.

Skewed bidding enables bidders to tailor their bids to their competitive strengths. Its use is a comparatively recent development in Forest Service timber sales, and has been concentrated in the western areas with higher priced timber.

While skewed bidding can be advantageous to purcahsers, it can reduce Government receipts and increase Forest Service sale administration costs.

These results were documented in a review of skewed bidding by the General Accounting Office (GAO/RCED-83-37). This revised proposal is made in partial response to the recommendations in that review.

The effects of skewed bidding can best be explained by presenting an example of skewed bidding. For instance, consider a 10 million board feet (10 MMBF) timber sale containing Douglas-fir, Ponderosa pine, hemlock, and cedar. The advertised rates (that is, the minimum bid the Government will accept for each species), the Government estimate of the volume by species, and the offers of Bidders A, B, and C are in Exhibit I.

EXHIBIT 1—SAMPLE TIMBER SALE BIDS

	Douglas-fir	Ponderosa pine	Hemlock	Cedar	Average total
Estimated volume (thousand board feet)	5,000	3,500	900	600	10,000
Estimate volume (percent)	50	35	9	6	100
Advertised rates (dollars per thousand board feet)	$50	$40	$10	$5	$40.20
Advertised value	$250,000	$140,000	$9,000	$3,000	$402,000
Bidder "A" bid rate (dollars per thousand board feet)	$50	$40	$10	$500	$69.90
Bidder "A" bid value	$250,000	$140,000	$9,000	$300,000	$699,000
Bidder "B" bid rate (dollars per thousand board feet)	$30	$80	$10	$5	$69.20
Bidder "B" bid value	$400,000	280,000	$9,000	$3,000	$692,000
Bider "C" bid rate (dollars per thousand board feet)	$60	$60	$10	$5	$52.20
Bidder "C" bid value	$300,000	$210,000	$9,000	$3,000	$522,000

Based on the circumstances in Exhibit 1, Bidder "A" would be awarded the sale because the $699,000 total bid was higher than the bids of "B" and "C." Note that most of "A's" bid was on cedar, which was estimated as 6 percent of the total sale volume.

Timber sale volumes are estimated by species based on sampling. Acceptable sampling errors are established for the total sale volume. The sampling errors for individual species, especially minor species, will be much higher. Often the actual volume of timber differs from the estimate at the time of sale. Timber sale purchasers of most western timber sales pay the Government for the volume of each species of timber actually removed.

If in the Sample Timber Sale illustrated in Exhibit 1, there were

actually more Douglas-fir and less cedar removed than was originally estimated by the Forest Service, the Government could, in effect, lose money. An example of this is shown in Exhibit II.

In this instance, Bidder "B's" offer would have netted the Government $203,000 more than that offered by Bidder "A" who was awarded the sale. This difference equals almost half the original advertised value of the sale.

EXHIBIT II—RETURNS TO GOVERNMENT BASED ON ACTUAL TIMBER VOLUME IN THE SAMPLE

	Douglas-fir	Ponderosa Pine	Hemlock	Cedar	Average total
Estimated volume (thousand board feet)	5,000	3,500	900	600	10,000
Actual Volume (thousand board feet)	5,400	3,500	900	200	10,000
Advertised rates (dollars per thousand board feet)	$50	$40	$10	$5	$42.00
Advertised value	$270,000	$140,000	$9,000	$1,000	$420,000
Bidder "A" bid rate (dollars per thousand board feet)	$50	$40	$10	$500	$51.90
Bidder "A" bid value	$270,000	$140,000	$9,000	$100,000	$518,000
Bidder "B" bid rate (dollars per thousand board feet)	$80	$20	$10	$5	$72.20
Bidder "B" bid value	$432,000	$280,000	$9,000	$1,000	$722,000
Bidder "C" bid rate (dollars per thousand board feet)	$60	$60	$10	$5	$54.40
Bidder "C" bid value	$324,000	$210,000	$9,000	$1,000	$544,000

Thus, a purchaser who skews a bid can actually pay less than the total amount bid where the Forest Service has overestimated the volume of the skewed bid species and/or underestimated the volume of all of the other species.

Also, in this Sample Timber Sale, Forest Service administration costs would be increased over normal levels to make sure that all the $500 per MBF cedar was actually removed from the sale and paid for. Because the purchaser only pays for the timber removed from the sale, ordinary contract administration practices would not be adequate enough to protect the Government. Harvest of a high value species on a sale must be carefully monitored by Government personnel. In addition, when one species has a substantially higher value than other species, scaling costs are higher due to the increased variability of sample scaling units.

The Forest Service has neither the finances nor the personnel to estimate the volume of timber by species to the standards necessary to protect the Government from errors in estimated individual species volume. Therefore, another alternative is needed to ensure that skewed bidding does not result in the public receiving an inequitable return on National Forest timber sales. Accordingly, the Forest Service is proposing to limit the use of skewed bidding. However, the Forest Service also recognizes the need to maintain competition among purchasers, since this stabilizes the industry and contributes to a better return to the Government. Therefore, this proposal is to limit skewed bidding, not eliminate it.

The following table summarizes the responses to the July 1, 1983, proposal:

Type of respondent	Favor	Opposed
Timber Industry	0	9
Timber Industry Associations	0	5
Individuals	2	0
USDA	2	2

A majority of respondents recognized skewed bidding as a problem. The predominant reason for opposition to the initial proposal was that it was too complicated. Other responses indicated that the initial proposal would increase risk to purchasers and reduce competition. One respondent indicated that if the initial proposal was adopted, the relative values between species would be distorted. Any proposal that directly addresses the skewed bidding problem will increase risk to purchasers and could reduce competition and distort the relative values between species. The proposal set forth in this notice is less complicated than the initial proposal and is responsive to alternative policy suggestions of respondents.

Most respondents suggested alternative policy changes, either another procedure to address skewed bidding directly or changes in other policies or procedures to minimize the advantage of skewed bidding. Of those that suggested policy changes that directly address skewed bidding, five respondents recommended limiting bidding on minor species and six recommended adoption of the procedure currently described in section 2431.4 of the Forest Service Manual. Three respondents recommended that bidding not be limited on minor species.

In light of the negative response to the initial proposal and the positive suggestions from respondents, the initial proposal is withdrawn. The existing policy will be continued until a new policy is finalized.

Proposed Policy

The revised proposal would apply to sales exceeding 1 million board feet in Regions 1, 5, and 6. Under the proposed policy, species or species groups with less than 25 percent of the total sale volume would not be biddable, provided there are at least two biddable species or species group. However, in order for the second most predominant species or species groups to be biddable, it must have at least 10 percent of the total sale volume.

In addition, Regional Foresters in Regions 1, 5, and 6 may authorize the supplementation of the proposed policy with average stumpage rate bidding procedures if the proposed policy proves inadequate for identification of the bid that will return most revenue to the Government. Under this system, bidding is based on the weighted average rates for the species in the sale. This method is currently used in Region 5 for salvage and deficit sales.

These bidding methods are proposed for use on scaled timber sales in Regions 1, 5, and 6. If adopted, it may be used in other Regions, if the authorizing officer decides that this method may be necessary to identify the bid that will return the most revenue to the Government.

These bidding methods would not be used for sales with less than an estimated volume of 1 million board feet, unless the authorizing officer decides that it may be necessary on a smaller sale in order to control skewed bidding.

The rules and regulations governing bidding methods and award of National Forest timber sale contracts are set forth at CFR Part 223. Timber sale policies and procedures to implement those rules and regulations are set forth in Title 2400 of the Forest Service Manual. This proposed rule, if adopted, would be incorporated in Title 2400 of the Forest Service Manual.

Dated: July 9, 1984.

Robert H. Tracy,

Acting Chief.

[FR Doc. 84-18630 Filed 7-13-84; 8:45 am]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Maryland Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights,

that a meeting of the Maryland Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on August 2, 1984, at the Terminal Building, Conference Room 1, Baltimore-Washington International Airport, Baltimore, Maryland 21240. The purpose of the meeting is to receive reports and consider plans for a prospective study in education.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Mid-Atlantic Regional Office at (202) 254–6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., on July 11, 1984.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 84–18778 Filed 7–13–84; 8:45 am]
BILLING CODE 6335–01–M

New Jersey Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 2:00 p.m., on August 8, 1984, at the New Jersey State Library, 3rd Floor, 185 West State Street, Trenton, New Jersey 08625. The purpose of the meeting is to discuss the current dimensions of the problem of domestic violence in the State.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Eastern Regional Office at (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., on July 11, 1984.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 84–18779 Filed 7–13–84; 8:45 am]
BILLING CODE 6335–01–M

Rhode Island Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 12:00 noon and will end at 1:30 p.m., on August 15, 1984, at the Gilbane Construction Company, Conference Room A, 7 Jackson Walkway, Providence, Rhode Island 02940. The purpose of the meeting is to review the Committee's program plans for the remainder of 1984.

Persons desiring additional information, or planning a presentation to the Committee, should contact the New England Regional Office at (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. on July 11, 1984.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 84–18780 Filed 7–13–84; 8:45 am]
BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review; Application

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Application for an Amendment to a Certificate.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce has received an application for an amendment to an Export Trade Certificate of Review. This notice summarizes the conduct for which certification of the amendment is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATES: Comments on this application must be submitted on or before August 6, 1984.

ADDRESS: Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to this application as "Amendment #1, Export Trade Certificate of Review, application number 84–00017."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377–0937 These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97–290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 48 FR 10596–10604 (Mar. 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export trade, export trade activities and methods of operation specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,
2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,
3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and
4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meet 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).

Request for Public Comments

The Office of Export Trading Company Affairs (OETCA) is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the Federal Register identifying the persons submitting the application and summarizing the conduct proposed for certification. The OETCA and the applicant have agreed that this notice fairly represents the conduct proposed for certification. Through this notice, OETCA seeks written comments from interested persons who have information relevant

to the Secretary's determination to grant or deny the application below. Information submitted by any person in connection with the application(s) is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

The OETCA will consider the information received in determining whether the proposed conduct is "export trade," "export trade activities," or a "method of operation" as defined in the Act, regulations and guidelines and whether it meets the four certification standards. Based upon the public comments and other information gathered during the analysis period, the Secretary may deny the application or issue the certificate with any terms or conditions necessary to assure compliance with the four standards.

The OETCA has received the following application for an amendment to Export Trade Certificate of Review #84-00017 which was issued on June 4, 1984 and published in the Federal Register on June 7, 1984 (49 FR 23671).

Applicant: Savannah Sales Corporation, P.O. Box 10204, Savannah, Georgia 31412, Telephone: 202-342-0107.

Application No.. 84-00017

Date Received: June 27, 1984.

Date Deemed Submitted: July 2, 1984.

Members in Addition to Applicant: Pollard Lumber Co., Inc. of Appling, Georgia; Claude Howard Lumber Co., Inc. of Statesboro, Georgia; W.M. Sheppard Lumber Co., Inc. of Brooklet, Georgia; H.V & T.G. Thompson Lumber Co., Inc. of Ailey, Georgia; Griffin Lumber Company of Cordele, Georgia; Evans Lumber Co., Inc. of Sylvania, Georgia; Carribbean Lumber Co., Inc. of Savannah, Georgia; Upchurch Forest Products, Inc. of Walterboro, South Carolina; M.W. Umphlett & Son, Inc. of Moncks Corner, South Carolina; Shearouse Lumber Company of Pooler, Georgia; Elliott Sawmilling Company, Inc. of Estill, South Carolina; and Coastal Lumber Company of Walterboro, South Carolina.

Controlling Entity: None.

Amendment to Export Trade

Savannah Sales seeks to amend Export Trade Certificate of Review #84-00017 to add pulpwood chips (Standard Industrial Classification (SIC) number 24113) to residue wood chips (SIC 24215) as products the export of which is protected by the certificate.

The OETCA is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the Federal Register identifying the persons submitting the application and summarizing the conduct proposed for certification. Interested parties have twenty (20) days from the publication of this notice in which to submit written information relevant to the determination of whether a certificate should be issued.

Dated: July 11, 1984.

Irving P. Margulies,

General Counsel.

[FR Doc. 84-18737 Filed 7-13-84; 8:45 am]

BILLING CODE 3510-DR-M

Export Trade Certificate of Review; Issuance

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to The Aries Group, Ltd. 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 84-00014."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937 These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("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 10595-604 (March 11, 1983) (to be codified at 15 CFR pt. 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).

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from The Aries Group, Ltd. on April 10, 1984. The application was deemed submitted on April 11, 1984. A summary of the application was published in the Federal Register on April 20, 1984 (49 FR 16824).

Description of Certified Conduct

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 The Aries Group, Ltd. meet the four standards of the Act:

The Aries Group, Ltd—Application No. 84-00014.

Export Trade

(a) Products and services to be exported are:

(1) Highways and street construction, except elevated highways.

(2) Bridge, tunnel, and elevated highway construction.

(3) Water, sewer, pipeline, communication, and power line construction.

(4) Heavey construction, not elsewhere classified.

(5) Farm machinery and equipment.

(6) Oil field machinery and equipment.

(7) Food Products machinery.

(8) Special industry equipment, not elsewhere classified.

(9) Electronic computing equipment.

(10) Electro-medical and electro-therapeutic apparatus.

(11) Industrial instruments for measurement, display, and control of process variables, and related products.

(12) Fluid meters and counting devices.

(13) Surgical and medical instruments and apparatus.

(14) Orthopedic, prosthetic, and surgical appliances and supplies.

(15) Dental equipment and supplies.

(16) Opthalmic goods.

(17) Engineering, architectural, and surveying services.

(b) Export trade services (consulting; international market research; advertising; marketing; insurance; product research and design exclusively for export; legal assistance; transportation, including trade documentation and freight forwarding; communciation and processing of foreign orders; warehousing; foreign exchange; financing; and taking title to goods) in connection with the foregoing products and services (the "Export Trade Services").

Export Markets

The Middle East, North Africa, and Southeast Asia.

Export Trade Activities and Methods of Operation

(a) Aries Group may enter into and terminate agreements, each with a single supplier, to sell that supplier's products or services in designated Export Markets. In each agreement, the supplier may:

(1) Agree not to sell, directly or through any intermediary other than Aries Group, into the designated Export Markets, or

(2) Reserve the right to sell directly into the designated Export Markets.

(b) On its own behalf or on behalf of a supplier, Aries Group may enter into and terminate agreements, individually or collectively, with foreign sales representatives. In each agreement, Aries Group, at its own discretion or at the direction of a supplier, may:

(1) Designate the Export Markets in which the foreign sales representative will represent the supplier;

(2) Agree not to sell, directly or through any other foreign sales representative, into the designated Export Markets, or reserve the right of the supplier to sell directly into the designated Export Markets.

(3) Prohibit the foreign sales representative from selling in any foreign country other than the designated Export Markets;

(4) Establish resale prices, base prices, or minimum or maximum prices which the foreign sales representative may charge its customers.

(5) Allocate quotas of products or services to be sold by the foreign sales representative;

(6) Designate customers or classes of customers to whom the foreign sales representative may sell;

(7) Require the foreign sales representative to represent any or all of the supplier's products or services;

(8) Prohibit the foreign sales representative from representing competing products or services; and

(9) Set promotional allowances, which may or may not apply equally to all foreign sales representatives.

(c) Aries Group may pool tangible and intangible resources for the shipping, transportation, warehousing, and distribution of the products.

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 copying 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: July 10, 1984.

Irving P. Margulies,

General Counsel.

[FR Doc. 84-18758 Filed 7-13-84; 8:45 am]

BILLING CODE 3510-DR-M

Minority Business Development Agency

Financial Assistance Application Announcement; California

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for the following projects.

One Cooperative Agreement Under the Minority Business Development Center (MBDC) Program To Operate a project for a 12 month period beginning January 1, 1985, in the Sacramento SMSA. *Closing Date: September 12, 1984*

I.D. No. 09-10-85002-01	
Maximum MBDA contribution	$187,500
SCS contribution	18,750
Total Federal contribution	206,250
Minimum cost sharing contribution	68,750
Minimum total project cost	275,000

One Cooperative Agreement Under the Minority Business Development Center (MBDC) Program To Operate a project for a 12 month period beginning January 1, 1985, in the Stockton SMSA. *Closing Date: September 12, 1984*

I.D. No. 09-10-85003-01	
Maximum MBDA contribution	$127,500
SCS contribution	12,750
Total Federal contribution	140,250
Minimum cost sharing contribution	46,750
Minimum total projects cost	187,000

The Cost Sharing Contribution can be a combination of cash, in-kind contributions and fees for service.

Legal Services are excluded.

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 clients 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 accomplish 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 minority 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 providng such assistance. It is advisable that applicants have an existing office in the geographic region 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 three option years. The noncompeting continuation application kit will be sent to an 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 applicant's satisfactory performance.

Closing Date: The closing date for applications is September 12, 1984. Applications must be postmarked on or before September 12, 1984. An application kit is available upon written request.

ADDRESS: Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102.

A pre-application conference to assist all interested applicants will be held at the following address and time: Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Room 13029, San Francisco, California 94102, August 21, 1984 at 10:00 A.M.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/556-7234.

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)

Dated: July 9, 1984.

Xavier Mena,

Regional Director.

[FR Doc. 84-18764 Filed 7-13-84; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement; Washington

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for the following projects:

One Cooperative Agreement Under the Minority Business Development Center (MBDC) Program To Operate a project for a 12 month period beginning November 1, 1984, in the Seattle SMSA. *Closing Date: August 14, 1984*

I.D. No.: 10-10-85001-01	
Maximum MBDA contribution	$127,500
SCS contribution	12,750
Total Federal contribution	140,250
Minimum cost sharing contribution	46,750
Minimum total project cost	187,000

The Cost Sharing Contribution can be a combination of cash, in-kind contributions and fees for service.

Legal Services are excluded.

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 clients 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 accomplish 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 minority 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.

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 three option years. The noncompeting continuation application kit will be sent to an 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 applicant's satisfactory performance.

Closing Date: The closing date for applications is August 14, 1984. Applications must be postmarked on or before August 14, 1984. An application kit is available upon written request.

ADDRESS: Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102.

A pre-application conference to assist all interested applicants will be held at the following address and time: Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Room 15018, San Francisco, California 94102, July 23, 1984 at 10:00 A.M.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/556-7234.

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)

Dated: July 9, 1984.

Xavier Mena,

Regional Director.

[FR Doc. 84-18777 Filed 7-13-84; 8:45 am]

BILLING CODE 3511-22-M

National Oceanic and Atmospheric Administration

Receipt of Application for Modification to a Small Take—Commercial Fishing Exemption; New England Groundfish Gillnetters

Notice is hereby given that a request to amend the small take exemption for commercial fishing operations granted under section 101(a)(4) of the Marine Mammal Protection Act (16 U.S.C. 1361-1407) (MMPA) to the New England Groundfish Gillnetters on February 7, 1984 (49 FR 5645, February 14, 1984) has been received. The application requests the addition of five marine mammal species to the exemption with a cumulative annual incidental take totalling no more than 50 individuals. The species are as follows: grey seal (*Halichoerus grypus*), white-sided dolphin (*Lagenorhynchus actus*), common dolphin (*Delphinus delphis*), white beaked dolphin (*Lagenorhynchus albirostris*), and pilot whale (*Globicephala melaena*).

Although interactions between these species and bottom anchored gillnets have not been reported, the possibility exists that such occurrences may take place during the five year exemption period. Therefore, these species are requested as a means to document the incidental mortality and to obtain scientific specimens (collected under a MMPA scientific research permit) that would otherwise not be available.

As none of the above listed species have been determined by the Assistant Administrator for Fisheries to be depleted and as the total allowable take of 50 individuals, even if confined to a single species, does not exceed one percent of the minimum population size of any of the listed species, these species are not expected to be disadvantaged by the proposed action.

The application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. and in the Office of the Regional Director, 14 Elm Street, Gloucester, Massachusetts.

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

Dated: July 3, 1984.

Richard D. Roe,

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

[FR Doc. 84-18777 Filed 7-13-84; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes to the Textile Category System

Correction

In FR Doc. 84-17235 appearing on page 26622 in the issue of Thursday, June 28, 1984, make the following correction:

In the third column, in the table, under the "Category" heading, the sixth entry "337" should be deleted.

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Policy Advisory Committee for Trade Policy Matters; Renewal

Notice is hereby given that the Secretary of Defense and the United States Trade Representative have renewed the Defense Policy Advisory Committee for Trade Policy Matters.

The Committee provides the Secretary and the USTR with policy advice and information regarding defense trade policy issues and domestic industrial base issues.

The Committee will meet approximately three or four times per year depending on the needs of the Secretary and the USTR. The Under Secretary and the Deputy USTR or their designees will convene meetings of the Committee.

Dated: July 10, 1984.

M.S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 84-18683 Filed 7-13-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Privacy Act of 1974; Deletion of and Amendments to Notices for Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Deletion of and amendments to notices for systems of records.

SUMMARY: The Department of the Army proposes to delete 22 and amend 1 system notices for systems of records subject to the Privacy Act of 1974, as amended. Following identification of changes, amended notice is printed below in its entirety.

DATES: Actions shall be effective in 30 days.

ADDRESSES: Comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-S, 2461 Eisenhower Avenue, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Headquarters, Department of the Army, at the above address; telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: The Army's system of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register as follows:

FR Doc 83-12048 (48 FR 25502), June 6, 1983

FR Doc 83-18883 (48 FR 32046), July 13, 1983

FR Doc 83-24181 (48 FR 40291), September 6, 1983

FR Doc 83-28792 (48 FR 49086), October 24, 1983

FR Doc 84-1118 (49 FR 2006), January 17, 1984

FR Doc 84-2331 (49 FR 3506), January 27, 1984

FR Doc 84-3683 (49 FR 5170), February 10, 1984

FR Doc 84-6438 (49 FR 8993), March 9, 1984

FR Doc 84-11652 (49 FR 18600), May 1, 1984

FR Doc 84-14035 (49 FR 22122), May 25, 1984

FR Doc 84-15558 (49 FR 24045), June 11, 1984

FR Doc 84-16176 (49 FR 24914), June 18, 1984

FR Doc 84-16520 (49 FR 25499), June 21, 1984

FR Doc 84-17271 (49 FR 26625), June 28, 1984

The proposal amendment is not within the purview of the provisions of 5 U.S.C.

552a(o) which requires the submission of an altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense

July 11, 1984.

DELETIONS

AAFES0702.01

System name:

Paid Disbursement Files (48 FR 40294), September 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0703.01

System name:

AAFES Time Sheets (48 FR 25527), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0703.02

System name:

Payroll Allotment Files (48 FR 25527), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0703.03

System name:

United States Savings Bond Register Files (48 FR 25528), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0703.09

System name:

Employer's Copy of Income Tax Withheld (48 FR 25529), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0703.10

System name:

Employer's Quarterly Federal Tax Return Files (48 FR 25530), June 6, 1983.

Reason:

Recores are covered in proposed revised system notice AAFES0703 printed in this Federal Register.

AAFES0703.11

System name:

Wage and Separation Information Report Files (48 FR 25530), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0703.12

System name:

Payroll Adjustment Files (48 FR 25531), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0703.13

System name:

Levy and Garnishment Files (48 FR 25531), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0703.14

System name:

Payroll Report Files (48 FR 25532), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.04

System name:

Group Insurance Card Files (48 FR 25532), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.06

System name:

Group Insurance Printout Files (48 FR 25533), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.08

System name:

Accidental Death and Dismemberment Administrative Files (48 FR 25534), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.09

System name:

Personal Property Claim Files (48 FR 25535), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.10

System name:

Insurance Claims Files—Workmen's Compensation (48 FR 25535), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.11

System name:

Short/Long Term Disability Files (48 FR 25536), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.12

System name:

Miscellaneous Employee Claim Files (48 FR 25536), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.13

System name:

Annuity Eligibility Files (48 FR 25537), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.14

System name:

Waiver of Premium Files (48 FR 25537), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.15

System name:

Individual Retirement Files (48 FR 25537), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

AAFES0704.18

System name:

Paid Death Claim Files (48 FR 25533), June 6, 1983.

Reason:

Records are covered in proposed revised system notice AAFES0703.07 printed in this Federal Register.

A0228.11DAAG

System name:

Memorialization Board Files (48 FR 25559), June 6, 1983.

Reason:

Records are not subject to the Privacy Act of 1974, as amended.

AMENDMENTS

AAFES0703.07

System name:

Payroll Register Files.

Changes:

System name:

Delete entry; substitute therefor: "AAFES Employee Pay System Records"

System location:

Delete entry; substitute therefor: "Headquarters, Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; Exchange Regions, Area Exchanges; Post, Base, and Satellite Exchanges within the Continental United States and overseas."

Categories of records in the system:

Delete entry; substitute therefor: "Employee's name; Social Security Number: AAFES facility number; individual's pay, leave, and retirement records, withholding/deduction authorization for allotments, health benefits, life insurance, savings bonds, financial institutions, etc; tax exemption certificates; personal exception and indebtedness papers; subsistence and quarters records; statements of charges, claims; roster and signature cards of designated timekeepers; payroll and retirement control and-working paper files; unemployment compensation data requests and responses; reports of retirement fund deductions; management narrative and statistical reports relating to pay, leave, and retirement."

Authority for maintenance of the system:

Insert before present wording: "Title 6, GAO Policy and Procedures Manual for Guidance of Federal Agencies"

Insert the following caption immediately following:

"Purpose:

To provide basis for computing civilian pay entitlements; to record history of pay transactions, leave accured and taken, bonds due and issued, taxes paid; to answer inquiries and process claims."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; substitute therefor:

"Information from this system may be disclosed to:

"Treasury Department: to record checks and bonds issued.

"Internal Revenue Service: To report taxable earnings and taxes withheld; to locate delinquent debtors.

"States and Cities/Counties: To provide taxable earnings of civilian employees to those states and cities or counties which have entered into an agreement with the Department of Defense and the Department of the Treasury."

"State Employment Offices: To provide information relevant to the State's determination of individual's entitlement to unemployment compensation.

"US Department of Justice/US Attorneys: For legal action and/or final disposition of debt claims against the Army and Air Force Exchange Service.

"Private Collection Agencies: For collection action when the Army and Air Force Exchange Service has exhausted its internal collection efforts."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Delete entry; substitute therefor: "Paper records in file folders and in bulk storage; card files; computer magnetic tapes, discs, and printouts; microfiche, microfilm."

Retrievability:

Delete entry; substitute therefor: "Automated records are retrieved by employee's SSN within payroll block; manual records are retrieved by individual's surname or SSN.

Safeguards:

Delete entry; substitute therefor: "Records are restricted to personnel who are properly cleared and trained and have an official need therefor. In addition, integrity of automated data is ensured by internal audit procedures, data base access accounting reports and controls to preclude unauthorized disclosure."

Retention and disposal:

Delete entry; substitute therefor: "The majority of documents are retained 4 years after which they are destroyed by shredding. Exceptions are Time and Attendance sheets: Retained 2 years; W-2 data and employer quarterly Federal tax returns are retained 5 years; Payroll Registers are permanent."

System manager(s) and address:

Preceding entry, insert: "Commander,"

Notification procedure:

Change entry to read: "Individuals desiring to know whether or not information on them is maintained in this system should inquire of the System Manager, furnishing their full name, SSN, current address and telephone number; if terminated, include date and place of separation."

Record access procedure:

Delete entry; substitute therefor: "Individuals who desire to access records pertaining to them in this system should follow information in 'Notification procedure'."

Record source categories:

Delete information following "individual"; add: "personnel actions; other agency records and reports."

System AAFES0703.07 reads as follows:

AAFES 0703.07

SYSTEM NAME:

AAFES Employee Pay System Records.

SYSTEM LOCATION:

Headquarters, Army and Air Force Exchange Service (AAFES), Dallas, TX 75222; HQ AAFES-Pacific; HQ AAFES-Europe; Exchange Regions; Area Exchanges; Post, Base and Satellite Exchanges within the Continental United States and overseas.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees of the Army and Air Force Exchange System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name; Social Security Number; AAFES facility number; individual's pay, leave, and retirement records, withholding/deduction authorization for allotments, health benefits, life insurance, savings bonds, financial institutions, etc., tax exemption certificates; personal exception and indebtedness papers; subsistence and quarters records; statements of charges, claims; roster and signature cards of designated timekeepers; payroll and retirement control and working paper files; unemployment compensation data requests and responses; reports of retirement fund deductions; management narrative and statistical reports relating to pay, leave, and retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 6, GAO Policy and Procedures Manual for Guidance of Federal Agencies; 10 U.S.C. 3012 and 8012.

PURPOSE:

To provide basis for computing civilian pay entitlements; to record history of pay transactions, leave accrued and taken, bonds due and issued, taxes paid; to answer inquiries and process claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to:

Treasury Department: To record checks and bonds issued.

Internal Revenue Service: To report taxable earnings and taxes withheld; to locate delinquent debtors.

States and Cities/Counties: To provide taxable earnings of civilian employees to those states and cities or counties which have entered into an agreement with the Department of Defense and the Department of the Treasury.

State Employment Offices: To provide information relevant to the State's determination of individual's entitlement to unemployment compensation.

US Department of Justice/US Attorneys: For legal action and/or final disposition of debt claims against the Army and Air Force Exchange Service.

Private Collection Agencies: For collection action when the Army and Air Force Exchange Service has exhausted its internal collection efforts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (e1 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINIG, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage; card files; computer magnetic tapes, discs and printouts; microfiche, microfilm.

RETRIEVABILITY:

Automated records are retrieved by employee's SSN within payroll block; manual records are retrieved by individual's surname or SSN.

SAFEGUARDS:

Records are restricted to personnel who are properly cleared and trained and have an official need therefor. In addition, integrity of automated data is ensured by internal audit procedures, data base access accounting reports and controls to preclude unauthorized disclosure.

RETENTION AND DISPOSAL:

The majority of documents are retained 4 years after which they are destroyed by shredding. Expceptions are Time and Attendance sheets: retained 2 years; W-2 data and employer quarterly Federal tax returns are retained 5 years; Payroll Registers are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, HQ Army and Air Force Exchange Service, Dallas, TX 75222.

NOTIFCATION PROCEDURE:

Individuals desiring to know whether or not information on them is maintained in this system should inquire of the System Manager, furnishing their full name, SSN, current address and telephone number; if terminated, include date and place of separation.

RECORD ACCESS PROCEDURES:

Individuals who desire to access records pertaining to them in this system should follow information in "Notification procedure"

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; personnel actions; other agency records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-18684 Filed 7-13-84; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

[Docket No. CAS-RM-80-304]

Industrial Energy Conservation Program Exempt Corporations and Adequate Reporting Programs

AGENCY: Department of Energy.

ACTION: Notice of Exempt Corporations and Adequate Reporting Programs.

SUMMARY: As an annual part of the Department of Energy's (DOE) Industrial Energy Conservation Program, DOE is exempting certain Corporations from the requirement of filing corporate energy consumption reporting forms directly with DOE and is determining as adequate certain industrial reporting programs for third party sponsor reporting. This notice is required pursuant to section 376(g)(1) of the Energy Policy and Conservation Act (EPCA) and DOE's regulation set forth at 10 CFR Part 445, Subpart D. These procedures, which allow identified corporations to be exempted from filing energy consumption data directly with DOE, assist in maintaining the confidentiality of consumption information and reduce the reporting burden for corporations. The exempt corporations and the respective sponsors of adequate reporting programs are listed alphabetically by industry in the appendix to this notice.

FOR FURTHER INFORMATION CONTACT:

Tyler E. Williams, Jr., Office of Industrial Programs, CE-122.1, U.S. Department of Energy, 1000

Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2371
Pamela Pelcovits, Office of General Counsel, GC–33, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9519

Issued in Washington, D.C., July 6, 1984.

Pat Collins,

Acting Assistant Secretary, Conservation and Renewable Energy.

Final Exempt Corporations and Sponsors of Adequate Reporting Programs

SIC 20—Food and Kindred Products

American Bakers Association

Campbell Soup Company (partial)
Campbell Taggart, Inc.
Consolidated Foods Corporation (partial)
Flowers Industries. Inc.
G. Heileman Brewing Company, Inc. (partial)
ITT Continental Baking Company Inc. (partial)
Interstate Brands Corporation

American Feed Manufacturers Association

Cargill Inc.
Central Soya Company Inc. (partial
Gold Kist Inc.
Land O'Lakes, Inc. (partial)
Moorman Manufacturing Company
Quincy Soy Bean Company
Ralston Purina Company (partial)

American Frozen Food Institute

Campbell Soup Company (partial)
J.R. Simplot Company

American Meat Institute

Beatrice Foods Company (partial)
Consolidated Foods Corporation (partial)
Farmland Industries Inc.
Geo. A. Hormel & Company
Greyhound Corporation
Hanson Industries, Inc.
IBP Inc.
Iowa Beef Processors Inc.
Oscar Mayer & Company
Rath Packing Company
Swift Independent Packing Company
Wilson Foods Corporation

Biscuit & Cracker Manufacturers Association

Keebler Company
Nabisco Inc. (partial)

Chemical Manufacturers Association

National Distillers Products Company

Corn Refiners Association

A. E. Staley Manufacturing Company (partial)
American Maize-Products Company
CPC International Inc.
Grain Processing Corporation
National Starch & Chemical Corporation

Grocery Manufacturers of America, Inc.

A. E. Staley Manufacturing Company (partial)
American Home Products Corporation
Amstar Corporation
Anderson Clayton & Company
Archer Daniels Midland Company (partial)
Basic American Foods
Beatrice Foods Company (partial)
Borden Inc. (partial)
Carnation Company
Central Soya Company, Inc. (partial)
Chesebrough-Ponds Inc.
Coca-Cola Company
Consolidated Foods Corporation (partial)
General Foods Corporation
General Mills Inc.
H. J. Heinz Company (partial)
Hershey Foods Corporation
Kellogg Company
Kraft Inc.
Kroger Company
Lever Bros.
Mars Inc.
Nabisco Inc. (partial)
Pepsico Inc.
Pet Inc.
Peter Paul Cadbury, Inc.
Pillsbury Company
Procter & Gamble Company
Quaker Oats Company
Ralston Purina Company (partial)
R. T. French Company
Thomas J. Liption Inc.
Universal Foods Corporation

National Food Processors Association

Campbell Soup Company (partial)
Castle & Cooke Inc.
Curtice-Burns Inc.
Del Monte Corporation
Gerber Products Company
H.J. Heinz Company (partial)
Hunt Wesson (partial)
Sunkist Growers Inc.
Tri/Valley Growers Inc.

Pharmaceutical Manufacturers Association

Eli Lilly and Company

U.S. Beet Sugar Association

Amalgamated Sugar Company
American Crystal Sugar Company
Holly Sugar Corporation
Michigan Sugar Company
Minn-Dak Farmers Cooperative
Monitor Sugar Company
Southern Minnesota Sugar Cooperative
The Great Western Sugar Company
Union Sugar Company
U.S. Brewers Association
Adolph Coors Company
Anheuser-Busch Inc. (partial)
Archer Daniels Midland Company (partial)
Froedtert Malt Corporation
Ladish Malting Company
Miller Brewing Company
Olympia Brewing Company
Pabst Brewing Company
The Stroh Companies Inc.

U.S. Cane Sugar Refiners Association

California & Hawaiian Sugar Company
Colonial Sugars Inc.
Georgia Sugar Refinery
Imperial Sugar Company
Refined Sugars Inc.
Revere Sugar Corporation
Savannah Foods & Industries Inc. (partial)
Supreme Sugar Company, Inc.

SIC 22—Textile Mill Products

American Textile Manufacturers Institute

Avondale Mills Inc.
Bibb Company
Burlington Industries Inc.
Clinton Mills Inc.
Coats & Clark Inc.
Colgate-Palmolive Company
Collins & Aikman Corporation
Cone Mills Corporation
Cranston Print Works Company
Crompton Company Inc.
Dan River Inc.
Dixie Yarns Inc.
Fieldcrest Mills Inc.
Goodyear Tire & Rubber Company
Graniteville Company
Greenwood Mills Inc.
J. P Stevens & Company Inc.
Johnson & Johnson
Kimberly-Clark Corporation
M. Lowenstein & Sons Inc.
Milliken & Company
Northwest Industries Inc.
Reeves Brothers Inc.
Riegel Textile Corporation
Sayles Biltmore Bleacheries Inc.
Spartan Mills Inc.
Sperry and Hutchinson Company (partial)
Springs Industries Inc.
Standard-Coosa-Thatcher Company
Thomaston Mills Inc.
Ti-Caro Inc.
United Merchants & Manufacturers Inc.
West Point-Pepperell Inc.

Carpet & Rug Institute

Bigelow-Sanford Inc.
Mohasco Corporation
Shaw Industries Inc.
Standard Oil Company (Indiana)
World Carpets Inc.

SIC 24—Lumber and Wood Products

National Forest Products Association

Abitibi-Price Corporation
Boise Cascade Corporation
Champion International Corporation
Georgia-Pacific Corporation
Koppers Company Inc.
Louisiana-Pacific Corporation
Masonite Corporation
Potlatch Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 26—Paper and Allied Products

American Paper Institute

Abitibi-Price Southern Corporation
Alabama River Pulp Company Inc.
American Can Campany
Appleton Papers Inc.
Arcata Corporation
Bell Fibre Products Corporation
Blandin Paper Company
Boise Cascade Corporation
Bowater Incorporatd
Caraustar Industries Company
Champion International Corporation
Chesapeake Corporation
Consolidated Packaging Corporation
Consolidated Papers Inc.
Continental Forest Industries Inc.
Crown Zellerback Corporation
Deerfield Specialty Papers, Inc.
Dennison Manufacturing Company
Dexter Corporation
Eddy Paper Company Limited
Erving Paper Mills Inc.
Federal Paper Board Company Inc.
Finch Pruyn & Company Inc.

Fort Howard Paper Company
Fraser Paper Limited
GAF Corporation
Garden State Paper Company Inc.
Georgia-Pacific Corporation
Gilman Paper Company
Great Northern Nekoosa Corporation
Green Bay Packaging Inc.
Gulf States Paper Corporation
Hammermill Paper Company
International Paper Company
International Telephone & Telegraph Corporation
James River Corporation of Virginia
Kimberly-Clark Corporation
Longview Fibre Company
Macmillan Bloedel Inc.
Marcal Paper Mills Inc.
Mead Corporation
Menasha Corporation
Mobil Oil Corporation (partial)
Mosinee Paper Corporation
Newark Group
Newton Falls Paper Mill Inc.
Olin Corporation
Owens-Illinois Inc.
PH Glatfelter Company
Penntech Papers Inc.
Pentair Industries Inc.
Philip Morris Inc.
Pope and Talbot Inc.
Potlatch Corporation
Procter & Gamble Company
Rock-Tenn Company
Rhinelander Paper Company
Scott Paper Company
Simpson Paper Company
Sonoco Products Company
Southeast Paper Manufacturing Company
Southwest Forest Industries
St. Joe Paper Company
St. Regis Paper Company
Stone Container Corporation
Technographics Inc.
Temple-Inland Inc.
Tenneco Inc.
Time Inc.
Times Mirror Company
Union Camp Corporation
Virginia Fibre Corporation
Wausau Paper Mills Company
Weston Paper & Manufacturing Company
Westvaco Corporation
Weyerhaeuser Company
Willamette Industries Inc.

Chemical Manufacturers Association

Minnesota Mining & Manufacturing Company
Mobile Chemical Company

Glass—Pressed and Blown (Battelle Institute)

Owens-Corning Fiberglas

SIC 28—Chemicals and Allied Products

Aluminum Association

Aluminum Company of America
Kaiser Aluminum & Chemical Corporation
Reynolds Metals Company

American Feed Manufacturers Association

Cargill Inc.

Chemical Manufacturers Association

Air Products & Chemicals Inc.
Airco Inc.
Akzona Inc.
Allied Corporation
American Can Company
American Chrome & Chemicals Inc.
American Cyanamid Company
American Hoechst Corporation
American Petrofina Inc.
Arizona Chemical Company
Ashland Oil Inc.
Atlantic Richfield Company
Avtex Fibers Inc.
B F Goodrich Company
Badische Corporation
BASF Wyandotte Corporation
Big Three Industries Inc.
Borden Inc.
Borg-Warner Corporation
Buffalo Color Corporation
Cabot Corporation
Carus Chemical Company Inc.
Celanese Corporation
Chemical Products Corporation
Chemtech Industries Inc.
Chevron Chemical Company
CIBA-GEIGY Corporation
Cities Service Company
Columbia Nitrogen Corporation
CONOCO Inc.
Crompton & Knowles Corporation
CPC International Inc.
Dart & Kraft Inc.
Diamond Crystal Salt Company
Diamond Shamrock Corporation
Dow Chemical Company
Dow Corning Corporation
E. I. du Pont de Nemours & Company
Eastman Kodak Company
El Paso Products Company
Engelhard Corporation
Essex Chemical Corporation
Ethyl Corporation
Exxon Corporation
Farmland Industries Inc. (partial)
Firestone Tire & Rubber Company
First Mississippi Corporation
FMC Corporation
Freeport Minerals Company
GAF Corporation
General Tire & Rubber Company
Georgia-Pacific Corporation
Getty Oil Company
Goodyear Tire & Rubber Company
Great Lakes Chemical Corporation
Greyhound Corporation
Gulf Oil Corporation
Harshaw/Filtrol
Henkel Corporation
Hercules Incorporated
ICI Americas Inc.
International Minerals & Chemicals Corporation (partial)
Inter North Inc.
Kaiser Aluminum & Chemical Corporation
Kay-Fries Inc.
Kerr-McGee Corporation
Koppers Company Inc.
Lever Brothers Company
Linden Chemicals & Plastics Inc.
Lubrizol Corporation
Mallinckrodt Inc.
Merichem Company
Minnesota Mining & Manufacturing Company
Mobay Chemical Corporation
Mobil Oil Corporation
Monsanto Company
Morton Thiokol
Nalco Chemical Company
National Distillers & Chemical Corporation
National Starch & Chemical Corporation
Neville Chemical Company
NL Industries Inc.
Olin Corporation
Pantasote Company of N.Y., Inc.
Pennwalt Corporation
Pfizer Inc.
Phillips Petroleum Company
Pilot Chemical Company
PPG Industries Inc.
PQ Corporation
Procter & Gamble Company
Reichhold Chemicals Inc. (partial)
Reilly Tar & Chemical Corporation
Rohm and Haas Company
Shell Oil Company
Shepherd Chemical Company
Sherex Chemical Company Inc.
Soltex Polymer Corporation
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Stauffer Chemical Company
SunOlin Chemical Company
Tenneco Inc.
Texaco Inc.
Texasgulf, Inc.
Thiokol Corporation
Union Carbide Corporation
Uniroyal Inc.
United States Borax & Chemical Corporation
United States Steel Corporation (partial)
Upjohn Company (partial)
Velsicol Chemical Corporation
Vertax Inc. (partial)
Virginia Chemicals Inc.
Vulcan Materials Company
W. R. Grace & Company
Westvaco Corporation
Weyerhaeuser Company
Witco Chemical Corporation

Fertilizer Institute

Atlas Powder Company
Beker Industries Corporation
C F Industries Inc.
Cominco America Inc.
Estech General Chemicals Corporation
Farmland Industries Inc. (partial)
First Mississippi Corporation
Gardinier Inc.
Green Valley Chemical Company
Hawkeye Chemical Company
International Minerals & Chemical Corporation (partial)
J. R. Seimplot Company
Mississippi Chemical Corporation
Occidential Petroleum Corporation (partial)
Reichhold Chemical Inc. (partial)
Terra Chemicals International Inc.
Union Oil Company of California
United States Steel Corporation (partial)
The Williams Companies
Wycon Chemical Company

Pharmaceutical Manufacturers Association

Abbott Laboratories
A. H. Robins Company
American Home Products Corporation (partial)
Baxter-Travenol Laboratories
Beecham Laboratories
Eli Lilly & Company
G. D. Searle & Company
Hoffman-La Roche Inc.
Johnson & Johnson

Merck & Company Inc.
Miles Laboratories Inc.
Organon Inc.
Richardson Vicks Inc.
Schering-Plough Corporation
Squibb Corporation
Upjohn Company (partial)
Warner-Lambert Company

SIC 29—Petroleum and Coal Products

American Petroleum Institute

Agway Inc.
Amber Refining
American Petrofina Inc.
Asamera Oil (US) Inc.
Ashland Oil Inc.
Atlantic Richfield Company
Beacon Oil Company
Champlin Petroleum Company
Charter International Oil Company
Cities Service Company
Clark Oil & Refining Corporation
Coastal Corporation
Conoco Inc.
CRA Inc.
Crown Central Petroleum Corporation
Diamond Shamrock Corporation
Dorchester Refining Company
Exxon Corporation
Farmers Union Central Exchange Inc.
Fletcher Oil & Refining Company
Getty Oil Company
Gulf Oil Corporation
Hunt Oil Company
Husky Oil Company
Indiana Farm Bureau Cooperative Association
Kerr-McGee Corporation
Koch Industries Inc.
Little America Refining Company
Marathon Oil Company
Mobil Oil Corporation
Murphy Oil Corporation
National Cooperative Refinery Association
Pacific Resources Inc.
Pennzoil Company
Phillips Petroleum Company
Placid Refining Company
Powerine Oil Company
Quaker State Oil Refining Corporation
Rock Island Refining Corporation
Shell Oil Company
Southern Union Company
Southland Oil Company
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Sun Company Inc.
Tenneco Inc.
Tesoro Petroleum Corporation
Texaco Inc.
Texas Eastern Transmission Corporation
Time Oil Company
Tosco Corporation
Total Petroleum Inc.
Union Oil Company of California
USA Petroleum Corporation
Witco Chemical Corporation

Chemical Manufacturers Association

GAF Corporation
Great Lakes Carbon Corporation
Kopppers Company Inc.
USS Chemicals

Glass—Pressed and Blown (Battelle Institute)

Owens-Corning Fiberglas Corporation

SIC 30—Rubber and Miscellaneous Plastic Products

Chemical Manufacturers Association

American Cyanamid Company
Dart Industries Inc.
Ethyl Corporation
Exxon Corporation
Minnesota Mining & Manufacturing Company
Union Carbide Corporation
W.R. Grace & Company

Pharmaceutical Manufacturers Association

Baxter-Travenol Laboratories

Rubber Manufacturers Association

Ames Rubber Corporation
Armstrong Rubber Company
BF Goodrich Company
Carlisle Corporation
Cooper Tire & Rubber Company
Dayco Corporation
Dunlop Tire & Rubber Corporation
Firestone Tire & Rubber Company
Gates Rubber Company
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Owen-Illinois Inc.
Teledyne Monarch Rubber Company
Uniroyal Inc.

SIC 32—Stone, Clay and Glass Products

Brick Institute of America

Belden Brick Company
Bickerstaff Clay Products Company Inc.
Boren Clay Products Company
Delta Brick & Tile Company
General Dynamics Corporation (partial)
General Shale Products Corporation
Glen-Gery Corporation
Justin Industries Inc.

Chemical Manufacturers Association

Engelhard Corporation
GAF Corporation
Minnesota Mining & Manufacturing Company
Vulcan Materials Company

Glass—Flat (Eugene L. Stewart)

AFG Industries Inc.
Ford Motor Company
Guardian Industries Corporation
Hordis Brothers Inc.
Libbey-Owens-Ford Company
PPG Industries Inc.

Glass—Pressed & Blown (Battelle Institute)

Anchor Hocking Corporation (partial)
Brockway Glass Company Inc. (partial)
Certainteed Corporation
Corning Glass Works (partial)
Owens-Corning Fiberglas Corporation
Owens-Illinois Inc. (partial)

Gypsum Association

Georgia-Pacific Corporation
Jim Walter Corporation (partial)
National Gypsum Company (partial)
United States Gypsum Company (partial)

National Lime Association

Ash Grove Cement Company (partial)
Austin White Lime Company
Bethlehem Steel Corporation (partial)
Cutler-Magner Company
Detroit Lime Company
Dixie Lime and Stone Company
Domtar Industries Inc. (partial)
General Dynamics Corporation (partial)
Genstar Cement & Lime Company
Martin Marietta Corporation (partial)
National Gypsum Company (partial)
National Lime & Stone Company
Ohio Lime Company
Pete Lien & Sons
Pfizer Inc. (partial)
Rockwell Lime Company
St. Clair Lime Company
United States Gypsum Company (partial)
Vulcan Materials Company (partial)
Warner Company
Western Lime & Cement Company

Portland Cement Association

Aetna Cement Corporation
Alamo Cement Company
Arkansas Louisiana Gas Company
Ash Grove Cement Company (partial)
Ashland Oil
Atlantic Cement Company Inc.
Blue Circle Industries
California Portland Cement Company
Capitol Aggregates Inc.
Centex Corporation
Columbia Cement Corporation
Coplay Cement Manufacturing Company
Davenport Cement Company
Dundee Cement Company
General Portland Inc.
Genstar Cement & Lime Company
Gifford-Hill & Company Inc.
Ideal Basic Industries
Kaiser Cement Corporation
Keystone Portland Cement Company
Lehigh Portland Cement Company (partial)
Lone Star Industries Inc.
Louisville Cement Company
Martin Marietta Corporation (partial)
Medusa Corporation
Missouri Portland Cement Company
Monarch Cement Company
Monolith Portland Cement Company
Moor McCormack Resources Inc.
National Cement Company
Northwestern State Portland Cement Company
Rinker Portland Cement Corporation
River Cement Company
South Dakota Cement Company
Southwestern Portland Cement Company
Texas Industries Inc. (partial)

Refractories Institute

Allied Chemical Corporation (partial)
Combustion Engineering Inc. (partial)
Corning Glass Works (partial)
Dresser Industries Inc. (partial)
Kaiser Aluminum & Chemical Corporation (partial)
Martin Marietta Corporation (partial)
Norton Company (partial)
United States Gypsum Company (partial)

Title Council of America

American Olean Tile Company

SIC 33—Primary Metal Industries

Aluminum Association

Alcan Aluminum Corporation
Alumax Inc.
Aluminum Company of America
American Can Company
Atlantic Richfield Company (partial)
Cabot Corporation
Consolidated Aluminum Corporation

Ethyl Corporation
Kaiser Aluminum & Chemical Corporation
Martin Marietta Corporation
National Steel Corporation (partial)
Noranda Aluminum Inc.
Ormet Corporation
Pechiney Ugine Kuhlmann Corporation (partial)
Revere Copper and Brass Inc. (partial)
Reynolds Metals Company
Southwire Company

American Die Casting Institute

Hayes-Albion Corporation (partial)

American Foundrymen's Society

American Cast Iron Pipe Company
Dayton Malleable Inc.
Grede Foundries Inc.
Mead Corporation
Teledyne Inc. (partial)
United States Pipe Company

American Iron & Steel Institute

A. Finkl & Sons Company
Allegheny Ludlum Steel Corporation
Armco Inc.
Athlone Industries Inc.
Atlantic Steel Company
Bethlehem Steel Corporation
Carpenter Technology Corporation
Colt Industries Inc.
Crane Company
Cyclops Corporation
Eastmet Corporation
Florida Steel Corporation
Inland Steel Company
Jones & Laughlin Steel Corporation
Keystone Consolidated Industries Inc.
Korf Industries Inc.
Lone Star Steel Company
Lukens Steel Corporation
McDermott Inc.
National Steel Corporation (partial)
Northwest Steel Rolling Mills Inc.
Northwestern Steel & Wire Company
Phoenix Steel Corporation
Republic Steel Corporation
Sharon Steel Corporation
Slater Inc.
Teledyne Inc. (partial)
Timken Company
United States Steel Corporation
Washington Steel Corporation
Wheeling Pittsburgh Steel Corporation

American Mining Congress

Amax Inc.
Asarco Inc.
Inspiration Consolidated Copper Company
Kennecott Corporation (partial)
Louisiana Land & Exploration Company (partial)
Marmon Group Inc.
Newmont Mining Corporation (partial)
Phelps Dodge Corporation (partial)
St. Joe Minerals Corporation

Construction Industry Manufacturers Association

Caterpillar Tractor Company
Tenneco Inc.

Copper & Brass Fabricators Council

Atlantic Richfield Company (partial)
Century Brass Products Inc.
Chicago Extruded Metals Company
Copper Range Company
Extruded Metals
Kennecott Corporation (partial)
Marmon Group Inc.
National Distillers & Chemical Corporation
Olin Corporation
Phelps Dodge Corporation (partial)
Revere Copper & Brass Inc. (partial)

Ferroalloys Association

Dow Chemical Company
Elkem Metals Company
Foote Mineral Company
Hanna Mining Company
Ohio Ferroalloys
SKW Alloys

SIC 34—Fabricated Metal Products

Aluminum Association

Aluminum Company of America
Kaiser Aluminum & Chemical Corporation
Martin Marietta Corporation
Reynolds Metals Company

American Boiler Manufacturers Association

Combustion Engineering Inc.
McDermott Inc.

Can Manufacturers Institute

American Can Company
Campbell Soup Company
Continental Group Inc.
Crown Cork & Seal Company Inc.
Miller Brewing Company
National Can Corporation
Stroh Brewery Company

Chemical Manufacturers Association

E.I. duPont de Nemours & Company
Olin Corporation

SIC 35—Machinery, Except Electrical

Air Conditioning & Refrigeration Institute

Copeland Corporation
Emerson Electric Company
Honeywell Inc.
Hussman Refrigeration Company
Johnson Controls Inc.
Sundstrand Corporation
Trane Company

Computer & Business Equipment Manufacturers Association

Control Data Corporation
Digital Equipment Corporation
International Business Machines Corporation
Sperry UNIVAC
TRW Inc.
Xerox Corporation

Construction Industry Manufacturers Association

Bucyrus-Erie Company
Clark Equipment Company
Cummins Engine Company Inc.
Fiatallis North America Inc.
FMC Corporation
Ford Motor Company
Harnischfeger Corporation
Ingersoll-Rand Company
Tenneco Inc.

SIC 36—Electric, Electronic Equipment

Chemical Manufacturers Association

Great Lakes Carbon Corporation
Minnesota Mining & Manufacturing Company

National Electrical Manufacturers Association

Airco Inc.
Allied Corporation
Emerson Electric Company
Harvey Hubbell Inc.
Johnson Controls Inc.
Reliance Electric Company
Square D Company
Union Carbide Corporation

SIC 37—Transportation Equipment

Aerospace Industries Association of America

Boeing Company
General Dynamics Corporation (partial)
Grumman Corporation
Hughes Aircraft Corporation
Lockheed Corporation
Martin Marietta Corporation
McDonnell Douglas Corporation
Morton Thiokol Corporation
Northrop Corporation
Textron Inc.
TRW Inc.
Vought Corporation

Chemical Manufacturers Association

Hercules Incorporated
Tenneco Inc.

Motor Vehicle Manufacturers Association

American Motors Corporation
Chrysler Corporation
Ford Motor Company (SIC Code 33, Recovered Materials)
General Motors Corporation (SIC Code 30, 33, Recovered Materials)

SIC 38—Instruments and Related Products

Chemical Manufacturers Association

Eastman Kodak Company
GAF Corporation
Minnesota Mining & Manufacturing Company

Pharmaceutical Manufacturers Association

G. D. Searle & Company
Johnson & Johnson

[FR Doc. 84-18675 Filed 7-13-84; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP84-97-000]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Tariff Filing

July 9, 1984.

Take notice that on July 2, 1984, Arkansas Louisiana Gas Company (Arkla) tendered the following revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 2:

First Revised Sheet No. 221 superseding Original Sheet No. 221
First Revised Sheet No. 222 superseding Original Sheet No. 222

Arkla also filed a statement of the nature, reasons and basis for the proposed change in Arkla's ECOSHARE TRANSPORTATION RATE SCHEDULE.

Arkla proposes and effective date of July 2, 1984, and requests waiver of the normal thirty day prior notice

requirement. Arkla states that the proposed change merely clarifies and does not increase the applicable rate. If such waiver is not granted, Arkla proposes the eeffective date by thirty days after the filing date.

Arkla states that copies of this filing have been sent to Agrico Chemical Company and Aluminum Company of America, the two customers for whom ECOSHARE transportation service is being rendered.

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 Stree, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before July 16, 1984. Protests will be considered by the Comission 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. 84-18765 Filed 7-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA84-5-000]

Big Muddy Oil Processors, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

July 11, 1984.

Take notice that Big Muddy Oil Processors, Inc. on July 2, 1984, filed a Petition for Review under 42 U.S.C. section 7194(b) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a motion to intervene. However, any such person wishing to be a participant must file a notice of participation on or before July 26, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a motion to intervene on or before July 26, 1984, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.1005(c)).

A notice of participation or motion to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Assistant General Counsel for Regulatory Litigation, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18766 Filed 7-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-108-001]

Columbia Gas Transmission Corp., Columbia Gulf Transmission Co., Request Under Blanket Authorization

July 10, 1984.

Take notice that on June 21, 1984, Columbia Gas Transmission Corporation (Columbia Gas), P.O. Box 1273, Charleston, West Virginia 25325, and Columbia Gulf Transmission Company, (Columbia Gulf), (referred to jointly as Columbia) P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP84-108-001 a joint request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of NEVAMAR Corporation (NEVAMAR) for use as boiler fuel under authorizations issued in Docket Nos. CP83-76-000 and CP83-496-000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia proposes to transport up to 1,800 dt equivalent of natural gas per day for NEVAMAR until November 1, 1984. It is indicated that Exxon Corporation would deliver natural gas to Columbia Gulf in St. Mary, Terrebonne, and Jefferson Parishes, Louisiana, which Columbia Gulf would transport and deliver equivalent volumes to Columbia Gas. It is further stated that in turn Columbia Gas would transport and deliver equivalent volumes of natural gas to Baltimore Gas and Electric Company (BG&E) in Odenton, Maryland. It is further indicated that NEVAMAR would purchase this released natural gas from Exxon and that BG&E is the distribution company serving NEVAMAR in Odenton, Maryland.

For this transportation Columbia states Columbia Gulf would charge NEVAMAR 44.63, 26.19, 22.32, or 11.16 cents per dt, depending on whether the gas was from offshore, onshore, Rayne, Louisiana, or Corinth, Mississippi, respectively. Columbia Gulf would retain 3.33, 2.58, or 1.29 percent of the gas delivered to it from offshore, onshore, and Corinth, Mississippi, respectively for company-use and unaccounted-for gas. Columbia also states that Columbia Gas would charge NEVAMAR its average system-wide storage and transmission cost, exclusive of company-use and unaccounted-for gas, currently 40.11 cents per dt. In addition Columbia Gas would retain 2.85 percent of the gas delivered to it for company-use and unaccounted-for gas. Furthermore, it is stated Columbia Gas would charge NEVAMAR a GRI surcharge of 1.21 cents where applicable.

The proposed service is a continuation of the authorization obtained previously in Docket No. CP84-108-000 which authorization terminated June 30, 1984.

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. 84-18767 Filed 7-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-96-000]

El Paso Natural Gas Co.; Proposed Gas Purchase Prepayments Rate Adjustment Provision

July 9, 1984.

Take notice that on July 3, 1984, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to section 4 of the Natural Gas Act and Part 154 of the Regulations issued thereunder by the Federal Energy Regulatory Commission ("Commission"), the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 300
Original Sheet No. 366
Original Sheet No. 367
Original Sheet No. 368
Original Sheet No. 369
Original Sheet Nos. 370 through 399

El Paso states that the tendered tariff sheets, when accepted by the Commission and permitted to become effective, will establish a limited-term tracking mechanism which will permit El Paso to accrue carrying costs associated with certain gas prepayments, limited as to type and amount, El Paso may be required to make to producer-suppliers pursuant to take-or-pay provisions in gas purchase contracts, and to recover such accrued costs through periodic rate adjustments coincident with El Paso's semiannual purchased gas cost rate adjustments ("PGA").

The proposed provision would not only operate in tandem with the PGA but also in a manner substantially identical to the procedures used to determine PGA rate adjustments. In general, the provision, designated as section 21, Gas Purchase Prepayments Rate Adjustment Provision, of the General Terms and Conditions of El Paso's First Revised Volume No. 1 Tariff, would operate as follows:

1. Commencing January 1, 1984, El Paso would establish and maintain a deferred account to accrue carrying costs associated with prepayments, utilizing separate subaccounts for the accumulation and amortization of increases or decreases in such amounts in the same manner El Paso is now required by the Commission's Regulations to employ in maintaining Account 191. Carrying costs accumulated in the deferred account would be calculated using the interest rate prescribed by Section 154.67(c)(2)(iii)(A) of the Commission's Regulations.

2. On October 1, 1984, April 1, 1985 and October 1, 1985, El Paso would adjust its rates under all rate schedules contained in its First Revised Volume No. 1 Tariff, except Rate Schedule G, and certain special rate schedules in its Third Revised Volume No. 2 and Original Volume No. 2A Tariff, via a surcharge to reflect changes—both upward and downward—in the carrying cost of prepayments. Rate Schedule G Buyers' share of such carrying costs would be recovered by monthly payments equal to one half of the product of the total actual sales volume under Rate Schedule G during the monthly billing period and the surcharge adjustment.

3. The provision would operate until June 30, 1985. Any balance remaining in the deferred account on such date would be amortized during the succeeding six-month amortization period commencing October 1, 1985, with any balance remaining at the end of such succeeding amortization period extinguished by transfer to Account 191.

El Paso states that due to a dramatic erosion in system sales since 1981 its purchases from producer-suppliers have dropped from essentially 100% of available supply in 1981 to a current producer/load factor of approximately 68%. In these circumstances, El Paso is faced with the probability that it will receive substantial claims—totalling perhaps in the hundreds of millions of dollars—for gas prepayments under take-or-pay provisions. If El Paso does indeed incur prepayments, depending on the size and timing thereof, El Paso may need external debt capital in addition to internally generated funds to make and carry such deficiency payments until they are recovered. Such financing would be in addition to other existing financing requirements. In any event, such prepayments would have a serious impact on El Paso's cash flow.

El Paso submits that the proposed provision is reasonable and fair: El Paso will timely recover a portion of its carrying cost, assisting it to maintain its financial integrity and remain a viable investment opportunity, while consumers will only be required to recompense El Paso at the Commission's prescribed interest rate irrespective of the actual cost of debt and equity funds used to finance any such prepayments.

El Paso requests that the Commission grant any and all waivers of its rules, regulations and orders as may be necessary to permit the tendered tariff sheets to become effective thirty (30) days after the date of filing.

El Paso states that copies of the instant filing have been served upon all of its interstate pipeline system customers and all interested state regulatory 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, D.C., 20426, in accordance with §§ 385.214 and 385.211 of this Chapter. All such motions or protests should be filed on or before July 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-18003 Filed 7-13-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ES84-42-001]

Missouri Public Service Co.; Application

July 10, 1984.

Take notice that on June 20, 1984, Missouri Public Service Company ("Applicant"), filed an amended application with the Commission pursuant to Section 204 of the Federal Power Act seeking authority to increase from $50 million to $100 million of short-term debt to be issued from time to time through May 31, 1923, having final maturities of not later than May 31, 1987.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 19, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-18069 Filed 7-13-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-504-000]

Montana-Dakota Utilities Co.; Application

July 10, 1984.

Take notice that on June 20, 1984, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP84-504-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and

necessity authorizing the drilling, completion, and operation of 20 natural gas storage wells and the construction and operation of related field storage gathering lines and meter facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MDU proposes to drill the 20 natural gas storage wells in Units 6, 7, and 8A of its Cedar Creek (Baker) Storage Field located in Fallon County, Montana. MDU proposes also a related field storage gathering line and meter facility would be constructed and operated for each well to be drilled. MDU states that these facilities will enable it to (1) more fully utilize the Judith River Formation as a storage reservoir in the Cedar Creek (Baker) Field, (2) increase MDU's injection and withdrawal capability, and (3) obtain cap rock and reservoir data.

MDU states that the total cost of the proposed facilities is estimated to be $3,115,055. MDU proposes to finance these facilities by internally generated funds and/or interim short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 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 MDU to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18770 Filed 7-13-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-500-000]

Transcontinental Gas Pipe Line Corp., Request Under Blanket Authorization

July 10, 1984.

Take notice that on June 18, 1984, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP84-500-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Transco proposes to transport natural gas on behalf of James River-Norwalk Inc.'s pulp mill at Pennington, Alabama (Pennington plant), under the authorization issued in Docket No. CP82-426-000 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.

Specifically, Transco proposes to transport up to 8,280 dt equivalent of natural gas per day for the Pennington plant for a term ending June 30, 1985. It is stated that the gas to be transported would be purchased from Koch Hydrocarbon Company, a Division of Koch Industries, Inc. (Koch), in the Liberty Field, Amite County, Mississippi, and would be used as boiler fuel at the Pennington plant. It is indicated that Transco would receive the gas at an existing interconnection with Koch in the Liberty Field and would deliver equivalent volumes less quantities retained for compressor fuel and line loss make-up) at an existing interconnection between Transco and Marengo Corporation (Marengo), the distributor serving the Pennington Plant in Choctaw County, Alabama.

It is stated that Transco would charge the currently applicable transportation rate in accordance with its Rate Schedule T-II, FERC Gas Tariff, Second Revised Volume No. 1.

Transco also requests authorization in Docket No. CP84-500-000 to provide "flexible authority" on behalf of the Pennington plant to add and/or delete sources of gas and/or receipt or delivery points. With respect to such "flexible authority", Transco states that it would undertake within 30 days of the addition or deletion of any gas suppliers and/or receipt or delivery points, to file with the Commission the following information:

(1) A copy of the gas purchse contract between the seller and the Pennington plant;

(2) A 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) A statement of the Natural Gas Policy Act of 1978 (NGPA) pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(4) A statement that the gas is not committed or dedicated within the meaning of the NGPA section 2(18);

(5) Location of the receipt/delivery points being added or deleted;

(6) Where an intermediary participates in the transaction between the seller and end-user, the information required by § 157.209(c)(ix); and

(7) Identity of any other pipeline involved in the transportation.

Transco submits that any changes made pursuant to such "flexibile authority" would be on behalf of the same end-user, the Pennington plant, for use at the same end-use location and would remain within the maximum daily and annual volume levels proposed herein.

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. 84-18771 Filed 7-13-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Energy Research Advisory Board; Light Water Reactor Safety R&D Panel; Cancellation of Meeting

This notice is given to advise of the cancellation of the meeting of the Light Water Reactor Safety R&D Panel (July 17 and 18, 1984) of the Energy Research Advisory Board as published in the issue of June 5, 1984 (49 FR 23224).

Issued at Washington, D.C. on July 10, 1984.

Charles E. Cathey,

Deputy Director, Office of Science and Technology Affairs, Office of Energy Research.

[FR Doc. 84-18776 Filed 7-13-84; 8:45 am

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of June 8 Through June 15, 1984

During the Week of June 8 through June 15, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A Submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: June 29, 1984.

Richard T. Tedrow,

Acting Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 8 through June 15, 1984]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 16, 1984	Texas Armada Refining Company, Washington, D.C	HRD-0217, HRH-0217	Motions for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Texas Armada Refining Company in response to the December 16, 1983, Proposed Remedial Order issued to Texas Armada Refining Company (Case No. HRO-0207).
June 11, 1984	Arcone Oil Company, Newark, New Jersey	HOF-0503	Implementation of Second Stage Refund Procedures. If Granted: The Office of Hearings and Appeals would implement second-stage procedures in the special refund proceeding instituted to distribute funds remitted to the DOE by Arcone Oil Company (Case No. BEF-0089).
June 12, 1984	Stripper Well Exemption Litigation, Washington, D.C	HFZ-0205	Interlocutory Order. If granted: The schedule and procedures for the evidentiary hearing on the effect of crude oil overcharges at the refiner level of the petroleum industry would be modified.
June 12, 1984	Toby Walsh, Smithers, British Columbia, Canada	HFA-0229	Appeal of An Information, Request Denial. If granted: The Freedom of Information Request Denial issued by the DOE to Toby Walsh would be rescinded and Toby Walsh would receive access to information about the atomic bomb that was shipped through the Port of Prince Rupert, British Columbia in the year 1944 or 1945.
June 14, 1984	Tipperary Refining Company, Washington, D.C	HED-0219	Motion for Discovery. If Granted: Discovery would be granted to Tipperary Refining Company in connection with the Application for Exception filed by the Department of Interior (Case No. HEE-0092).
June 14, 1984	Tipperary Refining Company, Washington, D.C	HEZ-0206	Interlocutory Order. If granted: All former Department of Energy employees would be prevented from participating in the Department of Interior's Application for Exception proceeding (Case No. HEE-0092) as representatives of the Department of the Interior.
June 14, 1984	Tipperary Refining Company, Washington, D.C	HEZ-0207	Interlocutory Order. If granted: The Office of Hearings and Appeals would issue an order referring the Application for Exception filed by the Department of Interior (Case No. HEE-0092) to the Federal Energy Regulatory Commission for adjudication.
June 14, 1984	ERA/Mobil Oil Corp., Washington, D.C	HRD-0220	Motion for Discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Mobil Oil Corporation in response to the February 20, 1980 Proposed Order of Disallowance issued to the firm (Case No. BRO-1143).
June 14, 1984	ERA/Mobil Oil Corp., Washington, D.C	HRZ-0208	Interlocutory Order. If granted: Mobil Oil Corporation's cost passthrough defense to the February 20, 1980 Proposed Order of Disallowance issued to the firm (Case No. BRO-1148) would be dismissed, and the Economic Regulatory Administration would be permitted to take certain deposition discovery related to its Motion to Dismiss the cost passthrough defense.

[FR Doc. 84-18772 Filed 7-13-84; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of June 15 Through June 22, 1984

During the Week of June 15 through June 22, 1984, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: June 29, 1984.

Richard T. Tedrow,

Acting Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 15 through June 22, 1984]

Date	Name and location of applicant	Case No.	Type of submission
June 18, 1984	MAPCO International, Inc., Washington, DC	HRD-0218	Motion for Discovery. If granted: Discovery would be granted to MAPCO International, Inc. in connection with its Statement of Objections submitted in response to the December 1, 1983, Proposed Remedial Order (Case No. HRO-0193) issued to MAPCO International, Inc.
Do	Ricks Exploration Company, Oklahoma City, OK	HEE-0095	Exception to the Reporting Requirements. If granted: Ricks Exploration Company would not be required to file form EIA-23 "Annual Survey of Domestic Oil and Gas Reserves"
Do	W. F Lawless, Augusta, GA	HFA-0230	Appeal of an Information Request Denial. If granted: The May 14, 1984 Freedom of Information Request Denial issued by the Savannah River Operations Office would be rescinded, and W. F Lawless would receive a waiver of fees of the $202.90 charged to him by the Savannah River Operations Office.
June 20, 1984	Coline Gasoline Corporation, Washington, DC	HQF-0504	Implementation of Second Stage Refund Procedures. If granted: The Office of Hearings and Appeals would implement second-stage procedures in the special refund proceeding instituted to distribute funds remitted to the Department of Energy by Coline Gasoline Corporation (Case No. BEF-0036).

REFUND APPLICATIONS RECEIVED

[Week of June 15 to June 22, 1984]

Date	Name of refund proceeding/name of refund applicant	Case No.
June 19, 1984	Amoco/Virginia	RQ21-91.
Do	Bob's Oil Co./May's Grocery	RF38-1.
June 20, 1984	Amoco/Eddie's Amoco	RF21-12342, RF21-12343.
June 21, 1984	Tenneco/United Oil Marketers	RF7-111.
Do	Amoco/West Virginia	RQ21-92.
	Belridge/West Virginia	RQ8-93.

[FR Doc. 84-18773 Filed 7-13-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OW-FRL-2631-1]

National Drinking Water Advisory Council; Open Meeting

Under section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held at 10:00 a.m. on August 2, 1984, and at 8:30 a.m. on August 3, 1984, at EPA Headquarters, Room 3906, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. Council Subcommittees will be meeting at Headquarters on August 1, 1984.

The purpose of the meeting will be to review the Notice of Proposed Rulemaking for Volatile Synthetic Organic Chemicals printed in the June 12, 1984 Federal Register. Other main agenda items include a panel discussion on alternative treatment techniques and updates on the Revised Primary Drinking Water Regulations and the Agency's Proposed Ground Water Protection Strategy.

This meeting will be open to the public. The Council encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. Oral statements will be limited to 5 minutes. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 382-5533. The petition should include the topic of the proposed statement, the petitioner's telephone number and should be received by the Council before July 27, 1984.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at the Council meeting and will be part of the permanent meeting record.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement, should contact Ms. Charlene Shaw, Executive Assistant, National Drinking Water Advisory Council, Office of Drinking Water (WH-550), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The telephone number is: Area Code 202/382-5533.

Dated: July 6, 1984.

Henry L. Longest II,

Acting Assistant Administrator for Water.

[FR Doc. 84-18664 Filed 7-13-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Greater Gulf Forwarding Services, Inc., et al., Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing and regulation of ocean freight forwarders, 46 CFR Part 510.

License No.	Name and address	Date revoked
2590	Greater Gulf Forwarding Services, Inc., 3637 Canal Street, New Orleans, LA 70130.	June 3,1984.
2539	U.S.A. Shipping Corporation, 4440 Earhart Blvd., New Orleans, LA 70125.	June 4,1984.
2378	Wesco Shipping (U.S.A.) Ltd., 130 Madison Street, New York, NY 10016.	June 6,1984.
1464	Ramon Arguelles and Ramon E. Arguelles, dba, Miami Cargo Services, 5469 NW. 72nd Avenue, Miami, FL 33166.	June 9,1984.
2133	Aztec Forwarding, Inc., 321 N. Eucalyptus Avenue, Inglewood, CA 90302.	June 14,1984.
1960	United American Freight, Inc., 9024 Harrison Road, Romulus, MI 48174.	June 20,1984.
1692	Eva A. Blais, dba, Blais Forwarding, 15130 Ventura Blvd., Suite 303, Sherman Oaks, CA 91403.	June 23,1984.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 84-18699 Filed 7-13-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

The Chase Manhattan Corp., Applications to Engage de Novo in Nonbanking Activities

The company listed in this notice has filed applications under § 225.23(a)(3) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794), to engage *de novo* through national bank subsidiaries in the making of commercial loans, and other activities specified below. The proposed subsidiaries will not engage in demand deposit transactions as defined in Regulation Y. The Board has determined by order that such activities are closely related to banking. *U.S. Trust Company* (70 Federal Reserve Bulletin 371 (1984)). Although the Board is publishing notice of these applications, under established Board policy the record of the applications will not be regarded as complete and the Board will not act on the applications unless and until a preliminary charter for each proposed national bank subsidiary has been submitted to the Board.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the applications have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the applications must be received at the Federal Reserve Bank or the offices of the Board of Governors not later than August 6, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Chase Manhattan Corporation*, New York, New York; to engage through the following national bank subsidiaries in making loans and other extensions of credit; acting as agent for the sale of credit life and credit accident and health insurance; and the acceptance of deposits other than demand deposits: The Chase Manhattan National Bank of Arizona, Phoenix, Arizona (branch in Tucson); The Chase Manhattan National Bank of California, Newport Beach, California (branches in La Jolla, Palo Alto, and Walnut Creek); The Chase Manhattan National Bank of Colorado, Denver, Colorado; The Chase Manhattan National Bank of Connecticut, Greenwich, Connecticut; The Chase Manhattan National Bank of Coral Gables, Coral Gables, Florida; The Chase Manhattan National Bank of Dallas, Dallas, Texas; The Chase Manhattan National Bank of Fort Worth, Fort Worth, Texas; The Chase Manhattan National Bank of Georgia, Atlanta, Georgia; The Chase Manhattan National Bank of Houston, Houston, Texas; The Chase Manhattan National Bank of Illinois, Chicago, Illinois; The Chase Manhattan National Bank of Massachusetts, Boston, Massachusetts; The Chase Manhattan National Bank of Minnesota, Bloomington, Minnesota; The Chase Manhattan National Bank of New Jersey, Hasbrouck Heights, New Jersey; The Chase Manhattan National Bank of Ohio, Cleveland, Ohio; The Chase Manhattan National Bank of Oklahoma, Tulsa, Oklahoma; The Chase Manhattan National Bank of Orlando, Maitland, Florida; The Chase Manhattan National Bank of Pennsylvania, Bala Cynwyd, Pennsylvania; The Chase Manhattan National Bank of San Antonio, San Antonio, Texas; The Chase Manhattan National Bank of Tampa, Tampa, Florida; The Chase Manhattan National Bank of Virginia, Vienna, Virginia; and The Chase Manhattan Trust Company of Florida, N.A., Boca Raton, Florida. These activities would be conducted in all fifty (50) States and the District of Columbia.

Board of Governors of the Federal Reserve System, July 10, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-16673 Filed 7-13-84; 8:45 am]

BILLING CODE 6210-01-M

The Chase Manhattan Corp.; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794), to engage *de novo* through a national bank subsidiary in deposit-taking, including the taking of demand deposits, and other activities specified below. The proposed subsidiary will not engage in commercial lending transactions as defined in Regulation Y. The Board has determined by order that such activities are closely related to banking. *U.S. Trust Company* (70 Federal Reserve Bulletin 371 (1984)). Although the Board is publishing notice of this application, under established Board policy the record of the application will not be regarded as complete and the Board will not act on the application unless and until a preliminary charter for the proposed national bank subsidiary has been submitted to the Board.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Federal Reserve Bank or the offices of the Board of Governors not later than August 6, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33

Liberty Street, New York, New York 10045:

1. *The Chase Manhattan Corporation,* New York, New York; to engage through a national bank subsidiary, The Chase Manhattan National Bank of Utah, Salt Lake City, Utah, in making loans and other extensions of credit, other than commercial loans, acting as agent for the sale of credit life and credit accident and health insurance and the acceptance of deposits. These activities would be conducted in all fifty (50) States and the District of Columbia.

Board of Governors of the Federal Reserve System, July 10, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18672 Filed 7-13-84; 8:45 am]

BILLING CODE 6210-01-M

Citicorp, et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under §225.23 (a)(2) or (f) of the Board's Regulation Y (49 FR. 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listee in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifiying 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 each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than July 31, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

1. *Citicorp,* New York, New York; to acquire The Morris Plan Industrial Bank, Burlington, North Carolina, thereby engaging in industrial banking activities, including making commercial and consumer loans and accepting time and savings deposits. These activities would be conducted in the State of North Carolina.

B. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *CoreStates Financial Corp.,* Philadelphia, Pennsylvania; to acquire through its subsidiary, Signal Finance Corporation, Pittsburgh, Pennsylvania, certain assets (all of the loan accounts) of Peoples Loan Corporation, Buffalo, New York, which engages in the consumer finance business from one location in Buffalo, New York. These activities would be performed in the western part of New York State.

Board of Governors of the Federal Reserve System, July 10, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18669 Filed 7-13-84; 8:45 am]

BILLING CODE 6210-01-M

National Banc of Commerce Co., et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 6, 1984.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *National Banc of Commerce Company,* Charleston, West Virginia; to acquire 100 percent of the voting shares of Bank of Nitro, Nitro, West Virginia.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Colonial Bankshares Corporation,* Chicago, Illinois; to acquire 100 percent of the voting shares of Michigan Avenue National Bank of Chicago, Chicago, Illinois.

C. Federal Reserve Bank of St. Louis (Delmer P Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Unibancorp,* Loogootee, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Union Bank, Loogootee, Indiana.

D. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Bancedmond, Inc.,* Edmond, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Edmond, N.A., Edmond, Oklahoma.

Board of Governors of the Federal Reserve System, July 10, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18670 Filed 7-13-84; 8:45 am]

BILLING CODE 6210-01-M

PT Investment Corp., et al., Applications to Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 3, 1984.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *PT Investment Corporation,* Pawtucket, Rhode Island; to engage *de novo* through its subsidiary Flyer Leasing, Inc., Pawtucket, Rhode Island, in leasing personal and real property and acting as agent, broker, and advisor in leasing such property, and activities incidental thereto.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Fourth Financial Corporation,* Wichita, Kansas; to engage *de novo* through its subsidiary, United Financial Corporation, Wichita, Kansas, in the activities of making, acquiring, and servicing loans for its own account or for the account of others; and selling, as, agent or broker, credit life and accident and health insurance that is directly related to its extensions of credit. These activities will be conducted in the State of Kansas and adjacent states.

Board of Governors of the Federal Reserve System, July 10, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18671 Filed 7-13-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84N-0026]

Drug Experience Reports; NADA'S 8-473, 8-766, 9-504, 10-148, 10-458, 12-219, and 13-028; Withdrawal of Approval; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the notice withdrawing approval of several new animal drug applications (NADA's) for products for which applicants have failed to file required annual reports of drug experience (49 FR 20760; May 16, 1984). The name of the product and date of approval for one NADA were incorrectly stated. This document corrects that error.

EFFECTIVE DATE: May 29, 1984.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Center for Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: In FR Doc. 84-13103 appearing in the issue of Wednesday, May 16, 1984, at page 20760 in the center column, the following correction is made: Item 2 which reads "NADA 8-766, Liquamycin Injection, J. B. Garland & Son, 15 Grayton St., Worcester, MA 01604, approved March 25, 1953" is changed to read "NADA 8-766, Nitrophenide-Arsanilic Acid Mixture, J. B. Garland & Son, Inc., 15 Grafton St., Worcester, MA 01604, approved January 2, 1953."

Dated: July 9, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84-18673 Filed 7-13-84; 8:45 am]

BILLING CODE 4160-01-M

Science Advisory Board; Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the renewal of the Science Advisory Board by the Secretary of Health and Human Services. This notice is issued under the Federal Advisory Committee Act.

DATE: Authority for this committee will expire on June 2, 1986, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: July 9, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-18676 Filed 7-13-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84P-0224]

Canned Tuna Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Ralston Purina Co. to market test canned tuna in vegetable oil and canned tuna in water which contain a blend of sodium tripolyphosphate and sodium hexametaphosphate. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the foods.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than October 15, 1984.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0101.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Ralston Purina Co., St. Louis, MO 63164.

The permit covers limited interstate marketing tests of canned tuna in vegetable oil and canned tuna in water. The test products deviate from the standard of identity for canned tuna (21 CFR 161.190) in that they will contain a blend of sodium tripolyphosphate and sodium hexametaphosphate in an amount not to exceed 0.5 percent, by weight, of the finished food. In the processing steps necessary to prepare tuna for canning, these ingredients will be used to reduce loss of natural fluids and protein during cooking, to prevent

oxidative changes during product cool-down, and to facilitate separation of lion meat. In the canned product the ingredients will be used to inhibit struvite crystal formation during storage. The test products meet all requirements of § 161.190, with the exception of these deviations. The permit provides for the temporary marketing of 3,950,000 cases of test product containing forty-eight 6½-ounce cans each. The test products will be distributed throughout the United States.

The test products will be manufactured at the Ralston Purina Co. Seafood Division plants located in San Diego, CA; Ponce, Puerto Rico; and American Samoa.

The principal display panel of the labels state the products' names. Each of the ingredients used in the food, including sodium tripolyphosphate and sodium hexametaphosphate, is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 15 months beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than October 15, 1984.

Dated: July 5, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-18677 Filed 7-13-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-84-1400; FR-1925]

Housing Development Grant Program; List of Designated Eligible Areas; Correction

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

ACTION: Notice; correction.

SUMMARY: This document corrects a notice that appeared in the Federal Register on Wednesday, June 20, 1984 (49 FR 25400) which listed the designated eligible areas for the Housing Development Grant Program. This action is necessary to correct the inadvertent omission of Aguadilla, Puerto Rico from the list of designated eligible areas.

FOR FURTHER INFORMATION CONTACT: Frank D. Brown, Acting Director, Housing Development Grants Division, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-5720. (This is not a toll-free number.)

Accordingly, the Department is correcting FR Doc. 84-16470 published on June 20, 1984 as follows:

1. On page 25404, in the second column, under the heading "Puerto Rico" "Aguadilla" is inserted in the list before "Arecibo."

Dated: July 11, 1984.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 84-18731 Filed 7-13-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Performance Review Board Appointments

July 6, 1984.

AGENCY: Department of the Interior.

ACTION: Notice of Performance Review Board Appointments.

SUMMARY: This notice provides the names of individuals who have been appointed to serve as members of the Department of the Interior Performance Review Boards. The publication of these appointments is required by Section 405(a) of the Civil Service Reform Act of 1978 (Pub. L. 95-454, 5 U.S.C. 4314(c)(4)).

DATE: These appointments are effective July 16, 1984.

FOR FURTHER INFORMATION CONTACT: Morris A. Simms, Director of Personnel, Office of the Secretary, Department of the Interior, 1800 C Street NW., Washington, D.C. 20240, Telephone Number: 343-6761

Department of the Interior

Departmental PRB

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William Klostermeyer (Career)
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F. Eugene Hester (Career)

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Assistant Secretary—Indian Affairs PRB

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Marian Horn (NC), Chairperson
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Raymond F Sanford (Career, Field)
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J. Steven Griles (NC), Chairperson
John Rigg(NC)
Thomas Gernhofer (Career)
William B. Schmidt (Career)
Robert Lawton (Career)
Neil Morck (Career)
Leona Power (NC)

Dated: June 27, 1984.

Richard R. Hite,

Deputy Assistant Secretary—Policy, Budget and Administration.

[FR Doc. 84-18744 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the Kaweah Indian Nation, Inc.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(f), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the Kaweah Indian Nation Inc., c/o Mr. Malcolm Webber, Route 1, Box 99, Oriental, North Carolina 28571, exists as an Indian tribe within the meaning of Federal law. This

notice is based on a determination that the group does not meet three of the criteria set forth in 25 CFR 83.7 and therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

Under § 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioner and interested parties upon written request.

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed findings may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days of the date of this notice. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20245, Attention: Branch of Acknowledgment and Research.

After consideration of the written arguments and evidence rebutting the proposed findings and within 60 days after the expiration of the response period, the Assistant Secretary will publish his determination regarding the petitioner's status in the Federal Register as provided in § 83.9(h).

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 84-18748 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Fairbanks District Advisory Council; Meeting

The Advisory Council for the Fairbanks District of the Bureau of Land Management will have a general meeting on August 16, 1984. The location of the meeting will be the second-floor training room at the BLM office on Fort Wainwright, corner of Gaffney and Marks Roads. The meeting will convene at 8:30 a.m. and conclude at 5 p.m. Public comments will be received by the Council from 1 p.m. to 2 p.m.

The following topics will be discussed at the meeting.

1. Draft Alternatives for the Central Yukon Resources Management Plan.

2. Briefing on management of federal easements which cross lands covneyed to Native corporations.

3. Briefing on BLM 810 subsistence procedures.

All meetings of the Council are open to the public.

Carl D. Johnson,

District Manager.

[FR Doc. 84-18749 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-84-M

Clear Lake Resource Area; Realty Action for Sale of Public Lands; Glenn, Colusa, Napa, Sonoma and Yolo Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Sale of Public Lands, Amendment.

SUMMARY: This action discloses the fair market value and amends the Notice of Realty Action for the public land sale in the Clear Lake Resource Area originally published in the Federal Register on Wednesday, May 30, 1984 (49 22547, May 30, 1984).

APPRAISED FAIR MARKET VALUE

Parcel	Case	Dollars per acre	Total
1	CA 15337	$110	$4,400
2	CA 15339	1,750	70,000
3	CA 15339	125	10,000
4	CA 15340	200	8,000
5	CA 15341	1,300	52,000
6	CA 15342	1,900	62,550
7	CA 15343	250	20,000
8	CA 15344	300	12,000

Federally owned mineral interests of *no known value* will not be reserved to the United States. A bid on the property will also constitute an application for conveyance of those mineral interests being offered for conveyance in the sale. The declared high bidder will be required to deposit a $50 nonreturnable filing fee (43 CFR 2710.1-2(c)) within 30 days of the sale date. Failure to deposit this sum will result in disqualification as the high bidder.

DISPOSITION OF MINERAL INTERESTS

Parcel (serial number)	Minerals reserved to the United States
1 (CA 15337); 3 (CA 15339)	Oil and Gas.
2 (CA 15339); 5 (CA 15341); 6 (CA 15342).	Geothermal.
4 (CA 15340)	Geothermal and Locatables.
7 (CA 15343); 8 (CA 15344)	Geothermal and Oil and Gas.

DATE: Interested parties may submit comments on this amendment until July 27, 1984.

ADDRESS: Comments and suggestions should be sent to: State Director, California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Cathie Dokken, (707) 462-3873.

Van W. Manning,

District Manager, Ukiah.

[FR Doc. 84-18747 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-84-M

Public Land Sale; Competitive and Modified Competitive Sales of Public Land in Bonneville County, Idaho

Correction

In the issue of Thursday, June 7, 1984, on page 23706, in the third column a correction to FR Doc. 84-11255 appeared. The second correction was inaccurate and should have appeared as follows:

"2. On page 18048, in the first column, in the second table, in entry "I-20623", the second line under "Legal description" should read "NE¼NE¼ SW¼SE¼, E½NW¼NE¼NE¼S W¼SE¼"

BILLING CODE 1505-01-M

National Petroleum Reserve in Alaska; Amendment To Notice of Sale No. 841

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to notice of sale.

SUMMARY: The purpose of this notice is to correct acreage figures originally listed in the Notice of Sale published in the Federal Register on Wednesday, June 13, 1984 (49 FR 24451), and in the Detailed Statement of Sale dated June 7, 1984.

FOR FURTHER INFORMATION CONTACT: Kay Kletka, Anchorage, Alaska, (907) 271-379.

SUPPLEMENTARY INFORMATION: Bidders are advised that the original legal descriptions for the tracts listed below as published in the Federal Register on Wednesday June 13, 1984 and in the Detailed Statement of Sale for Sale No. 841 contained erroneous acreage figures. The legal land descriptions remain the same, the acreage figures are corrected as follows:

Tract No.	Present acreage	Corrected acreage
841-024	24,597	20,107
841-042	30,044	18,435
841-025	29,811	21,993
841-029	26,450	28,723
841-031	32,317	32,217
841-102	3,941	4,544
841-119	12,624	24,344

The corrected approximate total acreage is 1,590,677 acres.

Robert W. Arndorfer,

Acting State Director.

[FR Doc. 84-18688 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-JA-M

Proposed Public Land Withdrawal, Michigan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The National Park Service, Department of the Interior proposes to withdraw 12.63 acres of public land as an addition to the Sleeping Bear Dunes National Lakeshore. This notice closes the land for up to 2 years from surface entry, including mineral leasing.

ADDRESS: Inquiries concerning the land should be sent to: Director, Eastern States Office, 350 So. Pickett Street, Alexandria, Virginia 22304.

FOR FURTHER INFORMATION CONTACT: Bettie Coombs, Eastern States Office (703)235-2855.

On January 14, 1974, the National Park Service, Department of the Interior, submitted a formal application, ES-16542, to withdraw South Manitou Island Light Station in Michigan for inclusion in the Sleeping Bear Dunes National Lakeshore. The 12.63 acre portion of Lot 1 Section 10, T 30 N., R. 15 W., Michigan Meridian, under consideration is presently withdrawn for use by the Coast Guard pursuant to the provisions of Executive Order dated June 14, 1839. The Coast Guard filed a notice of intent to relinquish control and accountability of the subject lands and has issued a use permit to the National Park Service, who has maintained the lands since 1965. This withdrawal is requested in accordance with the provisions of section 8(a) of the Act of October 21, 1970 (84 Stat. 1077) and section 204 of the Act of October 21, 1976 (90 Stat. 2751).

Pursuant to section 204(h) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754), notice to file written comments with the undersigned officer of the Bureau of Land Management is hereby given. If a public hearing is to be held, notice will be published in the Federal Register giving time and place of such hearing. Written comments on the proposed withdrawal application may be filed on or before August 15, 1984.

The above described land are temporarily segregated from the operation of the public land laws, including the mineral leasing laws. The withdrawal applied for, when and if effected, would prevent any form of disposal or appropriation under such laws. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with this withdrawal should be addressed to the Director; Eastern States Office, Bureau of Land Management, 350 So. Pickett St., Alexandria, Virginia 22304.

G. Curtis Jones, Jr.,

State Director.

[FR Doc. 84-18702 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-84-M

[CA-15867]

Arcata and Clear Lake Resource Areas—Realty Action for the Exchange of Public Lands in Mendocino County, California

Correction

In FR Doc. 84-16304, beginning on page 25045 in the issue of Tuesday, June 19, 1984, make the following corrections on the same page: In column 2, T. 19 N., R. 13 W., Sec. 22 "SE¼N¼" should read "SE¼NW¼" and in same column, T. 20 N., R. 13 W., Sec. 10 "S½NE¼" should read "S½NW¼" In column 3, line 1, Sec. 20, insert a comma between NW¼ and SW ¼.

BILLING CODE 1505-01-M

Bureau of Reclamation

Rubi Mine Hydroelectric Power Project, CA, Intent To Prepare an Environmental Impact Statement and Meeting

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental impact statement (EIS) on the issuance of a permit to use Federal land to construct a privately owned hydroelectric project. The Rubi Mine Hydroelectric Project would be located on Shirttail Creek in Placer County, California. Project features would consist of: (1) a 10-foot-high, 45-foot-long diversion structure, (2) a 6,500-foot-long, 36- or 42-inch-diameter penstock, (3) a powerhouse containing one generating unit with an installed capacity of 1.7 to 2.4 MW, and (4) approximately 1.5 miles of 60-kV transmission line. The proposed maximum diversion rate would be 100 ft^3/s. Alternatives currently being considered include variations in the size, location, and construction methods of building the project, various permit terms, and no action.

Because the project is located partially on Federal land and partially on private land, the project proponent must receive permits from Placer County, the Bureau of Reclamation, and the Bureau of Land Management. In order to comply with the environmental regulations of all agencies, a joint EIR/EIS will be prepared with the Bureau of Reclamation and Placer County serving as joint lead agencies, and the Bureau of Land Management serving as a cooperating agency. The primary potential impacts to be evaluated in the document include impacts on water resources, fish, wildlife, and vegetation, erosion and slope stability, recreational use of the area, and transportation. The project proponent currently is seeking minor license from the Federal Energy Regulatory Commission.

In compliance with Executive Orders 11988—Floodplain Management, and 11990—Wetlands Protection, the Bureau of Reclamation is notifying the public that the action as proposed would occur in the flood plain of Shirttail Creek. It is the intent of the Bureau of Reclamation to utilize this EIS process as a means for complying with the provisions of the two executive orders.

The public is invited to attend a scoping session to be held at 7:30 p.m. on July 25, 1984, in the Placer County Planning Hearing Room, DeWitt Center, 11414 B Avenue, Auburn, California. The purpose of the meeting is to gain public input regarding the alternatives being considered, and issues of concern to be addressed in the document including impacts to flood plains and wetlands. The involvement of appropriate State agencies has been ongoing and has included the Department of Fish and Game and the State Water Resources Control Board.

The contact person in the Bureau of Reclamation is Roderick Hall, Mid-Pacific Regional Office, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California, telephone (916) 484-4792.

Dated: July 11, 1984.

Richard Atwater,

Acting Commissioner.

[FR Doc. 84-18781 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Public Entry and Use; Ruby Lake National Wildlife Refuge, Nevada

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This document provides for the emergency closure of the South Sump of Ruby Lake National Wildlife Refuge (NWR) to powerboating (10 horsepower or less) from July 15, 1984, through July 31, 1984, as provided for in Title 50, Code of Federal Regulations, § 25.21. This emergency closure is necessitated by extremely high water conditions in the area that caused a high rate of nest failure and subsequent late renesting among canvasback and redhead ducks using the refuge. In order to protect the nests in the area from disturbance, powerboating will not be permitted before August 1, 1984.

DATE: The provisions of this notice are effective July 15, 1984.

FOR FURTHER INFORMATION CONTACT: James F. Gillett, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240 (202-343-4311).

SUPPLEMENTARY INFORMATION: On Tuesday, June 12, 1984, in 49 FR 24139, the Fish and Wildlife Service (Service) issued final revised regulations governing boating on Ruby Lake NWR to permit a research program to evaluate the effects of powerboating on canvasback and redhead duck broods. The design of the research study calls for a July 15 opening for powerboating in 1984, 1986 and 1988. In 1985 and 1987, August 1 will be the opening date for powerboating.

The Ruby Valley portion of Nevada experienced exceptional runoff from snowmelt and rain this year that resulted in the highest waterlevels on the refuge in several decades. This high water caused delayed nesting and nest failure of approximately 85% of first nests of canvasbacks and redheads using the South Sump of Ruby Lake NWR. Renesting attempts were also delayed because of water conditions; therefore a large percentage of nests will be under incubation on July 15, 1984. Past studies have demonstrated the potential for adverse effects of powerboating on canvasback and redhead nests. It is expected that by August 1, 1984, the majority of the nests will no longer be occupied. Therefore, the Service is closing the South Sump of Ruby Lake NWR to powerboating from July 15 through July 31, 1984. Other aspects of the research program will continue as planned, and, with the exception of this year, the rule at 49 FR 14139 will remain in effect.

Dated: July 10, 1984.

Robert A. Jantzen,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 84-18628 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A., Inc.

AGENCY: Mineral Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the South Bay Marchand Federal Unit Agreement No. 14-08-001-3915, submitted on June 21, 1984, a proposed development operations coordination document describing the activities it proposes to conduct on the South Bay Marchand Federal unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 9, 1978.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-18674 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Cities Service Oil and Gas Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Cities Service Oil and Gas Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4065, Block 669, Matagorda Island Area, offshore Texas. Propose plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Ingleside and Galveston, Texas.

DATE: The subject DOCD was deemed submitted on July 9, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing pracitices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: July 9, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-18743 Filed 7-13-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30488]

Escanaba & Lake Superior Railroad Company Exemption; Operations

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from the requirements of prior approval under 49 U.S.C. 10901 the operation by Escanaba & Lake Superior Railroad Company of 23.5 miles of railroad between Republic and Channing, MI.

DATE: This exemption is effective on August 15, 1984. Petitions for stay must be filed by July 26, 1984, and petitions for reconsideration must be filed by August 6, 1984.

ADDRESS: Send pleadings referring to Finance Docket No. 30488 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423
(2) Larry H. Mitchell, Hamel & Park, 888 Sixteenth Street, NW., Washington, D.C. 20006

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: July 9, 1984.

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

James H. Bayne,

Secretary.

[FR Doc. 84-18695 Filed 7-13-84; 8:45 am]

BILLING CODE 7035-01-M

Elimination of Annual Report Schedules

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Elimination of R-1 Annual Report Schedules.

SUMMARY: The Interstate Commerce Commission is reviewing the data that carriers submit in the various annual reports to the Commission to identify schedules which the Commission no longer uses to fulfill its regulatory responsibilities. Shown below are the schedules which we have identified as containing data we no longer need. By this notice we are requesting: (1) Comments from the public on the appropriateness of eliminating the schedules; and (2) recommendations for further eliminations.

DATES: Written responses should be filed with the Commission within 45 days.

ADDRESS: Responses should be mailed to: Bryan Brown, Jr., Section of Accounting and Reporting, Bureau of Accounts, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: William Norris, 202-275-7448.

SUPPLEMENTARY INFORMATION: The Commission has identified the following schedules as being unnecessary to perform its regulatory functions and will eliminate the beginning with the reports for the year ending December 31, 1984.

Form R-1 Schedules

241 Change in Working Capital
500 Contingent Assets and Liabilities.

The data for schedule 500 will be reported on schedule 200 as item 7

The following schedules will also be eliminated. This data was needed only for the year 1983.

205—Restatement of the Results of Operations Under Depreciation Accounting.
205A—Restatement of Retained Earnings Under Depreciation Accounting.
205B—Restatement of Road and Equipment and Accumulated Depreciation and Amortization Accounts.
205C—Summary of Track Operating Expenses.

James H. Bayne,

Secretary.

[FR Doc. 84-18694 Filed 7-13-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[Directive No. 49]

Authority To Execute Title 26 or Tax-Related Title 18 Search Warrants

Pursuant ot the authority vested in me by Part O, Sub-Part N of Title 28 of the Code of Federal Regulations, Section 0.70, delegation of authority with respect to approving the execution of Title 26, U.S.C., or tax-related Title 18, U.S.C., search warrants directed at offices, structures, premises, etc., owned, controlled or under the dominion of the subject or target of a criminal investigation, is hereby conferred upon:

1. Any United States Attorney appointed under Section 541 of Title 28, U.S.C.,

2. Or to the permanently appointed representative within the United States Attorney's office assigned as chief of criminal functions.

This delegation of authority is expressly restricted to these, and no other, individuals.

This delegation of authority does not affect the statutory authority and procedural guidelines relating to the use of search warrants in criminal investigations involving disinterested third parties as contained in 28 CFR 59.1, *et seq.*

The Tax Division shall have exclusive authority to seek and execute a search warrant that is directed at the offices, structures or premises owned, controlled, or under the dominion of a subject or target of an investigation who is:

1. An accountant;
2. A lawyer;
3. A physician;
4. A local, state, federal, or foreign public official or political candidate;
5. A member of the clergy;
6. A representative of the electronic or printed news media;
7 An official of a labor union;
8. An official of an organization deemed to be exempt under section 501(c)(3) of the Internal Revenue Code.

Any application for a warrant to search for evidence of a criminal tax offense not specifically delegated herein must be specifically approved in advance by the Tax Division pursuant to Section 6-2.330 of the United States Attorneys' Manual.

Notwithstanding this delegation, the United States Attorney or his delegate has the discretion to seek Tax Division approval of any search warrant or to request the advice of the Tax Division regarding any search warrant.

The United States Attorney shall notify the Tax Division within 10 working days, in writing, of the results of each executed search warrant and shall transmit to the Tax Division copies of the search warrant (and attachments and exhibits), inventory, and any other relevant papers.

The United States Attorneys' Manual is hereby modified effective July 9, 1984.

Approved To Take Effect on: October 1, 1984.

Glenn L. Archer, Jr.,

Assistant Attorney General, Tax Division.

[FR Doc. 84-18749 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Request for Comments; Antitrust Preliminary Report; Competition in the Oil Pipeline Industry

AGENCY: Antitrust Division, Department of Justice.

ACTION: Notice of publication and request for comments on an Antitrust Division report entitled *Competition in the Oil Pipeline Industry: A Preliminary Report.*

SUMMARY: Notice is hereby given that on May 10, 1984, the Antitrust Division, Department of Justice, issued a report entitled *Competition in the Oil Pipeline Industry: A Preliminary Report.* This *Report* details the state of competition in the federally regulated interstate oil pipeline industry in the lower-48 United States by calculating market concentration levels among pipelines and their competitors in hundreds of localized markets. The *Report* also describes a methodology for using these calculations to assess which pipelines should continue to be regulated and which ones should be deregulated. The *Report* does not assess whether specific pipelines should be deregulated; however, the Department is continuing the process of examining competition in every oil pipeline market in the lower-48 United States to determine whether individual pipelines possess sufficient market power to warrant continued regulation.

Availability of Copies of the Report

Copies of *Competition in the Oil Pipeline Industry: A Preliminary Report* are available free of charge from the Legal Procedure Unit, Antitrust Division, Department of Justice, Room 7416 MAIN, Washington, D.C. 20530 by writing or calling (202) 633-2481.

DATE: Comments must be submitted by October 15, 1984.

ADDRESS: Written comments on the *Report* should be submitted to David W. Brown, Assistant Chief, Energy Section, Antitrust Division, Department of Justice, Room 9317 Star, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: David W. Brown, (202) 724-6670.

SUPPLEMENTARY INFORMATION: The Department of Justice hope to elicit comments on the *Report* from all interested persons, particularly oil pipeline companies and shippers, before publishing its findings with respect to particular pipelines. In addition to critiques of the methodology described and employed in the *Report,* the Department welcomes the submission of any information or data from any interested person who believes that such data either should be included in the Department's ongoing analysis of particular pipelines, or that such data should be substituted for those contained in the *Report.* Written comments will generally be available for public inspection. Requests for confidentiality will be treated in accordance with Department regulations and the requisites of the Freedom of Information Act.

In order to examine pipeline markets, the following data are needed for each pipeline: ownership; locations of points of ingress and (*i.e.,* terminals); direction of pipeline flow; commodity transported (*e.g.,* crude or product); ontake and offtake throughput at each terminal; and throughput capacity, length and location of each pipeline segment.

Data in the *Report* on the origins and destinations of oil pipelines were derived from pipeline tariffs on file with the Federal Energy Regulatory Commission indicating shipment possibilities on currently operating, federally regulated interstate common carrier pipelines. Data concerning intrastate and proprietary pipelines are generally not publicly available; those pipelines were therefore not included in the *Report.* For the purpose of computing market shares, the Department used the most recent (June 1979) pipeline throughput capacity reported to the Department of Energy on Forms EIA-184. The waterborne transportation data consist of 1980 actual shipments between markets, obtained from the Army Corps of Engineers. Refinery capacity data and crude oil production figures, by state, were obtained from the U.S. Department of Energy, *Petroleum Supply Annual 1982,* DOE/EIA-0340[82/1). Additional crude oil production data, by county, were obtained from most states with significant crude oil production. Petroleum product consumption figures for each market were derived from 1980 data on consumption by state obtained from the Departments of Energy and Transportation.

The Department particularly seeks detailed pipeline maps and data on the following: waterborne transportation capacity and shipments into and out of each market; crude production; refinery capacity, inputs and outputs; and local product consumption in each market.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 84-18732 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Judgment and Competitive Impact Statement Thereon; Association of Engineering Geologists

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed consent judgment and a Competitive Impact Statement have been filed with the United States District Court for the Central District of California in *United States* v. *Association of Engineering Geologists,* Civil No. 84-0496 KN.

The complaint in this case alleged that the Association of Engineering Geologists ("AEG") conspired to restrain competition among engineering geologists by adopting and adhering to ethical rules which unreasonably restrict commercial advertising, price competition, and solicitation in the sale of engineering geology services.

The proposed judgment requires AEG to cancel all formal and informal rules and ethical codes of conduct which restrict commercial advertising, price competition, or solicitation in the sale of engineering geology services. The proposed judgment also requires the defendant to notify its members and purchasers of engineering geology services that such forms of competition are permissible.

The Department of Justice is given access under the proposed judgment to the files and records of AEG and to examine such records for compliance or noncompliance with the judgment.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the Federal Register and filed with the Court. Comments should be directed to Gary R. Spratling, Acting Chief, San Francisco Field Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102 (telephone: 415/556-6300).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court, for the Central District of California

United States of America, Plaintiff v. *Association of Engineering Geologists,* Defendant.

Civil No. 84-0496 KN (Mcx).

Filed: May 22, 1984.

Stipulation.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own

motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendant and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding:

Dated:

For The Plaintiff: J. Paul McGrath, *Assistant Attorney General;* Mark Leddy, Anthony E. Desmond, Gary R. Spratling, *Attorneys, Department of Justice.*

James E. Figenshaw, Shauna I. Marshall, *Attorneys, Department of Justice, Antitrust Division, 450 Golden Gate Ave.—Box 36046, San Francisco, CA 94102, Telephone: (415) 556-6300.*

For The Defendant: Emmett E. Tucker, Jr., Dennis R. Bunker, *Counsel for Association of Engineering Geologists.*

U.S. District Court for the Central District of California

United States of America, Plaintiff v. *Association of Engineering Geologists,* Defendant.

Civil No. 84-0496 KN (Mxc).

Filed: May 22, 1984.

Final Judgment

Plaintiff, the United States of America, having filed its Complaint herein on January 24, 1984, and Plaintiff and Defendant, by their respective attorneys, having each consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence against or admission by either party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties, it is hereby ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of both of the parties hereto. The Complaint states a claim upon which relief may be granted against Defendant under section 1 of the Sherman Act (15 U.S.C. 1).

II

This Final Judgment shall apply to Defendant and to Defendant's officers, directors, agents, employees, sections, committees, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

III

As used in this Final Judgment:

(A) "AEG" means the Defendant, Association of Engineering Geologists, and each of its sections;

(B) "Person" means any individual, sole proprietorship, partnership, firm, association, corporation, or any other legal or business entity;

(C) "Code of Ethics" means the Articles of and Guidelines to Defendant's current Code of Ethics or any subsequent edition or version of Defendant's Code of Ethics; and

(D) "Members" means Members, Associate Members, Affiliate Members, Corporate Members, and Contributing Members as defined by the By-Laws of AEG.

IV

Defendant AEG is enjoined and restrained from directly or indirectly:

(A) Continuing, maintaining, initiating, adopting, ratifying, entering into, carrying out, or furthering any plan, program, or course of action which has the purpose or effect of suppressing, restraining, or discouraging commercial advertising, price competition, or solicitation in the sale of engineering geology services; and

(B) Continuing, maintaining, initiating, adopting, ratifying, disseminating, publishing, or seeking adherence to any Code of Ethics, statement of principle or policy, resolution, rule, by-law, standard, or collective statement which has the purpose or effect of suppressing, restraining, or discouraging commercial advertising, price competition, or solicitation in the sale of engineering geology services, or which states or implies that such advertising, price competition, or solicitation is unethical, unprofessional, or contrary to any policy of Defendant.

V

Defendant AEG is ordered and directed to cancel and rescind each Article of and Guideline to its current Code of Ethics that is set out in Appendix A to this Final Judgment within 60 days of the date of entry of this Final Judgment. Defendant AEG is further ordered and directed to delete any other Article of and Guideline to its current Code of Ethics, and every other statement of principle or policy, resolution, rule, or by-law, which has the purpose or effect of suppressing, restraining, or discouraging commercial advertising, price competition, or solicitation in the sale of engineering geology services, or which states or implies that such advertising, price competition, or solicitation is unethical, unprofessional, or contrary to any policy of Defendant.

VI

Defendant AEG is ordered and directed within sixty (60) days from the date of entry of this Final Judgment to:

(A) Send a copy of this Final Judgment together with a letter on the letterhead of AEG, with a text identical to that of Appendix B of this Final Judgment, to each of its members;

(B) Attach to each copy of the current Code of Ethics and Professional Practice Guidelines in Defendant's possession, custody, or control hereafter mailed a statement that nothing in said Code or Guidelines prohibits commercial advertising, price competition, or solicitation in the sale of engineering geology services, and that such advertising, price competition, or solicitation is not unethical, unprofessional, or contrary to any policy of Defendant; and

(C) Publish the notice attached hereto as Appendix C in *The Professional Engineer* and *The Professional Geologist.*

VII

The Defendant AEG is ordered and directed to submit to Plaintiff an official written certification that it does not have in effect, and does not seek adherence to, any Code of Ethics, statement of principle or policy, resolution, rule, by-law, standard, or collective statement which has the purpose or effect of suppressing, restraining, or discouraging commercial advertising, price competition, or solicitation in the sale of engineering geology services, and that it does not pursue any other collective course of action which has the purpose or effect of suppressing or eliminating such advertising, price competition, or solicitation. This certification shall be submitted within sixty (60) days from the date of entry of this Final Judgment and shall be renewed thereafter annually for a period of ten (10) years.

VIII

Defendant is ordered and directed, for a period of ten (10) years following the date of entry of this Final Judgment to:

(A) Send a copy of this Final Judgment to each new member; and

(B) State in any subsequent edition or version of its Code of Ethics or Professional Practice Guidelines that nothing in said Code or Guidelines prohibits commercial advertising, price competition, or solicitation in the sale of engineering geology services, and that such advertising, price competition, or solicitation is not unethical, unprofessional, or contrary to any policy of Defendant.

IX

Defendant is ordered and directed to submit semiannually for a period of five years to the Department of Justice information and copies of correspondence with its members concerning the application, interpretation, or enforcement of any Code of Ethics, statement of principle or policy, rule, by-law, standard, or collective statement pertaining to advertising, price competition, or solicitation by engineering geologists.

X

Defendant is ordered to file with Plaintiff on the anniversary date of the entry of this Final Judgment, for a period of ten years, a report setting forth the steps it has taken during the prior year to comply with the provisions of this Final Judgment.

XI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice

to Defendant made to its principal office, be permitted:

(1) Access during office hours to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Defendant, who may have counsel present, regarding any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such Defendant and without restraint or interference from it, to interview officers, employees, and agents of such Defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to Defendant's principal office, Defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized employee or representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

XII

This Final Judgment shall remain in effect until ten (10) years from the date of entry.

XIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of its provisions, for its enforcement or compliance, and for the punishment of any violation of its provisions.

XIV

Entry of this Final Judgment is in the public interest.

Entered:

U.S. District Court Judge.

Appendix A

Article (5)—The Engineering Geologist shall announce his availability for professional work in a manner which will maintain personal dignity and that of the profession.

Guidelines:

* * * * *

b. In connection with this practice he shall not use any commercial advertising media such as newspaper and magazine space advertisements, indiscriminate direct mailings, and radio and television time, as well as items bearing his name, such as pencils, blotters, calendars, etc.

* * * * *

Article (7)—The Engineering Geologist shall compete for employment with others in the Profession on the basis of qualifications and a fair charge for his or her services.

Guidelines:

* * * * *

b. He shall compete fairly with other engineering geologists by charging fees customary for practice in the same area and for the same type of work.

* * * * *

d. He may, where price competition is clearly not involved, discuss with a prospective client: Qualifications, scope of work, availability, and basis for charges for services.

e. He may submit a priced proposal, either written or verbal which includes a stated fee or estimated range of fees in any form in response to:

1. A public advertisement for bids.

2. Any invitation, unless there is reason to believe that price will be the overriding consideration in award of the work.

f. He shall not be a party to requesting two or more proposals for comparative purposes where price is to be the primary consideration in award of the work.

g. He shall submit a proposal for an engineering geology engagement only when invited to do so, or when he judges it to be in the best interest of a client or potential client.

h. He shall not solicit an engineering geology engagement by reducing charges after being informed of proposals of others.

* * * * *

Article (8)—In cases where negotiations proceed on the basis of prequalification and subsequent negotiation in fixed order, the Engineering Geologist submitting a proposal shall assume a passive role until such time as his or her turn for negotiations has been specified by the client.

Guidelines:

a. He shall not continue to seek employment on a specific engagement after being advised that another engineering geologist has been selected, subject to approval of detailed arrangements.

b. He shall not solicit or accept employment from a client who already has an engineering geologist under contract for the same work, not yet completed or paid for.

c. He shall not, in the event that another engineering geologist has made a study and report on a specific project, approach the prospective client regarding subsequent phases of the project, unless such contact is initiated by the client.

Appendix B

Re: *United States* v. *Association of Engineering Geologists* (Civil No. ———)

Dear Sir or Madam: The Association of Engineering Geologists (AEG) has recently entered into a Final Judgment with the United States Department of Justice to settle a civil antitrust case filed against the Association. That case, *United States* v. *Association of Engineering Geologists* (Civil No. 84 0496) concerned the following AGE ethical rules and guidelines: Article (5), Guideline b. which prohibits commercial advertising; Article (7), Guidelines b. and d.–h. which require engineering geologists to charge "customary" fees and which prohibit them from making price the "overriding" or "primary" consideration; and Article (8), Guidelines a.–c. which prohibit solicitation of engineering geology engagements after being advised that "another engineering geologist has been selected," is "under contract for the same work," or has made a "study and report on a specific project."

Under the terms of the Final Judgment, all of the foregoing rules and guidelines have been deleted from AEG's Code of Ethics. AEG members will now be able to advertise their services, offer competitive price quotations, hourly rates, or price estimates to all potential customers, and solicit engineering geology engagements even if another engineering geologist is being considered or is under contract for all or part of the same work.

In addition, the final Judgment, which was signed by Judge David V. Kenyon of the Central District of California, prevents AEG from adopting in the future any rule, policy statement, or standard which would suppress, restrain, or discourage commercial advertising, price competition, or solicitation in the sale of engineering geology services, or which states or implies that such advertising, price competition, or solicitation is unethical, unprofessional, or contrary to any AEG policy.

A copy of the entire Final Judgment is enclosed with this letter and will in the future be available upon request. I urge you to read it carefully.

Sincerely yours,

Appendix C

The Association of Engineering Geologists (AEG) has recently entered into a Final Judgment with the United States Department of Justice to settle an antitrust case filed against the Association. In that civil action, *United States* v. *Association of Engineering Geologists* (Civil No. 84 0496), the Government challenged various rules and guidelines from AEG's Code of Ethics which, among other things, prohibited commercial advertising; required engineering geologists to charge "customary" fees; prohibited engineering geologists to charge "customary" fees; prohibited engineering geologists from making price the "overriding" or "primary consideration;" and prohibited solicitation of engineering geology engagements after being advised that "another engineering geologist has been selected," is "under contract for the same work," or has made a "study and report on a specific project."

Under the terms of the Final Judgment, these rules and guidelines have been deleted from AEG's Code of Ethics. AEG members will no longer be prohibited from advertising their services; offering competitive price quotations, hourly rates, or price estimates to all potential customers; or from soliciting engineering geology engagements even if another engineering geologist is being considered or is under contract for all or part of the same work.

U.S. District Court, for the Central District of California

United States of America, Plaintiff v. *Association of Engineering Geologists*, Defendant.

Civil No. 84-0496 KN (Mcx).

Filed: May 22, 1984.

Competitive Impact Statement

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States submits this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antritrust proceeding.

I

Nature and Purpose of the Proceeding

On January 24, 1984, the United States filed a civil antitrust Complaint alleging that the Association of Engineering Geologists ("AEG") conspired with its members to restrain competition among engineering geologists by unreasonably restricting advertising, price competition, and solicitation in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The Complaint alleged that, beginning at least as early as 1976, and continuing up to and including the date when the Complaint was filed, AEG and its co-conspirators violated the Sherman Act by adopting ethical rules prohibiting commercial advertising; requiring that members charge only those fees for engineering geology services which are customary in their respective areas; prohibiting the submission of price proposals where price is the overriding or primary consideration in the award of the work; prohibiting members from reducing charges after being informed of proposals of other engineering geologists; and prohibiting solicitation of engineering geology engagements. The Complaint further charged that the members of AEG agreed to abide by these rules and that members of AEG who violated these rules were subject to suspension or expulsion. The effects of the conspiracy have been to unreasonably restrict advertising, price competition, and solicitation in the sale of engineering geology services and to deprive consumers of engineering geology services the benefits of free and open competition in the sale of such services.

The relief sought in the Complaint was that AEG be required to cancel any provisions of its Code of Ethics and every other resolution or statement of policy which has the purpose or effect of unreasonably restricting advertising, price competition, or solicitation by members of AEG. The Complaint further asked that AEG be enjoined from adopting or following any similar program.

Entry of the proposed Final Judgment will terminate the action, except that the Court will retain jurisdiction over the matter for further proceedings which may be required to interpret, enforce or modify the Judgment, or to punish violations of any of its provisions.

II

Description of the Practices Involved in the Alleged Violation

The Government contends and was prepared to show at trial:

1. AEG is a nationwide private trade organization whose Executive Director resides in Brentwood, Tennessee. It has approximately 2,700 members in the United States with varying degrees of expertise in engineering geology, hydrogeology, and engineering geophysics.

2. AEG members compete with each other in a wide variety of civil engineering activities such as the investigation of foundations for dams, bridges, and buildings; the evaluation of natural conditions along tunnel, pipeline, canal, and highway routes; the exploration and use of rock, soil, and sediment for use as construction material; the investigation and development of surface and groundwater resources; and the evaluation and control of landslide, flood, and earthquake hazards to permit safe development of urban areas.

3. Beginning at least as early as 1976, AEG conspired with its members to restrain competition in the sale of engineering geology services in violation of Section 1 of the Sherman Act. At that time, defendant adopted the Articles that are part of its current Code of Ethics. In 1978, AEG adopted Guidelines to these Articles. AEG's Code of Ethics, including both Articles and Guidelines, restricts advertising, price competition, and solicitation by requiring that all members adhere to provisions which explicitly state that the engineering geologist:

(a) Shall not use any commercial advertising;

(b) Shall charge "customary" fees and shall not make price the "overriding" or "primary" consideration; and

(c) Shall not, where negotiations proceed on the basis of prequalification, solicit engineering geology engagements after being advised that "another engineering geologist has been selected," is "under contract for the same work," or has made a "study and report on a specific project."

4. This conspiracy deprived consumers of engineering geology services of the benefits of free and open competition in the sale of such services and prevented members of AEG from making their services readily known to consumers and available on such terms and conditions that reflect the unilateral competitive judgment of members.

III

Explanation of the Proposed Final Judgment

The United States and AEG have stipulated that the Court may enter the proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h). The proposed Final Judgment provides that its entry does not constitute any evidence against or admission by either party with respect to any issue of fact or law.

Under the provisions of section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(e), the proposed Final Judgment may not be entered unless the Court finds that entry is in the public interest. Section XIV of the proposed Final Judgment sets forth such a finding.

The proposed Final Judgment is intended to ensure that AEG and its sections completely eliminate all formal or informal rules or ethical codes which prohibit commercial advertising, price competition, or solicitation in the sale of engineering geology services and that members of AEG and purchasers of engineering geology services are made aware that such forms of competition are permissible.

A. Prohibitions and Obligations

Under section IV of the proposed Final Judgment, AEG is enjoined from (1) continuing, initiating, or furthering any plan, program, or course of action which has the purpose or effect of suppressing or discouraging commercial advertising, price competition, or solicitation in the sale of engineering geology services; and (2) adopting or seeking adherence to any code of ethics or collective statement which has the purpose or effect of suppressing or discouraging commercial advertising, price competition, or solicitation in the sale of engineering geology services, or which states or implies that such advertising, price competition, or solicitation is unethical, unprofessional, or contrary to any policy of AEG.

Section V of the proposed Final Judgment requires AEG to cancel various Articles and Guidelines to its Code of Ethics which prohibit commercial advertising, price competition, or solicitation in the sale of engineering geology services and to eliminate every other statement, resolution, rule, or by-law which has the purpose or effect of suppressing or discouraging commercial advertising, price competition, or solicitation in the sale of engineering geology services, or which states or implies that such advertising, price competition, or solicitation is unethical, unprofessional, or contrary to any policy of defendant.

Section VI of the proposed Final Judgment requires AEG to (1) send to each of its members a copy of the proposed Final Judgment and an accompanying letter which explains said Judgment; (2) attach to each copy of its current Code of Ethics and Professional Practice Guidelines a statement that nothing in said Code or Guidelines prohibits commercial advertising, price competition, or solicitation in the sale of engineering geology services, and that such advertising, price competition, or solicitation is not unethical, unprofessional, or contrary to any policy of AEG; and (3) publish in *The Professional Engineer* and *The Professional Geologist* a notice explaining the Final Judgment to the public.

Section VII of the proposed Final Judgment requires AEG to certify annually for a period of ten years that it does not have in effect any plan or course of action which suppresses commercial advertising, price competition, or solicitation in the sale of engineering geology services.

Section VIII of the proposed Final Judgment requires AEG to (1) send a copy of the Final Judgment to each new member; and (2) state in any subsequent edition of its Code of Ethics and Professional Practice Guidelines that commercial advertising, price competition, or solicitation are neither prohibited by the Code or Guidelines nor contrary to any policy of AEG.

Section IX of the proposed Final Judgment requires AEG to submit semiannually for a period of five years to the Department of Justice copies of correspondence with its members concerning any principle of policy or collective statement pertaining to

advertising, price competition, or solicitation by engineering geologists.

B. Scope of the Proposed Final Judgment

Section XII of the proposed Final Judgment provides that the Final Judgment shall remain in effect for 10 years.

Section II of the proposed Final Judgment provides that the Final Judgment shall apply to AEG and to AEG's officers, directors, agents, employees, sections, committees, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of the Final Judgment.

C. Effect of the Proposed Judgment on Competition

The relief in the proposed Final Judgment is designed to ensure that through unfettered advertising, price competition and solicitation, engineering geologists have the opportunity to make their services known on such terms and conditions as reflect their unilateral competitive judgment, and that consumers have the opportunity to select and receive engineering geology services on the basis of free and open competition.

Three methods for determining compliance with the terms of the Final Judgment are provided. Fist, Section X provides that AEG is required to file each year a report setting forth the steps it has taken during the prior year to comply with the provisions of the Final Judgment. Second, Section XI provides that, upon reasonable notice, the Department of Justice shall be given access to any of AEG's records relating to matters contained in the Final Judgment and permitted to interview any officers, employees, and agents of AEG. Finally, Section XI also provides that, upon written request, the Department of Justice may require AEG to submit written reports about any matters relating to the Final Judgment.

The Department of Justice believes that this proposed Final Judgment contains adequate provisions to prevent further violations of the type upon which the Complaint is based and to remedy the effects of the alleged conspiracy.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the Judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against AEG.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Gary R. Spratling, Acting Chief, San Francisco Field Office, Antitrust Division, U.S. Department of Justice, 450 Golden Gate Avenue, P.O. Box 36046, San Francisco, CA 94102, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Judgment at any time prior to entry. Section XIII of the proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation or enforcement of the Final Judgment.

VI

Alternative to the Proposed Final Judgment

The alternative to the proposed Final Judgment would be a full trial of the case. In the view of the Department of Justice, such a trial would involve substantial cost to the United States and is not warranted since the proposed Final Judgment provides all the relief that the United States sought in its Complaint.

VII

Determinative Materials and Documents

No materials and documents of the type described in section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposed Final Judgment.

Respectfully submitted.

James E. Figenshaw,

Antitrust Division, U.S. Department of Justice, 450 Golden Gate Avenue, P.O. Box 36046, San Francisco, CA 94102.

James E. Figenshaw,

Attorney for the Plaintiff, United States of America.

[FR Doc. 84-18733 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Yvon DeSamos, M.D.; Denial of Application for Renewal

On April 17, 1984, the Deputy Assistant Administrator, Office of Deversion Control, Drug Enforcement Administration (DEA) issued to Yvon DeSamos, M.D. of 333 East 45th Street, Suite 22A, New York, New York 10017, an Order to Show Cause proposing to deny Dr. DeSamos' application for renewal of his DEA Certificate of Registration, No. AD1446980. Dr DeSamos failed to respond to the Order to Show Cause within 30 days of its receipt as set forth in the Order to Show Cause. Therefore Dr. DeSamos was deemed to have waived his opportunity for a hearing. 21 CFR 1301.54 (a) and (d). Accordingly, pursuant to 21 CFR 1316.67, the Administrator enters his final order in the matter.

On August 19, 1982, Dr. DeSamos sold 23 Schedule II prescriptions for a total of approximately 1,000 methaqualone tablets to an undercover agent of the New York State Bureau of Controlled Substances. Before the sale took place, the undercover agent informed Dr. DeSamos that the methaqualone tablets were for resale. The prescriptions were issued in the names of Dr. DeSamos' patients and written as though prepared on two different dates. The Administrator notes that Dr. DeSamos' office was in the same building as the notorious New York Diet Clinic, a so-called "weight control clinic" that was nothing more than a front for the large scale illicit prescribing of controlled substances. The narcotic abusers from the clinic would wander into Dr. DeSamos' office and obtain prescriptions for controlled substances.

On March 10, 1983, Dr. DeSamos was convicted in the United States District Court for the Southern District of New York of one count of conspiracy to distribute and possess methaqualone, a Schedule II controlled substance. This is a felony relating to controlled substances. Therefore, under 21 U.S.C. 824(a)(2), there is a lawful basis for the denial of Dr. DeSamos' application for renewal of his DEA registration. Dr. DeSamos attempted to explain his ignorance of the prescription-drug abuse in New York by stating that he just returned to the United States and was unaware of the abuse. The Administrator does not believe that this explanation excuses the actions of Dr. DeSamos. As a physician, Dr. DeSamos had a duty to be informed.

The Administrator concludes that Dr. DeSamos' application for renewal must be denied. Dr. DeSamos did not offer evidence of any mitigating circumstances to convince the Administrator to renew Dr. DeSamos' registration. Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) hereby orders that the application of Yvon DeSamos, M.D., for renewal of DEA Certificate of Registration AD1446980, be, and it hereby is denied, effective August 15, 1984.

Dated: July 10, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-18722 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-09-M

Wendell B. Garren, M.D., Denial of Application

On April 17, 1984, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Wendell B. Garren, M.D. of Mayview State Hospital, 1601 Mayview Road, Bridgeville, Pennsylvania 15017, an Order to Show Cause proposing to deny Dr. Garren's pending application for registration. Dr. Garren failed to respond to the Order to Show Cause within 30 days of its receipt as set forth in the Order to Show Cause. Therefore, Dr. Garren was deemed to have waived his opportunity for a hearing. 21 CFR 1301.54 (a) and (d). Accordingly, the Administrator enters his final order in this matter. 21 CFR 1316.67

The Administrator finds that Dr. Garren was convicted on June 23, 1981, in the Court of Common Pleas of Dauphin County, Commonwealth of Pennsylvania of four counts of unlawful delivery of a controlled substance by a practitioner. The controlled substances included morphine and meperidine (Demerol). These were felony convictions relating to controlled substances. Therefore, there is a lawful basis for denial of Dr. Garren's application for registration. 21 U.S.C. 824(a)(2).

Dr. Garren previously applied for a DEA registration on September 1, 1982. An Order to Show Cause was issued on March 28, 1983. Dr. Garren submitted his position on the matters of law and fact under 21 CFR 1301.54(c), specifically waiving his opportunity for a hearing. The then Acting Administrator entered his final order denying Dr. Garren's application. 48 FR 33778, July 25, 1983. At the time of the denial, Dr. Garren was employed as a staff physician at Mayview State Hospital in Bridgeville, Pennsylvania. The Acting Administrator found that it would serve the public interest if Dr. Garren was permitted to remain employed at the Mayview State Hospital. Accordingly, the then Acting Administrator waived the prohibition of 21 CFR 1301.76(a) with respect to the employment of Dr. Garren as a staff physician at Mayview State Hospital. 21 CFR 1301.76(a) provides that a "registrant shall not employ as an agent or employee who has access to controlled substances any person who has had his registration revoked at any time."

With regard to his present application, Dr. Garren does not put forth any new circumstances that would cause the Administrator to alter his previous ruling. Therefore, the Administrator must once again deny Dr. Garren's application for registration. The Administrator feels that it is in the public interest to continue to waive the prohibition of 21 CFR 1301.76(a) with respect to the employment of Dr. Garren as a staff physician at Mayview State Hospital. Therefore, even though Dr. Garren may have physical "access" to controlled substances, he is not authorized to prescribe, sign medication orders for, administer, possess, or dispense any controlled substances himself in the course of his employment.

Having concluded that there is a lawful basis for the denial of Dr. Garren's application for registration and having further concluded that no facts have been presented to justify granting Dr. Garren a registration, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the application of Wendell B. Garren, M.D., for registration under the Controlled Substances Act, be, and it hereby is, denied. The Administrator furlther orders that the prohibition of 21 CFR 1301.76(a) be waived with respect to the employment of Wendell B. Garren, M.D. as a staff physician at Mayview State Hospital.

Dated: July 10, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-18721 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-09-M

Jesse Gutman, D.D.S., Revocation of Registration

On April 30, 1984, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Jesse Gutman, D.D.S. of 1307 Rydal Road, Rydal, Pennsylvania 19046, proposing to revoke Dr. Gutman's DEA Certificate of Registration AG6925979. The Order to Show Cause was personally served on Dr. Gutman. Dr. Gutman failed to respond to the Order to Show Cause within 30 days of its receipt as set forth in the Order to Show Cause. Therefore, Dr. Gutman is deemed to have waived his opportunity for a hearing. 21 CFR 1301.54 (a) and (d). Accordingly, the Administrator enters his final order in this matter pursuant to 21 CFR 1316.67

The Administrator finds that the Pennsylvania State Dental Council and Examining Board revoked Dr. Gutman's license to practice dentistry, effective March 11, 1982, thereby terminating his authority to possess, dispense, administer, prescribe or otherwise handle controlled substances in the Commonwealth of Pennsylvania. The license was revoked based on unprofessional conduct in relation to Dr. Gutman's conviction on various counts of forgery, false swearing, perjury and criminal conspiracy. Therefore, there is a lawful basis for the revocation of Dr. Gutman's registration under 21 U.S.C. 824(a)(3), since Dr. Gutman is no longer licensed to practice dentistry by the State of Pennsylvania. See *Henry Weitz, M.D.*, 46 FR 34858 (1981); *Kenneth E. Wilson, D.D.S.*, 46 FR 25018 (1981); *James Waymon Mitchell, M.D.*, Docket No. 79-16, 44 FR 71466 (1979).

On September 8, 1983, Dr. Gutman submitted an application for renewal of his DEA registration. On the application, Dr. Gutman indicated that he was currently authorized by the state to prescribe, distribute, dispense, conduct research or otherwise handle controlled substances. This material falsification by Dr. Gutman of his application constitutes another ground for the revocation of his registration. 21 U.S.C. 824(a)(1).

Since Dr. Gutman did not offer evidence of any mitigating circumstances, the Administrator has no choice but to revoke Dr. Gutman's registration. Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AG6925979, previously issued to Jesse Gutman, D.D.S., be, and it hereby is, revoked. Any pending applications for registration are hereby denied, effective August 15, 1984.

Dated: July 10, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-18720 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration; M.D. Pharmaceutical, Inc.

By Notice dated April 20, 1984, and published in the Federal Register on May 1, 1984 (49 FR 18631), M.D. Pharmaceutical, Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methylphenidate (1724)	II
Diphenoxylate (9170)	II

No comments or objections have been received. Therefore pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the applications submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: July 5, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-18725 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration; Stepan Co.

By Notice dated April 19, 1984, and published in the Federal Register on April 26, 1984 (49 FR 18053), Stepan Company, Natural Products Department, 100 West Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II
Ecgonine (9180)	II

No comments or objections have been received. Therefore pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer fo the basic classes of controlled substances listed above is granted.

Dated: July 5, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office f Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-18724 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-09-M

Importer of Controlled Substances; Registration; Stepan Co.

By Notice dated April 19, 1984, and published in the Federal Register on April 26, 1984 (49 FR 18053), Stepan Company, Natural Products Department, 100 West Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration to be registered as an importer of Coca Leaves (9040), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore pursuant to Section 1008(a) of the Controlled Substances Import and Export Act of and in accordance with Title 21 Code of Federal Regulations, § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed below.

Dated: July 5, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-18723 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration; Sterling Drug, Inc.

By Notice dated April 10, 1984, and published in the Federal Register on April 18, 1984 (49 FR 15290), Sterling Drug, Inc., 33 Riverside Avenue, Rensselaer, New York 12144, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Pethidine (Meperidine) (9230), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: July 5, 1984.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 84-18728 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

Unsolicited Research Program; Announcement of Competitive Research Grant Program

The National Institute of Justice (NIJ) announces a competitive research grant program, the Unsolicited Research Program (URP). The emphasis of this program is on innovative and policy relevant research. Significant issues pertaining to adult crime and criminal justice must be addressed in a competently designed research format. The potential impact on issues facing criminal justice in the United States today will count heavily in the selection process.

During fiscal year 1985, two (2) funding cycles will be initiated. All papers postmarked before midnight December 1, 1984 will be considered for funding during Cycle 1. All papers postmarked after midnight December 1, 1984 and and on or before June 1, 1985 will be considered for funding during Cycle 2.

While the NIJ appropriation for fiscal year 1985 has not been passed by Congress, we expect it to be approved at a level that will allow the Institute to allocate approximately $1,000,000 for the URP, with approximately $500,000 available for each funding cycle. In the event it is not, this funding level may be modified. In either case, the total amount of awards will depend upon the receipt of high quality proposals that meet all criteria. Approximately one-third of the amount available during each cycle will be allocated for grants of $60,000 or under. The range of funding for each grant will be from up to $120,000 for research of up to two years' duration.

Copies of this solicitation may be obtained by sending a mailing label to:

Announcement Requests—Unsolicited Research Program, National Institute of Justice, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: July 2, 1984.

Approved:

James K. Stewart,

Director, National Institute of Justice.

[FR Doc. 84-18745 Filed 7-13-84; 8:45 am]

BILLING CODE 4410-18-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 30-19532; License No. 11-19921-01, EA 84-18]

Inspection and Testing, Inc.; Order Imposing Civil Monetary Penalties

I

Inspection & Testing, Inc., 4990 Valenty Road, Chubbuck, Idaho 83202 (the "licensee"), is the holder of License No. 11-19921-01 (the "license") issued

by the Nuclear Regulatory Commission (the "NRC"). License No. 11-19921-01 authorizes the possession and use of byproduct materials for industrial radiography and is due to expire February 28, 1987

II

A special inspection of the licensee's activities under its license was conducted on February 14, 1984. The inspection was conducted to review the events leading up to the personnel overexposure reported on February 10, 1984. As a result of the inspection, it appears that the licensee had not conducted its activities in full compliance with the NRC's regulations or the conditions of its license. The results of the inspection were discussed with the licensee's representative during an Enforcement Conference on March 2, 1984. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated April 4, 1984. This Notice stated the nature of the violations, the NRC regulations and the provisions of its license conditions which the licensee had violated, and the amount of civil penalties proposed. A response dated April 23, 1984 to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee which sought mitigation of the civil penalties. Supplemental information was provided in the licensee's submittals dated May 8 and June 12, 1984.

III

Upon consideration of the answers received and the statements of fact, explanation, and arguments for remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation and proposed Imposition of Civil Penalties should be mitigated from $4,800 to $1,000.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295) and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the total amount of One Thousand Dollars within 30 days of the date of this Order by check, draft, or money order, payable to the Treasurer of the United States, and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may, within 30 days of the date of this Order, request a hearing. A request for hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of any request for hearing shall also be sent to the Executive Legal Director at the same address. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within 30 days of the date of this Order the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) Whether the licensee violated NRC requirements set forth in the Notice of Violation and Proposed Imposition of Civil Penalties; and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland the 6th day of July 1984.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusions

The licensee's April 23, May 8, and June 12, 1984 responses to the Notice of Violation and Proposed Imposition of Civil Penalties dated April 4, 1984 admit that the violations occurred as described but request reduction of the civil penalties. The licensee's arguments in support of mitigation, the NRC staff's evaluation, and the NRC conclusions regarding mitigation are addressed below.

1. Mitigation of the Penalties Based on Lack of Management Involvement

a. *Licensee Response.* The licensee asserts that the particular radiographer had 15 years experience in using sealed sources in the performance of his duties and had attended numerous training classes during those 15 years. The licensee further asserts that the radiographer knew and understood his duties and also the requirements of the licensee's Administrative, Operating, and Emergency Procedures Manual. The licensee argues that the negligence of this individual has placed an unjust burden on the licensee, as it was the individual and not the licensee who was at fault.

b. *NRC Staff Evaluation.* Licensees are held responsible for violations by their employees when those employees are acting within the scope of employment and are furthering the licensee's interest. In *Atlantic Research Corp.*, CLI-80-7, 11 NRC 413, 422 (1980), the Commission stated that, as long as a corporation, company, or individual has an NRC license, it is responsible for any violations of NRC regulations caused by its employees. In the Revised Enforcement Policy, 49 FR 8583 (March 8, 1984) the Commission has stated that "management involvement in a violation may result in a higher sanction but the lack of such involvement does not mitigate a penalty." The reason for no mitigation is because the Commission has determined that mitigation for lack of management involvement could encourage lack of management involvement in licensed activities and might result in a decrease in protection of the public health and safety. The Commission expects management to be closely involved in the control of licensed activities to prevent violations of regulatory requirements. If management causes or condones violations of regulatory requirements, sanctions will be appropriately escalated.

2. Inability of the Licensee to Pay the Penalties

a. *Licensee Response.* The licensee has submitted substantial information in support of its claim for mitigation of the civil penalties due to its inability to pay. Submittals were made on April 23, May 8, and June 12, 1984. In the licensee's response dated April 23, 1984, the licensee claimed that the civil penalties, if imposed, could lead to bankruptcy. The licensee's financial statement contained in the transmittal dated May 8, 1984 shows that, as of April 30, 1984, Inspection and Testing, Inc. payables exceeded receivables by almost $7,000. In addition, the company showed a net operating loss for the period ending December 31, 1983.

The licensee argues that it is a small company employing fewer than 10 full-time employees. As with most industrial radiography firms, Inspection of Testing, Inc. was severely affected by the recent period of recession and economic uncertainty. The number of employees at Inspection of Testing, Inc. has steadily diminished since 1982.

b. *NRC Staff Evaluation.* The Enforcement Policy makes clear that the licensee's ability to pay is a consideration in assessing a civil penalty. While set penalties are specified in Tables 1A and 1B in the

Policy, the Policy states that civil penalties for licensees for whom the Tables do not reflect the ability to pay will be determined on a case-by-case basis.

The NRC staff has evaluated the licensees's financial submittals and has considered the licensee's expenses with respect to the Enforcement Conference and the economic impact of adverse publicity resulting from the event and the NRC's press release. The licensee's financial statement contained in the transmittal dated May 8, 1984 shows that as of April 30, 1984 Inspection of Testing, Inc. payables exceeded receivables by almost $7,000. In addition, the company showed a net operating loss for the period ending December 31, 1983. The licensee stated to the NRC staff that the adverse publicity had resulted in the loss of certain credit and banking privileges and the potential loss of certain contracts that are pending. Based upon the significant impact that a large civil penalty would have on the licensee and its employees, the staff has concluded that mitigation of the penalty is warranted.

3. Intentional Exposure of the Personnel Monitoring Device

a. *Licensee's Response.* The licensee asserts that the radiographer may have exposed his personnel monitoring device (TLD dosimeter) intentionally. The licensee bases this argument on the radiographer's lengthy experience as a radiographer, the absence of fogging on the films used by the radiographer, and the radiographer's application for workman's compensation and unemployment benefits following termination.

b. *NRC Staff Evaluation.* The NRC staff does not believe that the radiographer intentionally exposed his TLD dosimeter on the basis of the results of the inspector's interview with the radiographer and the signed statement provided by the radiographer to the licensee concerning the overexposure. The absence of fogging on the films is not a reliable indicator that the radiographer did not receive an exposure since there are many situations where the radiographer could get exposed and the films would not be fogged. Several situations could exist depending on the location of the radiographer in relationship to the source and film. In addition, situations could occur where the source is not returned to the fully retracted position and film is not being used. The NRC staff, furthermore, does not consider application for workman's compensation and unemployment benefits as unusual following termination.

NRC Conclusion

After considering all the relevant circumstances of this case including that (1) the violations were all committed by a single employee and do not indicate pervasive noncompliance with the Commission's regulations, (2) the licensee promptly reported the violations, (3) corrective actions were immediately taken, (4) the enforcement history of the licensee has been satisfactory, and (5) the economic impact of a civil penalty would be of significant consequence to the licensees's ability to continue in business, the NRC staff has decided to mitigate the civil penalties from $4,800 to $1,000.

[FR Doc. 84-18758 Filed 7-13-84; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences; Notice of Review of Petitions, Trade Commission Public Hearings, and List of Articles To Be Sent to International

SUMMARY: The purpose of this notice is: (1) To announce the acceptance for review of petitions to modify the list of articles eligible to receive duty-free treatment under the Generalized System of Preferences (GSP); (2) to announce the timetable for public hearings to consider petitions accepted for review; and (3) to announce that the list of articles herein is to be sent by the United States Trade Representative to the United States International Trade Commission with respect to designating articles as eligible for GSP.

I. Acceptance of Petitions for Review

Notice is hereby given of acceptance for review of petitions requesting modification of the list of articles eligible to receive duty-free treatment under the GSP, as provided for in Title V of the Trade Act of 1974 (19 U.S.C. 2461–2465). These petitions were submitted, and will be reviewed, pursuant to regulations codified at 15 CFR Part 2007

1. Requests for "Graduation" of Products from Countries

As in previous reviews, requests to add products to or remove them from the list of articles eligible for GSP duty-free treatment will be evaluated in accordance with the "graduation" policy. In considering GSP eligibility for products, limitations on GSP benefits will be considered for the more economically advanced beneficiary developing countries in specific products where it is determined that they have demonstrated sufficient competitiveness. Three criteria will be taken into account when any such graduation action is considered: the development level of individual beneficiary countries, their competitive position in the product concerned, and the overall economic interests of the United States. The GSP Subcommittee will review information for the relevant U.S. industry as enumerated in 15 CFR 2007.1(5) when considering the removal of any beneficiary developing country from GSP eligibility.

Product designations announced ats the conclusion of the review process, therefore, may be made on a differential basis. This means that certain beneficiary developing countries may not be designated for GSP benefits on certain products even though those countries are not excluded under the competitive need provisions set forth in section 504(C)(1) of the Trade Act of 1974, as amended. It also is possible to withdraw GSP treatment from certain beneficiary developing countries rather than remove the product entirely from GSP coverage. The competitive need limitations of the program will continue to apply to those countries remaining eligible for GSP treatment with respect to particular products.

2. Information Subject to Public Inspection

Information submitted in connection with the hearings will be subject to public inspection by appointment with the staff of the GSP Information Center, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and 15 CFR 2006.10. Parties submitting briefs or statements containing confidential information must indicate clearly on the cover page of each of the twenty copies submitted and on each page within the document, where appropriate, that confidential material is included. Non-confidential summaries of all confidential material must be submitted in twenty copies at the same time that confidential submissions are filed.

3. Communications

All communications with regard to these hearings should be addressed to: GSP Subcommittee, Office of the United States Trade Representative, 600 Seventeenth Street, NW., Room 316, Washington, D.C. 20506. The telephone number of the Secretary of the GSP Subcommittee is (202) 395–6971. Questions may be directed to any

member of the staff of the GSP Information Center.

Acceptance for review of the petitions listed herein does not indicate any opinion with respect to a disposition on the merits of the petitions. Acceptance indicates only that the listed petitions have been found to be eligible for review by the GSP Subcommittee and the TPSC, and that such reviews will take place.

II. Deadline for Receipt of Requests to Participate in the Public Hearings

The GSP Subcommittee of the Trade Policy Staff Committee invites submissions in support of or in opposition to any petition contained in this notice. All such submissions should conform to 15 CFR Part 2007, particularly §§ 2007.0, 2007.1(a)(1), 2007.1(a)(2), and 2007.1(a)(3).

Requests to present oral testimony in connection with public hearings should be accompanied by twenty copies, in English, of all written briefs or statements and should be received by the Chairman of the GSP Subcommittee no later than the close of business Friday, September 21, 1984. Oral testimony before the GSP Subcommittee will be limited to five minute presentations that summarize or supplement information contained in briefs or statements submitted for he record. Post-hearing briefs or statements will be accepted if submitted in twenty copies, in English, no later than close of business Friday, October 19, 1984. Rebuttal briefs should be submitted in twenty copies; in English, by close of business Friday, November 2.

Parties not wishing to appear may submit written briefs or statements in twenty copies, in English, in connection with articles under consideration in the public hearings, provided that such submissions are filed by October 19 and conform with the regulations cited above.

A hearing will be held October 2, beginning at 10:00 a.m., in the Amphitheater of the Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. The hearing will be open to the public and the transcript will be made available for public inspection or purchase from the reporting company.

III. List of Articles Which May Be Considered for Designation as Eligible Articles for Purposes of the GSP and On Which the United States International Trade Commission Will Be Asked to Provide Advice

1. In conformity with sections 502(a) and 131(a) of the Trade Act of 1974 as amended (19 U.S.C. 2463(A) and 2151(A)), notice is hereby given that the articles listed herein may be considered for designation as eligible articles for purposes of the GSP

An article which is determined to be import sensitive in the context of the GSP cannot be designated as an eligible article. Recommendations with respect to the eligibility of any listed article will be made after public hearings have been held and advice has been received from the U.S. International Trade Commission on the probable effects of the requested modification in the GSP on industries producing like or directly competitive articles and on consumers.

2. Advice of the United States International Trade Commission. On behalf of the President and in accordance with sections 503(A) and 131(A) of the Trade Act of 1974 as amended, the United States International Trade Commission is being furnished with a list of articles published herein for the purpose of securing from the Commission its advice on the probable economic effect on United States industries producing like or directly competitive articles, and on consumers, of the designation of such articles as eligible articles for purposes of the GSP

IV Renewal of the GSP

Statutory authorization for the GSP program is scheduled to expire on January 3, 1985. The Congress is currently considering legislation to extend the program beyond that date. Questions regarding the status of GSP renewal legislation may be addressed to the GSP Information Center.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

BILLING CODE 3190-01-M

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration.]	
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences.	
84-1	141.30	Vegetables (whether or not reduced in size), packed in salt, in brine, pickled, or otherwise prepared or preserved (except vegetables in subpart B of part 8 of schedule 1 of the Tariff Schedules of the United States) Cabbage: [Sauerkraut] Other	Government of Thailand
84-2	460.40	Aromatic or odoriferous substances containing no alcohol or not over 10 percent alcohol by weight: Not artificial mixtures (other than substances admixed with alcohol): Heliotropin	Biddle Sawyer Corp., Keystone, NJ
84-3	685.27	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and television cameras; record players, phonographs, tape recorders, dictation recording and transcribing machines, record changers, and tone arms; all of the foregoing, and any combination thereof, whether or not incorporating clocks or other timing apparatus, and parts thereof: Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and parts thereof: [Television apparatus, and parts thereof] Other: [Solid-state (tubeless) radio receivers; low-power radiotelephonic transceivers operating on frequencies from 49.82 to 49.90 megahertz] Other: Citizens Band (CB) radio transceivers (except hand-held)	General Electric Co., Syracuse, NY

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
	A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences (con.)		
84-4	720.34	Clock cases, cases for time switches or for other apparatus provided for in subpart E of part 2 of schedule 7 of the Tariff Schedules of the United States, and parts of the foregoing cases. Clock cases and parts thereof: [Over 50 percent of metal by weight and wholly or in part of precious metal] Other. [Outer cases for travel clocks] Other	Government of Colombia
84-5	772.3095 or 772.3095pt.	Wearing apparel (including rainwear) not specially provided for, of rubber or plastics. [Aprons] Other. [Containing 50% or more by weight of cotton, wool, or man-made fibers, or any combination thereof, or containing 50% or more by weight of textile materials with wool comprising 17% or more by weight] Other or Infants' pants	Government of Peru do
	B. Petition to remove products from the list of eligible articles for the Generalized System of Preferences.		
84-6	408.22pt	Products obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States. Pesticides: Not artificially mixed: [Fungicides] Herbicides (including plant growth regulators) [Articles provided for in item 408.21] Other. Trifluralin	Eli Lilly & Co., Indianapolis, IN

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202)

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
	C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences.2/		
84-7	413.24 (Republic of Korea)	Aromatic or odoriferous compounds including flavors, not marketable as cosmetics, perfumery, or toilet preparations, and not mixed, and not containing alcohol. Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States: Saccharin	Sherwin-Williams Co., Cleveland, OH
84-8	416.4540pt. (Israel)	Inorganic acids: [Arsenic, boric, hydrochloric; hydrofluoric; nitric, phosphoric, sulfuric; tungstic] Other: [Sulfamic acid] Hydrobromic acid	U.S. Bromine Alliance, Washington, D.C.
84-9	417.4440pt. (Israel)	Ammonium compounds: [Articles provided for in items 417.20 thru 417.42] Other: [Ammonium perrhenate] Ammonium bromide	do.
84-10	418.32pt (Israel)	Calcium compounds: [Articles provided for in items 418.10 thru 418.30] Calcium bromide	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).
2/ The country or countries named are those beneficiary developing countries specified by the petitioner While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner

Annex I

Petitions Accepted for Review

Case No	TSUS or TSUSA 1/ item No.	Article	Petitioner
	C.	Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences (con.) 2/	
		Potassium compounds·	
		[Bicarbonate]	
84-11	420.02 (Israel)	Bromide	U.S. Bromide Alliance, Washington, D.C.
		[Articles provided for in items 420.04 thru 420.34]	
		Other·	
84-12	420.3605 (Israel)	Potassium bromate	do
		Sodium compounds	
		[Articles provided for in items 420.68 thru 421.60]	
		Other·	
		[Sodium cyanate, sodium hydrosulfide; sodium perborate, sodium persulfate; sodium selenite]	
84-13	421 6280pt. (Israel)	Sodium bromate	do.
		Zinc compounds·	
		[Arsenate, chloride; cyanide; hydrosulfite, sulfate]	
84-14	422 78pt. (Israel)	Zinc bromide	do
		Nitrogenous compounds·	
		[Articles provided for in items 425.00 thru 425 22]	
84-15	425 24pt. (Israel)	Ethylenebisbromonorbornane	do.
		Acids	
		[Articles provided for in items 425.70 thru 425 96]	
		Other·	
		Carboxylic acids·	
		[Carboxylic acids with other oxygen functions, thioglycolic acid]	
84-16	425.9940pt. (Israel)	Monobromoacetic acid	do.

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Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
C.		Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences (con.) 2/	
		Halogenated hydrocarbons: [Articles provided for in items 429.19 thru 429.46] Other: [Chlorinated but not otherwise halogenated] Other: Fluorinated. [Trichlorofluoromethane (11 series) and dichlorodifluoromethane (12 series), chlorodifluoromethane (22 series)]	
84-17	429.4830pt. (Israel)	Bromotrifluoromethane; and chlorobromodifluoromethane	U.S. Bromide Alliance, Washington, D.C.
84-18	429.4860pt. (Israel)	Acetylene tetrabromide; alkyl bromides; bromochloromethane; ethyl bromide; 1,3,5, 7,9,11-hexabromocyclododecane; methyl bromide; methylene dibromide; and vinyl bromide	do.
		Other organic compounds: [Tetraethyl lead; tetramethyl lead] Other: [Eucalyptol, organo-silicon compounds; organo-tin-compounds; tetrahydrofuran]	
84-19	429 9590pt. (Israel)	Dibromoneopentyl glycol	do.

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Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
	C.	Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences (con.) 2/	
84-20	432.25pt. (Israel)	Mixtures not specially provided for: [Mixtures that are in whole or in part of hydrocarbons derived in whole or in part from petroleum, shale oil, or natural gas] Other: [Pesticides] Mixtures that are in whole or part of bromine	U.S. Bromide Alliance, Washington, D.C.
84-21	511.6120 (Mexico)	Articles, including terrazzo, of concrete, with or without reinforcement. [Tiles] Other, not specially provided for: [Articles of tiles described in item 511.31] Other: Not decorated Block and brick	Best Block & Pipe, Inc., Yuma, AZ, Builders Block and Stone Co., Inc , Roswell, NM, Builders Block and Supply Co., Inc., Las Cruces, NM, National Concrete Masonry Association, Herndon, VA, R.C.P Inc., Lemon Grove, CA, Valley Builders Supply Manufacturing Co., Inc , Pharr, TX

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202)
2/ The country or countries named are those beneficiary developing countries specified by the petitioner While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
	C.	Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences (con.) 2/	
		Locks and padlocks (whether key, combination, or electrically operated), luggage frames incorporating locks, all the foregoing, and parts thereof, of base metal, lock keys:	
		[Padlocks, cabinet locks; luggage locks, and parts thereof, and luggage frames incorporating locks]	
84-22	646.92 (Hong Kong, Republic of Korea, Taiwan)	Other	Builders Hardware Manufacturers Assoc., Washington, D.C.
		Hangars and other buildings, bridges, bridge sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, door and window frames, shutters, balustrades, columns, pillars, and posts, and other structures and parts of structures, all the foregoing of base metal.	
		Of iron or steel	
		[Door and window frames; columns, pillars, posts, beams, girders, and similar structural units; offshore oil and natural gas drilling and production platforms and parts thereof]	
84-23	653.00 (Republic of Korea)	Other	American Institute of Steel Construction, Inc., Chicago, IL
		Articles not specially provided for of a type used for household, table, or kitchen use; toilet and sanitary wares; all the foregoing and parts thereof, of metal	
		Articles, wares, and parts, of base metal, not coated or plated with precious metal	
		Of copper	
84-24	654.25 (Taiwan)	Of brass	Plumbing Manufacturing Institute, Glen Ellyn, IL

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202)

2/ The country or countries named are those beneficiary developing countries specified by the petitioner While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
	C.	Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences (con.) 2/	
		Articles of copper, not coated or plated with precious metal.	
		[Of copper, other than alloys of copper; of nickel silver or of cupro-nickel]	
84-25	657.35 (Taiwan)	Other	Plumbing Manufacturing Institute,
	or	or	Glen Ellyn, IL
	657.3520 (Taiwan)	Brass plumbing goods, not specially provided for	do.
		Taps, cocks, valves, and similar devices, however operated, used to control the flow of liquids, gases, or solids, all the foregoing and parts thereof:	
		Hand-operated and check, and parts thereof:	
84-26	680.14 (Taiwan)	Of copper	do.
		Puzzles; game, sport, gymnastic, athletic, or playground equipment, all the foregoing, and parts thereof, not specially provided for:	
84-27	735.2020 (Hong Kong)	Puzzles and parts thereof	Lauri, Inc., Phillips-Avon, MA

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202)
2/ The country or countries named are those beneficiary developing countries specified by the petitioner While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner

Annex I

Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
	C. Petitions to remove duty-free status from a beneficiary developing country for a product on the list of eligible articles for the Generalized System of Preferences (con.) 2/		
84-28	771.41 (Taiwan)	Film, strips, sheets, plates, slabs, blocks, filaments, rods, seamless tubing, and other profile shapes, all the foregoing wholly or almost wholly of rubber or plastics: Not of cellulosic plastics materials: Film, strips, and sheets, all the foregoing which are flexible: [Made in imitation of patent leather] Other: Of materials other than polyester, polyvinyl chloride, polyethylene, or polypropylene, over 0.006 inch in thickness, and not in rolls	Rohm and Haas, Philadelphia, PA
84-29	771.45 (Taiwan)	Other: Of acrylic resin	do.

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).
2/ The country or countries named are those beneficiary developing countries specified by the petitioner. While the Trade Policy Staff Committee's (TPSC) review will focus on those countries, the TPSC reserves the right to address removal of GSP status for countries other than those specified by the petitioner

[FR Doc. 84-18756 Filed 7-13-84; 8:45 am]
BILLING CODE 3190-01-C

POSTAL RATE COMMISSION

[Order No. 568; Docket No. A84-11]

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued: July 10, 1984.

Before Commissioners: Janet D. Steiger, Chairman; John W. Crutcher, Vice-Chairman; Simeon M. Bright; James H. Duffy; Henry R. Folsom.

In the Matter of: Hustler, Wisconsin 54637 (Sharon Barnharst, *et al.* Petitioners).

Docket Number: A84-11.

Name of Affected Post Office: Hustler, Wisconsin 54637

Name(s) of Petitioner(s): Sharon Barnharst, *et al.*

Type of Determination: Consolidation.

Date of Filing of Appeal Papers; June 25, 1984.

Categories of Issues Apparently Raised

1. Effect on Community Served by Office [39 U.S.C. 404(b)(2)(A)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition within the 120-day decision schedule [39 U.S.C. 404(b)(5)] the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioners. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission orders:

(A) The record in this appeal shall be filed on or before July 10, 1984.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.

Charles L. Clapp,

Secretary.

Appendix

June 25, 1984—Filing of Petition
July 10, 1984—Notice and Order of Filing of Appeal
July 20, 1984—Last day of filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
July 30, 1984—Petitioners' Participant Statement or Initial Brief [*see* 39 CFR 3001.115(a) and (b)].
August 20, 1984—Postal Service Answering Brief [see CFR 3001.115(c)].
September 4, 1984—(1) Petitioner's Reply Brief should petitioner choose to file one [*see* 39 CFR 3001.115(d)].
September 11, 1984—(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument [*see* 39 CFR 3001.116].
October 23, 1984—Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 84-18731 Filed 7-13-84; 8:45 am]

BILLING CODE 7715-01-M

[Docket No. MC84-1]

Mail Classification Schedule, 1984 Special Fourth-Class Mail; Prehearing Conference

July 10, 1984.

On May 30, 1984, the Commission issued a Notice that the United States Postal Service had filed a Request for Recommended Decisions on changes to the Domestic Mail Classification Schedule (DMCS), to permit computer readable media containing prerecorded information, and books containing at least eight printed pages to be mailed as special fourth-class mail. The Notice was published in the Federal Register on June 8, 1984 (49 FR 24476). It directed those desiring to participate in the proceeding to file notices of intervention on or before June 27, 1984. In response, this Commission has received seven notices of intervention. These parties are listed in Attachment A.

The Secretary has transmitted a service list to be employed by all parties, whether full or limited participants, in making filings in the proceeding. The Postal Service, pursuant to section 65 of our rules of practice (39 CFR 3001.65) will serve copies of its Request and its prepared direct evidence upon the parties identified in Attachment A.

The Commission Notice indicated that hearings would be held on the Postal Service proposal, and requested any party desiring to be heard on the proposal to so indicate in its notice of intervention. Only one party, the American Business Press, indicated a desire to participate in hearings, and that party could not yet indicate what position it might advocate at hearings. Since no party has expressed a desire to present evidence, nor has any party indicated a desire to controvert the evidence presented by the Postal Service in its original filing, the Commission is interested in exploring the possibility of conducting this proceeding pursuant to 39 U.S.C. 3624(b)(5), without evidentiary hearings.

Wherefore a prehearing conference is scheduled in this docket for July 26, 1984, in the hearing room of the Commission, 2000 L Street, NW., Washington, D.C. at 10:00 a.m. to consider this and other matters. In addition to discussing whether evidentiary hearings are necessary, parties should be prepared to discuss the scheduling of any such hearings, and the need for special rules of practice such as have been utilized in other Commission proceedings. To facilitate discussion, an outline of a procedural schedule is attached to this notice as Appendix B.

Third Class Mail Association suggested in its notice of intervention that it might be possible to resolve any issues of controversy in the Postal Service proposal through a settlement conference. The Commission looks with favor upon settlements, and parties are encouraged to narrow areas of controversy whenever possible. In furtherance of this policy, the officer of the Commission appointed in this proceeding to represent the interests of the general public, 39 U.S.C. 3624(a), is directed to contact each of the parties in the case to ascertain the feasibility of convening settlement discussions, and to undertake to schedule such discussions should that be the will of the parties. A report on the progress of this effort should be provided at the July 26 prehearing conference.

By the Commission.

Charles L. Clapp,

Secretary.

Attachment A

Full Participants

American Business Press
Association of American Publishers, Inc.
Office of Consumer Advocate
The Recording Industry Association of America, Inc.

Limited Participants

Classroom Publishers Association
National Newspaper Association
Software Publishers Association
Third Class Mail Association

Attachment B

Hearing Schedule for Proceedings Mail Classification Schedule, 1984 Special Fourth-Class Mail

July 26, 1984.

Prehearing Conference (10.00 a.m. in the Commission hearing room).

Completion of all discovery directed to the Postal Service.

Beginning of hearings, *i.e.*, cross-examination of the Postal Service's case-in-chief. (9:30 a.m. in the Commission hearing room.)

Filing of the case-in-chief of each participant (including that of OCA).

Completion of all discovery directed to the intervenors.

Beginning of evidentiary hearings a to the case-in-chief of other participants. (9:30 a.m. in the Commission hearing room.)

Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)

Beginning of evidentiary hearings on rebuttal evidence. (9:30 a.m. in the Commission hearing room.)

Initial briefs filed.

Reply briefs filed.

Oral Agrument (if scheduled).

[FR Doc. 84-18579 Filed 7-13-84; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14028; 812-5832]

The Boston Company Fund; Filing of Application

July 6, 1984.

Notice is hereby given that The Boston Company Fund ("TBC Fund"), The American Express Funds ("AMEX Fund"), The Boston Company Advisors, Inc. ("Boston Advisors"), One Boston Place, Boston, MA 02106, American Express Company, and American Express Service Corp. (collectively, the "Applicants") American Express Plaza, New York, NY 10004, filed an application on April 23, 1984, and an amendment thereto on June 26, 1984, for an order of the Commission, pursuant to Section 17(b) of the Investment Company Act of 1940 (the "Act"), exempting Applicants from the provisions of Section 17(a) of the Act and, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, to the extent necessary to implement the proposed reorganization. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable provisions.

Applicants state that TBC Fund is an open-end, management investment company, organized as a Massachusetts business trust and consisting of five separate series funds, three of which are the Cash Management Fund (the "BC Money Fund"), the Government Money Fund (the "BC Government Fund"), and the Capital Appreciation Fund (the "BC Appreciation Fund," collectively, the "BC Funds"). It is stated that, as of December 31, 1983, the BC Money Fund had net assets of approximately $250,508,104 and approximately 15,033 shareholders, the BC Government Fund had net assets of approximately $31,633,582 and approximately 1,156 shareholders, and the BC Appreciation Fund had net assets of approximately $238,094,114 and approximately 21,963 shareholders. Applicants further state that the AMEX Fund is an open-end, diversified, management investment company organized as a Massachusetts business trust and consisting of three separate series funds: American Express Money Fund (the "AE Money Fund"), American Express Government Money Fund (the "AE Government Fund"), and the American Express Growth Fund (the "AE Growth Fund") collectively, the "AE Funds"). It is stated that, as of December 31, 1983, the AE Money Fund had net assets of approximately $28,573,871 and approximately 5,976 shareholders, the AE Government Fund had net assets of approximately $16,342,575 and approximately 2,064 shareholders, and the AE Growth Fund had net assets of approximately $14,476,678 and approximately 5,588 shareholders.

Applicants propose that TBC Fund acquire all the assets and assume certain liabilities of the AMEX Fund as provided in an Agreement and Plan of Reorganization (the "Agreement") among the AMEX Fund, TBC Fund, and Boston Advisors. Applicants state that, under the terms of the Agreement, upon the satisfaction of certain terms and conditions on or before a closing date (the "Closing Date"), TBC Fund will acquire all of the assets of the AMEX Fund in exchange for shares of TBC Fund and the assumption of specified liabilities of the AMEX Fund by TBC Fund. The reorganization will be effected in three distinct contemporaneous transfers. The BC Money Fund will acquire all of the assets of the AE Money Fund in exchange for shares of the BC Money Fund and the assumption of specified liabilities of the AE Money Fund by the BC Money Fund. The BC Government Fund will acquire all of the assets of the AE Government Fund in exchange for shares of the BC Government Fund and the assumption of specified liabilities of the AE Government Fund by the BC Government Fund. The BC Appreciation Fund will acquire all of the assets of the AE Growth Fund in exchange for shares of the BC Appreciation Fund and the assumption of specified liabilities of the AE Growth Fund by the BC Appreciation Fund. Applicants represent that the AMEX Fund will distribute (i) to the shareholders of the AE Money Fund, in exchange for their shares therein, the BC Money Fund shares received by the AMEX Fund pursuant to the Agreement, (ii) to the shareholders of the AE Government Fund, in exchange for their shares therein, the BC Government shares received by the AMEX Fund pursuant to the Agreeement and (iii) to the shareholders of the AE Growth Fund, in exchange for their shares therein, the BC Appreciation Fund shares received by the AMEX Fund pursuant to the Agreement. According to the application, each shareholder of each AE Fund will be entitled to receive that proportion of the shares of the BC Fund received by the AMEX Fund that the number of shares of that AE Fund owned by the shareholder bears to the total number of shares of the AE Fund outstanding at the close of business on the New York Stock Exchange on the business day next preceding the Closing Date (the "Valuation Time"). Applicants state that full shares (and to the extent necessary a fractional share) of each BC Fund equal in aggregate net asset value to the aggregate net asset value of the respective AE Fund are to be issued by TBC Fund in exchange for the assets of the AE Funds. The value of the net assets of each AE Fund and the net asset value per share of the respective BC Fund to be issued therefor will be determined in the manner set forth in the then current TBC Fund prospectus.

Applicants state that the AMEX Fund will declare a dividend to its shareholders prior to consummation of the reorganization of all of its undistributed net investment income and any net realized capital gain (to the extent not offset by a capital loss carryover) through the Valuation Time. Applicants further state that the AMEX Fund will bear the fees and expenses incurred by it in connection with the reorganization and TBC Fund will bear all expenses of the type customarily incurred by it in connection with the issuance and sale of its shares or of the type which would have been incurred if this Agreement had not been entered into plus $10,000. According to the application, the balance of the fees and expenses incurred by TBC Fund, if any, will be borne by Boston Advisors. Boston Advisor has also agreed to indemnify TBC Fund against, or to pay directly, any liabilities of the AMEX Fund not expressly assumed by TBC Fund under the Agreement. It is expected that the proposed

reorganization will be submitted for approval by the holders of a majority of the outstanding shares of each AE Fund and that the transaction, if approved, will be consummated shortly thereafter.

Applicants state that Boston Advisors, a wholly-owned, indirect subsidiary of American Express Company, is investment adviser for both TBC Fund and the AMEX Fund. In addition, as of March 31, 1984, and aggregate of approximately 40.3% of the outstanding shares of the AE Money Fund and an aggregate of approximately 69.1% of the outstanding shares of the AE Government Fund were beneficially owned by American Express Company and its wholly-owned subsidiary American Express Service Corp., each of which is an affiliate of Boston Advisors. Applicants submit that they may be deemed to be affiliated persons or affiliated persons of affiliated persons of each other for the purposes of the prohibitions set forth in Section 17(a)(1) and (2) of the Act. In addition, the proposed reorganization may be deemed to involve a joint enterprise or other joint arrangement for purposes of Rule 17d-1 under the Act. The Applicants do not, however, concede that Section 17(a)(1) and (2) or Section 17(d) and Rule 17d-1 promulgated thereunder are applicable to the proposed transaction.

Applicants assert that the terms of the proposed reorganization are consistent with the standards of Section 17(b) of the Act and Rule 17d-1 promulgated under the Act. According to the application, the trustees of TBC Fund, including a majority of the trustees who are not interested persons of TBC Fund or the AMEX Fund, have approved the proposed reorganization as being in the best interests of TBC Fund shareholders. In addition, the trustees of the AMEX Fund, including a majority of the trustees who are not interested persons of TBC Fund or the AMEX Fund, have approved the proposed reorganization as being in the best interests of the AMEX Fund shareholders and recommended that it be submitted to shareholders of the AMEX Fund for their approval. The trustees of the AMEX and TBC Fund have also each determined that the participation in the transaction is in the best interests of their respective registered investment company and the interests of existing shareholders of that registered investment company will not be diluted as a result of the transaction.

Applicants state that the AE Funds have had operating expense ratios higher than most funds with comparable investment objectives. To maintain their expense ratios, Boston Advisors has reimbursed AE Money Fund and AE Government Fund in amounts in excess of the fees entitled to it under its investment advisory agreement. Similarly, Boston Advisors has reimbursed the AE Growth Fund amounts in excess of the fees payable to Boston Advisors under the investment advisory agreement. Applicants state that, based upon the advisory fee structure of TBC Fund and its other management expenses, the proposed transaction is expected to result in cost savings to shareholders of the AMEX Funds. In addition, Applicants state, shareholders of the AMEX Fund will become shareholders of a larger and growing fund with a more active, viable distribution program and can be expected to benefit indirectly from greater diversification of security holdings possible in portfolios the size of the BC Funds.

Applicants submit that the proposed transaction is considered to be in the interests of the shareholders of the BC Funds, in part, because the increase in the asset base of the respective BC Funds is expected to result in reduced overall expenses on a per share basis. In addition, Applicants state, the proposed transaction may benefit the shareholders of TBC Fund because the increase in net assets of each BC Fund may allow greater diversification of investment.

Applicants assert that the proposed reorganization is consistent with the policies of TBC Fund and the AMEX Fund and the respective BC Funds and AE Funds. Applicants submit that the exemption provided by Rule 17a-8 would be available with respect to the proposed transaction but for the ownership of shares of the AMEX Fund by American Express Company and American Express Service Corp. Nevertheless, the trustees of the AMEX Fund and TBC Fund have made the determinations required by Rule 17a-8. Applicants assert that American Express Company and American Express Service Corp. have agreed to vote the shares of the AMEX Fund held beneficially by them in the same proportion that the publicly—held shares of the AMEX Fund are voted with respect to the transaction by their holders.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 31, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-18705 Filed 7-13-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14029; 812-5821]

Hammond GNMA Securities Corp. and Hammond Mortgage Securities Corp., Filing of an Application

July 9, 1984.

Notice is hereby given that Hammond GNMA Securities Corporation and Hammond Mortgage Securities Corporation ("Applicants"), 4910 Campus Drive, Newport Beach, California 92660, filed an application on April 11, 1984, for an order, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants from all of the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of the provisions referred to herein and in the application.

According to the application, Applicants are limited purpose financing corporations organized for the limited purpose of facilitating the financing of long-term residential mortgages on single family residences and will not engage in any other unrelated business or investment activities. Applicants intend to issue securities and enter into Funding Agreements as described below with certain limited purpose finance companies (the "Finance Companies"). Applicants represent that they are wholly owned by The Hammond Company which is engaged in mortgage banking and related real estate activities for the building and real estate industries in several states and that, in general, each Finance Company is or will be organized and principally owned or otherwise controlled by a separate

concern involved in the home building or mortgage finance business.

Applicants contemplate that Hammond GNMA Securities Corporation will issue in series GNMA Collateralized Bonds, each series to be separately secured by collateral consisting primarily of "fully-modified pass-through" mortgage-backed certificates ("GNMA Certificates"), and in certain cases, by reserve and debt service funds established under an indenture. It is contemplated that Hammond Mortgage Securities Corporation will issue in series Mortgage Collateralized Bonds, each series to be separately secured by collateral consisting primarily of (1) first mortgage loans ("Pledged Loans"), (2) Mortgage Participation Certificates ("FHLMC Certificates") issued by the Federal Home Loan Mortgage Corporation, (3) Guaranteed Mortgage Pass-through Certificates ("FNMA Certificates") issued by the Federal National Mortgage Association, (4) GNMA Certificates and by certain proceeds accounts, debt service funds, reserve funds and policies. The GNMA Certificates, FHLMC Certificates and FNMA Certificates are hereinafter referred to as the "Mortgage Certificates", and, together with Pledged Loans, as "Mortgage Collateral" Each Mortgage Certificate will evidence an undivided interest in a pool of mortgage loans. Pledged Loans and mortgage loans underlying the Mortgage Certificates will consist of first mortgage loans on single family residences in most cases constructed by builders affiliated or otherwise doing business with the Finance Companies.

Each series of GNMA Collateralized Bonds or Mortgage Collateralized Bonds (collectively, the "Bonds") will be issued pursuant to an indenture between the Applicant issuer and an independent trustee and as supplemented by one or more supplemental indentures. Applicants contemplate that certain series of the Bonds will be registered under the Securities Act of 1933 and others will be sold in private placements. The Applicant and each Finance Company participating in a series of Bonds will enter into a Funding Agreement with respect to such series of Bonds pursuant to which (i) the Applicant will issue such series of Bonds; (ii) the Applicant will lend the proceeds of the sale of such series of Bonds to such Finance Companies individually in amounts to be used primarily to repay indebtedness to lenders or others incurred in connection with the funding or acquisition of mortgage loans; (iii) each Finance Company will repay the loan made to it by causing payments to be made directly to the trustee on behalf of the Applicant in such amounts as are necessary to pay a proportionate share of the principal of and interest on such series of Bonds as the same become due; and (iv) each Finance Company will pledge the corresponding Mortgage Collateral to the Applicant as security for its loan. The Applicant will assign to the trustee its entire right, title and interest in such Funding Agreements and the Mortgage Collateral pledged thereunder as security for such series of Bonds. The Bonds will be secured by Mortgage Collateral with an aggregate principal amount at least equal to the initial principal amount of the Bonds. Scheduled available principal and interest payments on the Mortgage Collateral (together with any required payments from the debt service and reserve funds with respect to such Bonds) plus income received thereon will be sufficient to make the interest payments on and amortize the principal of such Bonds by their stated maturity. In addition, at least 55% of the principal amount of the Mortgage Certificates securing Bonds issued by either Applicant will represent the entire issue of the particular mortgage pools.

Applicants submit that the activities proposed could be conducted directly by each individual Finance Company without the requirement of registration, since each of the Finance companies is exempt under various provisions of the Act, including Section 3(c)(5)(C) thereof. Applicants also submit that a number of large home builders have issued mortgage backed bonds through wholly-owned finance companies, and that none of these finance companies has been required to register under the Act, apparently based upon Section 3(c)(5)(C) of the Act. Applicants assert that they propose to accomplish, through comparable transactions, the same business performed by those entities. Applicants submit that there is no public policy reason to require them to register as investment companies merely because they are facilitating the financing efforts of a number of smaller builders to achieve economies of size the same as the larger builders or builder-owned entities achieve.

While Applicants believe that they do not fall within the definition of an investment company as set forth in the Act, their principal assets will be evidences of indebtedness of the Finance Companies. Applicants believe that such evidences of indebtedness are not securities within the purview of Section 3 of the Act. Applicants assert that their primary activity will be facilitating the sale of single-family residential property through the financing of whole residential mortgages rather than investing, reinvesting, owning, holding or trading in securities. Applicants represent that they will not issue any redeemable securities (as that term is defined in the Act), face amount certificates of the installment type or periodic payment plan certificates. Although they will not acquire legal title to Mortgage Collateral since it will continue to be owned by the Finance Companies, Applicants assert that they will acquire a security interest in the Mortgage Collateral to secure payment of the loans to the Finance Companies and would therefore have direct or indirect liens on and other interests in real estate.

Applicants state that while it appears from the legislative history of the Act that companies such as themselves which are involved in real estate activities should not be viewed as investment companies, they request an order of the Commission to eliminate any doubt as to the inapplicability of the Act. Applicants submit that they have been formed for the primary purpose of facilitating the financing of mortgages to expand the availability of residential mortgages, a significant national need; that Congress has expressed a policy to exclude from the Act entities which are participating in the funding of, and whose securities are secured by residential mortgages; and that they may be unable to proceed with their proposed business if the uncertainties concerning the applicability of the Act are not removed.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 3, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-18704 Filed 7-13-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21124; SR-NASD-84-11]

National Association of Securities Dealers, Inc., Order Approving Proposed Rule Change

July 9, 1984.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, N.W., Washington, D.C. 20006, submitted on May 24, 1984, a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to amend Article V, Section 1 of the NASD's Rules of Fair Practice to increase the maximum fine that may be imposed by a District Business Conduct Committee or the Board of Governors as a result of a disciplinary proceeding. The amendment raises the fine ceiling from $5,000 to $15,000 per violation found.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 20997, May 25, 1984) and by publication in the Federal Register (49 FR 23725, June 7, 1984). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-18706 Filed 7-13-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23362; 70-6991]

National Fuel Gas Co., et al., Proposal To Transfer Assets, Issue Stocks, and Pay Dividends Among Parent and Subsidiaries

July 9, 1984.

National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, NY 10112, a registered holding company, and its subsidiaries National Fuel Gas Supply Corporation ("Supply"), Seneca Resoruces Corporation ("Seneca"), and Empire Exploration, Inc. ("Empire"), 10 Lafayette Square, Buffalo, New York 14203, have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), 10, 12(f), and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45, 50(a)(3), 86, 87, 90, and 91 thereunder.

Supply proposes to transfer to Empire, a newly acquired oil and gas exploration and development subsidiary (HCAR No. 23082, October 4, 1983), its right to receive from Seneca the repayment of $3.2 million in emergency loans. Additionally, it will convey to Empire $6.2 million in oil and gas properties, all in return for 500 shares of Empire common stock, with a $10 par value. Supply will then declare these shares a dividend to National.

Seneca will convey to Empire oil and gas properties presently valued at $3,031,587.58 in exchange for the discharge of debt in the amount of principal. The remaining undischarged debt of $168,412.42 will be paid in cash, adjusted upwards in the event that portions of the proposal are not effected.

All property valuations herein were determined as of June 30, 1984. It is anticipated that further authorization will be sought for additional transfers of plant and property requiring Federal Energy Regulatory Commission authority.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 3, 1984 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service by affidavit or, in case of an attorney at law, by certificate, should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-18703 Filed 7-13-84; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc., Application for Unlisted Trading Privileges and of Opportunity for Hearing

July 10, 1984.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Lear Petroleum Corporation, Common Stock, $0.10 Par Value (File No. 7-7551)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 30, 1984 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-18707 Filed 7-13-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21119; File No. SR-NYSE-84-3 Amdt. No. 3]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 15, 1984, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its pending proposals to trade individual stock options on listed stocks ("listed-stock options"), File No. SR-NYSE-84-3 (the "January Filing"). The amendment prohibits a Competitive Options Trader ("COT"), registered also as an equity Competitive Trader or Registered Competitive Market-Maker ("RCMM"), to personally effect a proprietary transaction in an individual stock option on a stock listed on the Exchange if he has been present on the equity Floor during the preceding hour.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of Amendment No. 3 is to incorporate into the January Filing, as appropriate, comments received from the Commission staff following its review of the January Filing. In commenting on the January filing, the Commission staff indicated concern at the ability of an RCMM or an equity Competitive Trader to spend time in the equity Floor crowd for a particular stock and then engage in proprietary trading on the option floor. This amendment addresses that concern.

The change is part of a scheme of prophylactic regulations designed to separate the Exchange s stock and option markets. A fuller discussion of the change and that scheme is contained in the Exchange's comment letter dated June 15, 1984 to George A. Fitzsimmons, Secretary, SEC, and Michael Cavalier, Chief, Branch of Exchange Regulation, SEC, included in File No. SR-NYSE-84-3.

(2) *Statutory Basis*—The statutory basis for Amendment No. 3 is the same as the January Filing. Please see the notice of that filing, Release No. 34-20613 (Jan. 31, 1984), 49 FR 4581 (Feb. 7, 1984).

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that Amendment No. 3 to the amended filing will impose no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding Amendment No. 3. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by August 6, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 6, 1934.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-18028 Filed 7-13-84; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exhange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval
Rule 17f-2(e)
No. 270-37

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1930 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval rule 17f-2(e) (17 CFR 240.17f-2(e)) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which requires members of national securities exchanges, brokers, dealers, registered transfer agents and registered clearing agencies that claim an exemption form the fingerprinting requirements to prepare and keep current a notice containing detailed information concerning the exemption claimed.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: July 6, 1984.
Shirley E. Hollis,
Assistant Secretary.
[FR Doc. 84-18709 Filed 7-13-84; 8:45 am]
BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission Officer of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval
Rule 17f-2(d)
No. 270-36

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17f-2(d) (17 CFR 240.17f-2(d)) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which requires retention of fingerprint cards and other related information by covered entities or their designated examining authorities.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: July 6, 1984.
Shirley E. Hollis,
Assistant Secretary.
[FR Doc. 84-18710 Filed 7-13-84; 8:45 am]
BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission Officer of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval
Rule 17f-2(c)
No. 270-35

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17f-2(c) (17 CFR 240.17f-2(c)) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which requires registered national securities exchanges and registered national securities associations to submit their fingerprint plans to the Commission for approval.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: July 6, 1984.
Shirley E. Hollis,
Assistant Secretary.
[FR Doc. 84-18711 Filed 7-13-84; 8:45 am]
BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval
Rule 17f-2(a)
No. 270-34

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17f-2(a) (17 CFR 240.17f-2(a)) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which generally requires members of national securities exchanges, brokers, dealers, registered transfer agents and registered clearing agencies to fingerprint their personnel.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: July 6, 1984.
Shirley E. Hollis,
Assistant Secretary.
[FR Doc. 84-18712 Filed 7-13-84; 8:45 am]
BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Office: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, D.C. 20549.

Extension of Approval
Rule 17f-1(c)
No. 270-29

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 17f-1(c) (17 CFR 240.17f-1(c)) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) which requires financial institutions to report missing, lost, stolen or counterfeit securities to the Commission or its designee.

Submit comments to OMB Desk Officer: Ms. Katie Lewin, (202) 395-7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: July 6, 1984.
Shirley E. Hollis,
Assistant Secretary.
[FR Doc. 84-18713 Filed 7-13-84; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Service Difficulty Reporting Program

AGENCY: Federal Aviation Administration.

ACTION: Notice.

SUMMARY: Through this notice, the Federal Aviation Administration (FAA) seeks public comments and suggestions on how to improve its "Service Difficulty Reporting" (SDR) program.

Present Program

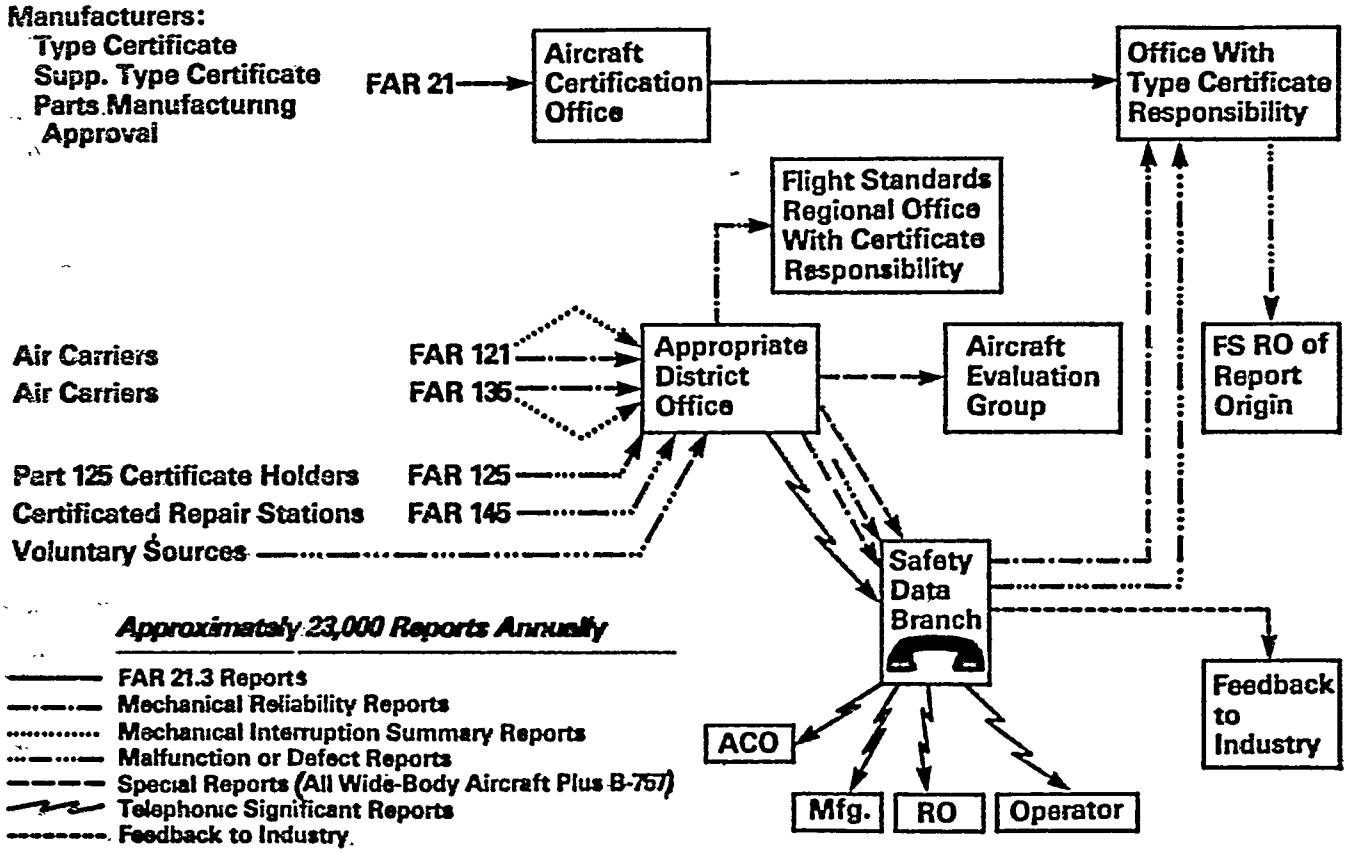
The SDR program is that by which the FAA gathers reports of malfunctions, defects, and other service difficulties which occur on aircraft in service, from civil aircraft operators, manufacturers, repair facilities, maintenance airmen, FAA inspectors and other persons. The currently stated objectives of the program are:

To achieve prompt and appropriate correction of conditions adversely affecting continued airworthiness of aeronautical products, through the collection of Service Difficulty and Malfunction or Defect Reports; their consolidation and collation in a common data bank; analysis of that data; and the rapid dissemination of trends, problems, and alert information to the appropriate segments of the aviation community and the FAA.

The program is intended to provide reliability and airworthiness statistical data necessary: for planning; as the basis for corrective actions; for public alerts; for the development of statistical and trend information used in the formulation of FAA safety decisions concerning air agencies, airmen, manufacturers; and for the evaluation of standards and procedures used in the design, manufacture, certification, and maintenance of aircraft and their components.

Public Participation

The FAA is working to make this program as useful and responsive as possible to both FAA and industry needs. Accordingly, FAA has plans to update service difficulty report collection, processing, and dissemination procedures.



Before proceding further, however, the FAA seeks public comments and suggestions on how to improve the program. Public comments are particularly sought on the SDR program objectives as quoted above. The FAA seeks the greatest possible public participation, and will, therefore, accept comments for 6 months from the date of publication of this notice.

A list of the Federal Aviation Regulations which deal directly or indirectly with the SDR program and a schematic of the present system function are included for the readers convenience.

14 CFR 21.3, Reporting of Failures, Malfunctions and Defects.
14 CFR 121.703, Mechanical Reliability Reports.
14 CFR 125.409, Reports of Defects or Unairworthy Conditions.
14 CFR 127.313, Mechanical Reliability Reports.
14 CFR 135.415, Mechanical Reliability Reports.
14 CFR 145.63, Reports of Defects or Unairworthy Conditions.
14 CFR 121.705, Mechanical Interruption Summary Report.
14 CFR 127.315, Mechanical Interruption Summary Report.
14 CFR 135.417, Mechanical Interruption Summary Report.

While the regulations listed do not directly involve mechanics, mechanics with inspection authorization, pilots, or owners/operators, their past voluntary participation has been a major constituent of the program and comments from those persons are also solicited.

Comments on this notice should be submitted to General Aviation and Commercial Branch, Federal Aviation Administration, Room 340, Aircraft Maintenance Division, Office of Airworthiness, 800 Independence Avenue, SW., Washington, D.C. 20591.

If there are questions or need of further information, contact C. W. Schaffer, General Aviation and Commercial Branch, Room 340, Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426-8203.

Issued in Washington, D.C., on July 12, 1984.

Joseph A. Pontecorvo,

Deputy Director of Airworthiness.

[FR Doc. 84-18911 Filed 7-13-84; 8:45 am]

BILLING CODE 4910-13-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 137
Monday, July 16, 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

FEDERAL ENERGY REGULATORY COMMISSION

July 11, 1984.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409). 5 U.S.C. 552b:

TIME AND DATE: 10:00 a.m., July 18, 1984.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone: (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

CONSENT POWER AGENDA

795th Meeting—July 18, 1984

Regular Meeting (10:00 a.m.)

CAP-1: Project No. 8138-001, the Nuclear Energy Group, Inc.
CAP-2: Project No. 7991-001, STS Consultants, Ltd.
CAP-3: Project No. 2516-003 and 004, Potomac Edison Company
CAP-4: Project No. 4443-003, Daniel E. Burgner
CAP-5: Project No. 4117-002, the Metropolitan District of Hartford, Connecticut
CAP-6: Project No. 6310-001, Woods Creek, Inc.
CAP-7: Project No. 7923-001, Magic Water Company, Inc.
CAP-8:
Project No. 7045-002, Mainstream Hydro Corporation
Project No. 7049-002, Foundry Associates
CAP-9:
Project No. 7562-001, Gale Associates
Project Nos. 7643-001, 7644-001 and 002, 7840-001 and 002, WP, Inc.
CAP-10:
Docket No. EL83-35-000, U.S. Department of Agriculture, Forest Service v. Lynn Mines and Mining Company
Project Nos. 6574-000 and 001, Lynn Mines and Mining Company
CAP-11:
Project No. 5077-002, Roberta B. Weil
CAP-12: Omitted
CAP-13:
Project No. 4218-001, Northeast Hydroelectric Project
Project No. 4741-001, the Carjen Company
Project Nos. 4786-002, 5757-001, 5758-001, 5759-001, 5777-003 and 6465-001, Public Utility District No. 1 of Snohomish County
Project No. 4885-004, South Fork Resources
Project Nos. 5305-002, 5338-003, 5339-003 and 5341-003, Western Power Inc.
Project Nos. 5356-004, 5400-002, 5402-003, 5403-001 5404-001 and 5681-001, Puget Sound Power & Light Company
Project Nos. 5358-005, 5816-001, 5818-002, 5819-003 and 6310-002, Woods Creek, Inc.
Project Nos. 5428-001, 5430-003, 5431-002, 5432-001, 5433-001, 5434-001, 5435-005, 5437-002, 5438-001, 5439-003, 5440-005, 5676-005, 6176-001 and 6672-001, Lawrence J. McMurtrey
Project No. 5436-003, Lawrence J. McMurtrey & Jay R. Bingham
Project No. 5500-002, Phi Sig Associates
Project Nos. 5555-001 and 6256-001, the Town of Gold Bar Washington
Project Nos. 5609-001, 5610-002, 5611-001, 5612-001, 6495-001, 6503-001, 6505-001, 6506-001, 6507-001, 6530-001, 6533-001, 6534-001 and 6539-001, the town of Snohomish, Washington
Project No. 5641-001, Hydro Resource Company
Project No. 5683-001, the city of Tacoma Washington
Project No. 5828-002, Ken Coke
Project No. 5829-002, Robert Sherman
Project Nos. 5837-001, 6220-003 and 6221-001, the Weyerhaeuser Company
Project Nos. 5853-001, 6216-001, 6295-001 and 6311-003, Western Hydro Electric Company
Project No. 5926-001, city of Bellevue, Washington
Project No. 6348-003, Ramsong Company
Project No. 6830-003, Woods Creek, Inc. and Burlington Northern Railroad Company
Project No. 6611-003, Boulder River Power Company
CAP-14: Project No. 2715-004, city of Kaukauna, Wisconsin
CAP-15: Project No. 7861-000, TRIN-CO Forest Products
CAP-16: Omitted
CAP-17: Project No. 8136-001, Friends of Keeseville, Inc.
CAP-18: Project No. 4948-002, Energeology and Lower Powder River Irrigation District
CAP-19: Docket No. QF84-179-001, Fishbach Corporation
CAP-20: Docket No. ER84-472-000, Public Service Company of Colorado
CAP-21: Docket No. ER84-454-000, American Electric Power Service Corporation
CAP-22: Docket Nos. ER84-456-000, ER84-457-000, ER84-458-000 and ER84-467-000, Florida Power & Light Company
CAP-23: Docket Nos. ER84-379-002 and EL83-24-005, Florida Power and Light Company
CAP-24: Docket No. ER84-355-002, Virginia Electric and Power Company
CAP-25: Docket Nos. ER-84-136-001 and ER84-136-002, Kansas Gas and Electric Company
CAP-26: Docket No. ER82-211-003, Utah Power and Light Company
CAP-27: Docket No. ER80-259-004, Kansas Gas and Electric Company
CAP-28: Docket No. ER77-485-005, Carolina Power & Light Company
CAP-29: Docket No. ER79-150-009, Southern California Edison Company
CAP-30: Docket No. ER83-736-000, Pennsylvania-New Jersey-Maryland Interconnection
CAP-31: Docket No. ER83-523-000, Florida Power & Light Company
CAP-32: Docket No. ER83-297-001, Arkansas Power & Light Company
CAP-33: Docket No. ER82-751-006, Delmarva Power & Light Company
CAP-34: Docket No. ES84-46-000, Texas-New Mexico Power Company
CAP-35: Omitted

Consent Miscellaneous Agenda

CAM-1: Docket Nos. RM83-13-001, 002, 003, 004 and 005, Annual Charges for Use of Government Dams and Other Structures
CAM-2: Docket No. FA84-7-000, Sea Robin Pipeline Company
CAM-3: Docket No. FA84-9-001, Northwest Pipeline Corporation
CAM-4:
(A) Docket No. GP79-1-000, Mobile Oil Corporation.
(B) Docket No. GP79-3-000, Lo Vaca Gathering Company
(C) Docket No. GP79-43-000, Florida Gas Transmission Company
CAM-5: Docket No. SA80-136-001, Vessels Gas Processing Company
CAM-6: Docket No. SA80-147-001, Crystal Oil Company
CAM-7: Docket No. RO84-5-000, Prime Resources, Inc. and Kenneth C. Ross
CAM-8: Docket No. RO82-41-000, Austral Oil Company

CAM–9: Docket No. RO82–55–000, Russell G. Estes d/b/a Estes Engineering

Consent Gas Agenda

CAG–1: Docket No. RP84–93–000, Montana Dakota Utilities Company
CAG–2: Docket Nos. TA84–2–11–001 (PGA84–2a), RP84–42–000 and RP72–133–000, United Gas Pipe Line Company
CAG–3: Docket No. TA84–2–23–002, Eastern Shore Natural Gas Company
CAG–4: Docket No. RP84–91–000, Texas Eastern Transmission Corporation
CAG–5: Docket Nos. RP80–136–000, 001, 002 and 003, Southern Natural Gas Company
CAG–6: Docket Nos. RP83–14–001, RP83–81–000, CP83–254–000 and 006 and CP83–335–000, and 006, Montana-Dakota Utilities Company
CAG–7: Docket No. RP82–54–011, Colorado Interstate Gas Company
CAG–8: Docket No. TA83–2–28–007, Panhandle Eastern Pipe Line Company
CAG–9: Docket No. TA84–2–42–001, Transwestern Pipeline Company
CAG–10: Docket Nos. TA84–2–23–005 and TA82–2–33–024, et al., El Paso Natural Gas Company
CAG–11: Docket No. RP84–79–001, Gas Gathering Corporation
CAG–12: Docket No. RP84–75–002, Columbia Gas Transmission Corporation
CAG–13: Docket No. RP84–78–002, Bayou Interstate Pipeline Corporation
CAG–14: Docket No. RP84–76–001, Alabama-Tennessee Natural Gas Company
CAG–15: Docket No. RP82–14–005, Mountain Fuel Resources, Inc.
CAG–16: Docket Nos. GT84–14–001 and RP81–49–023, Natural Gas Pipeline Company of America
CAG–17: Docket Nos. RP83–30–019 and RP84–51–001, Transcontinental Gas Pipeline Company
CAG–18: Docket No. RP84–55–001, Northern Border, Pipeline Company
CAG–19: Docket Nos. RP77–19–003 and RP78–88–001, Transwestern Pipeline Company
CAG–20: Docket No. TA84–2–29–003 (PGA84–2a, IPR84–2a), Transcontinental Gas Pipe Line Corporation
CAG–21: Docket No. RP84–57–000, United Gas Pipe Line Company v. Stingray Pipeline Company and Natural Gas Pipeline Company of America
CAG–22: Docket No. IS84–12–000, Belle Fourche Pipeline Company
CAG–23:
Docket No. RP84–88–000, Transwestern Pipeline Company
Docket No. RP84–89–000, Texas Eastern Pipeline Corporation
CAG–24: Docket No. PV–1483–000, and OR78–7–000, Interstate Storage and Pipeline Corporation
CAG–25: Docket No. RP82–74–000, Texas Gas Transmission Corporation
CAG–26: Docket No. RP81–49–008, Natural Gas Pipeline Company of America
CAG–27: Docket Nos. RP84–36–000, TA84–1–001, TA84–1–61–002 and TA84–1–61–003, Bayou Interstate Pipeline Corporation
CAG–28: Docket Nos. RP81–53–000, RP81–55–000 and RP82–124–000, East Tennessee Natural Gas Company
CAG–29:
Docket No. ST84–625–001, Oklahoma Natural Gas Company, a Division of Aneok, Inc.
Docket No. ST84–630–001, Delhi Gas Pipeline Corporation
Docket No. ST84–698–001, PGC Pipeline, a Divison of LPC Energy, Inc.
CAG–30: Docket Nos. ST82–442–001 and ST82–95–002, Red River Pipeline
CAG–31: Docket No. ST82–369–001, Taft Pipeline
CAG–32: Docket No. ST82–352–001, J–W Gathering Company
CAG–33: Docket Nos. ST82–459–000, ST83–697–000, ST83–749–000, and ST84–443–000, Consumers Power Company
CAG–34:
Docket No. CP83–192–001, Michigan Wisconsin Pipe Line Company
Docket No. CI83–151–001, ANR Production Company
CAG–35: Docket No. CI84–229–001, Getty Oil Company
CAG–36:
Docket No. CI60–530–001, Cryogen, Inc.
Docket No. CS84–61–001, Vintage Petroleum, Inc.
Docket No. CI84–393–001, Louisiana-Hunt Petroleum Corporation
CAG–37:
Docket No. CS72–1030–002, Natural Resources Corporation, Natural Resources Corporation of Texas, and Nareco Corporation (Natural Resources Corporation)
Docket No. CI84–126–002, Pogo Producing Company
CAG–38:
Docket No. CI64–26–010, Gulf Oil Corporation
CAG–39:
Docket No. CI84–354–001, Phillips Oil Company
CAG–40:
Docket No. CI78–866–002, Sonat Exploration Company
Docket No. CI78–860–001, the Offshore Company
CAG–41:
Docket Nos. RI74–188–034 and RI75–21–029, Independent Oil & Gas Association of West Virginia
CAG–42:
Docket Nos. RI74–188–035 and RI75–21–030, Independent Oil & Gas Association of West Virginia
CAG–43:
Docket No. CP80–274–002, Mountain Fuel Supply Company
Docket No. CP80–274–001, Mountain Fuel Resources, Inc.
Docket No. CP80–144–005, Mountain Fuel Supply Company
Docket Nos. CP82–153–000 and CP82–153–001, Mountain Fuel Supply Company
Docket No. CP80–275–000, Mountain Fuel Supply Company
Docket No. CP80–275–002, Wexpro Company
Docket Nos. CI80–233–000 and CI80–233–002, Celsius Energy Company
Docket No. CI82–216–000, Wexpro Company
Docket No. SA83–16–000, Mountain Fuel Resources, Inc.
CAG–44:
Docket No. CP83–14–039, Northern Natural Gas Company, Division of Internorth, Inc.
CAG–45:
Docket No. CP79–291–003, Transcontinental Gas Pipe Line Corporation
CAG–46:
Docket No. CP75–93–006, Black Marlin Pipeline Company
Docket Nos. CI79–4–000, CI79–638–000, CI69–818–000 and CI81–127–000, Chevron U.S.A., Inc.
Docket Nos. CI65–825–000, G–12563–000, G–5720–000, CI71–474–000, CI76–122–000 and G–8317–000, Chevron U.S.A., Inc.
CAG–47:
Docket No. CP84–359–000, Ringwood Gathering Company
CAG–48:
Docket Nos. CP83–381–000 and CP83–381–001, Transcontinental Gas Pipe Line Corporation, Texas Eastern Transmission Corporation, Natural Gas Pipeline Company of America, ANR Pipeline Company and Gasdel Pipeline System Incorporated
CAG–49:
Docket No. CP84–360–000, Texas Eastern Transmission Corporation
CAG–50:
Docket Nos. CP65–392–000 and CP65–392–001, South Georgia Natural Gas Company
CAG–51:
Docket Nos. CP84–220–000 and CP84–220–001, Consolidated Gas Transmission Corporation
CAG–52:
Docket Nos. CP84–251–000 and CP84–251–001, KN Energy, Inc.
CAG–53:
Docket No. CP84–29–000, Mountain Fuel Resources, Inc.
CAG–54:
Docket No. CP84–71–000, Lawrenceburg Gas Transmission Corporation
CAG–55:
Docket No. CP83–213–000, Michigan Consolidated Gas Company
Docket No. CP83–212–000, ANR Pipeline Company
CAG–56:
Docket No. CP83–257–000, Michigan Consolidated Gas Company
Docket No. CP83–253–000, ANR Pipeline Company
Docket No. CP83–272–000, Columbia Gas Transmission Corporation
Docket No. CP83–274–000, Panhandle Eastern Pipe Line Company
CAG–57:
Docket No. CI81–385–002, Mesa Petroleum Company
Docket No. CP84–373–000, ANR Pipeline Company
Docket No. CP84–378–000, Louisiana Intrastate Gas Corporation
CAG–58:
Docket Nos. CP84–96–000, CP84–97–000 and CP84–93–000, Sabine Pipe Line Company
CAG–59:
Docket Nos. CP78–532–009 and CP78–532–010, Ozark Gas Transmission System
CAG–60:

Docket No. CP82-347-004, Trunkline Gas Company
CAG-61:
Docket No. CI69-818-004, Chevron, U.S.A., Inc.
Docket No. CI84-392-001, Louisiana Hunt Petroleum Corporation
Docket No. CI84-396-001, Sohio Petroleum Company
Docket No. CI78-572-003, Grand Isle Oil and Gas Company (Operator) et al.
Docket Nos. CI84-366-001, CI84-367-001, CI84-368-001, CI84-369-001 and CI84-372-001, Petro-Hunt Corporation
CAG-62:
Docket No. RP83-85-000, Northwest Central Pipeline Corporation v. Arkansas Louisiana Gas Company, a Division of Arkla, Inc.
Docket No. TA83-2-31-005, Arkansas Louisiana Gas Company, a Division of Arkla, Inc.
CAG-63:
Docket No. CP79-79-003, Transcontinental Gas Pipe Line Corporation and Texas Eastern Transmission Corporation

I. Licensed Project Matters

P-1:
Project No. 5983-001, Morgan City Corporation
Project No. 3757-001, City of Bountiful
P-2:
Project No. 3893-001, El Dorado Irrigation District
Project No. 4807-000, American Hydroelectric Development Corporation
P-3:
Project No. 2947, Central Vermont Public Service Corporation
Project No. 3247, Henwood Associates
Project No. 3503, James B. Howell
Project No. 3580, Hi-Head Hydro, Inc.
Project No. 3590, Northern Resources, Inc.
Project No. 3783, Rocky Brook Electric Inc.
Project No. 3908, Catalyst Slate Creek Hydro Electric
Project No. 3922, James E. White
Project No. 3948, Bailey Creek Ranch
Project No. 4241, Hydro Devel., Inc.
Project No. 4283, Fred N. Sutter, Jr.
Project No. 4435, Damnation Peak Power Company
Project No. 4437, Glacier Energy Company
Project No. 4563, J.R. Lemoyne
Project No. 4608, Richard Kaster
Project No. 4658, Eugene J. McFadden
Project No. 4714, Forward Power/Energy Company
Project No. 4794, Robert L Thompson
Project No. 4949, Lewis Co. Public Utility District No. 1
Project No. 5002, Mac Hydro-PWD Co., Inc.
Project No. 5055, Richard E. Akin
Project No. 5066, Charles L. Woodman
Project No. 5067, Tule River Indian Reservation
Project No. 5069, Douglas S. Marr
Project No. 5080, Donnie McFadden
Project No. 5118, Glenn M. Phillips
Project No. 5130, Floyd N. Bidwell
Project No. 5199, Mac-Hydro Power, Inc.
Project No. 5206, David H. Scott
Project No. 5214, Hyder Hydro Company
Project No. 5248, West Slope Power
Project No. 5306, Mega Hydro, Inc.
Project No. 5338, Western Power
Project No. 5341, Western Power
Project No. 5422, Blind Canyon Aquaranch
Project No. 5447, William D. Saulsberry
Project No. 5554, Hurn Single Company
Project No. 5573, Cook Electric Inc.
Project No. 5585, Southern Pacific Land Company
Project No. 5646, Kenneth T. Meredith
Project No. 5650, Gary & Catherine Wright
Project No. 5651, A. & L.D. Bowler
Project No. 5652, George & Melvin Osborne
Project No. 5676, Lawrence J. McMurtrey
Project No. 5677, Swanson Mining Company
Project No. 5731, Rocky Mountain Embryos
Project No. 5756, Resources Investments
Project No. 5766, Frank C. Nicols
Project No. 5767, Pigeon Cove Power Company
Project No. 5829, Robert H. Sharman
Project No. 5861, West Slope Power Company
Project No. 5862, West Slope Power Company
Project No. 5865, David Cereghino
Project No. 5871, Columbus Development Corps
Project No. 5902, Frank Hooper
Project No. 5955, Edward/Wwyneth Burgess
Project No. 5965, Firmin O. Gotzinger
Project No. 5978, Gary A. Cromwell
Project No. 5979, W.A. & K.A. Powers
Project No. 5991, Gordon Foster/Sarena Falls School
Project No. 6028, Southern Pacific Land Company
Project No. 6057, F.L. & W.F. Plog
Project No. 6061, Southern Pacific Land Company
Project No. 6062, Norman & Mary Burgess
Project No. 6089, Ramsons Company
Project No. 6092, Western Hydro Electric Inc.
Project No. 6117, City of Ephraim
Project No. 6142, Robert T. Suter
Project No. 6151, Ramsong Company
Project No. 6154, David G. Demera
Project No. 6167, Ronald Rulofson
Project No. 6168, F & Bean, R. Castagna
Project No. 6208, Trout-Company Inc.
Project No. 6229, Reynolds, I.D.
Project No. 6231, Lester Kelley, Vernon Ravenscroft and Helen Chenoweth
Project No. 6245, Lester Kelley, Vernon Ravenscroft and Helen Chenoweth
Project No. 6250, Cogeneration, Inc.
Project No. 6262, Southern Pacific Land Company
Project No. 6267, Lester Kelley, Vernon Ravenscroft and Helen Chenoweth
Project No. 6271, White Water Ranch
Project No. 6283, G&B Water Users
Project No. 6301, Woods Creek Inc./Murry-Pac
Project No. 6306, Lawrence J. McMurtrey
Project No. 6331, McGowan Properties
Project No. 6348, Ramsong Company
Project No. 6367, Western Hydro Electric Inc.
Project No. 6375, Russell Briggs Sr.
Project No. 6384, Robert Brindle
Project No. 6409, Southern Pacific Land Company
Project No. 6437, Western Hydro Electric
Project No. 6443, T.L. & R.R. McCauley
Project No. 6444, Ringo Resources
Project No. 6450, Cogeneration Inc.
Project No. 6458, Everand Jensen
Project No. 6460, Paul J. Daniels
Project No. 6475, McDowell Forest Products Inc.
Project No. 6501, May, Haney/Hieder, et al.
Project No. 6524, Hy-Tech Compoany
Project No. 6550, M. Jennings/L. Offedahl
Project No. 6555, John A. Webster, Jr.
Project No. 6600, Eagle Power Company
Project No. 6611, Boulder River Power Company
Project No. 6616, Olympus Energy Corporation
Project No. 6617, Olympus Energy Corporation
Project No. 6629, Thomas K. & Jody L. Budde
Project No. 6631, F & C Audette
Project No. 6633, General Plastics Manufacturing Company
Project No. 6634, TKO Power
Project No. 6636, Idaho Falls Family
Project No. 6661, Frontier Technology, Inc.
Project No. 6663, J.A. Moyle
Project No. 6701, Frederick Lindauer
Project No. 6764, BMB Enterprises, Inc.
Project No. 6765, BMB Enterprises, Inc.
Project No. 6788, Dan D. Hudson
Project No. 6791, Stony Creek Hydro Company
Project No. 6792, Stony Creek Hydro Company
Project No. 6793, Stony Creek Hydro Company
Project No. 6794, Stony Creek Hydro Company
Project No. 6802, Snowbird Ltd.
Project No. 6830, Woods Creek, Inc., a Burlington Northern Railroad Company
Project No. 6850, Water-Watts, Inc.
Project No. 6905, T & G Hydro
Project No. 6920, DCH Development Company
Project No. 6923, John C. Simms
Project No. 6932, B.R. & C.E. Barkdull
Project No. 6949, Pacific Lumber Company
Project No. 6952, P.R. & T. McMillan
Project No. 6959, Pan-Pacific Hydro Inc.
Project No. 6987, Roy F. Fulton
Project No. 7006, Neocene Explorations
Project No. 7016, Hailey, City of
Project No. 7057, Richard L. Bean
Project No. 7059, Foster & Walker
Project No. 7077, Frontier Land & Power Company
Project No. 7086, Confederated Salish and Kootenai Tribes, Flathead Reservation
Project No. 7089, Alfred Tuefil Nursey
Project No. 7097, Olympus Energy Corporation
Project No. 7098, Olympus Energy Corporation
Project No. 7192, Steven W. Ricketts
Project No. 7211, V.L. & F.L. Herzinger
Project No. 7276, Donald S. Benson
Project No. 7342, Manti City Corporation
Project No. 7352, S.E. Erkson
Project No. 7371, D.K. & F.S. Butler
Project No. 7422, Paul N. Zeller
Project No. 7452, Resources, Inv., Inc.
Project No. 7530, William Arkoosh
Project No. 7591, James D. Warner

Project No. 7754, Thomas K. & Jody L. Budde
Project No. 7804, Gerald & Glenda Ohs
Project No. 7805, Gerald & Glenda Ohs
Project No. 4294, Desert Water Agency
Project No. 4574, Gail Marshall
Project No. 4826, Harold Pfeiffer
Project No. 5572, Cook Electric, Inc.
Project No. 5673, Panchen, Inc.
Project No. 5982, Robert B. Shipp
Project No. 6124, American Enertech
Project No. 6190, Mountain Gems Corporation
Project No. 6410, K-W Company
Project No. 6414, Douglas Water Power Company
Project No. 6422, Harley D. Brown
Project No. 6621, Cook Electric Inc.
Project No. 6676, Doug Hull
Project No. 7279, Howard P. Luckey
Project No. 7465, John G. Pless, Jr.
Project No. 3912-002, City of Haines, Oregon
Project No. 4595-002, Hat Creek Hydro, Inc.
Project No. 4599-001, Stephen J. Gaber
Project No. 4600-001, Stephen J. Gaber
Project No. 4627-002, Albert & Betty Hunt
Project No. 4792-005, Mac Hydro-Power Company, Inc.
Project No. 5020-001, Mac Hydro-Power Company, Inc.
Project No. 5108-001, Homestake Consulting and Investments, Inc.
Project No. 5123-001, Mac Hydro-Power Company, Inc.
Project No. 5192-001, Lind & Associates
Project No. 5545-002, Stephen J. Gaber
Project No. 5792-001, Lawrence J. McMurtrey & Jay R. Bingham
Project No. 5864-000, West Slope Power Company
Project No. 6015-004, Charles D. Howard
Project No. 6097-003, Douglas Pegar
Project No. 6144-001, Castle Power Association
Project No. 6205-000, Western Hydro Electric, Inc.
Project No. 6215-000, Western Hydro Electric, Inc.
Project No. 6251-000, A&J Construction, Inc.
Project No. 6273-000, Western Hydro Electric, Inc.
Project No. 6287-000, Rainsong Company
Project No. 6297-000, Alpine Power Company
Project No. 6298-000, Alpine Power Company
Project No. 6329-000, Intermountain Power Corporation
Project No. 6359-000, Southern California Edison Company
Project No. 6361-000, Lawrence J. McMurtrey
Project No. 6388-001, Lawrence J. McMurtrey
Project No. 6389-001, Lawrence J. McMurtrey
Project No. 6390-001, Lawrence J. McMurtrey
Project No. 6393-001, Lawrence J. McMurtrey
Project No. 6397-001, Lawrence J. McMurtrey
Project No. 6402-000, Western Hydro Electric, Inc.
Project No. 6403-000, Western Hydro Electric, Inc.
Project No. 6408-001, Hydro-Cor
Project No. 6434-000, Thomas A. Nelson
Project No. 6435-000, Joseph B. Nelson
Project No. 6448-000, Western Hydro Electric, Inc.
Project No. 6451-001, Thornton N. Snyder
Project No. 6468-001, Northydro, Inc.
Project No. 6488-002, Alternate Energy Resources, Inc.
Project No. 6628-000, Waterfall Electric Company
Project No. 6635-000, New Generation Power Company
Project No. 6758-001, Holden Village, Inc.
Project No. 6803-000, Snowbird, Ltd.
Project No. 6824-000, Colenergy, Inc.
Project No. 6825-000, Colenergy, Inc.
Project No. 6839-002, Piedmont Camp Fire Council and Lake Vera Water Company
Project No. 6840-000, Olympus Energy Corporation
Project No. 6955-002, Pan Pacific Hydro, Inc.
Project No. 7111-001, Chris Williams
Project No. 7120-000, Stewart Ranches, Inc.
Project No. 7225-000, Little Salmon River Estates, Inc.
Project No. 7241-000, White Chuck Water Company
Project No. 7258-000, China Flat Company
Project No. 7315-001, Paul J. Daniels
Project No. 7393-000, Alpine Power Company
Project No. 7537-000, George Arkoosh
Project No. 7611-001, Iron Moutain Mines, Inc.
Project No. 7623-001, D & D Stauffer, Inc.
Project No. 7656-000, John A. Dodson
Project No. 7806-000, Richard and Georgenia Wilkinson
Project No. 7864-000, Mac Hydro-Power Company
Project No. 7878-000, William A. Curtis
Project No. 7891-000, Frederick E. Pickering
Project No. 7898-000, Snowmass Co.
Project No. 7930-000, Larry Hensley
Project No. 7931-000, Larry Hensley
Project No. 7940-000, Stephen J. Gaber
Project No. 7944-000, Great Western Power and Light, Inc.
Project No. 7981-000, Merrill and Mary Lou Bates and Dan and Debbie Bates
Project No. 7982-000, Donald A. Smith & Margaret E. Evans
Project No. 8013-000, Small Hydro East
Project No. 8042-000, Rubi Hydro Partners
Project No. 8032-000, John and June Cotten
Project No. 8122-000, R & D Power Company
Project No. 8191-001, BMB Enterprises, Inc.
Project No. 8192-000, BMB Enterprises, Inc.
Project No. 8202-000, Henry A. Young
Project No. 8220-000, Wise Investments
Project No. 8224-000, Merle Jore & His Sons
Project No. 8230-000, Great Western Power & Light, Inc.
Project No. 8250-000, Alan J. Amy
Project No. 8279-000, Big Wood Canal Company
Project No. 8281-000, Western Hydro Electric, Inc.
Project No. 8324-000, Marshall E. Saunders
Project No. 2031-001, city of Springfield, Utah
Project No. 3858-003, Idaho Renewable Resources Inc. and city of Ashton
Project No. 6206-002, Lester Kelley, Vernon Ravenscroft, Helen Cheoweth
Project No. 6246-002, Lester Kelley, et al.
Project No. 6247-002, Lawrence J. McMurtrey
Project No. 6254-000, Lawrence J. McMurtrey
Project No. 6272-000, Lawrence J. McMurtrey
Project No. 6362-001, Duane Hutton
Project No. 6391-001, Lawrence J. McMurtrey
Project No. 6670-001, Lawrence J. McMurtrey
Project No. 6674-001, Lawrence J. McMurtrey
Project No. 6677-001, Intermountain West, Inc.
Project No. 6683-001, Lawrence J. McMurtrey
Project No. 6720-001, Northwest Resources Generating Company
Project No. 6721-000, Northwest Resources Generating Company
Project No. 6722-001, Northwest Resources Generating Company
Project No. 6723-000, Northwest Resources Generating Company
Project No. 6738-000, Northwest Resources Generating Company
Project No. 6739-000, Northwest Resources Generating Company
Project No. 6740-000, Northwest Resources Generating Company
Project No. 6944-000, Douglas Water Power Company
Project No. 7182-000, Gerald L. and Lois R. Simms
Project No. 7390-000, Harder Farms, Inc. and Scott Ranch
Project No. 7466-000, Oliver M. & Gail M. Cron
Project No. 7549-001, Arlon Warner
Project No. 7592-000, Faulkner Land and Livestock Co., Inc.
Project No. 7719-000, Myron Jones, Nola Jones, Larry Oja and Chrisite Oja
Project No. 7885-000, Orville Nicholson
Project No. 7885-000, Fisheries Development Company
Project No. 7294-000, Delmer Wagner
Project No. 7577-000, Gene M. Peters
Project No. 8048-000, Mutual Energy Company
Project No. 8120-000, William R. Maxwell
Project No. 8153-000, Clarke N. Moore
Project No. 8262-000, Montana Natural Energy, Inc.
Project No. 8297-000, Richard H. Crockett & Gary A. Oakley
Project No. 8182-000, Schaffner Power Company
Project No. 8275-000, Armstrong-Keta, Inc.
Project No. 7881-000, Alaska Agriculture Foundation, Inc.
Project No. 8253-000, Frederick F. Burnell, et al.
Project No. 8152-000, Town of Lake City, Colorado
Project No. 6995-000, Patrick Funk
Project No. 7342-000, Manti City Corporation

Project No. 6583-001, Mountain West Hydro, Inc.
Project No. 5546-001, and Project No. 5547-001, Stephen J. Gaber
Project No. 4769-001, S & S Limited Partnership
Project No. 5250-000, West Slope Power Company

II. Electric Rate Matters

ER-1:
Docket Nos. ER81-780-000, ER83-260-000, ER82-471-000, ER82-473-000, ER82-533-000, ER82-549-000, ER82-568-000, ER82-578-000, ER82-671-000, ER82-688-000, ER82-840-000, ER83-020-000, ER83-266-000, ER83-331-000, ER83-332-000, ER83-388-000, ER83-525-000, ER83-612-000, ER83-614-000, ER83-673-000, ER83-737-000, ER84-110-000, and ER84-190-000, Pacific Power and Light Company
Docket Nos. ER82-002-000, ER82-397-000, ER82-466-000, ER83-373-000, and ER83-461-000, Utah Power and Light Company
Docket Nos. ER81-789-000, ER82-461-000, ER82-543-000, and ER83-534-000, CP National Corporation
Docket Nos. ER81-788-000, ER82-462-000, ER82-539-000, ER82-734-000, ER82-810-000, ER83-127-000, ER83-540-000, ER83-573-000, ER83-748-000, ER84-163-000, ER84-042-000, ER84-347-000 and ER84-403-000, Portland General Electric Company
Docket Nos. ER81-728-000, ER82-448-000, ER82-715-000, ER83-044-000, ER83-045-000, ER83-046-000, ER83-187-000, ER83-334-000, ER83-541-000, ER83-567-000, ER83-706-000, ER84-040-000, ER84-198-000 and ER84-305-000, Puget Sound Power and Light Company
Docket Nos. ER82-119-000, ER82-306-000, ER82-618-000, ER82-622-000, ER82-661-000, ER83-241-000, ER83-241-001, ER83-241-002, ER83-687-000 and ER83-712-000, Idaho Power Company
Docket Nos. ER82-776-000, ER83-382-000, ER83-386-000, ER84-026-000 and ER84-156-000, Montana Power Company
Docket Nos. ER82-095-000, ER82-595-000, ER82-629-000, ER83-361-000, ER83-564-000 and ER84-310-000, Washington Water Power Company
ER-2: Docket No. EL83-34-000, Ayres, Lewis, Norris and May, Inc.
ER-3: Docket No. EF84-5081-000, U.S. Secretary of Energy—Western Area Power Administration
ER-4: Docket No. EL84-12-000 and Project Nos. 5-004 and 2776-000, Confederated Salish and Kootenai Tribes of the Flathead Reservation v. Montana Power Company
ER-5: Docket Nos. EF84-2011-008, 009, 010, 011 and EF84-2021-008, U.S. Department of Energy—Bonneville Power Administration

Miscellanous Agenda

M-1:
(A) Docket No. RM80-36-000, Generic Determination of Rate Return on Common Equity for Electric Utilities
(B) Docket No. RM84-15-000, Generic Determination of Rate of Return on Common Equity for Public Utilities
M-2: Docket No. RM79-52-000, Final Procedures for Shortages of Electric Energy and Capacity Under Section 206 of the Public Utility Regulatory Policies Act of 1978
M-3: Omitted
M-4: Reserved
M-5: Reserved
M-6: Docket No. RM83-41-000, Rules of Discovery for Trial-Type Proceedings
M-7: Docket Nos. RM83-71-000 Through 026, Elimination of Variable Costs From Certain Natural Gas Pipeline Commodity Bill Provisions
M-8: Docket No. SA-82-18-002, Houston Oil & Minerals Corporation

Gas Agenda

I. Pipeline Rate Matters

RP-1: Omitted
RP-2: Docket Nos. RP82-33-004, RP82-33-000, et al., TA82-2-33-021 and 022, TA84-1-33-004, TA84-2-33-001, 002, 003 and 004, El Paso Natural Gas Company
RP-3: Docket Nos. RP81-130-012, RP83-25-011, TA83-1-42-005 and TA82-2-42-013, Transwestern Pipeline Company
RP-4: Omitted
RP-5: Docket Nos. RP83-137-000, TA83-2-29-001 (PGA83-2a, IPR83-2a), TA84-1-29-001 (PGA84-1, IPR84-1, DCA84-1) and TA84-1-29-002 (PGA84-1a), Transcontinental Gas Pipe Line Corporation

II. Producer Matters

CI-1: Docket No. CI84-374-000, TXP Operating Company
CI-2: Docket No. CI83-269-022, Tenneco Oil Company, Houston Oil & Minerals Corporation, Tenneco Exploration, Ltd., Tenneco Exploration II, Ltd. and Tinco, Ltd.

III. Pipeline Certificate Matters

CP-1:
Docket Nos. CP-81-302-007 Through 014, Natural Gas Pipeline Company of America.
Docket Nos. ST82-322-002 and CP82-356-002, Dow Intra-State Gas Company
CP-2: Docket No. CP83-485-000, Texas Gas Transmission Corporation
CP-3: Docket Nos. CP83-210-000 and CP83-210-001, Transcontinental Gas Pipe Line Corporation
CP-4: Docket No. CP84-94-000, ANR Pipeline Company
CP-5: Docket No. CP84-110-000, Cody Gas Company
CP-6: Docket No. CP84-379-002, United Gas Pipeline Company
CP-7: Docket No. CP84-461-000, Columbia Gas Transmission Company
CP-8: Docket No. CP84-487-000, Texas Gas Transmission Company

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-18835 Filed 7-12-84; 3:59 pm]
BILLING CODE 6717-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

July 11, 1984.

TIME AND DATE: 10:00 a.m., Wednesday, July 18, 1984.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. United States Steel Mining Co., Inc., Docket No. PENN 83-63. (Issues include whether the administrative law judge erred in concluding that a violation of 30 CFR 75.503, a mandatory safety standard dealing with permissible electrical equipment, was significant and substantial.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 84-18759 Filed 7-12-84; 11:11 am]
BILLING CODE 6820-12-M

3

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, July 26, 1984.

PLACE: Suite 316, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mr. Earl R. Ohman, Jr., (202) 634-4015.

Dated: July 12, 1984.

Earl R. Ohman, Jr.,
Acting General Counsel.

[FR Doc. 84-18884 Filed 7-12-84; 3:57 pm]
BILLING CODE 7600-01-M

4

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (49 FR 28014 7/9/84)

STATUS: Open meeting/Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Tuesday, June 5, 1984.

CHANGE IN THE MEETING: Deletion of item/Additional Meeting.

The following item will not be considered at an open meeting scheduled for Thursday, July 12, 1984.

Consideration of whether to adopt amendments to Securities Exchange Act Rule 15c2-11 (17 CFR 240.15c2-11), which regulates quotations for over-the-counter securities. The amendments would: (1) Extend the rule's information maintenance requirement to the publication of quotations without a specified price and quotations for certain foreign securities and ADRs; (2) create exceptions for NASDAQ securities and for quotations representing a customer's indication of interest; and (3) clarify treatment under the rule of quotations for the securities of reporting companies. For further information, please contact Kenneth B. Orenbach at (202) 272-7391.

An additional closed meeting will be held on Thursday, July 12, 1984, following the 2:30 P.M. open meeting to consider the following item.

Litigation.

Chairman Shad and Commissioners Treadway, Cox, Marinaccio and Peters determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Steve Molinari at (202) 272-2467

July 11, 1984.

[FR Doc. 84-18832 Filed 7-12-84; 8:45 am]

BILLING CODE 8010-01-M

Federal Register

Monday
July 16, 1984

Part II

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

July 1, 1984.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of July 1, 1984 of nine rescission proposals and 64 deferrals contained in the first eleven special messages of FY 1984. These messages were transmitted to the Congress on October 3, November 17, December 14 and December 21, 1983; and January 12, February 1 and 22, March 26, May 8 and 21, and June 20, 1984.

Rescissions (Table A and Attachment A)

As of July 1, 1984, there were no rescission proposals pending before the Congress. Attachment A shows the history and status of the nine rescissions proposed by the President in 1984.

Deferrals (Table B and Attchment B)

As of July 1, 1984, $3,004.6 million in 1984 budget authority was being deferred from obligation and $10.2 million in 1984 outlays was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1984.

Information From Special Messages

The special messages containing information on the rescission proposals and deferrals covered by this cumulative report are printed in the Federal Registers listed below:

Vol. 48, FR p. 45730, Thursday, October 6, 1983
Vol. 48, FR p. 53060, Wednesday, November 23, 1983
Vol. 48, FR p. 56720, Thursday, December 22, 1983
Vol. 48, FR p. 57098, Tuesday, December 27, 1983
Vol. 49, FR p. 2076, Tuesday, January 17, 1984
Vol. 49, FR p. 4692, Tuesday, February 7, 1984
Vol. 49, FR p. 7342, Tuesday, February 28, 1984
Vol. 49, FR p. 13096, Monday, April 2, 1984
Vol. 48, FR p. 20234, Friday, May 11, 1984
Vol. 48, FR p. 22032, Thursday, May 24, 1984
Vol. 48, FR p. 26014, Monday, June 25, 1984

David A. Stockman,
Director, Office of Management and Budget.

TABLE A
STATUS OF 1984 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$ 636.4
Accepted by the Congress	-0-
Rejected by the Congress	-636.4
Pending before the Congress	$ -0-

****

TABLE B
STATUS OF 1984 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$ 7,418.2
Routine Executive releases through July 1, 1984 (OMB/Agency Releases of $4,487.2 million and cumulative adjustments of -$85.8 million)	-4,401.4
Overturned by the Congress	-2.0
Currently before the Congress	$ 3,014.8 a/

a/ This amount includes $10.2 million in outlays for a Department of the Treasury deferral (D84-16).

Attachments

BILLING CODE 3110-01-M

Attachment A - Status of Rescissions - Fiscal Year 1984

As of July 1, 1984 Amounts in Thousands of Dollars — Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Public and Indian Housing Programs								
Payment for operation of low-income housing	R84-2		331,431	2-1-84		331,431	3-23-84	
DEPARTMENT OF THE INTERIOR								
National Park Service								
Land acquisition	R84-3		30,000	2-1-84		30,000	3-23-84	
DEPARTMENT OF LABOR								
Occupational Safety and Health Administration	R84-1		1,700	12-21-83		1,700	3-19-84	
OTHER INDEPENDENT AGENCIES								
Corporation for Public Broadcasting								
Public broadcasting fund	R84-9		20,000	2-1-84		20,000	3-23-84	
Delaware and Susquehana River Basin Commissions								
Salaries and expenses, Delaware River Basin Commission	R84-4		19	2-1-84		19	3-28-84	
			24	2-1-84		24	3-28-84	
Salaries and expenses, Susquehana River Basin Commission	R84-5							
Panama Canal Commission								
Operating expenses	R84-6A		17,759	2-1-84		17,759	3-28-84	
Capital outlay	R84-6B		7,625	2-1-84		7,625	3-28-84	
OFF-BUDGET FEDERAL ENTITIES								
DEPARTMENT OF AGRICULTURE								
Rural Electrification Administration								
Rural electrification and telephone revolving fund	R84-7		197,852	2-1-84		197,852	3-28-84	
Rural telephone bank	R84-8		30,000	2-1-84		30,000	3-28-84	
Rescissions, total BA			635,411			635,411		

Attachment B - Status of Deferrals - Fiscal Year 1984

As of July 1, 1984 Amounts in Thousands of Dollars — Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 7-1-84
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs	D84-1	10,000		10-3-83					10,000
International Security Assistance									
Foreign military sales credit	D84-30	1,315,000		1-12-84	-715000				600,000
Economic support fund	D84-24	303,880		12-14-83					
	D84-24A		2,267,691	1-12-84	-2294091				277,480
	D84-60	102,000		5-8-84					102,000
Military assistance	D84-31	426,970		1-12-84	-426970				0
DEPARTMENT OF AGRICULTURE									
Soil Conservation Service									
Watershed and flood prevention operations	D84-49	8,138		2-1-84					8,138
Forest Service									
Construction	D84-37	10,814		2-1-84					10,814
Timber salvage sales	D84-2	6,211		10-3-83					
	D84-2A		9,210	1-12-84	-1950				13,471
Expenses, brush disposal	D84-3	42,674		10-3-83					
	D84-3A		12,398	1-12-84					
	D84-3B		778	5-8-84					55,850
DEPARTMENT OF COMMERCE									
International Trade Administration									
Participation in U.S. expositions	D84-32	550		1-12-84					550
National Oceanic & Atmospheric Administration									
Promote and develop fishery products and research pertaining to American fisheries	D84-4	33,600		10-3-83	-33600				0

As of July 1, 1984 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 7-1-84
DEPARTMENT OF DEFENSE - MILITARY									
Operation and Maintenance									
Environmental restoration, defense	D84-33	75,000		1-12-84	-75000				0
Military Construction									
Military construction, all services	D84-5	414,597		10-3-83					
	D84-5A		488,340	12-14-83	-644843			129,648	387,742
Family Housing, Defense									
Family housing, Air Force	D84-6	53,000		10-3-83					
	D84-6A		20,131	12-14-83	-73131				0
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation	D84-7	777		10-3-83					
	D84-7A		385	1-12-84					1,162
DEPARTMENT OF EDUCATION									
Office of Postsecondary Education									
Higher education	D84-38	500		2-1-84					500
DEPARTMENT OF ENERGY									
Atomic Energy Defense Activities									
Atomic energy defense activities	D84-62	1,050		6-20-84					1,050
Energy Programs									
General science and research activities	D84-63	700		6-20-84					700
Energy supply, research and development activities	D84-39	10,052		2-1-84					
	D84-39A		800	6-20-84	-1999				8,853
Uranium supply and enrichment activities	D84-8	130,000		10-3-83					130,000
Fossil energy research and development	D84-21	20,326		11-17-83	-20326				
	D84-21A		500	12-14-83					
	D84-21B		8,993	2-1-84					
	D84-21C		150	6-20-84					9,643
Fossil energy construction	D84-25	38,038	1,962	12-14-83				-26000	
	D84-25A		23,196	2-1-84					37,196
Naval petroleum and oil shale reserves	D84-40	41,500		2-1-84					
	D84-40A		50	6-20-84					41,550
Energy conservation	D84-41	10,077		2-1-84	-8577			1,218	2,718
Strategic petroleum reserve	D84-26	12,707		12-14-83					
	D84-26A		256	2-1-84					12,963
Alternative fuels production	D84-22	13,800		11-17-83					
	D84-22A		4,300	2-1-84	-12300			712	6,512
Power Marketing Administrations									
Operation and maintenance, Southwestern Power Administration	D84-42	7,000		2-1-84					
	D84-42A		60	6-20-84					7,060
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	D84-64	100		6-20-84					100
Departmental Administration									
Departmental administration	D84-43	29,053		2-1-84					
	D84-43A		375	6-20-84					29,428
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Centers for Disease Control									
Disease control	D84-27	15,560		12-14-83					15,560
Office of Assistant Secretary for Health									
Scientific activities overseas (special foreign currency program)	D84-9	6,463		10-3-83					
	D84-9A		571	1-12-84					7,034
Social Security Administration									
Limitation on administrative expenses (construction)	D84-10	10,571		10-3-83					
	D84-10A		10,490	12-21-83	-13				21,048
DEPARTMENT OF THE INTERIOR									
Minerals Management Service									
Payments for proceeds, sale of water, Mineral Leasing Act of 1920	D84-11	48		10-3-83					48
Bureau of Reclamation									
Construction program	D84-61	8,000		5-21-84	-8000				
Bureau of the Mines									
Mines and minerals	D84-44	1,667		2-1-84					1,667

As of July 1, 1984 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 7-1-84
National Park Service									
Land acquisition and state assistance (contract authority)	D84-23	30,000		11-17-83					
	D84-23A		2,700	2-1-84				-30000	2,700
Construction (trust fund)	D84-50	14,000		2-22-84					14,000
Office of the Secretary									
Office of Water Policy	D84-51	300		2-22-84					300
DEPARTMENT OF JUSTICE									
Interagency Law Enforcement									
Organized crime drug enforcement	D84-57	272		3-26-84					272
Federal Bureau of Investigation									
Salaries and expenses	D84-58	42,000		3-26-84					42,000
Federal Prison System									
Buildings and facilities	D84-28	22,025		12-14-83					
	D84-28A		23,752	1-12-84					45,777
Office of Justice Assistance, Research and Statistics									
Law enforcement assistance	D84-52	296		2-22-84					296
DEPARTMENT OF STATE									
International Organizations and Conferences									
Contributions to international organizations	D84-46	4,723		2-1-84					4,723
Contributions for international peacekeeping activities	D84-45	10,879		2-1-84					10,879
United States emergency refugee and migration assistance fund	D84-12	37,928		10-3-83					
	D84-12A		192	1-12-84					38,120
United States bilateral science and technology agreements	D84-13	2,000		10-3-83					2,000
DEPARTMENT OF TRANSPORTATION									
Federal Railroad Administration									
Railroad research and development	D84-53	578		2-22-84					578
Federal Aviation Administration									
Facilities, engineering and development	D84-59	360		3-26-84					360
Construction, Washington Metropolitan Airports	D84-54	277		2-22-84					277
Facilities and equipment (airport and airway trust)	D84-14	1,083,268		10-3-83	-153063				930,205
U.S. Coast Guard									
Retired pay	D84-55	13,350		2-22-84					13,350
Maritime Administration									
Ship construction	D84-47	7,000		2-1-84					7,000
Office of the Secretary									
Transportation planning, research and development	D84-56	160		2-22-84					160
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance trust fund	D84-15	56,068		10-3-83	-2866			111	53,313
	D84-16	15,209		10-3-83	-15159			10,153	10,163
Bureau of the Mint									
Expansion and improvements	D84-29	256		12-14-83	-256				
OTHER INDEPENDENT AGENCIES									
Pennsylvania Avenue Development Corporation									
Land acquisition and development fund	D84-17	13,148		10-3-83					13,148
Railroad Retirement Board									
Milwaukee Railroad restructuring, administration	D84-18	85		10-3-83					
	D84-18A		147	12-14-83					232
Tennessee Valley Authority									
Tennessee Valley Authority fund	D84-19	7,000		10-3-83					7,000
	D84-48	2,192		2-1-84					2,192
United States Information Agency									
Salaries and expenses	D84-34	2,400		1-12-84					2,400

As of July 1, 1984 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 7-1-84
Salaries and expenses (special foreign currency program)	D84-35	2,900		1-12-84					2,900
Acquisition and construction of radio facilities	D84-36	9,645		1-12-84					9,645
United States Railway Association Administrative expenses	D84-20	2,050		10-3-83		-2050	98-181		
TOTAL, DEFERRALS		4,540,792	2,877,427		-4,487,185	-2,050		85,842	3,014,827

Notes: Deferral D84-25 was reported as part of D84-21 in the second special message. In the third special message the deferral was reported separately and adjusted upward slightly.

Of the amount deferred as D84-25, $26 million was transferred to Fossil energy research and development pursuant to the 1984 Interior and Related Agencies Appropriations Act.

All of the above amounts represent budget authority except one general revenue sharing deferral (D84-16) of outlays only.

The Soil Conservation Service deferral was erroneously transmitted as D84-36 in the sixth special message. It has been renumbered as D84-49.

[FR Doc. 84-18728 Filed 7-13-84; 8:45 am]
BILLING CODE 3110-01-C

Reader Aids

Federal Register

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Monday, July 16, 1984

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H.R. 5950 / Pub. L. 98-355

To increase the Federal contribution for the Quadrennial Political Party Presidential National Nominating Conventions. (July 11, 1984; 98 Stat. 394) Price $1.50

H.J. Res. 567 / Pub. L. 98-356

To designate 1984 as the "Year of the St. Lawrence Seaway" and June 27, 1984, as "St. Lawrence Seaway Day" (July 11, 1984; 98 Stat. 395) Price $1.50

CFR CHECKLIST

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Price	Revision Date
1, 2 (2 Reserved)	$6.00	Jan. 1, 1984
3 (1983 Compilation and Parts 100 and 101)	7.00	Jan. 1, 1984
4	12.00	Jan. 1, 1984
5 Parts:		
1-1199	13.00	Jan. 1, 1984
1200-End, 6 (6 Reserved)	6.00	Jan. 1, 1984
7 Parts:		
0-45	13.00	Jan. 1, 1984
46-51	12.00	Jan. 1, 1984
52	14.00	Jan. 1, 1984
53-209	13.00	Jan. 1, 1984
210-299	13.00	Jan. 1, 1984
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400-699	13.00	Jan. 1, 1984
700-899	13.00	Jan. 1, 1984
900-999	14.00	Jan. 1, 1984
1000-1059	12.00	Jan. 1, 1984
1060-1119	9.50	Jan. 1, 1984
1120-1199	7.50	Jan. 1, 1984
1200-1499	13.00	Jan. 1, 1984
1500-1899	6.00	Jan. 1, 1984
1900-1944	14.00	Jan. 1, 1984
1945-End	13.00	Jan. 1, 1984
8	7.00	Jan. 1, 1984
9 Parts:		
1-199	13.00	Jan. 1, 1984
200-End	9.50	Jan. 1, 1984
10 Parts:		
0-199	14.00	Jan. 1, 1984
200-399	12.00	Jan. 1, 1984
400-499	12.00	Jan. 1, 1984
500-End	13.00	Jan. 1, 1984
11	5.50	July 1, 1983
12 Parts:		
1-199	9.00	Jan. 1, 1984
200-299	8.00	Jan. 1, 1983
300-499	9.50	Jan. 1, 1984
500-End	14.00	Jan. 1, 1984
13	13.00	Jan. 1, 1984
14 Parts:		
1-59	13.00	Jan. 1, 1984
60-139	13.00	Jan. 1, 1984
140-199	7.00	Jan. 1, 1984
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15 Parts:		
0-299	7.00	Jan. 1, 1984
300-399	13.00	Jan. 1, 1984
400-End	12.00	Jan. 1, 1984

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16 Parts:		
0-149	9.00	Jan. 1, 1984
150-999	9.50	Jan. 1, 1984
1000-End	13.00	Jan. 1, 1984
17 Parts:		
1-239	8.00	Apr. 1, 1983
240-End	7.00	Apr. 1, 1983
18 Parts:		
1-149	7.00	Apr. 1, 1983
150-399	8.00	Apr. 1, 1983
400-End	6.50	Apr. 1, 1984
19	8.50	Apr. 1, 1983
20 Parts:		
*1-399	7.50	Apr. 1, 1984
400-499	7.00	Apr. 1, 1983
500-End	7.50	Apr. 1, 1983
21 Parts:		
1-99	9.00	Apr. 1, 1984
*100-169	12.00	Apr. 1, 1984
170-199	6.50	Apr. 1, 1983
200-299	4.75	Apr. 1, 1983
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500-599	13.00	Apr. 1, 1984
600-799	6.00	Apr. 1, 1984
800-1299	9.50	Apr. 1, 1984
1300-End	6.00	Apr. 1, 1984
*22	17.00	Apr. 1, 1984
*23	13.00	Apr. 1, 1984
24 Parts:		
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200-499	8.00	Apr. 1, 1983
500-699	6.00	Apr. 1, 1984
500-799	5.00	Apr. 1, 1983
800-1699	6.50	Apr. 1, 1983
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*40-299	14.00	Apr. 1, 1984
300-499	6.00	Apr. 1, 1983
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600-End	5.50	Apr. 1, 1984
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1-199	6.50	Apr. 1, 1983
200-End	6.50	Apr. 1, 1983
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200-699	5.50	Oct. 1, 1983
700-End	13.00	Oct. 1, 1983
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200-End	6.50	July 1, 1983

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300–399	6.00	July 1, 1983
400–End	15.00	July 1, 1983
35	5.50	July 1, 1983
36 Parts:		
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18–End	6.50	July 1, 1983
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[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[2] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).

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