10-30-84
Vol. 49 No. 211
Pages 43543-43618

federal register

Tuesday
October 30, 1984

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Environmental Protection Agency

Aviation Safety
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Food and Drug Administration

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Federal Home Loan Bank Board

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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

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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-ACE-10]

Alteration of Transition Area—Wichita, KS

Correction

In FR Doc. 84-27256 beginning on page 40400 in the issue of Tuesday, October 16, 1984, make the following corrections in the first column on page 40401:

1. In the sixteenth line from the top, "97°40'21" N" should read "37°40'21" N".
2. In the nineteenth line from the top, "37°13'16" W" should read "97°13'16" W".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket Nos. RM84-6-003 Through RM84-6-014]

Refunds Resulting From Btu Measurement Adjustments Issued October 24, 1984

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting stay and rehearing for purpose of further consideration.

SUMMARY: On September 20, 1984, the Federal Energy Regulatory Commission (Commission) issued Order No. 399, 49 FR 37735 (Sept. 26, 1984), amending and finalizing its regulations that establish refund procedures for overcharges resulting from Btu measurement adjustments. Various parties to this proceeding have filed petitions for rehearing and for stay of the order. In order to afford additional time for consideration of the issues raised in the petitions for rehearing and to enable the Commission to act on all petitions concurrently, the Commission is granting rehearing of Order No. 399 for the limited purpose of further consideration. In addition, the deadline for refunds by large first sellers is extended.

DATES: This order is effective October 24, 1984. The deadline for filing refunds by large first sellers is extended from November 5, 1984, to 10 days after the issuance of the Commission's order on the merits of the petitions for rehearing.

FOR FURTHER INFORMATION CONTACT: Darrell Blakeway, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8696.

SUPPLEMENTARY INFORMATION:

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

In the matter of refunds resulting from Btu measurement adjustments; Docket Nos. RM84-6-003 through RM84-6-014.

Order Granting Stay and Rehearing for the Purpose of Further Consideration

Issued October 24, 1984.

On October 5, 1984, the Commission received a request for an expedited rehearing of Order No. 399 [1] and a petition for a stay of that order from a group of natural gas producers.[2] A similar pleading was filed by Pennzoil Company on October 10, 1984. Other petitions for rehearing only and for rehearing and stay were filed by October 22, 1984.[3] As discussed below, we grant the petitions for rehearing for the purpose of further consideration.

The producers also pray for a stay of the November 5, 1984, deadline for lump sum payments by "large first sellers." They assert that there is insufficient time between the issuance date of Order No. 399 (September 20, 1984) and the November 5th deadline to compile the requisite data and accurately calculate the amount of the refunds due. They allege that many pipelines to whom such payments are due have been dilatory in providing the necessary data. The producers also allege that they will lose the opportunity to collect production-related cost allowances (under section 110 of the Natural Gas Policy Act of 1978) that past customers owe them, if they are not permitted in this proceeding to offset those liabilities against their own liabilites to their past customers.

Answers to the request for stay were filed by Southern California Gas Company and Pacific Lighting Gas Supply Company (jointly), Associated Gas Distributors, Memphis Light, Gas and Water Division, the American Paper Institute, and jointly by the Process Gas Consumers Group, the American Iron and Steel Institute, the Brick Institute of America, and Kimberly-Clark Corporation. All oppose the stay. However, the American Paper Institute does not oppose a short extension of time for compliance with Order No. 399, if the Commission finds such an extension is necessary due to cash flow and administrative problems.

The answers in opposition to the stay generally raise substantive arguments against allowing NGPA section 110 offsets to Btu refund liabilities, and take issue with the producer's assertion that they meet the grounds for a stay. Opponents of the stay specifically argue that the producers have failed to show that they are likely to prevail on the merits, that the balancing of equities does not weigh in favor of the stay, and that the producers have not shown that they will be irreparably harmed if

[1] Order No. 399 was issued on September 20, 1984, 49 FR 37735 (Sept. 26, 1984); 28 FERC ¶ 61,739 (1984).

[2] The filing was made by Mobil Oil Corporation, Mobil Oil Exploration & Producing Southeast, Inc., Mobil Producing Texas & New Mexico, Inc., and on behalf of Aminoil USA, Inc., Amoco Production Company, Arco Oil & Gas Company, Champlin Petroleum Company, Chevron U.S.A., Inc., Gulf Oil Corporation, Marathon Oil Company, Monsanto Oil Company, Phillips Petroleum Company, Phillips Oil Company, Placid Oil Company, Shell Oil Company, Shell Offshore, Inc., Shell Western E & P Inc., Sohio Petroleum Company, Sun Exploration and Production Company, Tenneco Oil Company, and Tenneco, Inc.

[3] Consolidated Gas Transmission Corporation, Kerr-McGee Corporation (adopting the pleadings of the producer group), and Panhandle Eastern Pipeline Company and Trunkline Gas Company (filing jointly) seek rehearing and a stay. Mesa Petroleum Co., Pogo Producing Company, Tennessee Gas Pipeline Company (a Division of Tenneco, Inc.), Southern California Gas Company and Pacific Lighting Gas Supply Company (filing jointly), Pitts Oil Company, Sage Energy Company and Clayton W. Williams, Jr., Co. (filing jointly), Mississippi Chemical Corporation and Inland Ocean, Inc. seek rehearing only.

required to make refunds as required in Order No. 399.

To balance the concerns of both the proponents of the stay and its opponents, we are granting a limited stay to the effectiveness of Order No. 399, with respect to the November 5, 1984, deadline for refund payments by large first sellers until the tenth day following issuance of our order disposing of the petitions for rehearing.

With respect to the petitions for rehearing, we are concerned that all parties to this proceeding who may desire judicial review of Order No. 399 have an opportunity to seek such review of our final disposition of the petitions for rehearing on the merits. If we were to act finally on the earlier petitions for rehearing, and not the ones received at or near the deadline of October 22, 1984, which we have not yet had an opportunity to fully consider, the parties whose petitions were acted upon would be able to seek judicial review before the Commission acts finally on the merits of all the petitions. We anticipate acting on these petitions for rehearing in the very near future. We therefore grant all petitions for rehearing received in this docket for the purpose of further consideration, so that no petitions are deemed denied by operation of law, and to give us an opportunity to assess all the issues raised.

The Commission orders: (A) Rehearing of Order No. 399 is granted for the limited purpose of further consideration. As provided in Rule 713(d) of the Commission's Rules of Practice and Procedure, 18 CFR 385.713(d) (1984), no answers to the requests for rehearing will be entertained by the Commission.

(B) The deadline for refunds by large first sellers, November 5, 1984, established in Ordering Paragraph (A) of Order No. 399, is extended until 10 days after the issuance of the Commission's order on the merits of the petitions for rehearing, and the date for filing corresponding refund reports is extended until 45 days from the new deadline for refunds by large first sellers.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-28517 Filed 10-29-84; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM80-53]

Natural Gas Policy Act; Maximum Lawful Prices

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(l), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of November and December 1984. January 1985 figures will be published at a later date. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: November 1, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPPR, (202) 357-8500.

SUPPLEMENTARY INFORMATION:

Order of the Director, OPPR

Publication of Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978; Docket No. RM80-53.

Issued: October 24, 1984.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(l) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of November and December 1984, are issued by the publication of the price tables for the applicable quarter. January 1985 figures will be published at a later date. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103, 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to August 1984 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

§ 271.101 [Amended]

1. Section 271.101(a) is amended by inserting the maximum lawful prices for November and December 1984 in Table I and II.

§ 271.102 [Amended]

2. Section 271.102(c) is amended by inserting the inflation adjustment for the months of November and December 1984 in Table III.

TABLE I.—NATURAL GAS CEILING PRICES

[Other than NGPA sections 104 and 106(a) maximum lawful price per MMBtu for deliveries in]

Subpart of part 271	NGPA section	Category of gas	Nov. 1984	Dec. 1984
B	102	New natural gas, certain OSC gas.	$3.821	$3.845
C	103	New, onshore production wells.	2.942	2.951
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas.	1.681	1.686
G	107(c)(5)	Gas produced from tight formations.	5.884	5.902
H	108	Stripper gas	4.092	4.118
I	109	Not otherwise covered.	2.436	2.443

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(A) (SUBPART D, PART 271)

[Maximum Lawful price per MMBtu for deliveries made in]

Category of natural gas	Type of sale or contract	Nov. 1984	Dec. 1984
Post-1974 gas	All producers	$2.436	$2.449
1973-74 Biennium gas.	Small producer	2.063	2.069
Do	Large producer	1.572	1.577
Interstate rollover gas.	All producers	.904	.907
Replacement contract gas or recompletion gas.	Small producer	1.157	1.161
Do	Larger producer	.885	.888
Flowing gas	Small producer	.586	.589
Do	Large producer	.495	.497
Certain Permian Basin gas.	Small producer	.690	.692
Do	Large producer	.609	.611
Certain Rocky Mountain gas.	Small producer	.690	.692
Do	Large producer	.586	.588
Certain Appalachian Basin gas.	North subarea contracts dated after Oct. 7, 1969.	.555	.557
Do	Other contracts	.513	.515
Minimum rate gas [1]	All producer	.302	.303

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery 1984	Factory by which price in preceding month is multiplied
November	1.00311
December	1.00311

[FR Doc. 84-28509 Filed 10-29-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary of Housing—Federal Housing Commissioner

24 CFR Parts 232 and 235

[Docket No. R-84-1211; FR-2054]

Mortgage Insurance—Changes in Interest Rates

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

ACTION: Final rule.

SUMMARY: This change in the regulations decreases the maximum allowable interest rate on section 232 (Mortgage Insurance for Nursing Homes) and on section 235 (Homeownership for Lower Income Families) insured loans. This final rule is intended to bring the maximum permissible financing charges for these programs into line with competitive market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: October 22, 1984.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Chief Mortgage and Capital Market Analysis Branch, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-7270. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The following amendments to 24 CFR Chapter II have been made to decrease the maximum interest rate which may be charged on loans insured by this Department under section 232 (fire safety equipment) and section 235 of the National Housing Act. The maximum interest rate on the HUD/FHA section 232 (fire safety equipment) and section 235 insurance programs has been lowered from 13.50 percent to 13.00 percent.

The Secretary has determined that this change is immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1.

As a matter of policy, the Department submits most of its rulemaking to public comment, either before or after effectiveness of the action. In this instance, however, the Secretary has determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this final rule effective immediately.

HUD regulations published at 47 FR 56266 (1982), amending 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the amendments made by this rule fall within the categorical exclusions set forth in paragraph (*l*) of § 50.20, the preparation of an Environmental Impact Statement or Finding of No Significant Impact is not required for this rule.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local governmental agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule provides for a small increase in the mortgage interest rate in programs of limited applicability, and thus of minimal effect on small entities.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15902) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 14.108, 14.117, and 14.120.

List of Subjects

24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance, Homeownership, Grant programs: housing and community development.

24 CFR Part 232

Fire prevention, Health facilities, Loan programs: Health, Loan programs: Housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities.

Accordingly, the Department amends 24 CFR Parts 232 and 235 as follows:

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

1. In § 232.560, paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 13.00 percent per annum, except that where an application for commitment was received by the Secretary before October 22, 1984, the loan may bear interest at the maximum rate in effect at the time of application.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOMEOWNERSHIP AND PROJECT REHABILITATION

2. In § 235.9, paragraph (a) is revised to read as follows:

§ 235.9 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 13.00 percent per annum, except that where an application for commitment was received by the Secretary before October 22, 1984, the loan may bear interest at the maximum rate in effect at the time of application.

* * * * *

3. In § 235.540, paragraph (a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) On or after October 22, 1984, the loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 13.00 percent per annum, with the exception of applications submitted pursuant to feasibility letters, or outstanding conditional or firm commitments, issued prior to the effective date of the new rate. In these instances, applications will be processed at a rate not exceeding the applicable previous maximum rates, if the higher rate was previously agreed

upon by the parties. Notwithstanding these exceptions, the application will be processed at the new lower rate if requested by the mortgagee.

* * * * *

(Sec. 3(a), 82 Stat. 113 (12 U.S.C. 1709–1); Sec. 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: October 19, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing, FHA Commissioner.

[FR Doc. 84–28540 Filed 10–29–84; 8:45 am]

BILLING CODE 4210–27–M

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty; To Revise the Occupancy Requirements for Home Improvement and Refinancing Loans

Correction

In FR Doc. 84–27914 beginning on page 42570 in the issue of Tuesday, October 23, 1984, make the following correction: In the second line of the **EFFECTIVE DATE,** the date should read "November 23, 1984".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–1–FRL–2704–8]

Approval and Promulgation of Implementation Plans; Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan revision submitted by the Commonwealth of Massachusetts. This revision establishes a lead attainment and maintenance plan for Massachusetts as required under section 110 of the Clean Air Act.

EFFECTIVE DATE: November 29, 1984.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2313, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street, SW, Washington, D.C. 20460; Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20408; and the Division of Air Quality Control, Department of Environmental Quality Engineering, One Winter Street, Boston, MA. 02108.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, (617) 223–5133.

SUPPLEMENTARY INFORMATION: On May 31, 1984 (49 FR 22670) EPA published a Notice of Proposed Rulemaking (NPR) for the draft Massachusetts State Implementation Plan for attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for lead. In the NPR we requested an interpretation of Massachusett's new source review permitting authority. The final SIP revision for the attainment and maintenance of the NAAQs for lead was submitted on July 13, and August 17, 1984. The August 17, 1984 letter, the July 13, 1984 cover letter and the State's Decision Memorandum submitted with the final SIP revision state that under 310 CMR 7.02(2) (a), (b) and (13), any new major sources of lead, with the potential to emit five tons or more per year, will be required to meet New Source Performance Standards and implement Best Available Control Technology. The revisions and the rationale for EPA's proposed approval were explained in the NPR. It will not be restated here since this final SIP revision does not differ from the draft submitted on March 23, 1984. No public comments were received on the NPR.

Final action: EPA is approving Massachusetts SIP revision for the attainment and maintenance of the NAAQS for lead.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 31, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

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

Dated: October 22, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart W—Massachusetts

Section 52.1120 is amended by adding paragraph (c)(66) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(66) Attainment and maintenance plans for lead, submitted on July 13 and August 17, 1984 by the Department of Environmental Quality Engineering.

[FR Doc. 84–28298 Filed 10–29–84; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 81

[Docket No. A–1–FRL–2704–7]

Carbon Monoxide Redesignations; Attainment States Designations; Maine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this Notice is to redesignate Bangor and Lewiston, Maine fron non-attainment to attainment for carbon monoxide. On May 3, 1984, the State of Maine submitted requests for these redesignations. This action is being taken under section 107 of the Clean Air Act.

EFFECTIVE DATE: This action will be effective December 31, 1984, unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2313, JFK Federal Building, Boston, Massachusetts 02203. Copies of Maine's requests are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2313, JFK Building, Boston, MA 02203; and the Department of Environmental Protection, Ray Building, Augusta, Maine 04333.

FOR FURTHER INFORMATION CONTACT: Thomas Wholley, (617) 223–5633.

SUPPLEMENTARY INFORMATION: On May 3, 1984, Maine submitted requests to redesignate Bangor and Lewiston from non-attainment to attainment for carbon

monoxide. These submissions include monotoring and modeling information to support the State's requests. Based on the technical support in these submittals, EPA is approving the requests. The rationale for this approval is summarized below:

A. Bangor

The Bangor carbon monoxide monitoring site is located at a downtown intersection. This monitoring site measured violations of the carbon monoxide National Ambient Air Quality Standards (NAAQS) from 1974 through 1978. As a result, Maine requested that Bangor be designated nonattainment. EPA approved this designation on March 3, 1978 (43 FR 8963). Subsequent to the last violation recorded in December, 1978, fourteen consecutive quarters of data were collected with no recorded violations. In addition to this long-term monitoring site, monitoring data were gathered in 1975 from several other locations with traffic congestion to document that the long-term site was recording the maximum carbon monoxide levels in Bangor. In April of 1983, the State relocated the monitoring site to Portland, Maine.

On May 1, 1979, October 26, 1979 and December 20, 1979, Maine submitted an attainment plan for Bangor. EPA approved this plan on February 19, 1980 (45 FR 10766). The State's May 3, 1984 submission documents that all the transportation control measures in the plan were fully implemented by September 1981.

Lewiston

Maine requested that Lewiston be designated non-attainment for carbon monoxide based upon monitoring data collected at a downtown location indicating violations of the NAAQS. EPA approved this designation on March 3, 1978 (43 FR 8963). Violations continued to be recorded through the first quarter of 1980. Three quarters of data were subsequently collected with no recorded violations. In January of 1981, the monitoring site had to be discontinued due to the loss of access to the site. The State was unable to relocate the monitoring site due to resource constraints. Maine's submission included a detailed modeling analysis that demonstrated that the monitoring site was located where one would expect to see the highest carbon monoxide values in the downtown area and that the monitoring site would not have been expected to record violations of the CO standards if it had continued operation. This analysis used EPA's emissions model MOBILE–2 and the Federal Highway Administration's dispersion model CALINE–3. The input data used in the modeling (such as years of analysis, temperature, wind speed, wind direction, stability class, traffic data, percent hot-cold starts, background and emission factors) are acceptable to EPA and represent worst case conditions.

On May 1, 1979, October 26, 1979 and December 20, 1979 Maine submitted an attainment plan for Lewiston. EPA approved this plan on February 19, 1980 (45 FR 10766). The modeling analysis clearly demonstrates that the implementation of transportation control measures committed to in the attainment plan has reduced carbon monoxide emissions such that all locations in Lewiston would be expected to be in attainment for at least the last eight consecutive quarters. The State's May 3, 1984 submission documents that the measures contained in the attainment plan have been fully implemented.

Action

EPA is approving Maine's requests to redesignate Lewiston and Bangor to attainment for carbon monoxide.

EPA is approving these requests without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. This action will be effective 60 days from the date of publication of this **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective 60 days from today.

I certify that this redesignation does not have a significant economic impact on a substantial number of small entities.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements.

(See sec. 307(b)(2))

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

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

Dated: October 22, 1984.

William D. Ruckelshaus,

Administrator.

PART 81—[AMENDED]

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

1. In § 81.320 the attainment status designation table for Carbon Monoxide is revised to read as follows:

§ 81.320 Maine

MAINE—CO

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
Entire State		X

* * * * *

[FR Doc. 84–28299 Filed 10–29–84; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6629]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction,

Federal Insurance Administration, (202) 287–0222, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in noncompliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Region I					
Connecticut:					
Windham	Danielson, borough of	090169A	Feb. 17, 1976—Emerg Nov. 1, 1984—Reg Nov. 1, 1984—Susp	Jan. 24, 1975	Nov. 1, 1984.
Do	Thompson, town of	090117B	June 26, 1975—Emerg Nov. 1, 1984—Reg Nov. 1, 1984—Susp	May 17, 1974 & July 26, 1977.	Do.
Do	Woodstock, town of	090120B	Sept. 25, 1975—Emerg Nov. 1, 1984—Reg Nov. 1, 1984—Susp	Sept. 20, 1974 & Mar. 11, 1977.	Do.
Rhode Island:					
Providence	Cranston, city of	445396B	Sept. 11, 1970—Emerg Aug. 27, 1971—Reg Nov. 1, 1984—Susp	Aug. 28, 1971, July 1, 1974 & May 21, 1976.	Do.
Washington	Narragansett, town of	445402C	Sept. 18, 1970—Emerg Dec. 3, 1971—Reg Nov. 1, 1984—Susp	Dec. 7, 1971, July 1, 1974 & Dec. 3, 1976.	Do.
Region II					
New Jersey: Bergen	Garfield, town of	340037B	May 5, 1972—Emerg Apr. 15, 1980—Reg. Nov. 1, 1984—Susp	June 29, 1973 & Apr. 15, 1980.	Do.
New York: Ulster	Olive, town of	360860B	July 7, 1975—Emerg Nov. 1, 1984—Reg Nov. 1, 1984—Susp	June 17, 1974 & July 30, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Region III					
Maryland: Calvert	Chesapeake Beach, town of	240100B	Sept. 15, 1975—Emerg Nov. 1, 1984—Reg Nov. 1, 1984—Susp	Oct. 18, 1974 & Feb. 18, 1977.	Do.
Talbot	St. Michaels, town of	240069B	Feb. 7, 1975—Emerg Nov. 1, 1984—Reg Nov. 1, 1984—Susp	Aug. 30, 1974 & June 25, 1976.	Do.
Region V					
Indiana: Adams	Geneva, town of	180002C	May 30, 1975—Emerg Nov. 1, 1984—Reg Nov. 1, 1984—Susp	Nov. 23, 1973, June 11, 1976 & Jan. 12, 1979.	Do.
Region VI					
Texas: Brazoria	Brookside Village, city of	480067B	Oct. 9, 1974—Emerg Nov. 1, 1984—Reg Nov. 1, 1984—Susp	June 28, 1974 & June 18, 1976.	Do.
Region X					
Idaho: Twin Falls	Twin Falls, city of	160120B	June 2, 1975—Emerg Nov. 1, 1984—Reg Nov. 1, 1984—Susp	June 7, 1974 & Feb. 27, 1976.	Do.

[1] Date certain Federal assistance no longer available in special hazard areas.

Code for reading 4th column: Emerg.—Emergency, Reg.—Regular, Susp.—Suspension.

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

Issued: October 24, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-28533 Filed 10-29-84; 8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Refuge Specific Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This document supplements Federal Register document 49 FR 36736 published on September 19, 1984, that issued refuge specific hunting regulations for national wildlife refuges. This rule issues hunting regulations for Great Dismal Swamp, Horicon, Merced, Minnesota Valley and Muscatatuck National Wildlife Refuges. The Service is also amending the migratory game bird regulations for Hillside, Mathews Brake, Morgan Brake, Panther Swamp, Sherburne and Tamarac National Wildlife Refuges, by listing in those regulations the requirement for use of only steel shot on these refuges.

DATE: October 30, 1984.

FOR FURTHER INFORMATION CONTACT: James F. Gillett, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW. Washington, D.C. 20240; Telephone (202) 343–4311.

SUPPLEMENTARY INFORMATION: On July 3, 1984, the Service proposed refuge specific hunting regulations for most of the national wildlife refuges that require them (49 FR 27334). Migratory game bird regulations for Horicon, Merced and Minnesota Valley National Wildlife Refuges, upland game regulations for Minnesota Valley National Wildlife Refuge (NWR) and big game regulations for Minnesota Valley NWR, Muscatatuck NWR and the North Carolina portion of Great Dismal Swamp NWR were inadvertently omitted from the July 3, 1984, publication. A supplemental proposed rule was published on September 10, 1984 (49 FR 35530), that contained the proposed refuge specific hunting regulations for these refuges. Subsequently, the hunting regulations proposed on July 3, 1984, were issued in a final rule published on September 19, 1984, (49 FR 36736). This Rulemaking document supplements the September 19, 1984, document by adding refuge specific hunting regulations to §§ 32.12, 32.22 and 32.32 for the refuges mentioned above.

The September 19, 1984, rule contained the migratory game bird hunting regulations for Hillside, Mathews Brake, Morgan Brake, Panther Swamp, Sherburne and Tamarac National Wildlife Refuges. These regulations did not list the requirement for the use of steel shot on these refuges because they were inadvertently omitted from the July 3, 1984, proposed rule. The use of steel shot for migratory waterfowl hunting has been required at those refuges for several years, including the 1983–84 season, and the Service proposed the listing of steel shot requirements for those refuges in the September 10, 1984, supplemental proposed rule. This final rule adds the steel shot requirement to the regulations for each of these refuges in § 32.12.

These amendments to 50 CFR do not establish any new hunting programs or require the use of steel shot at any refuge where it was not required during the 1983–1984 waterfowl hunting season.

Response to Comment Received

One organization responded to the Service's request for public comment on this rulemaking. The issue raised by this organization was that steel shot is not required for waterfowl hunting at Merced NWR. This organization believes that only steel shot should be used for waterfowl hunting for the

following reasons: (a) Lead poisoning has been documented as the cause of death for birds found on Merced NWR, (b) during the 1976–77 hunting season, 9.9% of a sample of pintails collected from the Merced NWR had ingested steel shot, (c) lead poisoning has been documented on areas surrounding the refuge, and (d) the area surrounding the refuge is subject to intensive hunting pressure.

Service Response: The Service believes that current conditions on Merced NWR and the scope of the waterfowl hunting program do not warrant the required use of only steel shot for waterfowl hunting on the refuge. Since the 1977–78 hunting season only two birds were identified as dying from lead poisoning. In addition, lead shot ingestion rates from the 1976–77 through the 1982–83 hunting seasons averaged approximately 5%. A 5% ingestion rate falls below the Pacific Flyway Council's criteria for establishing non-toxic shot zones. Waterfowl hunting on the refuge will be permitted two days a week and limited to 40 hunters per day. Under these conditions hunting pressure and deposition of lead shot will be minimal.

Conformance with Statutory and Regulatory Authorities

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, section 4(d)(1)(A) of the Refuge System Administration Act authorizes the Secretary under such regulations as he may prescribe, to permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations and access when he determines that such uses are compatible with the major purposes for which such areas were established.

The Refuge Recreation Act authorizes the Secretary of the Interior to administer refuge areas within the National Wildlife Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the areas were established. The Refuge Recreation Act also authorizes the Secretary to issue regulations to carry out the purposes of the Act.

Hunting plans are developed for each hunting program on a refuge prior to the opening of the refuge to hunting. In some cases, refuge specific regulations are included as a part of the hunting plan to ensure the compatibility of the hunting programs with the purposes of which the affected national wildlife refuges were established. Compliance with the Refuge Administration and Refuge Recreation Acts is ensured when the hunting plans are developed and the determinations required by these acts are made prior to the addition of the refuge to the lists of areas open to hunting in 50 CFR.

It has heretofore been determined that, with respect to each of the refuges listed below, hunting in accordance with the pertinent refuge specific regulations is compatible with the purposes for which each refuge was established, and further that such recreational use of each refuge will not interfere with the primary purpose for which it was established. Funds are available for the development, operation and maintenance of this form of recreation.

Economic Effect

Executive Order 12291, "Federal Regulation" of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of $100 million or more; a major increase in costs of prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small businesses, organizations or governmental jurisdictions.

Theses actions will not significantly alter existing refuge hunting programs and, therefore, are not expected to have any gross economic effect and will not cause an increase in costs or prices for consumers, individual industries, Federal, State or local governments, agencies, or geographic regions. Accordingly, the Department of the Interior has determined that this rule is not a "major rule" within the meaning of Executive Order 12291 and would not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act

The Service has received approval from the Office of Management and Budget (OMB) for the information collection requirements of these regulations pursuant to the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*). These requirements are presently approved by OMB as cited below:

Type of information collection	OMB approval No.
Hunter surveys	1018–0044
Special use permits	1018–0046
Hunter reservation/application/blind/assignment	1018–0047
Weapon qualification	1018–0050

The regulations in this rule impose no new reporting or recordkeeping requirements that must be cleared by OMB.

Enviromental Considerations

The "Final Environmental Statement for the Operation of the National Wildlife Refuge System" [FES 78–59] was filed with the Council on Environmental Quality on November 12, 1976; a notice of availability was published in the **Federal Register** on November 19, 1977 (41 FR 51131). Hunting plans are developed for each hunting program on a refuge prior to the opening of the refuge to hunting. Compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331(c)) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) is ensured when the hunting plans are developed, and the determinations required by these acts are made prior to the addition of the refuge to lists of areas open to hunting in 50 CFR. Also, refuge specific hunting regulations are subject to a categorical exclusion from the NEPA process if they do not significantly alter the existing use of the refuge. The refuge specific hunti .g regulations that are issued in this rulemaking do not significantly alter the existing use of national wildlife refuges.

Richard Frietsche, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C., is the primary author of this rulemaking document.

Information regarding the conditions that apply to individual refuge hunts and a map of the hunt area are available at refuge headquarters.

In view of the rapidly approaching hunting seasons, there is an immediate need to place these regulations into effect. The absence of refuge specific hunting regulations during the early stages of the hunting seasons would be contrary to the public interest, hunter safety, and wildlife conservation. Thus the Department has concluded that good cause exists within the meaning of 5 U.S.C. 553 (d)(3) and (b)(B) of the Administrative Procedure Act to make these regulations effective upon publication in the **Federal Register**.

List of Subjects in 50 CFR Part 32

Hunting, National wildlife refuge system, Wildlife, Wildlife refuges.

For the reasons set out in the preamble, Part 32, Subchapter C, Chapter 1 of Title 50, *Code of Federal Regulations*, is amended as set forth below.

PART 32—[AMENDED]

1. The authority citation for Part 32 reads as follows:

Authority: Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270, sec. 4, 76 Stat. 654, as amended, sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 703, 704, 43 U.S.C. 315a, 16 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb, unless otherwise noted.

2. Section 32.12 is amended by redesignating paragraphs (e)(7) through (e)(13) as paragraphs (e)(8) through (e)(14), respectively; by adding a new paragraph (e)(7); by redesignating paragraphs (t)(1) and (t)(2) as paragraphs (t)(2) and (t)(3), respectively; by adding new paragraphs (t)(1), (t)(2)(iv) and (t)(3)(iii); by adding a new paragraph (u)(1)(iii); by revising paragraphs (u)(2), (u)(3), and (u)(5); by redesignating paragraphs (qq)(1) and (qq)(2) as paragraphs (qq)(2) and (qq)(3), respectively; and by adding a new paragraph (qq)(1) as follows:

§ 32.12 Refuge specific regulations; migratory game birds.

* * * * *

(e) * * *

(7) *Merced National Wildlife Refuge.* Hunting of geese, ducks, coots, gallinules and common snipe is permitted on designated areas of the refuge subject to the following conditions:

(i) Firearms must be unloaded while being transported between parking areas and blind sites.

(ii) Snipe hunting is not permitted in the spaced blind unit.

(iii) Hunters assigned to the spaced blind unit are restricted to their assigned blind except for retrieving downed birds, placing decoys or traveling to and from the parking area.

(iv) Hunters must hunt from assigned blinds except when shooting to retrieve crippled birds.

* * * * *

(t)(1) *Minnnesota Valley National Wildlife Refuge.* Hunting of geese, ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

(i) Permits are required.

(ii) Only participants in the refuge's Young Wild Fowlers program are permitted to hunt.

(iii) Hunters must use and be in possession only of shells containing steel shot.

(2) * * *

(iv) Waterfowl hunters must use and be in possession only of shells containing steel shot.

(3) * * *

(iii) Waterfowl hunters must use and be in possession only of shells containing steel shot.

(u) * * *

(1) * * *

(iii) Waterfowl hunters must use and be in possession only of shells containing steel shot.

(2) *Mathews Brake National Wildlife Refuge.* Hunting of ducks, coots, woodcock and snipe is permitted on designated areas of the refuge subject to the following conditions:

(i) Duck and coot hunting is permitted until noon each day.

(ii) Waterfowl hunters must use and be in possession only of shells containing steel shot.

(3) *Morgan Brake National Wildlife Refuge.* Hunting of ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

(i) Hunting is permitted until noon each day.

(ii) Hunters must use and be in possession only of shells containing steel shot.

* * * * *

(5) *Panther Swamp National Wildlife Refuge.* Hunting of ducks, coots, snipe and woodcock is permitted on designated areas of the refuge subject to the following conditions:

(i) Duck and coot hunting is permitted until noon each day.

(ii) Waterfowl hunters must use and be in possession only of shells containing steel shot.

* * * * *

(qq) *Wisconsin* (1)–*Horicon National Wildlife Refuge.* Hunting of ducks and coots is permitted on designated areas of the refuge subject to the following conditions:

(i) Permits are required.

(ii) Only participants in the refuge's Young Wild Fowlers program are permitted to hunt.

(iii) Hunters must use and be in possession only of shells containing steel shot.

* * * * *

3. Section 32.22 is amended by redesignating paragraphs (u)(2) through (u)(4) as paragraphs (u)(3) through (u)(5), respectively; and by adding a new paragraph (u)(2) as follows:

§ 32.22 Refuge specific regulations; upland game.

* * * * *

(u) * * *

(2) *Minnesota Valley National Wildlife Refuge.* Hunting of pheasant, gray and fox squirrel and cottontail rabbit is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

4. Section 32.32 is amended by redesignating (o) through (ss) as paragraphs (p) through (tt), respectively; by adding a new paragraph (o); by redesignating newly designated paragraphs (w)(3) through (w)(5) as (w)(4) through (w)(6), respectively and adding a new paragraph (w)(3). Also, newly designated paragraphs (ff)(1) through (ff)(3) are redesignated as paragraphs (ff)(2) through (ff)(4), respectively, and a new paragraph (ff)(1) is added to read as follows:

§ 32.32 Refuge specific regulations; big game.

* * * * *

(o) *Indiana—Muscatatuck National Wildlife Refuge.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

(1) Permits are required.

(2) Only bow and arrow and muzzleloaders are permitted.

(3) The construction and use of permanent blinds, platforms or ladders is not permitted.

* * * * *

(w) * * *

(3) *Minnesota Valley National Wildlife Refuge.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

* * * * *

(ff) * * *

(1) *Great Dismal Swamp National Wildlife Refuge.* Hunting of deer is permitted on designated areas of the refuge subject to the following condition: Permits are required.

Dated: October 11, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-28519 Filed 10-29-84; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 49, No. 211
Tuesday, October 30, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 725

Flue-Cured Tobacco Acreage Allotment and Marketing Quota Regulations; Determination on Request for Comments

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination on request for comments.

SUMMARY: This notice sets forth the determination of the Department with respect to a notice of request for comments printed in the **Federal Register** on June 27, 1984 (49 FR 26536). The notice of request for comments sought public comments and suggestions on the promulgation of regulations which would provide that, beginning with the 1985 crop of flue-cured tobacco, none of the consideration for the lease of such tobacco may be paid to the lessor prior to the marketing of the flue-cured tobacco which is produced under the lease on the farm for which such allotment and quota is established.

DATE: This determination is effective October 25, 1984.

FOR FURTHER INFORMATION CONTACT: C. Douglas Richardson, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013 (202) 447–4281.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major." It has been determined that this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

The Dairy and Tobacco Adjustment Act of 1983 amended section 316 of the Agricultural Adjustment Act of 1938 (the "1983 Act") to provide that, beginning with the 1985 crop of flue-cured tobacco, a lease and transfer of all or any part of a flue-cured tobacco acreage allotment and marketing quota may not be approved unless both the transferring farm owner and the lessee certify that none of the consideration for the lease has been or will be paid to the lessor, either directly or indirectly in any form, prior to the marketing of the tobacco which is produced under the lease. A false statement by the lessor will result in a reduction in the lessor's next established flue-cured tobacco acreage allotment and marketing quota. A false statement by the lessee will result in the lease agreement being declared null and void with respect to the lessee's farm and could result in loss of eligibility for Commodity Credit Corporation (CCC) price support loans and the assessment of a marketing quota penalty. On August 24, 1984 (49 FR 33621) a final rule was published setting forth amendments to 7 CFR 725.72 to implement these changes to section 316 of the 1938 Act.

Section 316 was also amended to provide that, beginning with the 1985 crop of flue-cured tobacco, the Secretary shall promulgate regulations establishing, insofar as is reasonably practicable, a similar requirement with respect to the payment of consideration for the lease of any flue-cured tobacco acreage allotment and marketing quota under which the lessee will produce the tobacco on the farm for which such allotment and quota are established. This notice sets forth the determination of the Department with respect to this issue.

Notice of Request for Comments

The Department recognizes that substantial differences exist between the lease and transfer and the leasing of flue-cured tobacco acreage allotments and marketing quotas. For example, the regulations currently set forth at 7 CFR 725.72 require the approval of the county Agricultural Stabilization and Conservation (ASC) committee when there is a lease and transfer of a flue-cured tobacco acreage allotment and marketing quota from the farm for which the flue-cured tobacco acreage allotment and marketing quota are established to a farm owned or operated by the lessee. However, county ASC committee approval is not required if a flue-cured tobacco acreage allotment and marketing quota established for a farm are leased by the farm owner to the lessee for the production of flue-cured tobacco on the lessor's farm.

In view of the different financial and related production arrangements which exist under a lease when flue-cured tobacco is produced on the lessor's farm as contrasted with a lease and transfer of a flue-cured tobacco acreage allotment and marketing quota, a notice of request for comments was published in the **Federal Register** on June 27, 1984 (49 FR 26536) that requested public comments with respect to the practicality of implementing a rule to prohibit the payment of any of the consideration for the lease of flue-cured tobacco acreage allotments and marketing quotas prior to the time of marketing the tobacco which is produced under the lease. This requirement would only be applicable when the lessee produces flue-cured

tobacco on the farm for which such allotment and quota is established.

The notice of request for comments identified four specific areas of concern and requested that particular attention be given to the following issues:

1. Should all farm owners and all flue-cured tobacco producers be required to file certifications stating whether or not flue-cured tobacco acreage allotments and marketing quotas have been leased? If a farm owner certifies that no lease is involved, should the county ASC committees make further inquiry concerning the accuracy of such a certification?

2. Considering the varying lease arrangements throughout the flue-cured tobacco producing area, what method will ensure that all lessors and lessees are contracted by ASCS when determining compliance with such a fall payment provision. How may ASCS determine which lessors actually received payment for the leased flue-cured tobacco acreage allotments and marketing quotas prior to the marketing of the tobacco produced under the lease?

3. What actions or penalties should be taken with respect to the violation of fall payment provisions?

4. To what extent should county ASC committees become involved in determining considerations applicable to flue-cured tobacco acreage allotment and marketing quota when a lease covers land or chattels in addition to such allotment and quota?

Summary of Public Comment

A total of 974 persons submitted written comments in response to the notice of request for comments. Responses were received from 956 individuals, 5 State ASC committees, 3 county ASC committees, 3 State farm organizations, 1 grower association, 2 family farm corporations, 2 real estate corporations, and 2 financial institutions. A total of 28 comments did not address any issue on the notice of request for comments. A total of 878 comments opposed the implementation of fall payment provisions addressed in the notice of request for comments while 68 comments favored implementation of such provisions.

Opposing Comments

Opposing comments were received from 863 individuals, 4 State ASC committees, 3 county ASC committees, 2 State farm organizations, 2 family farm corporations, 2 financial institutions, and 2 real estate corporations.

The overwhelming majority of those comments opposing the implementation of fall payment provisions addressed in the notice of request for comments stated that such a rule was an unwarranted intrusion by the Federal government into the free enterprise system. These comments also stated that the financial arrangements for the payment of flue-cured tobacco leases vary considerably from producer to producer and are based upon numerous factors which could not be adequately and equitably addressed by the Department. These comments stated that other farm expenses which are incurred by producers and lessors, such as fertilizer and chemical expenses, must be paid at the time of purchase and that treating lease payments in a different manner would severely disrupt existing financial arrangements with other interested persons.

The vast majority of these comments opposing such a rule also emphasized that the Department would not be able to administer the rule in a manner which was fair and equitable to all flue-cured tobacco producers since all types of related agreements designed to circumvent such a rule could be made without the knowledge of ASCS. These comments also stated that the Department would be unable to ensure compliance by producers and that the Department would not be able to determine which producers and lessors had complied with the fall payment provisions.

Many elderly persons stated that, since they were on social security, the lease payment was their only other income. In addition, they stated that they needed the lease payment when the lease was agreed upon to pay farm expenses which are due in the early part of the year.

Two State farm organizations stated that, with respect to the issues addressed in the notice of request for comments, they knew of no "reasonably practicable" way of promulgating regulations that could be enforced. These organizations also stated that they did not view the situation where the lesssees were growing the tobacco on the farm for which the flue-cured tobacco acreage allotment and marketing quota are established as being a problem of significant concern.

A financial institution stated that crop production loans require that a lien be given on the crop being produced and that if lease or rental payments are not made prior to the production of the crop the establishment of a first lien cannot be perfected. This comment also noted that if leases are not paid in advance of marketing the determination of loan values for crop production financing would present serious complications since there would be no fixed basis for setting such values.

Favorable Comments

A total of 68 comments favored implementation of a rule with respect to the fall payment provisions addressed in the notice of request for comments. Comments were received from 65 individuals, 1 State ASC committee, 1 State farm organization, and 1 grower association. Of these comments, 26 had no recommendation regarding the manner in which such a rule could be implemented.

Of the 68 favorable comments, 67 comments agreed that no consideration should be paid to the lessor for the leased tobacco until the tobacco was marketed. The reasons given for favoring fall payment including saving the lessee interest on borrowed operating capital and that fall payment was a good way to make tobacco acreage allotment and marketing quota owners take some risk in producing the crop.

One State farm organization commented that, while many varied problems could arise with implementation of proposed fall payment regulations, only those rules and regulations which are simple, easily understood, and enforceable should be promulgated. One grower association expressed the view that the fall payment provision should apply to all leased tobacco regardless of where the tobacco is grown.

A total of 42 persons submitted comments and recommendations which addressed one more of the areas of concern raised in the notice of request for comments. Recommendations for implementation are summarized as follows:

1. *Should all farm owners and all flue-cured tobacco producers be required to file certifications stating whether or not acreage allotments and marketing quotas have been leased? If a farm owner certifies that no lease is involved, should the county ASC committees make further inquiry concerning the accuracy of such a certification?*

Recommendations: A total of 38 comments agreed that statements should be filed with ASCS concerning whether or not a lease was in effect and, where applicable, the terms of such lease. Of this total, 5 comments indicated that ASCS should accept certifications as filed with little or no verification while 3 comments suggested that ASCS spot check a percentage of certifications to verify the accuracy of the certifications. No recommendations were received on

how to adequately verify the accuracy of such certifications.

The Department has determined that requiring all farm owners and all flue-cured tobacco producers to file a certification stating whether or not acreage allotments and marketing quotas have been leased would be unduly burdensome on those farm owners and producers who are sharing in the risk of production of the tobacco as contrasted to those producing tobacco under a lease. Also, the Department has determined that, without the expenditure of an inordinate amount of funds, a fair and equitable method cannot be developed to verify the accuracy of certifications filed by farm owners and lessees with respect to the payment of consideration of a lease when such flue-cured acreage allotment and marketing quota is leased for planting tobacco on the lessor's farm.

2. *Considering the different and varying lease arrangements throughout the flue-cured tobacco producing area, what method will ensure that all lessors and lessees are contacted by ASCS when determining compliance with such a fall payment provision and how may ASCS determine those owners who actually receive payment for the leased allotment and quota prior to the marketing of tobacco?*

Recommendations: A total of 23 comments addressed this issue. Nine (9) comments suggested that separate checks be written to the lessor and lessee at the time of marketing tobacco through tobacco auction warehouses. Seven (7) comments recommended that marketing cards not be issued until all farm owners and lessees had signed applicable certifications and 7 comments suggested that ASCS collect and disburse all lease consideration.

ASCS could ensure that all lessors and lessees are contacted by withholding marketing cards until all farm owners and tobacco producers have filed applicable certifications. However, this action could adversely affect tobacco producers in their marketing operations. Because of space constraints, the tobacco marketing cards currently used in marketing flue-cured tobacco cannot be adapted to enter the necessary number of farm owners and the consideration for the lease of the tobacco allotment and quota which is applicable to each owner. Thus, tobacco auction warehouses would not have the necessary information required for issuing separate checks. It has been determined that ASCS should not be an agent for collection and disbursement of lease considerations.

The Department has concluded that a fair and equitable procedure cannot be developed to determine those farm owners who receive payment for the leased flue-cured tobacco acreage allotment and marketing quota prior to the marketing of tobacco produced under the lease considering such factors as varying lease arrangements, the consolidation of separately owned farms into a single farming unit, and absentee landowners

3. *What actions or penalties should be taken with respect to the violation of fall payment provisions?*

Recommendations: A total of 30 comments addressed this issue. Comments varied on the penalty for violations of the fall payment provision and ranged from the position that ASCS should take no action if a violation occurred to the position that there should be a permanent loss of the flue-cured tobacco acreage allotment and marketing quota by the owner if there is any such violation. Twenty-six (26) comments stated that the penalty for violation of the fall payment provision should be severe. One comment stated that no action or penalty should be taken against those who would violate a fall payment provision while 3 comments stated that loss of price support loan eligibility was the appropriate penalty. One comment stated that the penalties for violation should be the same as those for violation of the lease and transfer fall payment provisions which are set forth at 7 CFR 725.72 (49 FR 33621).

A farm owner who filed a false certification and received payment for the lease of the acreage allotment and marketing quota prior to marketing of flue-cured tobacco produced under such lease could have an acreage allotment and marketing quota reduction applied to the subsequent year's flue-cured acreage allotment and marketing quota. However, it has been determined that this is not a viable option since no comparable reduction could be taken against a lessee in such a situation if the lessee did not own a farm for which such an allotment and quota are established. In contrast to a lease and transfer of acreage allotment and marketing quota for which there is a transfer agreement which may be canceled thereby resulting in marketing quota penalties, there would not be a transfer agreement involved with the lease of the acreage allotment and marketing quota which ASCS could cancel.

Thus, it has been determined that ASCS could not equitably assess marketing quota penalties against lessees for violation of such a regulation by applying the provisions of 7 CFR 725.72. It has also been determined that the loss of price support loan eligibility would not in itself be an appropriate action when a violation is discovered after the flue-cured tobacco has been marketed.

4. *To what extent should county ASC committees become involved in determining consideration applicable to flue-cured tobacco acreage allotment and marketing quota when a lease covers land or chattels in addition to such allotment and quota?*

Recommendation: Only one comment addressed this issue. This comment recommended that a certification be required from the farm owner and lessee estimating the percentage of the total lease consideration applicable to flue-cured acreage allotment and marketing quota and that ASCS should review these estimates and, for those which appear to be unrealistic, either require further documentation or conduct an investigation as to the accuracy of the certification.

County ASC committees and county ASCS office employees are not allowed to become involved in any lease and transfer activities which would adversely reflect on ASCS. Prohibited acts include: (1) Acting as broker in allotment transactions, (2) acting as an agent for any party to a transfer, (3) acting as a "finder" for individual farmers, (4) negotiating transactions, and (5) other similar activities. Similarly, it has been determined that any action by ASCS in determining the consideration applicable to the leasing of flue-cured tobacco acreage allotment and marketing quota produced under a lease arrangement would give the appearance that ASCS establishes lease prices which could adversely affect lease prices and also disrupt established lease arrangements.

List of Subjects in 7 CFR Part 725

Acreage allotment, Marketing quota, Reporting and recordkeeping requirements, Tobacco.

Determination

Based upon the foregoing considerations, it has been determined that it is not reasonably practicable to establish, by regulation, requirements that none of the consideration for the lease of any flue-cured tobacco acreage allotment and marketing quota may be paid to the lessor prior to the marketing of the tobacco produced under the lease. Accordingly, it has been determined that no further rule-making is required with respect to issues addressed in the notice of request for comments published in the **Federal Register** on June 27, 1984 (49 FR 26536) and that there will be no

restrictions applied to the payment of the consideration for the leasing of flue-cured tobacco acreage allotment and marketing quota when the tobacco is produced on the farm for which such allotment and quota is established. This determination does not affect the regulations set forth at 7 CFR 725.72 with respect to the requirement that consideration for the lease and transfer of flue-cured tobacco acreage allotment and marketing quota must not be paid before the marketing of the tobacco which is produced under the lease.

Signed at Washington, D.C., on October 25, 1984.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 84-28551 Filed 10-25-84; 1:30 pm]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Parts 145 and 147

[Docket No. 84-096]

General Conference Committee of the National Poultry Improvement Plan; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Announcement of meeting.

SUMMARY: This document gives notice of a meeting of the General Conference Committee of the National Poultry Improvement Plan. The purpose of the Committee is to make recommendations to the Department concerning the poultry improvement regulations.

DATES: The meetings will be held November 15, 1984 (9 a.m.–5 p.m.), and November 16, 1984 (9 a.m.–12 noon). Written comments may be filed with the Committee before or at the time of the meeting.

ADDRESSES: The meetings will be held in the Maryland Room of the Quality Inn, 7200 Baltimore Avenue, College Park, Maryland. Written comments may be mailed to Dr. I.L. Peterson, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, Room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–5140. Comments received may also be inspected at this address between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. I.L. Peterson, 301–436–5140.

SUPPLEMENTARY INFORMATION: The purpose of the General Conference Committee of the National Poultry Improvement Plan (NPIP) is to make recommendations to the Department concerning the poultry improvement regulations contained in 9 CFR Parts 145 and 147.

The study of practices and procedures for the prevention of the spread of avian influenza and other poultry diseases developed by a special poultry industry work group will be presented at the meeting. Also, the proposed rulemaking developed from recommendations made by the delegates to the Biennial National Plan Conference (June 26–28, 1984) will be reviewed. Further, the Committee will select members of a Poultry Industry Improvement Advisory Council from a list of poultry industry candidates submitted by State NPIP officials.

The meeting will be open to the public. Written statements concerning these and other matters may be filed with the Committee before or at the time of the meeting.

Dated: October 22, 1984.

K.R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84-28569 Filed 10-29-84; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563c

[No. 84-578]

Assets Qualifying for the Deferral and Amortization of Gains and Losses

Dated: October 19, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board is proposing to amend its regulations regarding the types of mortgage loans, mortgage-related securities and debt securities that qualify for treatment under § 563c.14. The intent of the proposal is to prohibit the use of this regulation for certain transactions designed to inflate net worth or to avoid the recognition of credit losses while at the same time continue to provide insured institutions with a means to improve their profitability and reduce their exposure to interest-rate risk. In order to avoid the increased use of the type of transactions that have given rise to the Board's concern in this area during the public comment period, the Board is notifying the public that should the proposal be adopted in substantially its proposed form, it would be the Board's intention to apply the amended rule as of the publication date of this proposal.

DATES: Comments are due by December 26, 1984. Proposed effective date: October 28, 1984.

ADDRESS: Send comments to Director, Information Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20052. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Douglas McEachern (202–377–6392), Office of Examinations and Supervision, or James Underwood, Staff Attorney, Corporate and Securities Division, Office of General Counsel, (202–377–6649), Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20052.

SUPPLEMENTARY INFORMATION: On September 30, 1981, the Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), adopted 12 CFR 563c.14, authorizing institutions the accounts of which are insured by the FSLIC ("insured institutions") to defer and amortize gains and losses from the sale of mortgage loans, mortgage-related securities and qualifying debt securities. 46 FR 50048; October 9, 1981. The intent of the rule was to permit the sale of below-market rate assets in conjunction with a reinvestment plan designed to provide a better yield and maturity match. The regulation was amended on January 8, 1982, to prohibit the artificial mismatch of deferred losses and discounts on purchased securities. 47 FR 2857; January 20, 1982. At the time of the amendment, the Board noted that ". . . [the] amendments make clear that the authority to defer and amortize gains and losses may not be used as an accounting mechanism to artificially inflate an institution's earnings." Since that time, the Board has found that certain other provisions of the rule have allowed institutions to engage in transactions solely to take advantage of the loss deferral provisions, often with long-term economically harmful consequences, and has therefore deemed it necessary to propose restricting the types of assets that qualify for treatment under § 563c.14.

Acquisition Date of Assets

In 1981, a period of volatile market interest rates and economic recession, many insured institutions found themselves with a substantial amount of long-term low fixed-rate loans matched with short-term variable-rate funding sources. In an effort to permit the

industry to dispose of their old below-market assets and to use the proceeds to invest in assets which would provide a better yield and maturity match with liabilities, the Board adopted § 563c.14 of the Insurance Regulations.

Although the intent of the regulation was to allow deferral of gains or losses on sales of assets that were on the books of institutions at the time the regulation was adopted, the regulation did not restrict qualifying assets with regard to their acquisition date. The Board has since become aware that a number of institutions have been buying and selling assets solely to take advantage of the loss-deferral provisions rather than for the betterment of their asset/liability yield and/or maturity match. The Board is therefore proposing to limit the use of this accounting procedure to assets acquired or committed to be acquired on or prior to October 28, 1984 (the publication date of this proposal).

Hedged Liquid Assets

Section 563c.14(a) excludes liquid assets, as defined in 12 CFR 523.10(g), from the deferral provisions. Subsequent to the passage of § 563c.14, § 523.10(g) was amended to allow assets that would qualify for liquidity except for maturity to be "hedged" and thereby classified as liquid assets. Although not intended, this provision allows an institution to manipulate the "hedging for liquidity" in order to recognize current gains but defer losses on the sale of certain assets. For example, if an institution owns a 20-year GNMA that would qualify for the liquidity base except for its maturity and the institution hedges the GNMA for six months, the effective maturity is shortened and the GNMA becomes an eligible asset for liquidity purposes. The day before the GNMA is to be sold, it is determined whether the sale will result in a gain or loss. If there will be a gain, the hedge is maintained through the sale and the gain may be recognized since liquid assets are excluded from the deferral provisions of § 563c.14. However, if there will be a loss, the hedge is removed prior to the sale and the loss may be deferred since it is no longer a liquid asset. To avoid this type of manipulation for accounting rather than economic purposes and to restore the original intent of the liquid-asset exclusion, the Board is proposing to exclude from the deferral authorization only those liquid assets that are not hedged.

Sale of Scheduled Items

The ability to defer, rather than immediately recognize losses on the sale of certain substandard assets, may have an adverse effect on an institution's loan underwriting program. That is, loan underwriting standards may be relaxed since substandard loans can either be (1) sold outright, or (2) foreclosed and a "loan to facilitate" granted in connection with a subsequent sale of foreclosed property. The possibility of abuse in this situation arises because profit on the sale of the foreclosed real esate may be recognized but loss on the subsequent sale of the foreclosed real estate may be recognized but loss on the subsequent sale of the "loan to facilitate" may be deferral authorization all scheduled items and loans to facilitate sales of foreclosed property.

In order to avoid exacerbated and precipitate use of the described accounting procedures during the comment period, the Board for good cause is informing the public of its intention to use the proposal publication date as the effective date of any final regulation in this area, if such regulation is adopted in substantially its proposed form.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (Sept. 19, 1980), the Board is providing the following initial regulatory flexibility analysis:

1. *Reasons, objectives, and legal bases underlying the proposed rules.* These elements have been discussed elsewhere in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rules would apply.* The rules would apply to all insured institutions.

3. *Impact of the proposed rules on small institutions.* To the extent that the rules would affect small institutions, this has been discussed elsewhere in the proposal.

4. *Overlapping or conflicting federal rules.* There are no federal rules which duplicate, overlap, or conflict with the proposed rules.

5. *Alternatives to the proposed rule.* Other alternatives, such as rescinding entirely the deferral-accounting technique, would be more restrictive and could discourage institutions from prudent restructuring of their portfolios.

List of Subjects 12 CFR Part 563c

Federal Savings and Loan Insurance Corporation accounting, Savings and loan associations.

Accordingly, the Board hereby proposes to amend Part 563c, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563c—ACCOUNTING REQUIREMENTS

Amend § 563c.14 by revising paragraph (a) thereof, as follows:

§ 563c.14 Accounting for gains and losses on the sale or other disposition of mortgage loans, redeemable ground-rent leases, and certain securities matching the amortization of discounts and losses.

(a) *General.* An insured institution, by resolution of its board of directors, may elect to defer and amortize all gains and losses (except for gains and losses related to disposition of scheduled items as defined by § 561.15 of this subchapter, including loans-to-facilitate sales of foreclosed property), net of related income taxes computed in accordance with generally accepted accounting principles, on any sale or other disposition, occurring in the fiscal year that the action to defer and amortize is taken, of mortgage loans, redeemable ground-rent leases, mortgages-related securities (as defined in § 563.17–4(a)(4) of this subchapter), preferred stock that at the time of issuance provides for redemption on a fixed date in a fixed dollar amount or for redemption pursuant to a fixed schedule of periodic payments and has a remaining term to maturity of at least five years, and debt securities that do not qualify as liquid assets under § 523.10(g) except those qualifying under § 523.10(g)(11) of this chapter because of their maturities or that have remaining terms to maturity of at least five years. The election to defer gains and losses is restricted to the disposition of assets acquaired, purchased, originated or committed to be acquired, purchased or originated prior to October 28, 1984. Using the same procedure, an institution may revoke any prior election(s) to amortize gains and losses on the disposition of such assets.

* * * * *

(Sec. 402, 403, 407 of the National Housing Act, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 1981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J.J. Finn,

Secretary.

[FR Doc. 84–28505 Filed 10–29–84; 8:45 am]

BILLING CODE 6720–01–M

12 CFR Part 571

[No. 84-579]

Accounting for Certain Real Estate Activities

Dated: October 19, 1984.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), is proposing a statement of policy concerning the required accounting for certain real estate activities for regulatory accounting purposes and for financial statements prepared in accordance with generally accepted accounting principles ("GAAP").

DATES: Comments must be received by December 21, 1984. *Proposed effective date:* October 28, 1984.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Alan R. Leach, Professional Accounting Fellow, Office of Examinations and Supervision, (202) 377-6837; James Satterfield, Analyst, Office of Examinations and Supervision (202) 377-6399; or James Underwood, Staff Attorney, Corporate and Securities Division, Office of General Counsel, (202) 377-6649.

SUPPLEMENTARY INFORMATION: Institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation ("insured institutions") increasingly have become involved in certain real estate accquisition, development and construction ("AD&C") transactions of a speculative nature. These transactions have subjected the institutions to unusually high risks and are often incorrectly classified and accounted for as loans in the financial statements filed with the Board and/or issued to the public.

By misclassifying transactions as loans which are, in substance, real estate investments or joint ventures, excessive fees, interest and/or profits have been prematurely taken into income. Generally, the loan fees and interest have been "self-funded" by the institution. This self-funding has occurred because the fees and interest payable have been added to the loan balance. Thus, the institution bears the economic risk of the project, which is similar to the risk associated with a real estate investment or joint venture. This type of activity could lead to the ultimate demise of the institution and cause losses to be incurred by the Corporation.

In addition, misclassification of these transactions can camouflage the actual economic condition of an institution; their recent proliferation has made comparison of financial statements and supervision of institutions more difficult.

The Board and the accounting profession have found that the accounting for these AD&C transactions has varied in practice. In response, the accounting profession, as suggested by the American Institution of Certified Public Accountants' (AICPA) Accounting Standards Executive Committee, issued a notice to practitioners addressing this topic. The notice, issued in the November, 1983 *Journal of Accountancy*, specifies certain characteristics that generally exist in real estate activities that may be misclassified as loans. The AICPA notice provides guidance for certified public accountants ("CPAs") in determining proper accounting for AD&C transactions.

The AICPA notice did not purport to be an authoritative statement describing generally accepted accounting principles (GAAP) in this area; its intent was rather to document existing practice and to make the accounting for these AD&C transactions clearer and more consistent. It was simply an effort by the public accounting profession to alert practitioners to their responsibilities in the area of real estate AD&C lending activities.

The Board is aware that, after issuance of the AICPA notice, some accountants have been conducting new analyses of the accounting for these transactions. However, the notice has not had a significant effect and the Board continues to receive numerous financial statements which are inconsistent with the guidance offered by the AICPA. Furthermore, the AICPA notice allows for significant judgmental differences and has therefore been subject to inconsistent application by professionals.

Finally, because the AICPA notice is not a primary accounting source, members of the industry and the accounting profession do not necessarily feel required to follow it. The resulting wide range of fluctuation in applying the notice has led to the undesirable result of institutions "shopping" for independent auditors.

As a result, financial statements of insured institutions filed with the Board take inconsistent approaches to accounting for AD&C activities and prevent the Board from being able to assess on a reliable basis the risk to which a particular institution and the industry in general is subject as a result of such transactions. This, in turn, impedes the Board's ability to oversee conditions and developments that could adversely affect the safety and soundness of insured institutions and to husband the resources of the FSLIC insurance fund. Moreover, the Board believes that financial statements which are prepared without adherence to the AICPA notice could misstate both the financial condition and results of operations of institutions and may be materially misleading. This not only undermines confidence in the integrity of insured institutions' financial statements, which reduces their ability to raise capital in the nation's financial markets, but such misstatement also may constitute violations of federal securities laws.

Upon consideration of factors discussed above, the Board is proposing to adopt a statement of accounting policy which will result in a proper reflection of the economic substance of these AD&C activities and will bring consistency to the accounting practices used. The proposed statement does not significantly differ in substance from the AICPA notice but would formally adopt the criteria stated in that notice for institutions reporting under either RAP and/or GAAP in financial statements under the Board's jurisdiction.

In order to avoid any further abuses in this area during the comment period, the Board is informing the public of its intention to use the proposal publication date as the effective date of any final regulation in this area, if such regulation is adopted in substantially its proposed form. By its action today, the Board does not intend to imply that it has taken a position on accounting for transactions entered into prior to the proposed effective date of this regulation and expects such transactions to be accounted for in accordance with generally accepted accounting principles.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (Sept. 19, 1980), the Board is providing the following initial regulatory flexibility analysis:

1. *Reasons, objectives, and legal bases underlying the proposed rules.* These elements have been discussed

elsewhere in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rules would apply.* The rules would apply to all insured institutions.

3. *Impact of the proposed rules on small institutions.* To the extent that the rules would affect small institutions, this has been discussed elsewhere in the proposal.

4. *Overlapping or conflicting federal rules.* There are no federal rules which duplicate, overlap, or conflict with the proposed rules.

5. *Alternatives to the proposed rules.* No other alternative would provide for consistency in accounting treatment of the covered activities.

List of Subjects in 12 CFR Part 571

Savings and loan associations.

Accordingly, the Board hereby proposes to amend Part 571, Subchapter D, Chapter V, Title 12 of the Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 571—STATEMENTS OF POLICY

Add a new § 571.14, as follows:

§ 571.14 Accounting for certain real estate activities.

(a) *General.* (1) Insured institutions may engage in certain real estate acquisition, development or construction ("AD&C") activities, including transactions originated by the institution and participations purchased, that may be structured as loans which have virtually the same risks and potential rewards as those of owners or joint ventures. Generally, in these transactions there is little or no borrower equity and the institution recognizes loan fees, interest and/or profits which are funded entirely by loan proceeds. This statement of policy sets forth the policy and general criteria for determining whether transactions are real estate investments, joint ventures or loans and specifies the accounting principles and procedures that shall be used to account for such transactions in reports to, and financial statement filed with, the Corporation.

(2) These AD&C transactions are usually structured so that the lender participates in the expected residual profit on the ultimate sale or use of the property. Expected residual profit is the amount of profit, whether called interest, fees, or another name, above a reasonable amount of interest and fees earned by the lender plus profit for the builder's efforts. Most of the following characteristics are usually found in these transactions:

(i) The institution assumes virtually all risk by providing all or substantially all of the funds, while the borrower, although legally holding title, has little or no equity in the real estate project.

(ii) The transaction is structured to maximize front-end income recognition through the charging of commitment and/or other "loan" fees that are "self-funded" (loan fees are included in the amount of the loan).

(iii) Self-funded interest income may be recognized throughout the term of the project.

(iv) The loan is secured only by the AD&C project. The institution has no recourse to other assets of the borrower and the borrower does not guarantee the debt. Even when guarantees exist there may be, in substance, no recourse to other assets of the borrower. This situation could occur when (*a*) the net worth of the borrower is insufficient to fulfill the debt obligation upon enforcement of the guarantee, (*b*) the guarantee may be unenforceable under state or federal law or for other reasons, or (*c*) the institution may never intend to enforce the guarantee (or historically has never enforced guarantees) for business or other reasons.

(v) Either there are no permanent take-out financing arrangements or the institution has agreed to convert the loan into some type of permanent financing upon construction completion.

(vi) The institution may be a profit participant, usually on a percentage basis, and upon the sale of the project realizes an "equity kicker."

(vii) In order for the institution to recover its investment, the project must be sold to an independent third party, the borrower must obtain refinancing from another source, or the property must be placed in service and generate sufficient net cash flow to service the debt principal and interest.

(viii) The transaction is structured so that it is impossible for the loan to become delinquent during the project's development because the borrower is not required to make any payments until the project is completed.

(ix) The loan and/or subsequent sale of underlying collateral involves a related party and is not "arm's length" in nature.

(3) These factors are not intended to be all-inclusive in determining whether a loan or real estate investment exists for accounting purposes. The transaction as a whole should be reviewed for its economic substance in determining whether loan, real estate investment or joint venture accounting is appropriate.

(b) *Accounting.* (1) Section 563.23–3 of this subchapter requires reports to the Corporation to be prepared in accordance with specific principles or procedures (RAP) on particular accounting or reporting matters as the Corporation may require. That section further requires that, absent any "specific principle or procedure", an insured institution shall prepare its other financial statements and reports to the Corporation on the basis of generally accepted accounting principles (GAAP). Accordingly, for reports and financial statements filed with the Corporation, the following accounting principles and procedures shall be used for the real estate transactions described herein.

(2) *Real estate investment.* When it is determined, on the basis of the factors set forth in paragraph (a) of this section, that a transaction is in substance a real estate investment, the following accounting shall be followed:

(i) *Accounting to be used for reports prepared in accordance with regulatory accounting principles ("RAP").*

(*a*) No profit, fees or interest income should be recognized as income until the property, or units therein, are sold to independent third parties and the various tests imposed by § 563.23–1 of this subchapter are met.

(*b*) Interest cost should be capitalized while expenditures are made for the project and the project remains a "qualifying asset" in accordance with guidelines issued by the Office of Examinations and Supervision.

(*c*) Acquisition, development, construction, selling, and rental costs should not be capitalized in excess of the amounts allowed under the Financial Accounting Standards Board (FASB) Statement No. 67, *Accounting for Costs and Initial Rental Operations of Real Estate Projects* (SFAS No. 67).

(*d*) The excess of the fees, interest, and equity kickers stated in the loan agreement over the projected carrying amount represents the potential profit on the investment and should not be recognized until the criteria set forth in § 563.23–1 are met.

(*e*) Any proceeds received by an insured institution, as a result of selling a portion or all of its right to share in the profits upon the sale of the project, should be credited to the investment, not to income.

(*f*) Recoverability of the institution's investment in the project (including capitalized interests) should be re-evaluated periodically and appropriate specific reserves established for any overvalued asset in accordance with § 563.–17–2 of this subchapter.

(ii) *Accounting to be used for reports prepared in accordance with generally accepted accounting principles ("GAAP")*

(a) During the term of the arrangement, the institution should account for income on loans from the arrangement in accordance with SFAS No. 67.

(b) Fees, interest income and gains on sales should not be recognized until the property is sold to independent third parties. For profit recognition guidance, see SFAS No. 66, *Accounting for Sales of Real Estate.*

(c) Interest should be capitalized on the project as long as it is under development in accordance with SFAS No. 34, *Capitalization of Interest Cost.*

(d) If the institution has less than a majority participation in the expected residual profit, the entire arrangement may be in essence a real estate joint venture. Useful guidance for the accounting for joint ventures can be found in the American Institute of Certified Public Accountants ("AICPA") Statement of Position ("SOP"), *Accounting for Real Estate Ventures.*

(e) Any proceeds received by an institution, as a result of selling a portion or all of its right to share in the profits upon sale of the project, should be credited to the investment and not to income.

(f) Recoverability of the institution's investment in the project (including capitalized interest) should be re-evaluated periodically, and allowances for losses should be accrued, so that the investment does not exceed net realizable value. The AICPA Audit and Accounting Guide, *Savings and Loan Associations,* provides guidance in assessing the recoverability of such investment amounts.

(3) *Loans.* When it is determined on the basis of the factors set forth in paragraph (a) of this section that an AD&C transaction is in substance a loan (i.e., risks and rewards indicate borrower equity investment in the project), the following accounting shall be followed:

(i) *Accounting for reports prepared in accordance with regulatory accounting principles ("RAP").*

(a) Loan origination and commitment fees are to be accounted for in accordance with § 563.23–1.

(b) Accrued interest income should be periodically reviewed for collectibility and, if necessary, appropriate reserves established in accordance with § 563c.11 of this subchapter.

(c) The accounting for loans should be consistent with the Corporation's other specific regulations concerning loans for RAP purposes.

(ii) *Accounting for reports prepared in accordance with generally accepted accounting principles ("GAAP").*

(a) Loan origination fees should be recognized to income currently to the extent the fee is a reimbursement of direct loan origination costs. Loan origination costs usually encompass appraisal costs, loan processing costs, title expenses, and other costs necessary to make the loan. The definition of loan origination costs is documented in the AICPA March 10, 1980 notice to practitioners. Any fees in excess of loan origination costs shall be accounted for as an adjustment of yield and credited to income over the expected life of the loan on a level-yield basis.

(b) Loan commitment fees are to be recorded as current income to the extent they are a recovery of direct underwriting costs. For amounts exceeding underwriting costs, the commitment-fee amortization period is based on the nature of the fee and whether there is a fixed rate or floating rate commitment. The accounting for loan origination and cummitment fees is documented in the ACIPA Audit and Accounting Guide, *Savings and Loan Associations,* which provides guidance in assessing the recoverability of such investment amounts.

(c) Interest income is accrued on the loan until it is probable that the interest will not be received. Accrued interest receivable should be periodically reviewed for collectibility and appropriate reserves established if required in accordance with procedures set forth in the AICPA Audit and Accounting Guide, *Savings and Loans Associations.*

(d) If the interest rate on the loan is below currently existing market rates, Accounting Principles Board ("APB") Opinion 21, *Interest on Receivables and Payables,* should be followed.

(Secs. 402, 403, 407, 48 Stat. 1250, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J.J. Finn,

Secretary.

[FR Doc. 84–28564 Filed 10–29–84; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84–AAL–17]

Proposed Revocation of Farewell, AK, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke the Farewell, AK, control zone in order to allow more efficient use of the airspace. The requirements for the control zone no longer exist. The Farewell, AK, Nondirectional Radio Beacon (NDB) will be decommissioned, and Farewell Lake, AK, Nondirectional Radio Beacon (NDB) will be commissioned, on or about December 20, 1984. Present approach/departure procedures will be canceled to the Farewell, AK, Airport. New instrument approach/departure procedures from Farewell Lake, AK, Nondirectional Radio Beacon (NDB) to Farewell, AK, Airport will require only a 1,200-foot transition area.

DATES: Comments must be received on or before December 13, 1984.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Manager, Air Traffic Division, Docket No. 84–AAL–17, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the FAA Rules Docket, Office of the Regional Counsel, Third Floor, Module F, Federal Building U.S. Courthouse, 701 C Street, Anchorage, Alaska.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Third Floor, Module F, Federal Building U.S. Courthouse, 701 C Street, Anchorage, AK.

FOR FURTHER INFORMATION CONTACT: Robert C. Durand, Procedures and Airspace Specialist, (AAL–536), Air Traffic Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513, telephone (907) 271–5902.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments

on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84–AAL–17." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Regional Air Traffic Division, Third Floor, Federal Building, 701 C Street, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Operations, procedures, and Airspace, Air Traffic Division, Alaskan Region, 701 C Street, Box 14, Anchorage, AK 99513, or by calling (907) 271–5902. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke the Farewell, AK, control zone. The Alaskan Region (FAA) does not consider the Farewell NDB essential to FAA operations at the FAA-owned and maintained airport at Farewell, AK. A nondirectional radio beacon will be commissioned at Farewell Lake, AK, on or about December 20, 1984, and Farewell NDB decommissioned on December 20, 1984. A new approach to the Farewell Airport made from Farewell Lake NDB will not require a control zone. The revocation of the control zone will allow more efficient use of this airspace. The aforementioned action will reduce the constraints and impact on the public in the affected airspace.

Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

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

List of Subjects in 14 CFR Part 71

Aviation safety control zones

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Farewell, AK [Removed]

Within a 5-mile radius of the Farewell Airport lat. 62°30'30" N., long. 153°52'30" W.); and within 3.5 miles each side of the 306° bearing from the Farewell RBN extending from the 5-mile radius zone to 8.5 miles northwest of the RBN. This control zone is effective from 0745 to 1545 local time daily, or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication, Supplement Alaska.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.65)

Issued in Anchorage, Alaska, on October 19, 1984.

Franklin L. Cunningham,

Director, Alaskan Region.

[FR Doc. 84–28520 Filed 10–29–84; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 166

[Docket No. 82P–0186]

Margarine; Proposal To Amend the Standard of Identity

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the standard of identity for margarine to remove the list of permitted emulsifiers and the maximum use level restrictions for each from the current standard and to retain the provision for the use of safe and suitable emulsifiers without specified limitations. Appropriate use levels are those no greater than necessary to accomplish the intended functional effect in the margarine. The purpose of this action is to promote honesty and fair dealing in the interest of consumers and to provide margarine manufacturers with flexibility in their choices of ingredients.

DATES: Comments by December 31, 1984. The agency proposes that any final rule based on this proposal become effective in accordance with a uniform effective date for compliance with food labeling requirements, which is announced by notice in the **Federal Register** and which is not sooner than 1 year after publication of any final rule based upon this proposal. (See Supplementary Information for a full discussion of proposed effective date.)

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

FOR FURTHER INFORMATION CONTACT: 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:

The Petition

The National Association of Margarine Manufacturers (NAMM) has petitioned FDA to amend the standard of identity for margarine (21 CFR 166.110(b)(4)) to remove the specified limits on the amounts of emulsifiers that may be used. Section 166.110(b)(4) currently lists certain specific emulsifiers and maximum use levels for each, but it also allows manufacturers the option of using other safe and suitable emulsifiers not listed in the standard.

In support of this amendment, NAMM points out that the ingredients in question are safe substances widely used in foods. NAMM also maintains that the limits on the amounts of emulsifiers that may be used in margarine unduly restrict the uses of margarine as an ingredient in the manufacture of other foods, such as baked goods. NAMM states that removing the use limits will not result in excessive use of emulsifiers because high levels of the ingredients adversely

affect margarine's flavor, texture, and ability to function as margarine. Furthermore, the ingredients are expensive; so economic reasons will prevent excessive quantities of emulsifiers being added to margarine.

The Proposal

The agency agrees with NAMM that it is reasonable to propose to amend § 166.110(b)(4) to remove the specified limits on the amounts of safe and suitable emulsifiers that may be used. By proposing the revision, however, FDA is not suggesting that it is reasonable for a manufacturer to use levels of emulsifiers greater than those necessary to accomplish the intended functional effect in margarine.

FDA is also taking the opportunity provided by the proposal to update the standard by removing the list of specifically named emulsifiers, in addition to their specified limitations, and retaining only the provision for the use of safe and suitable emulsifiers. FDA is also proposing to delete reference in the standard to mono-and diglycerides of fatty acids esterified with either citric acid or tartaric acid because they are not permitted by prior sanction, GRAS listing, or food additive regulation for use as emulsifiers and because they were inappropriately added to the list of emulsifiers in § 116.110(b)(4) by virtue of their being listed in the Codex recommended international standard considered for adoption in 1973 (38 FR 25671; September 14, 1973). Should there be interest in the use of mono-and diglycerides of fatty acids esterified with either citric acid or tartaric acid, individuals should follow established procedures for gaining FDA approval of food additives or GRAS ingredients (21 CFR 171.1 and 170.35, respectively).

The use of all the other emulsifiers listed in the standard is governed by applicable food additive regulations or GRAS listings, with the exception of the use of sodium sulfoacetate derivatives of mono- and diglycerides of fatty acids, which are governed by the prior sanction that exists by virtue of the inclusion in 1941 of sodium sulfoacetate derivatives of mono- and diglycerides in the standard of identity for margarine. The maximum use level of these sodium sulfoacetate derivatives in the current standard (0.5 percent by weight of the final food) is the quantity of emulsifier that FDA would continue to consider to be prior-sanctioned and sufficient to achieve its intended purpose in margarine.

The agency points out that the phrase "safe and suitable" is defined in 21 CFR 130.3(d) and means that any food ingredient must perform an appropriate function in the food and may be used only in an amount sufficient to achieve its intended purpose in the food. For example, for the purposes of the proposal margarine may contain emulsifiers, but only in an amount sufficient to prevent water leakage from the water-in-oil emulsion and to prevent spattering during frying. Similarly, margarine may not contain emulsifiers added in quantities intended to accomplish a functional effect other than an effect which is appropriate for margarine. Thus, margarine used as an ingredient in baked products may not contain emulsifiers added in quantities to retard the staling process in those products.

Submission of Comments

Written comments by December 31, 1984. The agency periodically announces by notice in the **Federal Register** uniform effective dates for compliance with food labeling requirements. (See, for example, the **Federal Register** of August 13, 1982 (47 FR 35185).) The agency proposes that any final rule that may issue based upon this proposal become effective in accordance with a uniform effective date for compliance with food labeling requirements, which is announced by notice in the **Federal Register** and which is not sooner than 1 year following publication of any final rule based upon this proposal, except for any provisions that may be stayed by the filing of proper objections. The final rule would apply to affected products initially introduced or initially delivered for introduction into interstate commerce.

In accordance with the Regulatory Flexibility Act (Pub. L. 96-354 (5 U.S.C. 601)), FDA has reviewed this proposed rule to determine its impact on small businesses. FDA has concluded that the proposed amendment will result in the standard of identify being less restrictive than it now is because the amendment will allow margarine manufacturers more flexibility in the use of emulsifiers. Therefore, FDA certifies that this proposed action will not have a significant economic impact on a substantial number of small entities.

The agency has determined pursuant to 21 CFR 25.24(b)(13) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 166

Food standards, Incorporation by reference, Margarine.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Food Safety and Applied Nutrition (21 CFR 5.61), it is proposed that Part 166 be amended in § 166.10 by revising the third sentence in the introductory text of paragraph (a) and paragraph (b)(4), to read as follows:

PART 166—MARGARINE

§ 166.110 Margarine.

(a) * * * Margarine contains only safe and suitable ingredients, as defined in § 130.3(d) of this chapter. * * *

* * * * *

(b) * * *

(4) Emulsifiers.

* * * * *

Interested persons may, on or before December 31, 1984, submit to the Docket Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 18, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84-28518 Filed 10-29-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207, 220, 221 and 231

[Docket No. R-84-1197; FR-1918]

Insurance of Partially Amortizing and Call Provision Mortgages

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would provide for the insurance of mortgages involving (1) partial amortization (PAMs) or (2) a call provision (CPMs) for the following program of the National Housing Act; rental housing under section 207; urban redevelopment projects under section 220; moderate income projects under section 221; and housing for the elderly under section 231.

The proposed rule sets out requirements for two kinds of mortgages: PAMs, where the balloon payment is not insured, and CPMs, where the balloon is insured.

A PAM is a mortgage which provides for level payments over the mortgage term but only for partial repayment of the principal by the end of the mortgage term. The remainder of the principal because due in a single "balloon" payment at the end of the mortgage term. Under the proposed rule. HUD would insure all interest and principal payments *other than the balloon payment.* However, if a default occurred before the expiration of the mortgage term, the entire unpaid principal balance (including the amount that would have constituted the balloon payment) would be used in the calculation of mortgage insurance benefits.

A CPM is a mortgage which provides for complete amortization over the mortgage term but contains a provision that the mortgagee may accelerate the debt at a specified point in the mortgage term. Failure of the mortgagor to retire the outstanding principal at that time would constitute a default under the mortgage and would permit the mortgagee to file a claim with HUD for insurance benefits.

DATES: *Comment Due Date:* December 31, 1984.

ADDRESS: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W. Washington, D.C 20410. Communications should refer to the above docket number and title. A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James L. Hamernick, Director, Insured Multifamily Housing Development, Room 6132, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C 20410, (202) 755–6500. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Housing and Urban-Rural Recovery Act of 1983, Pub. L. No. 98–181, effective November 30, 1983 (1983 Act), contains provisions authorizing the Department to insure a variety of new mortgage instruments. This proposed rule would implement the new legislation for partially amortizing mortgages and provide a variation which serves the same function as a partially amortizing mortgage but structures the mortgage as a fully amortizing mortgage with a call or acceleration provision.

Section 446 of the 1983 Act amends sections 207(c)(3), (rental housing generally, including refinancing of existing structures under section 223(f)); 220(d)(4) (multifamily projects in redevelopment areas), 221(D)(6), (low and moderate income housing), and 231(c)(5), (housing for the elderly). Each of these sections previously stipulated that the "mortgage shall provide for complete amortization by periodic payments. . . ." The amendment adds the phrase "unless otherwise approved by the Secretary." The impact of these amendments is, in each case, to permit the Department to insure mortgages that do not provide for complete amortization.

Section 446 also mandated that the aggregate number of dwelling units insured under this new legislation may not exceed 10,000 in any fiscal year.

The legislative history of section 446 shows congressional concern with the reluctance of mortgages to invest in fixed-rate mortgages for multifamily projects with 30 to 40 year terms. A PAM or CPM offers the lender a shorter-term investment and offers the mortgagor lower monthly payments than would otherwise be available. HUD anticipates that permitting these types of mortgages will encourage the production of rental housing. See S. Rep. 98–142, 98th Cong., 1st Sess. 73 (1983). Because of the statutory limitation of 10,000 units, and the Congressional intent to increase the production of rental housing, the PAM and CPM program is not proposed to be made applicable to the section 223(f) program, which involves only the acquisition or refinancing of existing housing.

The Department is proposing to insure two kinds of mortgage instruments in this proposed regulation—one where the balloon is not insured, and one where the balloon is covered by mortgage insurance. First, the regulation permits the insurance of PAMs as they are commonly structured in the conventional lending industry. The PAM is a short-term mortgage, with a fixed interest rate and level monthly payments. The monthly payments are based on an amortization schedule longer than the actual mortgage term. At the expiration of the mortgage term, the unpaid balance of the principal is due in full. Under the proposed PAM regulations, HUD insurance would be in force up to, *but not including*, the date on which the balloon, or lump sum principal payment is due. Failure of the mortgagor to refinance the project, or otherwise pay the principal due at the end of the mortgage term, would not be grounds for the payment of insurance benefits.

On the other hand, under the Department's regulation governing the insurance of a mortgage that contains a call provision, the balloon or accelerated debt payment would be insured. The proposed regulations require CPM mortgage to be structured as a level annuity, fully amortizing mortgage. However, the mortgage and note would contain a call provision allowing the mortgagee to accelerate the debt at a date certain. Failure of the mortgagor to pay the accelerated debt at the time the mortgagee exercised the call provision would constitute a default and a basis for the mortgagee to claim insurance benefits. The CPM would be structured so that HUD would have the option of revoking the acceleration if all monthly payments had been made (which would result in the mortgage once more being "current"), or not rescinding the acceleration (which would result in the mortgage remaining in default). The Department could hold or sell the current mortgage immediately, or foreclose on the mortgage in default.

The proposal alone, however, would provide little incentive to an owner to refinance at the time of the call. Further, it provides no way for the Department to avoid substantial losses from the (probably discounted) sale of the mortgage. For these reasons, the Department has added a provisions for a second mortgage, which would be recorded at the time that the first is endorsed for insurance. The second mortgage would have no effect unless the mortgage were assigned and sold by HUD at a loss. Should that occur, the principal amount of the second mortgage would equal the amount of HUD's loss, *i.e.*, the difference between the insurance benefits paid and the sale price of the mortgage. This mortgage would be repaid out of surplus cash or residual receipts and would be due in full on sale or transfer of the property.

The Department is seeking to allow a full range of options under this mortgage

instrument. At the time of the call, the mortgagee may either foreclose and retain the property (thus extinguishing the insurance) or assign the mortgage or convey title to HUD in exchange for insurance benefits. Upon assignment, HUD may sell the mortgage as described above or foreclose if that is determined to be in the best interest of the Department.

II. Features of the PAM Program

PAM program cases would be handled, in terms of review procedures and program requirements, in the same manner as non-PAM cases under the fully amortizing mortgage programs, except as described below. For example, all fees and premiums would remain the same. The regulations address only the exceptions: the minimum mortgage term, the maximum period used in calculating monthly payments, disclosure, and the limitation on the total number of units (10,000) that may be insured in a fiscal year under PAMs and CPMs.

HUD anticipates that the PAM program would be most used in cases where a conversion with conventional financing is expected to take place before the balloon payment becomes due, or where the property involved is truly premium real estate and an increase in value or the ability to accommodate increased interest rates at a later date is relatively unquestioned. We also understand that there is some interest in using this provision with private insurance of the balloon The opportunity for shorter-term financing of the property is advantageous to the lender and reduces the interest rate to the mortgagor. HUD's insurance of PAMs would still cover the years of greatest actuarial risk experienced under the fully amortizing insurance programs.

To minimize its risks, the Department has imposed certain restrictions on both the mortgage term and the amortization period which may be used in calculating the monthly payments under the PAM program. The minimum mortgage term allowed is 10 years and the maximum period to be used in calculating the monthly payments is 40 years, the same as the maximum term in the fully amortizing programs.

The Department is concerned about the possibility of unnecessary or improper defaults occurring in cases where it is apparent that the balloon cannot be refinanced at the end of the mortgage term. It has been suggested that the program be permitted only where servicing of the mortgage is done by parties other than the holders of the balloon mortgage. The Department would welcome comments in this area.

The Government National Mortgage Association (GNMA) is authorized (by section 306(g) of the National Housing Act) to guarantee the timely payment of principal and interest on securities that are based on and backed by a trust or pool composed of Government insured or guaranteed mortgages, upon terms and conditions GNMA deems appropriate. GNMA does not intend to guarantee mortgage-backed securities based on pools of FHA-insured partially amortizing mortgages where the balloon payment is not insured (should this proposed rule be adopted as final by the Department). This determination is consistent with GNMA's governing regulations (at 24 CFR Part 390) under which guaranteed securities are based on pooled mortgages, the principal amounts of which are insured or guaranteed until the loan is liquidated. Under the proposed PAM rule, the Department's insurance coverage of the mortgage would terminate before the due date of the lump-sum balloon payment leaving the remaining principal balance of the mortgage uninsured.

III. Features of the CPM Program

CPM cases, as PAM cases, would be handled, in terms of review procedures and program requirements, in much the same way as fully amortizing programs which do not have call provisions. The regulations cover only the exceptions: the call provision, the second mortgage mechanism, MIP, minimum mortgage terms, maximum periods for calculating monthly payments, disclosure and the 10,000 unit limitation on this and the PAM program.

As in the PAM program, the CPM program permits shorter-term investments on the part of mortgagees and enables them to provide lower interest rates to mortgagors. If, at the time for the call, project economic characteristics or financial market conditions are favorable, the project can be refinanced conventionally or, possibly, under the 223(f) program. If, at the time for the call, interest rates have risen or the property has not adequately appreciated in value, and cannot be refinanced, the mortgagee may foreclose and retain the property or convey it to HUD, or assign the mortgage to HUD in the same manner as in any fully amortizing program where a project is in default. HUD may foreclose on the property, or resell the "current" mortgage.

In the CPM program, the minimum term before the call provision could be exercised is 15 years. The maximum period to be used in calculating the monthly payments is 30 years. This establishes reasonable limitations on such mortgages without providing undue risk to the Department.

Because of the increased risk of assignment to HUD, based on the possibility of a mortgagor's inability to pay the accelerated debt following the call, HUD has determined that a mortgage insurance premium of one percent is necessary under the CPM program. This increased premium is considered especially necessary in light of the fact that many properties under the new program are expected to be financed below conventional rates with tax-exempt bonds. Even if interest rates were to stay at the same level until the call is made, there would be an increase in the interest rate to the project under any refinancing, since the project would likely be ineligible for refinancing under tax-exempt bonds. This circumstance greatly increases the risk of insurance claims being filed with the Department. The premium will help to reimburse HUD for insurance payments and foreclosure or mortgage sale costs, and to compensate for the discount on any sale that would not be immediately recovered.

V. Coinsurance

The Department is not developing new requirements governing coinsurance in connection with the construction and substantial rehabilitation of multifamily projects, to be codified at 24 CFR Part 251. The Department anticipates that the final coinsurance rule will become effective during the pendency of this proposed rulemaking concerning PAMs and CPMs. Comment is invited on whether the coinsurance procedures set out in Part 251, as amended, should be made applicable to PAMs and CPMs.

VI. Findings

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule does not constitute a major rule as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices

for consumers, individual industries, Federal State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities because this rule merely expands the types of mortgages eligible for HUD insurance to include partially amortized mortgages and mortgages that contain a call provision. It will, even when final and effective, impose no involuntary economic benefits or burdens.

This proposed rule was listed as item number H–34–84 in the Department's Semiannual Agenda of Regulations published on April 19, 1984 (49 FR 15902 at page 15925), under Executive Order 12291 and the Regulatory Flexibility Act.

Mortgage insurance programs for multifamily housing projects are not listed in the Catalog of Federal Domestic Assistance as program numbers 14.134, 14.135, 14.138 and 14.139.

The collection of information requirement contained in this rule has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Please send any comments regarding collection of information requirement(s) to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for HUD.

List of Subjects

24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

24 CFR Part 220

Home improvement, Mortgage insurance, Urban renewal, Rental housing, Loan programs, Housing and community development, Projects.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 231

Aged, Mortgage insurance.

Accordingly, the Department proposes to amend 24 CFR Parts 207, 220, 221 and 231 as follows:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

1. By adding a new § 207.31c to read as follows:

§ 207.31c Eligibility of partially amortizing mortgages.

A mortgage that provides for only partial amortization of the principal obligation of the mortgage during the mortgage term is eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(a) *Mortgage term.* The term of a partially amortizing mortgage may not be less than 10 years. Upon expiration of the mortgage term, a balloon (lump-sum equal to the unpaid principal obligation) payment becomes due.

(b) *Amortization provisions.* A partially amortizing mortgage must provide for level monthly payments for the full mortgage term. The period used in calculating the level monthly payments may not exceed 40 years.

(c) *Insurance coverage.* Insurance coverage for partially amortizing mortgages is the same as for fully amortizing mortgages for the life of the mortgage term. If a default under the mortgage occurs before the expiration of the mortgage term, and the mortgagee becomes entitled to insurance benefits, the entire unpaid principal balance (including the amount that would have constituted the balloon payment) shall be deemed the unpaid principal amount of the mortgage under § 207.259(b)(1). Insurance coverage terminates at the end of the mortgage term and before the balloon payment becomes due. The balloon payment is not insured.

(d) *Mortgage documents.* The mortgage documents used for a partially amortizing mortgage must be satisfactory to HUD and must indicate the amount of the principal obligation remaining due at the expiration of the mortgage term.

(e) *Disclosure.* The mortgagee must notify the mortgagor of the amount of the balloon payment no earlier than six months nor later than four months before the end of the mortgage term.

(f) *Cross-reference.* Section 207.5 (maturity) does not apply to this section. This section does not apply to § 207.4(f) (loans to cover 2-year operating loss), § 207.32 (eligibility of refinancing transactions), or § 207.32a (eligibility of mortgages on existing projects).

(g) *Aggregate amount of mortgages.* The aggregate number of dwelling units included in properties covered by partially amortizing mortgages and mortgages that contain a call provision insured by the Secretary under the authority in sections 207(c)(3), 220(d)(4), 221(d)(6) and 231(c)(5) of the National Housing Act in any fiscal year may not exceed 10,000.

2. By adding a new § 207.31d to read as follows:

§ 207.31d Eligibility of mortgages containing call provisions.

A mortgage that contains a call provision which would, at the mortgagee's option, accelerate the outstanding debt on the property, may be insured under this subpart subject to the additional procedures and requirements of this section.

(a) *Mortgage provisions.* To be insured under this program, a mortgage containing a call provision must provide for level monthly payments and full amortization over a mortgage term not to exceed 30 years. The initial date on which a call may be made must be stated in the mortgage document and cannot be earlier than 15 years from final endorsement of the mortgage. The mortgage may provide for the possible excercise of a call at other specified times during the mortgage term, provided that the times specified are at least 5 years apart.

(b) *Insurance coverage.* Insurance coverage for mortgages containing call provisions is the same as for fully amortizing mortgages, except that the failure of the mortgagor to pay the accelerated debt as specified in the call provision will constitute a basis for payment of insurance benefits.

(c) *Revocation of acceleration and amount of loss.* (1) In the event of assignment of the mortgage to HUD, HUD shall determine, within 6 months of the assignment, whether to (i) revoke the acceleration and reinstate the mortgage as current, if all monthly installments of principal and interest and other payments (other than the accelerated principal) have been made, or (ii) not revoke the acceleration, whether or not such payments have been made. If the acceleration is revoked, the call provision shall terminate. If the acceleration is not revoked, the Secretary may foreclose at any time. If HUD sells the mortgage for less than the insurance benefits paid, the difference shall become the principal of the second mortgage described in paragraph (c)(2) of this section.

(2) The mortgagor must execute a second mortgage at the time of the original endorsement of any mortgage containing a call provision. The second mortgage must be recorded at the time

of recordation of the first mortgage with the amount of the second mortgage to be established in accordance with paragraph (c)(1) of this section. The second mortgage will bear interest at the Treasury borrowing rate for United States securities. Interest shall begin to accrue on the date of the closing of the sale of the first mortgage by HUD.

(d) *Mortgage documents.* The mortgage documents used for a call provision mortgage must be satisfactory to HUD and must indicate the amount of the principal obligation remaining due at the first possible date on which the call provision may be exercised.

(e) *Disclosure.* The mortgagee must notify the mortgagor of the amount of the principal obligation due under the call provision no earlier than six months nor later than four months before the date on which the call is exercised.

(f) *Cross-reference.* Section 207.5 (maturity) does not apply to this section. This section does not apply to § 207.4(f) (loans to cover 2-year operating loss), § 207.32 (eligibility of refinancing transactions), or § 207.32a (eligibility of mortgages on existing projects).

(g) *Aggregate amount of mortgages.* The aggregate number of dwelling units included in properties covered by partially amortizing mortgages and mortgages that contain a call provision insured by the Secretary under the authority in sections 207(c)(3), 220(d)(4), 221(d)(6), and 231(c)(5) of the National Housing Act in any fiscal year may not exceed 10,000.

§ 207.252d [Redesignated as § 207.252e]

3. By redesignating § 207.252d (mortgagee's late charge) as § 207.252e, and by adding a new § 207.252d to read as follows:

§ 207.252d Premiums—Mortgages containing call provisions.

All of the provisions of §§ 207.252 and 207.252a governing mortgage insurance premiums shall apply to mortgages containing call provisions, except that the premiums payable in accordance with §§ 207.252 and 207.252a shall be calculated on the basis of one percent.

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

4. By adding in Subpart C a new § 220.526 to read as follows:

§ 220.526 Eligibility of partially amortizing mortgages.

A mortgage that provides for only partial amortization of the principal obligation of the mortgage during the mortgage term is eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(a) *Mortgage term.* The term of a partially amortizing mortgage may not be less than 10 yers. Upon expiration of the mortgage term, a balloon (lump-sum equal to the unpaid principal obligation) payment becomes due.

(b) *Amortization provisions.* A partially amortizing mortgage must provide for level monthly payments for the full mortgage term. The period used in calculating the level monthly payments may not exceed 40 years.

(c) *Insurance coverage.* Insurance coverage for partially amortizing mortgages is the same as for fully amortizing mortgages for the life of the mortgage term. If a default under the mortgage occurs before the end of the mortgage term, and the mortgages becomes entitled to insurance benefits, the entire unpaid principal balance (including the amount that would have constituted the balloon payment) shall be deemed the unpaid principal amount of the mortgage under § 207.259(b)(1). Insurance coverage terminates at the end of the mortgage term and before the balloon payment becomes due. The balloon payment is not insured.

(d) *Mortgage documents.* The mortgage documents used for a partially amortizing mortgage must be satisfactory to HUD and must indicate the amount of the principal obligation remaining due at the expiration of the mortgage term.

(e) *Disclosure.* The mortgages must notify the mortgagor of the amount of the balloon payment no earlier than six months nor later than four months before the end of the mortgage term.

(f) *Cross-reference:* In addition to those sections of Subpart A, Part 207 of this chapter, cited in § 220.501 (cross-reference), that are not applicable to mortgages insured under this subpart, § 207.5 (maturity) shall not apply this section. Also, this section shall not apply to § 207.32 (eligibility of refinancing transactions), § 220.507(e) (loans to cover 2–year operating loss) or § 220.550 through § 220.663 and § 220.800 through § 220.850 ("Insured Project Improvement Loans").

(g) *Aggregate amount of mortgages:* The aggregate number of dwelling units included in properties covered by partially amortizing mortgages and mortgages containing call provisions insured by the Secretary under the authority in section 207(c)(3), 220(d)(4), 221(d)(6) and 231(c)(5) of the National Housing Act in any fiscal year may not exceed 10,000.

5. By adding in Subpart C a new § 220.527 to read as follows:

§ 220.527 Eligibility of mortgages containing call provisions.

A mortgage that contains a call provision which would, at the mortgagee's option, accelerate the outstanding debt on the property, may be insured under this subpart subject to the additional procedures and requirements of this section.

(a) *Mortgage provisions.* To be insured under this program, a mortgage containing a call provision must provide for level monthly payments and full amortization over a mortgage term not to exceed 30 years. The date on which a call may be made must be stated in the mortgage document and cannot be earlier than 15 years from final endorsement of the mortgage. The mortgage may provide for the possible exercise of a call at specified times during the mortgage term, provided that the times specified are at least 5 years apart.

(b) *Insurance coverage.* Insurance coverage for mortgages containing call provisions is the same as for fully amortizing mortgages, except that the failure of the mortgagor to pay the accelerated debt as specified in the call provision will constitute a basis for payment of insurance benefits.

(c) *Revocation of acceleration and amount of loss.* (1) In the event of assignment of the mortgage to HUD, HUD shall determine, within 6 months of the assignment, whether to (i) revoke the acceleration and reinstate the mortgage as current, if all monthly installations of principal and interest and other payments (other than the accelerated principal) have been made, or (ii) not revoke the acceleration whether or not such payments have been made. If the acceleration is revoked, the call provision shall terminate. If the acceleration is revoked, the Secretary may foreclose at any time. If HUD sells the mortgage for less than the insurance benefits paid, the difference shall become the principal of the second mortgage described in paragraph (c)(2) of this section.

(2) The mortgagor must execute a second mortgage at the time of the original endorsement of any mortgage containing a call provision. The second mortgage must be recorded at the time of recordation of the first mortgage with the amount of the second mortgage to be established in accordance with paragraph (c)(1) of this section. The second mortgage will bear interest at the Treasury borrowing rate for United States securities. Interest shall begin to accrue on the date of the closing of the sale of the first mortgage by HUD.

(d) *Mortgage documents.* The mortgage documents used for a call provision mortgage must be satisfactory to HUD and must indicate the amount of the principal obligation remaining due at the first possible date on which the call provision may be exercised.

(e) *Disclosure.* The mortgagee must notify the mortgagor of the amount of the principal obligation due under the call provision no earlier than six months nor later than four months before the date on which the call is exercised.

(f) *Cross-reference:* In addition to those sections of Subpart A, Part 207 of this chapter, cited in § 220.501 (cross-reference), that are not applicable to mortgages insured under this subpart, § 207.5 (maturity) shall not apply this section. Also, this section shall not apply to § 220.507(e) (loans to cover 2-year operating loss), § 207.32 (eligibility of refinancing transactions) or § 220.550 through § 220.663 and § 220.800 through § 220.850 ("Insured Project Improvement Loans").

(g) *Aggregate amount of mortgages:* The aggregate number of dwelling units included in properties covered by partially amortizing mortgages and mortgages that contain a call provision insured by the Secretary under the authority in sections 207(c)(3), 220(d)(4), 221(d)(6), and 231(c)(5) of the National Housing Act in any fiscal year may not exceed 10,000.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

6. By adding in Subpart C a new § 221.560b to read as follows:

§ 221.560b Eligibility of partially amortizing mortgages.

A mortgage that provides for only partial amortization of the principal obligation of the mortgage during the mortgage term is eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(a) *Mortgage term.* The term of a partially amortizing mortgage may not be less than 10 years. Upon expiration of the mortgage term, a balloon (lump-sum equal to the unpaid principal obligation) payment becomes due.

(b) *Amortization provisions.* A partially amortizing mortgage must provide for level monthly payments for the full mortgage term. The period used in calculating the level monthly payments may not exceed 40 years.

(c) *Insurance coverage.* Insurance coverage for partially amortizing mortgages is the same as for fully amortizing mortgages for the life of the mortgage term. If a default under the mortgage occurs before the end of the mortgage term, and the mortgagee becomes entitled to insurance benefits, the entire unpaid principal balance (including the amount that would have constituted the balloon payment) shall be deemed the unpaid principal amount of the mortgage under § 207.259(b)(1). Insurance coverage terminates at the end of the mortgage term and before the balloon payment becomes due. The balloon payment is not insured.

(d) *Mortgage documents.* The mortgage documents used for a partially amortizing mortgage must be satisfactory to HUD and must indicate the amount of the principal obligation remaining due at the expiration of the mortgage term.

(e) *Disclosure.* The mortgagee must notify the mortgagor of the amount of the balloon payment no earlier than six months nor later than four months before the end of the mortgage term.

(f) *Cross-reference:* Section 221.516 (maturity) shall not apply to this section. Also, this section shall not apply to § 221.514(e) (loans to cover 2-year operating loss), or § 221.560 (eligibility of refinanced mortgages).

(g) *Aggregate amount of mortgages:* The aggregate number of dwelling units included in properties covered by partially amortizing mortgages and mortgages containing call provisions insured by the Secretary under the authority in sections 207(c)(3), 220(d)(4), 221(d)(6) and 231(c)(5) of the National Housing Act in any fiscal year may not exceed 10,000.

7. By adding in Subpart C a new § 221.560c to read as follows:

§ 221.560c Eligibility of mortgages containing call provisions.

A mortgage that contains a call provision which would, at the mortgagee's option, accelerate the outstanding debt on the property, may be insured under this subpart subject to the additional procedures and requirements of this section.

(a) *Mortgage provisions.* To be insured under this program, a mortgage containing a call provision must provide for level monthly payments and full amortization over a mortgage term not to exceed 30 years. The date on which a call may be made must be stated in the mortgage document and cannot be earlier than 15 years from final endorsement of the mortgage. The mortgage may provide for the possible exercise of a call at specified times during the mortgage term, provided that the times specified are at least 5 years apart.

(b) *Insurance coverage.* Insurance coverage for mortgages containing call provisions is the same as for fully amortizing mortgages, except that the failure of the mortgagor to pay the accelerated debt as specified in the call provisions will constitute a basis for payment of insurance benefits.

(c) *Revocation of acceleration and amount of loss.* (1) In the event of assignment of the mortgage to HUD, HUD shall determine, within 6 months of the assignment, whether to (i) revoke the acceleration and reinstate the mortgage as current, if all monthly installments of rincipal and interest and other payments (other than the accelerated principal) have been made, or (ii) not revoke the acceleration, whether or not such payments have been made. If the acceleration is revoked, the call provision shall terminate. If the acceleration is not revoked, the Secretary may foreclose at any time. If HUD sells the mortgage for less than the insurance benefits paid, the difference shall become the principal of the secondmortgage described in paragraph (c)(2) of this section.

(2) The mortgagor must execute a second mortgage at the time of the original endorsement of any mortgage containing a call provision. The second mortgage must be recorded at the time of recordation of the first mortgage with the amount of the second mortgage to be established in accordance with paragraph (c)(1) of this section. The second mortgage will bear interest at the Treasury borrowing rate for United States securities. Interest shall begin to accrue on the date of the closing of the sale of the first mortgage by HUD.

(d) *Mortgage documents.* The mortgage documents used for a call provision mortgage must be satisfactory to HUD and must indicate the amount of the principal obligation remaining due at the first possible date on which the call provision may be exercised.

(e) *Disclosure.* The mortgagee must notify the mortgagor of the amount of the principal obligation due under the call provision no earlier than six months nor later than four months before the date on which the call is exercised.

(f) *Cross-reference:* Section 221.516 (maturity) does not apply to this section. This section does not apply to § 221.514(e) (loans to cover 2-year operating loss), or § 221.560 (eligibility of refinancing transactions).

(g) *Aggregate amount of mortgages:* The aggregate number of dwelling units included in properties covered by partially amortizing mortgages and mortgages that contain a call provision insured by the Secretary under the authority in sections 207(c)(3), 220(d)(4), 221(d)(6), and 231(c)(5) of the National

Housing Act in any fiscal year may not exceed 10,000.

8. By revising § 221.755 to read as follows:

§ 221.755 Premiums first, second, third and operating loss loans.

All of the provisions of §§ 207.252 and 207.252a of this chapter, relating to mortgage insurance premiums, apply to mortgages insured under this subpart that provide for interest at the market rate prescribed in § 221.518(a), except that as to mortgages insured under this subpart pursuant to § 238(c) of the Act, and as to mortgages that contain call provisions, all mortgage insurance premiums due in accordance with §§ 207.252 and 207.252a shall be calculated on the basis of one percent. The provisions of § 207.252 shall not apply to:

(a) Mortgages that provide for interest during the construction period at the market rate and for interest subsequent to final endorsement at below market rate prescribed in § 221.518(b); or

(b) Mortgages encumbering a project in which all units are covered by an annual contributions contract issued under section 10(c) of the Housing Act of 1937.

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

9. By adding a new § 231.15 to read as follows:

§ 231.15 Eligibility of partially amortizing mortgages.

A mortgage that provides for only partial amortization of the principal obligation of the mortgage during the mortgage term is eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(a) *Mortgage term.* The term of a partially amortizing mortgage may not be less than 10 years. Upon expiration of the mortgage term, a balloon (lump-sum equal to the unpaid principal obligation) payment becomes due.

(b) *Amortization provisions.* A partially amortizing mortgage must provide for level monthly payments for the full mortgage term. The period used in calculating the level monthly payments may not exceed 40 years.

(c) *Insurance coverage.* Insurance coverage for partially amortizing mortgages is the same as for fully amortizing mortgages for the life of the mortgage term. If a default under the mortgage occurs before the end of the mortgage term, and the mortgagee becomes entitled to insurance benefits, the entire unpaid principal balance (including the amount that would have constituted the balloon payment) shall be deemed the unpaid principal amount of the mortgage under § 207.259(b)(1). Insurance coverage terminates at the end of the mortgage term and before the balloon payment becomes due. The balloon payment is not insured.

(d) *Mortgage documents.* The mortgage documents used for a partially amortizing mortgage must be satisfactory to HUD and must indicate the amount of the principal obligation remaining due at the expiration of the mortgage term.

(e) *Disclosure.* The mortgage must notify the mortgagor of the amount of the balloon payment no earlier than six months nor later than four months before the end of the mortgage term.

(f) *Cross-reference:* In addition to those sections of Subpart A, Part 207 of this chapter, cited in § 231.1 (cross-reference), that are not applicable to mortgages insured under this subpart, § 207.5 (maturity) shall not apply this section. This section shall not apply to § 207.32 (eligibility of refinancing transactions) of § 231.7 (loans to cover 2-year operating loss).

(g) *Aggregate amount of mortgages:* The aggregate number of dwelling units included in properties covered by partially amortizing mortgages and mortgages containing call provisions insured by the Secretary under the authority in sections 207(c)(3), 220(d)(4), 221(d)(6), and 231(c)(5), of the National Housing Act in any fiscal year may not exceed 10,000.

10. By adding a new § 231.16 to read as follows:

§ 231.16 Eligibility of mortgages containing call provisions.

A mortgage that contains a call provision which would, at the mortgagee's option, accelerate the outstanding debt on the property, may be insured under this subpart subject to the additional procedures and requirements of this section.

(a) *Mortgage provisions.* To be insured under this program, a mortgage containing a call provision must provide for level monthly payments and full amortization over a mortgage term not to exceed thirty years. The date on which a call may be made must be stated in the mortgage document and cannot be earlier than 15 years from final endorsement of the mortgage. The mortgage may provide for the possible exercise of a call at specified times during the mortgage term, provided that the times specified are at least 5 years apart.

(b) *Insurance coverage.* Insurance coverage for mortgages containing call provisions is the same as for fully amortizing mortgages, except that the failure of the mortgagor to retire the outstanding debt as specified in the call provisions will constitute a basis for payment of insurance benefits.

(c) *Revocation of acceleration and amount of loss.* (1) In the event of assignment of the mortgage to HUD, HUD shall determine, within 6 months of the assignment, whether to (i) revoke the acceleration and reinstate the mortgage as current, if all monthly installments of principal and interest and other payments (other than the accelerated principal) have been made, or (ii) not revoke the acceleration whether or not such payments have been made. If the acceleration is revoked, the call provision shall terminate. If the acceleration is not revoked, the Secretary may foreclose at any time. If HUD sells the mortgage for less than the insurance benefits paid, the difference shall become the principal of the second mortgage described in paragraph (c)(2) of the section.

(2) The mortgagor must execute a second mortgage at the time of the original endorsement of any mortgatge containing a call provision. The second mortgage must be recorded at the time of recordation of the first mortgage with the amount of the second mortgage to be established in accordance with paragraph (c)(1) of this section. The second mortgage will bear interest at the Treasury borrowing rate for United States securities. Interest shall begin to accrue on the date of the closing of the sale of the first mortgage by HUD.

(d) *Mortgage documents.* The mortgage documents used for a call provision mortgage must be satisfactory to HUD and must indicate the amount of the principal obligation remaining due at the first possible date on which the call provision may be exercised.

(e) *Disclosure.* The mortgagee must notify the mortgagor of the amount of the principal obligation due under the call provision no earlier than six months nor later than four months before the date on which the call is exercised.

(f) *Cross-reference:* In addition to those sections of Subpart A, Part 207 of this chapter, cited in § 231.1 (cross-reference), that are not applicable to mortgages insured under this subpart, § 207.5 (maturity) shall not apply to this section. This section does not apply to § 207.32 (eligibility of refinancing transactions) or § 231.7 (loans to cover 2-year operating loss).

(g) *Aggregate amount of mortgages:* The aggregate number of dwelling units included in properties covered by partially amortizing mortgages and mortgages that contain a call provision

insured by the Secretary under the authority in sections 207(c)(3), 220(d)(4), 221(d)(5), and 231(c)(5) of the National Housing Act in any fiscal year may not exceed 10,000.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

§ 236.1 [Amended].

11. In § 236.1 of Subpart A, by inserting in the cross-reference table after "221.560 Eligibility of refinanced mortgages" and before "221.575 Protection of work in process" the following:

221.560b Eligibility of partially amortizing mortgages.
221.560c Eligibility of mortgages containing call provisions.

PART 241—SUPPLEMENTARY FINANCING FOR INSURED MORTGAGES

12. By adding a new § 241.5 in Subpart A to read as follows:

§ 241.5 Call provision or Partially Amortizing mortgages.

A project improvement loan cannot be eligible for insurance under this subpart if the project is covered by an insured mortgage that is either a partially amortizing mortgage or a mortgage that contains a call provision.

13. By revising § 241.55 in Subpart A to read as follows:

§ 241.55 Method of loan payment.

The loan shall provide for monthly payments on the first day of each month on acount of interest and principal and shall provide for payuments in accordance with the amortization plan as agreed upon by the borrower, the lender, and the Commissioner. The loan may not contain a call provision, nor may it provide for only the partial amortization of the loan amount by the end of the loan term.

14. By revising § 241.540(a) in Subpart C to read as follows:

§ 241.540 Method of loan payment and amortization period.

(a) *Monthly payments.* The loan shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payment in accordance with the amortization plan as agreed upon by the borrower, the lender and the Commissioner. The loan may not contain a call provision, nor may it provide for only the partial amortization of the loan amount by the end of the loan term.

(Secs. 207, 220, 221, and 231 of the National Housing Act (12 U.S.C. 1713, 1715k, 17151, and 1715v); Sec. 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)))

Dated: September 18, 1984.

Maurice L. Barksdale,

Assistant Secretary for Housing—FHA Commissioner.

[FR Doc. 84-28550 Filed 10-29-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 151

Land Acquisitions; Correction

October 29, 1984.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Correction of proposed rule.

SUMMARY: On August 17, 1984 (49 FR 32859) the Bureau published a proposed rule to make revisions to regulations dealing with land acquisitions by individual Indians and Indian tribes. These revisions were mainly the result of new legislation and incorporate certain provisions which enable tribes to more readily consolidate land holdings within their reservations. This document corrects the proposal to include changes made during the Executive Order 12291 clearance process that were inadvertently omitted from the published copy.

DATE: The comment period for the proposed rule is extended to November 29, 1984.

ADDRESSES: Submit written comments to the Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Louis White, Realty Specialist, Division of Real Estate Services, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, telephone number (202) 343-3608 or (FTS) 8-343-3608.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 84-21915 appearing on 32859 in the issue of August 17, 1984.

1. On page 32859 under the Supplementary Information section, the name of Public Law 97-459, the Indian Land Consolidation Act, was not provided

2. On page 32859, column two, the second paragraph cites Title II, section 4 of Public Law 97-459; the correct citation is Title II, section 204 of Public Law 97-459.

3. On page 32859, column two, third paragraph, the word "select" is corrected to read "delete". The abbreviation "I.R.A." is corrected to read "Indian Reorganization Act".

§ 151.7 [Corrected]

4. In the proposed revision to 25 CFR 151.7, the section title is corrected to read as follows: "Section 151.7 Acquisition of fractional interests."

5. On page 32860, the introductory text of the proposed section 25 CFR 151.7(b) is corrected to read as follows:

"(b) Any Indian tribe may purchase at no less than the fair market value all of the interests in any tract of trust or restricted land within that tribe's reservation or otherwise subjected to that tribe's jurisdiction with the consent of over 50 per centum of the owners or with the consent of the owners of over 50 per centum of the undivided interests in such tract provided that:"

John W. Fritz,

Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 84-28488 Filed 10-29-84; 8:45 am]

BILLING CODE 4310-02-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modifications to the Illinois 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 Illinois as an amendment to the State's permanent regulatory program (hereinafter referred to as the Illinois program) under the Office of Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment submitted consists of proposed changes in Illinois rules 1816.190 and 1817.190, Affected Acreage Map. This notice sets forth the times and locations that the Illinois 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 procedures that will be followed for the public hearing.

DATES: Written comments from the public not received by November 29, 1984 will not necessarily be considered in the decision on whether the proposed amendment should be approved and incorporated into the Illinois regulatory program. A public hearing on the proposed amendment has been scheduled for November 26, 1984. Any person interested in speaking at the hearing should contact Mr. James Fulton at the address or telephone number listed below by November 14, 1984. If no person has contacted Mr. Fulton by that date to express an interest in the hearing the hearing will not be held. If only one person requests the opportunity to speak at the public hearing, 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 is scheduled for 1:00 p.m. at the OSM Springfield Office, 600 E. Monroe Street, Springfield, Illinois 62701.

Written comments and requests for a hearing should be directed to Mr. James Fulton, Director, Springfield Field Office, Office of Surface Mining, Room 20, 600 E. Monroe Street, Springfield, Illinois 62701; Telephone: (217) 492–4495.

Copies of the Illinois program, the proposed modifications to the program, a listing of any scheduled public meeting 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 Headquarters Office and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays. A free single copy of the proposed changes is available at the OSM Field Office.

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

Illinois Department of Mines and Minerals, Land Reclamation Division, 227 South 7th Street, Springfield, Illinois 62706

FOR FURTHER INFORMATION CONTACT: Mr. James F. Fulton, Director, Springfield Field Office, Office of Surface Mining, Room 20, 600 E. Monroe Street, Springfield, Illinois 62701; Telephone: (217) 492–4495.

SUPPLEMENTARY INFORMATION:

I. Background

The Illinois program was conditionally approved by the Secretary of the Interior on June 1, 1982 (47 FR 23858). Information pertinent to the general background revisions, modifications and amendments to the Illinois program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Illinois program can be found in the June 1, 1982 **Federal Register.**

II. Submission of Revisions

By letter dated September 27, 1984, the State of Illinois formally submited a request for approval of proposed Illinois rules 1816.190 and 1817.190, Affected Acreage Map.

Specifically, the proposed amendment includes the following revisions to sections 1816.190 and 1817.190. [New text is shown by arrows and deleted language is in brackets].

Section 1816.190 Affected Acreage Map

(a) On or before September 1, of each year, every permit holder shall submit to the Department and to the county clerk, reports and maps of [disturbed acreage] ►affected area.◄

(b) The forms shall be duly executed and duplicate maps shall be attached showing the [land] ►area◄ affected during the fiscal year just ended. The Department shall require the map to be executed by an engineer registered in the State of Illinois ►or Registered Land Surveyor.◄

(c) The map shall be planned as a continuous map, so that the [land] ►area◄ affected each year may be added and indicated on the map by the dates it was affected. [Report forms and map scales shall be as required by the Department.] ►Report forms as required by Section 1816.190 shall be submitted to the Department on forms provided by the Department. Map scales shall be in accordance with 62 Illinois Administrative Code 1771.23(e)(1).◄

(d) All maps shall show sections, township, range and county lines coming within the scope of the map; access to the area from the nearest public road and all weather roads within the mined area; and a title containing name of the operator, address, scale of the map, by whom the map was drawn, name of the surveyor or engineer.

►*Section 1817.190 Affected Acreage Map.*

(a) On or before September 1, of each year, every permit holder shall submit to the Department and to the county clerk, reports and maps of affected areas.

(b) The forms shall be duly executed and duplicate maps shall be attached showing the area affected during the fiscal year just ended. The Department shall require the map to be executed by an engineer registered in the State of Illinois or Registered Land Surveyor.

(c) The map shall be planned as a continuous map so that the area affected each year may be added and indicated on the map by the dates it was affected. Report forms as required by Section 1817.190 shall be submitted to the Department on forms provided by the Department. Map scales shall be in accordance with 62 Illinois Administrative Code 1771.23(e)(1).

(d) All maps shall show sections, township, range and county lines coming within the scope of the map; access to the area from the nearest public road and all weather roads within the mined area; and a title containing name of the operator, address, scale of the map, by whom the map was drawn, name of the surveyor or engineer.◄

Upon requests to OSM's Field Office Director, each person may receive, free of charge, one single copy of the proposed program amendment. The Director now seeks public comment on whether the proposed amendment is no less effective than the Federal regulations. If approved, the amendment will become part of the Illinois 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 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 913

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

Dated: October 23, 1984.

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

John D. Ward,

Acting Director, Office of Surface Mining.

[FR Doc. 84–28473 Filed 10–29–84; 8:45 am]

BILLING CODE 4310–05–M

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting: Zones in Which Nontoxic Shot Will Be Required for Waterfowl Hunting in the 1985–86 Hunting Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposal contains descriptions of areas in which non-toxic shot would be required for waterfowl hunting in the 1985–86 hunting season. When eaten by waterfowl, spent lead pellets may have a toxic effect. The only approved non-toxic shot available at this time is steel shot. This proposal contains descriptions of the same areas that were identified for this purpose in § 20.108 for the 1984–85 waterfowl hunting season with the following exceptions:

1. Non-toxic shot requirements for certain National Wildlife Refuges (NWR) were listed in 50 CFR 32.12 rather than 50 CFR 20.108 in 1984. This proposal would list all the non-toxic shot regulations for NWRs in § 20.108.

2. As a result of studies conducted in 1983–84 by the Service, certain NWRs where lead shot is now used were found to have lead poisoning problems of a magnitude that warranted consideration as nontoxic shot zones in 1985–86. Five NWRs are being proposed by the Service based on these findings.

3. Prior to the 1984–85 waterfowl hunting season, States having non-toxic shot zones were asked if they approved of the implementation and enforcement of the regulation in the State in 1984–85. This request was required by the 1984 Interior Department Appropriations Bill. Those zones that were not approved by the State for enforcement in 1984 are being proposed for removal from § 20.108 in 1985.

4. On August 1, 1984, the National Wildlife Federation (NWF) petitioned the Service to convert to nontoxic shot for waterfowl hunting in six counties in 1984 and 89 counties in 1985. While these counties are not listed as part of the proposed amendment to § 20.108, they are listed in this document to solicit public comment on this request.

DATES: Comments on this proposal will be accepted until November 30, 1984.

ADDRESSES: Submit comment to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

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

SUPPLEMENTARY INFORMATION: The Migratory Bird Treatey Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

Appropriated funds for the Department of the Interior for fiscal year 1984 were restricted in their use by the following provision:

> No funds appropriated by the Act shall be available for the implementation or enforcement of any rule or regulation of the United States Fish and Wildlife Service, Department of the Interior, requiring the use of steel shot in connection with the hunting of waterfowl in any State of the United States unless the appropriate State regulatory authority approves such implementation.

Between August 10 and 31, 1984, each State was contacted by the Service by phone and notified that a proposal for non-toxic shot zones in 1985–86 hunting seasons would be published. On or about September 5, 1984, each State that is listed in the current non-toxic shot regulations received a letter requesting approval in writing for the Service to implement and enforce the regulations in the 1984–85 hunting season. Failure of a State to approve this implementation or enforcement of zones in the 1984–85 hunting season is interpreted by the Service as a request to remove such zones from the regulations prior to the 1985–86 hunting season. The States of Virginia and South Carolina did not approve the implementation of the regulation in 1984, and they have been removed from this proposal. The responses received from the States included requests for minor boundary adjustments and corrections. These changes are being proposed for Nebraska, Wisconsin, New York, Indiana, and Florida.

In previous years non-toxic shot zones on lands not administered by the Service were published in 50 CFR 20.108 and zones on Service lands were published in 50 CFR 32.12. This proposed amendment for 1985–86 combines the areas listed in both. This rulemaking procedure will amend 50 CFR 20.108 to include all federally implemented and enforced non-toxic shot zones regardless of land ownership.

The Service conducted in 1983 a program to monitor the occurrence of lead poisoning on selected NWRs. Nineteen NWRs were investigated. Based on results of this work, the Service has concluded that lead poisoning is matter of concern on at least 6 of the 19 areas. The 6 NWRs being proposed as non-toxic shot areas are Stillwater (Nevada); Missisquoi (Vermont); Benton Lake (Montana); Tule Lake and Lower Klamath (California).

The National Wildlife Federation (NWF) petitioned the Service on August 1, 1984, to take emergency action in responding to lead poisoning in bald eagles. Lead poisoning in bald eagles can result from the ingestion of waterfowl that contain lead shot. The NWF divided 95 counties around the country into so-called "Class I" or "Class II" areas. Class I counties were identified by the NWF as areas where there had been (a) at least one bald eagle death from lead poisoning since 1966, (b) a concentration of fifteen or more wintering bald eagles, (c) at least one documented death of a waterfowl due to lead poisoning or a 5 percent incidence of lead shot in gizzards of waterfowl in the area, and (d) the absence of non-toxic shot zone. Class II counties were identified as areas where there had been: (a) A concentration of fifteen or more wintering bald eagles; and either (b) one or more bald eagles with lead poisoning, regardless of whether the poisoning was lethal or sublethal (included in this category were bald eagles whose lead poisoning had only been preliminarily diagnosed at the time of the August 1 petition); or (c) at least one death of a waterfowl due to lead poisoning or a 5 percent incidence of lead shot in gizzards of waterfowl in the area.

The NWF petitioned the Service to immediately designate non-toxic shot zones for all Class I counties for the 1984–85 season, or in the alternative, to exercise on an emergency basis the agency's closure authority under the Migratory Bird Treaty Act and prohibit

all waterfowl hunting in those counties for the 1984–85 season. The NWF demanded that the Service Immediately propose a regulation for Class II counties that would establish them as non-toxic shot zones for the 1985–86 season.

The Service responded to the NWF petition on September 14, 1984 (49 FR 36290–93 and 49 FR 36273–76). As a part of that response, the Service agreed to publish for public comment the Class I and Class II counties identified by NWF. These counties are as follows:

State	County
Class I	
Arizona	Coconino.
California	Modoc.
Do.	Siskyou.
Illinois	Madison.
Missouri	Holt.
Washington	Thurston.
Class II	
Alaska	Kodiak Island.
Do.	Prince Wales Island.
Do.	Sitka.
Arizona	Mohave.
Arkansas	Boone.
Do.	Jefferson.
Do.	Mississippi.
Do.	Pope.
California	Butte.
Do.	Lassen.
Colorado	Rio Blanco.
Florida	Serasota.
Idaho	Boundary.
Do.	Canyon.
Do.	Kootenai.
Illinois	Bureau.
Do.	Calhoun.
Do.	DeKalb.
Do.	Henderson.
Do.	Mason.
Do.	Pike.
Do.	Pulaski.
Do.	Rock Island.
Do.	Tazewell.
Do.	Woodford.
Iowa	Louisa.
Kansas	Coffee.
Do.	Rooks.
Kentucky	Ballard.
Louisiana	Terrebonne.
Maine	Hancock.
Do.	Sagadahoc.
Do.	Washington.
Maryland	Allegany.
Do.	Dorchester.
Michigan	Alpena.
Do.	Dickinson.
Do.	Marquette.
Do.	Ontonagon.
Missouri	Callaway.
Do.	DeKalb.
Do.	Ozark.
Do.	St. Charles.
Montana	Big Horn.
Do.	Fergus.
Do.	Lake.
Nebraska	Buffalo.
Do.	Cherry.
Do.	Keya Paha.
Do.	Scotts Bluff.
Nevada	Churchill.
Do.	Elko.
Do.	Humboldt.
New Mexico	Colfax.
Oklahoma	Grant.
Do.	McIntosh.
Oregon	Jackson.
Do.	Klamath.
Do.	Morrow.
Pennsylvania	Montgomery.
South Carolina	Colleton.
South Dakota	Butte.
Do.	Gregory.
Do.	Harding.
Do.	Meade.
Do.	Yankton.
Utah	Beaver.
Do.	Daggett.
Do.	Duchesne.
Do.	Sevier.
Do.	Tooele.
Do.	Weber.
Virginia	Fairfax.
Washington	Callam.
Do.	Cowlitz.
Do.	Okanogan.
Do.	Pierce.
Do.	Spokane.
Do.	Whatcom.
Wisconsin	Dane.
Do.	Douglas.
Do.	Dunn.
Do.	Lafayette.
Do.	St. Croix.
Do.	Sauk.
Do.	Sawyer.
Do.	Vilas.
Wyoming	Goshen.
Do.	Teton.

The Service welcomes comment on the above counties. Based upon such comment and related studies in progress, the Service is considering a proposal to further amend § 20.108. Should this be necessary, additional amendments will be proposed in December 1984.

This rule will not result in the collection of information from, or place recordkeeping requirements on, the public under the Paperwork Reduction Act of 1980. In accordance with Executive Order 12291, it has been determined that this rule is not a major rule. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.) it was determined that this rule, if implemented without adequate notice, could result in ammunition supplies for which there is no local demand. It is believed that adequate notice will be provided. Therefore, it was determined that the rule would not have a significant economic effect on a substantial number of small entities. A copy of the analysis relating to these decisions, Determination of Effects of Proposed Amendment to Steel Shot Rules for 1985, can be obtained from the U.S. Fish and Wildlife Service (MBMO), Washington, D.C. 20240.

An Environmental Impact Statement on the steel shot program was signed in 1976. In addition, Environmental Assessments were prepared on various aspects of the steel shot program in 1977 through 1980.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

This proposed rule was authored by Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Office, Washington, D.C. 20240.

Proposed Rule

PART 20—[AMENDED]

Accordingly, it is proposed that 50 CFR 20.108 be revised by removing the present wording in its entirety and replacing that wording with the following:

§ 20.108 Non-toxic shot zones.

The areas described within the States indicated below are designated for the purpose of § 20.21(j) as non-toxic shot zones for waterfowl hunting.

Atlantic Flyway

Connecticut

1. That portion of New Haven and Fairfield Counties bounded by a line beginning at the north end of the breakwater at Milford Point extending south to Stratford Point, north along Prospect Drive and Route 113 to Interstate 95, easterly along I–95 to Naugatuck Avenue, southerly along Naugatuck Avenue and Milford Point Road and continuing along a line extending from the end of Milford Point Road to the north end of the breakwater at Milford Point.

2. That portion of New Haven County along the Quinnipiac River known as the Quinnipiac Meadows beginning at the intersection of Seckett Point Road and I–91, extending south along I–91 to Route 5, northerly along Route 5 to Sackett Point Road, and easterly along Sackett Point Road to I–91.

Delaware

All lakes, ponds, marshes, swamps, bays, rivers, and streams or within 150 yards thereof within the boundaries of the following areas:

1. Chesapeake and Delaware Canal State Wildlife Area.
2. Augustine State Wildlife Area.
3. Woodland Beach State Wildlife Area.
4. Little Creek State Wildlife Area.
5. Prime Hook State Wildlife Area.
6. Bombay Hook National Wildlife Refuge.
7. Prime Hook National Wildlife Refuge.
8. Cape Henlopen and Delaware Seashores State Parks and Assawoman and Gordon's Pond Wildlife Areas.

Florida

That portion of Brevard County lying east of Interstate Highway 95; Osceola, Broward, and Dade Counties; Leon County (exclusive of Lake Talquin and the Ochlockonee River); Lake Miccosukee in Leon and Jefferson Counties; Orange Lake and Lochloosa Lake in Alachua County; the area lying lakeward of, and bounded by the Lake Okeechobee levee, by the State Road 78, Kissimmee River bridge, and by State Road 78 from its intersections with the Lake Okeechobee levee at points near Lakeport and the Old Sportsman's Village site; all of the Occidental phosphate mine pits east of SR 137, Black Still Road and Christie Tower Road, west of SR 135, south of SR 6 and north of White Springs (all located in Township 1 north, Ranges 15 and 16 east and Township 1 south,

Ranges 15 and 16 east in Hamilton County); Lake Ponte Vedra in St. Johns County (all waters north of the Guana Dam); IMC Wildlife Management Area in Polk County; and M–K Ranch public waterfowl area in Gulf County.

Chassahowitzka National Wildlife Refuge, Loxahatchee National Wildlife Refuge, Merritt Island National Wildlife Refuge, and Lower Suwannee National Wildlife Refuge.

Georgia

Eufaula National Wildlife Refuge and Savannah National Wildlife Refuge.

Massachusetts

Parker River National Wildlife Refuge and Plum Island.

New Jersey

That portion of the State bounded on the north by the Shark River, on the west by the Garden State Parkway, on the south by the Cape May Canal, and on the east by the Atlantic Ocean.

Forsythe National Wildlife Refuge.

New York

All waters (including bays, lakes, ponds, marshes, swamps, rivers, streams, and ocean waters but not including temporary or sheet water) and all land areas within 150 yards of all waters of the following portions of New York:

1. That part of upstate New York west of I–81; that is north of I–90, and within a 150-yard zone of land adjacent to the margins of said waters in those areas, but not to include drainage ditches and temporary sheet waters outside the 150-yard zone of land adjacent to the margins of aforesaid waters, nor the waters of the Niagara River north of the Peace Bridge and the waters of Lake Ontario, outside the barrier beach, from the mouth of the Niagara River in Niagara County to Tibbets Point in Jefferson County but not to include the Henderson Bay-Black River Bay area east of a line running from Snowshoe Point on Henderson Harbor to Pillar Point on the southward portion of Pillar Point Peninsula.

2. That part of Nassau County south of Route 27 that is west of Wantagh Parkway and its southerly extension to the Atlantic Ocean.

3. Oneida Lake and adjacent areas bounded on the north by Route 49, on the east by Route 13, on the South by Route 31 and on the west by I–81.

4. Wilson Hill Wildlife Management Area in St. Lawrence County.

5. Upper and Lower Lakes Wildlife Management area in St. Lawrence County.

6. That area including and adjacent to the Hudson River south of an imaginary line extending perpendicular from the east and west shores and passing through the flashing green light buoy number 13 in the river near Lampman Hill in the Town of Coxsackie, and north of an imaginary line extending perpendicular from the east and west shores and passing through flashing red light buoy number 28 in the river near Tyler Point in the Town of Ulster; except for that portion of the area enclosed by a continuous line starting on the west shore of the river and extending eastward along the imaginary perpendicular line to flashing red light buoy number 28, then nothward along the east side of the deep water channel which is marked by red buoys to red buoy number 50 (Cruger and Magdalen Islands are entirely in the steel shot zone), then westward to the west shore of the river following an imaginary line perpendicular to the shore, then southward along the shore to the point of beginning.

7. Iroquois and Montezuma National Wildlife Refuges.

North Carolina

All waters (including sounds, lakes, ponds, marshes, swamps, rivers, and streams) of Currituck, Dare, and Pamlico Counties and within a 150-yard zone of land in these Counties adjacent to the margins of such waters. Drainage ditches and temporary sheet water more than 150 yards from the waters described above are excluded from the steel shot requirement.

Cedar Island National Wildlife Refuge, Mattamuskeet National Wildlife Refuge, and Swanquarter National Wildlife Refuge.

Pennsylvania

Crawford County, Middle Creek Wildlife Management Area in Lancaster and Lebanon Counties, and the waters of the Susquehanna River beginning at the confluence of the North and West branches at Northumberland and continuing southward to the Maryland-Pennsylvania State boundry and including a 25–yard zone of land adjacent to the waters of the Susquehanna River that are described above.

Erie National Wildlife Refuge.

Rhode Island

That portion of Washington County lying south and east of U.S. Route 1 but excluding Block Island and the waters of Block Island Sound and Narragansett Bay.

Vermont

Missisquoi National Wildlife Refuge.

Mississippi Flyway

Alabama

Eufaula National Wildlife Refuge.

Illinois

Oakwood Bottoms Greentree Reservoir, Rice Lake Public Hunting Area, Union County Public Hunting Area, Horseshoe Lake, Rend Lake and related subimpoundments and all adjacent lands managed by the U.S. Army Corps of Engineers and the Illinois Department of Conservation.

Crab Orchard National Wildlife Refuge.

Indiana

1. On all waters of Lake Porter (except that area south of U.S. 30 and north of S.R. 8), LaPorte, Newton (north of S.R. 14), Jasper (north of S.R. 114), Starke, Elkhart, Kosciusko, Lagrange, and Steuben Counties and within 150-yard zone of land in these counties adjacent to the margins of these waters. This includes lakes, ponds, marches, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of Lake Michigan and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

2. All waters and within a 150-yard zone of land adjacent to the margins of these waters on the Jasper-Pulaski, Tri-County, and Glendale Fish and Wildlife Areas.

3. Within the boundaries of the following state-owned or state-operated properties: Hovey Lake Fish and Wildlife Area Posey County, Mallard Roost Wetland Conservation Area in Noble County, Monroe Reservoir in Monroe and Brown Counties, and Patoka Reservoir in Dubois, Crawford and Orange Counties.

4. Within the proposed boundaries of the Menominee Wetlands Conservation Area in Marshall County.

Iowa

1. In Fremont and Mills Counties on all waters and a 150-yard zone of land in these two Counties adjacent to waters. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Excluded from these provisions are the waters of the Missouri River and drainage ditches and temporary sheet water that are more than 150 yards from the waters described above.

2. All waters and a 150 yard zone of land adjacent to these waters on the following public hunting areas under the jurisdiction of the State Conservation Commission:

Sweet Marsh in Bremer County
Big Marsh in Butler County
Green Island Area in Jackson County
Princeton Area in Scott County

3. Upper Mississippi River Wildlife and Fish Refuge and De Soto National Wildlife Refuge.

Louisiana

Lacassine National Wildlife Refuge and Sabine National Wildlife Refuge

Michigan

A. Eastern Upper Peninsula

1. That area of Chippewa County encompassed by a line from the tip of Conely's Point (Section 4, T44N R2E) southeasterly to the tip of Winter Point (Section 14, T44N R2E) to the tip of Rocky Point (Section 25, T44N R2E); then south on Rocky Point Road and west on Gogomain Road to the Town of Pickford; north on M–129 to the junction with 15-Mile Road (Section 19, T45N R1E); to the Village of Neebish; then south on the paved road from Neebish (Scenic Drive) to the point of beginning at Conely's Point.

2. The waters of Potagannissing Flooding on Drummond Island.

B. Houghton Lake

That area of water and land encompassing Houghton Lake, Roscommon County, described by road boundaries as follows: south of Meads Landing Road, County 300 and County 100; west of M–18; noth of M–55; and east of US–27.

C. Saginaw Bay

1. That area of Arenac, Bay, Tuscola, and Huron Counties south of US–23; east of M–13; noth of M–25; south of Cresent Beach Road (Caseville Township, Huron County); and southwest of a line from the tip of Sand Point

(Section 11, T17N R9E, Huron County) to Point Lookout (Section 13, T19N R7E, Arenac County); and Shore Road (Sims Township, Arenac County).

2. On all lands and waters within the posted boundaries of the following State or Federal management areas:

a. Crow Island State Game Area—Bay and Saginaw Counties.

b. Shiawassee River State Game Area—Saginaw County.

c. Shiawassee National Wildlife Regue—Saginaw County.

D. Southeastern Michigan

1. That are of Jackson County (north of I–94 and east of M–106); Ingham County (east of M–106/M–52 and south of M–36); Livingston County (south of M–36, east of M–155, and south of M–59); Oakland County (south of M–59, west of US–24 [Telegraph Road], north of I–96, and west of I–275); Wayne County (west of I–275 and north of M–14); Washtenaw County (north of M–14 and I–94); and St. Clair, Macomb, Wayne and Monroe Counties east of I–94 and I–75 including the U.S. waters of the St. Clair River, Lake St. Clair, and Detroit River, and Lake Erie.

2. On all lands and waters within the posted boundaries of the U.S. Fish and Wildlife Service Schlee Waterfowl Production Area located in Section 6, T3S R2E of Grass Lake Township, Jackson County.

E. Southwestern Michigan

1. Muskegon, Ottawa, and Kalamazoo Counties, and Allegan County west of US–131, including the waters of Lake Michigan lakeward for one-half mile from the shore. All county boundary waters and lakes partially within the steel shot zone are totally included.

2. All lands and waters within the posted boundary of the Muskegon County Wastewater System, Muskegon County.

Mississippi

Hillside National Wildlife Refuge, Mathews Brake National Wildlife Refuge, Morgan Brake National Wildlife Refuge, Noxubee National Wildlife Refuge, and Panther Swamp National Wildlife Refuge.

Minnesota

1. All State Wildlife Management Areas and all Federal Waterfowl Production Areas.

2. On the waters on Swan and Middle Lake in Nicollet County, North and South Heron Lakes in Jackson County, Pelican Lake in Wright County, Bear Lake in Freeborn County, and Christina Lake in Douglas and Grant Counties and within 150-yard zone of land adjacent to the margins of the above lakes.

3. Beginning at the intersection of the midline of the Mississippi River and U.S. Highway 61 at Hastings, thence southerly along U.S. Highway 61 to U.S. Highway 16 at LaCrescent, thence southerly along U.S. Highway 16 to State Trunk Highway 26, thence southerly along State Trunk Highway 26 to the southern boundary of the State; thence along the southern and eastern boundaries of the State to the confluence of the St. Croix and Mississippi Rivers, thence along the midline of the Mississippi River to the point of beginning.

4. *Lac qui Parle Zone:* Beginning at the intesection of U.S. Highway 212 and County State Aid Highway (CSAH) 27, Lac qui Parle County; thence along CSAH 27 to CSAH 20, Lac qui Parle County, thence along CSAH 20 to State Trunk Highway (STH) 40; thence along STH 40 to STH 119; thence along STH 119 to CSAH 34, Lac qui Parle County; thence along CSAH 34 to CSAH 19, Lac qui Parle County; thence along CSAH 19 to CSAH 38, Lac qui Parle County; thence along CSAH 38 to U.S. Highway 75; thence along U.S. Highway 75 to STH 7; thence along STH 7 to CSAH 6, Swift County; thence along CSAH 6 to County Road 65, Swift County; thence along County Road 65 to County Road 34, Chippewa County; thence along County Road 34 to CSAH 12, Chippewa County; thence along CSAH 12 to CSAH 9, Chippewa County; thence along CSAH 9 to STH 7; thence along STH 7 to Montevideo; thence along the municipal boundary of Montevideo to U.S. Highway 212, thence along U.S. Highway 212 to the point of the beginning.

Tamarac National Wildlife Refuge, Sherburne National Wildlife Refuge, Upper Mississippi River Wildlife and Fish Refuge, and Minnesota Valley National Wildlife Refuge.

Missouri

Montrose Wildlife Management Area, Duck Creek Wildlife Management Area, Schell-Osage Wildlife Management Area, Fountain Grove Wildlife Management Area, Ted Shanks Wildlife Management Area, Marais Temps Clair Wildlife Management Area, Otter Slough Wildlife Management Area, and those parts of the Swan Lake and Mingo Naional Wildlife Refuges in which hunting of waterfowl is authorized.

Ohio

The Maumee River in Wood County and on all waters of Erie, Ottawa, Sandusky, Cuyahoga, Wayne, Holmes, and Lucas Counties and when hunting waterfowl within a 150-yard zone of land adjacent to the margins of these waters. These waters mentioned in this paragraph include lakes, ponds, marshes, swamps, rivers, streams, and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described in this paragraph are excluded from the nontoxic shot requirements.

Ottawa National Wildlife Refuge.

Tennessee

Lower Hatchie National Wildlife Refuge, Hatchie National Wildlife Refuge, and Cross Creeks National Wildlife Refuge.

Wisconsin

1. In that portion of the State lying west of the Burlington Northern Railway in Pierce, Pepin, Buffalo, Trempealeau, La Crosse, Vernon, Crawford and grant Counties and all signed federal lands lying east of such railway in these same Counties.

2. On all waters in the Counties of Calument, Columbia, Dane, Dodge, Fond du Lac, Green Lake, Jefferson, Kenosha, Manitowoc, Marquette, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Waukesha, Winnebago, Washington, Waupaca and those portions of Oconto and Marinette east of U.S. Highway 41, Waushara County east of Highway 49, and that portion of Brown County lying northwest of the Fox River and east of U.S. Highway 141, and the Brown County islands in Green Bay and including the west 1,000 feet of green Bay waters, and within a 150-yard zone of land adjacent to the margins of these waters, except that in the Horicon and Central goose management zones, non-toxic shot will be required for all waterfowl hunting. The waters referred to above include lakes, ponds, marshes, swamps, rivers, streams and seasonally flooded areas of all types. Drainage ditches and temporary sheet water more than 150 yards from the water areas described above and the open water of Lake Michigan and Green Bay are excluded from the non-toxic shot requirements. All county boundary waters and lakes partially within a steel shot zone are totally included.

3. On any State wildlife area within the zones described in (2), steel shot is required for hunting waterfowl anywhere on State-owned lands or waters within the boundaries of said wildlife area and on the following State-owned wildlife areas that are not within the zones described in (2): Mead Wildlife Area in Marathon, Wood and Portage Counties, Wood County Wildlife Area and Sandhill Wildlife Area in Wood County, Meadow Valley Wildlife Area in Juneau and Monroe Counties.

4. Trempealeau National Wildlife Refuge, Necedah National Wildlife Refuge, Upper Mississippi River Wildlife and Fish Refuge, and Horicon Naitonal Wildlife Refuge.

Central Flyway

Kansas

Barton County: The Cheyenne Bottoms Wildlife Area except the south 200 yards west of U.S. 156 and east of the north-south centerline of S36, T18S, R13W in Barton County and that area west of U.S. 281 commonly known as the inlet canal.

Linn County: All of the Marais des Cygnes Wildlife Areas.

Montgomery County: All of the Elk City Reservoir and Wildlife Area including all lands and waters managed by the U.S. Corps of Engineers and the Kansas Forestry, Fish and Game Commission.

Neosho County: All of the Neosho Wildlife Area.

Reno County: All of the Cheney Reservoir and Wildlife Area including all lands managed by the U.S. Bureau of Reclamation and the Kansas Forestry, Fish and Game Commission. Also, that portion of Quivira National Wildlife Refuge in Reno County.

Stafford County: That portion of the Quivira National Wildlife Refuge in Stafford County.

Rice County: That portion of the Quivira National Wildlife Refuge in Rice County.

Nebraska

1. All waters of Clay, Fillmore, Kearney, and Phelps Counties and zone of land within 150 yards of these waters. Included are all lakes, ponds, marshes, lagoons, rivers and

streams and seasonally flooded areas of all types. Excluded from these provisions are the waters of the Platte River and temporary sheet water that are more than 150 yards from the waters described above.

2. All State and federally owned or controlled public hunting areas as designated by the Commission and posted as non-toxic shot areas for waterfowl hunting (Macon WPA, Quadhammer WPA, and Ritterbush WPA, in Franklin County; Elley WPA, Peterson WPA, Victor Lake WPA, Johnson Lake Reservoir, and Elwood Reservoir in Gosper County; County Line WPA, Sinninger WPA, and Waco WPA in York County; (Pintail WPA–Hamilton County; Smartweed WMA—Nuckolls County; Harlan County Reservoir—Harlan County; Schilling WMA—Cass County).

3. Those lands and waters in Keith and Garden Counties defined as: All lands and water lying west of Omaha Beach and Eagle Canyon access roads between State Highway 92 and U.S. Highway 26 to the Lewellen Bridge.

4. That area west of Nebr. 27 from the South Dakota/Nebraska line, south to Nebr. 2, east on Nebr. 2 to Nebr. 61, 61 to Nebr. south to Nebr. 23 and west on Nebr. 23 to the Colorado/Nebraska line.

New Mexico

That area bounded by a line beginning at the junction of U.S. Highway 60 and Interstate Highway 25 and running south along Interstate 25 approximately 13.5 miles to the San Acacia overpass; thence east along a paved and dirt road to the west bank of the Rio Grande at the San Acacia diversion; thence northeast along the west bank of the Rio Grande to U.S. Highway 60; thence west along U.S. Highway 60 to its junction with Interstate Highway 25.

Sevilleta National Wildlife Refuge, Las Vegas National Wildlife Refuge, Bosque del Apache National Wildlife Refuge, and Bitter Lake National Wildlife Refuge.

Oklahoma

Washita National Wildlife Refuge and Sequoyah National Wildlife Refuge.

Texas

That area lying within boundaries beginning at the Louisiana State line, thence westward along IH 10 to the junction of U.S. Highway 90 and IH 10 to Beaumont, thence westward along U.S. 90 to its junction with IH 610 in Houston, thence north and west along IH 610 to its junction with U.S. Highway 290 in Houston, thence westward along U.S. Highway 290 to its junction with State Highway 159 in Hempstead, thence southwestward along State Highway 159 to its junction with State Highway 36 in Bellville, thence eastward along State Highway 36 to its junction with FM 2429, thence southward along FM 2429 to its junction with FM 949, thence southwestward along FM 949 to its junction with IH 10, thence westward along IH 10 to its junction with U.S. Highway 77 at Schulenburg, thence southward along U.S. Highway 77 to its junction with the U.S.-Mexico international boundary at Brownsville, thence eastward along the U.S.-Mexico international boundary to the Gulf of Mexico, thence east and seaward to the three marine league limit, thence northeastward along the three marine league limit to the Louisiana State line, thence northward along the Texas-Louisiana State line to its junction with IH 10.

Anahuac National Wildlife Refuge, Big Boggy National Wildlife Refuge, Brazoria National Wildlife Refuge, McFaddin National Wildlife Refuge, San Bernard National Wildlife Refuge, Texas Point National Wildlife Refuge and Matagorda Island National Wildlife Refuge.

Pacific Flyway

California

Tule Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge.

Montana

Benton Lake National Wildlife Refuge.

Nevada

Stillwater National Wildlife Refuge.

Oregon

Sauvie Island Wildlife Management Area.

Ankeny National Wildlife Refuge, Baskett Slough National Wildlife Refuge, and William L. Finley National Wildlife Refuge.

Utah

Bear River Migratory Bird Refuge.

Washington

Beginning at Interstate 5 and Highway 20 at Burlington, thence easterly along Highway 20 to Highway 9 at Sedro Woolley; thence southerly along Highway 9 to Highway 538 at Big Rock; thence westerly along Highway 538 to Mt. Vernon and Interstate 5; thence northerly along Interstate 5 to the point of origin.

Ridgefield National Wildlife Refuge.

Dated: October 15, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-28516 Filed 10-29-84; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 49, No. 211
Tuesday, October 30, 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

Office of the Secretary

National Advisory Council on Rural Development, Renewal

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–163), notice is hereby given that the Secretary of Agriculture has renewed the National Advisory Council on Rural Development. The purpose of the Council is to provide advice to the Secretary on the rural development needs, goals, objectives, plans, and recommendations of multi-state, State, substate, and local organizations and jurisdictions. The Council will provide the Secretary with assistance in identifying rural problems and supporting efforts and initiatives in rural development.

The Secretary has determined that the work of the Council is in the pubic interest and is in connection with the duties of the Department of Agriculture. No other advisory committee or agency of the Department is performing the tasks assigned to the National Advisory Council on Rural Development.

For further information, contact: Mr. Willard (Bill) Phillips, Jr. Director, Office of Rural Development Policy, Room 5048–S, United States Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250, (202) 382–0044.

Dated: October 25, 1984.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 84–28546 Filed 10–29–84; 8:45 am]

BILLING CODE 3410–07–M

Food and Nutrition Service

National Advisory Council on Child Nutrition; Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the National Advisory Council on Child Nutrition, established by section 15 of the National School Lunch Act to make a continuing study of the child nutrition programs of the U.S. Department of Agriculture, has scheduled a meeting for November 14–16, 1984. the meeting will take place from 9:00 a.m to 5:00 p.m. on Wednesday, November 14 and Thursday, November 15; and from 9:00 a.m. to 3:00 p.m. on Friday, November 16 at the Food and Nutrition Service, Park Office Center Building, Room 1000, 3101 Park Center Drive, Alexandria, Virginia 22302. If time permits, the general public will be allowed to participate in the discussions.

The meeting will be devoted primarily to the preparation of the 1984 biennial report to the President and the Congress. The agenda will be available 15 days prior to the meeting. Requests for the agenda should be sent to Mr. George A. Braley, Executive Secretary, National Advisory Council on Child Nutrition, United States Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 756–3052.

Dated: October 24, 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 84–28567 Filed 10–29–84; 8:45 am]

BILLING CODE 3410–30–M

Summer Food Service Program, Regulatory Revisions

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: Section 13(g) of the National School Lunch Act requires that any proposed changes to the Summer Food Service Program regulations be published by November 1 of each fiscal year. Final regulations must be published by the following January 1. This notice informs the public that the Department does not intend to publish any revisions to the current Summer Food Service Program (SFSP) regulations. Therefore, the program regulations in effect for the 1984 SFSP will remain in effect for 1985.

EFFECTIVE DATE: January 1. 1985.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett or James C. O'Donnell, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302, (703) 756–3620.

SUPPLEMENTARY INFORMATION:

Classification

This notice has been reviewed under Executive Order 12291, and has been classified as not major because it does not meet any of the three criteria identified under the Executive Order. The action announced in the notice will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation, or on the ability of U.S. enterprises to compete with foreign-based enterprises in domestic or foreign markets.

This notice has also been reviewed for compliance with the requirements of Pub. L. 96–354, the Regulatory Flexibility Act. Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This notice imposes no new reporting or recordkeeping provisions that are subject to Office of Management and Budget review in accordance with the *Paperwork Reduction Act of 1980* (44 U.S.C. 3587).

The Department believes that the current regulations governing the SFSP provide for orderly and proper implementation of the program. The Department has therefore determined that no changes will be made to the program regulations. The regulations currently governing the program will remain in effect.

Definitions

The terms used in this notice shall have the meanings ascribed to them in the regulations governing the SFSP (7 CFR Part 225).

(Catalog of Federal Domestic Assistance Program No. 10.559)

Authority: Sec. 2, Pub. L. 95–166, 91 Stat. 1325 (42 U.S.C. 1781); section 5, Pub. L. 95–

627, 92 Stat. 3620, (42 U.S.C. 1781); section 809, Pub. L. 97–35, 95 Stat. 627 (42 U.S.C. 1781).

Dated: October 24, 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 84–28566 Filed 10–29–84; 8:45 am]

BILLING CODE 3410–30–M

CIVIL RIGHTS COMMISSION

Connecticut Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 3:00 p.m., and will end at 6:00 p.m., on November 15, 1984, at the Windsor Town Hall, Probate Court Room, 275 Broad Street, Windsor, Connecticut 06095. The purpose of the meeting is to discuss the impact of highway construction on minority and integrated communities and the means of evaluating such impact.

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., October 25, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–28584 Filed 10–29–84; 8:45 am]

BILLING CODE 6335–01–M

New Hampshire Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 4:00 p.m. on November 30, 1984 and will end at 3:00 p.m. on December 1, 1984, at the New London Inn, Main Street, New London, New Hampshire 03257. The purpose of the meeting is to plan FY 85 program projects and select community forum sites.

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, DC, October 25, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–28583 Filed 10–29–84; 8:45 am]

BILLING CODE 6335–01–M

Ohio Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on November 17, 1984, at the Christopher Inn, 300 E. Broad, Columbus, Ohio 43215. The purpose of the meeting is to discuss the Defiance/Toledo education project, followup to the Ohio prison study, and utility shut-off data.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–28585 Filed 10–29–84; 8D05 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C Chapter 35).

Agency: Bureau of Census

Title: Current Industrial Reports Progam-Robots

Form numbers: Agency—MA35X OMB—None

Type of Request: New Collection

Burden: 100 respondents; 75 reporting hours

Need and uses: This survey will collect and publish product information on the manufacturing of robots in the United States. The results of this survey will provide policymakers with an information base to assess the impact of the growth of robotics on our economy. The primary users of this data will be government agencies, business firms, and trade associations. Data will be used in making trend projections, market analysis, product planning, and so forth.

Affected public: Businesses or other for-profit institutions

Frequency: Annually

Respondent's obligation: Mandatory

OBM desk officer : Timothy Sprehe 395–4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: October 24, 1984.

Edward Michals,

Department Clearance Officer.

[FR Doc. 84–28536 Filed 10–29–84; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

Decision of Application for Duty-Free Entry of Scientific Instrument; the Pennsylvania State University

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84–147. Applicant: The Pennsylvania State University, University Park, PA 16802. Instrument: Stress Alert Rock Stress Monitor, Model RM–1. Manufacturer: McPhar Mine Systems Inc., Canada. Intended use: See notice at 49 FR 19561.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was acquired (October 24, 1983).

Reasons: The foreign instrument is capable of in situ monitoring of ultransonic emissions from microseismic events indicative of structural failures in mines where the potential of gas explosions poses special problems for instrumentation. The National Bureau of

Standards advises in its memorandum dated July 3, 1984 that the capability of the foreign instrument described above is pertinent to the applicant's intended purpose. We have determined, furthermore, that a comparable domestic instrument being developed to compete in this area was, at the time the foreign instrument was acquired, not being offered for use for purposes such as those of the applicant.

We know of no other domestic instrument or apparatus of equivalent scientific value to the foreign instrument being manufactured at the time the foreign instrument was acquired.

(Catalog of Federal Domestic Assistance Program N. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-28537 Filed 10-29-84; 8:45 am]

BILLING CODE 3510-DS-M

Disposition of Application for Duty-Free Entry of Scientific Article; University of Nebraska-Lincoln

Processing of Docket Number 81-00272R (See notice at 48 FR 34493) has been discontinued. The U.S. Customs Service has ruled that the instrument falls within the definition of commercial use and is therefore ineligible for duty-free entry under item 851.60 TSUS.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-28538 Filed 10-29-84; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; University Corporation for Atmospheric Research

This decision is made pursuant to section 6(c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 84-200. Applicant: University Corporation for Atmospheric Research, Boulder, CO 80307. Instrument: Fourier Transform Spectrometer with Accessories. Manufacturer: Bomen, Inc., Canada. Intended use: See notice at 49 FR 22677.

Comments: None received.

Decision: Approved. No instrument of equivalent scientifc value to the foreign instrument, for such purposes as it is intended to be used, to being manufactured in the United States.

Reasons: The foreign instrument provides spectral resolution of 0.02 cm and a spectral resolution of 0.02 cm^{-1} and a spectral range of 450 to 5000 cm^{-1} in normal scan mode. The National Bureau of Standards advises in its memoradum dated September 5, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials

Frank W. Creel,

Acting Import Programs Staff.

[FR Doc. 84-28539 Filed 10-29-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-469-044]

Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On July 6, 1984, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on chains and parts thereof, of iron or steel, from Spain. The review covers the period January 1, 1983, through December 31, 1983.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: October 30, 1984.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On July 6, 1984, The Department of Commerce ("the Department") published in the **Federal Register** (49 FR 27807) the preliminary results of its administrative review of the countervailing duty order on chains and parts thereof, of iron or steel, from Spain (43 FR 3258, January 24, 1978). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of Spanish chains and parts thereof, of iron or steel. Such merchandise is currently classifiable under items 652.2410 through 652.2450, 652.2710 through 652.2740, 652.3010 through 652.3040, 652.3310 through 652.3330, and 652.3510 through 652.3530 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1983, through December 31, 1983, and the following programs: (1) A rebate of indirect taxes upon exportation under the Desgravacion Fiscal a la Exportacion ("the DFE"), and (2) an operating capital loans program.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results. We determine the net subsidy to be 13.95 percent *ad valorem* during 1983.

On June 21, 1982, the International Trade Commission ("the ITC") notified the Department that the Spanish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess contervailing duties, in the amount of the estimated duties required to be deposited, on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 21, 1982, and through the date of the ITC's notification to the Department of its determination.

The Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided for in section 751(a)(1) of the Tariff Act, of 13.37 percent of the entered value on all shipments of Spanish chains and parts thereof, of iron or steel, entered, or withdrawn from warehouse, for consumption on or after the date of

publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department is now beginning the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: October 24, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-28559 Filed 10-29-84; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

[Docket No. 41030-4130]

Federal Information Processing Standard Minimal BASIC (FIPS PUB 68); Proposed Interpretation 1; Requirements and Exception Reporting

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759 (f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal automatic data processing standards. Interpretation number 1 to FIPS Minimal BASIC (FIPS PUB 68) is being recommended for Federal use. It pertains to requirements for exception reporting.

This proposed interpretation is in accordance with the Interpretation Procedures for FIPS Minimal BASIC contained in Federal Information Processing Standards Publication 68, paragraph 11.3, dated September 4, 1980. The proposed interpretation, if adopted, will serve as an additional specification to FIPS Minimal BASIC, which is an adoption of the voluntary industry standard (Minimal BASIC, X3.60-1978) that has been developed by the American National Standards Institute.

The proposed interpretation contains a definition of the problem, identification of the issues, recommended interpretation, supporting justification for the proposed interpretation, necessary clarifications to FIPS Minimal BASIC to effect the resolution, and the effective date of the interpretation.

Prior to approval of the proposed interpretation by the National Bureau of Standards, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public, and State and local governments. The purpose of this notice is to solicit such views.

Interested parties may submit comments in writing to the Director, Institute for Computer Sciences and Technology, ATTN: Proposed Minimal BASIC Interpretation 1, National Bureau of Standards, Gaithersburg, MD 20899, not later than January 28, 1985. Telephone inquiries should be directed to John Cugini at (301) 921-2431.

Dated: October 24, 1984.

Raymond G. Kammer,

Acting Director.

Federal Standard Minimal BASIC; Interpretation 1—Requirements for Exception Reporting

Problem

In order to conform to the standard for Minimal BASIC, under what conditions must implementations report exceptions and what information must the report contain?

Issues

Given program sections such as the following:

```
1.  100 LET X=0
    100 LET Y=5/X
2.  100 LET X=-3
    110 LET Y=A(X)
```

The first is classified as a nonfatal exception by the standard, the second as fatal. Must an exception be reported in both cases? What sort of action constitutes a valid report? What information must the report contain and in what format must it appear?

Interpretation

This interpretatgion applies to American National Standard for Minimial BASIC X3.60-1978, as it has been adopted as FIPS Minimal BASIC, FIPS PUB 68. All exceptions described in the Minimal BASIC standard msut be reported, unless an implementor-defined syntactic enhancement provides for another means of processing. An exception report must be understandable by a reasonably well-informed user, either because its meaning is self-evident (in English) or because documentation accompanying the implementation explains the format and interpretation of the report. At a minimum, the report must correctly identify the type of exception which has occurred in terms of the Minimal BASIC standard. Information supplied in the report must be correct. For instance, if the line-number of the source program statement which caused the exception is reported, it must be accurate.

Supporting Justification

The following references in the American National Standard for Minimal BASIC, X3.60-1978, pertain to the issue involved in this interpretation:

1. Page 7,1. Introduction, 1.1 Scope, 1.1.1 Inclusions. "This standard establishes: . . . (5) The errors and exceptional circumstances that must be detected and also the manner in which such errors and exceptional circumstances shall be handled."

2. Page 8,1. Introduction, 1.4 Conformance, 1.4.2 Conformance by an Implementation: "An implementation is said to conform to this standard only under the following conditions: . . . (3) It detects and processes exceptional circumstances according to the specifications of this standard."

3. Page 8-9, 2. Organization of the Standard, 2.6 Subsection 5: Exceptions: ". . . All exceptions described in this subsection must be reported unless some explicit mechanism provided in an enhancement to this standard has been invoked by the user to handle an exception.

Where indicated, certain exceptions may be handled by specified procedures; if no procedure is given, or if restrictions imposed by the hardware or operating environment make it impossible to follow the given procedures, then the exception must be handled by terminating the program. Enhancements to this standard may describe mechanisms for controlling the manner in which exceptions are reported and handled, but no such mechanisms are specified in this standard."

Discussion

Two points emerge from the above references. First, all exceptions described in the subsection on exceptions (subsection 5 of each section) must be reported whether or not a recovery procedure is specified (i.e., whether fatal or not). The presence or absence of a recovery procedure affects the handling of the exception, but not the fact that it is reported. "Handling an exception" refers to such actions as supplying machine infinity and continuing or terminating the program.

The second point is that the standard specifies the description of exceptions and the report must be couched in terms of this classification.

Clarification

None.

[FR Doc. 84-28548 Filed 10-29-84; 8:45 am]

BILLING CODE 3510-13-M

National Technical Information Service

Intent To Grant Exclusive Patent License; Genentech, Inc.

The National Technical Information Service (NTIS), a U.S. Department of Commerce, intends to grant to Genentech, Inc. having a place of business at 460 Point San Bruno Boulevard, South San Francisco, CA 94080, an exclusive right to practice the invention embodied in U.S. Patent Applns. SN 6-500,833, "Repair of Tissue in Animals," SN 6-500,927, "Transforming Growth Factor-beta from Human Placentas" and SN 6-500,832, "Transforming Growth Factor-beta from Platelets." The patent rights in these inventions have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed licenses would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 84-28572 Filed 10-29-84; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Limits for Certain Cotton Textiles and Cotton Textile Products Produced or Manufactured in Brazil

October 25, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 31, 1984. For further information contact James Nader, International Trade Specialist (202) 377-4212.

Background

The Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, as amended, between the Governments of the United States and the Federative Republic of Brazil provides, among other things, for designated percentage increases in certain categories during an agreement year (swing), and for the carryover of shortfalls from the previous agreement year (carryover). Under the terms of the bilateral agreement, as amended, the restraint limits established for cotton textiles and cotton textile products in Categories 300/301, 313, 317, 319, 338/339, 347/348, 350, 363 and 369pt. (all TSUSA numbers except 360.2000, 360.2500, 360.3000, 360.7600, 360.8100, 361.0515, 361.1820, 361.5000, 361.5420 and 361.5630) are being adjusted, variously, by the application of swing and carryover for goods exported during the twelve-month period which began on April 1, 1984.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622) and July 16, 1984 (49 FR 28754).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 25, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

On March 28, 1984, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton and man-made fiber textiles and textile products exported during the twelve-month period beginning on April 1, 1984 and extending through March 31, 1985, produced or manufactured in Brazil, in excess of designated levels. The Chairman further advised you that the levels are subject to adjustment.[1]

Effective on October 31, 1984, paragraph 1 of the directive of March 28, 1984 is hereby amended to include the following adjusted restraint limits for cotton textiles and cotton textile products in the indicated categories:

Category	Adjusted 12-mo restraint limit[1]
300/301	8,699,565 pounds.
313	30,655,055 square yards.
317	11,460,449 square yards.
319	8,615,730 square yards.
338/339	491,011 dozen.
347/348	354,662 dozen.
350	51,633 dozen.
363	13,638,080 numbers.
369 pt.[2]	1,548,285 pounds.

[1] The limits have not been adjusted to account for any imports exported after March 31, 1984.

[2] In Category 369, all TSUSA numbers except 360.2000, 360.2500, 360.3000, 360.7600, 360.8100, 361.1820, 361.5420 and 361.5630.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-28560 Filed 10-29-84; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Government of Japan To Review Trade in Category 646 (Sweaters)

October 25, 1984.

On May 30, 1984 the Government of the United States requested consultations with the Government of Japan with respect to Category 646. This request was made in the basis of the Agreement of August 17, 1979, as amended and extended, between the Governments of the United States and Japan relating to trade in cotton, Wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may request the Government of Japan to limit exports in Category 646, produced or manufactured in Japan and exported to the United States during the twelve-

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, as amended, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that: (1) specific limits may be increased by carryover and carryforward up to 11 percent of the applicable category limit; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

month period which began on January 1, 1984 and extends through December 31, 1984 at a level of 103,721 dozen.

A summary market disruption statement concerning this category follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of this category under the Bilateral Cotton, Wool and Man-Made Fiber Textile agreement with the Government of Japan, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agrreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be avalilable for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

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

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

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Market Statement—Japan

Category 646—Man-Made Fiber Sweaters, Women's, Girls' and Infants'

May 1984.

U.S. imports of Category 646 from Japan were 78,688 dozen during the year ending March 1984, up 36.9 percent from the 57,490 dozen imported a year earlier. Imports for the first quarter of 1984 were up 47.5 percent from January-March 1983, increasing from 12,188 dozen to 17,981 dozen. Japan is the largest supplier not subject to specific limits on its exports of Category 646.

U.S. production of Category 646 declined in the late seventies and stabilized at the lower level in the eighties. Production in 1981 was 5,373,000 dozen and in 1982, 5,306,000 dozen. Production in 1983 is expected to have been at about the same level as 1982 based on the shipments of man-made fiber yarn to the sweater industry.

Imports of Category 646, from all sources were at a record level of 8,953,000 dozen in 1983, up 16.7 percent from 1982. Imports during January-March 1984 were 1,411,000 up 2.7 percent from the first quarter of 1983. Imports of sweaters entered under TSUSA Nos. 383.2050 and 383.8650 as parts of infants' sets affect the market for sweaters since the production data include such swaters. In 1981, 567,000 dozen were imported as parts of infants' sets; in 1982, 498,000 dozen; and in 1983, 815,000 dozen. The import to production ratio for man-made fiber sweaters for women's, girls' and infants' imported in Categories 646 and 659 was 159.2 percent in 1981; 154.0 percent in 1982; and much higher in 1983.

[FR Doc. 84-28561 Filed 10-29-84; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Technical Advisory Panel on Allergic Sensitization; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: The first meeting of the Commission's Technical Advisory Panel on Allergic Sensitization will be held on November 19 and 20, 1984 in the Commission's Bethesda offices. The panel will provide the Commission with technical advice on strong sensitizers.

DATE: The meeting will begin at 8:30 a.m. on Monday, November 19, 1984 and continue on Tuesday, November 20.

ADDRESS: The meeting will be in room 456, at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Ann L. Hamann, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6957.

SUPPLEMENTARY INFORMATION: Under the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 *et seq.)*, the Consumer Product Safety Commission has authority to regulate household products that are or contain "strong sensitizers" (15 U.S.C. 1261(f)(1) (A) and (k)). Since the Commission is planning to update its existing regulations on strong sensitizers, it has established a seven-member panel of non-Commission experts to provide technical advice. The members of this panel are: I. Leonard Bernstein, M.D., University of Cincinnati Medical Center; Pamela J. Danneman, Ph.D., The Proctor and Gamble Company; Howard Maibach, M.D., School of Medicine, University of California; Robert L. Rietschel, M.D., Emory University School of Medicine; Richard J. Summers, M.D., Walter Reed Army Medical Center; James S. Taylor, M.D., The Cleveland Clinic Foundation; and Cheryl V. Whittington, M.D., Kriendler Medical Center.

This panel, the Technical Advisory Panel on Allergic Sensitization, will advise the Commission and staff on: (a) Appropriate evaluation and refinement of terms and criteria used in defining strong sensitizers under the FHSA. (b) appropriate ranking, according to risk, of a long list of sensitizers found in consumer products, and (c) the scientific accuracy of a number of technical reports and recommendations to the Commission for labeling sensitizers in consumer products.

The agenda for the meeting will include orientation by Commission staff, selection of a panel chairman, and discussions of such topics as the FHSA definition of "strong sensitizer," a new definition for "strong sensitizer," criteria for designation of strong sensitizers, and priority for evaluation of new prospective strong sensitizers.

This initial meeting will be open to observation by members of the public, but only to participation by members of the panel.

Dated: October 25, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 84-28607 Filed 10-29-84; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Advisory Panel on ROTC Affairs; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following panel meeting:

Name of panel: Army Advisory Panel on ROTC Affairs.

Date of meeting: November 27 & 28, 1984.

Place: Gardner Conferernce Room (2E687), The Pentagon, Washington, DC.

Time: 8:00 a.m.-4:30 p.m. November 27, 1984. 8:00 a.m.-11:30 a.m. November 28, 1984.

Proposed Agenda

The meeting will consist of briefings and discussion periods. The meeting is open to the public. Any interested person may appear before or file a statement with the Panel at the time, and in the manner, permitted by the

Panel. It is projected that the following events will take place during the meeting. After opening the meeting and greeting the attendees, the Panel Chairman will introduce the Chief of Staff of the Army who will briefly address the Panel. The first formal briefing will be presented at 9:45 a.m. on Advertising Strategy for 1985 for the Reserve Officers' Training Corps Program (ROTC). Following this briefing, there will be a discussion period. After lunch, there will be a briefing on ROTC Testing Programs and Criteria. This will be followed at 1:45 p.m. by an update on the Army ROTC Scholarship Program. The final briefing will be on ROTC Mobilization Plans. On 28 November, the morning will be chiefly devoted to discussion. Recommendations of the Panel on the subjects briefed and arising out of the discussion period will be formalized. Plans will also be made for the Spring Meeting of the Panel.

John P. Prillaman,

Major General, General Staff, Deputy Chief of Staff for Reserve, Officers' Training Corps.

[FR Doc. 84-28576 Filed 10-29-84; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Proposed Operation of the Navy's Electromagnetic Pulse Radiation Environment Simulator for Ships (Empress II), PM-23; Public Hearing and Availability of the Draft Environmental Impact Statement (EIS)

Notice is hereby given pursuant to the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190 (42 U.S.C. 4321 *et seq.*); the Council and Environmental Quality Guidelines (40 CFR Part 1500); and Department of Defense Regulations, "Environmental Considerations in Department of Defense Actions" (32 CFR Part 214), that a public hearing will be held to provide the public with relevant information concerning the Draft Environmental Impact Statement (DEIS) prepared for the proposed operation of the Navy Electromagnetic Pulse Radiation Environment Similator for Ships (EMPRESS II) in the Chesapeake Bay and Atlantic Ocean and to afford the public an opportunity to present their views on this matter. The hearing will be held on the following dates, at the locations and times specified:

Date	Time	Location
Nov. 14, 1984	7:00 p.m	Rappahannock Community College North Campus Lecture Hall, Warsaw, VA.
Nov. 15, 1984	7:00 p.m	Rappahannock Community College South Campus Lecture Hall, Glenns, VA.
Nov. 20, 1984	7:00 p.m	Cambridge-South Dorchester High School, Cambridge, MD.

The proposed action consists of the operation of Empress II during its lifetime, associated support operations primarily those of test ships and support vessels (barges, tugs, range-control boats, personnel-and-equipment-transfer boats, etc.) in and around the operational test sites, and actions necessary to establish and operate the operational test sites. The proposed action includes routine, periodic, and one-time operations. The operations will be the testing of the electrical and electronic equipment aboard Navy ships to determine their vulnerability/survivability to electromagnetic pulses (EMP). Testing will be conducted at designated, approved, and controlled operational test sites.

Environmental concerns include potential effects upon aviation/boating electronics biological effects on humans, birds and marine biota, and restrictions on commercial/recreational fishing.

The public hearing is being held in order that all persons, government agencies, organizations, and groups who so desire are afforded the opportunity to comment on the proposed action.

The hearing will be conducted by Captain B.L. Powers, United States Navy, and will include a presentation of the Navy's proposed Empress II Program and the expected environmental impact.

The following procedures will be followed during the public hearing. For record purposes, all persons attending the hearing will be asked to provide their names upon entering the hearing. Oral comments at the hearing will be limited to five minutes and all lengthy or technical comments should be accompanied by a written submittal. Further, all speakers will identify themselves and any organization they may be representing.

Individuals and organizations wishing to submit written statements to be included in the hearing record are encouraged to do so by November 10, 1984, or such statements may be presented to the Hearing Officer, Captain Powers, during the hearing. Pre-registration of speakers is desired and should be made in person or writing. Speakers may also register at the attendance desk at the hearing. The Name and title of speakers for organizations should be included in the pre-registration.

Any organization desiring to make a formal presentation in excess of the foregoing time limit is requested to contact the Hearing Officer prior to November 5, 1984, so that appropriate arrangements may be made. The closing date for including additional written statements in the Navy hearing record in ten calendar days after the date of the hearing. Speaker pre-registrations and submission of written statements should be addressed to:

Captain B.L. Powers, United States Navy
Theater Nuclear Warfare Program (PM-23) Department of the Navy
Washington, D.C. 20360

The DEIS was prepared by he Atlantic Division, Naval Facilities Engineering Command, Norfolk, Virginia, and its was submitted and filed with the Environmental Protection Agency (EPA) on September 14, 1984. Notice of the DEIS appeared in the **Federal Register** Vol. 49 No. 185 of September 21, 1984. The DEIS evaluated the potential broad scope environmental impacts that could result from operation of Empress II. Copies of the DEIS have been furnished to various Federal, State, and local agencies, conservation groups and other interested private parties. Moreover, the DEIS may be reviewed at the following locations:

Rappahannock Community College Library, North Campus, E. Richmond Road (route 360E), Warsaw, VA 22572

Rappahannock Community College Library, South Campus, Route 33, Glenns, VA 23149

Lancaster Court House, Room 208, Route 3, Lancaster, VA 22503

County Administator's Office, Court House, Route 360E, Heathsville, VA 22473

Dorchester County Public Library, 303 Gay Street, Cambridge, MD 21613

Members of the public are encouraged to comment on the DEIS and all comments should be forwarded to Captain B.L. Powers 45 days from the publication of this notice.

For further information concernig this notice contact Lieutenant Commander A.R. Gritzke, United States Navy, PM-23 (Code TN-32), Department of the Navy, Washington, D.C. 20360, telephone number (202) 692-2096.

Dated: October 24, 1984

William F. Roos, Jr,

LT, JAGC, USNR, Federal Register Liaison Officer.

[FR Doc. 84-28534 Filed 10-29-84; 8:45 am]

BILLING CODE 3810-AE-M

Terminal Grounds Upgrade, Navy Extremely Low Frequency (ELF) Program, Wisconsin Transmitter Facility, Clam Lake, WI; Finding of No Significant Impact

Pursuant to the regulations implementing the procedural provisions of the National Environmental Policy Act (§ 1508.13 of Title 40, Code of Federal Regulations), the Department of the Navy gives notice that an environmental impact statement is not being prepared for the proposed upgrade of terminal grounds for the Navy Extremely Low Frequency (ELF) program, Wisconsin Transmitter Facility, Clam Lake, Wisconsin. This proposed action is being undertaken so that the ground terminals conform with specifications and safe practices appropriate for continuously-operating ground electrode systems.

The Wisconsin ELF Transmitter Facility, completed and initially operated in 1969, is located entirely within the Chequamegon National Forest south of the village of Clam Lake and west of the town of Glidden, Wisconsin. The Transmitter Facility antennas consist of two bare aluminum conductors installed overhead on utility poles, extending from the transmitter building approximately 7 miles in the north, south, east and west directions.

The antenna routes were selected by mutual agreement between the Navy and the U.S. Forest Service. The antennas cross roads and streams either through underground conduits or by overhead off-sets to avoid clear views of the rights-of-way from roads. The rights-of-way are cleared of brush by the Navy to prevent antenna damage from wind-blown trees and to minimize the likelihood of fire. No herbicides or pesticides are used, and the rights-of-way neither patrolled nor fenced.

Four distributed ground terminals provide paths for the ELF antenna currents to penetrate deep into the earth. The ground terminals are uninsulated copper conductors typically buried 6 feet deep. Copper rods driven as much as 30 feet into the earth are welded to the buried conductors in some places. This achieves low operating impedance and distributes the antenna current to insure electrical safety. The lengths of the four grounds vary from 8,400 feet to 10,900 feet. Woody vegetation is cleared from the rights-of-way and the four areas are accessible to the public.

The purpose and need for the proposed terminal grounds upgrade is to maintain the step potentials of the grounds below the perception threshold (generally recognized as 1 milliamp) and thereby limiting the shock hazard potential. The National Academy of Sciences concluded in a 1977 report entitled *Biological Effects of Electric and Magnetic Fields Associated with Proposed Project Seafarer* that shock hazards could exist near the ground terminals as currently designed. Modification of the terminal grounds as currently proposed will restrict the potential shock hazard to levels recommended by NAS.

The proposed work consists of: (a) Clearing and/or grubbing (removal of stumps and roots to an 18-inch depth) of portions of the existing 100 foot-wide rights-of-way and well array areas of varying sizes, (b) constructing four new well arrays, each consisting of four (4) vertical wells for a total of sixteen wells, (c) the burial of approximately 29,000 feet of 4/0 copper wire, (d) installing overhead feedlines of 1000 KCM and 500 KCM stranded aluminum wire mounted on pole structures and (e) the installation and connection of the electrical components for the four (4) grounds. In addition, the existing three (3) vertical wells on the south ground will require modifications to allow installation and connections with other electrical components. Two of the four new well arrays to be constructed will be located at the existing north ground; one new well array each will be constructed at the existing south and west grounds. Ground clearing required for access to the well arrays will necessitate removal of 16.7 acres of natural habitat.

Upon review of the Environmental Assessment, it is concluded that the terminal grounds upgrade will not result in any significant adverse environmental impact. One of the reasons for this conclusion is the mitigative measures that will be implemented to minimize impact. Some of the more important measures are as follows:

(a) The buried cable portion of the terminal grounds upgrade will be installed during the winter months to minimize impact on wetland habitats. The frozen ground will allow the contractor sufficient support and traction to access the wetlands while minimizing impact to vegetation communities.

(b) Any additional roads constructed to provide access to the grounds and new well arrays during installation of system components will be revegetated upon competion of construction. All temporary access road locations will be coordinated with the U.S. Forest Service. Additionally, the disturbed areas within the ground rights-of-way and well arrays will be revegetated after system installation.

(c) To minimize visual impacts in areas where the system crosses existing roads, special measures will be taken. Continuous visual openings from the well arrays to the feedlines will be interrupted by deflection of the poleline or burial of a segment near the well array to permit trees to remain and vegetation will be left to obstruct line-of-sight.

(d) Some portions of the ground terminals will be maintained to provide wildlife habitat. In addition all well arrays will be cleared and maintained as wildlife openings.

(e) To ensure that potential impact to the natural environment is minimized to the maximum extent practicable, a biologist will be retained by the Navy to periodically review construction operations.

A survey conducted along the existing ground terminals and areas proposed for development yielded no archeological or historical remains. No impact upon cultural resources is anticipated through implementation of the proposed project.

The "no action" alternative (i.e., to continue with the existing grounding system) would not provide additional reduction of the potential shock hazard. In the development of the proposed action, consideration was given to upgrading the system by two methods: (1) Using all horizontal ground lines (no vertical); and (2) using almost exclusively a series of vertical ground lines (with minimal horizontal). Because of the extensive amount of new right-of-way that would be required with a horizontal system, a combination of the two grounding methods was selected for the upgrade of the Wisconsin Transmitter Facility.

The Environmental Assessment prepared by the Navy addressing this action is on file and may be obtained by interested parties at both the point of origin, Commanding Officer, Northern Division, Navy facilities Engineering Command, Building 77–L, U.S. Naval Base, Philadelphia, PA, 19112 (Attn: Mr. Kenneth Petrone, Code 202), Telephone (215) 443–6292, or at the Environmental Protection, Safety and Occupational Health Division (OP–45), Office of the Deputy Chief of Naval Operations, Building 200, Room S–3, Washington Navy Yard, Washington, D.C. 20374, Telephone (202) 433–2426.

Dated: October 24, 1984.

William F. Roos, Jr.,

Federal Register Liaison.

[FR Doc. 84-28535 Filed 10-29-84; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

National Diffusion Network Program

AGENCY: Department of Education.

ACTION: Application Notice for Noncompeting Continuation Awards for Fiscal Year 1985.

Applications are invited for continuing Developer Demonstrator projects and continuing State Facilitator projects under the National Diffusion Network program for fiscal year (FY) 1985. Only Developer Demonstrator projects which began in FY 1982, 1983 or 1984 and State Facilitator projects which began in FY 1984 are eligible for funding.

Authority for this program is contained in section 583 of the Education Consolidation and Improvement Act of 1981, Pub. L. 97-35 (20 U.S.C. 3851).

The purpose of the program is to promote the widespread installation across the Nation of rigorously evaluated, exemplary educational programs. Developer Demonstrator projects disseminate a specific exemplary educational program nationwide. State Facilitator projects disseminate a wide variety of exemplary educational projects within the State served.

The program issues awards to State educational agencies, local educational agencies, institutions of higher education, and nonprofit institutions or agencies, to disseminate exemplary educational programs that have been approved by the Department of Education's Joint Dissemination Review Panel.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered on or before January 15, 1985.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.073 B for Continuing Developer Demonstrator projects, or 84.073 D for Continuing State Facilitator projects; Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: Hand delivered applications must be taken to the U.S. Department of Education, Application Control Center (Room 5673, Regional Office Building 3), 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand delivered applications between the hours of 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Late Applications: If a noncompeting continuing application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuing applications. If this is the case, the Secretary may decline to accept it.

Intergovernmental Review

On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

Certain applicants for this program are subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated, and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is the current list of States that have established a process, designated a single point of contact, and have selected this program for revie

Arizona	New Mexico
Arkansas	New York
California	North Dakota
Connecticut	Ohio
Delaware	Oklahoma
Florida	Virgin Islands
Hawaii	Oregon
Illinois	Pennsylvania
Indiana	South Carolina
Kansas	South Dakota
Louisiana	Texas
Maine	Utah
Massachusetts	Vermont
Michigan	Virginia
Missouri	Washington
Montana	Wisconsin
Nebraska	Wyoming
Nevada	Guam
New Hampshire	Northern Mariana Islands
New Jersey	

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. However, for this program, if the specific States in which the applicant may work have not been determined, this requirement need not be accomplished. A list containing the single point of contact for each State is included in the application package for this program.

In States not listed above, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by February 15, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181, 84.073 B or D, as appropriate, 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as for applications.)

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.*

Available Funds: The estimated amount available for continuation awards included in this announcement will be $8,540,000. This estimate does not bind the Department of Education to a specific number of grants or to the amount of any grant.

Application Forms: Application forms are expected to be ready for mailing by October 31, 1984, and may be obtained by writing to the National Diffusion Network, U.S. Department of Education, 400 Maryland Avenue, SW., 613 BRN 1604–30, Washington, D.C. 20202.

An application must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intended to aid applicants in applying for assistance under this program. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations governing this program. The Secretary urges that the narrative portion of an application be as brief as possible. The Secretary urges applicants not to submit information that is not requested. (Approved by the Office of Management and Budget under control number 1850–0086.)

Applicable Regulations: Regulations applicable to this program include the following:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75 (except for § 75.650), 77, 78 and 79.

(b) Final regulations governing the National Diffusion Network Program, as codified in 34 CFR Part 796, published in the **Federal Register** at 49 FR 12924 on March 30, 1984.

Further Information: For further information, contact Ms. Lois N. Weinberg, Education Program Specialist, National Diffusion Network, U.S. Department of Education, 400 Maryland Avenue, S.W., BRN 1604–30, Washington, D.C. 20202. Telephone: (202) 653–7006.

(20 U.S.C. 3851)

(Catalog of Federal Domestic Assistance Number 84.073, National Diffusion Network Program)

Dated: October 24, 1984.

Donald J. Senese,

Assistant Secretary, Educational Research and Improvement.

[FR Doc. 84–28557 Filed 10–29–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Proposed Remedial Order to Union Oil Co. of California

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to Union Oil Company of California and Notice of Opportunity for Objection.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Office of Special Counsel (OSC) of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives Notice that it issued a Proposed Remedial Order to Union Oil Company of California (Union), Los Angeles, California on August 29, 1984. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Union's pricing, in excess of maximum lawful prices, of first sales of crude oil produced and sold in the United States. Such pricing was in violation of the Phase IV Petroleum Price Regulations, formerly at 6 CFR Part 150, and the Mandatory Petroleum Price Regulations as they appeared in 10 CFR Parts 210, 211, and 212. These regulations were in effect prior to January 28, 1981. The Proposed Remedial Order states that the amount of overcharges by Union on properties the OSC audited, during the period June 1979 through December 31, 1980, and interest thereon through July 31, 1984, totals not less than $7,910,880.48.

In accordance with 10 CFR 205.192(c), any person may obtain from the ERA a copy of the Proposed Remedial Order with confidential information, if any, deleted.

Within 15 days after the date of publication of this notice, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by 10 CFR 205.193, the Proposed Remedial Order may be issued as a final order. Such Notice should be filed with: Office of Hearings and Appeals, Department of Energy, Room 6F–055, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the Proposed Remedial Order may be obtained by written request addressed to: Carole J. Gorry, Acting Chief, Freedom of Information and Privacy Acts Activities Branch, Department of Energy, Forestal Building, MA–232.1, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the Proposed Remedial Order may be obtained in person from: Office of Freedom of Information, Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, D.C. 20585..

Issued in Washington, D.C., October 19, 1984.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration, Department of Energy.

[FR Doc. 84–28571 Filed 10–29–84; 8:45 am]

BILLING CODE 6450–01–M

Proposed Remedial Order to Sun Co., Inc.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to Sun Company, Inc. and Notice of Opportunity for Objection.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Office of Special Counsel (OSC) of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives Notice that it issued a Proposed Remedial Order to Sun Company, Inc. (Sun), Radnor, Pennsylvania on October 22, 1984. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning Sun's pricing, in excess of maximum lawful prices, of first sales of crude oil produced and sold in the United States. Such pricing was in violation of the Phase IV Petroleum Price Regulations, formerly at 6 CFR Part 150, and the mandatory Petroleum Price Regulations as they appeared in 10 CFR Parts 210, 211, and 212. These regulations were in effect prior to January 28, 1981. The amount of overcharges by Sun on properties the OSC audited, during the period July 1980 through December 31, 1980, and interest thereon through July 31, 1984, totals not less than $2,484,050.75.

In accordance with 10 CFR 205.192(c), any person may obtain from the ERA a copy of the Proposed Remedial Order with confidential information, if any, deleted.

Within 15 days after the date of publication of this notice, any aggrieved person may file a Notice of Objection in

accordance with 10 CFR 205.193. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by 10 CFR 205.193, the Proposed Remedial Order may be issued as a final order. Such Notice should be filed with: Office of Hearings and Appeals, Department of Energy, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the Proposed Remedial Order may be obtained by written request addressed to: Carole J. Gorry, Acting Chief, Freedom of Information and Privacy Acts Activities Branch, Department of Energy, Forrestal Building, MA-232.1, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the Proposed Remedial Order may be obtained in person from: Office of Freedom of Information, Reading Room, Forrestal Building, Room 1 E-190, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, D.C., October 22, 1984.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration, Department of Energy.

[FR Doc. 84-28570 Filed 10-29-84; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order; Almarc Manufacturing, Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Remedial Order to Almarc Manufacturing, Inc.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order (PRO) which was issued to Almarc Manufacturing, Inc., 2700 Lively Boulevard, Elk Grove, Illinois 60007. This Proposed Remedial Order alleges violations in the pricing of motor gasoline of 10 CFR 210.92 and 10 CFR 212.93 for the period March 1, 1979 through June 30, 1979. The principal amount of the alleged violations for this period is $500,394.33.

A copy of the Proposed Remedial Order, with confidential information deleted may be obtained from: David H. Jackson, Director, Kansas City Office, ERA (816) 374-2092. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 5th day of October, 1984.

David H. Jackson,

Director, Kansas City Office, Office of Special Counsel, Economic Regulatory Administration.

[FR Cod. 84-28525 Filed 10-29-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-2706-3; Permit No. PRG990001]

Authorization To Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.* (the "Act"), the U.S. Navy Atlantic Fleet Weapons Training Facility (AFWTF), Commanding Officer, U.S. Navy, FPO, Miami, Florida 34051, and all Non United States Government units, vessels and/or aircraft conducting training exercises at the Inner Range as scheduled and supported by the AFWTF (hereinafter permittees) are authorized to discharge at the AFWTF Inner Range, located within an area approximately described by the following fixed points: From Punta Conejo on the south coast of Vieques at latitude: 18°06'30" N; longitude: 65°22'33" W. thence to latitude: 18°03'00" N; longitude: 65°'2100" W. thence to latitude: 18°03'00" N., longitude: 65°15'30" W. thence to latitude: 18°11'30" N., longitude: 65°14'30" W. thence to latitude: 18°12'00" N., longitude: 65°20'00" W. thence to Cabellos Colorados located on the north shore of Veeques latitude: 18°09'49" N., at longitude: 65°23'27" W., to receiving waters which include those parts of the Caribbean Sea, the teeritorial seas adjacent to the Island of Vieques, Puerto Rico, and the waters of the United States (including wetlands) on the Island of Vieques lying within those points (hereinafter permitted discharge area) in accordance with effluent limitations, monitoring requirements, and othe conditions I, II, and III hereof.

This permit shall become effective on October 30, 1984.

This permit and authorization to discharge shall expire 5 years after the effective date of this permit (EDP).

Signed this 24th day of September, 1984.

Christopher J. Daggett,

Regional Administrator.

I.A. Effluent Limitations and Monitoring Requirements

1. Required Effluent Limitations

During the period beginning on the effective date and lasting until the expiration date of this permit, discharges shall be limited by the permittee as specified in Table A-1.

I.B. Monitoring Requirements

(i) Discharge Monitoring Requirements—During the period beginning *EDP* and lasting through *EDP+5yrs.*, the permittee shall be authorized to discharge ordnance subject to the monitoring requirements specified in Table A-1.

(ii) Special Monitoring Requirements—In addition to the requirements specified in (i) above, the permittee shall be subject to the following background monitoring requirements to be conducted for a period of one (1) year beginning EDP.

Parameter	Frequency	Sample Type
Color	Monthly	Grab at mid-depth.
Turbidity	do	Do.
Total suspended solids	do	Do.

The background monitoring is to be conducted at the locations described below:

Using map (Appendix A [1]) and distance meter, take siting to return as close to shore as practical at the following locations (i.e., within 100 meter diameter accuracy):

Sampling stations	Location
RW01	Bahia Icacos, North of Bull's-eye Target No. 1.
RW02	Bahia Salinas midway between RW01 and RW03.
RW03	Pta. Salinas.
RW04	Midway between RW03 and RW05.
RW05	North of Eastern Friendly Front Line.
RW06	Bahia Salina Del Sur, South of Bull's-eye Target No. 1.
RW07	Bahia Salina Del Sur, Southwest of Airfield.
RW08	Bahia Salina Del Sur, (Southeast Point), South of Naval Gunfire Target No. 6.
RW09	Midway between RW08 and RW010, South-Southeast of Fuel Storage Area.
RW010	South of Eastern Friendly Front Line.
RW011	Laguna Anones.
RW012	Small Lagoon (label on map).
RW013	Small Lagoon (label on map).

Note.—(1) RW01-05: Run from West to East, North of the Air Impact Area at approximately 1,000 meter intervals near the shoreline.

[1] Appendix A is filed with the Office of the Federal Register as part of the original document.

(2) RW06–10: Run from West to East, South of the Air Impact Area at approximately 1,000 meter intervals near the shoreline.

I.C. Environmental Quality Board Certification Requirements

As required by the Puerto Rico Environmental Quality Board (EQB) Certification of October 11, 1983, for the purpose of assuring compliance with EQB's water quality standards and other appropriate requirements of State law as provided by section 401(d) of the Act, the permittee shall comply with the following effluent limitations and other limitations:

1. The Navy will continue to hold live ordnance to a minimum commensurate with military readiness requirements and will report on the quarterly submittal the total monthly tonnage of ordnance and the percent of live ordnance used.

2. Within one (1) year after EDP, the permittee shall submit to the Board a plan and design for control of erosion and runoff for the impact area on the Island of Vieques, Puerto Rico, approved by the U.S.D.A. Soil Conservation Service. The plan shall detail the best management practices (bmps) necessary as determined by EQB to control erosion and runoff. If after completion of a monitoring program to determine natural background concentrations of the water subject to this permit, the erosion and runoff control plan is found to be necessary, within twelve (12) months, the permittee shall implement those bmps set forth in its plan and design, as determined by EQB, which are necessary to solve the identified problem.

3. The EQB, by the issuance of this Water Quality Certification (WQC), does not relieve the applicant from its responsibility to obtain additional permits and/or authorizations from EQB, as required by law. The issuance of the WQC shall not be construed as an authorization to conduct activities not specifically covered in the WQC, which will cause water pollution as determined in the Water Quality Standards Regulation of the Commonwealth of Puerto Rico.

Table A–1 Water Quality Based Limitations and Monitoring Requirements [1]

During the period beginning on effective date of NPDES permit (EDP) and lasting through five years after EDP, the permittee is authorized to discharge ordnance.

Such discharge shall not degrade the water quality and shall be monitored by the permittee, as specified below:

Parameter	Water quality based limitations	Daily maximum ***	Monitoring requirements	
			Frequency	Type
Dissolved Oxygen (mg/l) [2 3]	Shall contain not less than 5.0 mg/l		(*)	Grab.
pH (SU) [2 3]	Shall always lie between 7.3–8.5		(*)	Do.
Color [2 3]	Shall not be altered by other than natural phenomena		(*)	Do.
Turbidity (NTU) [2 3]		10.0	(*)	Do.
Nitrogen (NO_3, NO_2, NH_3) (mg/l) [1]		5.0	(*)	Do.
Oil and Grease (mg/l) [2 3]		15.0	(*)	Do.
Temperature °F (°C) [2 3]	No heat may be added to the waters of Puerto Rico which would cause the temperature of any site to exceed 94 °F (34.5 °C).		(*)	Do.
Arsenic (AS) (mg/l) [2 3]		0.15	(*)	Do.
Barium (Ba) (mg/l) [2 3]		1.0	(*)	Do.
Boron (B) (mg/l) [2 3]		4.8	(*)	Do.
Cadmium (Cd) (mg/l) [2 3]		0.005	(*)	Do.
Chromium Hexavalent (Cr+6) (mg/l) [2 3]		0.05	(*)	Do.
Chromium Total (Cr) (mg/l) [2 3]		0.30	(*)	Do.
Copper (CU) (mg/l) [2 3]		0.05	(*)	Do.
Cyanide (Cn) (mg/l) [2 3]		0.02	(*)	Do.
Fluorides (F) (mg/l) [2 3]		1.3	(*)	Do.
Iron (Fe) (mg/l) [2 3]		0.200	(*)	Do.
Lead (Pb) (mg/l) [2 3]		0.015	(*)	Do.
Mercury (Hg) (mg/l) [2 3]		0.001	(*)	Do.
Phenolic Substances (mg/l) [2 3]		0.010	(*)	Do.
Selenium (Se) (mg/l) [2 3]		0.01	(*)	Do.
Silver (Ag) (mg/l) [2 3]		0.002	(*)	Do.
Sulfide (S) (mg/l) [2 3]		0.002	(*)	Do.
Zinc (Zn) (mg/l) [2 3]		0.050	(*)	Do.
Manganese (Mn) (mg/l) [2 3]		0.100	(*)	Do.
Special Conditions	See Page 3 which contains conditions that constitute part of this certification			

*At least in two discrete instances per month (each instance occurring on different days of the month) in which live ordnance hits the water. The samples shall be taken at mid-depth in the point of impact, as soon as the safety officer allows access to the impact waters. No sampling is required if ordnance doesn't hit the water.

**Or natural background concentration, whichever concentration is higher.

Footnotes to Table A–1:

[1] In absence of a complete application for a mixing zone that meets the requirements of Article 5 of the Water Quality Standards Regulation (WQSR); Environmental Quality Board (EQB) in order to preserve, maintain and enhance the quality of the waters of Puerto Rico has defined a mixing zone of dimensions equal to Zero; i.e., compliance with the limits established by WQSR at the point of discharge. EQB can not impose less stringent limitations in absence of an application for a mixing zone that meets the requirements of Article 5.

[2] According to Article 2, Water Quality Standards Regulation and Amendments.

[3] According to Article 4, Water Quality Standards Regulation and Amendments.

I.D. Monitoring and Records

1. Representative Sampling

The timing of the samples and measurements taken for the purpose of monitoring shall be representative of the level of the monitored activity.

2. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

3. Penalties for Tampering

The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by

[1] BPT, BAT and BCT limits are not possible—refer to page 10 of the Fact Sheet.

imprisonment for not more than 6 months per violation or both.

4. Reporting of Monitoring Results

Monitoring results obtained during the previous 3 months shall be summarized and reported on a Discharge Monitoring Report (DMR) Form (EPA No. 3320–1). In addition, the quarterly average shall be reported and shall be the arithmetic average of all samples taken during the reporting period. The maximum sample result obtained during the reporting period shall be reported as the maximum daily concentration.

The first report is due on the 28th day of the 4th month from the day this permit first becomes applicable to the permittee. Signed and certified copies of these and other reports required herein shall be submitted to the Regional Administrator and the Environmental Quality Board at the following addresses:

Regional Administrator, Region II, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278, Attn: Permits Administration Branch

Environmental Quality Board, P.O. Box 11488, Santurce, Puerto Rico 00910, Attn: Carl-Axel Soderberg

5. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.

6. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Regional Administrator in the permit.

7. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Administrator at any time.

8. Record Contents

Records of monitoring information shall include:

(a) The date, exact place, and time of sampling or measurements;

(b) The individual(s) who performed the sampling or measurements;

(c) The date(s) analyses were performed;

(d) The individual(s) who performed analyses;

(e) The analytical techniques or methods used; and

(f) The results of such analyses.

9. Inspection and Entry of Designated Permit Area, Not Including Vessels and Aircraft

The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(b) Have access to and copy, at reasonable time, any records that must be kept under the conditions of this permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

I. Reporting Requirements

1. Anticipated Noncompliance

The permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

2. Monitoring Reports

Monitoring results shall be reported at the intervals specified in Condition I. D., of this permit.

3. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A Written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Reginal Administrator may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under I. D and E–3 at the time monitoring reports are submitted. The reports shall contain the information listed in I. E–3.

5. Signatory Requirements

All reports or information submitted to the Regional Administrator shall be signed and certified.

EPA is currently working with DOD to determine the proper signatory required by 40 CFR 122.22 (a)(3) and (d) for defense facilities. In the interim, the signatory for this permit will be Commander Naval Forces Caribbean. (No precedent will be set beyond this permit). This permit will be amended to conform to any future agreement on signatories reached by EPA and DOD. Any signatory for this general permit will be personally responsible and legally liable for noncompliance with the terms and conditions of the permit. The signatory must make the following certification.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

In addition, on any proposed change in personnel in the position of Commander Naval Forces Caribbean the current signatory shall notify the Regional Administration of EPA Region II at the above address of the proposed change.

6. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator. As required by the Act, permit applications, permits, and monitoring data shall not be considered confidential.

7. Penalties for Falsification of Reports

The Act provides that any person who knowlingly makes any false statement, representation, or certification in any record or other document submitted or requiried to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punishable by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or both.

II. Conditions

A. General Conditions

1. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or for requiring a permittee to apply for and obtain an individual NPDES permit. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

2. Penalties for Violations of Permit Conditions

The Act provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $10,000 per day of each violation. Any person who will fully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500 not more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

4. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

7. Commonwealth Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Commonwealth law or regulation under authority preserved by Section 510 of the Act.

8. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, Commonwealth, or local laws or regulations.

9. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision or other circumstances, and the remainder of this permit, shall not be effected hereby.

10. Additional Requirements

The permittee shall comply with §§ 122.41(a)(1), (b), (c), (e), (h), (l) (1,3 and 5), (1)(6)(ii), (m) and (n) of Title 40 of the Code of Federal Regulations.

B. Additional General Permit Conditions

1. When the Regional Administrator May Require Application for an Individual NPDES Permit

The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual NPDES permit when:

(a) The discharge(s) is a significant contributor or pollutions;

(b) The discharger is not in compliance with the conditions of this permit;

(c) A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

(d) Effluent limitation guidelines are promulgated for point sources covered by this permit;

(e) A Water Quality Management Plan containing requirements applicable to such point source is approved; or

(f) The point source(s) covered by this permit no longer:

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring; and

(5) In the opinion of the Administrator, are more appropriately controlled under a general permit than under individual NPDES permits.

The Regional Administrator may require any operator authorized by this permit to apply for an individual NPDES permit only if the operator has been notified in writing that a permit application is required.

2. When an Individual NPDES Permit may be Requested

(a) Any operator authorized by this permit may request to be excluded from the coverage of this general permit by applying for an individual permit. The operator shall submit an application together with the reasons supporting the request of the Regional Administrator no later than 90 days after the publication by EPA of this general permit in the **Federal Register.**

(b) When an individual NPDES permit is issued to an operator otherwise subject to this general permit, the applicability of this permit to that owner or operator is automatically terminated on the effective date of the individual permit.

(c) A source excluded from coverage under this general permit solely because it already has an individual permit may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit, this general permit shall apply to the source.

III. Other Legal Requirement

A. State Certification

Under section 401(a)(l) of the Act EPA may not issue an NPDES permit until the state in which the discharge will originate grants or waives certification to ensure compliance with appropriate

requirements of the Act and State law, including water quality standards. Region II has requested Puerto Rico to certify the general permit under 40 CFR 124.53(c). This certification has been provided by Puerto Rico and it fulfills the requirements of 40 CFR 1245.53(d). This certification is part of the administrative record for the general permit.

B. Water Quality Standards

Section 301(b)(l)(c) of the act requires that NPDES permits contain limitations necessary to ensure compliance with water quality standards established pursuant to State law or regulations, or any other Federal law or regulation, or to implement any applicable water quality standard established pursuant to the Act. This general permit contains effluent limitations which, in EPA's opinion, meet the requirements of Section 301(b)(l)(c) including the water quality standards of Puerto Rico. At no time shall the maximum values contained in the effluent exceed the water quality standards after mixing with the receiving water. The general criteria and numerical criteria which make up to the water quality standards are provided in Table A–1.

C. Endangered Species

The Endangered Species Act requires that each Federal Agency shall ensure that any of its actions, such as permit issuance, dot not jeopardize the continued existence of any endangered or theatened species, or result in the destruction or adverse modifications of their habitat.

Based on available information on endangered species to be found in the geographic area of this permit, including environmental impact statements for other activities in the area, EPA has determined that this action will not endanger the species involved, nor result in destruction of their habitats.

EPA has requested comments from the National Marine Fisheries Service and the U.S. Fish and Wildlife Service and has considered all comments receiving in making the final permit decision. EPA will initiate consultation should new information reveal impacts not previously considered, should the activities be modified in a manner beyond the scope of the original consultations, or should the activities affect a newly listed endangered species.

D. Coastal Zone Management Act

Under the Coastal Zone Management Act (CZMA) Section 307(c)(3), and Department of Commerce regulations at 15 CFR 930.52, Federal Agency activities requiring Federal licenses or permits are subject to the consistency requirements of Subpart C, not Subpart D. Under Subpart C, it is the responsibility of the Federal Agency engaging in the permitted activity, ie. the Navy, to prepare any consistency determination needed and to provide that determination to the appropriate state agency (15 CFR 930.34). There is no prohibition on the issuance of the permit by EPA pending any state responses, nor are any requirements imposed on the permit issuer.

E. Executive Order 12291

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to Section 9(b) of that order.

F. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in this draft general NPDES permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The information collection and notification requirements of this permit have already been approved by the Office of Management and Budget under submissions made for the NPDES permit program under provisions of the Act.

G. Regulatory Flexibility Act

The general permit is for the U.S. Navy Atlantic Fleet Weapons Training Facility which is part of the U.S. Department of Defense. Neither the Navy nor the Department of Defense is a small entity under the Small Business regulations for the purpose of the Regulatory Flexibility Act. Therefore, the provisions of that Act do not apply to this permit.

IV. Definitions

1. The area covered by this general permit includes that area of the Island of Vieques, Puerto Rico, and the offshore waters identified as the Inner Range and defined by the following coordinates: From Punta Conejo on the south coast at latitude: 18 °06'30"N., longitude: 65°22'33"W. thence to latitude: 18°03'00" N. longitude: 65°21'00" W. thence to latitude: 18°03'00" N., longitude: 65°15'00" W. thence to latitude: 18°11'30" N., longitude: 65°14'30" W. thence to latitude: 18°12'00" N., longitude: 65°20'00" W. thence to Cabellos Colorados located on the North shore of Vieques latitude: 18°09'49" N., at longtude: 65°23'27" W.

2. "Territorial Seas" means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward to a distance of three miles.

[FR Doc. 84–28553 Filed 10–29–84; 8:45 am]
BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–002171–010.
Title: Honolulu Terminal Agreement.
Parties:
The Department of Transportation of the State of Hawaii (State)
Matson Terminals, Inc. (Matson)
Synopsis: Agreement No. 224–002171–010 amends the basic agreement which provides for the lease of marine terminal space and a molasses tank farm at Sand Island, Hawaii, by the State to Matson. This agreement extends the lease through December 31, 1984, or the date set forth by Matson to State that all molasses has been removed from the tank farm and the three tanks and one molasses pump cleaned whichever occurs first.

Agreement No.: 221–003829–001.
Title: New Orleans Terminal Agreement.
Parties:
The Board of Commissioners of the Port of New Orleans (Board)
Baton Rouge Marine Contractors, Inc. (BRMC)
Synopsis: The agreement modifies the basic agreement between the Board and BRMC covering a lease of berths 5 and 6 at France Road Terminal, New Orleans. The amendment postpones the rent adjustment as provided for by paragraph 4, Section 2 of the lease agreement, until such time as the Board determines the maritime market has

recovered sufficiently to warrant implementation of a rent adjustment.

Agreement No.: 202–005660–038.

Title: Marseilles North Atlantic U.S.A. Freight Conference.

Parties:

Nedlloyd Lines

Sea-Land Service, Inc.

Zim Israel Navigation Co., Ltd.

Synopsis: The proposed amendment would delete the interim mandatory provision governing independent action, adding a new article governing independent action in its place and would add a new article authorizing conference action with respect to service contracts.

Agreement No.: 203–010318–002.

Title: United States-European Trade Carriers Cooperative Study Arrangement.

Parties:

Atlantic Container Line (GIE)

Compagnie Generale Maritime

Dart-ML Limited

Hapag-Lloyd AG

Intercontinental Transport (ICT)

Johnson Scanstar

Lyks Bros. Steamship Co., Inc.

Sea-Land Service, Inc.

Trans Freight Lines, Inc.

United States Lines, Inc.

Synopsis: The proposed amendment would terminate the agreement on the day the Pan-Atlantic Carrier Trade Agreement (FMC Agreement No. 203–010664) becomes effective.

Agreement No.: 203–010664.

Title: Pan-Atlantic Carrier Trade Agreement.

Parties:

Atlantic Container Line (GIE)

Compagnie Generale Maritime

Dart-ML Limited

Hapag-Lloyd AG

Intercontinental Transport (ICT)

Johnson Scanstar

Lyks Bros. Steamship Co., Inc.

Sea-Land Service, Inc.

Trans Freight Lines, Inc.

United States Lines, Inc.

Synopsis: The proposed agreement would establish a discussion agreement among ocean common carriers in the trade between United States ports and points and ports and points in Europe. The proposed agreement would replace FMC Agreement No. 203–010318 which terminates upon the effectiveness of Agreement No. 203–010664.

By Order of the Federal Maritime Commission.

Dated: October 24, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84–28521 Filed 10–29–84; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; CBC Bancorp, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 21, 1984.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *CBC Bancorp, Ltd.*, Chicago, Illinois; to become a bank holding company by acquiring 80 percent or more of the voting shares of Heritage Bank of Oakwood, Westmont, Illinois. Comments on this application must be received not later than November 18, 1984.

2. *Citizens Bancshares, Inc.*, Walnut, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Citizens First State Bank of Walnut, Walnut, Illinois. Comments on this application must be received not later than November 14, 1984.

3. *Hamilton County Bancshares, Inc.*, Webster City, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers State Bank, Stanhope, Iowa, thereby indirectly acquiring Van Diest Financial, Ltd., Webster City, Iowa and First State Bank, Webster City, Iowa.

4. *Malta Bancshares, Inc.*, Malta, Illinois; to acquire 50.1 percent of the voting shares of State Bank of Paw Paw, Illinois; Paw Paw, Illinois.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Leackco Bank Holding Company, Inc.*, Huron, South Dakota; to become a bank holding company by acquiring 97.33 percent of the voting shares of American State Bank, Wessington Springs, South Dakota.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Overton Bancshares, Inc.*, Fort Worth, Texas; to acquire Ridglea National Bank, Fort Worth, Texas, a *de novo* bank, thereby indirectly acquiring First National Bank Mansfield, Mansfield, Texas.

Board of Governors of the Federal Reserve System, October 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–28522 Filed 10–29–84; 8:45 am]

BILLING CODE 6210–01–M

Application To Engage de Novo in Permissible Nonbanking Activities; First Tennessee National Corp.

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the

reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 19, 1984.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Tennessee National Corporation,* Memphis, Tennessee; to engage through its subsidiary, FTB Futures Corporation, Memphis, Tennessee, in acting as an introducing broker, under the Commodity Exchange Act, to engage in soliciting and accepting orders for the purchase and sale of commodities for future delivery, specifically financial futures, on or subject to the rules of any contract market. Orders will be executed by an unrelated third party futures commission merchant.

Board of Governors of the Federal Reserve System, October 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-28523 Filed 10-29-84; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Company Engaged in Permissible Nonbanking Activities; Louisiana Bancshares, Inc.

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 21, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Louisiana Bancshares, Inc.,* Baton Rouge, Louisiana; to acquire Louisiana National Mortgage Company, Baton Rouge, Louisiana, and thereby engage in mortgage lending. This activity will be conducted in the State of Louisiana.

Board of Governors of the Federal Reserve System, October 24, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-28524 Filed 10-29-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee Meetings; November

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the meetings of the following national advisory bodies during the month of November 1984.

Clinical Program Projects/Clinical Research Centers Subcommittee of the Treatment Development and Assessment Research Review Committee

November 1–2; 9:00 a.m.

Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland 20814
Open—November 1; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Pamela J. Mitchell, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1367

Purpose: The Subcommittee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of Mental Health Clinical Research Centers, clinical program projects, and other large-scale multidisciplinary research projects, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., November 1, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Neurobehavioral Research Subcommittee of the Neurosciences Research Review Committee

November 1–3; 9:00 a.m.

Holiday Inn, Georgetown, 2101 Wisconsin Avenue, NW., Washington, D.C. 20007
Open—November 1; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Shirley Maltz, Parklawn Building, Room 9C26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3936

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to basic psychopharmacology and neuropsychology, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., November 1, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Basic Behavioral Processes Research Review Committee

November 15–16; 9:00 a.m.

The State Plaza Hotel, 2117 E Street, NW., Washington, D.C. 20037
Open—November 15; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Doris East, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3936

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to experimental and physiological psychology and comparative behavior, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., November 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Mental Health Small Grant Review Committee

November 15–17; 1:30 p.m.

The Georgetown Hotel, 2121 P Street, NW., Washington, D.C. 20037
Open—November 15; 1:30–2:30 p.m.
Closed—Otherwise
Contact: Virginia Harter, Parklawn Building, Room 9–95, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4843

Purpose: The Committee is charged with the intitial review of applications for research in all disciplines pertaining to alcohol, drug abuse, and mental health for support of research in the areas of psychology, psychiatry, and the behavioral and biological sciences, with recommendations to the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, and the National Advisory Council on Drug Abuse.

Agenda: From 1:30–2:30 p.m., November 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be preforming initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Cognition, Emotion, and Personality Research Review Committee

November 17–18; 9:00 a.m.

Holiday Inn, Georgetown, 2101 Wisconsin Avenue, NW., Washington, D.C. 20007
Open—November 17; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Shirley Maltz, Parklawn Building, Room 9C26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3944

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to personality, emotion, cognition, and related higher mental processes, with recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., November 17, the meeting will be open for discussion for administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained from Ms. Helen W. Garrett, Committee Management Officer, National Institute of Mental Health, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333.

Dated: October 25, 1984.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 84–28563 Filed 10–29–84; 8:45 am]
BILLING CODE 4160–20–M

Office of Human Development Services

Federal Council on the Aging; Meeting

Time and date: Meeting begins at 9:00 AM on Wednesday, November 14, 1984 and ends at 12:00 PM on Thursday, November 15, 1984.

Place: Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201. November 14: Auditorium, First Floor. November 15: Rooms 337A–339A.

Status: Meeting is open to the public.

Contact person: Rita Lowry, Room 4243, HHS North Building, 245–2451.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93–29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold a meeting on November 14 and 15, 1984 from 9:00 AM–5:30 PM and from 9:30 AM–12:00 PM respectively in the Auditorium and in Rooms 337A–339A of the Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201.

The agenda will include a symposium on "Accidental Hypothermia: Facts and Myths" that is scheduled from 1:30 PM–4:30 PM on November 14. This symposium is jointly sponsored by the FCA and the Center for Environmental Physiology. The agenda will also consist of an update on aging from the Administration on Aging and FCA Committee Meetings.

Dated: October 23, 1984.

Adelaide Attard,

Chairperson, Federal Council on the Aging.

[FR Doc. 84–28542 Filed 10–29–84; 8:45 am]
BILLING CODE 4130–01–M

National Institutes of Health

National Eye Institute; Board of Scientific Counselors; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute, December 3–4, 1984, Building 31, Room 2, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on December 3, from 8:30 a.m. until approximately 3:00 p.m. for general

remarks by the Institute's Scientific Director on matters concerning the intramural programs of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on December 3 from approximately 3:00 p.m. until recess and on December 4 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual projects conducted by the Clinical Ophthalmic Immunology Section of the Clinical Branch and the Experimental Immunology Section of the Laboratory of Vision Research. These evaluations and discussions could reveal personal information concerning individuals associated with the projects, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Consequently, this meeting is concerned with matters exempt from mandatory disclosure.

Ms. Kay Valeda, Committee Management Officer, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4903, will provide summaries of the meeting and rosters of committee members.

Substantive program information may be obtained from Dr. Jin Kinoshita, Scientific Director, National Eye Institute, Building 31, Room 6A04, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7483).

Dated: October 16, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84–28532 Filed 10–29–84; 8:45 am]

BILLING CODE 4140–01–M

National Eye Institute; Vision Research Program Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute, November 29 and 30, 1984, Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 29 from 8:30 a.m. to 9:30 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552(c)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 9:30 a.m. on November 29 until recess and on November 30 from 8:30 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Kay Valeda, Committee Management Officer, National Eye Institute, Building 31, Room 6A–03, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of the meeting and rosters of committee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–06, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–5561, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Dated: October 16, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84–28531 Filed 10–29–84; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research; Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Dental Research (NIDR), on December 10–12, 1984, in Conference Room 117, Building 30, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to recess on December 10 and from 9:00 a.m. to 12:00 Noon on December 11 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1:00 p.m. to recess on December 11 and from 9:00 a.m. to adjournment on December 12 for the review, discussion, and evaluation of individual programs and projects conducted by the NIDR, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Abner Notkins, Acting Director of Intramural Research, NIDR, NIH, Building 30, Room 132, Bethesda, MD 20205 (telephone 301 496–1483) will provide summary of the meeting, roster of committee members and substantive program information.

Betty J. Beveridge,

NIH Committee Management Officer.

October 16, 1984.

[FR Doc. 84–28530 Filed 10–29–84; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Salmon District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Advisory Council.

DATE: The meeting will be held Thursday, November 29, 1984, at 9:00 a.m.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management, Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Laws 92–463 and 94–579. The main purpose for the meeting is the review, discussion, and final recommendation on the Bruno Creek road alternatives at the Cyprus Thompson Creek Mine. Current Salmon District issues will also be discussed.

The meeting is open to the public. Interested persons may make oral statements to the Council between 10:00 a.m. and 10:30 a.m. or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Salmon District Office by November 26, 1984.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting. Notification of oral statements and requests for summary minutes should be sent to: Kenneth G.

Walker, District Manager, Salmon District BLM, Box 430, Salmon, Idaho 83467.

Dated: October 23, 1984.

Kenneth G. Walker,

District Manager.

[FR Doc. 84-28574 Filed 10-29-84; 8:45 am]

BILLING CODE 4310-GG-M

[NM-58259]

Navajo Relocation Exchange Amended Notice; Dona Ana County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Amended Notice of Intent to do a Planning Amendment and Notice of Realty Action Designating Public Lands for Transfer Out of Federal Ownership in Exchange for Private Lands Selected by the Navajo Tribe for Relocation Purposes.

The original notice in the **Federal Register** on Tuesday, October 2, 1984, Vol *49*, No. *192*, Page 38991–38992 has been amended to include those land offered in Apache County, Arizona which will then be held in trust for the Navajo Tribe for relocation purposes. The lands selected for transfer out of Federal ownership in Dona Ana County, New Mexico have also been included in this Notice. In addition the public meeting which was scheduled for October 25, 1984 has been cancelled and a new public meeting has been scheduled.

SUMMARY: Under the provisions of Sections 4 and 28 of the Navajo and Hopi Indian Relocation Amendment Act, 1980, 25 U.S.C., sec. 640d–10 and 25 U.S.C., sec. 640d–26, the Navajo Tribe filed a selection application on June 30, 1983, for private lands in Apache County, Arizona, to be acquired by exchange for public lands in New Mexico. Interest has been expressed by an Arizona private landowner to select the following public lands for part of the compensation for the lands selected in Arizona by the Navajo Tribe:

New Mexico, Principal Meridian

Township 28 South, Range 2 East, N.M.P.M.
Sec. 12, Lot 6, E½ Lot 7, E½ Lot 10, Lot 11, E½SW¼NE¼, SE¼NE¼, N½NE¼;
Sec. 21, All;
Sec. 22, All;
Sec. 23, SW¼NW¼, W½SW¼;
Sec. 26, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 27, All;
Sec. 28, All;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All.
Township 29 South, Range 2 East, N.M.P.M.
Sec. 1, All;
Sec. 3, All;
Sec. 4, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, Lots 1, 2, 3, 4, N½;
Sec. 14, Lots 1, 2, 3, 4, N½;
Sec. 15, Lots 1, 2, 3, 4, N½.
Township 28 South, Range 3 East, N.M.P.M.
Sec. 7, Lots 1, 2, 3, 4, 5, 6, 7, E½W½, W½E½, SE¼SE¼;
Sec. 8, Lot 1;
Sec. 17, Lots 1, 2, 3, 4, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 18, Lot 1, S½ Lot 3, Lot 4, E½W½, E½;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 33, NW¼NE¼, NW¼, S½;
Sec. 34, NW¼SW¼, S½SW¼.
Township 29 South, Range 3 East, N.M.P.M.
Sec. 3, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 4, All;
Sec. 5, All;
Sec. 6, All;
Sec. 7, All;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 14, Lots 1, 2, 3, 4, N½;
Sec. 15, Lots 1, 2, 3, 4, N½;
Sec. 16, NW¼NW¼, NE¼NE¼;
Sec. 17, Lots 1, 2, 3, 4, N½;
Sec. 18, Lots 1, 2, 3, 4, N½.

Comprising 21,231.23 acres, more or less, located in Dona Ana County, New Mexico.

The Kelsey Ranch offered lands are:
Township 19 North, Range 31 East, G&SRB&M.
Sec. 15, Lots 1, 2, 3, and 4;
Sec. 17, All;
Sec. 20, All;
Sec. 21, All;
Sec. 22, Lots 1, 2, 3, 4;
Sec. 27, Lots 1, 2, 3, 4;
Sec. 28, All;
Sec. 29, All;
Sec. 30, E½;
Sec. 31, E½;
Sec. 33, All;
Sec. 34, Lots 1, 2, 3, 4.

Comprising 5169.16 acres more or less in Apache County, Arizona.

The Roberts Ranch offered land are:
Sec. 13, All;
Sec. 14, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 35, All.
Township 20 North, Range 30 East, G&SRB&M
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, All;
Sec. 9, All;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, All;
Sec. 17, All;
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 33, All;
Sec. 34, All;
Sec. 35, All.
Township 21 North, Range 30 East, G&SRB&M
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½.
Township 20 North, Range 31 East, G&SRB&M
Sec. 3, Lots 1, 2, 3, 4;
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, All;
Sec. 9, All;
Sec. 10, Lots 1, 2, 3, 4;
Sec. 15, Lots 1, 2, 3, 4;
Sec. 17, All;
Sec. 18, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 29, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 20, All;
Sec. 21, All;
Sec. 22, Lots 1, 2, 3, 4;
Sec. 27, Lots 1, 2, 3, 4;
Sec. 28, E½;
Sec. 29, All;
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½;
Sec. 33, All;
Sec. 34, Lots 1, 2, 3, 4.

Comprising 35997.37 acres more or less in Apache County Arizona.

Only the surface estate of the offered lands in Apache County will be conveyed. The mineral estate will be retained by the existing mineral owner. The surface estate and non leasable mineral estate of the selected lands in Dona Ana County will be conveyed by the United States in exchange. The leaseable mineral estate and geothermal resources will be reserved to the United States.

This Notice constitutes a Scoping Notice as required by the National Environmental Policy Act (40 CFR 1501.7) for a Plan Amendment. The action is to determine whether or not the selected described Federal lands will be considered as part of the Navajo-Hopi Exchange.

The lands identified for the Plan Amendment in New Mexico are in Las Cruces/Lordsburg Resource Area, Las Cruces District. Disciplines to be represented are realty, threatened and

endangered plants and animals, minerals and cultural values.

DATES: A Public meeting regarding this Plan Amendment is scheduled for November 19, 1984, at 1:30 p.m., at Branigan Memorial Library, 200 E. Picacho, Las Cruces, New Mexico 88001. A draft Plan Amendment/Assessment will be printed and made available to the public for a 30-day review and comment period. It is anticipated that this document will be released in December of 1984.

In addition to the Scoping Notice and in accordance with the regulations in 43 CFR 2201.1(b), publication of this Notice will segregate the public lands in Dona Ana County from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above described lands shall terminate upon issuance of a document of conveyance to such lands to the private landowners or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of 2 years from the date of publication, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Inquiries, comments or protests regarding the segregation of the lands should be addressed to the Indian Project Manager, Indian Project Office, 2708 N. 4th Street, Suite B–5, Flagstaff, Arizona 86001, or the Las Cruces District Manager, Las Cruces District Office, 317, North Main, Las Cruces, New Mexico 88004.

Charles W. Luscher,
State Director.

[FR Doc. 84–28573 Filed 10–29–84; 8:45 am]
BILLING CODE 4310–32–M

[OR 34095]

Realty Action; Exchange of Public Lands in Benton, Lane, Lincoln, Linn, and Polk Counties for Private Lands in Clackamas and Linn Counties, OR

October 22, 1984.

This notice of realty action cancels and supercedes that notice published in the **Federal Register** on April 15, 1982 (FR Doc. 82–10289).

The following described public lands have been examined and determined to be suitable for transfer out of Federal ownership by exchange under the authority of Section 206 of the Federal Land Policy and Mangement Act of 1976, as amended (90 Stat. 2756; 43 U.S.C. 1716):

Willamette Meridian, Oregon

T. 8 S., R. 8 W.,
  Sec. 9, E½SE¼, SW¼SE¼;
  Sec. 10, S½SW¼;
  Sec. 15, NW¼, NW¼SW¼.
T. 10 S., R. 2 E.,
  Sec. 8, SW¼NE¼;
  Sec. 30, Lot
T. 11 S., R. 1 E.,
  Sec. 24, E½NW¼, NE¼ SW¼.
T. 12 S., R. 1 E.,
  Sec. 10, SW¼NW¼.
T. 12 S., R. 8 W.,
  Sec. 28, Lots 1–4.
T. 13 S., R. 7 W.,
  Sec. 32, Lot 3.
T. 13 S., R. 8 W.,
  Sec. 4, Lot 5, SW¼NW¼.
T. 13 S., R. 9 W.,
  Sec. 24, S½SW¼.
T. 14 S., R. 8 W.,
  Sec. 18, Lots 5 and 6.
T. 15 S., R. 8 W.,
  Sec. 8, NW¼SW¼.

Containing 101.84 acres in Benton County, 40.00 acres in Lane County, 329.16 acres in Lincoln County, 246.36 acres in Linn County, and 400.00 acres in Polk County.

In exchange for all or some of these lands the United States will acquire the following described land from Willamette Industries, Inc.:

Willamette Meridian, Oregon

T. 7 S., R. 4 E.,
  Sec. 24, SW¼SW¼;
  Sec. 25,
  Sec. 26,
  Sec. 27, SW½NE½, S½NE½, NE½NW½, S½NW½, S½;
  Sec. 35, Lots 1—4, N½, N½S½;
  Sec. 36, Lots 1–4, N½, N½S½.
T. 11 S., R. 3 E.,
  Sec. 16.

Containing 3,213.21 acres in Clackamas County and 640.00 acres in Linn County.

The purpose of the exchange is to facilitate the resources management program of the Bureau of Land Management and to improve the timber management program of the company. The public lands that will be exchanged are mostly small, scattered parcels that are contiguous with lands owned by Willamette Industries, Inc. The company intends to manage the acquired lands with its existing holdings for timber production. The company land that will be exchanged has important wildlife habitat, timber, scenic, botanic and recreation resources. The land will be managed for multiple use along the surrounding public lands.

The initial exchange proposal was given broad public exposure resulting in many favorable comments. This notice adds 3,213.21 acres of offered lands and deletes 80.00 acres of selected lands. The additional offered lands are mostly mountainous timberlands covered with coniferous reproduction of various ages. The remaining mature timber will not be exchanged but will be harvested by Willamette Industries over the next five years. The overwhelming support from the public to the initial proposal clearly indicates that the public interest will be well served by the exchange.

The fair market value of the lands involved are either approximately equal or the acreage will be adjusted to bring the values as close as possible. Full equalization of values will be achieved by payment to the United States of funds in the amount not to exceed 25 percent of the total value of the public lands to be transferred. All mineral rights will be transferred with the surface estate.

The public lands will be subject to the following terms and conditions:

1. Valid, existing rights including any right-of-way, easement, or lease of record.

2. A reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890.

3. A reservation to the United States for rights-of-way for certain logging roads.

The private lands will be subject to the following terms and conditions:

1. The right to cut and remove all mature timber located on the offered lands in Clackamas County; said right to run for five years from the date of the deed to the United States.

Publication of this notice in the **Federal Register** segregates the public lands, described above, from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Mangement Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning the exchange, including the environmental assessment and the record of public discussions, is available for review at the Salem District Office, P.O. Box 3227 (1717 Fabry Road SE.), Salem, Oregon 97302.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Salem District Manager at the above address. Any adverse comments will be evaluated by the Oregon State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final

determination of the Department of the Interior.

Joseph C. Dose,

District Manager.

[FR Doc. 84-28575 Filed 10-29-84; 8:45 am]

BILLING CODE 4310-33-M

Bureau of Reclamation

San Jacinto Project, TX; Intent To Prepare and Environmental Statement and to Hold Environmental Scoping Meetings

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare and environmental statement (ES) and hold environmental scoping meetings for the San Jacinto Project, Texas, here referred to as "project." A draft environmental statement is scheduled to be filed with the Environmenal Protection Agency and be available for review and comment by March 1987.

The project purpose is to determine available water and related land resources that can assist with meeting the growing water needs, mainly municipal and industrial, within the San Jacinto River Basin. Other project purposes may include flood control, recreation, hydropower, and fish and wildlife. Based on a preliminary analysis of the study, sites on the East Fork of the San Jacinto, Winter Bayou, and Lake Creek have the best potential for multipurpose uses. Other smaller sites on Mill and Spring Creeks could be used for reregulating purposes.

The meetings are for the purpose of: (1) Determining the scope of issues to be addressed in the ES, (2) identifying the significant environmental issues related to the proposed action, and (3) providing information available on the effect this project will have on wetlands (Executive Order 11990) and flood plains (Executive Order 11988). The Bureau of Reclamation plans to hold these meetings in Cleveland, Texas, on Tuesday, November 27, 1984, at 7:30 p.m., in the Cleveland Library Auditorium, 220 South Bonham, and in Conroe, Texas, on Wednesday, November 28, 1984, at 6:30 p.m., in the Holiday Inn, 1601 I–45 South, (near Frazier Street).

Interested public entities and individuals may obtain information on the proposed project and provide information for the preparation of the ES by contacting Nicolas Palacios, Planning Study Manager, Bureau of Reclamation, 714 South Tyler, Suite 201, Amarillo, Texas 79101, telephone (806) 378–5474; or Dr. Fred Pinkney, Ecologist, Bureau of Reclamation, 714 South Tyler, Suite 201, Amarillo, Texas 79101, telephone (806) 378–5542.

Dated: October 24, 1984.

Kenneth R. Pedde,

Acting Assistant Commissioner.

[FR Doc. 84-28544 Filed 10-29-84; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considerred for listing in the National Register were received by the National Park Service before October 19, 1984. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 14, 1984.

Carol D. Shull,

Chief of Registration, National Register.

ARKANSAS

Pulaski County

Little Rock, *Williamson House (Thompson, Charles L., Design Collection TR)*, 325 Fairfax St.

INDIANA

Allen County

Fort Wayne, *West End Historic District*, Roughly bounded by Main, Webster, Jefferson, Broadway, Jones, and St. Mary's River

Marion County

Beech Grove, *Nickel Plate Road Steam Locomotive No. 587*, Off 1st Ave.

Indianapolis, *Indianapolis Chair Manufacturing Company*, 330 W. New York St.

KENTUCKY

Bell County

Middlesborough, *St. Mary's Episcopal Church*, 131 Edgewood Rd.

Boyle County

Danville vicinity, *Pleasant Vale (Samuel McDowell House)*, Lexington Rd.

Jefferson County

Louisville, *Grove, Benjamin, House (West Louisville MRA)*, 518 N. 26th St.

Louisville, *St. Vincent DePaul Church, Rectory, School, St. Ursula Home and Convent*, Oak and Shelby Sts., and 1214 Logan St.

Louisville, *Wright and Taylor Building*, 611—617 S. 4th St.

Prospect vicinity, *Clore, James, House (Jefferson County MRA)*, N of Prospect off KY 329

Kenton County

Ludlow, *Central Ludlow Historic District (Ludlow MRA)*, Roughly bounded by Glenwoood, Church, Adela, and Carneal Sts.

Ludlow, *House at 855—857 Oak Street (Ludlow MRA)*, 855—857 Oak St.

Ludlow, *House at 859 Oak Street (Ludlow MRA)*, 859 Oak St.

Ludlow, *Ludlow Lagoon Clubhouse (Ludlow MRA)*, 312 Lake St.

Ludlow, *Maxwell House (Ludlow MRA)*, 27 River Rd.

Lawrence County

Louisa, *First United Methodist Church*, 204 W. Main St.

Rockcastle County

Renfro Valley vicinity, *Hiatt, Bennett, Log House*, U.S. 25

MINNESOTA

Morrison County

Fort Duquesne (21–MO–20),

OREGON

Clatsop County

Astoria, *Astoria Victory Monument*, Columbia St., Bond and W. Marine Dr.

Harney County

Frenchglen, *Frenchglen Hotel*, OR 205

Lane County

Florence vicinity, *Honeyman, Jessie M., Memorial State Park Historic District*, U.S. 101

Marion County

Salem, *Stratton, C.C., House*, 1599 State St.

Multnomah County

Portland, *Albers Brothers Milling Company*, 1118—1130 Front Ave.

Portland, *Haseltine, Edward Knox, House*, 1616 SW Spring St.

Wallowa County

Enterprise, *Warnock, William P., House*, 501 S. 5th St.

Yamhill County

Newberg, *Smith, John T., House*, 414 N. College St.

PENNSYLVANIA

Allegheny County

Pittsburgh, *Hoene-Werle House*, 1313—1315 Allegheny Ave.

Washington County

East Washington, *East Washington Historic District*, Roughly North, East, and Wade Aves., Wheeling, Beau, and Chestnut Sts.

Marianna, *Marianna Historic District*, Roughly bounded by Ten Mile Creek, Beeson Ave., Hill, 6th, and 7th Sts.

TENNESSEE

Sullivan County

Kingsport, *Stone-Penn House*, 1306 Watauga St.

VERMONT

Addison County

Leicester, *Stagecoach Inn*, U.S. 7

Orleans County

Newport, *Orleans County Courthouse and Jail Complex*, Main St.

Washington County

Plainfield, *Gale-Bancroft House*, Brook Rd.

WISCONSIN

Green County

Brodhead, *Exchange Square Historic District*, Roughly bounded by 10th, RR tracks, E. 2nd, and W. 3rd Aves.

Trempealeau County

Trempealeau, *Coman House (Trempealeau MRA)*, 581 3rd St.
Trempealeau, *Main Street Historic District (Trempealeau MRA)*, Roughly Main St. between 1st and 3rd Sts.
Trempealeau, *Melchoir Hotel and Brewery Ruins (Trempealeau MRA)*, 1st St.

[FR Doc. 84-28536 Filed 10-29-84; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Availability of Draft Environmental Impact Statement for the Proposed La Plata Mine, San Juan County, NM, Public Hearing

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Notice of availability of the draft environmental impact statement (EIS) for the proposed La Plata mine, San Juan County, New Mexico, and notice of public hearing to receive comments on the draft EIS.

SUMMARY: OSM is making available for public review and comments a draft EIS on the proposed La Plata mine, San Juan County, New Mexico. The draft EIS analyzes the impacts on the human environment that would result from approval of the mining plan and issuance of a Federal permit to mine coal. The Secretary of the Interior must make a decision on San Juan Coal Company's proposed plan and OSM on the issuance of a Federal permit in accordance with the Surface Mining Control and Reclamation Act of 1977. The draft EIS evaluates three alternative actions that cover the range of decisions available to the Secretary of the Interior regarding the mining plan and the transportation corridor plan for the proposed La Plata mine. These actions are approval of the plans with conditions to bring them into compliance with Federal and State regulations, and issuance of a Federal permit to mine coal; disapproval of the plans in which case no Federal permit to mine coal would be issued; and no-action. The draft EIS will assist OSM in making a decision on San Juan Coal Company's application for surface mining of coal 18 miles north of the City of Farmington and adjacent to the community of La Plata, New Mexico. OSM is accepting written comments, and will conduct a public hearing to receive oral comments, on the draft EIS.

DATES: *Comment period.* Written comments on the draft document must be received by 4:00 p.m. (mountain time), January 4, 1985.

Public hearing. A public hearing will be held starting at 7:00 p.m. on December 4, 1984, and will continue until all who desire to speak have been heard.

ADDRESSES: *Written comments.* Mail or hand-deliver to Allen D. Klein, Administrator, Attn: Charles Albrecht, OSM, Brook Towers, 1020 15th Street, Denver, Colorado 80202.

Public hearing. A public hearing will be held at the La Plata Volunteer Fire Station, La Plata, New Mexico.

FOR FURTHER INFORMATION CONTACT: Charles Albrecht, Chief, Environmental Analysis Branch, OSM, Western Technical Center, 1020 15th Street, Denver, Colorado, 80202 telephone (303) 837-5421).

SUPPLEMENTARY INFORMATION: *Written comments.* Written comments should be as specific as possible. OSM appreciates all comments, but those most useful and likely to influence decisions in the preparation of the final EIS are those which will provide facts and analyses to support any recommendations or conclusions.

OSM cannot assure that written comments received after the time indicated under "DATES" will be considered or included in the preparation of the final EIS.

Public hearing. Filing of a written statement by commenters at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions, which could be asked to clarify or to elicit more specific information from the person commenting. A public hearing will continue on the specified date until all persons who are present in the audience and wish to comment have been heard. Commenters will be limited to 10 minutes of oral testimony per person.

Abstract of the draft EIS. San Juan Coal Company proposes to mine an average of about 2.0 million tons per year of 69.7 million tons of coal over 32 years at its La Plata mine. In the process, 1,551 acres of land would be disturbed on the mine area, the facilities area, and the transportation corridor addressed by San Juan Coal Company's permit application package. An additional 92 acres would be disturbed during construction of that part of the transportation corridor within the permit area of the San Juan mine. Total disturbance, therefore, would be 1,643 acres. The Black Diamond, Navajo, and San Juan mines are in operation in the general area. The proposed La Plata mine, in conjunction with these other mines, would moderately impact the social and economic conditions of the city of Farmington and of San Juan County, New Mexico. In addition, activities at the proposed mine and within the proposed transportation corridor would significantly impact the minesite and the corridor themselves as well as two grazing leases. Other impacts would be moderate or negligible.

Dated: October 24, 1984.

Brent Wahlquist,

Assistant Director, Technical Services and Research.

[FR Doc. 84-28560 Filed 10-29-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF JUSTICE

Office of Justice Assistance, Research and Statistics

[Guideline G4600.1A]

Funding and Administration of the Regional Information Sharing System (RISS) Program

AGENCY: Office of Justice Assistance, Research and Statistics, Justice.

ACTION: Final Program Guideline.

SUMMARY: The Office of Justice Assistance, Research and Statistics (OJARS), pursuant to Attorney General Order Number 886-80, is issuing Guideline G4600.1A, entitled, "Funding and Administration of the Regional Information Sharing System (RISS) Program." This grant program provides for the award of funds to support regional information sharing systems projects. Guideline G4600.1A defines the major legal, administrative, and program

requirements for financial assistance under this Program.

As defined by Executive Order 12291, this notice does not constitute a "major" notice because it does not result in: (a) An effect on the economy of $100 million or more, (b) a major increase in any costs or prices, and, (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprise. This notice will not have "significant" economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (Pub. L. 96–354).

DATES: This notice is effective March 1, 1984.

FOR FURTHER INFORMATION CONTACT: H.T. Tubbs, Director, Program Management Division, Office of Planning and Management, OJARS, 202/724–5961.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OJARS published a proposed Guideline G4600.1A in the **Federal Register** (47 FR 56745–56750). Interested persons were invited to submit comments on the proposed Guideline to OJARS. No comments were received.

Program Announcement

Subject

Announcement of the availability of financial assistance to continue support of the provisions of multijurisdictional intelligence information sharing services to state and local member agencies.

Summary

The Office of Justice Assistance, Research and Statistics announces its intention to award grants to seven projects participating in the Regional Information Sharing System (RISS) Program as authorized by Attorney General Order Number 886–80. Applicant eligibility is limited to existing projects which are in compliance with the legal, administrative and program requirements for financial assistance.

Dates

Applications will be reviewed upon eceipt and financial assistance and awards issued within 90 days from receipt. The closing date for receipt of applications for Fiscal year 1983 ends July 1, 1984.

Scope of Program Announcement

Funding and Administration of the Regional Information Sharing Systems (RISS) Program

1. *Purpose.* The purpose of this guideline is to provide information and guidance concerning the funding and administration of the Regional Information Sharing Systems (RISS) Program. This guideline is complemented by additional regulations, guidelines, instructions, and policies such as 28 Code of Federal Regulations (CFR) Part 23, 28 CFR Part 8; M 7100.1B, Financial and Administrative Guide for Grants; I 4062.7, Standards for Equipment to be Acquired with LEAA Grant Funds; G 7100.5, Control and Use of Confidential Funds Under the RISS Program; and, Executive Order 12372, Intergovernmental Review of Federal Programs.

2. *Scope.* This guideline is of interest to state and local criminal justice agencies, institutions, and organizations involved in the administration and implementation of the RISS Program.

3. *Cancellation.* OJARS Guideline G4600.1 of March 1, 1983, same subject, is hereby cancelled.

4. *Introduction.* a. *Authority.* Attorney General Order No. 886–80 authorizes the Assistant Attorney General, Office of Justice Assistance, Research, and Statistics (OJARS), after appropriate consultation with the Administrator of the Drug Enforcement Administration and the Assistant Attorney General in charge of the Criminal Division, to exercise the power and authority to administer the State and Local Drug Grants Program, hereafter named as the Regional Information Sharing Systems (RISS) Program. This authorization provides the authority to promulgate such regulations as are necessary for effective administration of this program.

b. *Oversight and Administration.* The Executive Group, composed of the Assistant Attorney General in charge of the Criminal Division, the Administrator of the Drug Enforcement Administration, and the Assistant Attorney General, OJARS, exercises responsibility for the oversight and overall administration of the RISS Program. To assist the Executive Group in its responsibilities, the OJARS Intelligence Systems and Policy Review Board makes recommendations to the Executive Group concerning funding of applications and policy issues dealing with intelligence information and systems, and develops and implements oversight procedures to ensure compliance with the Standards for Criminal Intelligence Operations (28 CFR Part 23). Daily management of the RISS Program is conducted through the Program Management Division, Office of Planning & Management, OJARS.

5. *Program Goals and Objectives.* The goal of the RISS Program is to enhance the ability of state and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries. The primary objectives of the program are to encourage and facilitate the rapid exchange and sharing of information pertaining to known or suspected criminals or criminal activity among federal, state and local law enforcement agencies, and to enhance coordination/communication among those agencies in pursuit of criminal conspiracies determined to be interjurisdictional in nature. Secondary objectives are to provide technical and financial resources to augment existing multi-jurisdictional enforcement resources/operations. These technical and financial resources may include specialized equipment, training and investigative funds.

6. *Program Description.* a. *Problem Analysis.* Major criminal offenses, including traditional and non-traditional organized crime, drug trafficking and major white collar crime, often span jurisdictional boundaries to the extent that two or more state or local jurisdictions may be required to respond to the same offense or conspirators. This multi-jurisdictional characteristic can pose significant problems for state and local enforcement in target identification, allocation of enforcement resources, and coordination of those resources to affect successful multi-jurisdictional investigations and prosecutions. Many of these problems stem from the fact that, although state and local enforcement agencies individually may have pieces of information concerning multi-jurisdictional conspirators and their activities, they lack a mechanism by which this information can be exchanged and/or collected to support multi-jurisdictional investigations and prosecutions. Consequently, the enforcement community's response to the conspiracy/offense may be fragmented, duplicative, counterproductive, and limited. In addition to the lack of information exchange, many law enforcement agencies are deficient in specialized equipment, training, and investigative resources to mount successful multi-jurisdictional operations commensurate with the sophistication of the conspiracy/offense.

b. *Results Sought.* It is expected that successful implementation of the RISS Program will achieve some or all of the following results:

(1) Operation of a modern regional information/data management system capable of the controlled receipt, analysis, evaluation, storage, dissemination and updating of information concerned with organized

criminal activity, drug trafficking, and white collar crime.

(2) Establishment of a system of coordination and communication among enforcement agencies for targeting and investigating criminal conspiracies and activities as a means to overcome problems associated with multi-jurisdictional enforcement operations.

(3) Increased opportunity for arrest and successful prosecution of conspirators targeted by participating state and local enforcement agencies.

(4) Recovery of criminal assets (i.e., contraband, stolen equipment) by multi-jurisdictional enforcement operations evolving from services provided by the project.

7. *Program Strategy and Project Components.* a. *Strategy.* The strategy of the RISS Program is to maintain information sharing centers throughout the United States to service state and local criminal justice agencies. Specifically, the strategy for the program, provided congressional appropriations continue, is to continue the six regional information system centers: the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network, the New England States Police Information Network, the Mid-States Organized Crime Information Center, the Regional Organized Crime Information Center, the Rocky Mountain Information Network, and the Western States Information Network.

b. *Activity Components.* The following are either required or optional components/activities of projects funded under this program. Optional components must be designed to support the required information-sharing and analytical components.

(1) Information Sharing Component (Required). Every project will maintain and operate either a manual and/or automated information-sharing component that is responsive to the needs of participating enforcement agencies in addressing multi-jurisdictional offenses/conspiracies. This component must be capable of providing controlled input, dissemination, rapid retrieval, and systematized updating of information to authorized agencies. (See Para. 14. b, *Criminal Intelligence Systems Operating Policies.)*

(2) Analytical Component (Required). Every project will establish and operate an analytical component to assist the project and participating agencies in the compilation, interpretation, and presentation of information provided to the project. This component must be capable of responding to participating agency requests for analysis of investigative data.

(3) Telecommunications Component (Required). Projects may establish and/or maintain a telecommunications system designed to directly support the operation of the Information Sharing Component and Analytical component, and to support project supported investigations and activities. This system may not be used for supplementing the normal telecommunications needs of member agencies.

(4) Investigative Support Component (Optional). Projects may establish and operate an investigative support component by providing financial assistance to participating agencies for their conduct of multi-jurisdictional investigations. Financial resources may include funds for the purchase of information, contraband that may be used as evidence, services, investigative travel and per diem, and overtime compensation. Funds expended and activities conducted by participating agencies under this component must directly support the operation of the Information Sharing and/or Analytical Components. (See Para. 14. a; *Confidential Funds.)*

(5) Specialized Equipment Component (Optional). Projects may establish and maintain a pool of special investigative equipment for loan to participating agencies. The loan of such equipment must directly support the operation of the Information Sharing and Analytical Components. (See Para. 14. d, *Equipment.)*

(6) Technical Assistance Component (Optional). Projects may establish and maintain a component to provide technical assistance to member agencies. Through use of project personnel and others in participating agencies, consultation, advice, and information may be available to member agencies concerning use of specialized equipment, investigative procedures, accounting of project funds if provided by the project in suport of investigations, and information analysis. This component will emphasize use of technical resources among the projects as necessary and available. Technical assistance in the form of active participation by project personnel in member agency investigations is strictly prohibited.

(7) Training Component (Optional). Projects may establish and maintain a training component to upgrade investigative skills of personnel from participating agencies. Such training assistance may consist of financial support to send personnel to training courses, seminars, and conferences or design and delivery of special training courses by project staff. Training provided under this component must support the project goals and objectives.

c. *Administrative Components.* Each project must be comprised of three basic administrative components: an oversight group, project staff, and, member agencies.

(1) Oversight Group. Each project must have an established oversight group, i.e., Policy Board, Executive Committee, Supervisory Board, that is composed of representatives from state and local agencies in the project's service area. The primary purpose of the oversight group is to provide policy and direction affecting project operations and administration.

(2) Project Staff. Each project must contain a core group of staff that is of sufficient size and expertise to accomplish the stated objectives of the grant. An organizational structure must be developed that reflects the ability of the project to administer and operate the project to achieve the objectives of the project components discussed in Para. 7. b. (1) through (7). See Para 14. c, *Project Personnel,* for additional information about requirements for project staff.

(3) Member Agencies. Each project must be made up of state and local criminal justice and/or regulatory agencies within the project's service area, who are eligible to receive project services. Each project must develop and utilize documented criteria for project membership. This criteria must be made a part of the project's constitution, bylaws, and/or operating procedures.

8. *Eligibility To Receive Grants.* The Oversight Group for each RISS project will select the state or local criminal justice agency eligible to apply for funding under this Program. Final approval of the applicant will remain with the Office of Justice Assistance, Research, and Statistics (OJARS).

9. *Deadline for Submission of Applications.* Applications must be rceived by OJARS at least 90 days prior to the anticipated start date of the new award.

10. *Dollar Range and Number of Grants.* The award of six grants is anticipated in FY 1984, ranging from approximately $500,000 to $2.1 million per 12 month period of award.

11. *Cost Sharing.* Projects/grants may be funded up to 100 percent of total project/grant costs. Projects are encouraged to obtain and utilize other resources to the maximum extent possible for the purpose of augmenting project operations. Each project must devise and submit to OJARS an analysis of cost sharing among state and local agencies.

12. *Application Requirements.* a. *Preparation.* All applications must be prepared on Standard Form 424, Application for Federal Assistance with Attachment OJARS Form 4000/3 (Appendix 1), available from the Office of the Comptroller, OJARS.

b. *Content.* The following information must be included in the application of OJARS:

(1) Budget narrative. Applicants for grants must submit on separate sheets a budget narrative. The budget narrative should detail by budget category the Federal share. The purpose of the budget narrative is to relate items budgeted to project activities and to provide justification and explanation for budget items, including criteria and cost data used to arrive at the estimates for each budget category. The following information is provided to assist the applicant in developing the budget narrative.

(a) Personnel Category. List each position by title (and name of employee if available), show annual salary rate and percentage of time to be devoted to the project by the employee. Compensation paid for employees engaged in Federally assisted activities must be consistent with that paid for similar work in other activities of the applicant. For FY 1984 grant periods, a ceiling of $50,000 is set for the Project Directory's salary.

(b) Fringe Benefits Category. Indicate each type of benefit included and the total cost allowable to employees assigned to the project.

(c) Travel Category. Itemize travel expenses of project personnel by purpose (e.g., staff to training site, advisory group meetings, etc.) and show basis of computation (e.g., "Five trips for 'x' purpose at $80 average cost, $50 transportation and two days per diem at $15" or "Six people to 3-day meeting at $70 transportation and $45 subsistence"). In training activities where travel and subsistence for trainees is included, this should be separately listed indicating the number of trainees and the unit costs involved. (See Para. 14. e, *Travel.)*

(*1.*) Identify the tentative location of all training sessions, meetings, and other travel whenever possible.

(*2.*) Applicants should consult such references as the Official Airline Guide and the Hotel and Motel Redbook in projecting travel costs to obtain competitive rates.

(d) Equipment. List each type of equipment to be purchased or rented with unit or monthly cost. (See Para. 14. d, *Equipment.)*

(e) Supplies. List items within this category by major type (office, supplies, training materials, postage, etc.) and show basis for computation. Provide unit or monthly estimates.

(f) Contractual Category. State the selection basis for any contract or subcontract or prospective contract or subcontract (including equipment).

(*1.*) For individuals to be reimbursed for personal services on a fee basis, list by name or type of consultant or service, the proposed fee (by day, week or hour), and the amount of time to be devoted to such services.

2. For other types of contracts indicate the type of services to be performed and the estimated contract cost data.

(g) Construction Category. Described construction or renovation which will be accomplished using grant funds and the method used to calculate cost. Allowable costs will be limited to project site modifications.

(h) Other Category. Include under "other" such items as rent, reproduction, telephone, janitorial or security services and investigative expenses as defined in Para. 4, G 7100.5 (see Appendix 3). List items by major type with basis of computation shown. (Provide square footage and cost per square foot for rent. Provide local and long distance telephone charges separately.)

(i) Indirect Cost Category. The Administration may accept any indirect cost rate previously approved for an applicant by a Federal agency. Applicants must enclose a copy of the approved rate agreement with the grant application.

(j) Program Income. If applicable, provide a detailed estimate of the amount of program income to be generated during the grant period and its proposed application (to reduce the costs of the project or to increase the scope of the project). Also, describe the potential source of program income. (Refer to Para. 42., OJARS M 7100.1B.)

(2) Project Narrative. Each applicant will present its project narrative in the following format, which will be used in lieu of the format reflected in page 11 of SF 424, (Appendix 1). For those applicants with approved FY 1983 base line applications, only modifications to the base line application must be submitted for FY 1984.

(a) Description of the problems and needs to be addressed by the project.

(b) Summary of past accomplishments since project inception and their relationship to previously identified goals and objects.

(c) Description of types of files, as approved by the project's supervisory boards, that comprise the project's information sharing system, i.e., primary subject, associates, m.o., etc., and a description of the purpose of these files in relationship to the information-sharing system.

(d) Description of project goals and performance objectives to be achieved.

1. The project goals should be consistent with the program goal set forth in Para. 5 of this Guideline.

2. Performance objectives must describe quantifiable achievements to the extent possible for each goal and take into consideration each of the project components set forth in Para. 7. b. of this Guideline. Performance objectives must be observable and measurable.

(e) Description of project operations to include administrative decision-making structure (including organization chart).

(f) Description of milestones/major achievements to be accomplished.

(g) Summary of all assessments, evaluations and/or audits, other than those initiated by the Department of Justice.

(h) List of member agencies.

(i) Description of project monitoring plan for ensuring member agency compliance with project constitution, bylaws, and operating procedures and member agency utilization of project services.

(3) Supporting Documents. The following documents must append the application: Items (3) (a), (b), (c), and (g) must accompany th FY 1984 application. Items (3) (d), (e), and (f) must accompany the FY 1984 application if changes have been made since approval of the FY 83 base line application.

(a) A current Equal Employment Opportunity Program (EEOP) which meets the requirements of 28 CFR 42.301, et seq. This requirement applies to applicant agencies that have fifty or more employees, which have received grants of $25,000 and which have a service population with a minority representation of 3% or more. (See Appendix 2.)

(b) A copy of a letter transmitting notification of project activities to state legislatures in those jurisdictions being serviced by the project. (See Para. 14. f, *Legislative Notification.)*

(c) Certifications signed by the appropriate authority indicating:

1. Compliance with G 7100.5, Control and Use of Confidential Funds Under the RISS Program. (See Appendix 3.)

2. Compliance with 28 CFR Part 23. (See Appendix 4.)

3. State Criminal Justice Control (CJC) review, if CJC is serving as grantee.

(d) Constitution and/or bylaws adopted by the project.

(e) Procedures developed by the project for the administration of confidential funds if such funds are

being requested in the application. (See Appendix 3.)

(f) Procedures developed by the project for the administration of the information system as required in 28 CFR Part 23. (See Para. 14. b, and Appendix 4.)

(g) All assessments, evaluations and/or audit reports, other than those initiated by the Department of Justice, describing project activities/income/expenditures/assets.

13. *Reports.* Reporting requirements for grants/projects awarded under the RISS Program are articulated in Chapter 2, M 7100.1B, Financial and Administrative Guide for Grants. The six regional information-sharing systems will use the quarterly narrative report format shown in Appendix 6.

14. *Special Requirements.* a. *Confidential Funds.* Approval by the grantor agency is required for all grantees/subgrantees prior to the use of funds for confidential expenditures. Confidential expenditures are herein defined as funds used for purchase of services, purchase of evidence (physical), and purchase of information. (See Appendix 3, OJARS Guideline G 7100.5, "Control and Use of Confidential Funds Under the RISS Program".)

(1) Confidential expenditures will be considered in all grants funded under this program provided that the process and procedures to be utilized by individual projects are included as part of the grant application and comply with G 7100.5.

(2) A signed certification must be submitted by the Project Director that indicates he has read, understands, and agrees to abide by the conditions pertaining to confidential fund expenditures as set forth in OJARS Guideline 7100.5. For a sample of the required certification, refer to Appendix 3.

(3) Funds that are seized and revert to the project as a result of the use of confidential funds shall be deemed program income pursuant to OMB Circular A102 up to the total amount of confidential funds used under the grant. (Refer to Para. 42, OJARS M 7100.1B.)

(4) The budgeting for and use of confidential expenditures under this program is considered a support service to the primary objective of sharing information. These funds should only be allocated:

(a) When the particular merit of a case warrants the expenditure of these funds;

(b) To support multi-jurisdictional investigations in which two or more agencies are actively involved;

(c) Where the user agency agrees that information obtained which conforms to 28 CFR, Part 23, will be furnished to the project data base;

(d) When no other source of funds exists.

b. *Criminal Intelligence Systems Operating Policies* (28 CFR Part 23). All projects funded under the RISS program will be subject to the provisions of 28 Code of Federal Regulations (CFR) Part 23. "Criminal Intelligence Systems Operating Policies." (See Appendix 4.)

(1) Written procedures for individual project compliance with these "Operating Policies" must accompany each application for funding unless otherwise noted in Para. 12. b. (3). Specific application requirements for each of the Operating Policies of 28 CFR 23.20 are as follows:

(a) Application must describe the process by which information submitted is evaluated to ensure compliance with "reasonable suspicion of criminal activity" standard, and the information has not been obtained in violation of applicable Federal, state or local laws and ordinances (§ 23.20 (a), (b), (c)).

1. Description must define what constitutes "reasonable suspicion of criminal activity" as a predicate for collecting, maintaining, and entering information (§ 23.20(a)).

2. Description must explain system of controls to ensure that no information is entered that violates applicable Federal, state or local laws and ordinances (§ 23.20(a)).

(b) Application must describe the procedures by which incoming information is received, processed, and stored (§ 23.20(f)).

1. Procedures must indicate date of receipt (for purge purposes), the identity of submitting agency and the assignment of levels of sensitivity and confidence of the information (§ 23.20(f)).

2. Descriptions must discuss administrative, technical and physical safeguards (including audit trails) to ensure against unauthorized access and against intentional or unintentional damage (§ 23.20 (d), (e), (f)).

(c) Application must describe the process by which information is disseminated (§ 23.20 (d), (e), (f)).

1. Description must discuss procedures for ensuring that access to the information is based on the "need to know/right to know the data in the performance of a law enforcement activity" (§ 23.20(d)).

2. Description must discuss process used to ensure that information is disseminated only to other law enforcement authorities who agree to follow procedures regarding data entry, maintenance, security, and dissemination that are consistent with 28 CFR 23.20. Sample certification forms should be attached (§ 23.20(e)(1)).

(d) Application must describe procedures used to ensure that all information retained has relevancy and importance (§ 23.20(g)).

1. Description must explain how information is screened for relevancy and to ensure that it is not misleading, obsolete, or otherwise unreliable (§ 23.20(g)).

2. Description must discuss purging process and how reviewed material is annotated to reflect name of reviewer, date of review and explanation as to decision to retain. Any information that has been in the system but has not been reviewed for a period of two years must be reviewed and validated before it can be utilized or disseminated (§ 23.20(g)).

3. Description must discuss how any recipient agencies are notified that information has been changed or purged (§ 23.20(g)).

(e) Application must describe sanctions to be used to control unauthorized access, utilization, or disclosure of information contained in the system (§ 23.20(l)).

(2) The Criminal Intelligence Systems and Operating Policies Review Board and/or the OJARS Program Manager will perform on-site visits during the project period to assess compliance with the Operating Policies.

(3) Noncompliance with Operating Policies is sufficient justification for project termination. Project activities determined to be noncompliant will be formally communicated to the grantee for redress. If the issues of noncompliance are not satisfactorily resolved by the established deadline date, OJARS may suspend all or part of the grant. If the issues still remain unresolved past the deadline date attached to the suspension action, OJARS may notify the grantee of an intent to terminate the grant. The grantee will have up to ten (10) working days from the date of the notice to file a written request for a compliance hearing pursuant to 28 CFR Part 18. If no request for a hearing is received by OJARS, the grant will be terminated.

(4) The following Special Conditions will be added to each award:

(a) Grantee agrees to be in compliance with the Criminal Intelligence Systems Operating Policies (28 CFR Part 23). Compliance will include all certifications required by § 23.20(a)(1)–(4) of these policies. The Criminal Intelligence Systems and Operating Policies Review Board, or its individual or group designees, may visit the project in order to determine compliance with these policies.

(b) Grantee/subgrantee agree that if automated equipment for use in connection with a criminal intelligence system is to be obtained with grant funds, then:

1. Direct remote terminal access to data shall not be made available to system users; and,

2. No modifications to system design shall be undertaken without prior OJARS' approval (§ 23.20(h)).

(c) OJARS shall be notified prior to initiation of formal information exchange procedures with any Federal, state, regional, or other information system not indicated in the grant documents as initially approved at time of award (§ 23.20(i)).

(d) Grantee/subgrantee that no electronic, mechanical, or other device for surveillance purposes will be purchased, rented, or used in the course of this project that is in violation of the provisions of Title III of Pub. L. 90.351, as amended, or any applicable state statute related to wiretapping and surveillance (§ 23.20(j)).

(e) Grantee/subgrantee agree that there shall be no harassment or interference with any lawful political activities as part of the intelligence system operation (§ 23.20(k)).

c. *Project Personnel.* Project personnel are defined as project employees (either direct or by formal contract) whose job function is to directly support the project operations. For the purpose of this Guideline, Project personnel are generally discussed under the categories Project Management, Headquarters Staff, and Field Personnel. All project positions must be supported by documented position descriptions. Prior to final selection, all project staff must undergo a background investigation to be established by each project.

(1) Project Management. Project Management includes the Project Director, Deputy Director, and/or Division Heads. These positions are considered "key" to the successful implementation of the project. Accordingly, project personnel hired for these positions are subject to the approval of the grantor agency. Project Management personnel must be civilian personnel.

(a) The Project Director's position must be filled via a documented competitive recruitment process. The selection of an individual to fill this position must be made, subject to the final approval of the grantor agency, by the Project Oversight Group, i.e., Policy Board, Executive Committee, Supervisory Board, etc. For the FY 1984 grant award period, the salary level for the Project Director position may not exceed $50,000 per annum.

(b) The Project Director and Division Heads must also be filled by competitive recruitment. The appointing authority, again subject to final approval by the grantor agency, should be the Project Director.

(2) Headquarters Staff—Headquarters staff includes all project staff employed to perform the function and activities of the project headquarters. Headquarters staff should be hired by the Project Director, and must possess the background and experience necessary to accomplish assigned tasks and functions. All headquarters staff must be under the direct operational and supervisory control of Project Management.

(3) Field Personnel. Field personnel are defined as project employees (either direct or by formal contract) whose job function is to provide liaison services between the project and member agencies and who generally represent the project interests in assigned States throughout the service area. All Field Personnel must be under the direct operational and supervisory control of Project Management.

(a) It is the policy of OJARS to allow the funding and utilization of field personnel provided that their activities are confined to liaison with and support of member agencies. Authorized liaison and support activities include:

1. Facilitation of project service delivery to member agencies;

2. Provision of fixed site technical assistance to member agencies;

3. Consultation and advice to member agencies in the completion of required reports and evaluations;

4. Recruitment of new member agencies and liaison with existing members; and,

5. Provision of training to law enforcement and prosecutorial agencies in project related law enforcement practices and techniques.

(b) It is the policy of OJARS to prohibit the involvement of field personnel in operational or investigative functions normally associated with the duties of a sworn law enforcement officer. These prohibited functions include:

1. Handling informants (including paying informants; briefing or debriefing informants);

2. Participation in any fixed or mobile surveillance (including providing fixed or mobile radio coordination);

3. Participation in any other investigative activity, including collection of new intelligence from overt or covert sources, purchase of evidence, and undercover operations;

4. Use of or carrying any firearm or other dangerous weapon while in the performance of project duties; and,

5. Input of information to or dissemination of information from the project's information system.

(c) Each project that utilizes field personnel must develop and submit to OJARS procedures that govern the use of and supervisory controls over its field personnel. These procedures must include:

1. Specific job descriptions against which field personnel activities can be compared. These job descriptions must include:

a. Duties;

b. Supervisory Controls;

c. Scope and Effect; and,

d. Work Environment.

2. A system of supervisory controls including documented reporting requirements, maintenance of time and attendance records, and a performance appraisal system that is designed to manage and account for the activities and time of field personnel.

d. *Equipment.* Purchase or lease of equipment that specifically relates to the achievement of the project goals and objectives and which directly supports the operation of the Information Sharing component, including repairs which materially increase its useful life, is an allowable expenditure of grant funds. The need for an acquisition of equipment in general is governed by the provisions of Instruction 4062.7, "Standards for Equipment to be Required with LEAA Grant Funds." (See Appendix 5.). The following further defines equipment acquisition and usage as it applies to the RISS Program.

(1) All equipment purchases must receive the prior approval of OJARS. Prior approval may be obtained either through inclusion in the grant application, or, subsequently, by a prior written request.

(2) Each application must contain a certification governing the acquisition of equipment. (See Appendix 5.)

(3) No electronic, mechanical, or other device may be purchased, rented, or used in the course of the project that is in violation of Title III, Pub. L. 90–351, as amended, and applicable state statutes related to wiretapping and surveillance.

(4) Helicopters and airplanes may not be purchased with grant funds. However, the rental of such equiment is allowable on an as needed basis provided that such rental is included as a line item in the aproved grant application and is confined to ongoing investigations being performed by member agencies.

(5) Each project that opts to adopt the Equipment Component must have documented procedures to procure, account for (inventory), loan, and retrieve equipment.

e. *Travel.* Travel must be categorized and described as either administrative or investigative. Administrative travel should be budgeted within the "Travel" category and is defined as travel performed by project employees or advisory board members to attend or participate in meetings, conferences, training, etc., to receive or provide technical assistance, or to perform liaison services to other projects or member agencies. Investigative travel should be budgeted within the "Other" category and is defined as travel performed by member agencies in the furtherance of on-going investigations being supported by the project.

(1) Each project must develop and submit to OJARS internal travel procedures that:

(a) Document the project's official travel policies;

(b) Define the travel request, approval and voucher process;

(c) Explain the system of advances and reimbursements; and

(d) Describe the documentation necessary for approval and payment of travel vouchers.

(2) Grantees will follow their own established travel policies. If a grantee does not have established travel rates, the grantee must abide by the Federal travel regulations.

(3) Subgrantees will follow their own established travel rates. If a subgrantee does not have an established travel rate, then;

(a) The subgrantee may follow the grantee-established travel policies, or,

(b) The subgrantee may abide by the Federal travel regulations.

(4) Management attitudes towards travel should be designed to minimize travel costs and eliminate non-essential travel. The following guidance should be observed by project management:

(a) Use alternatives. Travel should be permitted only when the matter cannot be handled via conference call or other mode of communication.

(b) Limit number of persons traveling. Only the minimum number of persons necessary to accomplish the purpose of the trip should be authorized to travel.

(c) Conference travel should be limited. Travel to conferences, seminars and meetings should be limited to those which directly further project goals and objectives. Whenever possible, limit attendance to a single individual who would then be responsible for summarizing and reporting results to other staff members.

(d) Examine location of meetings/conferences. Carefully consider cost benefits for all attendances prior to selecting sites for meetings or conferences.

(e) Utilize local training courses. Whenever possible, local training courses should be used to minimize travel costs.

(f) Minimize duration of trips. Trips should be as short as possible to accomplish their official purpose.

(g) Consolidate trips. To the extent possible, travel should be performed for more than a single purpose and visits to more than one location made in a series without returning to the official duty station.

(h) Assess alternate modes of common carriers. Consider all costs associated with different types of common carriers. This is especially true in the Northeast corridor where train service may provide the most cost beneficial method of travel.

(i) Use special fares. Utilize special excursion fares or other discount fares whenever possible.

(5) All non-investigative, out-of-region travel must receive the written prior approval of OJARS on a trip-by-trip basis. The request for approval of each trip must provide specific information concerning the purpose of travel, and a certification that sufficient funds exist within the travel category of the approved project budget to accommodate the requested travel.

f. *Legislative Notification.* The State legislature in each State included in a RISS project must be notified that a RISS project is operating within its boundaries. Notification may be either directly to the legislature or to a body designated to act while the legislature is not in session. Each project, therefore, must provide evidence that the requisite notification has occurred. Evidence may take the form of a sample letter of notification to be included in the grant application. Copies of all letters of notification and any responses thereto must be kept in file at the project headquarters.

g. *Intergovernmental Review of Federal Programs.* On July 14, 1982, the President signed Executive Order 12372, "Intergovernmental Review of Federal Programs," to provide State and local governments increased and more effective opportunities to influence Federal actions affecting their jurisdictions. Final regulations (28 CFR 30) implementing the Order for the Department of Justice were published in the **Federal Register** on June 24, 1983 (48 FR 29238). The Order and the regulations, which became effective September 30, 1983, permit States to establish a state process for the review of Federal programs and activities, to select which programs (from a previously published list) they wish to review, to review proposed Federal programs and activities, and to make their views known to the Department through a State "single point of contact" (SPOC). The Order and the implementing regulations revoke the former A–95 clearance process.

Applicants for this program must submit a copy of their application to the applicant agency State "Single Point of Contact," if one has been established and if the State has selected this program to be covered in its review process. Applications must be submitted to the SPOC for review and comment at the same time they are submitted to OJARS. Under the regulations, the State process has up to thirty (30) days to review and comment.

h. *Prohibition Against Lobbying.* All activities under the grant, including oral and written grantee or subgrantee actions and direct or indirect congressional contact, shall be made in accordance with the anti-lobbying provision of the LEAA Financial and Administrative Guide for Grants (OJARS M7100.1B, Chapter 5, Para. 75, October 2, 1980) as interpreted by OJARS Office of General Counsel Legal Opinions Nos. 74–1, 75–45, and 77–30.

Lois Haight Herrington,

Assistant Attorney General.

[FR Doc. 84–28526 Filed 10–29–84; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance; Advanced Computer Mangement, et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total

or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 9, 1984.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 9, 1984.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 22nd day of October 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Advanced Computer Management (wkrs)	Troy, MI	10/1/84	9/18/84	TA-W-15,496	Provides computer services for Electra Installation
Airwork Corp. (Co.)	Millville, NJ	10/15/84	10/9/84	TA-W-15,497	Overhaul & repair, aircraft, engines
BTK Industries, Inc. (ACTWU)	El Paso TX (Mesa St)	10/9/84	10/4/84	TA-W-15,498	Slacks, boys, women, men
BTK Industries, Inc. (ACTWU)	El Paso, TX (Cotton)	10/9/84	10/4/84	TA-W-15,499	Slacks—sewing, boys, women and men
BTK Industries, Inc. (ACTWU)	El Paso, TX (7177 Merchants).	10/9/84	10/4/84	TA-W-15,500	Slacks—cutting, boys, women and men
BTK Industries, Inc. (ACTWU)	El Paso, TX (7189 Merchants).	10/9/84	10/4/84	TA-W-15,501	Slacks, men's, women and boys, piecegoods
BTK Industries, Inc. (ACTWU)	El Paso, TX (Billy the Kid St).	10/9/84	10/4/84	TA-W-15,502	Slacks, finishing—distribution, men's, women and boys
Farah Manufacturing Co., Inc. (ACTWU)	El Paso, TX (East Paisano).	10/9/84	10/4/84	TA-W-15,503	Slacks, jeans, coats, men's &, wear, ladies
Farah Manufacturing Co., Inc. (ACTWU)	El Paso, TX (East Third)	10/9/84	10/4/84	TA-W-15,504	Slacks, jeans, coats, men's & wear, ladies
Farah Manufacturing Co., Inc. (ACTWU)	El Paso, TX (Gateway West).	10/9/84	10/4/84	TA-W-15,505	Slacks, jeans, coats, mens & wear, ladies
Flair Footwear, Inc. (UFCW)	Wilkes-Barre, PA	10/17/84	9/24/84	TA-W-15,506	Shoes, ladies
Franklin Fashions, Inc. (ILGWU)	East Orange, NJ	9/27/84	9/24/84	TA-W-15,507	Dresses, ladies
Gould & Scammon, Inc. (Co.)	Auburn, ME	10/16/84	10/11/84	TA-W-15,508	Moulded counters—shoes & boots
L.L.B. Fashions (workers)	Lakewood, NJ	10/17/84	10/12/84	TA-W-15,509	Dresses, ladies
Mary Lou Dress Co., Inc. (workers)	Owego, NY	10/16/84	10/10/84	TA-W-15,510	Dresses, ladies
Moose River Moccasin (workers)	Skowhegan, ME	10/15/84	10/4/84	TA-W-15,511	Moccasins and pocketbooks, handlaced
Regina Footwear, Inc. (ACTWU)	Brooklyn, NY	10/18/84	10/2/84	TA-W-15,512	Shoes, ladies
Shamokin Dress Co. (Co.)	Shamokin, PA	10/15/84	10/10/84	TA-W-15,513	Sportswear, suits, dresses, ladies, misses petite
Star Kist Foods, Plant #4 (United Industrial Workers)	Terminal Island, CA	10/17/84	10/12/84	TA-W-15,514	Tuna, canned
Waldo Shoe Corp. (workers)	Belfast, ME	10/16/84	10/12/84	TA-W-15,515	Shoes, boots, dress, ladies

[FR Doc. 84-28600 Filed 10-29-84; 8:45 am]

BILLING CODE 4510-30-M

Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance; Forest City Foundries Co., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 15, 1984—October 19, 1984.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA-W-15,321; Forest City Foundries Co., Div. Lamson & Sessions, Cleveland, OH

TA-W-15,358; Suburban Casuals, Inc., Beebe, AR

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-15,343; Wheatland Tube Co., Wheatland, PA

In the following case the investigation revealed that criterion (3) has not been met for the reason specified.

TA-W-15,368; Old Fort Finishing Plant, Div. of United Merchants and Manufacturers, Inc., Old Fort, NC

Separations from the subject firm resulted from a transfer of production to another domestic facility. The investigation also revealed that sales or production registered an increasing trend throughout 1983 and in the first two quarters of 1984 compared with the same periods one year earlier.

Affirmative Determinations

TA-W-15,333; Wean United, Inc., Pittsburgh, PA

A certification was issued covering all workers separated on or after May 11, 1983.

TA-W-15,375; S & J Cedar Co., Beqver, WA

A certification was issued covering all workers separated on or after January 1, 1984.

TA-W-15,376; Trojan Luggage Co., Channel Avenue Plant, Memphis, TN

A certification was issued covering all workers separated on or after October 1, 1983.

TA–W–15,389; Louis Lefkowitz and Brothers, Milltown, NJ

A certification was issued covering all workers separated on or after June 22, 1983.

TA–W–15,363; Haddad Shoe Corp., Lancaster, PA

A certification was issued covering all workers separated on or after June 11, 1983.

TA–W–15,360; Bladt, Inc., Chester, PA

A certification was issued covering all workers separated on or after May 30, 1983.

I hereby certify that the aforementioned determinations were issued during the period October 15, 1984—October 19, 1984. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 23, 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84–29599 Filed 10–29–84; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–15,465]

Gateway View Plaza of Jones and Laughlin, Pittsburgh, PA; Termination of Investigation

Pursuant to section 221 of Trade Act of 1974, an investigation was initiated on September 24, 1984, in response to a worker petition received on August 31, 1984, which was filed on behalf of workers at the Gateway View Plaza of Jones & Laughlin.

An active certification covering the petitioning group of workers remains in effect (TA–W–14,790). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 19th day of October 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84–28597 Filed 10–29–84; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–15,390]

Outboard Marine Corp., Galesburg, IL; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on July 31, 1984, in response to a worker petition received on July 10, 1984, which was filed by the Office and Professional Employees International Union and the Industrial Workers of Galesburg on behalf of workers at the Outboard Marine Corporation in Galesburg, Illinois.

An active certification covering the petitioning group of workers remains in effect (TA–W–13,164). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington D.C. this 19th day of October 1984.

Marvin M. Fooks

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82–28598 Filed 10–29–84; 8:45 am]

BILLING CODE 4510–30–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Revised Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on November 1–3, 1984, in Room 1046, 1717 H Street NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on September 18, 1984.

The agenda for the subject meeting has been revised to include provision on Friday and Saturday (November 2 and 3) for a closed session consistent with 5 U.S.C. 552(c)(10) to permit discussion of information that will be involved in an adjudicatory proceeding.

Friday, November 2, 1984

4:00 P.M.–5:30 P.M.: Preparation of ACRS Reports (Open)—The members of the Committee will discuss proposed reports to the NRC regarding matters considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the topics being discussed and information that will be involved in an adjudicatory proceeding.

Saturday, November 3, 1984

8:30 A.M.–12:30 P.M.: ACRS Reports to the NRC (Open)—The members will discuss proposed ACRS reports regarding matters considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the topics being discussed and information that will be involved in an adjudicatory proceeding.

I have determined in accordance with subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information [5 U.S.C. 552b(c)(4)] and information involved in an adjudicatory proceeding [5 U.S.C. 552b(c)(10)].

Dated: October 25, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84–28590 Filed 10–29–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–155 OLA]

Consumers Power Co. (Big Rock Point Nuclear Plant); Reconstitution of Atomic Safety and Licensing Appeal Board for Spent Fuel Proceeding

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this spent fuel proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members:

Thomas S. Moore, Chairman
Dr. W. Reed Johnson
Christine N. Kohl

Dated: October 24, 1984.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 84–28592 Filed 10–29–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–498 OL and 50–499 OL]

Houston Lighting & Power, Co., et al. (South Texas Project, Units 1 and 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members:

Gary J. Edles, Chairman

Dr. W. Reed Johnson,
Thomas S. Moore.

Dated: October 24, 1984.

C. Jean Shoemaker,
Secretary to the Appeal Board.

[FR Doc. 84-28591 Filed 10-29-84; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[SR-Amex-84-25; Rel. No. 21426]

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

October 24, 1984.

The American Stock Exchange, Inc., ("Amex") 86 Trinity Place, New York, NY 10006, submitted on August 29, 1984, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to implement the Amex AUTOCLEAR ODD-LOT system which would apply to odd-lot transactions the same automatic comparison procedures currently used by the Exchange's existing AUTOCLEAR system for small round lot orders executed on the Amex. AUTOCLEAR ODD-LOT would, like AUTOCLEAR, use universal contra clearing names in the reporting and comparison of equity market and limit orders executed through the Amex Post Execution Reporting System.

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. 21316, September 12, 1984) and by publication in the **Federal Register** (49 FR 36718, September 19, 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 a national securities exchange and, in particular, the requirements of Section 6 and the rules and the regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,
Acting Secretary.

[FR Doc. 84-28596 Filed 10-29-1984; 8:45 am]
BILLING CODE 8010-01-M

[File No. SY-NYSE-84-32; Rel. No. 21427]

New York Stock Exchange Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

October 24, 1984.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 27, 1984, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission the proposed rule change described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The NYSE is propoising to amend paragraph .40 of the NYSE's Rule 103A, the "sunset" provision, to extend the rule's effectiveness from September 30, 1984 to September 30, 1985.[1] Rule 103A provides for the evaluation of specialist performance and establishes a non-disciplinary procedure for the reallocation of stocks due to substandard specialist performance. It authorizes the Market Performance Committee ("MPC") of the NYSE to withdraw NYSE approval of a member's registration as specialist in one or more stocks if the specialist consistently has received evaluations by floorbrokers on the quarterly Specialist Performance Evaluation Questionnaire ("SPEQ") which are below level a minimum of acceptable performance.

The Exchange notes that, as indicated in its previous filings to extend the effective date of Rule 103A, the Exchange intends to codify and file its specialist performance review and counselling procedures as part of its effort to have Rule 103A approved by the Commission as a permanent rule of the Exchange. The MPC's Subcommittee on Performance Measures and Procedures ("Subcommittee") has reviewed the procedures and has suggested a number of possible enhancements such as a three-tiered approach [2] to specialist performance analysis and improvement that might be appropriate for inclusion in any formal codification.

The Exchange also states in its filing that the Subcommittee has undertaken a review of the entire SPEQ program and is working with outside consultants expert in questionnaire disign, survey technique and statistical analysis. According to the Exchange, the Subcommittee has determined that the current SPEQ program is essentially meeting its primary goal, the improvement of specialist performance, but that enhancements to the program would make it even more effective.

The Exchange notes that the Subcommittee is still considering the most effective way to integrate any revised SPEQ program that might be adopted with the three-tiered approach to specialist performance improvement noted above, and believes that a somewhat extended timetable for the gradual phasing in of any revised SPEQ program that may be adopted is the most appropriate means of proceeding in this matter. The Exchange expects that necessary work on implementing any revised SPEQ program that might be adopted and any appropriate formal codification of the Exchange's specialist performance review and counselling procedures will be completed within one-year period, at which time the Exchange intends to file with the Commission all pertinent details of the SPEQ program, performance review and counselling procedures and will reiterate its request that Rule 103A (with such amendments as may be appropriate at that time) be approved as a permanent rule of the Exchange.

As the statutory basis for the rule change, the Exchange cites Section 6(b)(5) of the Act which, among other things, requires exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest.

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[1] Rule 103A was approved by the Commission as a two-year pilot program terminating on May 15, 1981. (Securities Exchange Act Release No. 15827, May 15, 1979; 44 FR 29778, May 22, 1979). The rule's effectiveness has been extended a number of times since then most recently to September 30, 1984. Securities Exchange Act Release No. 20581, April 11, 1984; 49 FR 15300, April 18, 1984 (SR-NYSE-84-12).

[2] In a previous filing (SR-NYSE-84-12), the Exchange describes a three-tiered approach that it is considering for performance review and counselling procedures. Under Tier I, if the MPC determines that any specialist unit is exhibiting one or more of the "early warning" signs of performance deterioration, the unit will automatically be subject to performance counselling. Under Tier II, specialist units with persistent Tier I problems, or those units which are one quarter away from establishing a condition for possible reallocation under Rule 103A, will be subject to a freeze with respect to new allocations. The Exchange has noted that a supplemental questionnaire tailored to the problems being addressed may be issued to gather more information as to how to remedy them. Under Tier III, any unit whose performace is below Rule 103A standards will be subject to a proceeding which may result in reallocation. *See* Securities Exchange Act Release No. 20851, April 11, 1984; 49 FR 15300, April 18, 1984.

Interested persons are invited to submit written data, views and arguments concerning the proposed rules change with 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 4505th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR–NYSE–84–30.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the NYSE.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the pilot program was scheduled to expire on September 30, 1984. An extension of the program will provide the Exchange with the additional time necessary to determine the most effective way to integrate any revised SPEQ program that might be adopted with any appropriate formal codification of the Exchange's specialist performance review and counselling procedures. Therefore, the Commission believes it is appropriate to extend the pilot program until September 30, 1985.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84–28594 Filed 10–29–84; 8:45 am]

BILLING CODE 8010–01–M

[812–5927; Rel. No. 14213]

Drexel Burnham Lambert Inc.; for an Order of Exemption

October 24, 1984.

Notice is hereby given that Drexel Burnham Lambert Incorporated ("Applicant") 60 Broad Street, New York, NY 10004 on behalf of all presently outstanding or subsequently issued series on High Income Trust Securities ("Trusts," or an individual series, a "Trust") filed an application on August 23, 1984, and amendments thereto on October 10 and 11, 1984 (together, "Application"), for an order of the Commission pursuant to sections 6(c) and 17(b) of the Investment Company Act of 1940 ("Act") exempting certain transactions of Applicant from the provisions of Section 17(a) of the Act to permit it to purchase securities from the Trusts in the manner and subject to the conditions specified in the Application and as sest forth below. All interested persons are referred to the Application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act for the text of applicable provisions.

According to the Application, each Trust, which will be an investment company registered under the Act, is sponsored by Applicant (but may in the future be sponsored by additional sponsors) and will be a separate unit investment trust whose units ("Units") will be registered under the Securities Act of 1933. Applicant represents that the principal objective of the Trusts is the achievement of a high level of income through investment in a varied portfolio of "high yield" corporate bonds. Applicant further represents that the portfolios of each Trust will be composed primarily of securities rated BB or better by Standard & Poor's Corporation or Ba or better by Moody's Investors Service on the date of deposit in the Trusts and that 25% of a portfolio may be composed of securities rated B by a national rating organization.

Applicant states that the securities purchased for each Trust will be deposited in trust with a corporate fiduciary in exchange for certificates repesenting Units of undivided interest in the deposited portfolio. These Units will then be offered to the public at a public offering price based upon the offering prices of the underlying securities plus a sales charge of 4% of the public offering price. Applicant also states it may offer discounts on the sales charge to volume purchasers of Units and may vary the sales charge applicable to future Trusts.

According to Applicant, the term "high yield" corporate bonds typically refers to obligations rated in the lower categories by recognized rating services and are below "investment grade" quality. Applicant states that bonds in lower rated categories generally return a higher yield than bonds bearing a higher rating. Applicant further states that "high yield" bonds may be subject to greater market fluctuations than are investments in lower-yielding fixed-income securities with higher ratings. Applicant repesents that virtually all trading of "high yield" securities takes place in over-the-counter markets. Applicant further repreesents that because the "high yield" securities market is a dealer, rather than an auction market, there is not a single obtainable price for a given security that prevails at any given time. According to Applicant, prices are determined by negotiation between buyers and sellers and not all dealers maintain markets in all "high yield" bonds.

Applicant states that upon the occurrence of certain specified events, it may direct the trustee (the "Trustee") of a Trust to dispose of a portfolio security. Applicant represents that such sales would be infrequent but would be made either to maintain the sound investment character of a Trust or provide funds to meet Unit redemption requirements. Applicant indicates that circumstances may arise where it may be quoting a better price than any other market maker or the only price for the security which is sought to be disposed of by a Trust. Applicant advises that while it will not be obligated to make a market in any security deposited in any Trust, the inability of a Trust to sell to Applicant in these circumstances would not be beneficial to unitholders, in furtherance of the Act, or consistent with the Act's enunciated goal of protecting investors.

Applicant represents that it is one of the five largest market makers in "high yield" corporate bonds. Applicant believes that to preclude a major market maker in this specialized market from bidding for the portfolio security may prevent a Trust from getting the "best price" in the market or force a Trust to retain a security when Applicant is the only market maker for that security. Applicant indicates that conforming to the statutory prohibition of section 17(a) of the Act on a sale by a Trust to Applicant when Applicant is the only market maker or the market maker with the best quoted price for that security would either (1) cause a Trust to retain a security when retention would not be in the best interests of unitholders or (2)

force a Trustee to sell the security at a price lower than the best available price.

Applicant represents that the following conditions will apply to all sales of securities from the Trusts to Applicant:

1. No security will be deposited in a Trust unless, at the time of deposit, there are at least three unaffiliated market makers for the security.

2. Before a Trust executes a transaction with Applicant, the Trustee will obtain such information as it deems necessary to determine the "best price" available with respect to the quantity of the security being sold, and in doing so, the Trustee will be required to check with at least three other unaffiliated dealers to obtain a competitive quotation. These dealers must be those who in the experience of the Trustee are in a position to quote favorable prices and are actively engaged in the market making of "high yield" bonds.

3. In each instance where other quotations are obtained, a determinaiton will be required, based upon information available to the Trustee, that the price quoted by Applicant is "better than" the price quoted from other sources in order for the Trustee to effect the sale with Applicant. To be considered "better than," Applicant's quotation must be at least ⅛ of a dollar better than quotations from other sources. According to Applicant, the corporate bond market does not have a standard minimum price increment; however, "⅛" is generally greater than the prevalent market minimum price increments. The Trustee will maintain reocrds with respect to any transactions effected with Applicant where Applicant quotes the "best price" to the Trust including documentation for having obtained quotations from other dealers.

4. Where Applicant is the only dealer quoting a price on a particular security, no sale will be executed with Applicant if the security is being sold from a Trust for Unit redemptions. Further, before effecting a sale to Applicant where Applicant is the only dealer quoting a price, the Trustee will determine whether such price is a "fair price," considering, to the extent possible, price quotations for "high yield" securities of comparable maturity and quality from dealers who are not making a market in the particular security but are actively engaged in the market making of "high yield" bonds. Factors the Trustee will consider in determining whether the securities are "comparable" include (1) current and projected earnings of issuers, (2) changes in balance sheets of issuers, (3) applicable changes in industry outlooks, (4) changes in management of issuers, and (5) identical yield, maturity and rating of the securities. When a Trustee is unable to locate securities with identical yield, rating and maturity as the particular portfolio security, where possible, the Trustee will utilize securities of higher yield and rating and longer maturity in determining whether a security is of "comparable maturity and quality" and thus can be used to determine that the price quoted by Applicant is a "fair price." The Trustee will maintain records with respect to any transactions effected with Applicant where Applicant quotes the only and "fair" price to the Trust including documentation for having attempted to obtain quotations from other dealers.

5. The determinaiton to sell a security from a Trust's portfolio will be made by Applicant. Applicant's personnel making these decisions ("DBL-New York") will not be the same personnel who are invovled in underwriting and market making ("DBL-Los Angeles") of "high yield" securities. DBL-New York and DBL-Los Angeles are separate and distinct profit centers and have separate personnel. Although DBL-Los Angeles will be involved in the selection and purchase of securities for deposit in the Trusts, it will not have any direct involvement in the administration and monitoring of the Trusts, which function will be performed exclusively by DBL-New York. However, DBL-Los Angeles may be consulted by DBL-New York on the evaluation of a portfolio security's investment quality. No solicitation will be made of a Trust by DBL-Los Angeles. In discussions regarding proposed sales between a Trust and Applicant, DBL-Los Angeles will confine its activites to responding to inquiries from the Trusts, the Trustees and DBL/New York. DBL-Los Angeles will not attempt to influence or control in any way the placing of orders to sell portfolio securities by the Trusts with Applicant.

6. Applicant's Legal Department will prepare guidelines for Applicant's personnel to follow in connection with any transactions effected pursuant to the proposed exemptive order and will periodically monitor the activities of Applicant in this regard to determine adherence to these policies.

7. The Trustees will prepare guidelines to enable the Trusts to obtain the best price and execution of the security being sold pursuant to the exemptive order.

Applicant states that section 17(a) of the Act prohibits an affiliated person of a registered investment company from purchasing from the registered investment company any security or other property and, therefore, the proposed transactions would be prohibited under section 17(a) absent an exemption pursuant to sections 6(c) and 17(b). Applicants submit that without an exemption, the interests of the unitholders may be compromised and the policies of the Act would not be furthered. Applicant further submits that the conditions described above should adequately protect the interests of the unitholders. Accordingly, Applicant respectfully requests that the Commission enter an Order pursuant to sections 6(c) and 17(b) of the Act, based on the facts as hereinabove set forth, exempting Applicant from the provisions of section 17(a) of the Act to permit Applicant to purchase securities from the Trusts in the manner and subject to the conditions described above and as set forth in the Application.

Notice is further given that any interested person wishing to request a hearing on the Application may, not later than November 19, 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 Applicant 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,

Acting Secretary.

[FR Doc. 84-28593 Filed 10-29-84; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-13262]

Union Pacific Corp.; Application and Opportunity for Hearing

October 25, 1984.

Notice is hereby given that Union Pacific Corporation (the "Company") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Citibank, N.A. ("Citibank") under

indentures of the Company dated as of April 1, 1969 and September 1, 1980, respectively (the "1969 Indenture") and ("1980 Indenture", respectively), which were heretofore qualified under the Act, and the trusteeship by Citibank under an Indenture between Salt Lake County, Utah ("Salt Lake County") and Citibank, Trustee, dated as of August 1, 1984 (the "1984 Indenture"), which wil not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from action as Trustee under any such indenture.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides that, with certain exceptions, a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor are outstanding. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the same obligor are outstanding, if the obligor shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Applicant alleges that:

(1) The Company has outstanding $5,757,000 principal amount of its Convertible Debentures and $250,000,000 principal amount of its Sinking Fund Debentures under the 1969 and 1980 Indentures, respectively. Each indenture was qualified under the Act. Citibank is currently acting as trustee under the 1969 and 1980 Indentures.

(2) Citibank is also acting as trustee under the 1984 Indenture, pursuant to which there were issued Adjustable Rate Industrial Development Revenue Bonds in the principal amount of $1,000,000, which are guaranteed by the Company (Guaranteed Bonds). The proceeds of the sale of the Guaranteed Bonds were loaned to Rocky Mountain Energy Company, a wholly owned subsidiary of the Company, pursuant to an agreement between Salt Lake County and "Rocky Mountain".

(3) The Company's obligations with respect to the Convertible Debentures, the Sinking Fund Debentures and the Guaranteed Bonds rank on a parity with each other. The only material differences between the rights of the holders of each relate to the fact that the Company is the Guarantor of the Guaranteed Bonds but will be the primary obligor under the 1969 and 1980 Indentures. Also, the 1969 and 1980 Indentures are wholly unsecured while the 1984 Indenture is secured by a Note of Rocky Mountain Energy Company. Any such differences are unlikely to cause any conflict of interest between the respective trusteeships of Citibank under said Indentures.

(4) The Company is not in default under the 1969, 1980 or 1974 Indenture.

(5) Such differences as exist between the 1969 and 1980 Indentures and the 1984 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the 1969 and 1980 Indenture or the 1984 Indenture.

The applicant has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Commission at the Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 19, 1984, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact of law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and in the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-28595 Filed 10-29-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0239]

Brentwood Capital Corp.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Brentwood Capital Corporation (BCC), 11661 San Vicente Boulevard, Los Angeles, California 90049, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 661 *et seq.*), has filed an application with the Small Business Administration pursuant to § 107.903(b)(1) of the Regulations governing small business investment companies (13 CFR 107.903 (1984)) for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

BCC intends to provide financing up to $120,000 to Ordain, Inc., 20675 South Western Avenue, Suite 212, Torrance, California 90501. Other Brentwood entities (Associates) have prior investments in this small business concern. SBA's prior written approval is required pursuant to § 107.903 of SBA Regulations because Associates own 10 or more percent of the small concern's equity securities and these are not initial joint financings with Associates.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Torrance, California area.

Dated: October 25, 1984.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-28577 Filed 10-29-84; 8:45 am]

BILLING CODE 8025-01-M

[Designation of Disaster Loan Area 6225]

Florida; Designation of Disaster Loan Area

Brevard, Duval, Nassau, St. Johns and Volusia Counties in the State of Florida constitute a disaster area because of the severe freeze which occurred in late December 1983 and January 1984 which resulted in a major kill of overwintering white shrimp in Florida coastal waters. The freeze is now resulting in extraordinarily low landing of shrimp. Eligible small businesses without credit elsewhere and small agricultural cooperatives without credit elsewhere may file applications for economic injury assistance until the close of business on July 24, 1985, at the address listed below: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring St., S. W., Suite 822, Atlanta, Georgia 30303;

or other locally announced locations. The interest rate for eligible small business applicants without credit elsewhere is 4% and 10.5% for eligible small agricultural cooperatives without credit elsewhere.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: October 29, 1984.

Robert B. Webber,

Acting Administrator.

[FR Doc. 84-28579 Filed 10-29-84; 8:45 am]

BILLING CODE 8025-01-M

Texas; Region VI Advisory Council Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of El Paso, Texas, will hold a public meeting at 9:00 a.m. on Monday, November 26, 1984, at the Kokernot Lodge, Sul Ross State University, Alpine, Texas 79832, to discuss such matters as may be presented by members, staff of the Small Business Adminstration, or others present.

For further information, write or call Henry Zuniga, District Director, U.S. Small Business Administration, 10737 Gateway Boulevard West, Suite 320, El Paso, Texas 79835. Telephone (915) 541-7585.

Dated: October 23, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-28578 Filed 10-29-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Maritime Advisory Committee; Meeting

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Maritime Advisory Committee will hold its seventh meeting on Friday, November 30, 1984, at 10:00 a.m. The meeting will be held in DOT's Nassif Building, 400 Seventh Street, SW, Washington, D.C., in Room 6200. The Committee is considering programs and policies on current maritime issues, and the agenda includes receiving a report on the proposed Ship Operations Research program. The meeting will be open to the public on a space-available basis.

By Order of the Maritme Administrator.

Dated: October 25, 1984.

Georgia P. Stamas,

Secretary.

[FR Doc. 84-28568 Filed 10-29-84; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: October 23, 1984.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissons may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to tthe OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7225, 1201 Constitution Avenue, N.W., Washington, D.C. 20220.

Alcohol, Tobacco and firearms

OMB Number: 1512-0104
Form Number: ATF Form 2050 (5120.27)
Type of Review: Extension
Title: Wine Tax Return
Clearance Officer: Howard Hood (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 2228, Federal Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Joseph F. Maty,

Departmental Reports Management Office.

[FR Doc. 84-28549 Filed 10-29-84; 8:45 am]

BILLING CODE 4810-25-M

Fiscal Service

[Dept. Circ. 570, 1984 Rev., Supp. No. 2]

Surety Companies Acceptable on Federal Bonds; Transamerica Premier Insurance Co.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 Title 31 of the United States Code. An underwriting limitation of $3,838,000 has been established for the company.

Name of Company: Transamerica Premier Insurance Company
Business Address: 600 Montogomery Street, San Francisco, CA 94111
State of Incorporation: California.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1984 Revision, at page 27261 to reflect this addition. Copies of the circular, when issued, may be obtained from the Surety Bond Branch, Finance Division, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20226.

Dated October 5, 1984.

W.E. Douglas,

Commissioner.

[FR Doc. 84-28543 Filed 10-29-84; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration

has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The Department or Staff Office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the form and supporting document may be obtained from Patricia Viers, Agency Clearance Office (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of the notice.

Dated: October 1984.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extension

1. Office of Budget and Finance (Controller).
2. Application for Refund of Educational Contributions.
3. VA Form 4–5281.
4. On occasion.
5. Individuals or households; Federal agencies or employees.
6. 78,000 responses.
7. 13,000 hours.
8. Not applicable.

[FR Doc. 84–28556 Filed 10–29–84; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 211
Tuesday, October 30, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, October 31, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, DC.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. First Aid Labeling

The staff will brief the Commission on issues related to first aid labeling of hazardous household substances.

2. FHSA Conspicuousness Labeling Rule: Final

The staff will brief the Commission on amendments to the type size, placement, and conspicuousness requirements for labeling under the Federal Hazardous Substances Act.

3. Apparel Guaranty Testing: Final Rule

The staff will brief the Commission on final amendments to rules implementing the Flammability Standard for Clothing Textiles to allow persons and firms issuing initial guaranties of items subject to that standard to devise and implement their own reasonable testing programs to support such guaranties.

Closed to the Public.

4. DEHP CHAP: Selection of Members

The Commission will consider candidates for membership on the Chronic Hazard Advisory Panel on DEHP.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: (301) 492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, (301) 492-6800.

October 25, 1984.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84-28613 Filed 10-26-84; 10:27 am]

BILLING CODE 6355-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

[38498]

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:40 p.m. on Wednesday, October 24, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in State Bank of Boyd, Boyd, Minnesota, which was closed by the Commissioner of Commerce for the State of Minnesota on Wednesday, October 24, 1984; (2) accept the bid for the transaction submitted by State Bank of Madison, Madison, Minnesota, an insured nonmember bank; (3) approve the application of State Bank of Madison, Madison, Minnesota, for consent to purchase the assets of and to assume the liability to pay deposits made in State Bank of Boyd, Boyd, Minnesota, and for consent to establish the main office of State Bank of Boyd as a branch of State Bank of Madison; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(B)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The Bank of Cody, Cody, Nebraska, which was closed by the Director of Banking and Finance for the State of Nebraska at the opening of business on Wednesday, October 24, 1984; (2) accept the bid for the transaction submitted by The Guardian State Bank and Trust Co., Alliance, Nebraska, an insured State nonmember bank; (3) approve the application of The Guardian State Bank and Trust Co., Alliance, Nebraska, for consent to purchase certain assets of and to assume the liability to pay deposits made in The Bank of Cody, Cody, Nebraska, and for consent to establish the sale office of The Bank of Cody as a branch of The Guardian State Bank and Trust Co.; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(C)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Farmers State Bank, Kilgore, Nebraska, which was closed by the Director of Banking and Finance for the State of Nebraska at the opening of business on Wednesday, October 24, 1984; (2) accept the bid for the transaction submitted by The First National Bank of Valentine, Valentine, Nebraska; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(D) consider a recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

(E) consider a personnel matter.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael A. Mancusi, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: October 25, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-28643 Filed 10-26-84; 11:47 am]

BILLING CODE 6714-01-M

3

FEDERAL MARITIME COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: October 25, 1984, 49 FR 43017.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: November 1, 1984, 9:00 a.m.

CHANGE IN THE MEETING: Addition of the following item to the open session:

3. Docket No. 84–23: Filing of Tariffs and Dual Rate Contract Systems in the Foreign Commerce of the United States—Consideration of comments and proposed final rules.

Francis C. Hurney,

Secretary.

[FR Doc. 84–28676 Filed 10–26–84; 2:37 p.m.]

BILLING CODE 6730–01–M

4

INTERNATIONAL TRADE COMMISSION

TIME AND PLACE: 10:30 a.m., Tuesday, November 6, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Investigation 731–TA–205 [Preliminary] (Carbon Steel Wire Rod from the German Democratic Republic)—briefing and vote.
5. Investigation 731–TA–206 [Preliminary] (Fabric and Expanded Neoprene Laminate from Japan)—briefing and vote.
6. Investigation 701–TA–223 [Preliminary] (Agricultural Tillage Tools from Brazil)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[FR Doc. 84–28619 Filed 10–26–84; 10:30 am]

BILLING CODE 7020–02–M

5

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of October 29, November 5, 12, and 19, 1984.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of October 29

Monday, October 29

2:00 p.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Material False Statements meeting *postponed.*

Thursday, November 1

10:00 a.m.
Discussion with Staff on Requirements for Senior Managers (Public Meeting)
2:00 p.m.
Executive Branch Briefing (Closed—Ex. 1)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)
a. Export and Import of Nuclear Equipment & Material—Final Rule to Amend NRC's Regulations
b. Shoreham Low Power License

Friday, November 2

10:00 a.m.
Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)
2:00 p.m.
Meeting to Consider Possible Revision to OI Policy Number 22 (Closed—Ex. 2)

Week of November 5

Tentative

Tuesday, November 6

2:00 p.m.
Briefing/Possible Vote on UCS 2.206 Petition on TMI–1 Emergency Feedwater (Public Meeting)

Wednesday, November 7

10:00 a.m.
Discussion of TMI–2 Cleanup Schedule and Funding (Public Meeting)

Thursday, November 8

10:00 a.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of November 12

Tentative

Tuesday, November 13

10:00 a.m.
Briefing and Discussion on the Hearing Process (Public Meeting)
2:00 p.m.
ANS Report on Source Term (Public Meeting)

Wednesday, November 14

9:00 a.m.
Discussion of Adjudication Matters Related to Catawba-1 (Closed—Ex. 10)
10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Catawba-1 (Public Meeting)
Discussion/Possible Vote on Full Power Operating License for Catawba–1 (Public Meeting)

Thursday, November 15

11:00 a.m.
Meeting with Advisory Panel on TMI–2 Cleanup (Public Meeting)
2:00 p.m.
Status Report on High Level Waste Program (Public Meeting)
3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of November 19

Tentative

Tuesday, November 20

10:00 a.m.
Semi-Annual Briefing on Appraisal of Operating Experience (Public Meeting)

Wednesday, November 21

9:30 a.m.
Discussion/Possible Vote on Proposed Amendments to 10 CFR Part 2 (Public Meeting)
11:00 a.m.
Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Affirmation of *Jacksonians United for Livable Energy Policies* v. *NRC,* U.S.C. D.C. Cir., No. 84–1496 was held October 24 (Public Meeting).

TO VERIFY THE STATUS OF MEETINGS CALL: (Recording)—(202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado—(202) 634–1410.

George T. Mazuzan,

Office of the Secretary.

October 25, 1984.

[FR Doc. 84–28612 Filed 10–26–84; 10:27 am]

BILLING CODE 7590–01–M

6

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of October 29, 1984, at 450 Fifth Street NW., Washington, D.C.

A closed meeting will be held on Tuesday, October 30, 1984, at 10:00 a.m. Open meetings will be held on Wednesday, October 31, 1984, at 10:00 a.m. and 3:00 p.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway, Cox, Marinaccio and Peters voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, October 30, 1984, at 10:00 a.m., will be:

Formal orders of investigation.
Institution of injunctive action.
Institution of administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Wednesday, October 31, 1984, at 10:00 a.m., will be:

Consideration of whether to approve proposed rule changes by the Chicago Board Options Exchange, Inc. ("CBOE") to: (1) Elect the Chariman of the Executive Committee by a pluality of CBOE members and (2) increase from six (6) to nine (9) the number of floor directors on the Board of Directors. For further information, please contact Holly Hasley Smith at (202) 272–2371.

The subject matter of the open meeting scheduled for Wednesday, October 31, 1984, at 3:00 p.m., will be:

The Commission will meet with representatives of the Business Roundtable to discuss registration and reporting requirements under the Securities Act and the Securities Exchange Act, insider trading, corporate boards of directors, the Corporate Governance Project of the American Law Institute and corporate takeovers. For further information, please contact Frederick Wade at (202) 272–2214.

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: Bruce Kohn at (202) 272–3195.

Shirley E. Hollis,

Acting Secretary.

October 24, 1984.

[FR Doc. 84–28687 Filed 10–28–84; 3:14 pm]

BILLING CODE 8010–01–M

federal register

Tuesday
October 30, 1984

Part II

Environmental Protection Agency

40 CFR Part 60

Review and Amendment of Standards of Performance for New Stationary Sources—Secondary Brass and Bronze Production Plants; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2680-3]

Review and Amendment of Standards of Performance for New Stationary Sources—Secondary Brass and Bronze Production Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA has reviewed the standards of performance for secondary brass and bronze ingot production plants (40 CFR Part 60, Subpart M) as required under the Clean Air Act as amended August 1977. As a result of this review, three amendments to the standard were proposed on May 23, 1984. This action promulgates the amendments to the above standards. The amendments clarify the applicability of the standards and specify the use of Reference Method 9 for visible emissions observations.

EFFECTIVE DATE: October 30, 1984. Under section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings initiated to enforce these requirements.

ADDRESSES: *Review document.* The review document which summarizes information gathered during the review may be obtained from the EPA Library (MD-35), Research Triangle Park, N.C. 27711, telephone number (919) 541-2777. Please refer to "Review of New Source Performance Standards for Secondary Brass and Bronze Plants. EPA-450/3-84-009."

Normally a second document is prepared which contains (1) a summary of all the public comments made on the proposed amended standards along with responses to the comments, and (2) a summary of the changes made to the standards since proposal. This second document has not been prepared in this instance because no comments were received during the public comment period and no changes have been made to the proposed amendments.

Docket. Docket No. A-83-06, containing information gathered during the review is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

For Policy Questions: Mr. Doug Bell, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone number (919) 541-5578.

For Technical Questions: Mr. James Crowder, Industrial Studies Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone number (919) 541-5601.

SUPPLEMENTARY INFORMATION:

Background

The new source performance standards (NSPS) for secondary brass and bronze ingot production plants were proposed on June 11, 1973 (38 FR 15406), and promulgated by the EPA on March 8, 1974 (39 FR 9309). The secondary brass and bronze NSPS applies to reverberatory and electric furnaces of 1,000 kilogram (kg) (2,205 pound [lb]) or greater production capacity and blast (cupola) furnaces of 250 kilogram per hour (kg/h) (550 pound per hour [lb/h]) or greater production capacity, constructed or modified on or after June 11, 1973. The standards regulate emissions of particulate matter collected during charging and refining phases and exhausted to the atmosphere through control devices. The numerical emission limits are based on the use of fabric filters, which have been identified as the best demonstrated technology for controlling particulate matter emissions in this industry. For reverberatory furnaces, the concentration of particulate matter emissions in the exhaust gases must not exceed 50 milligrams per dry standard cubic meter (mg/dscm) (0.22 grains per dry standard cubic foot [gr/dscf]) and the opacity of visible emissions must not exceed 20 percent. For electric and blast (cupola) furnaces, the opacity of visible emissions must not exceed 10 percent.

The standards do not contain requirements for the continuous monitoring of particulate matter emissions. Reference test methods specified by the NSPS are Method 5 for determining the concentration of particulate matter emissions and the associated moisture content, Method 1 for sample and velocity traverses, Method 2 for velocity and volumetric flow rates, and Method 3 for gas analysis. In addition, Reference Method 9 is specified at 40 CFR 60.11(b) for determining the opacity of visible emissions.

As required by section 111(a)(1) of the Clean Air Act, the promulgated standards reflected application of "the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. For convenience, this is referred to as "best demonstrated technology," or "BDT."

Section 111(b)(1)(B) required review and, if appropriate, revision of NSPS every 4 years. A principal purpose of this review is to ensure that the standards reflect a current assessment of best demonstrated technology. Thus, if there now exists an adequately demonstrated technology that yields greater emission reduction than required by the standards, more stringent standards will be proposed reflecting the performance of that technology. On the other hand, if the standard is found to require application of technology that is not adequately demonstrated (for either technical or cost reasons, for example), less standards will be proposed reflecting the best technology that is adequately demonstrated.

The first 4-year review of the NSPS for brass and bronze ingot production plants was completed in 1979. At that time, only two reverberatory furnaces were subject to, and in compliance with, the NSPS. This review found no reasons to make any changes to the existing standards of performance.

The second review of the NSPS for secondary brass and bronze ingot production plants has recently been completed and the findings are summarized in EPA publication number EPA-450/3-84-009 entitled "Review of New Source Performance Standards for Secondary Brass and Bronze Plants." The revisions to the NSPS which resulted from the review were proposed in the **Federal Register** on May 23, 1984 (49 FR 21864).

No public comments were received concerning the proposed revisions. Today's notice, therefore, promulgates the proposed revisions with no change. The revisions are discussed in subsequent sections.

Revisions

Applicability

The original standards, promulgated in 1974, explicitly apply to facilities that melt, smelt, or otherwise cast brass or bronze into intermediate products such as ingot. It was not intended that the standards apply to foundry furnaces, which cast brass or bronze into the shape of final products. All brass and bronze production facilities in operation at the time the standards were developed produced only ingot; thus, the term "ingot production plants" was used in the title so that foundries would clearly be excluded from the standard.

Since completion of the previous 4 year review of NSPS, an electric furnace which is used to continuously cast rod, rather than to batch cast ingot, was installed in a prototype facility. The facility is controlled by a baghouse and is in compliance with the NSPS visible emissions standard. Emission rates and collection and control technology for this process are identical to those for electric furnaces used to batch cast ingot. Because rod continuously cast from electric furnaces is considered to be an intermediate product, and because there are no significant differences in emissions, collection and control technology, and emission control costs for electric furnaces producing either ingot or continuously cast rod, continuous casting electric furnaces are considered to be subject to the NSPS also.

Therefore, the NSPS is amended to reflect this conclusion by deleting the word "ingot" from the title and text of the regulation. Additionally, § 60.130 of the regulation is amended to explicitly exclude foundry furnaces that cast brass or bronze into the shape of finished products from the standards.

Test Methods

The NSPS does not specify a test method for making visible emission observations of the exhaust gases during compliance testing. Instead, the use of EPA Reference Method 9 is specified in the General Provisions that apply to all standards of performance [40 CFR Part 60, Subpart A, § 60.11(b)]. However, to remove any ambiguity that might exist by omitting mention of Reference Method 9 in the NSPS, the regulation is being amended to specify that Reference Method 9 will be used to make visible emissions obervations during compliance testing.

Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the **Federal Register** (48 FR 50606, November 2, 1983) of a meeting of the National Air Pollution Control Techniques Advisory Committee to discuss the brass and bronze production facility standards recommended for proposal. This meeting was held on November 29, 1983. The meeting was open to the public and each attendee was given an opportunity to comment on the standards recommended for proposal. The standards were proposed and published in the **Federal Register** on May 23, 1984 (49 FR 21865). The preamble to the proposed standards discussed the availability of the background information document (BID), "Review of New Source Performance Standards for Secondary Brass and Bronze Plants" (EPA–450/3–84–009), which described in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments were solicited at the time of proposal and, when requested, copies of the BID were distributed to interested parties. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was scheduled for July 10, 1984, at Research Triangle Park, North Carolina, but was not held because no one requested that a hearing be conducted. The public comment period was from May 23, 1984, to June 22, 1984. No public comments were received.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking . The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review (Section 307(d)(7)(A)).

Miscellaneous

The effective date of this regulation is October 30, 1984. Section III of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities.

As prescribed by section 111 of the Clean Air Act, establishment of standards of performance for secondary brass and bronze plants was preceded by the Administrator's determination that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with section 117 of the Act, publication of this review was preceded by consultation with appropriate advisory committees, independent experts and Federal departments and agencies.

This regulation will be reviewed again 4 years from the date of this review as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared during this review, and all aspects of the assessment were considered to ensure that cost was carefully considered in determining both the best demonstrated technology and the reasonableness of alternative regulatory requirements. The economic impact assessment is included in the background information document for the proposed standards.

In addition to economics, the cost effectiveness of the standards was also evaluated in order to assure that the controls required by this rule are reasonable relative to other particulate matter regulations. In this case, the standards reduce particulate matter from reverberatory and electric furnaces at an average cost effectiveness of about $135 and $1,500 per ton, respectively. The cost effctiveness of the standard for blast (cupola) furnaces was not determined because none of these facilities have become subject to the NSPS. Additional detail on costs can be found in the background information document.

This review was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to the EPA and any EPA response to those comments are available for public inspection at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Under Executive Order 12291, the EPA is required to judge whether a regulation is a "major rule" and, therefore, subject to the requirements of a regulatory impact analysis (RIA). The Agency has

determined that this regulation would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be a "major rule." The Agency has, therefore, concluded that this regulation is not a "major rule" under Executive Order 12291.

Regulatory Flexibility Analysis

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule, if promulgated, will not have a significant impact on a substantial number of small business entities. An analysis of the economic impacts to small businesses was conducted. The analysis examined the effects of the rule on production costs, compliance costs relative to those of large businesses, availability of capital and the likelihood of resultant business closures. The analysis did not identify any significant negative impacts on small businesses. Further, the standard will have no impact on other small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglass insulation, Synthetic fibers, Lime.

Dated: October 23, 1984.

William D. Ruckelshaus,

Administrator.

PART 60—[AMENDED]

For the reasons set out in the preamble, 40 CFR Part 60, Subpart M is amended as follows:

1. The title of the subpart is revised to read as follows:

Subpart M—Standards of Performance for Secondary Brass and Bronze Production Plants

2. In § 60.130, paragraph (a) is revised to read as follows:

§ 60.130 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities in secondary brass or bronze production plants: Reverberatory and electric furnaces of 1,000 kg (2205 lb) or greater production capacity and blast (cupola) furnaces of 250 kg/h (550 lb/h) or greater production capacity. Furnaces from which molten brass or bronze are cast into the shape of finished products, such as foundry furnaces, are not considered to be affected facilities.

* * * * *

3. In § 60.133, paragraphs (a)(3) and (a)(4) are revised and paragraph (a)(5) is added to read as follows:

§ 60.133 Test methods and procedures.

(a) * * *

(3) Method 2 for velocity and volumetric flow rate.

(4) Method 3 for gas analysis, and

(5) Method 9 for visual determination of the opacity of emissions.

* * * * *

(Secs. 111 and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7411 and 7601 (a))

[FR Doc. 84-28554 Filed 10-29-84; 8:45 am]

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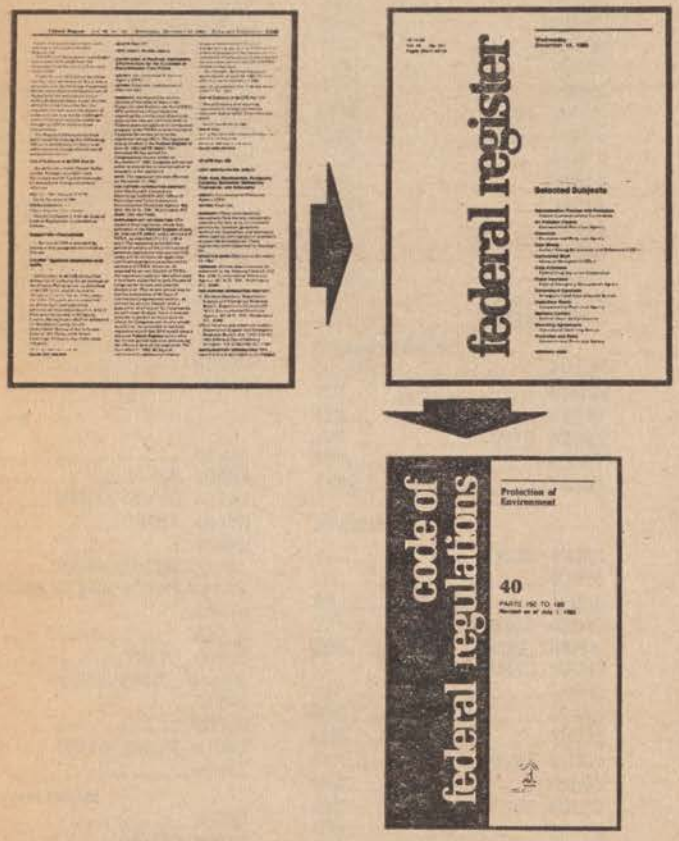

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