11-16-84
Vol. 49 No. 223
Pages 45409-45570

federal register

Friday
November 16, 1984

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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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Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 5279 of November 13, 1984

National Farm-City Week, 1984

By the President of the United States of America

A Proclamation

One of this Nation's greatest blessings is the abundant food supply on which we all depend each and every day of our lives. Our food stores, with row after row of wholesome, nutritious foods, display a sight so commonplace that Americans tend to forget the enormous effort involved in our complex system of food production, distribution, and marketing.

Our food supply depends upon the farmers who plant their crops and through hard work, faith, and patience, bring in a golden harvest. But it also depends on many people who live in towns and cities. It relies on those who provide farm equipment and production supplies for farmers, as well as on the processors who prepare the products for delivery throughout the Nation by a dependable network of transportation. Finally, we rely on the merchants who store and sell the agricultural products.

It is appropriate that we recognize the interdependence of all those involved in the system with a National Farm-City Week near Thanksgiving. As we give thanks for our food in this great land of freedom, let us also pause to salute the 23 million Americans who work directly in some essential task in agriculture, on farms, and in cities.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the period November 16 through November 22, 1984, as National Farm-City Week. I call upon all Americans, in rural areas and in cities alike, to join in recognizing the accomplishments of our productive farm families and of our urban residents in working together in a spirit of cooperation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-30217
Filed 11-14-84; 12:04 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5280 of November 13, 1984

National Adoption Week, 1984

By the President of the United States of America

A Proclamation

Families have always stood at the center of our society, preserving good and worthy traditions from our past and entrusting those traditions to our children, our greatest hope for the future. At a time when many fear that the family is in decline, it is fitting that we give special recognition to those who are rebuilding families by promoting adoption.

More children with permanent homes mean fewer children with permanent problems. That is why we must encourage a national effort to promote the adoption of children, and particularly children with special needs. Through the Adoption Assistance and Child Welfare Act of 1980, some 6,000 children have been adopted who otherwise might not have been, and the number is growing. The recently enacted Child Abuse Prevention and Treatment Act will provide further assistance to couples who adopt children with special needs.

We must never forget those couples who know the anguish of prolonged waiting to welcome an adopted child into their home. One aspect of the tragedy of the 1.5 million abortions performed each year is that so many women who undergo abortions are unaware of the many couples who desperately want to share their loving homes with a baby. No woman need fear that the child she carries is unwanted. We must continue to promote constructive alternatives to abortion through the Adolescent Family Life program and by encouraging the efforts of private citizens who are helping women with crisis pregnancies.

National Adoption Week gives us an opportuntiy to reaffirm our commitment to give every child waiting to be adopted the chance to become part of a family. During this Thanksgiving season, let us work to encourage community acceptance and support for adoption and take time to recognize the efforts of the parent groups and agencies that assure adoptive placements for waiting children. Most importantly, let us pay tribute to those special couples who have opened their homes and hearts to adopted children, forming the bonds of love that we call the family.

The Congress, by Senate Joint Resolution 238, has designated the week of November 19 through November 25, 1984, as "National Adoption Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 19 through November 25, 1984, as National Adoption Week, and I call on all Americans and governmental and private agencies to observe the week with appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-30218
Filed 11-14-84; 12:05 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5281 of November 15, 1984

National Family Week, 1984

By the President of the United States of America

A Proclamation

Strong families are the foundation of society. Through them we pass on our traditions, rituals, and values. From them we receive the love, encouragement, and education needed to meet human challenges. Family life provides opportunities and time for the spiritual growth that fosters generosity of spirit and responsible citizenship.

Family experiences shape our response to the larger communities in which we live. The best American traditions echo family values that call on us to nurture and guide the young, to help enrich the lives of the handicapped, to assist less fortunate neighbors, and to cherish the elderly. Let us summon our individual and community resources to promote healthy families capable of carrying on these traditions and providing strength to our society.

National Family Week gives us a chance to honor families and to renew our commitment to the family strength that gives people the ability to withstand external influences and maintain their individual integrity. We should take this occasion to commend the loyalty family members show one another in facing the adversities as well as the joys of life together. And let us especially honor those Americans who, through adoption or foster care, have extended their families as centers of love and life to those in need of true family support.

The Congress, by Senate Joint Resolution 211, has designated the week of November 18 through November 24, 1984, as "National Family Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 18 through November 24, 1984, as National Family Week. I invite the Governors of the several states, the chief officials of local governments, and all Americans to observe this week with appropriate ceremonies and activities. As we celebrate this Thanksgiving Week, I also invite all Americans to give thanks for the many blessings that they have derived from their family relationships and to reflect upon the importance of maintaining strong families.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-30369
Filed 11-15-84; 11:41 am]
Billing code 3195-01-M

Rules and Regulations

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Friday, November 16, 1984

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 602, Amdt. 1, Navel Orange Reg. 603, Navel Orange Reg. 604]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations increase the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period November 9–15, 1984, and establish the quantity that may be shipped during the periods November 16–22, and November 23–29, 1984. Such action is needed to provide for orderly marketing of fresh navel oranges for these periods due to the marketing situation confronting the orange industry.

EFFECTIVE DATES: Amended Regulation 602 (§ 907.902) is effective for the period November 9–15, 1984. Regulation 603 (§ 907.903) becomes effective on November 16, 1984. Regulation 604 (907.904) becomes effective on November 23, 1984.

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

SUPPLEMENTARY INFORMATION:

Findings

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

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

These actions are consistent with the marketing policy for 1984–85. The marketing policy was recommended by the committee following discussion at a public meeting on September 25, 1984. The committee met again publicly on November 13, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is improved except for the expected decrease during the week of the Thanksgiving holiday.

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

List of Subjects in 7 CFR Part 907

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

PART 907—[AMENDED]

1. Section 907.902 is revised to read as follows:

§ 907.902 Navel Orange Regulation 602.

(a) *District 1:* 976,000 cartons;
(b) *District 2:* Unlimited cartons;
(c) *District 3:* 74,000 cartons;
(d) *District 4:* Unlimited cartons.

2. Section 907.903 is added as follows:

§ 907.903 Navel Orange Regulation 603.

The quantities of navel oranges grown in California and Arizona which may be handled during the period November 16 through November 22, 1984, are established as follows:

(a) *District 1:* 644,000 cartons;
(b) *District 2:* Unlimited cartons;
(c) *District 3:* 56,000 cartons;
(d) *District 4:* Unlimited cartons.

3. Section 907.904 is added as follows:

§ 907.904 Navel Orange Regulation 604.

The quantities of navel oranges grown in California and Arizona which may be handled during the period November 23 through November 29, 1984, are established as follows:

(a) *District 1:* 1,140,000 cartons;
(b) *District 2:* Unlimited cartons;
(c) *District 3:* 60,000 cartons;
(d) *District 4:* Unlimited cartons.

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

Dated: November 14, 1984.

Thomas R. Clark,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-30311 Filed 11-14-84; 4:53 pm]
BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Regs. 490 and 489, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona lemons that may be shipped to the fresh market at 210,000 cartons during the period November 18–24, 1984, and increases the quantity of lemons that may be shipped to 265,000 cartons during the period November 11–17, 1984.

Such action is needed to provide for orderly marketing of fresh lemons for such periods due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective November 18, 1984, and the amendment is effective for the period November 11–17, 1984.

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

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

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

This action is consistent with the marketing policy currently in effect. The committee met publicly on November 12, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee met again by telephone, on November 13, 1984, and recommended an increase in such quantity for the week ending November 17, 1984. The committee reports that lemon demand is improved.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.790 is added to read as follows:

§ 910.790 Lemon Regulation 490.

The quantity of lemons grown in California and Arizona which may be handled during the period November 18, 1984, through November 24, 1984, is established at 210,000 cartons.

2. Section 910.789 Lemon Regulation 489 is revised to read as follows:

§ 910.789 Lemon Regulation 489.

The quantity of lemons grown in California and Arizona which may be handled during the period November 11, 1984, through November 17, 1984, is established at 265,000 cartons.

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

Dated: November 14, 1984.

Thomas R. Clark,

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

[FR Doc. 84-30310 Filed 11-15-84; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1910

Individual Credit Reports; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule; correction.

SUMMARY: The Farmers Home Administration (FmHA) corrects a final rule published October 18, 1984, (49 FR 40789). In the revision to FmHA's regulation regarding Credit Reports (Individual), published on October 18, 1984, the word "nonrefundable" was incorrectly typed as "non-fundable." The intent of this action is to correct this error.

FOR FURTHER INFORMATION CONTACT: Mathias J. Felber, Branch Chief, Special Programs Branch, Single Family Housing Processing Division, Farmers Home Administration, Room 5340, South Agriculture Building, 14th and Independence Avenue SW., Washington, D.C. 20250, Telephone (202) 382–1543.

SUPPLEMENTARY INFORMATION: The following correction is made in FR DOC. 84–27580 appearing on pages 40789 to 40793 in the issue of October 18, 1984.

PART 1910—GENERAL

§ 1910.53 [Corrected]

Paragraph (b) of § 1910.53, appearing on page 40791 is corrected by changing the word "non-fundable" in the last sentence to read as "nonrefundable."

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Sec. 10, Pub. L. 93–357, 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70.

Dated: November 2, 1984.

Michael E. Brunner,

Acting Administrator, Farmers Home Administration.

[FR Doc. 84-30173 Filed 11-15-84; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84–ANE–15; Amdt. 39–4945]

Airworthiness Directives; Alexander Schleicher, Model ASK–21 Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the incorporation of a cockpit placard and the exchange of two pages in the Flight Manual and in the Instructions for Continued Airworthiness of Alexander Schleicher Model ASK–21 Sailplanes. This AD is needed to have these items in the English language as required by FAR 21.29(a)(3).

EFFECTIVE DATE: November 14, 1984.

Compliance required within the next 25 hours time in service after the effective date of this AD unless already accomplished.

Incorporation by Reference—Approved by the Director of the Federal Register on November 14, 1984.

ADDRESSES: The applicable technical note may be obtained from Alexander Schleicher Segelflugzeubau, D–6416 Poppenhausen, Federal Republic of Germany.

A copy of the technical note is contained in the Rules Docket at the Office of Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Manager, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, telephone 513.38.30, or Cheryl McCabe, ANE-152, Boston Aircraft Certification Office, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7112.

SUPPLEMENTARY INFORMATION: Inquiries were received from two FAA Offices concerning a non-compliance with FAR 21.29(a)(3). One required placard in the ASK-21 is in the German language and the required manual references to this placard are also in German. FAR 21.29(a)(3) states that all manuals, placards, listings, and instrument markings required by the applicable airworthiness requirements be presented in the English language. In order to comply with regulatory requirements, Alexander Schleicher Technical Note No. 14 for Model ASK-12 gliders was written.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and unnecessary, and good cause exists for making this amendment effective in less than 30 days.

Approximately 13 aircraft are affected by the requirements of this AD for an estimated cost impact of $35 per aircraft or $455 for the fleet.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Incorporation by reference.

Adoption of the Amendment

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

Alexander Schleicher: Applies to Model ASK-21 sailplanes, all serial numbers, certificated in any category.

Compliance is required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

To comply with the requirements of Federal Aviation Regulation 21.29(a)(3), accomplish the following:

1. Remove the one placard in the German language fitted in the front and rear cockpit, and replace with new placards in the English language, in accordance with Alexander Schleicher ASK-21 Technical Note No. 14, dated May 16, 1984.

2. Remove and replace the following manual pages in accordance with Alexander Schleicher ASK-21 Technical Note No. 14, dated May 16, 1984:

a. In the Flight Manual, remove pages 2 (December 20, 1983) and 21 (March 9, 1983), and replace with pages 2 (May 16, 1984) and 21 (May 16, 1984).

b. In the Instructions for Continued Airworthiness, remove pages 2 (December 20, 1984) and 59 (March 9, 1983), and replace with pages 2 (May 16, 1984) and 59 (May 16, 1984).

3. Paragraph 2 of this AD may be accomplished by the pilot with logbook entry.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Brussels Aircraft Certification Office, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, telephone 513.38.30 extension 2710.

The Alexander Schleicher ASK-21 Technical Note No. 14, dated May 16, 1984, identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Alexander Schleicher Segelflugzeubau, D-6416 Poppenhausen, Federal Republic of Germany. These documents may also be examined at the Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective on November 14, 1984.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.89.)

Note.—The FAA has determined that this regulation only involves a total of 13 sailplanes at an approximate cost of $455 or $35 per sailplane. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291 and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

Issued in Burlington, Massachusetts, on October 23, 1984.

Robert E. Whittington,

Director, New England Region Federal.

[FR Doc. 84-30075 Filed 11-13-84; 10:42 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-ANE-11; Amdt. No. 39-4941]

Airworthiness Directive; Vickers-Slingsby; Slingsby Engineering Limited (S.E.L.); Model T65A Vega Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection of the glass reinforced plastic operating tongue of the elevator for cracks and lack of stiffness, and reinforcement if necessary; inspection of the pivot bearings for the elevator rocker arm assembly for excessive wear, and replacement if necessary; inspection of the tailplane center hinge pin mounting rib for cracks and/or damage, and reinforcement or replacement as appropriate, on Vickers-Slingsby Model T65A Vega sailplanes. The AD is needed to prevent malfunction of the elevator which could cause loss of control of the sailplane.

EFFECTIVE DATE: November 16, 1984.

Compliance Schedule—as prescribed in the body of the AD.

Incorporation by Reference—approved by the Director of the Federal Register on November 16, 1984.

ADDRESSES: The applicable technical instructions may be obtained from Slingsby Engineering Limited, Ings Lane, Kirbymoorside, York Y066EZ, England.

A copy of the technical instruction is contained in the Rules Docket at the Office of Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Munro Dearing, Brussels Aircraft Certification Office, Europe, Africa, and Middle East Office, Federal Aviation Administration (FAA), c/o American Embassy, 1000 Brussels, Belgium, telephone 513.38.30 or Cheryl McCabe, ANE-152, Boston Aircraft Certification Office, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7112.

SUPPLEMENTARY INFORMATION: There have been reports of cracking and lack of stiffness in the central elevator hinge and associated tailplane structure on Model T65 Vega sailplanes, which the manufacturer attributes to heavy landings and/or excessive bearing loads during elevator assembly. Based on this determination and to prevent malfunction of the elevator, the manufacturer issued Technical Instruction No. 104/T65, Issue 1, dated September 22, 1982, and Issue 2, dated February 14, 1983. Issue 2, dated February 14, 1983, is not made a part of this AD. Since these conditions are likely to occur on other sailplanes of this type and could lead to loss of control of the sailplane, an AD is being issued which requires inspection and reinforcement or replacement if required of these structures and components.

Since a situation exists that requires the immediate adoption of this

regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Lists of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

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

Vickers-Slingsby: Applies to Model T65A gliders, all serial numbers certificated in any category.

Compliance required as indicated.

To prevent possible malfunction of the elevator, accomplish the following:

1. Within the next 10 hours time in service, after the effective date of this AD, unless already accomplished, inspect the following in accordance with Slingsby Engineering Ltd. (S.E.L.) Technical Instruction (TI) No. 104/T65, Issue 1, Section 1, dated September 22, 1982 (hereinafter referred to as TI):

A. The pivot bearings (P/N 04DU04) for the elevator rocker arm assembly on top of the fin for wear,

B. The glass reinforced plastic operating tongue of the elevator which projects forward into the tailplane for cracks, damage, or lack of stiffness, and,

C. The tailplane center hinge pin mounting rib at the section just forward of the hinge pin for cracks and/or damage.

2. Prior to further flight:

A. If wear is found in excess of 0.01 inches in the forward and aft direction as a result of the inspection of Item 1A above, repair in accordance with Section 3 of the TI described in Item 1.

B. If cracks, damage or lack of stiffness are found as a result of the inspection of Item 1B above, repair in accordance with Section 2 of the TI described in Item 1.

C. If cracks or damage are found as a result of the inspection of Item 1C above, replace with a new reinforced rib in accordance with Section 4 of the TI described in Item 1.

3. Within the next 100 hours time in service, if cracks or damage are not found, unless already accomplished, reinforce the elevator in accordance with Section 5 of the TI described in Item 1.

4. Alternate inspections, adjustment of the inspection interval, or other actions which provide an equivalent level of safety must be approved by the Manager, Brussels Aircraft Certification Office, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, telephone 513.38.30 Ext. 2710.

The Slingsby Engineering Ltd. (S.E.L.) Technical Instruction (TI) No. 104/T65, Issue 1, dated September 22, 1982, identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552 (a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request from Slingsby Engineering Limited, Ings Lane, Kirbymoorside, York Y066EZ, England. This document may also be examined at the Office of Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

This amendment becomes effective November 16, 1984

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.89)

Note.—The FAA has determined that this regulation only involves a total of 9 sailplanes at an estimated cost of $1,260 or $140 per sailplane. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 CFR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

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

Issued in Burlington, Massachusetts on October 16, 1984.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 84-30076 Filed 11-15-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 43

[Docket No. 24309; Amdt. No. 43-24]

Anti-Misfueling: Tank Filler Opening Adapters

Correction

In the issue of Wednesday, November 7, 1984, in the document appearing on page 44602, make the following corrections:

1. In the first column, last paragraph, fourth line, insert the word "Air" after the word "National".

2. In the third column, in the file line at the end of the document, "FR Doc. 84-25211" should have read "FR Doc. 84-29211".

BILLING CODE 1505-01-M

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14 CFR Part 71

[Airspace Docket No. 84-ASO-18]

Designation of Transition Area, Palatka, FL

Correction

In FR Doc. 84-29209 appearing on page 44450 in the issue of Wednesday, November 7, 1984, make the following correction: In the second column, fourth line from the bottom, "20°39'30"" should read "29°39' 30"".

BILLING CODE 1505-01-M

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14 CFR Parts 73

[Airspace Docket No. 84-AWA-21]

Subdivision of Restricted Area R-5103A, McGregor, NM

Correction

In the issue of Wednesday, November 7, 1984, on page 44451 in the second column, a correction to FR Doc. 84-28167 appeared. The correction was inaccurate and should have appeared as follows:

On page 42920, second column, the first and second lines of the description of restricted area **R-5103A McGregor, NM [Revised]** should have read:

Boundaries. Beginning at lat. 32°15'00" N., long. 106°10'00" W.; to lat. 32°15'00" N., long.

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 3,140 and 145

Minimum Financial and Related Reporting Requirements; Registration Requirements; Transfer of Certain Registration Functions to the National Futures Association; Effective Date of Final Rules

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of effective date of order and final rules.

SUMMARY: On October 9, 1984, the Commodity Futures Trading Commission ("Commission") published in the **Federal Register** a Notice and Order authorizing the National Futures Association ("NFA") to perform, on behalf of the Commission, certain registration functions concerning futures commission merchants ("FCMs"), commodity trading advisors ("CTAs"), commodity pool operators ("CPOs") and the associated persons ("APs") of such registrants. 49 FR 39593. The Order was to take effect on December 31, 1984, or at such earlier time as the Commission authorized by appropriate advance notice.

By separate **Federal Register** release of that same date, the Commission adopted amendments to its own regulations governing minimum financial and related reporting requirements and registration procedures to reflect this transfer of registration functions (49 FR 39518). The Commission deferred the effective date of these rules until fifteen days after further notice of the effective date is published in the **Federal Register**. The Commission is now providing notice that its Order and the related final rules will become effective on December 3, 1984.

EFFECTIVE DATE: December 3, 1984.

FOR FURTHER INFORMATION CONTACT: Kevin M. Foley, Chief Counsel, or Lawrence B. Patent, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: On October 9, 1984, the Commission published in the **Federal Register** a Notice and Order authorizing the National Futures Association to perform, on behalf of the Commission, certain registration functions concerning FCMs, CTAs, CPOs and APs of such registrants. 49 FR 39593. Specifically, the Order authorized NFA to process and grant, where appropriate, applications for initial and renewed registration with the Commission for those categories of registrant, and to issue temporary licenses to qualified APs, in accordance with the standards established by the Commodity Exchange Act ("Act") and the regulations thereunder.[1] The Order did not authorize NFA to grant conditional registration, to deny registration or to take any other adverse action concerning registration until the Commission has adopted its own regulations and procedures to review such actions. Nor did the Order authorize NFA to accept or act upon requests for exemption from registration or for "no-action" positions with respect to the applicable registration requirements.[2]

In order to implement this transfer of its registration functions, the Commission, by separate **Federal Register** release of that same date, adopted as final rules amendments to its own regulations governing minimum financial and related reporting requirements and registration procedures. 49 FR 39518. The amendments, which are technical and conforming in nature, affect the Commission's existing rules contained in Parts 1, 3, 140 and 145 of its regulations and are designed to furnish applicants and registrants with specific instructions on where to file registration applications, financial reports and other related documents. Specifically, the rules have been amended to provide that certain documents related to the activities and operations of FCMs, CPOs, and CTAs, and the APs of such registrants, are now to be filed with NFA instead of the Commission.[3]

The effective date of both the Commission's Order and the amendments to its regulations was deferred at the time they were adopted. The Order was to take effect on December 31, 1984, or at such earlier time as the Commission authorized by appropriate advance notice. With respect to the amendments, the Commission stated that it would publish a second notice in the **Federal Register** at least fifteen days before the rules were to take effect. These delays were necessary because it was unclear at that time the exact date NFA would be prepared to assume the Commission's registration functions.

The Commission has been advised by NFA that its systems and procedures will be in place by December 3, 1984 and, in that connection, the Commission's staff is prepared to effectuate the transfer of its registration files and computer data base with respect to FCMs, CPOs, CTAs and their APs by that date. Therefore, the Commission is now providing notice that the Order authorizing NFA to perform certain registration functions with respect to those categories of registrant and the amendments to the Commission's own regulations necessary to implement this transfer of its registration functions will become effective on December 3, 1984. Upon transfer, NFA will be responsible for processing all new, and virtually all pending, registration applications of such registrants.

In order to ensure a smooth transition and, in particular, to prepare its data base to transfer to NFA, the Commission will be required to stop processing applications for a period of time prior to December 3. Therefore, the Commission is announcing that, with respect to those categories of registrant for whom processing responsibility is being transferred to NFA, it will not process any application for registration received by the Commission after November 14, 1984. Such application will be transferred to NFA and any check for fees will be endorsed over to NFA.

The Commission anticipates that, following the transfer of its registration files and data base to NFA, that organization will require a period of time to load the data into its own computer and organize the files. This period of time is expected to last approximately two weeks. Thus, there will be a period of approximately one month when applications will not be processed either by the Commission or NFA. The Commission recognizes that such a delay may result in inconvenience to certain applicants. However, the transfer which the Commission and NFA are undertaking is extremely complex, and it is simply impossible to process applications during the period. To attempt to do so would jeopardize the efficient transfer of the Commission's files and data base and, thus, risk more significant processing delays which would be detrimental to all Commission registrants.

In connection with this transfer, the Commission is also revising the instructions to its registration forms. Essentially, these revisions affect the address to which registration forms are to be sent and the fees which must accompany them. Thus, as of December 3, 1984, FCMs, CPOs, CTAs and IBs must send initial and renewal applications, Form 7–R, and any amendments or supplements thereto filed on Form 3–R, to the National Futures Association, Office of the Secretary, P.O. Box 98383, Chicago, Illinois 60693. Principals and APs of such registrants must submit a Form 8–R and fingerprints, if required, (as well as the Form 8–S, in the case of an AP transferring to another registrant) to NFA at the same address. Floor brokers, LTMs and APs of LTMs must submit all relevant forms to the Commodity Futures Trading Commission, Central Regional Office, P.O. Box 70685, Chicago, Illinois 60673. Applicants and registrants in these latter three categories should note that the Commission's post office box number is different from that found in the present instructions. Of course, materials sent to

[1] NFA already has authority to grant applications for registration of introducing brokers ("IBs") and their associated persons and may issue temporary licenses to qualified APs of IBs. The Commission will continue to have direct registration responsibility for floor brokers ("FBs"), leverage transaction merchants ("LTMs") and associated persons of leverage transaction merchants.

[2] The full scope of NFA's authority and obligations under this Order is set forth in the October 9, 1984 **Federal Register** release.

[3] A more complete description of the amendments to the Commission's rules is set forth in the October 9, 1984 **Federal Register** release.

the wrong box number will be forwarded.

The fees which must accompany applications for registration for those categories of registrant for whom processing responsibility is being transferred to NFA have also changed. An application filed with NFA must be accompanied by the following fee:[4]

Applicant	Initial	Renewal
FCM	$250	$100
IB	75	25
CPO	50	25
CTA	50	25
Branch Office	6	6
AP	30	N/A

The fees for applications for registration filed with the Commission have not changed, however:

Applicant	Initial	Renewal
LTM	$275	$275
Branch Office	6	6
AP	35	N/A
FB	25	25

As noted above, the Commission will not process any application for registration received after November 14 for those categories of registrant for whom registration responsibility is being transferred to NFA. Such application will be forwarded to NFA for processing and the fee will be endorsed over to NFA. Because NFA fees are generally lower than those presently charged by the Commission, NFA has advised the Commission that it will credit each member with the difference between the fee charged by the Commission and that charged by NFA.

Issued by the Commission on November 13, 1984 in Washington, D.C.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 84-30172 Filed 11-15-84; 8:45 am]

BILLING CODE 6351-01-M

[4] The fees for FCMs, CPOs and CTAs were approved by the Commission on November 5, 1984.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old Age, Survivors, and Disability Insurance Benefits; Deductions, Reductions, and Nonpayments of Benefits

Correction

In the last line of a correction appearing on page 44458 in the issue of Wednesday, November 7, 1984, "404.408" should have read "404.408a".

BILLING CODE 1505-01-M

Food and Drug Administration

21 CFR Part 529

Certain Other Dosage Form New Animal Drugs Not Subject to Certification; Flurogestone Acetate-Impregnated Vaginal Sponge

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) sponsored by G.D. Searle & Co. The NADA provides for the intravaginal use in sheep of a flurogestone acetate-impregnated sponge for synchronizing estrus/ovulation in cycling adult ewes.

EFFECTIVE DATE: November 16, 1984.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-433-1414.

SUPPLEMENTARY INFORMATION: G.D. Searle & Co., P.O. Box 5110, Chicago, IL 60680, is the sponsor of NADA 34-601, which provides for the intravaginal use of a flurogestone acetate-impregnated sponge for synchronizing estrus/ovulation in cycling adult ewes during their normal breeding season.

NADA 34-601 was orginally approved by letter dated July 12, 1967. At that time approvals were not codified by publication in the **Federal Register**. Accordingly, FDA is now amending the regulations to codify G.D. Searle's approved NADA. This action, codification of a previously approved NADA, does not constitute reaffirmation of the safety and effectiveness data supporting this approval. Because the NADA was approved before July 1, 1975, the sponsor was not required to submit a summary of the safety and effectiveness data and information in accordance with the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2)(ii). However, a summary of the basis for approval is available upon request in accordance with 21 CFR 514.11(e)(2)(i).

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 529

Animal drugs, Miscellaneous use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 529 is amended by adding new § 529.1003 to read as follows:

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 529.1003 Flurogestone acetate-impregnated vaginal sponge.

(a) *Specifications.* Each vaginal sponge contains 20 milligrams of flurogestone acetate.

(b) *Sponsor.* See No. 000014 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Indications for use.* For synchronizing estrus/ovulation in cycling adult ewes during their normal breeding season.

(2) *Limitations.* Using applicator provided, insert sponge into ewe's vagina 13 days before desired start of breeding. For intravaginal use in sheep only. Do not use in young ewes that have not had lambs. Use plastic or rubber gloves when handling large numbers of sponges to minimize exposure to drug. Do not leave sponge in the vagina for more than 21 days. Ewes must not be slaughtered for food within 30 days of sponge removal.

Effective date. November 16, 1984.

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

Dated: November 8, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84-30127 Filed 11-15-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Amoxicillin Trihydrate and Clavulanate Potassium Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Beecham

Laboratories, providing for use of amoxicilin trihydrate and clavulanate potassium tablets in dogs. The drug is labled for the treatment of skin infections such as superficial/juvenile and deep pyoderma.

EFFECTIVE DATE: November 16, 1984.

FOR FURTHER INFORMATION CONTACT: Sandra Woods, Center for Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham Inc., Bristol, TN 37620, filed NADA 55–099 for Synuloz™ (amoxicillin trihydrate and clavulanate potassium) tablets for use in dogs. The drug is for the treatment of skin infections such as superficila/juvenile and deep pyoderma due to beta-lactamase (penicillinase) producing *Staphylococcus aureus*, non-beta-lactamase *Staphylococcus aureus*, and *Staphylococcus* spp. The application is approved and the regulations amended accordingly. The basis for approval is discussed in the freedom of information summary.

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

The Center for Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Center's finding of no significant impact and the evidence supporting this finding contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(*a*) and (f)(1)(ii)(*e*)(2)), may be seen in the Dockets Management Branch (address above). The statement of exemption contains information on the environmental impact of the manufacturing process, as required under 21 CFR 25.1(g).

List of Subjects in 21 CFR Part 540

Animal drugs, Antibiotics, penicillin.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347 (21 U.S.C. 360 (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 540 is amended by adding new § 540.103g to read as follows:

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 540.103g Amoxicillin trihydrate and clavulanate potassium film-coated tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amoxicillin trihydrate and clavulanate potassium tablets are film-coated tablets composed of amoxicillin trihydrate and clavulanate potassium with or without one or more suitable and harmless lubricants, diluents, and binders. Each tablet contains amoxicillin trihydrate and clavulanic acid as the potassium salt equivalent to either 50 milligrams of amoxicillin and 12.5 milligrams clavulanic acid, or 100 milligrams of amoxicillin and 25 milligrams clavulanic acid, or 200 milligrams amoxicillin and 50 milligrams clavulanic acid. Its amoxicillin trihydrate content is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of amoxicillin that it is represented to contain. Its clavulanate potassium content is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of clavulanic acid that it is represented to contain. Its moisture content is not more than 7 percent. Tablets shall disintegrate within 30 minutes. The amoxicillin trihydrate conforms to the standards prescribed by § 440.3(a)(1) of this chapter. The clavulanate potassium conforms to the standards prescribed by § 455.15(a)(1) of this chapter.

(2) *Labeling.* It shall be labled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter; in addition, this drug shall be labled "amoxicillin and clavulanate potassium tablets".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each request shall contain:

(i) Results of tests and assays on:

(*a*) The amoxicillin trihydrate used in making the batch for potency, safety, moisture, pH, amoxicillin content, concordance, crystallinity, and identity.

(*b*) The clavulanate potassium used in making the batch for clavulanic acid content, moisture, pH, identity, and clavam–2–carboxylate content.

(c) The batch for amoxicillin contents, clavulanic acid content, moisture, and disintegration time.

(ii) Sample required for:

(a) The amoxicillin trihydrate used in making the batch: packages, each containing approximately 300 milligrams.

(b) The clavulanate potassium used in making the batch: packages, each containing approximately 300 milligrams.

(c) The batch: A minimum of 100 tablets.

(b) *Tests and methods of assay*—(1) *Amoxicillin and clavulanic acid contents.* Proceed as in § 440.103d(b) of this chapter.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section.

(c) *Conditions of marketing*—(1) *Specifications.* The drug conforms to the requirements of paragraph (a) of this section.

(2) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) *Dogs*—(a) *Amount.* 6.25 milligrams per pound of body weight twice daily (equivalent to 5 milligrams amoxicillin and 1.25 milligrams clavulanic acid per pound body weight).

(b) Indications for use. It is used in the treatment of skin infections such as superficial/juvenile and deep pyoderma due to beta-lactamase (penicillinase) producing *Staphylococcus aureus*, non-beta-lactamase *Staphylococcus aureus*, and *Staphylococcus* spp.

(c) Limitations. Administer for 10 to 14 days or 48 hours after all symptoms have subsided. If no improvement is seen in 7 days, discontinue therapy and reevaluate the case. Not for use in dogs maintained for breeding. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(ii) [Reserved]

Effective date. November 16, 1984.

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

Dated: November 8, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84–30129 Filed 11–15–84; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Parts 540 and 556

Animal Drugs, Feeds, and Related Products; Amoxicillin Trihydrate Intramammary Infusion

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect

approval of a new animal drug application (NADA) filed by Beecham Laboratories providing for the use of amoxicillin trihydrate intramammary infusion for the treatment of subclinical infectious bovine mastitis in lactating cows. The regulations are also amended to establish a tolerance for amoxicillin residues in milk.

EFFECTIVE DATE: November 16, 1984.

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

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, filed NADA 55–100 for Amoxi-Mast®, amoxicillin trihydrate for intramammary infusion. The drug is for the treatment of subclinical infectious bovine mastitis in lactating cows due to *Streptococcus agalactiae* and *Staphylococcus aureus* (penicillin sensitive). The application is approved and the regulations amended accordingly. The basis for approval is discussed in the freedom of information summary. The regulations are also amended to establish a tolerance for negligible residues of amoxicillin in milk.

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

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

List of Subjects

21 CFR Part 540

Animal drugs, Antibiotics, Penicillin.

21 CFR Part 556

Animal drugs, Foods, Residues.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Parts 540 and 556 are amended as follows:

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

1. Part 540 is amended by adding new § 540.803 to read as follows:

§ 540.803 Amoxicillin trihydrate for intramammary infusion.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amoxicillin trihydrate for intramammary infusion contains sterile amoxicillin trihydrate in a menstruum of refined semisynthetic vegetable oil with a suitable and harmless dispersing agent and preservative. Each 10-milliliter syringe contains amoxicillin trihydrate equivalent to 62.5 milligrams of amoxicillin. Its potency is satisfactory if it contains 90 to 120 percent of the amount of amoxicillin that it is represented to contain. Its moisture content is not more than 1.0 percent. The amoxicillin trihydrate used conforms to the requirements of § 539.3 of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter.

(3) *Request for certification samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) The results of tests and assay on:

(*a*) The amoxicillin trihydrate used in making the batch for potency, sterility, pyrogens, safety, moisture, pH, amoxicillin content, concordance, identity, and crystallinity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The amoxicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed for amoxicillin in § 436.105 of this chapter, preparing the sample for assay as follows: Expel the syringe contents into a high-speed glass blender jar containing 489 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3) and 1 milliliter of polysorbate 80. Blend for 3 to 5 minutes. Further dilute an aliquot of the blend with solution 3 to the reference concentration of 0.1 microgram of amoxicillin per milliliter.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(c) *Conditions of marketing*—(1) *Specifications.* The drug conforms to the certification requirements of paragraph (a) of this section.

(2) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.38 of this chapter.

(4) *Conditions of use*—(i) *Lactating cows*—(*a*) *Amount.* Each single dose syringe contains 10 milliliters (equivalent to 62.5 milligrams amoxicillin base).

(*b*) *Indications for use.* For the treatment of subclinical infectious bovine mastitis due to *Streptococcus agalactiae* and *Staphylococcus aureus* (penicillin sensitive).

(*c*) *Limitations.* Administer after milking. Clean and disinfect the teat. Use one syringe per infected quarter every 12 hours for a maximum of 3 doses. Do not use milk for food purposes if taken from treated animals within 60 hours (5 milkings) after last treatment. Do not slaughter treated animals for food purposes within 12 days after the last treatment. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(ii) [Reserved]

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

2. Part 556 is amended by revising § 556.38 to read as follows:

§ 556.38 Amoxicillin.

A tolerance of 0.01 part per million is established for negligible residues of amoxicillin in milk and in the uncooked edible tissues of cattle.

Effective date. November 16, 1984.

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

Dated: November 8, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84–30130 Filed 11–15–84; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 546

Tetracycline Antibiotic Drugs for Animal use; Chlortetracycline Soluble Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplement to a new animal drug application (NADA) filed by SDS Biotech Corp. that provides revised labeling and human food safety data for chlortetracycline hydrochloride soluble powder for use in animal drinking water. The labeling is in compliance with the recommendations made for the drug by the National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group.

EFFECTIVE DATE: November 16, 1984.

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

SUPPLEMENTARY INFORMATION: SDS Biotech Corp., 7528 Auburn Rd., P.O. Box 348, Concord Township, Painesville, OH 44077, has filed a supplement to NADA 65–178 for CtC-Soluble (chlortetracycline hydrochloride powder) for use in chickens, turkeys, swine, and cattle. The supplement is approved and the regulations are amended accordingly. The basis for the approval is discussed in the freedom of information summary.

In a notice published in the **Federal Register** of April 27, 1979 (44 FR 24931), the agency announced the effective indications for which chlortetracycline soluble powders for animal use may be marketed and proposed to withdraw approval of NADA's for products labeled for conditions lacking substantial evidence of effectiveness. The agency's conclusions regarding efficacy were in accord with the findings of the NAS/NRC Drug Efficacy Study Group's evaluation of chlortetracycline soluble powder. The April 27, 1979 **Federal Register** notice identified Diamond Shamrock's NADA 65–178 as being subject to it. Diamond Shamrock subsequently transferred ownership of the NADA to the SDS Biotech Corp. This supplement complies with requirements stated in the notice.

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

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

List of Subjects in 21 CFR Part 546

Animal drugs, Antibiotics, Tetracycline.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b(i) and (n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 546 is amended in § 546.110c(c) by revising (c)(2), by removing footnote "1" and its text from (c)(5), and by adding new (c)(5)(v) to read as follows:

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

§ 546.110c Chlortetracycline powder (chlortetracycline hydrochloride powder).

* * * * *

(c) * * *

(2) *Sponsor.* No. 000010 in § 510.600(c) of this chapter for conditions of use as in paragraph (c)(5)(iii) and (iv) of this section; No. 010042 in § 510.600(c) of this chapter for conditions of use as in paragraph (c)(5)(i) and (ii) of this section; No. 052313 in § 510.600(c) of this chapter for conditions of use as in paragragh (c)(5)(v) of this section.

* * * * *

(5) * * *

(v) The following uses of chlortetracycline hydrochloride in drinking water are NAS/NRC reviewed and are deemed effective; applications for these uses need not include the effectiveness data specified by § 514.111 of this chapter:

(*a*) *Chickens—(1) Amount per gallon.* 200 to 400 milligrams.

(*i*) *Indications for use.* For the control of infectious synovitis caused by *M. synoviae.*

(ii) Limitations. Prepare fresh solution daily, as sole source of chlortetracycline, do not use for more than 14 days, do not slaughter animals for food within 24 hours of treatment, do not use in laying chickens.

(2) Amount per gallon. 400 to 800 milligrams.

(i) Indications for use. For the control of chronic respiratory disease (CRD) and air sac infections caused by *M. gallisepticum* and *E. coli.*

(ii) Limitations. Prepare fresh solution daily, as sole source of chlortetracycline, do not use for more than 14 days, do not slaughter animals for food within 24 hours of treatment, do not use in laying chickens.

(b) Turkeys—(1) Amount per gallon. 400 milligrams.

(i) Indications for use. For the control of infectious synovitis caused by *M. synoviae.*

(ii) Limitations. Prepared fresh solution daily, as sole source of chlortetracycline, do not use for more than 14 days, do not slaughter animals for food within 24 hours of treatment, for growing turkeys only.

(2) Amount. 25 milligrams per pound of body weight daily.

(i) Indications for use. For the control of complicating bacterial organisms associated with bluecomb (transmissible enteritis, coronaviral enteritis).

(ii) Limitations. Prepare fresh solution daily, as sole source of chlortetracycline, do not use for more than 14 days, do not slaughter animals for food within 24 hours of treatment, for growing turkeys only.

(*c*) *Swine—(1) Amount.* 10 milligrams per pound body weight daily in divided doses.

(*2*) *Indications for use.* For the control and treatment of bacterial enteritis (scours) caused by *E. coli* and *Salmonella* spp. and bacterial pneumonia associated with *Pasteurella* spp., *Hemophilus* spp., and *Klebsiella* spp.

(*3*) *Limitations.* Prepare fresh solution daily, as sole source of chlortetracycline, do not use more than 5 days, do not slaughter animals for food within 5 days of treatment..

(*d*) *Calves, beef cattle, and nonlactating dairy cattle—(1) Amount.* 10 milligrams per pound daily in divided doses.

(*2*) *Indications for use.* For the control and treatment of bacterial enteritis (scours) caused by *E. coli* and *Salmonella* spp. and bacterial pneumonia (shipping fever complex) associated with *Pasteurella* spp. *Hemophilus* spp., and *Klebsiella* spp.

(*3*) *Limitations.* Prepare fresh solution daily, use as a drench, as sole source of chlortetracyline, do not use more than 5 days, do not slaughter animals for food within 24 hours of treatment, do not use in lactating cattle.

Effective date. November 16, 1984.

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

Dated: November 8, 1984.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 84–30126 Filed 11–15–84; 8:45 am]

BILLING CODE 4160–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; Correction.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on certified designated 706 agencies. Publication of this amendment effectuates the designation of the Kansas Commission on Civil Rights as a certified 706 Agency and corrects the notice published in **Federal Register** Volume 49, No. 180 on September 14, 1984, regarding the Kansas City, Missouri Human Relations Department as a certified 706 Agency.

EFFECTIVE DATE: September 14, 1984.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street NW., Washington, D.C. 20507, telephone 202/634–6806.

SUPPLEMENTARY INFORMATION: The Commission has determined that the Kansas Commission on Civil Rights meets the eligibility criteria for certification of a designated 706 Agency as established in 29 CFR 1601.75(b). In accordance with 29 CFR 1601.75(c) the Commission hereby amends the list of certified designated 706 agencies to include the Kansas Commission on Civil Rights. Publication of this amendment to § 1601.80 effectuates the designation of the following agency as a certified 706 Agency: Kansas Commission on Civil Rights.

The Commission has determined that the notice, as published in Volume 49, No. 180 on September 14, 1984, regarding the Kansas City, Missouri Human Relations Department as a certified 706 Agency did not properly reflect the action taken by the Commission.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—[AMENDED]

§ 1601.80 [Amended]

Accordingly, 29 CFR Part 1601 is amended in § 1601.80 by adding the Kansas Commission on Civil Rights and by removing the Kansas City, Missouri Human Relations Department.

(42 U.S.C. 2000e–12(a))

Signed at Washington, D.C. this 9th day of November 1984.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 84–30187 Filed 11–15–84; 8:45 am]

BILLING CODE 6570–06–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A–4–FRL–2719–6]

Standards of Performance for New Stationary Sources; Alternative Test Requirements for Alumax of South Carolina's Mt. Holly Plant, Mt. Holly, SC

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today establishes an alternative air emissions performance testing frequency requirement for Alumax of South Carolina's primary aluminum reduction plant in Mt. Holly, South Carolina, as provided in 40 CFR 60.195(b). Rather than conduct monthly fluoride emission performance tests on the anode bake plant, this source will be allowed to test it once a year. This action is justified by fluoride emission data provided by the company through the State air pollution control agency. This action, which is expected to have no effect on the National Ambient Air Quality Standards, was proposed in the **Federal Register** of February 28, 1984 (48 FR 7254); no comments were received.

DATE: This action is effective December 17, 1984.

ADDRESS: Background information is available for public inspection at the following address: Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street NE, Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Joe Riley of the EPA Region IV Air Management Branch at the Atlanta address given above, telephone 404/881–4901 (FTS: 257–4901).

SUPPLEMENTARY INFORMATION: On January 26, 1976 (41 FR 3828), EPA promulgated Standards of Performance for New Primary Aluminum Reduction Plants as Subpart S of 40 CFR Part 60, pursuant to the provisions of section 111 of the Clean Air Act. Under the original standards, the affected source was required to conduct a performance test on startup on any other occasion the Agency might require a test under section 114 of the Clean Air Act. On June 30, 1980 (45 FR 44027), EPA revised 40 CFR 60.195 to require performance testing at least once per month for the life of a new primary aluminum plant. At the same time, however, the Agency provided that alternative test requirements could be established for the primary control system or an anode bake plant if the source could demonstrate control system or an anode bake plant if the source could demonstrate that emissions have low variability during day-to-day operations.

On October 19, 1976, the Environmental Protection Agency (EPA) delegated to the South Carolina Department of Health and Environmental Control (SCDHEC) authority to administer Subpart S of 40 CFR Part 60. Under the terms of the delegation, performance tests were to be scheduled and performed in accordance with the procedures set forth in 40 CFR Part 60 unless alternate methods or procedures are approved by the EPA Administrator. Accordingly, SCDHEC has transmitted to EPA for its approval a petition for alternative test requirements submitted by Alumax of South Carolina, Mount Holly plant.

Alumax is requesting a change in the testing requirements established for primary aluminum plants by 40 CFR Part 60. Specifically the source wishes to be allowed to change the frequency of testing the anode bake plant from once a month to once a year. EPA had earlier denied such a request by Alumax [see 48 FR 22919 (May 23, 1983)] because adequate supporting information was lacking.

On the basis of the supporting information submitted, EPA now grants this request since it meets the requirements of 40 CFR 60.195(b). Actual emissions from the anode bake plant systems are far below the allowable emissions. Day-to-day variations in the anode bake plant emissions are not great enough to cause emissions in excess of the standard for fluorides.

This alternative requirement will not preclude the Agency or SCDHEC from requiring performance testing at any time. Finally, it can be withdrawn at any time that the Administrator finds that it is not adequate to assure compliance with the emission standards applicable to this source.

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 January 15, 1985. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

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

List of Subjects in 40 CFR Part 60

Air pollution control, aluminum, ammonium sulfate plants, cement industry, coal, copper, electric power plants, glass and glass products, grains, intergovernmental relations, iron, lead, metals, motor vehicles, nitric acid plants, paper and paper products industry, petroleum, phosphate, sewage disposal, steel, sulfuric acid plants, waste treatment and disposal, zinc.

(Secs. 111 and 301(a) of the Clean Act (42 U.S.C. 7411 and 7601(a)]).

Dated: November 9, 1984.

William D. Ruckelshaus,

Adminstrator.

PART 60—[AMENDED]

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

Subpart S—Standards of Performance for Primary Aluminum Reduction Plants

Section 60.195 is amended by revising paragraph (b)(2) to read as follows:

§60.195 Test methods and procedures.

* * * * *

(b) * * *

(2) Alternative testing requirements are established for Alumax of South Carolina's Mt. Holly Plant in Mt. Holly, South Carolina: The anode bake plant and primary control system are to be tested once a year rather than once a month.

[FR Doc. 84-30117 Filed 11-15-84; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 704

[OPTS-80011C; FRL 2471-5]

Reporting and Recordkeeping Requirements; Small Manufacturer Exemption Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule sets forth general exemption standards for small manufacturers of chemical substances under section 8(a) of the Toxic Substances Control Act. Manufacturers who qualify as "small" under these standards will be exempt from most subsequent section 8(a) reporting and recordkeeping rules. The exemption standards have been designed to reduce the paperwork burden on small chemical manufacturers, while ensuring that EPA will receive a sufficient amount of production, use, exposure, and other information to support assessment of chemical risks.

DATES: This regulation shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on November 30, 1984. This regulation becomes effective on December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460; Toll free: (800-424-9065); In Washington, D.C.: (554-1404); Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Legal Authority

Section 8(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(a), authorizes the Administrator of the Environmental Protection Agency to establish, by rule, reporting and recordkeeping requirements for chemical manufacturers and processors. TSCA includes the importation of chemicals in its definition of "manufacture." TSCA section 8(a)(2) lists some of the types of data which the Administrator may require to be kept or reported, including information concerning the identity, production volume, and exposure potential of chemicals manufactured or processed.

By the terms of the statute, small manufacturers and processors are usually exempt from section 8(a) reporting and recordkeeping requirements. TSCA section 8(a)(3)(B) states that the Administrator shall by rule "prescribe standards for determining the manufacturers and processors which qualify as small manufacturers and processors * * *."

Under the authority of section 8(a)(3)(A)(ii), the Administrator need not apply this exemption with regard to a chemical substance or mixture that is subject to:

1. A proposed or promulgated rule under TSCA section 4 (testing requirement), section 5(b)(4) (a list of chemicals which may present an unreasonable risk), or section 6 (control actions), or

2. An order in effect under section 5(e) (new chemical information), or

3. Relief granted as a result of civil action brought under section 5 or 7.

B. The Proposed Rule

Initially, EPA took a case-by-case approach to the definition of small manufacturers and processors ; the Agency established individual exemption standards for each section 8(a) rule. Subsequently, EPA decided to initiate the development of general exemption standards for small manufacturers. These standards were proposed in the **Federal Register** of June 23, 1982 (47 FR 27206). The proposed exemption standards applied to all chemical manufacturers that could be subject to section 8(a) reporting requirements. They were based on a number of factors, including the following:

1. Consultation with the Small Business Administration and other Federal agencies regarding their definition of small companies,

2. Preliminary comments and suggestions from representatives of the chemical industry, and

3. An economic analysis of various alternative exemption criteria, performed by an independent contractor. Documentation of these factors is part of the public record for this rule.

The preamble to the proposed rule described all exemption criteria considered by EPA, and requested comment on several alternatives. The Agency received few public comments on the proposal, although several of the commenters were organizations representing a substantial number of chemical manufacturing firms. Most commenters approved of the proposed exemption standards; there were few objections or suggested changes. Accordingly, this final rule contains only minor changes in the content of the standards. This final rule also reflects little change in the Agency's objectives, methodology, and economic justification for the exemption standards. This preamble therefore only summarizes EPA's objectives and rationale for the rule. The preamble to the proposed rule contains a more detailed discussion of these points.

During the past year the Agency has considered limiting the scope of the small manufacturer exemption rule in order that the rule would apply only to manufacturers of substances listed on the initial or revised TSCA Chemical Substances Inventory, and not to

chemicals added to the Inventory after completing premanufacture notice review. EPA has determined, however, that this type of change in scope is not necessary to meet the Agency's information needs. The final rule therefore has the same scope as the version proposed in 1982; it is applicable to manufacturers of all chemical substances, regardless of when the substances were listed on the Inventory. EPA's reasons for suggesting and then rejecting this change are set forth in Unit IV of this preamble.

II. Scope and Content of the Final Rule

The final rule contains two exemption standards. These standards will be applicable to chemical manufacturers (including importers), but not to chemical processors. At present, EPA will continue to develop exemption standards for small processors on a rule-by-rule basis. All data in this preamble represent the manufacturing portion of the chemical industry.

The exemption standards in this final rule will apply to all manufacturers of chemical substances subject to TSCA section 8(a) reporting and recordkeeping rules, unless the Agency specifically provides otherwise in a particular section 8(a) rule. A manufacturer of these chemical substances will qualify as "small" if it meets either of the exemption standards set forth below:

1. *First standard.* A chemical manufacturer will qualify as "small" under this standard if the total annual sales revenue of all plant sites that it owns or controls (or which are owned or controlled by its foreign or domestic parent company, if any) is less than $40 million. However, if a manufacturer with total annual sales of less than $40 million produces (annually) over 45,400 kilograms (100,000 pounds) of a particular subject chemical at a particular plant site, that manufacturer will not qualify as small with regard to that chemical at that plant site.

Under this first standard, a company that meets the sales criterion for small but does not meet volume criterion for all of its sites will be subject only to reporting or recordkeeping for sites producing 45,400 kilograms or more of the chemical per year.

2. *Second standard.* A chemical manufacturer will qualify as small if the total annual sales revenue of all plant sites that it owns or controls (or that are owned or controlled by its foreign or domestic parent company, if any) is less than $4 million, regardless of the quantity of chemicals produced by that firm.

For purposes of these two standards, total annual sales means the total revenue generated by the sale of all products, including non-chemical products, that are produced at all sites owned or controlled by the manufacturer and its parent company, if any. EPA will periodically adjust, as necessary, the sales values of both standards to allow for inflation after the promulgation of this rule. The Agency will use an index from the Bureau of Labor Statistics (BLS) for this purpose: the Producer Price Index for Chemicals and Allied Products.

EPA recognizes the possibility that the sales values may also be subject to deflationary economic trends. The Agency would adjust the sales values downward if significant deflation were to occur. However, the likelihood of deflation in amounts significant enough to trigger adjustment of the sales values is extremely small. For purposes of convenience, then, this rule will refer to the mechanism for adjusting the sales values as an inflation index.

Companies will use the corporate fiscal year as the 12-month period for which both annual sales and production volume are to be calculated. In the first standard, annual production volume means the total amount of a chemical substance produced or imported during the designated 12-month period.

A parent manufacturing company is one which owns or controls another company. Ownership or control exists when a parent company owns 50 percent or more of another company's voting stock or other equity rights, or has the power to control the management and policies of the other company. This definition is drawn from the 1977 Economic Census Report of Organization of the United States Department of Commerce.

Plant site means a contiguous property unit which serves as the location for chemical manufacturing. There may be more than one manufacturing plant located on a particular site.

III. Agency Objectives

Industry compliance with TSCA reporting and recordkeeping requirements involves the expenditure of time, money, and personnel resources. These costs have particular impact on companies which have limited financial and personnel resources. Such manufacturers tend to have fewer administrative personnel and less capability for data compilation and recordkeeping than do larger firms.

In spite of the potential burden imposed on small manufacturers by reporting rules, some commenters opposed the establishment of any exemption based on company size. These commenters stated the Agency's information needs may be greater when smaller companies are involved, because small firms may be less able to maintain proper precautions for pollution and exposure control. Without expressing any views on the merits of this claim, EPA's response is that the establishment of a small manufacturer definition is not a discretionary action. Section 8(a) requires the establishment of a small business exemption; in enacting TSCA, Congress recognized a need "to protect small manufacturers from unreasonably burdensome reporting requirements" (Conf. Rep. No. 94–1679, 94th Cong., 2d Sess. 80 (1976)).

However, in establishing a small manufacturer exemption, EPA does not intend to ignore its information gathering responsibility. The information collection authority of TSCA section 8(a) reflects congressional recognition of EPA's need for sufficient data from the chemical industry. Congress acknowledged that EPA needs sufficient data to accurately assess the risk potential of individual chemicals. Based on this congressional intent, the Agency has concluded that it is inappropriate to exempt a company from section 8(a) reporting requirements if the firm produces a subject chemical in substantial quantities. High volume chemical production reflects a greater potential for environmental release. Production data therefore would be valuable to EPA as a measure of chemical exposure risk.

The Agency has structured the exemption standards to balance the need for risk-related information with the need to minimize the reporting and recordkeeping burden on small manufacturers. While each standard contains a measure of a company's available resources, the first standard also contains a criterion which measures chemical production volume and thereby reflects EPA's information needs.

EPA also has the authority to change the general exemption standards contained in this rule in appropriate cases when Agency access to necessary information is blocked by the exemption. The Agency therefore will be able to gain access to information on the production activities of the smallest manufacturers, if necessary for effective risk assessment. However, when changing the general exemption standards for a specific rule, EPA must follow full notice and comment rulemaking procedures with regard to the amended standards.

EPA has an additional objective for the general exemption standards. The

standards should not prevent section 8(a) rules from providing information representative of firms of different sizes. Large and small firms have varying amounts of capital available, and therefore may utilize different production processes, techniques, and equipment. Different methods of production may cause the potential for chemical exposure to vary among large and small firms. It is important for the Agency to be able to monitor these differences. In order to ensure that EPA will receive representative section 8(c) data, the parameters of the exemption standards have been structured to allow the Agency to obtain production, use, and exposure data from some small firms.

A final requirement for the standards is that they be easily analyzed and applied by both industry and the Agency. EPA has selected exemption criteria that represent readily available data. These data enable identification of companies which would be likely to qualify for an exemption. The standards can also be easily enforced, because the selected criteria will enable EPA to monitor compliance with the exemption.

IV. Possible Change in the Scope of the Rule

As noted in Unit I.B., above, during the time since this rule was proposed the Agency has considered and rejected a reduction in the scope of the general exemption standards contained in the proposed rule. This decision is based on recent EPA evaluation of the relative impact of the exemption standards set forth in this rule on the Agency's ability to gather section 8(a) data from manufacturers of different types of chemicals.

EPA considered making the standards applicable only to manufacturers of chemical substances which were reported for the initial TSCA Inventory or the revised Inventory, and not to manufacturers of chemicals that are new or have been subject to premanufacture notification. The Agency thought that the general exemption standards could possibly hinder EPA's ability to gather production data on new or recently commercialized chemicals, and thus make it difficult for the Agency to monitor the activities of relatively small firms that produce such chemicals. In view of this concern, the EPA considered developing separate, more stringent exemption standards for small manufacturers of new or recently commercialized chemicals.

However, after reviewing this option the Agency determined that a single set of exemption standards will not prevent the Agency from meeting its information needs with section 8(a) rules, regardless of the type of chemicals involved. The economic data supporting this decision are contained in the public record for this rule. EPA therefore is promulgating this rule as it was proposed, with general exemption standards applicable to manufacturers of all chemical substances, old and new.

V. The Exemption Standards

EPA is establishing general exemption standards that will be applicable to all future section 8(a) rules, with limited exceptions. Industry representatives have expressed their preference for exemption criteria that are easily understood and predictable from rule to rule. Commenters on the proposed rule approved of EPA's plan to establish a set of general standards that will clearly indicate the exemption status of individual companies, and thereby provide predictability to those companies for their long range planning. General exemption standards also will decrease administrative costs to EPA by enabling the Agency to avoid establishing new standards for each rule.

This rule contains two baseline exemption standards, the first of which contains two parameters, or criteria for exemption. The second standard consists of a single exemption criterion.

A. Structure of the First Standard

The structure of the two-parameter exemption standard remains unchanged from the proposed rule. The parameters are total annual plant site production volume per chemical and total annual company sales (the latter including total sales of the parent company or subsidiary(ies), if any). Manufacturers are required to meet both parameters in order to qualify for an exemption from reporting requirements under this standard.

Plant site production volume is an "information" parameter that makes the first exemption standard sensitive to chemical exposure potential. Industry representatives have expressed their recognition of EPA's need for information under TSCA section 8(a), and production volume enables the exemption standard to reflect those information needs. The Agency did consider a number of other parameters during the development of the proposed rule, including: total annual company profit, total company assets, total annual company sales, annual chemical sales, total number of company employees, and market share per chemical. Of all parameters considered by EPA, production volume was judged to best approximate exposure potential. The Agency's rationale in selecting this information parameter is set forth in greater detail in the preamble to the proposed rule.

EPA has also included a total annual sales criterion in the first exemption standard as a "resource" parameter. This additional parameter ensures that the standard will be an accurate indicator of the financial resources available to a manufacturer for compliance with reporting and recordkeeping requirements.

EPA's economic analysis indicated that an exemption standard containing production volume and total sales parameters, with manufacturers required to meet both parameters in order to qualify for an exemption from reporting requirements, will best enable EPA to meet its objectives for the small manufacturer exemption. The Agency would not receive sufficient information for its regulatory purposes from a reporting rule containing an exemption standard with a single "resource" criterion, because a rule with such a standard would not be sensitive to the exposure potential of some high production volume plant sites. The value of the "resource" parameter would have to be set low enough for EPA to obtain an adequate amount of plant site data, thereby preventing some relatively small firms from qualifying for an exemption. However, a two-parameter standard will ensure that future section 8(a) rules will provide EPA with sufficient information on the chemicals subject to those rules, while targeting the exemption toward firms with the fewest available resources.

A majority of the commenters on the proposed rule approved of the structure and criteria of the two-parameter standard. Although EPA specifically requested comment on the possible use of employee number as a measure of company size, only one comment on employee number was received; that commenter advised against using employee number in the first exemption standard. Nevertheless, several commenters did object to the exemption parameters chosen by EPA for the first standard, stating that production volume and total sales criteria are inadequate measures of chemical exposure potential and a company's available resources. The only alternative parameters suggested in the public comments were total annual chemical sales and market share per chemical.

EPA maintains that neither chemical sales nor market share is an adequate substitute for the chosen parameters. A parameter that measures only chemical sales would not reflect a diversified

firm's full financial capabilities, because chemical sales may be only a small part of the total revenue a company receives from sale of all products. Thus, a chemical sales criterion would not always be an accurate measure of a firm's ability to handle a reporting burden.

In addition, chemical sales revenue is not regularly reported as a separate line item in a company's financial statements unless chemical sales are a major part of a firm's business. For many companies, chemical sales are not the primary product line. These companies and EPA may have considerable difficulty in determining the amount of total annual chemical sales. A total sales parameter is therefore preferable as a "resource" parameter, in terms of both accuracy and practicality.

Market share is also an impractical exemption criterion, for two reasons. First, market share is a less accurate "information" parameter than production volume. Market share is a relative measure of exposure potential, rather than an absolute measure. It is possible that a firm with a large share of a small market for a particular chemical may present less potential for exposure than a firm with a small share of the total industry production of a large volume chemical. There is less potential for such inaccuracy with the production volume parameter.

EPA has also concluded that market share is often difficult to determine and, as an exemption criterion, would be difficult for EPA to enforce. While many firms may be able to calculate their share of the market for their products, it is unlikely that all chemical manufacturers will be able to do so. Furthermore, EPA and individual chemical firms may not have access to the proprietary data needed to judge market share accurately.

B. Parameter Values in the First Standard

In selecting parameter values, EPA has defined "small" in terms of company resources and Agency information needs.

EPA recognizes that general exemption standards by their very nature are likely to prevent the Agency from obtaining information on some chemicals subject to section 8(a) rules; certain subject chemicals may be produced solely by manufacturers that qualify as small firms, thereby preventing the Agency from receiving any reports on those chemicals. Although EPA intends to exempt as many small manufacturers as possible from future reporting requirements, the Agency also has sought to limit the number of zero-report chemicals by establishing a ceiling for the range of acceptable parameter values—a level beyond which the amount of information lost becomes too great for effective risk assessment.

EPA has determined that the maximum acceptable percentage of zero-report chemicals is 10 percent, and has assigned values to the exemption parameters which will cause the Agency to lose information on no more than 10 percent of all chemicals subject to future section 8(a) rules. (In specific cases involving section 8(a) rules for chemicals for which no reports will be received, EPA will have to determine whether its information needs warrant a rule-specific change in the exemption standards.) EPA's rationale in making this determination of allowable information loss is described in greater detail in the preamble of the proposed rule (47 FR 27209), and remains unchanged here. Although EPA specifically requested public comment on this point, the Agency did not receive any adverse comments.

The exemption standards in this rule also will maximize the number of individual manufacturing plant sites (locations) reporting under the exemption standards, in order to monitor the different production processes and techniques utilized by different sized firms.

Commenters on the proposed rule did not express any objection to the value assigned to the production volume parameter: 45,400 kilograms (100,000 pounds) per chemical per plant site. This amount of production represents a cut-off point beyond which EPA regards exposure potential (and Agency information needs) as significant.

The major point of concern among commenters was the $30 million value assigned to the total sales parameters of the first exemption standard. Several commenters stated that this proposed value should be increased in the final rule, in order that the parameter reflect the effects of inflation since 1980, the year of the Proposed Rule Related Notice for the exemption rule. These commenters stated that, because of inflation, the $30 million figure now represents a smaller chemical firm than it did in 1980. The sales parameter is therefore too low to identify accurately the type of small firm that EPA seeks to exempt. The commenters suggested that a sales parameter value of $40 million would reflect the impact of inflation on both sales revenue and reporting costs.

EPA also recognizes that inflation will have an ongoing impact on the ability of the sales parameter to accurately reflect a company's financial resources. The Agency therefore has changed the value of the total annual sales parameter in the final rule to $40 million. This adjusted sales figure will more accurately reflect a small manufacturer's current ability to comply with reporting requirements.

EPA calculated the $40 million figure using the BLS Producer Price Index for Chemicals and Allied Products. This Index was mentioned in the preamble to the proposed rule. Commenters on the proposal generally agreed that this Index accurately measures the impact of inflation within the chemical industry. The Index reflects a cumulative inflationary increase of approximately 30 percent during the past three years. Thus, $30 million in 1979 dollars translates to an approximate value of $40 million in 1983.

C. The Second Exemption Standard

The final small manufacturer exemption contains a second standard that is independent of the first, but that also utilizes a total annual sales criterion. The purpose of this standard is to ensure that there will be no reporting burden on the manufacturers with the smallest available financial and personnel resources. The value assigned to this standard in the final rule is $4 million, $1 million more than was originally proposed. As with the first exemption standard, this adjustment was made to account for inflation, using the BLS Producer Price Index.

D. Combined Impact of the Two Exemption Standards

In proposing the small manufacturer exemption standards, EPA used an economic support analysis, contained in the public record, to demonstrate the probable impact of the sales figures contained in the standards. Agency analysts have since reviewed the existing economic data, and have determined that adjustment of the sales criteria for inflation will not significantly alter the anticipated impact of the exemption standards.

Thus, the two standards together will exempt approximately 36 percent of all chemical manufacturing firms subject to section 8(a) rules. The two standards will exempt approximately 12 percent of the total number of manufacturing sites from reporting and recordkeeping requirements. The total reporting and recordkeeping cost to the chemical industry will be reduced by approximately 15 percent.

The final exemption standards will enable EPA to achieve its purpose of defining "small" within the constraints

of Agency information requirements. In addition to the fact that 100 percent of all firms with less than $4 million in sales will be exempt, the economic analysis indicates that the standards will also exempt over 62 percent of firms with less than $40 million in sales. The analysis further indicates that the impact of the exemption will be concentrated among smaller firms.

With regard to the potential information loss, the Agency can expect to lose information on approximately 10 percent of all existing chemicals that are subject to future section 8(a) reporting requirements. These zero-report chemicals would be concentrated primarily in the low- and mid-production volume range. As previously described, this projected amount of information loss represents the maximum amount that the Agency has determined it can afford to lose and still be capable of effective chemical risk assessment.

In cases where the Agency believes that the exemption standards will prevent it from obtaining adequate information on chemicals of particular concern, EPA may use rulemaking procedures to change the standards to obtain more data. Such changes would be applicable to individual rules only and would be subject to public comment. They are not expected to be necessary on a regular basis.

EPA has also determined that the general exemption standards will reduce by approximately 15 percent the total number of chemical reports that the Agency would have received had there been no exemption. The overall percentage of reports lost will probably be somewhat less than 15 percent, because in certain cases the Agency may change the exemption standards to obtain more data on particular chemicals.

Two commenters claimed that the exemption standards did not contain criteria that would be sensitive to the varying risks posed by chemicals with different levels of toxicity. In developing the standards contained in this rule, EPA found it difficult to identify a single set of quantitative exemption criteria that would reflect chemical toxicity. The Agency therefore chose the more easily measured criteria of total annual sales and plant site production volume. However, despite the use of these non-toxicity criteria, EPA anticipates that section 8(a) reporting rules will provide sufficient information for effective risk assessment. As noted above, EPA has structured the exemption standards to minimize the Agency's information loss. EPA expects to receive adequate information for risk assessment purposes, including health and environmental effects data, from larger firms and plant sites that do not qualify for the exemption. Moreover, the Agency can change the general exemption standards, by rule, if its information needs warrant such action.

EPA therefore has concluded that it need not create exemption standards that are sensitive to toxicity risk, as long as EPA is able to use section 8(a) rules to obtain the data it needs for effective risk assessment; the current exemption standards would not adversely affect the Agency's chemical assessment activities.

E. Indexing the Sales Values

Several commenters suggested that the rule be amended to include an automatic annual inflation adjustment for both sales criteria. An automatic adjustment provision would ensure that the sales criteria will continue to reflect the current desired impact of the exemption, despite changing economic conditions.

An adjustment of the sales value may not be necessary on an annual basis, particularly if no new section 8(a) rules are promulgated during a given year or the rate of inflation is relatively low. In addition, each automatic adjustment would require preparation of a **Federal Register** notice, which in turn would require an annual expenditure of Agency resources. By maintaining discretionary authority to adjust the sales figures for inflation as necessary, whenever a new reporting rule (with exemption) is promulgated, EPA will minimize the additional administrative burden while ensuring that the exemption standards continue to reflect current economic conditions.

Thus, in the final rule the Agency retains discretionary authority to adjust the sales figures, as necessary, to account for inflation. Adjustments will be made only when a new reporting rule is being promulgated and a significant amount of inflation has occurred since the most recent previous adjustment of the exemption values. In view of the effects of inflation since 1980, EPA will regard a 20 percent or greater increase in the BLS Producer Price Index as a "significant" inflationary increase.

VI. Judicial Review

Judicial review of this final rule may be available under section 19 of TSCA in the United States Court of Appeals for the District of Columbia or for the circuit in which the person seeking review resides or has its principal place of business. To provide all interested persons an equal opportunity to file a timely petition for judicial review and to avoid so called "races to the courthouse," EPA is promulgating this rule for purposes of judicial review two weeks after publication in the **Federal Register**, as reflected in the "DATES" Unit of this notice. The effective date of this rule has, in turn, been calculated from the promulgation date.

VII. Rulemaking Record

The documents listed below constitute the administrative record for this rule (docket number OPTS–80011C). All documents, including the index to this public record, are available to the public in the OPTS Reading Room, 8:00 a.m. to 4:00 p.m. weekdays, except legal holidays (Rm. E–107, 401 M St., SW., Washington, D.C. 20460). This record includes basic information considered by the Agency in developing the final rule. The record includes the following categories of information, which are more specifically described in the TSCA Small Manufacturer Exemption Rule Index to the Public Record:

1. The Proposed Rule-Related Notice (45 FR 66180 (October 6, 1980)).
2. Written comments received in response to the Proposed Rule-Related Notice.
3. The Proposed Rule (47 FR 27206 (June 23, 1982)).
4. Written comments received in response to the Proposed Rule.
5. Minutes of all meetings between EPA personnel and persons outside the Agency pertaining to the development of this rule.
6. Records of all communications between EPA personnel and persons outside the Agency pertaining to the development of this rule.
7. Inter- and intra-agency memoranda and communications which are specifically noted in the index of the record for this rule.
8. The independent contractor analysis of the TSCA section 8(a) small manufacturer exemption, plus any other economic data generated in support of this rule.
9. Any comments received from the Office of Management and Budget during its review of the rule regarding compliance with the Paperwork Reduction Act or Executive Order 12291.

EPA requests that, between the date of this notice and the effective date of this rule, persons identify any perceived errors or omissions in the record.

VIII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the

requirements of a Regulatory Impact Analysis. This regulation is not a Major rule.

This final rule contains exemption standards and is intended to reduce regulatory compliance costs to certain small chemical manufacturers under future rules. EPA will analyze the impact of the reporting and recordkeeping rules that contain these standards as each of those rules is proposed. The exemption standards by their nature will not adversely affect employment, productivity, investment, or innovation, and will not have a significant adverse effect on competition.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

EPA has developed this final rule in accordance with the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The Act requires the Administrator to establish efficient, flexible regulatory procedures which have a minimal economic impact on small businesses. While imposing no direct economic burden on small businesses, this rule will reduce the impact of TSCA section 8(a) reporting and recordkeeping rules on small chemical manufacturers by clearly identifying chemical manufacturers who qualify for a section 8(a) exemption.

This preamble and its underlying analysis should be viewed in combination as a Regulatory Flexibility Analysis within the meaning of the Regulatory Flexibility Act. The preamble contains a discussion of the legal basis, purpose, and content of this rule. The preamble also contains a discussion of relevant issues and comments received, as well as a summary of the projected impact of the exemption standards. The economic analysis performed by EPA's independent contractor compared the impacts of various alternative exemption standards considered by EPA. That analysis is contained in the public record for this rule.

As required by the Regulatory Flexibility Act, EPA has solicited and evaluated the comments and suggestions of all interested persons. These comments are contained in the public record for this rule. EPA has also received comments on this rule from the Chief Counsel for Advocacy of the Small Business Administration, as required by section 8(a)(3)(B) of TSCA.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, authorizes the Director of the Office of Management and Budget to review certain information requests by Federal agencies. The small manufacturer exemption standards, while associated with the information collection requirements of TSCA section 8(a), do not themselves require the submission of information. The final rule is therefore not subject to the requirements of the Paperwork Reduction Act. It will, however, accomplish the objectives of the Act. The exemption will reduce the regulatory burden on certain small businesses to a minimum level which is consistent with Agency information needs.

(Sec. 8(a)(3)(B), Pub. L. 94-469, 90 Stat. 2027, (15 U.S.C. 2607(a)(3)(B)))

List of Subjects in 40 CFR Part 704

Environmental protection, Hazardous substances, Chemicals, Recordkeeping and reporting requirements.

Dated: November 6, 1984.

William D. Ruckelshaus,

Administrator.

PART 704—[AMENDED]

Therefore, Part 704 of Chapter I of 40 CFR is amended as follows:

1. In § 704.3, by adding paragraphs (a), (d), (k) through (m), (o), and (q) through (s) to read as follows:

§ 704.3 Definitions.

* * * * *

(a) "Annual" means the corporate fiscal year.

* * * * *

(d) "Domestic" means within the geographic boundaries of the 50 United States, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

* * * * *

(k) "Manufacturer" means a person who imports, produces, or manufactures a chemical substance. A person who extracts a component chemical substance from a previously existing chemical substance or a complex combination of substances is a manufacturer of that component chemical substance.

(l) "Own or control" means ownership of 50 percent or more of a company's voting stock or other equity rights, or the power to control the management and policies of that company. A company may own or control one or more plant sites. A company may be owned or controlled by a foreign or domestic parent company.

(m) "Parent company" is a company that owns or controls another company.

* * * * *

(o) "Production volume" means the quantity of a chemical substance which is produced by a manufacturer, as measured in kilograms or pounds.

* * * * *

(q) "Site" means a contiguous property unit. Property divided only by a public right-of-way shall be considered one site. There may be more than one plant on a single site.

(r) "Small manufacturer" means a manufacturer (or importer) that meets either of the standards set forth below. Small manufacturers should read the introductory paragraph of § 704.5 and paragraph (d) of § 704.5 to obtain complete information on the TSCA section 8(a) small manufacturer exemption.

(1) *First standard.* A manufacturer of a chemical substance is small if its total annual sales, when combined with those of its parent company (if any), are less than $40 million. However, if the annual production volume of a particular chemical substance at any individual site owned or controlled by the manufacturer is greater than 45,400 kilograms (100,000 pounds), the manufacturer shall not qualify as small for purposes of reporting on the production of that chemical substance at that site, unless the manufacturer qualifies as small under paragraph (r)(2) of this section.

(2) *Second standard.* A manufacturer of a chemical substance is small if its total annual sales, when combined with those of its parent company (if any), are less than $4 million, regardless of the quantity of chemicals produced by that manufacturer.

(3) *Inflation index.* EPA shall make use of the Producer Price Index for Chemicals and Allied Products, as compiled by the U.S. Bureau of Labor Statistics, for purposes of determining the need to adjust the total annual sales values and for determining new sales values when adjustments are made. EPA may adjust the total annual sales values whenever the Agency deems it necessary to do so, provided that the Producer Price Index for Chemicals and Allied Products has changed more than 20 percent since either the most recent previous change in sales values or the date of promulgation of this rule, whichever is later. EPA shall provide **Federal Register** notification when changing the total annual sales values.

(s) "Total annual sales" means the total annual revenue (in dollars) generated by the sale of all products of a company. Total annual sales must include the total annual sales revenue of all sites owned or controlled by that company, and the total annual sales revenue of that company's foreign or domestic parent company, if any.

* * * * *

2. By revising the introductory text and adding paragraph (d) to § 704.5 of Subpart A to read as follows:

§ 704.5 Exemptions.

Persons described in this section are exempt from all rules promulgated under the authority of section 8(a) after December 31, 1984, unless otherwise provided by rule; this provision is superseded by section 8(a) rules containing specific exemptions that differ from those described in this section. Manufacturers who are subject to reporting requirements in Part 704 of 40 CFR should examine those requirements to determine whether the exemptions contained in this section apply. Additionally, paragraph (d) of this section contains a specific exception to the small manufacturer exemption standards.

* * * * *

(d) *Persons who are small manufacturers of certain chemical substances.* Persons who qualify as small manufacturers as defined in paragraph (r) of § 704.3. Notwithstanding this exemption, the Administrator may, for any rule promulgated under section 8(a), require reporting or recordkeeping from any small manufacturer of a chemical substance that is subject to a rule proposed or promulgated under TSCA section 4, 5(b)(4), or 6, or is subject to an order in effect under TSCA section 5(e), or is the subject of relief that has been granted under a civil action brought under TSCA section 5 or 7.

[FR Doc. 84-30113 Filed 11-15-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400 and 441

Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program

Correction

In FR Doc. 84-28545 beginning on page 43654 in the issue of Wednesday, October 31, 1984, make the following corrections:

1. On page 43654, second column, fifteen lines above "II. Proposed Rule", "or" should have read "of".

2. On page 43660, second column, in the first "*Response*", third line, "to" should have read "and". Also, in the eleventh line, insert the word "are" before the word "for".

3. On page 43663, second column, last paragraph, third line, "to" should have read "too".

4. On the same page, third column, in the second "*Response*", three lines from the bottom, "described" should have read "describe".

5. On page 43664, first column, eight lines from the bottom, "neceessary" should have read "necessary".

§ 441.56 [Corrected]

6. On page 43666, in § 441.56(b)(1), second column, 12th line, "relative" should have read "relating".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[Docket No. 21006; FCC 84-516]

Adding Frequency Channeling Requirements and Restrictions and Requiring Monitoring for Signal Leakage From Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In finalizing a long outstanding proceeding, the Commission has amended its rules to prevent cable television signal interference to aeronautical communication and navigation radio systems. Before cable television systems can operate on frequencies allocated for aeronautical radio, they must meet frequency offset, monitoring and cumulative signal leakage requirements. This will ensure the safety of life while allowing maximum possible use of broadband cable systems.

DATE: Effective December 17, 1984.

FOR FURTHER INFORMATION CONTACT: Bernard Gorden, Mass Media Bureau, (202) 632-9660, and Freda Lippert Thyden, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: .

List of Subjects in 47 CFR Part 76

Cable television.

Second Report and Order

In the matter of amendment of Part 76 of the Commission's Rules to Add Frequency Channelling Requirements and Restrictions and to Require Monitoring for Signal Leakage From Cable Television Systems (Docket No. 21006).

Adopted: October 26, 1984.
Released: November 9, 1984.

By the Commission.

Introduction

1. We have before us the *Further Notice of Proposed Rulemaking*, 76 F.C.C. 2d 311 (1980), in this proceeding proposing revision of Commission Rules (§§ 76.610-76.613) adopted in the first *Report and Order*, 65 F.C.C. 2d 813 (1977), in this docket. These regulations were enacted to ensure that cable television (CATV) systems not cause harmful interference to the operation of aeronautical and marine radio services and yet allow maximum possible use of broadband cable systems.

2. Cable TV systems are not generally considered to be sources of interference to over-the-air radio services because their signals are conveyed within a closed cable. However, interference can occur if signal leakage of sufficient magnitude occurs due to poor construction of, or damage to, a system's coaxial cables. In the beginning of the cable television industry's development, cable systems used only VHF television frequencies that could be received directly by conventional television receivers (54-72 MHz, 76-88 MHz and 174-216 MHz). When cable operators foresaw the need for additional channel capacity, they began to operate on frequencies generally referred to as "midband" (108-174 MHz) and "superband" (216 to 400 MHz). These frequencies are used over-the-air by other radio services including aeronautical, marine, and emergency radio services. Excessive radiation leakage from cable systems operating on frequencies in the "midband" and "superband" can cause interference to over-the-air radio communications on frequencies in these safety and emergency services.[1]

Background

3. On July 27, 1977, the Commission adopted the first *Report and Order*, providing an interim solution to cable usage of aeronautical radio frequencies. It prohibited use of any frequency within 100 kilohertz (kHz) of emergency

[1] The frequency bands at issue in this proceeding which are allocated for aeronautical use are 108-136 MHz, and 225-400 MHz, as well as the aeronautical and marine emergency frequencies 121.5 MHz, 156.8 MHz, and 243 MHz.

frequency 121.5 MHz or within 50 kHz of emergency frequencies 156.8 MHz and 243.0 MHz and implemented the following: (1) Cable frequency offsets of 50 kHz or more from aviation navigation frequencies used in bands 108–118 and 328.6–335.4 MHz within 111 kilometers (60 nautical miles) of any portion of the cable system; (2) cable frequency offsets of 100 kHz or more from aviation frequencies used in bands 118–136 MHz, 225–328.6 MHz and 335.4–400 MHz within 111 kilometers of any portion of the cable system; (3) regular monitoring of any cable system using midband or superband frequencies for signal leakage sources on at least an annual basis; (4) notification and offset requirements applicable to all cable systems operating in these radio frequency bands with peak power levels equal to or greater than 10^{-5} watts; [2] and (5) suspension or termination of operations in frequency bands by any cable system causing harmful interference to emergency over-the-air radio services.

4. Subsequent to release of the *Report and Order*, the Commission commenced a study to determine how the public could be assured that harmful interference to aeronautical and marine emergency radio services would not occur from cable television operations. To assist in this task, it chartered the Advisory Committee on Cable Signal Leakage which provided advice on the conduct of the study, evaluated the results, and authored a report which recommended a new regulatory approach for the Commission.[3]

5. On November 1, 1979, the *Final Report of the Advisory Committee on Cable Signal Leakage* (*Advisory Report*) was released. The Committee concluded that it is possible to predict, by ground-based measurement techniques, whether a cable system will produce fields that could cause interference to aeronautical radio services and, based upon this conclusion, advocated a new regulatory approach for the Commission. This approach consisted of the following elements: (1) "Grandfathering" existing systems under a modified version of existing rules, for a period of 5 to 10 years to permit cable system improvements in the normal course of rebuilding; (2) adoption of a new set of rules based on proof that cable system leakage is below a specified threshold and allowing cable systems meeting this criteria, by implementation of either airspace or ground-based measurements, to use any frequencies desired (with a very few minor restrictions); (3) increasing the permissible level of individual cable leakage sources; and (4) retention of Commission authority to terminate a cable system operation if harmful interference occurs, regardless of whether leakage criteria are met.

6. On March 24, 1980, the Commission issued a *Further Notice of Proposed Rule Making* (*Further Notice*) inviting comments on the Advisory Committee's technical conclusions and recommendations.[4] In large measure, the Commission's proposed changes to the rules paralleled or supplemented recommendations of the advisory Committee.[5] In response to the *Further Notice*, the Commission received initial or reply comments from over twenty-five different parties including cable television operators, a cable television manufacturer, cable engineering consulting firms, a cable television trade association, private aviation interests represented by aeronautical service or trade associations, a commercial frequency and spectral monitoring firm, amateur radio operators, as well as other federal governmental agencies.[6] Many of these parties also responded to the *Public Notice* of March 12, 1981, inviting additional comments on the general feasibility of frequency offsets.[7]

Summary of Comments

7. There was considerable discussion by commenters on the degree and nature of risks posed by cable interference on frequencies in use by the aeronautical radio service. Incidents of cable signal leakage detection were also discussed. These matters are germane to the question of whether cable operators should be permitted, as generally recommended by the Advisory Committee, to operate without restriction on any frequency in aeronautical radio service bands. Aside from the *Advisory Report*, neither cable nor aviation interests cite or rely on any studies or research not previously considered by the Commission.

8. Aviation interests maintain that there have been at least three documented instances of cable interference,[8] proving that the present rules are not adequate. They further state that all available engineering studies to date fail to provide sufficient evidence to show that without frequency offsets cable systems can operate and not cause interference in the aeronautical bands. While the Federal Aviation Administration (FAA) recommends strengthening existing rules, Aeronautical Radio, Inc., and Air Transportation Association (ARINC/ATA) are convinced that the only meaningful solution to the problem is to prohibit cable use of aeronautical frequencies completely.

9. On the other hand, cable interests contend that the number of incidents of interference in the aeronautical radio band is exceedingly small, especially considering that there are more than 4,100 cable systems covering over 10,000 communities. Indeed, some cable interests maintain that even in the few reported incidents that did occur, no harmful or serious interference to aeronautical radio transmission occurred. For example, Warner Amex Cable Communications, Inc., states that not a single case of "harmful" interference has been documented and that even in the worst case which has occurred to date, no documentation exists to show that actual communications were disrupted. In addition, cable interests maintain that the cable industry's record over the years is commendable especially when considered with records of other services and that, on balance, cable

[2] By an *Order*, 65 F.C.C. 2d 397 (1981), the Commission modified the notification procedure by providing that cable systems could not operate in aeronautical radio bands until approval had been provided by the Commission. Formerly, cable systems merely had to provide notification 60 days prior to use of a frequency in these bands.

[3] Active participants in this study included the Federal Aviation Administration, the National Cable Television Association, the National Telecommunications and Information Administration of the Department of Commerce, representatives of the cable television industry and private aviation interests as well as the Commission.

[4] The initial and reply comment periods were originally April 25, 1980, and May 12, 1980, respectively, but by *Order*, adopted April 22, 1980, were extended to June 25, 1980, and July 10, 1980, respectively.

[5] Because results of the research project indicated a low potential for interference to maritime radio services, no rules except those relating to emergency frequency 156.8 MHz were proposed in this area.

[6] We are denying the request submitted by Southern California Frequency Coordinating Committee for an extension of time since it fails to conform with the guidelines of § 1.46 of the Rules.

[7] To ensure all interested parties a full and fair opportunity to participate in this proceeding, by public notice (#07947) dated March 12, 1981, we invited additional comments on new information placed in the docket and, additionally, by public notice (#003310) dated September 11, 1981, we advised interested persons to file comments by September 18, 1981. We accepted all comments and reply comments filed prior to September 18, 1981, as timely filed. Comments submitted after that date shall be treated as informal submissions.

[8] There are currently five documented cases of cable TV interference to aeronautical radio systems, as discussed later in this *Report*. While there was some debate over what constituted interference, the *Further Notice*, at the time of its release, made general reference to "three cases."

operators have been diligent in complying with the rules.[9]

Discussion

Reported Incidents of Interference

10. In the first *Report and Order*, we noted that cable signal leakage can cause "harmful interference," but believed the probability of actual disruption of aeronautical communications services was remote. We believed there were two principal ways by which cable interference could occur: (1) By gross neglect of signal leakage problems in the cable system, leading to a large number of leakage sources, or (2) by the occurrence of one or more complete breaks in the outer conductor of the cable itself. At that time we knew of only one such case of interference. This documented incidence of interference, which occurred in Harrisburg, Pennsylvania, in April, 1976, resulted from a radiating signal from a cable system owned by Sammons Communications of Pennsylvania. The signal caused unwanted noise in aircraft receivers by the opening of squelch circuits.

11. There have since been four more reported incidents of cable signal leakage into aeronautical radio frequencies. The second additional incident occurred in September, 1978, near Hagerstown, Maryland, during the course of field work conducted by Advisory Committee members. In this case, the interference signal was traced to a cable system, owned by Antietam Cable TV, which had in operation a signal pilot carrier on the same frequency as the aircraft navigation operation.[10]

12. The third reported incident involved a pilot carrier signal on a cable system, owned by Oxnard Cablevision in Oxnard, California. In October, 1978, the FAA notified the Commission that, for several weeks, aircraft had been intermittently receiving interference to communications between aircraft and the air traffic control center. Because this was a possible hazard to safety of life and property the Commission issued a cease operations order pursuant to Rule § 76.613(c). Subsequent monitoring and investigation revealed that the cable operator had failed to file the required notification of prospective use of frequency in accordance with Rule § 76.610. Additionally, the cable system had signal leakage at a number of locations in excess of limits specified in § 76.605(a)(12) of the Commission's Rules.[11]

13. The fourth reported case occurred near Wilmington, North Carolina, and was traced to a cable system owned by Coastal Cable Company which operated in North Myrtle Beach, South Carolina. In April, 1979, the FAA notified the Commission that incoming aircraft were experiencing interference on a frequency used by aircraft on landing approach to the Wilmington Airport. Investigation revealed that a cable system in North Myrtle Beach was operating a pilot carrier signal on 118.25 MHz for controlling the gain of the system's amplifiers. Subsequent testing confirmed that the cable system was the source of the interference.[12] The cable operator subsequently changed the pilot frequency to 118.137 MHz in accordance with § 76.610(b) of the Rules.

14. The fifth and most serious incident of cable signal leakage into aeronautical radio bands involved a cable system in Flint, Michigan, owned by Comcast Cablevision Corporation. During the months of August and September, 1980, aircraft flying in the vicinity of Flint were repeatedly experiencing interference on frequency 133.25 MHz when attempting to communicate with the air traffic control center in Oberlin, Ohio. It was discovered that the sources of the interference were annular cracks in the outer sheathing of a cable line on the cable system.[13] The leakage source was repaired and no further interference was detected.

15. A subsequent inspection of a portion of the entire Flint cable plant, however, uncovered the existence of several more leaks, each of which substantially exceeded the 20 uV/m at 3 meters standard of § 76.605(a)(12). In addition, it was learned that the cable operator had not complied with prior notification requirements for use of frequency 133.25 MHz and four other frequencies in the aeronautical radio service bands. Nor did the cable operator stop using the channel after notification from the Commission of a potential interference conflict from that frequency usage. In reviewing the circumstances of this case, the Commission stated that the cable operator's actions, taken as a whole, demonstrated a shocking disregard for the safety of life, and were so grave in nature that it imposed the maximum forfeiture allowable by statute ($20,000).[14]

16. We believe these five cases clearly show the potential dangers that exist from uncontrolled cable signal leakage and from the failure of cable systems to offset from frequencies in use by aeronautical services. In each of the reported incidents, cable operators failed to observe the frequency offset requirements and essentially operated on the same frequencies used by aeronautical radio services in the area.[15]

In each of the cases, cable operators also had signal leakage sources in excess of the permissible limits of Rule § 76.605(a)(12). Additionally, in each of the cases cable operators failed to engage in regular and routine monitoring of their systems pursuant to § 76.610(d) of the Rules. The Flint, Michigan incident, which occurred afer the *Further Notice* was released, has caused us to reevaluate our initial position on the risks presented by operation on the same frequencies used by aeronautical

[9] In support of that contention, the National Cable Television Association (NCTA) provides statistical information, garnered from *FCC Reports of Interference Complaints Received* (compiled on a periodic basis by the Field Operations Bureau), to show that cable television ranks low as a cause of interference to aeronautical frequencies, whereas, aviation ranks high as a source of interference to its own radio services. Further reference to all parties' comments will appear in the Discussion Section of this document.

[10] The Commission did not institute any forfeiture or other formal enforcement action against the cable operator because the cable operator had voluntarily consented to be a participant in the research program, and had readily complied with the Advisory Committee's request to change from the frequency in use.

[11] Subsequently, the operator of the system was issued a notice of apparent liability for forfeiture in the amount of $1,500 for violation of § 76.610(b) of the Rules. In *Memorandum Opinion and Order re Oxnard Cablevision* (Mimeo No. 20594) (released August 24, 1979), the operator was assessed the full amount on the basis that the failure to report its intended use of a frequency within the 108–136 MHz band frustrated critical Commission efforts to avoid precisely the kind of potentially dangerous interference to aeronautical uses which occurred in this case. It was further stated that where such crucial regulatory objectives as the safety of life and property in the air are served, the Commission's Rules must be strictly enforced and compliance strongly encouraged by substantial penalties for violations.

[12] In its reply comments to the *Further Notice*, NCTA states that signal leakage in the Carolina case was minimal and that the interference was not the product of direct cable signal leakage. Instead, it suggests that the interference may have resulted from radiating elements at the cable headend tower.

[13] Inspection of the cable showed two annular cracks which might have made the length of outer sheathing between the two cracks act as a sleeve dipole antenna resonant near frequency 133.25 MHz.

[14] *Comcast Cablevision Corporation*, 86 F.C.C. 2d 707 (1981).

[15] This appears to be true, as well, for the incident which occurred in the vicinity of Wilmington, North Carolina, even though there is strong disagreement between cable and aviation interests over the precise cause and location of the interference. While the FAA suggests that the interference may have resulted from phase addition of leakage sources from the cable system forming in effect an "endfire radiation antenna pattern," it concedes that available information is too inconclusive to show the actual cause. The FAA does submit, however, that the interference resulted directly from the operation of a cochannel carrier in the system and could have been avoided by frequency offsetting.

radio services. That incident pointed out not only the danger involved in co-channel use of aeronautical frequencies, but the substantial risk presented by a major break in a cable system. Therefore, we are now considerably less confident than we were when we issued the *Further Notice* that cable operators will diligently control signal leakage on their systems or operate safely without frequency offset requirements.[16]

17. Our concerns are not alleviated by the cable industry's record of relatively little interference to aeronautical radio services over the last 20 to 30 years. For only in recent years have cable operators begun to make use of the midband and superband channels. Until recently there have been very few instances of simultaneous use of the same frequency by cable systems and nearby aeronautical radio services. Only in the last few years has the FAA been making communications frequency assignments at 50 kHz (and more recently at 25 kHz) intervals thus, placing aeronautical radio services on frequencies traditionally used as closed circuit carrier frequencies for cable television signals. We postulate that the low number of reported incidents of interference attributable to cable might well be because cable television, considered to be a closed transmission medium, was never thought by an affected party to be the source generating the interference.

18. The cable industry has alleged that its record of compliance with our interference rules is exemplary. However, the inspection program of the Commission's Field Operations Bureau has discovered numerous systems in violation of the 20 uV/m standard of Rule § 76.605(a)(12), noncompliance with notification requirements of Rule § 76.610, or violation of frequency offset requirements. This indicates that many cable operators have been lax in their responsibilities in this area and that the cable industry's record of compliance is questionable. We believe the record supports strengthening, not relaxing, the present requirements, especially considering the potential for aviation disaster.

19. Based on the record at this time, we are unable to conclude that cable operators can be relied upon to maintain their systems sufficiently free from signal leakage as not to create risks of harmful interference in the aeronautical radio frequency bands. Many have not adequately complied with either signal leakage standards or monitoring requirements. Although no new cases of interference have been reported during the past four years, as the FAA begins upgrading its facilities and "splitting" channels, conflicts become increasingly likely. Until such time as there is confidence that CATV systems are sufficiently closed transmission facilities so as to be incapable of causing harmful interference to services in these bands, it is necessary to continue with a regulatory solution.

20. While we wish to decrease the potential for interference to aeronautical services from cable television operations, we believe that there are less drastic solutions than frequency prohibitions. The Advisory Committee has recommended that cable systems be allowed to operate in the aeronautical radio bands with certain less-imposing restrictions than the present frequency offsets. Limited frequency offsets, basic cable signal leakage performance tests, and monitoring requirements constitute a reasonable accommodation of the desire to prevent harmful interference to aeronautical radio services with our intention of allowing maximum possible use of broadband cable TV system. The new rules will provide for cable operation in aeronautical radio bands 108–136 MHz and 224–400 MHz. The specifics will be discussed in the following paragraphs.

Frequency Offset Requirements

21. The record supports frequency offsets as being necessary to ensure an absence of harmful interference to aeronautical frequencies. Accordingly, the new frequency offset requirements will be made applicable to all cable carriers even if the aeronautical channel to be protected is not in use locally. This will provide assurance to cable operators and aviation interests alike that cable systems will not interfere with aeronautical transmissions. Futhermore, it will bring a much needed simplification to enforcement efforts. Uniform offsets also will eliminate the need for frequency clearances.[17] In sum, cable operators and aviation interests under the new rules will no longer need to be concerned over prospective conflicts with aeronautical channel usage as long as the new criteria are met.

22. *Communications Bands.* In aeronautical communications bands, the new rules will permit frequency offset separations of 12.5 kHz from aeronautical frequencies and specify a frequency tolerance of ±5 kHz. Therefore, cable carriers would always be offset by at least 7.5 kHz from any aeronautical radiocommunication frequency. This change represents a significant reduction from the existing frequency offset requirement of 100 kHz, ±25 kHz. Moreover, the FAA in its comments indicated that heterodyne beats above 4 kHz audio frequency are cutoff in typical communication receivers. That is, beats of 7.5 kHz would not be heard by aviation pilots. Even if a receiver passes audio above 4 kHz it should not cause objectionable interference.

23. Some of the cable interests maintained that frequency offsets would be extremely burdensome. They argued that the existing cable technology providing for 400 MHz and higher systems with channel capacities of 50 or more rely on precise interval carrier frequency plans designed to reduce or eliminate distortion effects which ordinarily accompany increased channel loading. NCTA states some frequency plans presently employed by cable operators consist of: (1) The harmonically related carrier plan (HRC) in which the visual carrier frequencies are precisely assigned to multiples of 6 MHz; and (2) the incrementally related carrier plan (IRC) in which the carrier frequencies equal 1.25 MHz plus some integral multiple of 6 MHz. NCTA asserts that it is not possible under either plan to offest visual carrier frequencies without significantly degrading system performance.

24. There is evidence in this proceeding, however, that shows that cable operators employing HRC systems can meet frequency offset requirements similar in nature to those advocated by the FAA in its comments without too much difficulty and without having to abandon considerable portions of cable bandwidth. For example, the comments of I. Switzer from Cable America, Inc., suggest that cable operators using HRC systems can meet the 12.5 kHz standard. Under this proposal, Switzer indicates that there would be minimal shifts of visual and aural carrier frequencies. Switzer adds that the "heterodyne above audio" principle proposed is one already in use by the FAA, ARINC, and foreign authorities in the operation of networks of aeronautical transmitters on the same nominal frequency.

25. The principal which Switzer advances in this proceeding involves

[16] In this regard, even the previous research of the Advisory Committee casts some doubt and skepticism over a cable operator's ability to operate in aerounautical radio bands without offsets because of risks presented by cable signal leakage. Technical Conclusion (3) of the *Advisory Report*, at 99, states that two of thirteen systems examined exhibited airspace fields "which could be expected to cause interference to aeronautical radio receivers."

[17] Upon cable operators' compliance with the current notification requirements of Rule 76.610(b), the Commission coordinates the notified frequencies with the FAA.

offsetting the 6 MHz master oscillator. Because precise control of the master oscillator affects precise control of all the visual frequencies, the master oscillator can be adjusted to give the desired offset in the aviation bands to the accuracy and stability, if required, of 1×10^{-10} parts through use of a rubidium oscillator.

26. While there is considerable merit in the underlying principle of the Switzer proposal, it may have certain limitations. Although the Switzer proposal may not pose a problem in meeting 12.5 kHz offset in the 118 to 136 MHz portion of the communication bands, it presents problems of insufficient offsets in the 225–400 MHz spectrum. This is because the master oscillator frequency is not set at exactly 6 MHz but at a slightly different frequency interval. This difference in frequency interval at the higher harmonics of the master oscillator causes the offset to move either toward the next higher aeronautical frequency or toward the next lower aeronautical frequency regardless of whether the chosen oscillator frequency is higher or lower than 6 MHz. As a result, in some instances, the frequency separation at the upper end of the cable spectrum may not be able to meet a frequency offset of 12.5 kHz.[18]

27. Further investigation of this approach led to FAA development of a computer program capable of determining whether an HRC system with an offset oscillator would be able to meet required offsets. The program's results showed that a master oscillator set at 6.0003 MHz would provide a minimal offset of 6 kHz up to the HRC's 61st harmonic (Channel 49). The 66th harmonic (Channel 54) would still be separated by 5.2 kHz from the nearest aeronautical frequency of 396.025 MHz. In addition, the program assumed a comb generator oscillator frequency accuracy and stability of ±1 Hz. In sum, the program demonstrated that a cable system employing HRC technology would be able to meet a frequency offset of 6 kHz except for the 62nd through 66th harmonic (Channels 50–54). It further showed that even at that 66th harmonic (Channel 54), the minimum frequency separation would nevertheless be at least 5.2 kHz.[19] Thus, under this program, only a minimal number of channels in the aeronautical communication band would be precluded from use by cable systems even if the minimal offset of 5.2 kHz were considered objectionable in this range of the radio spectrum.[20]

28. While IRC-type systems can meet frequency offset requirements of the 12.5 kHz standard, evidence also shows that HRC-type systems can be sufficiently offset without substantial readjustment or displacement of many cable channels on their systems. Therefore, the new rules will also accommodate cable systems employing HRC techniques, as an alternative method of compliance. HRC systems must maintain the master oscillator frequency of the comb generator at 6.0003 MHz with a frequency stability of ±1 Hz.

29. Some cable interests argued that frequency offsets would pose serious frequency coordination problems for cable operators who desire to transmit digital data over their systems and would inhibit the growth of data services on cable systems. The rules adopted today only restrict cable frequencies in the aeronautical bands if power levels exceed 10^{-4} watts in a 25 kHz bandwidth. Thus, cable operation on these frequencies at peak power levels less than 10^{-4} watts, under rules adopted today, could be used without prior approval from the Commission. Most of the current data services are transmitted at power levels less than 10^{-4} watts. Therefore, since many cable systems may be well suited for the purpose of carrying wideband and data signals, the new rules may actually be less restrictive.

30. The evidence in this proceeding suggests that cable systems of conventional design or ones which use either HRC or IRC techniques can operate using frequency offsets without considerable difficulty or overwhelming costs.[21] The conventional systems can achieve frequency offsets by controlling the frequency stability of each channel independently, as they do today. HRC systems can achieve these offsets by controlling the frequency of all channels from a single source—the harmonic comb generator oscillator—with a very high degree of accuracy and stability.

31. The record indicates that cost for individual crystals to control each frequency in the aeronautical band on a conventional system would be less than $200 each and the cost of a rubidium or similar type crystal needed on an HRC system to set and maintain the master oscillator would be in the $5,000 range. Considering that these are one-time costs that can be amortized or depreciated by cable operators over a relatively short period of time, the benefits of frequency offsetting clearly outweigh the costs. In addition, cable operators will not have to vacate a frequency, or perhaps redesign the technical parameters of their system, if at some time in the future new aeronautical frequencies are put into operation near the system.

32. NCTA claimed that a frequency offset requirement in the aeronautical communication band would constitute an impermissible channelization plan. In the first *Report and Order* and *Further Notice*, we postponed consideration of a general standard frequency channeling plan which would allocate channels throughout the cable spectrum for different services and functions. We did not preclude, however, the use of a more general frequency offset plan which would prevent harmful interference to the aeronautical radio service. The plan adopted herein is flexible and is not "impermissible."

33. *Navigation Bands.* Based upon the *Advisory Report's* recommendation, we are adopting frequency offsets at odd multiples of 25 kHz with a frequency tolerance of ±5 kHz to provide a minimum absolute offset of at least 20 kHz from any radionavigation frequency assignment.[22] Protection of this nature is necessary because radionavigation receivers might be more sensitive to certain kinds of interference than communications receivers and the consequences of interference could provide false guidance information.

34. Cable interests opposed frequency offsets in these bands for substantially

[18] For example, if we assume a frequency separation of 12.5 kHz from HRC Channel A (120.00 MHz) such that the frequency for Channel A is 120.0125 MHz, the fundamental oscillator frequency will be 120.0125 MHz divided by 20 or 6.000625 MHz. The 40th harmonic of this oscillator frequency will be forty times the frequency 6.000625 or 240.025 MHz. This frequency, however, may coincide with a nominal frequency assigned by the Department of Defense (DOD).

[19] Commercial aeronautical receivers have an audio passband upper cutoff frequency between 2.75 kHz and 3.00 kHz whereas general aviation receivers have audio passbands in excess of 4.00 kHz. On this point, Malarkey-Taylor states that "the Cable America proposal does, in fact, neatly interweave all of its HRC frequencies between all possible aeronautical assignments; that in all cases, the co-channel beat will exceed 4 kHz and therefore will generally be inaudible."

[20] Even though the last five channels (Channels 50–54) would have an offset of less than 6 kHz (5.2 kHz being the smallest offset) from the next higher aeronautical frequency, we are not aware of any evidence in the record which would indicate that these reduced offsets, combined with new stringent frequency tolerances, would present any problems to assignments for DOD or other governmental use in this portion of the radio spectrum.

[21] In this regard, we received very little information on the hardships imposed on existing systems in complying with the present frequency offset requirements. The only filing of a cable operator which attempted to present some tangible evidence of the *possible* burdens that could result to individual systems was made by Warner Amex.

[22] In the *Further Notice*, the Commission specifically proposed a frequency offset criterion for radionavigation bands.

the same reasons they opposed frequency offsets in the communications bands. Aviation interests suggested that the proposed frequency offsets for these bands is the minimum amount of protection that should be provided. Although ARINC/ATA stated that this proposal would effectively reduce by one half the protection provided by the present rules, it should prevent co-channel interference in that the current navigation band (108–118 MHz) uses 50 kHz channels. ARINC/ATA recommend, however, that the geographical scope of protection should be increased significantly beyond the present 111 km if the adjacent channel protection is reduced to 25 kHz.

35. Since neither FAA nor ARINC/ATA express any significant opposition to a reduction in channel frequency separation from 50 kHz to 25 kHz, this change will be adopted. Because the new rules make the frequency offset requirements applicable to all assignments in both aeronautical radiocommunication and radionavigation without regard for use, there is no need to continue the geographic separation requirements except for those systems allowed to operate under the existing rules on a grandfathered basis. Accordingly, the 25 kHz frequency offset at odd multiples with a frequency tolerance of ±5 kHz, which will provide a minimum absolute separation of 20 kHz, should provide ample protection.

Basic Signal Leakage Criteria

36. The establishment of basic signal leakage performance standards and procedures is of equal importance with frequency offset standards to assure that cable operations do not cause harmful interference to aeronautical communications. A principal purpose of the Advisory Committee's research was to determine the relationship between cable television system signal leakage and the probability of interference to aeronautical radio services. The Advisory Committee found that an acceptable correlation could be obtained between ground-based measurements and airspace measurements. It concluded that this relationship was sufficiently understood, through a "Cumulative Leakage Index" (CLI),[23] and that it was possible to determine with high reliability whether a given cable system is sufficiently free of signal leakage to prevent airspace radio interference. Accordingly, it recommended that the Commission adopt quantitative criteria for differentiation between acceptable and unacceptable levels of cable signal leakage. It further recommended that the Commission allow those cable systems which met the quantitative criteria to operate within the aeronautical radio service bands. The standard, which the Advisory Committee recommends, is as follows:

> The basic leakage performance criterion should be that the 90th percentile power output at the test signal from an aircraft antenna such as that used in the research reviewed herein, at an altitude of 450 meters above the cable system, should be less than −100 dBm when the cable system is energized with an unmodulated test signal having power equal to the peak power of the highest cable television carrier within the VHF television bands.

37. We indicated that the proposed rules would not specify a 90th percentile of less than −100 dBm at 450 meters altitude especially in view of the Advisory Committee's finding that direct measurement of this standard was not usually feasible. Rather, specified values would be chosen in such a way that the *expected* 90th percentile power at 450 meters would be −100 dBm or less. Since neither the cable operator nor the Commission would generally be able to make a direct measurement of that parameter, rules were proposed which would specify the required measurements. We proposed that the standard could be met providing evidence, under any one of the following methods (See the *Advisory Report* for a complete discussion of these criteria):

(a) 10 log I_{3000} is equal to or less than −7, prior to carriage of signals in the aeronautical radio bands and at least once a year thereafter;

(b) 10 log I_{∞} is equal to or less than 64, prior to carriage of signals in the aeronautical radio bands and at least once a year thereafter; or

(c) by measurement in the airspace the equivalent field from cable signal leakage does not exceed 10 microvolts per meter at an altitude of 450 meters above the average terrain of the cable system,

Where I_{3000} and I_{∞} are calculated leakage indexes based on ground measurements.[24]

38. Cable television interests generally considered the proposed signal leakage criteria for cable systems acceptable and, accordingly, agreed with the criteria set forth in the *Further Notice*. Moreover, as pointed out by NCTA, improvement in cable technology has further minimized the potential for interference as older systems are replaced by newer, more refined operations with superior system integrity.

39. Aeronautical radio interests did not specifically oppose the basic signal leakage criteria proposal. The FAA did state that if frequency offsets are not adopted by the Commission, then the only acceptable alternative would be to lower the cumulative leakage level from −100 dBm to −125 dBm, which would require redefining the cumulative leakage criteria. The FAA indicated, however, that any redefinition of the criteria would be impractical. Since there was virtually no opposition to the proposed basic signal leakage criteria by either cable interests or aeronautical interests, and it is in the public interest to do so, we are adopting the criteria as proposed.

40. The standards, procedures, and techniques that are used in determining cable signal leakage performance are extremely important to ensure that cable signal emissions are within acceptable limits and pose little or no danger of harmful interference to aeronautical radio operations. The basic annual signal leakage performance standards should not be confused with regular and routine monitoring and neither should the standards, procedures and techniques for the signal leakage tests be confused with those utilized for monitoring. We note that some parties, in their comments, failed to appreciate the distinction between the proposed basic signal leakage performance standard and regular and routine monitoring requirements. The purposes and objectives of the proposed two separate sets of requirements are indeed different. Simply stated, the basic annual signal leakage performance requirements are intended to provide periodic assessment of a system; whereas regular and routine monitoring requirements are intended to assure that a cable operator undertakes responsible steps and appropriate procedures to detect and correct signal leakage sources throughout the year.

41. *Standard For Cable System Coverage.* For the ground-based methods, the Advisory Committee recommended that the leakage measurements should be based on a sampling of at least 75% of the cable

[23] For a complete discussion of the CLI, see the Final Report of the Advisory Committee on Cable Signal Leakage. This report is available as item number PB80–119605 from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 Telephone 703/487–4650.

[24] The Advisory Committee had also recommended raising the individual leakage source limit from 20 uV/m to 100 uV/m. However, this was based on observations of interference in the airspace. Since we wish to maintain interference protection to ground level receivers, we will retain the 20 uV/m leakage limit, as recently affirmed in a Commission action pertaining to CATV interference on amateur radio frequencies. See *Memorandum Opinion and Order* adopted June 15, 1984, denying RM–4040 from the American Radio Relay League, Inc.

strand and include any portions of the cable system known or expected by the cable operator to have less leakage integrity than the average of the system. The FAA stated that as much of the system as possible should be measured with 75% of the system as a minimum. And, if 75% was not accessible, airborne measurements should be made. In calculating the cumulative leakage index, cable operators should be required, according to the FAA, to include all detectable radiation even if it is less than the maximum level allowable for individual leakage sources. ARINC/ATA also commented that if only 75% of the system is examined, a major fault causing massive emissions may be overlooked.

42. NCTA stated that since alternative procedures for leakage can provide acceptable results, as indicated in the Advisory Committee Report, the method of measuring leakage should remain unspecified. It agrees with the Commission's proposal that the test should be conducted in such a manner as to be representative of the entire cable plant. NCTA believes that in lieu of the 75% requirement, a statistically verifiable test would be more than adequate. Moreover, a non-statistical approach would entail a potentially large measure of discrete measurements which would be extremely burdensome to the cable operator. In addition, NCTA believes that deviations from the standard method should be permitted on an engineering showing that the standard method does not produce representative results. Further, the collection of data should list the magnitude and location of all leaks detected during routine monitoring over a period not to exceed one year using the measurement method prescribed in § 76.609(h) of the Commission's Rules.

43. It is not unreasonable to require that 75 percent of the cable plant be examined if ground-based measurements are used. The Advisory Committee in their investigation of the various test procedures measured between 60 and 95 percent of each system. We agree with the Advisory Committee that ground-based measurement of signal leakage, although not a trivial chore, is feasible for most cable television operators who want to use aeronautical radio frequencies. If a cable system is so substantial in size that ground based measurement would be difficult, or impractical from an economic standard, then the airspace measurement method is a practical alternative.

44. We also agree with the Advisory Committee that the sampling should include any portions of the cable system known or expected by the cable operator to have less leakage integrity than the average of the system. In view of the evidence obtained by the Advisory Committee that older systems are most likely to cause interference, the oldest portions of the system should be selected for inclusion in the 75% sampling. If the cable operator performs the basis signal leakage performance measurements over 75% of the cable plant taking into account the older portions of the system, there is no reason to require measurements for the entire system since the calculations used in obtaining the CLI include the worst part of the strand.

45. Airspace measurements must be used if 75% of the system is not accessible for the ground-based measurements. We agree with the Advisory Committee that the use of airborne measurements may be especially important for cable systems serving large numbers of high rise buildings. In those circumstances where a significant portion of the cable plant is installed in high rise buildings, airborne measurements should be undertaken in lieu of ground-based measurements, as suggested by ARINC and ATA.

46. Alternative measurement techniques, such as a statistically verifiable approach suggested by NCTA, in lieu of the 75 percent sampling standard, cannot be supported at this time. The Advisory Committee has provided the only authoritative work so far. Moreover, detailed descriptions of any alternative measurement techniques have not been presented. Such information is important for consideration of alternative procedures. The new rules will, however, provide for alternative methods if approved by the Commission.

47. Existing systems will be required to meet the CLI by actual testing. In addition, the results should be included as part of the notification process before operating under the new rules. Tests must also be performed at least once each year thereafter. Routine monitoring will be required irrespective of whether the system is operating as a new or existing system.

48. In accordance with the FAA's suggestion, new systems will be required to do progressive cumulative leakage tests as construction progresses. Before any portion of a cable distribution plant is turned on with carrier frequencies in the aeronautical bands with a peak power level above 10^{-4} watts in a 25 kHz bandwidth, a cumulative leakage test shall be performed on that portion of the plant. The results should be incorporated into the overall cumulative leakage index which shall be reflective of the cumulative leakage index for the cable distribution plant in actual service.[25] Tests shall be performed at least once a year thereafter. All test results should be maintained by the cable operator for review upon Commission request.

49. *Test Carrier Procedure.* The Advisory Committee also stated in its recommendations relative to both ground-based and airspace measurements that:

> The unmodulated test carrier should be within the VHF aeronautical radio bands, and at the level of the peak power of the highest signal components within the bands.

50. Cable interests argued that unmodulated test carriers should not be required because such carriers, having no unique identifying information transmitted with them, are difficult to detect. A modulated test signal, however, would permit immediate aural recognition and identification of a test carrier because presumably it would not be duplicated in the external electromagnetic environment. Cable interests also argued that the proposed requirement of an unmodulated carrier would make the presently used measurement devices obsolete. Cable interests contend that the current used measuring devices are equal or better at detecting signal leakage than those devices using unmodulated carriers. Accordingly, they argue that use of either modulated or unmodulated test carriers should be allowed. Aeronautical interests did not specifically address this point.

51. To allow for cable system concerns, the referenced test procedure shall utilize an unmodulated carrier the power level of which is equal to the peak power level of the highest sync pulse or the highest level of any other signal carrier on the cable system in the aeronautical bands. However, if a modulated test signal is used, the test signal and detector technique must, when considered together, yield the same result as though an unmodulated test signal were used in conjunction with a detection technique which would yield the equivalent RMS value of said unmodulated carrier.

52. *Calibration: Air Space Measurements.* The Advisory Committee recommended the use of airborne measurements. As suggested by the FAA, the final rule will specify that calibration shall be performed in

[25] The test carrier which will be used in the tests will be allowed providing the frequency is included in the notification.

the city where the leakage measurements are to be taken and within a reasonable period of time prior to the taking of such measurements. The measurement system (including the receiving antenna) should be calibrated against a known field of 10 microvolts per meter produced by a well characterized antenna and ground plane. The half power bandwidth of the detector should be 25 kHz or less.

53. *Calibration: Ground-based Measurements.* The Advisory Committee recommended that measurements upon which calculation of I_{3000} or I_{∞} are based must either be made with a dipole and a field intensity meter as described in Section 76.609(h) of Commission's Rules or by means of another device which is calibrated in a realistic fashion against such dipole and field intensity meter.

54. NCTA believes that the Commission should not mandate a specific procedure, but should allow maximum flexibility subject to good engineering practices, for new measurement techniques. It contends that any set procedure relating to calibration should be performed according to standard engineering procedures. Quantitative measurements to determine field strength of radio frequency energy radiated by cable systems should continue to be made in accordance with § 76.609(h) of the Rules, as it has proven to be effective while allowing adequate flexibility. NCTA also suggests that traceable calibration data should be provided for the instrumentation used to perform the measurements. In reply comments, NCTA further considered it inappropriate for the Commission to mandate a choice of leakage detection systems because there is a need for maximum flexibility to enable the adoption of new and better measurement techniques as they arise. Otherwise, it believes use of innovative measurement devices which might provide more accurate measurements may be restricted.

55. Although the FAA does not believe that measurement procedures should be detailed in the Rules, it is of the view that the Commission should publish descriptions of several different acceptable methods by means of Commission reports or public notices. Such publications should state whether the method described is suitable for individual or cumulative measurements or both. The Rules should require, however, that one of the acceptable methods should be used. If new procedures of instrumentation become available, the Commission should evaluate the suitability of the development and issue a public notice if the method is found to be acceptable. In reply comments, the FAA maintained that its recommendation that descriptions of acceptable measurement techniques be published by the Commission is intended to maintain some level of uniformity in the measurement process. The FAA agrees with NCTA that good engineering practice should be adhered to in making measurements, but adds that in matters of commercial aviation good engineering practice often includes standards much more strict than in non-aviation engineering disciplines. In addition, it agrees that traceable calibration data for the instrumentation used in routine monitoring and maintenance should also be on file with the Commission. The purpose of the requirement, according to the FAA, is for a simple look at the cable system to evaluate its year-by-year performance.

56. The Advisory Committee's recommendations appear well based and are being adopted. The calibration method should be in accordance with good engineering standards if the measurements are not made with a dipole and field intensity meter as described in § 76.609(h) of the Rules. Also, no comments were received objecting to our proposal to modify § 76.609(h) to require a separation of 3 meters in all cases. Therefore, the Rules will be so modified.[26] We will also adopt the suggestion by NCTA that traceable calibration data be provided for the instrumentation used to perform the measurement. Any cable system not using the dipole method of measurement described in § 76.609(h) must be able to support the procedure used.[27]

Cable System Power Levels

57. Based upon the *Advisory Report*, the *Further Notice* proposed to change the cable system power levels, at which the aeronautical restrictions apply, from 10^{-5} watts to 10^{-4} watts. The Advisory Committee in its research had determined that aural signal carriers are low power and have a very low probability of causing interference even under "worst case" conditions of signal leakage. Thus, these low levels signals could be excluded from frequency offset requirements. The 10^{-4} watts power level in a 25 kHz bandwidth will provide that exclusion.

58. ARINC/ATA contends that the documented cases of interference to voice communications show that the proposed change in cable system power levels is not warranted. In particular, they allege that the proposed changes would increase a VOR receiver's susceptibility to interference because the identification signal is aural and its lower power is more sensitive to interference. The FAA was not specifically opposed to the proposed changes, but recommended that indiscriminate increases in conducted power levels of carriers in the air communications bands be prohibited. NCTA is in total agreement with the *Advisory Committee's* recommendation. In response to ARINC/ATA's claims, NCTA states that the sensitivity of the aural receiver portion of a VOR is typically equal to that of aural communications receivers (−100 dBm) and, accordingly, NCTA concludes that the proposed change in threshold power levels is not unreasonable in light of the evidence found in the *Advisory Report*.

59. The Advisory Committee found that the worst cable system signal leakage observed exhibited airspace fields about 11 dB higher than detectable by aeronautical receivers and that these fields were not attributable to aural carriers but to visual carriers. The Advisory Committee pointed out that aural carriers are 13 to 17 decibels lower in level than visual carriers. While interference, as noted by ARINC/ATA, has been caused to voice communications, it has not been attributed to the aural carriers of any cable system, but rather to video signal carriers that were operated on the same nominal frequency as used for aeronautical radio. Therefore, the proposed change in cable system threshold power levels from 10^{-5} watts to 10^{-4} watts is being adopted. In addition, we will retain the threshold power level of 10^{-5} watts, but not for advance notification.

Routine Monitoring

60. Although in the *Further Notice* we expressed reservation about specifying how monitoring should be performed on a cable system, it was proposed that "routine" monitoring should include the use of leakage detectors on at least one service vehicle or in one fourth of the total number of vehicles, or whichever is larger. It was also proposed that cable operators should inspect the entire cable system at least once every three months.

[26] This modification will apply not only to systems which fall within the new requirements, but to existing systems which choose to operate under the existing rules on a grandfathered basis.

[27] We note, for example, that as pointed out in its comments, NCTA has issued several technical manuals or publications on cable signal leakage ("Signal Leakage and Interference Control," Manual No. 741) and cable system measurements ("Standards of Good Engineering Practices for Measurements on Cable Television Systems," NCTA 008-0477).

61. Although cable interests did not generally oppose routine monitoring requirements, they strongly urged the Commission not to adopt rigid, detailed monitoring procedures such as specifying the number of vehicles required to be equipped with leakage detectors. NCTA mentioned that alternative methods of monitoring exist within the industry and that, accordingly, the Commission should defer to recognized standard engineering practices on the part of cable operators. NCTA did support the collection of data on the magnitude and location of all leaks.

62. Keystone was strongly opposed to the proposed monitoring requirements that cable operators examine the entire cable plant once every three months and have leakage detectors on at least one service vehicle. Keystone estimated that total cost of equipment for monitoring would run approximately $70,000 for its systems and that work-hours associated with these requirements would significantly increase the overall costs of these requirements. Instead, it claimed that continual monitoring at the headend of a cable system through the use of crystal-controlled carriers having a strict tolerance would be more practical and feasible than the expensive equipment and manpower burdens inherent in the degree of "routine monitoring" depicted by the Commission.

63. For clarification at this juncture, once again we note the distinction between basic cable signal leakage performance tests and monitoring requirements. The cumulative leakage requirements are intended to determine the cumulative signal leakage index of the system as a whole in terms of interference potential to aeronautical radio services. Routine monitoring requirements are intended to assure that the cable operator checks the system regularly for excessive leaks and makes proper repairs. Such monitoring can be done by service personnel while conducting service calls, installations, etc. The only extra effort on the part of cable operators comes when leaks are found and must be repaired. Such leak repair programs should actually be part of the preventive maintenance programs that are in place today.

64. Because many effective monitoring schemes for cable systems depend on such factors as system size and age, it would be inadvisable to prescribe the exact technical practices to be followed by cable operators in the monitoring and maintenance of their systems. In addition, cable operators must retain records of the monitoring and maintenance procedures utilized, including the monitoring method and equipment employed as well as the manner in which the method is consistent with recognized standard engineering practices. Also, operators must maintain logs which show any leakage sources above the individual signal leakage standard detected by the monitoring, the magnitude and probable cause of these leakage sources, and the dates on which they were corrected. Regular monitoring of the entire system will be required every three months. Again, documentation of monitoring results should be maintained by the cable operator for review upon Commission request.

Grandfathering

65. In the *Further Notice* we proposed a transition period at the end of which existing systems would be required to come into compliance with the new rules. Although a specific time period was not mentioned, it was suggested that this transition period be as short as possible, but long enough to allow existing operators to meet the new standards in the normal course of their rebuilding programs. The Advisory Committee recommended a period of five to ten years.

66. Cable interests favored a transition period. NCTA expressed a preference for a ten year period so that individual systems would be able to expand existing capacity without being forced to make an economic choice between expansion and rebuilding of existing systems. The FAA was in favor of a transition period of between five and ten years in order to provide an orderly implementation of the rules by all cable systems using ATC bands.

67. We find no need for a lengthy transition period. First, the present rules already subject cable operators to frequency offset requirements especially where usage conflicts with aeronautical radio services. Thus, in many instances, cable operators are already accustomed to frequency offsets. Second, and of great significance, cable operators will not have to rebuild existing systems under the newly revised rules.[28] Third, compliance with the new rules should not be costly for most cable operators because any new costs will be tempered by the cable for most cable operator's ability to amortize or depreciate them over a relatively short period of time. For all of these reasons, we believe that a five year transition or grandfathering period will adequately afford existing cable operators the time they need to adjust to the changes under the new rules. While we recognize genuine cable operator concern over difficulty that *might* be occasioned in complying with the rules, we must meet our responsibility to quickly *ensure* the safe operation of radio services vital to the protection of life.[29] Only in documented cases of extreme economic hardship will consideration be given to extending the transition period.

68. In a similar vein, we have decided to reduce the overall scope of grandfathering under the old rules by limiting such privileges to those requests for cable usage of aeronautical radio frequencies received or authorized prior to the adoption of this *Report and Order*. Should usage of any of the authorized frequencies by an aeronautical radio service arise in the vicinity (generally within 111 km) of the cable system, the system will forfeit its grandfathering privileges to that frequency and, absent a grant of waiver, will not be permitted to substitute a different frequency not previously approved by the Commission.[30]

Compliance And Enforcement

69. As we indicated in the *Further Notice*, the authority to terminate operation of sources of actual interference is fundamental to the Commission's responsibilities. While aviation interests agreed with this statement, they were sharply critical of the Commission's efforts in preventing interference at the outset. The FAA stated that not only had the Commission failed to establish an effective monitoring program directed at preventing signal leakage problems, but it appeared reluctant to enforce its own rules and use its forfeiture powers except in the most egregious instances. Accordingly, aviation interests believed that the Commission should increase its enforcement activities, such as employing its personnel to conduct spot checks and regular monitoring of signal leakage levels. On the other hand, cable interests maintained that a majority of cable operators have complied with the

[28] If compliance with the cumulative signal leakage standard had been required as a condition prior to operation in the aeronautical bands (with or without frequency offset obligations), it is quite possible that a number of cable systems might not have been able to meet this prerequisite without rebuilding entire systems.

[29] The waiver process is suitable for the handling of those few individual cases where it is demonstrated that substantial hardship might result.

[30] We do not believe, as suggestged by Warner Amex, that cable systems which have pre-cleared frequencies should be permanently grandfathered. Authorizations to cable operators to operate on frequencies in the aeronautical radio bands do *not* create any permanent rights of use. See Section 76.610 of our Rules and Section 304 of the Communications Act.

rules and therefore needless regulatory overbearance along the lines suggested by aviation interests was not needed.

70. Compliance and enforcement programs are extremely important to reduce and prevent interference from cable operations and, accordingly, the Commission has considerably stepped up its activities in these areas. Indeed, substantial monetary penalties have been meted out to cable operators who failed to compy with pre-notification and frequency offset requirements. During the past three years, the Commission has issued 22 forfeitures to CATV systems totalling $161,000. In addition, numerous systems have been directed to cease operation for the failure to obtain prior clearance of use of specific frequencies, notwithstanding the substantial economic costs incurred. The number of on-site inspections and investigations of cable systems by the Commission's field staff has been increased in order to determine the degree of compliance with the rules and to ascertain the existence of signal leakage problems. These actions should clearly dispel any notions that might previously have existed concerning this agency's enforcement posture. We continue to believe that the authority to terminate operations that cause harmful interference, as described in Section 76.613, is essential; such authority will be retained. The Commission plans to continue to increase its compliance and enforcement efforts to ensure that cable operators do not pose hazards to the safe functioning of aeronautical radio services.

Conclusion

71. In summary, cable systems may operate in aeronautical radio bands subject to the following provisions:

(1) *Frequency Offset Requirements*—In the aeronautical communications bands (118–136 MHz, 225–328.6 MHz, and 335.4–400 MHz), cable carriers must be offset from aeronautical channel center frequencies by 12.5 kHz ± 5 KHz. Aeronautical communication frequencies are spaced at 25 kHz increments, beginning at the lower band edges. In the navigational bands (108–118 MHz and 328.6–335.4 MHz) cable carriers must be offset from aeronautical channel center frequencies by 25 kHz ± 5 kHz. Aeronautical navigation frequencies are spaced at 50 kHz increments, beginning at the lower band edges. (Harmonically Related Carrier (HRC) systems will be permitted provided the master oscillator frequency is set at 6.0003 MHz with a stability of ± 1 Hz, regardless of actual offset.)

(2) *Basic Signal Leakage Criteria*—Cable systems must show compliance with such criteria by use of groundbased or airspace measurements as a prerequisite for operation in the aeronautical radio bands.

(3) *Increased Threshold Power Levels*—The power levels of carriers or signal components in aeronautical radio bands on cable systems is changed (except for operation on the emergency frequencies) from 10^{-5} to 10^{-4} watts.

(4) *Monitoring Requirements*—Cable operators using frequency bands 108–136 MHz or 225–400 MHz will have to provide for regular monitoring for signal leakage covering all portions of the cable system at least once every three months.

(5) *Grandfathering*—Cable systems in operation before adoption of this *Order* will be allowed to operate under the existing rules for five years, after which time all cable systems will be subject to the new rules.

72. As indicated at the outset, the primary goal in this proceeding is to determine the best way to assure the protection of aeronautical navigation and safety radio services from harmful interference. However, there must be an equal attempt not to constrain the development and utilization of new cable technologies. While the record does not support prohibiting cable operation on frequencies used by aeronautical radio services, it does support technically well maintained cable system operation on aeronautical radio frequencies. If systems comply with frequency offset, monitoring, and cumulative signal leakage requirements, no harmful interference should result. These newly revised rules constitute an appropriate accommodation of the various interests involved.

Regulatory Flexibility Analysis

I. Need for and Purpose of Rule

73. The Commission has concluded that to assure the protection of aeronautical, navigation and safety radio services from harmful interference, cable systems should not be permitted to operate on the same frequencies used by aeronautical radio services. It has also concluded, however, that it is in the public interest for cable systems to operate in the aeronautical radio bands if they comply with frequency offset, monitoring and cumulative signal leakage requirements.

II. Summary of Issues Raised by Public Comment in Response to the Initial Regulatory Flexibility Analysis, Commission Assessment, and Changes Made as a Result

A. Issues Raised

74. Aviation interests argue that the present rules on cable interference to aeronautical radio transmissions are ineffective. They submit that engineering studies fail to provide sufficient evidence to show that cable systems can operate without interference being caused in the aeronautical bands if they are not using frequency offsets and/or leakage index measurements. Cable interests contend that the number of interference incidents in the aeronautical radio band is small. They argue that there have been few reported incidents and furthermore, these caused neither harmful nor serious interference to aeronautical radio transmissions. They contend that they should be able to operate on the same frequencies used by the aeronautical safety services without additional regulatory measures. However, cable interests do not take issue with the proposed signal leakage criteria, or generally oppose routine monitoring requirements.

B. Assessment

75. At the present time, cable operators cannot be universally relied upon to maintain systems sufficiently free from signal leakage so as not to create risks of harmful interference in the aeronautical radio frequency bands if the same frequencies are used. Frequency offset, signal leakage criteria and monitoring requirements thus are necessary for cable operation in the aeronautical service. Under these new rules, many cable operations with more than twelve channels, that is 65% of present systems, will require a system conversion with its attendant costs. New systems, of course, will not require any such conversion, and their costs will only be minimally increased by the need to comply with these new regulations. These costs are considered a small investment compared to an airliner crash.

C. Changes Made as a Result of This Proceeding

76. Cable television systems may operate in the aeronautical radio bands 108–136 MHz and 225–400 MHz if they meet uniform channel frequency offset requirements, basic signal leakage performance criteria (cumulative

leakage index), and monitoring requirements.

77. The cable system power levels, at which aeronautical restrictions apply, were relaxed.

III. Significant Alternatives Considered and Rejected

78. We considered allowing cable usage of non-emergency aeronautical radio frequencies without frequency offsets and/or cumulative signal leakage index requirements. In view of five reported interference incidents, particularly one occurring at Flint, Michigan, we re-evaluated the risks presented by cable operation on the same frequencies used by aeronautical radio services. That incident pointed out not only the danger involved in cochannel use of aeronautical frequencies, but the substantial risk presented by a major break in the cable system. To ensure that cable systems do not cause harmful interference to aeronautical radio services, we rejected proposals allowing cable usage of non-emergency aeronautical radio frequencies without offsets or cumulative signal leakage index requirements.

79. Authority for the action taken herein is contained in Sections 1, 302, 303, 304, 307, 308, and 309 of the Communications Act of 1934, as amended (47 U.S.C. 151 et. seq.).

80. Accordingly, it is ordered, that the Commission's Rules are amended, effective December 17, 1984, or after approval by the Office of Management and Budget, whichever is later, as described above and set forth in the attached Appendix A.

81. It is further ordered that the Secretary of the Commission will publish the *Second Report and Order* in the FCC Reports.

82. The Secretary shall cause a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 50 U.S.C. *et seq.*).

83. It is further ordered, that this proceeding is terminated.

84. For further information concerning this proceeding, contact Freda Lippert Thyden, Mass Media Bureau, (202) 632-7792, on legal concerns or Bernard Gorden, Mass Media Bureau, (202) 632-9660, on technical concerns.

(Secs. 1, 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

1. 47 CFR 76.609 is amended by revising paragraph (h)(3) to read as follows:

§ 76.609 Measurements.

* * * * *

(h) * * *

* * * * *

(3) The resonant half wave dipole antenna shall be placed 3 meters from and positioned directly below the system components and at 3 meters above ground. Where such placement results in a separation of less than 3 meters between the center of the dipole antenna and the system components, or less than 3 meters between the dipole and ground level, the dipole shall be repositioned to provide a separation of 3 meters from the system components at a height of 3 meters or more above ground.

* * * * *

2. 47 CFR 76.610 is revised to read as follows:

§ 76.610 Operation in the frequency bands 108–136 and 225–400 MHz—scope of application.

The provisions of §§ 76.611, 76.612, 76.613, 76.614, 76.615 and 76.618 are applicable to all cable television systems transmitting carriers or other signal components carried at a peak power level equal to or greater than 10–5 watts at any point in the cable distribution system in the frequency bands 108–136 and 225–400 MHz for any purpose.

3. 47 CFR 76.611 is revised to read as follows:

§ 76.611 Cable television basic signal leakage performance criteria.

(a) No cable television system shall commence or provide service in the frequency bands 108–136 and 225–400 MHz unless such system is in compliance with one of the following cable television basic signal leakage performance criteria:

(1) prior to carriage of signals in the aeronautical radio bands and at least once each calendar year, with no more than 12 months between successive tests thereafter, based on a sampling of at least 75% of the cable strand, and including any portions of the cable system which are known to have or can reasonably be expected to have less leakage integrity than the average of the system, the cable operator demonstrates compliance with a cumulative signal leakage index by showing either that (i) 10 log I_{3000} is equal to or less than −7 or (ii) 10 log I_s is equal to or less than 64, using one of the following formulae:

$$I_{3000} = \frac{1}{\emptyset} \sum_{i=1}^{n} \frac{E_i^2}{R_i^2},$$

$$I_{\infty} = \frac{1}{\emptyset} \sum_{i=1}^{n} E_i^2,$$

where:

$$R_i^2 = r_i^2 + (3000)^2$$

r_i is the distance (in meters) between the leakage source and the center of the cable television system;

$\emptyset$ is the fraction of the system cable length actually examined for leakage sources and is equal to the strand miles of plant tested divided by the total strand miles in the plant;

R_i is the slant height distance (in meters) from leakage source i to a point 3000 meters above the center of the cable television system;

E_i is the electric field strength in microvolts per meter (uV/m) measured pursuant to § 76.609(h) 3 meters from the leak i; and

n is the number of leaks found of field strength equal to or greater than 50 uV/m pursuant to Section 76.609(h).

The sum is carried over all leaks i detected in the cable examined; or

(2) prior to carriage of signals in the aeronautical radio bands and at least once each calendar year, with no more than 12 months between successive tests thereafter, the cable operator demonstrates by measurement in the airspace that at no point does the field strength generated by the cable system exceed 10 microvolts per meter (uV/m) RMS at an altitude of 450 meters above the average terrain of the cable system. The measurement system (including the receiving antenna) shall be calibrated against a known field of 10 uV/m RMS produced by a well characterized antenna consisting of orthogonal resonant dipoles, both parallel to and one quarter wavelength above ground plane of a diameter of two meters or more at ground level. The dipoles shall have centers collocated and be excited 90 degrees apart. The half-power bandwidth of the detector shall be 25 kHz. If an aeronautical receiver is used for this purpose it shall meet the standards of the Radio Technical Commission for Aeronautics (RCTA) for aeronautical communications receivers. The aircraft antenna shall be horizontally polarized. Calibration shall be made in the community unit or, if more than one, in any of the community

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units of the physical system within a reasonable time period to performing the measurements. If data is recorded digitally the 90th percentile level of points recorded over the cable system shall not exceed 10 uV/m RMS; if analog recording is used the peak values of the curves, when smoothed according to good engineering practices, shall not exceed 10 uV/m RMS.

(b) In paragraph (a)(1) and (a)(2) of this section the unmodulated test signal used on the cable plant shall: (1) Be within the VHF aeronautical band 108–136 MHz and (2) have a peak power level equal to the peak power level of the strongest cable television carrier or signal component carried on the system.

(c) In paragraph (a)(1) and (2) of this section, if a modulated test signal is used, the test signal and detector technique must, when considered together, yield the same result as though an unmodulated test signal were used in conjunction with a detection technique which would yield the RMS value of said unmodulated carrier.

(d) If a sampling of at least 75% of the cable strand (and including any portions of the cable system which are known to have or can reasonably be expected to have less leakage integrity than the average of the system) as described in paragraph (a)(1) cannot be obtained by the cable operator or is otherwise not reasonably feasible, the cable operator shall perform the airspace measurements described in paragraph (a)(2).

(e) Prior to providing service to any subscriber on a new section of cable plant, the operator shall show compliance with either: (1) The basic signal leakage criteria in accordance with paragraph (a)(1) or (a)(2) of this section for the entire plant in operation or (2) a showing shall be made indicating that no individual leak in the new section of the plant exceeds 20 uV/m at 3 meters in accordance with § 76.609 of the Rules.

(f) Notwithstanding paragraph (a) of this section, a cable operator shall be permitted to operate on any frequency which is offset pursuant to § 76.612 in the frequency band 108–136 MHz for the purpose of demonstrating compliance with the cable television basic signal leakage performance criteria.

4. New 47 CFR 76.612 Cable television frequency separation standards, is added to Subpart K, Part 76 to read as follows:

§ 76.612 Cable television frequency separation standards.

All cable television systems which operate in the frequency bands 108–136 and 225–400 MHz shall comply with the following cable television frequency separation standards:

(a) In the aeronautical radiocommunication bands 118–136, 225–328.6 and 335.4–400 MHz, the frequency of all carrier signals or signal components carried at a peak power level equal to or greater than 10^{-4} watts in a 25 kHz bandwidth must operate at frequencies offset from certain frequencies which may be used by aeronautical radio services operated by Commission licensees or by the United States Government or its Agencies. The aeronautical frequencies from which offsets must be maintained are those frequencies which are: Within one of the aeronautical bands defined in this subparagraph, and when expressed in MHz and divided by 0.025 yield an integer. The offset must meet one of the following two criteria:

(1) All such cable carriers or signal components shall be offset by 12.5 kHz with a frequency tolerance of ±5 kHz; or

(2) The fundamental frequency from which the visual carrier frequencies are derived by multiplication by an integer number shall be 6.0003 MHz with a frequency tolerance of ±1 Hz (Harmonically Related Carrier comb generators only).

(b) In the aeronautical radionavigation bands 108–118 and 328.6–335.4 MHz, the nominal frequency of any cable system carrier or signal component carried at a peak power level equal to or greater than 10^{-4} watts in a 25 kHz bandwidth shall be an odd multiple of 25 kHz with a frequency tolerance of ±5 kHz.

5. New 47 CFR 76.614 Cable television system monitoring, is added to Subpart K, Part 76, to read as follows:

§ 76.614 Cable television system monitoring.

All cable television operators shall provide for regular signal leakage monitoring of their cable television systems for signal leakage, covering all portions of the systems at least once every three months. Monitoring equipment and procedures utilized by a cable operator shall be adequate to detect a leakage source which produces a field strength in these bands of 20 uV/m or greater at a distance of 3 meters. During regular monitoring, any leakage source which produces a field strength of 20 uV/m or greater at a distance of 3 meters in the aeronautical radio frequency bands shall be noted and such leakage sources shall be eliminated within a reasonable period of time. The operator shall maintain a log showing the date and location of each leakage source identified, the date on which the leakage was eliminated, and the probable cause of the leakage. The log shall be kept on file for a period of two (2) years and shall be made available to authorized representatives of the Commission upon request.

6. New 47 CFR 76.615 Notification requirements, is added to Subpart K, Part 76, to read as follows:

§ 76.615 Notification requirements.

All cable television operators shall comply with each of the following notification requirements.

(a) The operator of the cable system shall notify the Commission annually of all signals carried in the aeronautical radio frequency bands, noting the type of information carried by the signal (television picture, aural, pilot carrier, or system control, etc.). The timely filing of FCC Form 325, Schedule 2, will meet this requirement.

(b) The operator of a cable system shall notify the Commission before transmitting any carrier or other signal component with a peak power level equal to or greater than 10^{-5} watts at any point in the cable distribution system on any new frequency or frequencies in the aeronautical radio frequency bands. However, the operator of a cable system which if operating or will operate under § 76.618 shall not commence use of any frequency or frequencies in these bands using peak power levels equal to or greater than 10^{-4} watts without prior Commission notification. Such notification shall include:

(1) Legal name and local address of the cable television operator;

(2) The names and FCC identifiers (e.g., CA0001) of the system communities affected;

(3) The names and telephone numbers of local system officials who are responsible for compliance with §§ 76.610 through 76.618 of the Rules;

(4) Statement of compliance with the basic signal leakage criteria by use of ground-based or airspace measurements per § 76.611;

(5) The geographic location of the cable system which describes in latitude and longitude, in degrees, minutes and seconds a point near the center of the cable system, together with the distance (in kilometers) from the designated point to the most remote point of the cable plant, existing or planned, which defines a circle enclosing the entire cable plant;

(6) A description of the routine monitoring procedure to be used; and

(7) For cable operators subject to § 76.611, the cumulative signal leakage index derived under § 76.611(a)(1) or the results of airspace measurements

derived under § 76.611(a)(2), including a description of the method by which compliance with basic signal leakage criteria is achieved and the method of calibrating the measurement equipment. The information described in (b)(7) shall be provided to the Commission each calendar year thereafter.

7. New 47 CFR 76.618 Grandfathering, is added to Subpart K, Part 76, to read as follows:

§ 76.618 Grandfathering.

A cable television system which commenced operation prior to January 1, 1985, shall be permitted to operate under this section and shall not be subject to the provisions of §§ 76.611 and 76.612 until January 1, 1990, *provided, however,* that all carrier signals or signal components carried at a peak power level equal to or greater than 10^{-4} watts shall be operated at frequencies offset from aeronautical radio services operated by Commission licensees or by the United States Government or its Agencies within 111 km (60 nautical miles) of any portion of the cable system by 45 kHz plus the frequency tolerance of the cable signal or signal component. The limit of 111 km may be increased by the Commission in cases of "extended service volumes" as defined by the Federal Aviation Administration or other Federal Government Agency for low altitude radio navigation or communication services. Operators of cable systems that are notified by the Commission that a change in operation of an aeronautical radio service will place the cable systems in conflict with any of the offset criteria, the operators are responsible for eliminating such conflict at their own expense and shall vacate the frequencies upon direction of the Commission.

Appendix B

Parties Filing Comments

(1) Air Transport Association of America & Aeronautical Radio, Inc.
(2) American Video Corp. et al.
(3) Braun, Warren
(4) Federal Aviation Administration
(5) Jerrold Division, General Instrument Corp.
(6) Keystone Communicable, Inc.
(7) National Cable Television Association, Inc.
(8) Sammons Communications, Inc.
(9) Storer Broadcasting Co.
(10) Viacom International, Inc.

Parties Filing Reply Comments

(1) Aeronautical Radio, Inc. & Air Transport Association of America
(2) American Video Corporation et al.
(3) Federal Aviation Administration
(4) National Cable Television Association, Inc.

Parties Filing Further Reply Comments

(1) Federal Aviation Administration
(2) National Cable Television Association, Inc.

Parties Filing Second Further Reply Comments

(1) Aeronautical Radio, Inc. & Air Transport Association
(2) Communications General Corp.
(3) Dempsey, John
(4) Kuykendall, E.D. Jr.
(5) National Cable Television Association
(6) Rice, Arthur R.
(7) Shaw, Will A.
(8) Switzer, I.
(9) Telecable Corporation
(10) Thorpe, C.L.
(11) Warner Amex Cable Communications, Inc.
(12) Worth, Nicholas E.

[FR Doc. 84-29949 Filed 11-15-84; 8:45 am]
BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 49, No. 223
Friday, November 16, 1984

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 930

Programs for Specific Positions and Examinations (Miscellaneous)

Correction

In FR Doc. 84–28616 beginning on page 43691 in the issue of Wednesday, October 31, 1984, make the following corrections:

1. On page 43691, second column, six lines from the bottom, "assures" should have read "assumes".

2. On the same page, in the third column, first complete paragraph, nine lines from the bottom, "need" should have read "needs".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

[Doc. No. 0987S]

General Administrative Regulations; Late Planting Agreement Option Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith proposes to revise and reissue the Late Planting Agreement Option (7 CFR Part 400, Subpart A), effective with the 1985 and succeeding crop years to: (1) Change the cause of loss from excess moisture to adverse weather conditions; and (2) publish a corrected list of crop insurance regulations to which the Late Planting Agreement Option applies. The intended effect of this rule is to broaden the cause of loss and to update the regulation authorized to include the provisions of the Late Planting Agreement Option.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than January 15, 1985, to be sure of consideration.

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

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

SUPPLEMENTARY INFORMATION: On Tuesday, February 21, 1984, FCIC published a final rule at 49 FR 6319, prescribing procedures for the implementation of a Late Planting Agreement Option of insurance on certain crops. The cause of loss in the option was listed as "excess moisture." FCIC proposes to broaden the cause of loss to include all elements of "adverse weather conditions." On Tuesday, March 13, 1984, a correction was published amending the list of crop insurance regulations to which this part is applicable. 7 CFR 400.4 herein, contains the list as corrected by the March 13, 1984, publication, and adds an additional crop insurance regulation (Popcorn) thereto.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

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

This program 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).

It has been determined that this action to promulgate regulations for the implementation of FCIC's Late Planting Agreement constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Departmental Regulation 1512–1 (December 15, 1983). The sunset review date established for these regulations is October 1, 1989.

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

List of Subjects in 7 CFR Part 400

Crop insurance, Late planting agreement option.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to revise and reissue the Late Planting Agreement Option, Subpart A to Part 400 of Title 7 of the Code of Federal Regulations, effective for the 1985 and succeeding crop years, as set forth below:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart A—Late Planting Agreement Option; Regulations for the 1985 and Succeeding Crop Years

Sec.

Authority: Sec. 508, Pub.L. 75–430, 52 Stat. 73, as amended (7 U.S.C. 1508).

Subpart A—Late Planting Agreement Option; Regulations for the 1985 and Succeeding Crop Years

§ 400.1 Availability of the Late Planting Agreement Option.

The Late Planting Agreement Option shall be offered under the provisions contained in 7 CFR Parts 402 through 499

within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), only on those crops identified in § 400.4 of this subpart. All provisions of the applicable contract for the insured crop apply, except those provisions which are in conflict with this part.

§ 400.2 Definitions.

For the purposes of the Late Planting Agreement Option:

(1) "Final planting date" means the final planting date for the insured crop contained in the actuarial table on file in the service office.

(2) "Late Planting Agreement Option" means that agreement between the FCIC and the insured whereby the insured elects, and FCIC provides, insurance on acreage planted for up to 20 days after the applicable final planting date. The production guarantee applicable on the final planting date will be reduced on the acreage planted after the final planting date by 10 percent for each 5 days that the acreage is planted after the final planting date.

(3) "Production guarantee" means the guaranteed level of production under the provisions of the applicable contract for crop insurance (sometimes expressed in amounts of insurance).

§ 400.3 Responsibilities of the insured.

The insured is solely responsible for the completion of the Late Planting Agreement Option Form and for the acuracy of the data provided on that form. The provisions of this subsection shall not relieve the insured of its responsibilities under the provisions of the insurance contract.

§ 400.4 Applicability to crops insured.

The provisions of this subpart shall be applicable to the provisions of FCIC policies issued under the following regulations for insuring corps:

7 CFR Part 418 Wheat
7 CFR Part 419 Barley
7 CFR Part 420 Grain Sorghum
7 CFR Part 421 Cotton
7 CFR Part 422 Potatoes
7 CFR Part 423 Flax
7 CFR Part 424 Rice
7 CFR Part 425 Peanuts
7 CFR Part 427 Oats
7 CFR Part 428 Sunflowers
7 CFR Part 429 Rye
7 CFR Part 430 Sugar Beets
7 CFR Part 431 Soybeans
7 CFR Part 432 Corn
7 CFR Part 433 Dry Beans
7 CFR Part 434 Tobacco (Dollar Plan)
7 CFR Part 435 Tobacco (Quota Plan)
7 CFR Part 436 Tobacco (Guaranteed Production Plan)
7 CFR Part 438 Tomatoes
7 CFR Part 443 Hybrid Seed
7 CFR Part 447 Popcorn

The Late Planting Option shall be available in all counties in which the Corportion offers insurance on the crops insured under the above-mentioned 7 CFR Parts.

§ 400.5 The Late Planting Agreement Option.

The provisions of the Late Planting Agreement Option are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[FCI–9]

Late Planting Agreement Option

Insured's Name _____
Address _____
Contract No. _____
Crop Year _____
Crop _____

Nowithstanding the provisions of Section 2 of the policy regarding the insurability of crop acreage initially planted after the final planting date on file in the service office, I elect to have insurance provided on acreage planted for 20 days after such date which delay in planting was caused by adverse weather conditions. Upon my making this election, the production guarantee or amount of insurance, whichever is applicable, will be reduced 10 percent for each five days or portion thereof that the acreage is planted after the final planting date. Each 10 percent reduction will be applied to the production guarantee or amount of insurance applicable on the final planting date. The premium will be computed based on the guarantee or amount of insurance applicable on the final planting date; therefore, no reduction in premium will occur as a result of my election to exercise this option. If planting continues under this Agreement after the acreage reporting date on file in the service office the acreage reporting date will be extended to 5 days after the completion of planting the acreage to which insurance will attach under this option.

Insured's Signature _____
Corporation Representatives's Signature and Code Number _____
Date _____
Date _____

Collection of Information and Data (Privacy Act)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552(a)).

The authority for requesting the information to be supplied on this form is the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and regulations promulgated thereunder (7 CFR Part 400 *et seq.*). The information requested is necessary for FCIC to institute the Late Planting Agreement Option. The information may be furnished to FCIC contract agencies and contract loss adjusters, reinsured companies, processors, other U.S. Department of Agriculture agencies, the Internal Revenue Service, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing the information requested on this form is voluntary. However, failure to furnish the complete requested information may result in the Late Planting Agreement Option not being accepted by the Corporation.

Done in Washington, D.C., on May 23, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

Dated: November 9, 1984.

[FR Doc. 84–30089 Filed 11–15–84; 8:45 am]
BILLING CODE 3410–08–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 210

Reduction of Recordkeeping Requirements

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to Executive Order 12287, and to eliminate unnecessary and costly regulatory burdens on firms and on the public, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) proposes to amend 10 CFR 210.1, which requires the maintenance of oil pricing and allocation records pursuant to 10 CFR Parts 210, 211, and 212. The proposed amendment would eliminate this recordkeeping requirement for all firms, except those with records which are essential to the timely and orderly completion of the oil pricing enforcement program.

DATE: Written comments must be received by December 17, 1984.

ADDRESS: Comments should be submitted to: Office of Special Counsel, Attn: Recordkeeping Comments, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

James N. Solit, Office of Special Counsel, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6500.

Jack Vandenberg, Public Information Officer, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue,

SW., Washington, D.C. 20585, (202) 252-5810.

SUPPLEMENTARY INFORMATION:

I. Background

More than ten years ago petroleum price and allocation controls were imposed pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA), as amended (15 U.S.C. 751 *et seq.*). To aid the government's enforcement of these controls, firms and individuals subject to the controls were required to comply with extensive reporting and recordkeeping requirements.

On January 28, 1981, in Executive Order 12287 (46 FR 9909, January 30, 1981), the President removed all remaining price and allocation controls from crude oil and refined petroleum products. The Order continued the reporting and recordkeeping requirements then in effect but directed the Secretary of Energy to "promptly review those requirements and . . . [to] eliminate them, except for those that are necessary for emergency planning and energy information gathering purposes required by law."

On March 30, 1981, ERA eliminated or modified most of the reporting requirements. Simultaneously, however, the agency adopted 10 CFR 210.1 to require all firms to maintain the historical records compiled as a result of the requirements in 10 CFR Parts 210, 211, and 212 that were in effect on January 27, 1981, the final day of controls. (46 FR 20508, April 3, 1981). ERA continued these recordkeeping requirements to enable DOE to bring its enforcement activity to an orderly conclusion.

Subsequently, ERA proposed to exempt certain types of firms from the recordkeeping requirement. (48 FR 261, January 4, 1983). All of the public comments received supported the adoption of this proposal. However, because of enforcement litigation which required for a limited period of time the continuation of the recordkeeping requirements, ERA withdrew the proposal. (48 FR 55577, December 14, 1983) In the notice withdrawing the proposal, ERA reaffirmed its intention to reduce the burden of unnecessary recordkeeping by stating:

> ERA recognizes the cost and burden the maintenance of records pursuant to § 210.1 imposes on firms. Thus, ERA will monitor the litigation process and, when circumstances allow, will take appropriate action to reduce the record preservation requirements of the regulations. (48 FR 55577, December 14, 1983).

II. Proposed Amendment

A. Current Status of the Enforcement Program

At the time the President removed the oil pricing and allocation controls, there was a backlog of enforcement investigations and litigation by DOE that involved over 2,000 firms. This backlog included over 1,500 ERA audits and investigations that either were in progress or were still pending. This latter category included crude reselling activity, on which virtually no work had been initiated, and which involved over 300 crude reseller firms. At the same time, cases previously developed by ERA involving more than 500 firms were being litigated by the Department.

Through a concerted effort over the past three years to conclude enforcement investigations and litigation, DOE has resolved enforcement matters involving over 1,400 firms. ERA's audit inventory now involves less than 150 firms, with most of the unfinished cases in final stages of completion, where the matters will either be brought into litigation, settled or closed out. Additionally, at the time of this notice there are about 400 firms in administrative and judicial litigation with DOE involving cases not resolved by ERA. Thus, the total number of firms with enforcement matters still to be resolved with DOE—firms either now in litigation or subject to future litigation—is less than 600 firms.

B. Effect of Present Recordkeeping Requirements

The recordkeeping requirements now in effect force each of the more than 200,000 firms that were subject to the rules and regulations under the EPAA to maintain records relating to their EPAA compliance for the entire eight-year period of controls. Many firms have thus had to maintain records for almost twelve years.

In comparison, the Internal Revenue Service generally requires firms to maintain their records for not more than three years. (26 CFR 1.6000-1 and 301.6501(a)(1). The Securities and Exchange Commission requires firms to maintain most of their records for not more than six years. (17 CFR 240.17a-4; § 270.31a-2; and § 275.204-2). The Federal Trade Commission requires firms to maintain their records for not more than four years. (16 CFR 300.31; 303.39; 305.15; 453.6; and 703.6).

The present DOE requirements apply not only to firms subject to ERA audits and enforcement actions; they also extend to firms and individuals that were never charged with alleged regulatory violations. Additionally, unless otherwise relieved of such requirements, they continue to apply to firms that have fully resolved all regulatory disputes with DOE.

Nearly four years after decontrol, these requirements remain in place and continue to impose on thousands of firms—especially retailers, jobbers, and other small business concerns—heavy burdens and costs which ultimately are passed on to the public in the form of higher prices. They also divert financial resources from economically productive activities to the maintenance or records, thus lessening productivity and efficiency. ERA believes that any remaining benefit from requiring all firms to maintain all of their records is clearly outweighted by the burden imposed on American businesses and consumers.

Therefore, pursuant to Executive Order 12287, ERA proposes to eliminate the recordkeeping requirements for all firms except those which fall within certain specific and limited categories. Firms still required to maintain records will be subject to 10 CFR § 210.1 only until such records are no longer necessary to DOE for enforcement purposes. Firms to be exempted from further recordkeeping may wish, however, to retain voluntarily their records for other reasons, such as support for claims in proceedings administered by the Office of Hearings and Appeals pursuant to 10 CFR Part 205, Subpart V.

ERA intends to reduce the recordkeeping requirements as much as is practical and to eliminate them altogether as soon as possible. To aid in determining how best to achieve these goals, ERA solicits comments from the public on this proposal and on several other questions.

First, suggestions from the public are requested for further reductions of the recordkeeping requirements. These suggestions should contain rationales supporting the suggested reductions.

Second, members of the public are requested to point out any categories of records which they believe to be particularly burdensome to maintain. These comments should suggest specific amendatory language for possible use by ERA in reducing the burdens of maintaining such records.

Third, some members of the public have suggested that ERA should termiante the recordkeeping requirements immediately. Comments are therefore solicited on the possibility of eliminating all of the recordkeeping requirements in 10 CFR § 210.1, instead of finalizing the proposed amendment. ERA requests commenters to set forth rationales supporting their positions on this option.

C. Firms Required to Maintain Records

Under the proposed amendment, the firms required to maintain records have pending or unresolved enforcement matters or have records essential for the preparation and prosecution of enforcement cases involving other firms. To the extent possible, firms will be required to maintain only those records relevant to the requirements of the enforcement program, thus permitting some firms to reduce partially their current inventory of records. Those firms still required to maintain records fall within the limited categories described below. All other firms are to be exempted from the recordkeeping requirements of 10 CFR 210.1.

1. Firms Which Are Parties in Litigation

A party to administrative or judicial litigation has a duty not to destroy evidence relevant to that proceeding. At the time of this notice, there are pending before administrative and judicial tribunals enforcement cases brought by ERA against 409 firms alleged to have violated the price and allocation regulations. The records of firms which are parties in this litigation with DOE must be retained.

A firm is a party in litigation with DOE if: (a)(1) The firm has received a Notice of Probable Violation or a Proposed Remedial Order, or (2) the firm and DOE are parties in a lawsuit arising under EPAA or the regulations issued thereunder; and (b) there has been no final (i.e., non-appealable) administrative or judicial resolution or settlement regarding the alleged violations, or DOE has not informed the firm in writing that the government has concluded its review of the matter.

A firm which is a party in litigation with DOE would be required to maintain its records until the litigation is brought to its final conclusion or until the firm is notified in writing by DOE that the records need no longer be kept, whichever is sooner.

2. Firms Under Orders for Restitutionary Payments

Occasionally, a firm will be subject to a requirement to make restitutionary payments over an extended period of time. This may be the result of a negotiated settlement of alleged violations of oil pricing and allocation regulations set forth in a consent order or, less frequently, an obligation imposed by an administrative or judicial order that has found the firm in violation of such regulations. In such cases, a firm's compliance is not fulfilled until all payments are made. Under the proposed amendment, firms must retain the records relevant to the alleged violations that are the basis for the restitutionary obligation until such payments are completed.

3. Firms Under Audit

A firm is considered under audit if: (a) The firm has been audited by ERA and has not received a Notice of Probable Violation or a Proposed Remedial Order and ERA has not informed the firm in writing that ERA will take no enforcement action; (b) ERA is presently conducting an audit; or, (c) ERA has notified the firm of an audit but the firm has refused to provide records and is subject to a subpoena. Any firm that is under audit or that has been notified that it is subject to an audit has a duty to maintain records relevant to that investigation. At the time of this notice, 130 firms remain under audit.

Firms under audit include 31 firms with audits currently in progress, 29 firms that have been notified of audits but have refused to provide records and are subject to subpoena enforcement action and 70 firms with completed audits in which ERA has not made a determination to initiate a formal enforcement action (such as issuing a Proposing Remedial Order).

a. *Firms with Audits in Progress or with Completed Audits in Which ERA Has Not Yet Made a Determination to Initiate a Formal Enforcement Action.* ERA proposes to require firms presently under audit which do not have outstanding subpoenas or subpoenas enforced after November 1, 1983, and firms with completed audits in which ERA has not yet made a determination to initiate a formal enforcement action, to maintain their records for a limited period of time.

Each of these firms will be required to maintain its records until June 30, 1985, unless ERA extends this period on a firm-by-firm basis. If before the end of this period or an individual firm's extension, ERA determines that it no longer needs the firm's records for enforcement purposes, ERA will so notify the firm in writing and the firm will no longer be required to maintain its records.

Thus, a firm will be required to maintain its records until one of the following: (1) June 30, 1985, unless on an individual firm basis the period is extended; (2) the end of the firm's extension; or (3) the firm receives written notification that ERA no longer needs the records.

By June 30, 1985, or by the end of an individual firm's extension, each of the firms in this group will either: (1) become a party in litigation (as defined in paragraph 1 above), in which case the firm would still be required to maintain its records; or (2) not become a party in litigation, in which case the firm would no longer be required to maintain its records.

If a firm under audit should discontinue its voluntary cooperation and require a subpoena, such a firm would then be subject to the recordkeeping requirements for firms which have outstanding or recently enforced subpoenas, as discussed below.

b. *Firms Which Have Outstanding or Recently Enforced Subpoenas.* A number of firms subject to audit have refused to allow ERA to examine their records, with the result that the agency has issued subpoenas for the records sought. In many cases, judicial enforcement of the subpoenas has been required. Due to delays imposed by these actions, along with the uncertainties this lack of cooperation brings to program management during the final phase of the enforcement work, the amount of time allocated to complete audits for firms which have received subpoenas is substantially longer than that for firms that have voluntarily cooperated in an audit.

As a consequence, ERA proposes to require those firms with outstanding subpoenas or which receive subpoenas in the future, as well as firms that have already provided records pursuant to a subpoena enforced after November 1, 1983, to maintain their records for two years after full compliance with the subpoena, or until notified in writing by ERA, whichever is sooner. If, prior to the end of this two-year period, the firm becomes involved in litigation with DOE relating to its pricing or allocation practices during the period of controls, that firm will then be subject to the recordkeeping requirements applicable to firms which are parties in litigation, as discussed in paragraph 1 above.

4. Inquiries Relating to Newly Discovered Oil Reports

As a result of an opinion by the Temporary Emergency Court of Appeals in *Seneca Oil Co. v. Department of Energy* (712 F.2d 1384 [TECA 1983], which resolved a regulatory interpretation relating to the definition of "newly discovered" crude oil, ERA is having to obtain supplemental data from certain firms on crude oil production they reported during 1978 and 1979. Some of these firms have already received data inquiries from ERA; others have yet to receive any communication from the agency.

ERA proposes to require these firms, which reported the production of "newly discovered" crude oil in 1978 and 1979, to maintain certain crude oil production records which are necessary to establish that the crude oil qualifies as "newly discovered" under 10 CFR 212.79, together with production and sales records for properties from which oil certified as "newly discovered" was sold.

Each of these firms will be required to maintain these records until June 30, 1985, unless ERA on a firm-by-firm basis extends this period. If before the end of this period or an individual firm's extension, ERA determines that it no longer needs the firm's records for enforcement purposes, ERA will so notify the firm in writing and the firm will no longer be required to maintain its records.

Thus, a firm will be required to maintain its records until one of the following: (1) June 30, 1985, unless on an individual firm basis the period is extended; (2) the end of the firm's extension; or (3) the firm receives written notification that ERA no longer needs the records.

By June 30, 1985, or by the end of an individual firm's extension, each of the firms in this group will either: (1) Become a party in litigation (as defined in paragraph 1 above), in which case the firm would still be required to maintain its records; or (2) not become a party in litigation, in which case the firm would no longer be required to maintain its records.

5. Third-Party Records

In limited instances, DOE needs the records of one firm in support of enforcement work involving another firm. Such records are known as third-party records. DOE has reviewed all of the pending enforcement litigation and investigative matters and has identified a limited number of cases that still require records from third-party firms. This review indicates that not more than 150 firms will be found to have third-party records actually needed for enforcement purposes. DOE is determined to keep the number of firms required to maintain third-party records as small as possible. The third-party firms will be required to keep only those records considered essential to the completion of the enforcement matters for which the records are needed.

Each of these third-party firms will be required to maintain the records identified by DOE until June 30, 1985, unless DOE on a firm-by-firm basis extends this period. If before the end of this period or an individual firm's extension, DOE determines that it no longer needs a firm's third-party records for enforcement purposes, DOE will so notify the firm in writing and the firm will no longer be required to maintain its records.

Thus, a firm will be required to maintain its third-party records until one of the following: (1) June 30, 1985, unless on an individual firm basis the period is extended; (2) the end of the firm's extension; or (3) the firm receives written notification that DOE no longer needs the records.

6. Notification of Firms Required to Maintain Records

Firms which are parties in litigation and firms under orders for restitutionary payments will be considered notified by publication of the final rule in the **Federal Register.**

Firms which are under audit, firms required to maintain third-party records, or firms required to maintain "newly discovered" crude oil production records will receive direct notification from ERA by certified mail prior to publication of the final rule.

Firms not described in this notice or which do not receive notification prior to publication of the final rule, will be exempt from the recordkeeping requirements of 10 CFR 210.1.

III. Written Comments

Interested parties and the general public are invited to comment on the proposed amendment of 10 CFR 210.1 and on the other options discussed in this notice. All comments should be submitted by 4:30 p.m., E.S.T., on December 17, 1984 to the address indicated at the beginning of this notice. All comments received by ERA will be available for public inspection in the DOE Freedom of Information Office, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

Any information or data submitted which is considered to be confidential should be so identified. ERA reserves the right to determine the confidential status of the information or data and to treat it according to the agency's determination.

IV. Procedural Matters

A. Executive Order 12291

Executive Order 12291 (46 FR 13193, February 19, 1981), requires an agency to prepare a regulatory impact analysis for any proposed major rule. Because the proposal will substantially reduce recordkeeping burdens and thus lessen costs to firms and the public, ERA has determined that the proposal is not a major rule as defined in Executive Order 12291.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), requires an agency to prepare an initial regulatory flexibility analysis for any proposed rule which will have a significant economic impact on a substantial number of small entities.

Although ERA has determined that no formal regulatory flexibility analysis need be prepared, this prepared will benefit many small entities by relieving them of substantial recordkeeping burdens. Therefore, this proposal will further the objectives of the Regulatory Flexibility Act.

C. Environmental Review

ERA has determined that the proposal, which is essentially administrative in nature, is not a major federal action with a significant environmental impact. Consequently, no Environmental Assessment or Environmental Impact Statement is required under the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*).

List of Subjects in 10 CFR Part 210

Petroleum price regulations, Reporting requirements.

(Federal Energy Administration Act of 1974, Pub. L. 93–275; Department of Energy Organization Act, Pub. L. 95–91)

Authority: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748, 38 FR 33577; Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11748, 38 FR 33575; Cost of Living Council Order Number 47, 39 FR 24.

In consideration of the foregoing, Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, DC on November 14, 1984.

Rayburn Hanzlik,

Administrator Economic Regulatory Administration.

PART 210—GENERAL ALLOCATION AND PRICE RULES

10 CFR, Part 210 is amended by revising § 210.1 to read as follows:

Subpart A—Recordkeeping

§ 210.1 Records.

(a) The recordkeeping requirements that were in effect on January 27, 1981, in Parts 210, 211, and 212 will remain in effect for (1) all transactions prior to February 1, 1981; and (2) all allowed expenses incurred and paid prior to April 1, 1981 under § 212.78 of Part 212. These requirements include, but are not limited to, the requirements that were in effect on January 27, 1981, in § 210.92 of this part; in §§ 211.67(a)(5)(ii); 211.89; 211.109; 211.127; and 211.223 of Part 211; and in §§ 212.78(h)(5)(ii); 212.78(h)(6); 212.83(c)(2)(iii)(E)(I); 212.83(c)(2)(iii)(E)(II); 212.83(c)(2)(iii) "F_i"; 212.83(i); 212.93(a); 212.93(b)(4)(iii)(B)(I); 212.93(i)(4); 212.94(b)(2)(iii); 212.128; 212.132; 212.172; and § 212.87 of Part 212.

(b) Effective [date of publication of the final rule], paragraph (a) of this section shall apply to only:

(1) Those firms which are parties in litigation with DOE, as defined in paragraph (c)(1) below. Any such firm shall remain subject to paragraph (a) of this section until the litigation is brought to its final conclusion of the firm is notified in writing by DOE that its records are no longer needed, whichever occurs first.

(2) Those firms which are subject to an administrative or judicial order, consent order, or other settlement or order providing for restitutionary payments. Any such firm shall remain subject to paragraph (a) of this section until the firm makes all of the payments required by the resolution, order, or settlement.

(3)(i) Those firms with completed audits in which DOE has not yet made a determination to initiate a formal enforcement action and firms under audit which do not have outstanding subpoenas. Any such firm shall remain subject to paragraph (a) of this section until one of the following: June 30, 1985, unless this period is extended on a firm-by-firm basis; the end of the individual firm's extension; or the firm is notified in writing by DOE that its records are no longer needed. However, if a firm in this group shall become a party in litigation, the firm shall then be subject to the recordkeeping requirements for firms in litigation set forth in paragraph (b)(1) above.

(ii) Those firms under audit which have outstanding subpoenas on [date of publication of final rule] or which receive subpoenas at any time thereafter or which have supplied records for an audit as the result of a subpoena enforced after November 1, 1983. Any such firm shall remain subject to paragraph (a) of this section until two years after full compliance with the subpoena or until notified in writing by DOE that its records are no longer needed, whichever occurs first. However, if a firm in this group shall become a party in litigation, the firm shall then be subject to the recordkeeping requirements for firms in litigation set forth in paragraph (b)(1) above.

(4) Those firms which are subject to requests for data necessary to verify that crude oil qualifies as "newly discovered" crude oil under 10 CFR 212.79. Any such firm shall remain subject to paragraph (a) of this section until one of the following: June 30, 1985, unless this period is extended on a firm-by-firm basis; the end of an individual firm's extension; or the firm is notified in writing by DOE that its records are no longer needed. However, if a firm in this group shall become a party in litigation, the firm shall then be subject to the recordkeeping requirements for firms in litigation set forth in paragraph (b)(1) above.

(5) Those firms whose records are determined by DOE as necessary to complete the enforcement investigation of another firm which is also subject to paragraph (a) of this section. Any such firm whose records are so needed shall remain subject to paragraph (a) of this section until one of the following: June 30, 1985, unless this period is extended on a firm-by-firm basis; the end of the individual firm's extension; or the firm is notified in writing by DOE that its records are no longer needed.

(c) For purposes of this section:

(1) A firm is "a party in litigation" if:

(i)(A) The firm has received a Notice of Probable Violation or a Proposed Remedial Order, or (B) the firm and DOE are parties in a lawsuit arising under the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*) or 10 CFR Parts 210, 211, or 212; and (ii)(A) there has been no final (that is, non-appealable) administrative or judicial resolution, or (B) DOE has not informed the firm in writing that the Department has completed its review of the matter.

(2) A firm means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship, or any other entity, however organized, including charitable, educational, or other eleemosynary institutions, and state and local governments. A firm includes a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

(OMB Control No. 1903–0073)

[FR Doc. 84–30275 Filed 11–14–84; 4:20 pm]

BILLING CODE 6450–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–190–78]

Income Tax Exemption for Interest on Industrial Development Bonds for Certain Water Facilities; Public Hearings on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the income tax exemption for interest on industrial development bonds issued to finance certain water facilities.

DATES: The public hearing will be held on Wednesday, January 30, 1985, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Wednesday, January 16, 1985.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, ATTN: CC:LR:T (LR–190–78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: B. Faye Easley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone 202–566–3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 103 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Wednesday, August 22, 1984 (49 FR 33283).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Wednesday, January 16, 1985, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An Agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 84-30156 Filed 11-15-84; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[EE-65-83]

Annual Information Reports by Trustees and Issuers of Individual Retirement Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Proposed rulemaking.

SUMMARY: This document contains proposed regulations that require annual reporting of information relating to individual retirement plans. The regulations reflect changes made to the applicable reporting requirements by both news release IR-83-88 and the Tax Reform Act of 1984. The regulations affect trustees of individual retirement accounts and issuers of individual retirement annuities (including accounts and annuities that are simplified employee pensions), and individuals who own or benefit from such individual retirement plans.

DATES: Written comments and requests for a public hearing must be delivered or mailed by January 15, 1985. The amendments are proposed to be effective for reports relating to calendar years beginning after 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (EE-65-83), 1111 Constitution Avenue, NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Philip R. Bosco of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T), 202-566-3430 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 408 of the Internal Revenue Code of 1954 defines various individual retirement plans, including individual retirement accounts, individual retirement annuities, and simplified employee pensions. Section 408(i) of the Code provides that the trustee of an individual retirement account or the issuer of an individual retirement annuity (including an account or annuity that is a simplified employee pension) shall make such reports regarding the status of an account or annuity as the Secretary may require under regulations.

Section 1.408-5(c)(1) of the Income Tax Regulations (26 CFR Part 1) under section 408 of the Code requires that an annual report must be furnished to each participant, i.e., the individual for whose benefit the account was established or in whose name the annuity was purchased (or the beneficiary of such individual). The report must contain the following information for transactions occurring during the calender year: the amount of contributions; the amount of distributions; in the case of an endowment contract, the amount of the premium paid allocable to the cost of life insurance; and the name and address of the trustee or issuer. The report must be furnished on or before June 30 following the calendar year for which the report is required. Paragraph (c)(2) of § 1.408-5 provides that the Commissioner may require the annual report to be filed with the Service at the time the Commissioner specifies.

On June 28, 1983, the Service issued news release IR-83-88 relating to the filing requirement permissible under § 1.408-5(c)(2). Beginning with the 1983 calendar year, the annual reports required by § 1.408-5 must also be filed with the Service. New Form 5498, Individual Retirement Arrangement Information, has been developed for this purpose. The form, a copy of which may be utilized to satisfy the existing reporting requirement of § 1.408-5, must contain the following information for transactions occurring during the calendar year: the amount of contributions (exclusive of rollover contributions for calendar years after 1983); the amount of rollover contributions (for calendar years after 1983); and the name and address of the trustee or issuer. For the 1983 calendar year, the form must be filed with the Service, and the annual report furnished to the participant, on or before June 30, 1984. Finally, IR-83-88 stated that, for calendar year 1984, the form must be filed with the Service on or before February 28, 1985, and the annual report must be furnished to the participant on or before June 30, 1985.

On July 18, 1984, section 147 of the Tax Reform Act of 1984 (Pub. L. 98-369) amended section 408(i) to provide that the information reports required by such section identify the taxable year to which individual retirement plan contributions relate. This amendment is effective for contributions made after December 31, 1984.

The proposed regulations contained in this document amend § 1.408-5 to conform such section to both the new filing requirements announced in news release IR-83-88 and the new reporting requirement added by the Tax Reform Act or 1984. The amendments are to be issued under the authority contained in sections 408(i) and 7805 of the Code (88 Stat. 964, 26 U.S.C. 408(i); 68A Stat. 917, 26 U.S.C. 7805, respectively).

As proposed, the regulations necessarily modify the requirements of IR-83-88 for calendar years 1984 and thereafter. Beginning with calendar year 1984, Form 5498 shall be filed with the Service and the statement to the participant shall be furnished to such person on or before May 31 following the calendar year for which such reports are required. For calendar year 1984, this is a change of the due dates originally announced in IR-83-88. Beginning with calendar year 1985, both Form 5498 and the statement to the participant must report, as the amount of contributions for the calendar year, the amount of contributions made during or after the calendar year that relate to such calendar year. Also beginning with calendar year 1985, both Form 5498 and the statement to the participant must report, in the case of an endowment contract premium allocable to the cost of life insurance, that amount of the premium paid either during or after the calendar year that relates to such calendar year.

Finally, the proposed regulations contain special transitional requirements for the 1985 calendar year

reports. For that calendar year both Form 5498 and the statement to the participant must report, as a separate entry, the amount of contributions made during 1985 that relate to 1984. This requirement also applies to the statement to the participant in the case of an endowment contract premium allocable to the cost of life insurance paid during 1985 that relates to 1984.

Special Analysis

The Commissioner of Internal Revenue has determined that these proposed rules are not major rules as defined in either Executive Order 12291 or the Treasury and OMB implementation of that Order dated April 29, 1983. Accordingly, a Regulatory Impact Analysis is not required.

Although this document is a notice of proposed rulemaking that solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Comments and Request for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act of 1980. Comments on these requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Office for Internal Revenue Service, New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies of those comments to the Service.

Drafting Information

The principal author of these proposed regulations is Philip R. Bosco of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects in 26 CFR 1.401–1—1.425–1

Employee benefit plans, Pensions, Individual retirement accounts.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Section 1.408–5 is revised to read as follows:

§ 1.408–5 Annual reports by trustees and issuers.

(a) *Requirement and form of report.* The trustee of an individual retirement account or the issuer of an individual retirement annuity (including an account or annuity that is a simplified employee pension) shall make annual calendar year reports on Form 5498 concerning the status of the account or annuity. The report shall contain the following information for transactions occurring during or after the calendar year that relate to such calendar year:

(1) The name, address, and identifying number of the trustee or issuer;

(2) The name, address, and identifying number of the participant (the individual on whose behalf the account is established or in whose name the annuity is purchased (or the beneficiary of the individual or owner));

(3) The amount of contributions (exclusive of rollover contributions) made during or after the calendar year that relate to such calendar year;

(4) The amount of rollover contributions made during the calendar year;

(5) In the case of an endowment contract, the amount of the premium allocable to the cost of life insurance paid either during or after the calendar year that relates to such calendar year; and

(6) Such other information as the Commissioner may require.

(b) *Manner and time for filing.* The report on Form 5498 shall be filed, accompanied by transmittal Form 1096, with the appropriate Internal Revenue Service Center. The report shall be filed on or before May 31 following the calendar year for which the report is required.

(c) *Statement to participants.* (1) Each trustee or issuer required to file Form 5498 under this section shall furnish the participant a statement containing the information required to be furnished on Form 5498 plus the value of the account or annuity at the end of the calendar year. A copy of Form 5498, containing the additional information specified in the previous sentence, may be used to satisfy the statement requirement of this paragraph. If a copy of Form 5498 is not used to satisfy the statement requirement of this paragraph, the statement shall contain the following language: "This information is being furnished to the Internal Revenue Service."

(2) Each statement required by this paragraph to be furnished to participants shall be furnished to such person on or before May 31 following the calendar year for which the report on Form 5498 is required.

(d) *Penalties.* Section 6693 prescribes penalties for failure to file an annual report required by this section.

(e) *Effective date.* In general, this section applies to reports for calendar years beginning with 1983. For additional requirements relating to the 1985 calendar year reports, see paragraph (f) of this section. For special requirements relating to the 1983 and 1984 calendar year reports, see paragraph (g) of this section. For requirements relating to pre-1983 calendar year reports, see 26 CFR 1.408–5 (1983).

(f) *Reports for calendar year 1985.* For calendar year 1985, both Form 5498 and the statement to the participant must report, as a separate entry, the amount of contributions made during the 1985 calendar year that relate to the 1984 calendar year. This also applies, in the case of the statement to the participant, to endowment contract premiums allocable to the cost of life insurance that are paid during the 1985 calendar year but that relate to the 1984 calendar year.

(g) *Reports for calendar years 1983 and 1984.* (1) For calendar years 1983 and 1984, neither Form 5498 nor the statement to the participant need identify the calendar year to which a contribution relates. The form and statement need only report the amount of contributions actually made during the calendar year. This also applies to endowment contract premiums allocable to the cost of life insurance and paid during the calendar year.

(2) For calendar years 1983 and 1984, Form 5498 need not report (but the statement to the participant must report), in the case of an endowment contract, the amount of the premium allocable to the cost of life insurance paid during the calendar year.

(3) For calendar year 1983, neither Form 5498 nor the statement to the participant need separately report rollover contributions made during the calendar year. Rollover contributions are to be aggregated with the amount of other contributions made during the calendar year.

(4) For calendar year 1983, the statement to the participant need not contain the language required by paragraph (c)(1) of this section.

(5) For calendar year 1983, Form 5498 shall be filed, and the statement to the participant shall be furnished, on or before June 30, 1984.

(h) *Related reports by trustees and issuers.* See § 1.408–7 for reports relating to distributions from individual retirement plans.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 84–30157 Filed 11–15–84; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 301

[LR–142–84; LR–149–84; LR–213–84]

Tax Shelter Registration and Requirement to Maintain Lists of Investors in Potentially Abusive Tax Shelters; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Change of date of public hearing on proposed regulations.

SUMMARY: This document provides notice of a change of date of a public hearing on proposed regulations relating to tax shelter registration, and the requirement to maintain lists of investors in potentially abusive tax shelters.

DATES: The public hearing will be held on Thursday, January 17, 1985, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Thursday, January 3, 1985.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, ATTN: CC:LR:T (LR–142–84, LR–149–84, LR–213–84), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: B. Faye Easley of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone 202–566–3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: By a notice appearing in the **Federal Register** for Tuesday, September 18, 1984 (49 FR 36510), it was announced that a public hearing on proposed regulations relating to tax shelter registration and the requirement to maintain lists of investors in potentially abusive tax shelter was scheduled to be held on Thursday, November 15, 1984, beginning at 10:00 a.m. in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The proposed regulations pertaining to tax shelter registration appeared in the **Federal Register** for Wednesday, August 15, 1984 (49 FR 32728) (See FR Doc. No. 84–21729). The proposed regulations pertaining to the requirement to maintain lists of investors in potentially abusive tax shelters appeared in the **Federal Register** for Wednesday, August 29, 1984 (49 FR 34246) (See FR Doc. No. 84–22938). The public hearing on these proposed regulations will be held in conjunction with the public hearing on the additional proposed regulations pertaining to tax shelter registration and the requirement to maintain lists of investors in potentially abusive tax shelter that appeared in the **Federal Register** for Wednesday, October 31, 1984 (49 FR 43714).

Accordingly, the date for the public hearing has been changed, and it is scheduled to be held on Thursday, January 17, 1985.

Outlines of oral comments must be delivered or mailed by Thursday, January 3, 1985.

In all other respects the details with respect to the hearing remain the same.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 84–30158 Filed 11–15–84; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW–4–FRL–2719–4]

Florida; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Tentative Determination on Application of Florida for Final Authorization, Public Hearing, and Public Comment Period.

SUMMARY: Florida has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Florida's application and has made the tentative decision that Florida's hazardous waste program satisfies all of the requirements necessary to qualify for Final Authorization. This tentative decision is contingent upon Florida completing the regulatory changes by January 26, 1985, as outlined in EPA's letter to the State on August 24, 1984. Thus, EPA intends to grant Final Authorization to the State to operate its program in lieu of the federal program. Florida's application for Final Authorization is available for public review and comment, and a public hearing will be held to solicit comments on the application if significant public interest is expressed.

DATES: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for 7:00 p.m., Tuesday, December 18, 1984.

EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated to EPA by telephone or in writing by December 11, 1984. EPA will determine by December 12, 1984, whether there is significant interest to hold the public hearing. Florida will participate in the public hearing held by EPA on this subject, if a hearing is to be held. All written comments on the Florida Final Authorization Application must be received by the close of business on December 18, 1984.

ADDRESSES: The public hearing, if held, will take place at the Holiday Inn, Flamenco Room, 1302 Apalachee Parkway, Tallahassee, Florida. Copies of Florida's Final Authorization Application are available from 8:00 a.m. to 4:30 p.m. at the following addresses for inspection and copying:

Mr. Robert W. McVety, Administrator, Solid & Hazardous Waste Section, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Twin Towers, Tallahassee, Florida 32301–8241 (904) 488–0300.

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street NE., Atlanta, Georgia 30365, Contact: Carolyn Mitchell (404) 881–4216.

U.S. Environmental Protection Agency, Headquarters Library, PM–211A, 401 M Street SW., Washington, DC 20460 (202) 382–5926.

Written comments on the application and written or telephone communication of interest in EPA's holding a public hearing on the Florida application must be sent to: Allan E. Antley, Chief, Waste Planning Section, U.S. EPA, 345 Courtland Street NE., Atlanta, Georgia 30365 (404) 881–3016.

If you wish to find out whether or not EPA will hold a public hearing on the Florida application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after December 12, 1984, Mr. Robert W. McVety, Administrator, Solid & Hazardous Waste Section, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Twin Towers, Tallahassee, Florida 32301–8241 (904) 488–0300.

FOR FURTHER INFORMATION CONTACT: Allan E. Antley, Chief, Waste Planning Section, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365 (404) 881–3016.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize the State hazardous waste programs to operate in the State in lieu of the federal hazardous waste program. Two types of authorization may be granted. The first type, known as "Interim Authorization," is a temporary authorization which is granted if EPA determines that the State program is "substantially equivalent" to the federal program (Section 3006(c), 42 U.S.C. 6226(c)). EPA's implementing regulations at 40 CFR 271.121–271.137 established a phased approach to Interim Authorization: Phase I, covering the EPA regulations in 40 CFR Parts 260–263, and 265 (universe of hazardous wastes, generator standards, transporter standards, and standards for interim status facilities), and Phase II, covering the EPA regulations in 40 CFR Parts 124, 264, 270 (procedures and standards for permitting hazardous waste management facilities).

Phase II, in turn, has three components. Phase II, Component A, covers general permitting procedures and technical standards for containers and tanks. Phase II, Component B. covers permitting of incinerator facilities, and Phase II, Component C, address permitting of landfills, surface impoundments, waste piles, and land treatment facilities.

By statute, all Interim Authorizations expire on January 26, 1985. Responsibility for the hazardous waste program returns (reverts) to EPA on that date if the State has not received Final Authorization, as described below.

The second type of authorization is a "Final" (permanent) Authorization that is granted by EPA if the Agency finds that the State program (1) is "equivalent" to the federal program, (2) is consistent with the federal program and other State programs, and (3) provides for adequate enforcement (Section 3006(b), 42 U.S.C. 6226(b)). States need not have obtained Interim Authorization in order to qualify for Final Authorization. EPA regulations for Final Authorization appear at 40 CFR 271.1–271.23.

B. Florida

The State received Interim Authorization for Phase I on May 19, 1982; Interim Authorization for Phase II, Components A and B, on December 29, 1983, and Component C on February 24, 1984. On December 7, 1983, the State submitted a draft application for Final Authorization. The complete application for Final Authorization was submitted on July 2, 1984. Prior to submission of the application to EPA, Florida published notice on May 4, 1984, of a Public Hearing to be held on June 7, 1984. Since the State did not receive comments or a request for a public hearing, the hearing was cancelled.

On August 24, 1984, EPA sent comments on the final application to the State. The comments requested the State make several regulatory changes necessary for equivalency to the RCRA program. The State was also requested to provide clarification and more detail on coordination between the Central office and District offices, particularly in processing permits, and to submit a strategy for compliance monitoring and enforcement.

By letter dated August 27, 1984, the State provided details on the Department's development of a RCRA Program Implementation Manual (PIM) which will contain the policies and procedures for permitting and inspection and enforcement, as well as a training plan for all hazardous waste personnel.

On September 7, 1984, Florida submitted several proposed revisions to the State's hazardous waste rules which are necessary to qualify for Final Authorization. These amendments will be effective by December 1984. These changes will resolve the regulatory deficiencies noted by EPA and will result in State rules equivalent to RCRA.

The Florida Department of Environmental Regulation has been evaluated to determine its capability to conduct a quality hazardous waste program. The State has all the enforcement mechanisms necessary for conducting an effective compliance program. The State's management practices reflect adequate planning and execution. The program staff has the technical expertise, training, and the commitment to operate an adequate hazardous waste program in Florida. Florida has exceeded the prorated total for inspections and has been successful in collecting penalty settlements. The State intends to achieve implementation of the National Permits Strategy since all active hazardous waste facilities should be issued a Temporary Operation Permit (TOP) by the first quarter of 1985.

EPA's Final Determination on granting authorization will be based on the State's ability to implement EPA's permitting recommendations contained in the Letter of Intent.

EPA has reviewed Florida's application and has tentatively determined that the State's program meets all of the requirements necessary to qualify for Final Authorization. Consequently, EPA intends to grant Final Authorization to Florida. Copies of Florida's application are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

EPA will consider all public comments on its tentative determination. Issues raised by those comments may be the basis for a decision to deny Final Authorization to Florida. EPA expects to publish a final decision on whether or not to approve Florida's program in the **Federal Register** by January 24, 1985. The **Federal Register** notice will include a summary of the reasons for the Final Determination and a response to all major comments.

Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C 605(B), I hereby certify that this authorization will not have significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Executive Order 12291

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

List of Subjects in 40 CFR Part 271

Hazardous materials, Indians-lands, Reporting and record keeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b), EPA Delegation 8-7.

Dated: October 17, 1984.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 84-30119 Filed 11-15-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 90

[PR Docket No. 83-737; FCC 84-482]

Frequency Coordination in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend Parts 0, 1, and 90 of the Commission's Rules to revise frequency coordination procedures in the private land mobile radio services. Such action was encouraged by Congress in amendments to the Communications Act of 1934, and is expected to result in more efficient procedures and a more reliable, up-to-date private land mobile radio data base.

DATES: Comments are due by March 11, 1985 and replies by April 25, 1985.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson or Herb Zeiler, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 0

Organizations and functions.

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 90

Private land mobile radio services, Radio.

Notice of Proposed Rule Making

In the matter of Frequency Coordination in the Private Land Mobile Radio Services PR Docket No. 83-737.

Adopted: October 17, 1984.
Released November 9, 1984.
By the Commission.

I. Introduction

A. History of Coordination

1. In the private land mobile radio services, as a general rule, spectrum is shared. Even at 800 MHz and in the 470-512 MHz band where there are provisions for exclusive channel assignments within specified geographic areas, there is an overall requirement that the use of channels must be shared in order to accommodate what continues to be an extraordinary growth in the use of land mobile communications systems. Prior to 1958 the Commission's Rules governing the private land mobile radio services contained few provisions designating specific procedures for frequency coordination by applicants and users. They did recite, however, the over-riding policy that frequencies were available only on a shared basis, and that applicants and licensees were expected to cooperate in the selection and use of these frequencies in order to minimize the likelihood of interference. To assist in carrying out this requirement, interested parties over the years formed committees which maintained records of frequency usage. These committees were generally representatives of the entities using the services so that individual applicants had the assurance that, in selecting a frequency for the applicant's use, the judgment of the committee involved would be both knowledgeable and impartial.

2. In 1958 the Commission amended its rules with respect to the approach which could be used by applicants when effecting coordination in the private services. A procedure was established whereby the applicant could work through a representative frequency coordinating committee and secure a frequency recommendation by it for submission to the Commission.[1] Thus, for the first time the Commission recognized a mechanism whereby an applicant could request a group representative of the user community to select for the applicant what the group regarded as the most appropriate frequency. The Commission in turn would give the recommendation of this group some deference in deciding to approve or disapprove the application.

3. In taking this action, the Commission enunciated some general prinicples on the subject of frequency coordinating committees:

a. That the frequency coordinating committees must be representative of all eligibles in the radio service concerned in the area the committee purports to serve;

b. That the recommendation is advisory, and not binding on either the applicant or the Commission;

c. That the Commission has the power to remedy the situation should there be discrimination or misuse of functions by the frequency coordinating committees;

d. That there is no bar to recognition of an alternative frequency coordinating committee if it were more representative of eligible licensees;

e. That any fee charged may only represent the cost of providing the service;

f. That there can be no discrimination between members and non-members in the provision of service; and

g. That all requests for coordination must be honored.[2]

4. Generally, these principles have governed the functions of all frequency coordinating committees from 1969 to the present. In 1982, however, the Congress amended the Communications Act.[3] Among other things, it affirmed that the Commission had the authority to utilize assistance furnished by frequency coordinating committees. 47 U.S.C. 332(b)(1). It also recognized the "value of the assistance" provided to the Commission by these committees. Specifically, the Conference Report pointed out that:

> . . . The frequency coordinating Committees not only provide for more efficent use of the congested land mobile spectrum, but also enable all users, large and small, to obtain the coordination necessary to place their stations on the air. Without such frequency coordinating activity some of these applicants would not be able to afford the engineering required in the application process. Thus, by essentially equalizing the

[1] *In the Matter of Amendment of Part 11, Rules Governing the Industrial Radio Services, To Delete, Modify and Create Services and To Effect Changes in the Availability of Frequencies, First Report and Order,* Docket No. 11991, FCC 58-602, 23 FR 4784 (June 28, 1951).

[2] *Frequency Coordination in the Industrial Radio Services,* 16 FCC 2d 305, 306 (1969).

[3] "The Communications Amendments Act of 1982," P.L. 97-259, 96 STAT 1087, September 13, 1982. Section 331 of the Communications Act of 1934, as amended, is codified at 47 U.S.C. 332.

frequency selection process for all applicants, the applicants are placed on a competitive parity, with no one applicant operating on a better or more commercially advantageous frequency than his or her competitor. . . .

To further promote fairness in frequency allocation, the Conferees encourage the Commission to recognize those frequency coordinating committees for any given service which are most representative of the users of that service. The Conferees also encourage the Commission to develop rules or procedures for monitoring the performance of coordinating committees. H.R. Rep. No. 97–765, 97 Cong., 2d Sess. 53 (1982).

B. Notice of Inquiry

5. In 1983, responding to the above-quoted language, the Commission commenced a proceeding to examine its private land mobile radio frequency coordination procedures. A Notice of inquiry (NOI) was adopted on July 14, 1983, soliciting comments to enable the Commission to evaluate and, if necessay, update its policies governing the operations of frequency coordinating committees, particularly in light of its desire to upgrade its data base and improve its overall processing and spectrum management functions for these radio services.[4] In the NOI comment were requested on the following salient issues:

a. What should the major functions of frequency coordinating committees be?

b. What authority should frequency coordinating committees have?

c. Should there be one exclusive or multiple frequency coordinating committees per radio service?

d. What oversight by the Commission of frequency coordinating committees should there be?

e. Is the field study option of frequency coordination effective and should it be retained?

Forty-two (42) sets of formal comments to the NOI were filed along with twenty-six (26) sets of reply comments. A breakdown of those responding to the NOI is as follows:

Class	Comments	Replies
Coordinating committees	17	7
Non-coordinating organizations	3	1
Licensing services	2	1
Manufacturers	1	1
Users and Individuals	19	16
Total	42	26

Note.—A list of the commenters is contained in Appendix A.

II. Discussion

6. Since 1958 when we adopted the First Report and Order in Docket No. 11991., *Supra*, permitting the use of coordinating committees, we have allowed applicants two options for effecting coordination in the selection of frequencies in the private land mobile radio services. The first is for the applicant to select his or her own frequency, and to submit an application accompanied by a report based upon a field study, indicating both the degree of probable interference to all existing stations operating on the frequency within a set distance, and a statement that these co-channel stations have been notified of the proposed operation.[5] The second option is to have a frequency coordinating committee select the frequency, based on its experience and familiarity with the local operating environment.[6]

7. This present approach, however, has posed problems for the Commission and the coordinating committees. First, because there are no defined standards for field studies, the quality of field study reports varies widely. Some appear to be virtually arbitrary frequency chocies, and most present very little, if any, technical interference analysis. In addition, the co-channel and adjacent channel notification requirements are sometimes ignored or abused. As a result the Commission has had to send numerous letters requesting further information from the applicant concerning the technical parameters used in the accomplishment of the field study and a list of all the existing licensees that were notified. Many of the comments on the NOI indicated that the field study option, to be more meaningful, should be made much more rigorous.

8. A second problem with the current approach is the delay it injects into application processing, and the uncertainty which it leaves subsequent frequency selections by the coordinating committees. Under present procedures, when an application is received by the Commission, it is placed in the processing line. As many as 30 days may elapse before it is examined. Then, if it is accompanied by a field study, a FCC Form 1049 is completed by the Commission and sent to the appropriate coordinating committee to allow it to upgrade its date base to reflect this frequency request and to provide comments to the Commission on the proposal based on the committee's knowledge of the applicant's operating environment. The coordinator has 14 days to comment on the proposal. The result of this procedure is a time period of approximately 30–35 days during which the coordinator could recommend the same frequency to another applicant unaware that there is is an application already in the Commission's processing line requesting the frequency. This in turn leads to applications having to be recoordinated and delay for the parties concerned.

9. Another problem area in the current coordination process has been that of add-on users of community repeaters.[7] Here, since the base station facility has already been coordinated, some have questioned the need to require coordination of the subsequent licensees. Other, however, have responded that the coordinating committees need to know who is on the frequency, how many control stations are being operated, where they are located, and how many mobiles are involved, if they are to do a proper job of selecting frequencies for future applicants. To allow these add-on users to go on the air without coordination undermines the integrity of the committees' selection procedures, they maintain, in exactly the same way as does the existing field study approach. A *Notice of Inquiry*, PR Docket 82–226 addressing this particular issue was released in April 1982, and subsequently terminated with a statement that the subject would be covered in the *Notice of Inquiry* in this proceeding.[8]

10. In a somewhat similar vein is the problem raised when a community repeater seeks to convert to a private carrier operation. Here, an applicant, sometimes but not always, seeks to substitute itself for what previously has been a number of separate licensees. This type of system conversion has raised numerous problems for the frequency coordinators because the new applicant may or may not be acting in conjunction with the other licensees on the frequency. It thus is not clear to the coordinator whether the new applicant is to be substituted for the previous licensees of the frequency with their mobiles and control stations purged from the data base, or whether the new applicant's requested mobiles and control stations are in addition to those already on the frequency. This has led to great confusion as to the number of stations in operation and has impaired

[4] *Notice of Inquiry*, PR Docket No. 83–737, 48 FR 35149, August 3, 1983.

[5] If proposing operation in the 150–170 MHz band the field study must also take into account stations operating on frequencies 15 kHz removed.

[6] 47 CFR 90.175 contains the present frequency coordination requirements.

[7] "Add on users" are persons who seek to be licensed on an already licensed base station facility ("community repeaters"). See generally the proceeding in Docket No. 18921 for a discussion of multiple licensing.

[8] *Order Terminating Proceeding*, PR Docket 82–226, FCC 83–330, released July 25, 1983.

the coordinator's ability to make sound frequency recommendations.

11. In light of these and other deficiencies and prior to enunciating our specific proposals to address them based on the comments we have received, we think it useful to explain our objectives for this proceeding. In brief, they are to refine our approach to the frequency selection process in order to improve the quality of recommendations, to minimize processing delays, to encourage interservice frequency sharing where appropriate, and to facilitate the introduction of new technologies into the private land mobile radio services. These goals are necessitated by the rapidly increasing rate of growth of mobile radio communications combined with technological innovations. Advances in system design have made digital voice/data systems and narrowband systems more and more desirable to mobile radio users as they seek to initiate or expand systems on increasingly scarce spectrum. This demand, and the increasing sophistication in technology, compounds the need for effective coordination, if all licensees are to continue operating in an efficient manner.

12. Our over-riding purpose in this proceeding therefore is to establish a mechanism whereby there can be some consensus by the user community that when new applicants seek to use the spectrum, the frequency selected is the most appropriate. To accomplish this we are proposing to require all applicants to go to the frequency coordinating committee which is responsible for the frequencies for which the applicant wishes to apply, and describe the type of communications systems they wish to operate. Further applicants shall either: (1) Indicate they have a frequency preference and want the coordinating committees agreement that this is an appropriate frequency given the present spectrum operating environment, or (2) ask the committee to select what it believes would be the best frequency. If the coordinating committee does not agree with the applicant, the applicant may submit to the coordinating committee a field study or technical submission to support the contention that the frequency the applicant requests is an appropriate one. If the coordinating committee and the applicant still cannot agree, the application, field study and the committee's written reasons for disputing the requested frequency will be forwarded to the Commission for evaluation and decision. Fundamental to this approach is assuring the integrity of the data on which the committee makes its recommendations. This in turn means that at any given moment the entity selecting the frequency must be fully apprised of the actual operating environment, including all pending proposals at the Commission. Two further corrollaries that flow from this are (1) all applications which could affect the radio environment must be coordinated through the committee and (2) all coordination requests must be centralized in a single locus for each radio service. This we believe is the only way to assure the integrity of the data base and that the frequency selection process has taken into account all existing grants and pending proposals in the most efficient and effective manner, while minimizing disputes and the application delays which are a consequence thereof.

13. Under this unified coordination concept therefore we are proposing that all applications filed on the Form 574, both for new stations, add-on users to existing stations, and station modifications, regardless of frequency band, first be submitted to the recognized frequency coordinator in the service in which the applicant is applying.[9] [10] [11] This includes station modifications for changes in frequency, emission, power, antenna height, number of stations, location, ownership, and class of station.[12] The coordinator would in turn review the application, approve the frequency by certifying it is the most appropriate in the committee's view, and forward the application to the Commission. All applications returned by the Commission would be returned through the coordinator. Under this approach the coordinator would be aware of the status of all pending proposals, which could affect its frequency selection process. Furthermore, there would be no discrepencies between the system parameters coordinated and those specified on the application filed with the Commission. The only exceptions to this procedure would be applications for a frequency shared with the Federal Government, applications for a frequency below 25 MHz, applications for an itinerant use frequency, applications for special temporary authorities (STAs) for less than 180 days, applications for developmental operations, applications for a frequency in the Radiolocation Service, applications for mobiles operating in the 470–512 MHz band where the frequency is assigned on an exclusive basis, and applications for mobile and control stations operating in the 800 MHz band where the frequency is assigned on an exclusive basis. These applications could be sent directly to the Commission and would not require frequency coordination.

14. We are also proposing to certify only one coordinator per service or group.[13] As noted above we believe this is necessary in order to maintain the integrity of the data base and the frequency selection process. If multiple coordinators are involved in a single service there would be no practical way of keeping track of the pending frequency selections of each coordinator. This would lead to applications having to be recoordinated between competing coordinators which in turn would result in additional delays. Further under multiple coordinators, applicants could "shop" for a desired frequency. While competition among multiple coordinators could lower fees, without definite assignment criteria, it would undermine the basic intent of frequency coordination, which is to maximize the efficient use of the spectrum.

15. Additionally, we intend to certify a coordinator at the conclusion of this proceeding for: (1) Each separate radio service regulated under Part 90, (2) the four 800 MHz frequency categories (§ 90.617), and (3) the 900 MHz paging channels (§ 90.494).[14] [15] Organizations desiring to be certified coordinator for a particular service or group should file their requests as comments to this proceeding.[16] [17] Each request should

[9] Presently, frequencies in the Business Radio Service below 450 MHz are not required to be coordinated. However, with the implementation of narrowband technologies (See Docket 84–279) coordination of these frequencies would appear to be necessary.

[10] Renewal applications (Form 574–R) will not have to be submitted to the coordinator.

[11] In light of the problems outlined in paragraph 10, pending adoption of final rules in this proceeding that specify what information must be submitted to frequency coordinators and the Commission, we will not allow the conversion of community repeater operations to private carrier systems nor will we license new private carrier systems except on frequencies specifically reserved for that type of operation, such as the 900 MHz paging frequencies and the 800 MHz SMR frequencies.

[12] Changes in class of station include changing from a community repeater (multiple licensed) to a cooperative, and unshared to shared use.

[13] The selection of a single coordinator for each service or pool of frequencies does not signal a departure from our general preference for the competitive offering of communications services. First, the coordinators do not offer a communications service; their function is to assist the Commission in the selection of the most appropriate frequency for the applicant taking into account the already existing user environment. Second, the coordinating committees are non-profit organizations representative of users therefore competition in the recommendation of frequencies is not necessary to assure the lowest price or the best

Continued

include the following: (1) An overall description of the organizational structure, (2) an outline of the proposed coordination process, including an estimate of the fees and processing times, (3) the entities' qualifications including how they are representative of the users in the groups, (4) how they intend to comply with the proposals in this proceeding, including proposed procedures for accessing other ccordinators' data bases, and (5) how they would encourage implementation of spectrum effecient technologies consistent with technical flexibility permitted under Commission rules, policies, and proposals. If more than one request per service or group is received we will make a decision based on our assessment of the applicants' experience, plans for coordinating the service, technical capabilities, and representativeness.[18]

16. Under this new procedure all applications required to be filed on Form 574, with the exception of those noted above, would first be submitted to the appropriate frequency coordinator. The coordinator would process the applications in order or receipt. Applicants would have the option of: (1) Asking the coordinator to select the best available frequency for the area based on the system parameters specified; or (2) specifying both the frequency and the system parameters under which it wishes to operate.[19] Once received, the coordinator would check the application to see that all the entries are correct and that the proposed operation is in compliance with the Commission's rules.[20] If an error is detected the application would be returned to the applicant. If the application is in order and the frequency column left blank by the applicant, a frequency would be selected by the coordinator. Requests for a specific band would be honored, if possible. The coordinator would then specify a frequency on the application and forward it and a statement of concurrence to the Commission. If the applicant specified a particular frequency and the coordinator agreed with the proposed operation, the application would be forwarded to the Commission with a statement that the coordinator agreed with the proposed operation. If the coordinator did not agree either with the frequency selection or the system parameters specified, the request for coordination would be denied and the coordinator would return the application to the applicant. If the applicant does not agree with the coordinator's decision, it may submit a technical showing (field study) to the coordinator supporting its position. If the coordinator agrees with the showing submitted, the application would be forwarded to the Commission along with a statement of concurrence. In cases where the coordinator still does not agree with the proposed operation the coordinator must provide the applicant with a technical explanation why the request is being denied and what alternative frequency it would recommend. If the applicant still wants to pursue its initial request, it may then bring the matter to the Commission for decision.

17. In order to make the best possible frequency selection the coordinator must have a complete, accurate, and current knowledge of the radio environment with which the proposed system will interact. This in our opinion can be provided most reliably by the Commission's data base. In addition, use of the Commission's data base would provide a commonality of data upon which to base selections and allow coordinators to maximize interservice and interpool sharing. Finally, this approach would allow all coordinators to use a computerized data base without requiring large expeditures. Recently the Commission stated that it planned to prepare a competitive solicitation document to select a contractor to make Commission data files on the Private Land Mobile Radio Services available to the public.[21] The contractor ultimately selected will develop a computer system capable of providing access to the public on a commercial basis at a reasonable cost. We are proposing that all coordinators have the capability of accessing the information in this data base and that they make frequency recommendations based on the information contained therein.

18. Presently frequency coordinators are required to recommend to an applicant a frequency that "will result in the least amount of interference to all existing stations operating in a particular area."[22] There are no specific Commission criteria for determining this frequency. The methodology is left up to the individual coordinators. We do not believe there should be any deviation from this basic principle of recommending the frequency which is predicted to result in the least amount of interference. We do not intend to specify procedures to be used in selecting frequencies, but will allow the coordinator the option of developing and using its own general assignment plan in accordance with any pertinent assignment criteria specified in the Commission's Rules or, where apropriate, individually engineering-in stations. In our opinion there are too many variables which could affect the coordination process for the Commission to develop a rigid assignment plan and require its use in all cases. We believe individual coordinators are in the best position to determine whether a general assignment plan should be used and what it should be or whether there are extenuating factors such as ducting or terrain irregularities requiring an individual evaluation. For these reasons we intend to allow each coordinator to develop specific selection methodology to select a frequency. Prospective coordinators are asked to submit, in addition to their qualifications, a general description of the frequency assignment methodology they propose to employ.

19. A number of private land mobile frequencies are allocated to more than one radio service. These non-exclusive allocations must be shared between users of different radio services. Under

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service. Third, since the coordinating committees are non-profit ogranizations comprised of and representative of the end users, we are confident that even sole source providers they can fairly and impartially administer the frequency coordination process for the benefit of all.

[14] We are not proposing to require coordination in the Radiolocation Service since frequencies allocated to this service are either below 25 MHz or above 952 MHz. Coordination in these frequency bands is not required under current rules.

[15] To date no single organization has demonstrated itself representative of the diverse users in the Special Emergency Radio Service. However, it appears that the need for frequency coordination in this service outweighs the need for the coordinator to be absolutely representative of all users. Frequency coordination in the Special Emergency Radio Service (SERS) was addressed in the *Report and Order* of PR Docket 81-416, 49 FR 4492, February 7, 1984, where we indicated it was advisable to defer selection of a coordinator for the Special Emergency Radio Service until all facets of the coordination process were examined in this proceeding. Accordingly, we intend to select a coordinator for the SERS at the conclusion of this proceeding.

[16] We will consider continuing our policy of appointing coordinators for the specialized groups now recognized under the Business and Motor Carrier Radio Services if we receive requests to do so.

[17] Entities may request to be the coordinator in more than one service or group.

[18] Should there be no interest expressed in coordinating a particular radio service or group, we may combine that service or group with another.

[19] An applicant could request a frequency band preference, however the coordinator would not be required to honor this request. For example if the applicant requested the 150 MHz band but in the coordinator's opinion this band was already too congested at the location requested, the coordinator could recommend a frequency in another band.

[20] Applications with requests for waiver of the rules will be submitted to the coordinator who shall concur or disagree with the waiver request when it forwards the Form 574 to the Commission. The Commission retains the authority to consider all arguments before granting or disapproving any waiver requests.

[21] *Report and Order*, Gen. Docket 83-483, adopted August 8, 1984.

[22] Section 90.175 of the rules.

the present coordination procedure, coordinators do not issue a recommendation on one of these frequencies until they have solicited and received concurrence from each of the other services having sharing rights to the frequency. In most cases these concurrences are obtained by exchanging documents through the mail. It is apparent that little efficiency will be gained by automating the initial frequency selection process and then allowing a manual process to see if another coordinator selected the same frequency for the area in question. Coordinators, therefore, should have the capability to access each others' pending frequency selections. Comments are specifically requested on this matter.

20. Presently, all applications for out-of-service assignments must be accompanied by a concurring statement from the coordinator having responsibility for coordination in the radio service in which the frequency requested is allocated.[23] Again these concurrences are usually obtained by exchanging documents through the mail. This minimizes the efficiency of the proposed system. We realize, however, that the two coordinators may have different selection methodologies. Comments are requested as to how we can change this procedure to better take advantage of the system being proposed.

21. Coordinators are not currently required to be involved in post licensing conflicts such as interference resulting from equipment not being operated in accordance with recommended system parameters, or propagation anomalies not anticipated by the coordinator. Many, however, do participate to a certain extent in resolving such problems. Under the one coordinator per service approach being proposed here we believe coordinators should be involved if disputes arise. Accordingly, coordinators will be expected to be involved should post licensing conflicts pertaining to coordination arise.

22. Currently, the Commission recognizes an organization to be the coordinating committee of a particular radio service or group of users within that service.[24] In the NOI, we indicated that we could oversee coordinators by imposing pre-recognition requirements such as representativeness, data processing capability, compatibility with the FCC data system, etc. We stated that we could alternatively or additionally oversee coordinators on the basis of performance, such as the quality and timeliness of recommendations, and indicated that suggested performance standards would be helpful. Most of the comments indicated that the frequency coordinators should be representative of the users, and supported some type of pre-recognition requirements. As previously discussed, we are proposing to require that prospective coordinators (for all services) submit their qualifications to the Commission, and in the case of multiple submissions, the Commission will select the best qualified applicant based upon its assessment of the submitted qualifications. However, we are inclined to give great weight to the existing committee structure which is in place and which has worked very well over the years.

23. Concerning the issue of overseeing the performance of coordinating committees for such factors as quality and timeliness of recommendations, the NOI specifically requested suggestions on standards. Most of the comments agreed that some type of standards or guidelines should be established by the Commission. Timeliness, i.e., speed of providing a frequency recommendation, and quality, i.e., recommending the best available frequency, were the two performance criteria most often mentioned. However, none of the comments suggested time frames of coordination. After consideration of the comments on performance standards, we are proposing that each coordinating committee shall be subject to a performance analysis by the Commission when it is deemed necessary by the number of complaints received or if the Commission has reason to believe that a committees performance is below standard or not in the public interest. The Commission may withdraw recognition of a coordinating committee if it is established that a committee's performance is below standard or not in the best public interest. We are not proposing to establish a specific standard for speed of service since this would depend upon the individual committee's procedures and resources. We feel that a review of quality of service, by analyzing the type and number of complaints received, will indicate not only whether the appropriate frequencies are being recommended, but also whether coordination is being performed within a reasonable time.

24. We have considered whether the Commission should regulate the fees charged by coordinators or impose restraints on profitability or use of profits. Most of the comments indicated that the Commission should not get involved with fees; that fees charged (if any) should be determined by each coordinating group; that the coordination process should be non-profit; and that fees should reflect the actual cost of coordination. Several commentors feared that the coordinators might charge exorbitant fees for their service. After considering this matter we are inclined only to require that the coordinators establish standard charges reflecting the cost of providing various services, that these charges be uniformly applied to all would-be applicants and that the method of arriving at the charges be kept available for public inspection. Applicants may come to us if they believe these guidelines are being violated. Our ability to withdraw our recognition of a particular frequency coordinator should minimize the potential for any unfair practices in this regard.

25. We generally agree with the majority of comments on the issue of fees and are proposing that fees charged by frequency advisory committees must reasonably reflect the cost of providing service.

III. Summary of Proposals

26. In summary, we are proposing rules to govern frequency coordination and the role of non-Federal Government coordinators in the private land mobile licensing process. Under the proposed approach we would recognize one coordinator for each radio service or pool of frequencies. Applicants proposing new stations or modifying existing licenses would send their completed applications (Form 574) to the recognized coordinator in the service in which they are applying. The coordinator would check the application for completeness and accuracy, compliance with the Commission's rules, and determine the most suitable frequency, which may be either the applicant's or coordinator's choice. If an error is detected or the coordinator does not agree with the system parameters, the application would be returned to the applicant. The applicant may then submit to the coordinator a technical showing (field study) to support its choice of frequencies or other parameters in question. Once the coordinator is satisfied that the application is in order and that the proposed operation would result in the least amount of interference to existing users, the application would be forwarded to the Commission. If the applicant cannot convince the coordinator that its proposed operation is acceptable, the case would be submitted to the Commission for decision. Basically, this approach places

[23] When this requirement was adopted individual coordinators only kept licensee data for the service they coordinated. There was no way for the coordinator to determine the interference potential of the frequencies in other services.

[24] A list of the currently recognized frequency coordinating committees is presented in Appendix B.

more reliance on the private sector in the overall licensing process. However, the Commission would still retain final authority in all licensing matters. We are convinced that this approach would facilitate application processing, maximize spectrum utilization, provide an up-to-date data base, and allow for the introduction of new technologies with minimum disruption to existing operations.

27. Rule changes reflecting the proposed approach to frequency coordination are presented in Appendix C. Many of the rule changes concern only application procedures and processing. Because of their editorial nature, they may not have been specifically mentioned in the preceeding discussion. It is suggested that the proposed rules be carefully examined when preparing comments in this proceeding.

IV. Regulatory Flexibility Act Initial Analysis

28. *Reason for action.* The Commission believes that its rules and policies concerning private land mobile radio frequency selection and assignments should be updated, particularly since the Commission received Congressional Authorization in the 1982 amendments to the Communication Act to utilize the assistance of frequency coordinating committees. It is in this light that the Commission is proposing changes to its Parts 0, 1, and 90 rules.

29. *The Objectives.* The Commission's objective is to implement coordination procedures that would allow greater participation by frequency coordinators in the overall frequency assignment process, resulting in an accurate, up-to-date land mobile radio base.

30. *Legal Basis.* The actions proposed herein are taken pursuant to Sections 4(i), 303(b), 303(g), 303(r), and 331(b) of the Communications Act of 1934, as amended.

31. *Description, potential impact and number of small entities affected.* We do not believe that this NPRM will have a significant economic impact upon a substantial number of small entities. The proposed rules require that all applicants submit applications for station authorizations, modifications, and renewals directly to the appropriate radio service frequency coordinator. Some frequency coordinators will charge fees for their services, while others will not. In the services where fees are charged, some applicants will now be required to pay a coordination fee although under previous rules they may have elected to conduct field studies. It is felt however that coordination fees resulting from the proposed rules will probably be less than the cost to an applicant for a properly performed engineering field study. The proposed rules will have an effect on a few commercial organizations which have been providing licensing assistance to applicants, both in the preparation of applications and field studies. The overall economic impact to these few firms is unknown, since assistance provided to land mobile radio applicants is only a part of their overall business.

32. *Recording, recordkeeping and other compliance requirements.* No additional recording, recordkeeping or other compliance requirements are anticipated. The applicant, rather than sending the application directly to the Commission, would submit it to the appropriate frequency coordinator, who after review and concurrence, would then forward it to the Commission for final action.

33. *Federal rules which overlap, duplicate or conflict with this rule.* None.

34. *Any significant alternatives minimizing impact on small entities and consistent with the stated objectives.* None.

V. Ordering Clauses

35. Accordingly, notice is hereby given of rule making to amend the Commission's Rules and Regulations, in accordance with the proposal set forth in the attached Appendix C.

36. Additionally, applications now on file or those that subsequently may be filed proposing to convert community repeater operations to private carrier operations or to establish new private carrier systems will be returned without action.

37. It is further ordered that the Secretary shall cause a copy of this *Notice of Proposed Rule Making* to be served upon the Chief Counsel for Advocacy of the Small Business Administration. The Secretary shall also cause a copy to be published in the **Federal Register.**

38. We encourage all interested parties to respond to this *Notice of Proposed Rule Making* since such information as they may provide often forms the basis for further Commission action. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating a substantive disposition of the matter is to be considered at a forthcoming meeting, or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, and *ex parte* presentation is any written or oral communication (other than formal written comments/ pleadings or formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding, must prepare a written summary of that presentation. On the day of that oral presentation, a written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

39. Pursuant to applicable procedures set out in § 1.415 of the Rules and Regulations, 47 CFR § 1.415, interested persons may file comments on or before March 11, 1985 and reply comments on or before April 25, 1985. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public files and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

40. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file and original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file and original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commisison Public Reference

Room at its headquarters in Washington, D.C.

41. For further information on this proceeding, contact Eugene Thomson or Herb Zeiler, Private Radio Bureau, Washington, D.C. 20554, (202) 634–2443.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commisison.

William J. Tricarico,

Secretary.

Appendix A

Formal comments were filed in this proceeding by the following:

Aeronautical Radio, Inc.
American Automobile Association
Associated Public-Safety Communication Officers, Inc.
Association of Maximum Service Telecasters
Bell Operating Companies
Black's Radio Co.
California Public Safety Radio Association, Inc.
Central Committee on Telecommunications of the American Petroleum Institute
Central Station Electrical Protection Association
Champagne-Webber, Inc.
Communications Engineering Co.
Comtronix, Inc.
Continental Telcom, Inc.
Environmental Lifestyle, Inc.
Forest Industries Telecommunications
Forestry Conservation Communications Association
General Electric Company
Greater Philadelphia Search and Rescue
Helper Instrument Co.
International Association of Fire Chiefs, Inc.
International Municipal Signal Association
International Taxicab Association
Manufacturers Radio Frequency Advisory Committee
Marshall Communications
Michigan Telephone Company
National Association of Business and Educational Radio, Inc.
National License Corporation
National Mobile Radio Association
Q-Tronics, Ltd.
RMS Electronics, Inc.
Merrill T. See
David W. Shelton
Skyphone, Inc.
Special Industrial Radio Service Association, Inc.
Spectrum Resources, Inc.
State of California, Office of Telecommunications
Tel-Air Communications, Inc.
Teletech, Inc.
TRA Electronic Communications, Inc.
Utilities Telecommunications Council
Video Connection, Inc.

Reply comments were filed by the following:

A–1 Communications Inc.
Aeronautical Radio, Inc.
Air Mobile Systems
Associated Public-Safety Communications Officers, Inc.
Atlantic Communications, Inc.
Central Committee on Telecommunications of the American Petroleum Institute
Channel Communications, Inc.
Communications Specialists Co., Inc.
Cook's Communications
County of Chester, Pennsylvania
Dynatel Communications Corporation
Engineering Communications, Inc.
Frontier Radio, Inc.
Gabriel Communications
Hayworth Communication Service, Inc.
Less's 2-Way Radio
Manufacturers Radio Frequency Advisory Committee
MeGee Communications-Electronics, Inc.
Motorola, Inc.
National Association of Business and Educational Radio, Inc.
National Mobile Radio Association
Resco, Inc.
Skory Communications
Special Industrial Radio Service Association, Inc.
Teletech, Inc.
Utilities Telecommunications Council

Appendix B

The current recognized frequency coordinating organizations for the private land mobile radio services are:

Radio service	Organization
Local Government	Any public safety coordinator.
Police	APCO.
Fire	IMSA.
Highway Maintenance	AASHTO.
Forestry-Conservation	FCCA.
Special Emergency	None.
Power	UTC.
Petroleum	API.
Forest Products	FIT.
Motion Picture	None.
Relay Press	None.
Special Industrial	SIRSA.
Business	NABER.
Business (Central Station only)	CSEPA.
Business (Airport only)	ARINC.
Manufacturers	MRFAC.
Telephone Maintenance	TELFAC.
Motor Carrier (property)	ATA.
Motor Carrier (urban passenger)	APTA.
Motor Carrier (interurban passenger)	ABA.
Railroad	AAR.
Taxicab	ITA.
Automobile Emergency	AAA.
Radiolocation	None.

Appendix C—Proposed Frequency Coordination Rules

Parts 0, 1, and 90 of the Commission's Rules and Regulations are amended to read:

PART 0—[AMENDED]

1. section 0.131 is amended by adding a new paragraph (g).

§ 0.131 Functions of the Bureau.

* * * * *

(g) Certifies frequency coordinating committees or organizations in the private land mobile radio services, considers petitions seeking review of the committee's actions, and engages in oversight of the committee's actions.

PART 1—[AMENDED]

2. section 1.912 is amended by adding a new paragraph (b).

§ 1.912 Where applications are to be filed.

* * * * *

(b) Unless otherwise specified, all applications for station authorizations and modifications under Part 90 of this chapter shall be sent to the certified frequency coordinator for the radio service concerned.

* * * * *

PART 90—[AMENDED]

3. In § 90.19(e)(17), the first sentence is revised to read as follows:

§ 90.19 Police Radio Service.

* * * * *

(e) * * *

(17) This frequency is available for assignment for the development and operation of nonvoice systems. * * *

* * * * *

4. section 90.53(b)(8) and (b)(31) are revised to read as follows:

§ 90.53 Frequencies.

* * * * *

(b) * * *

(8) Applications for this frequency will not be granted when the distance between the proposed station and existing adjacent channel base station is less than 16 km. (10 mi.).

* * * * *

(31) This frequency is removed by 22.5 kHz from frequencies assigned to other radio services. Utilization of this frequency may result in, as well as be subject to, interference under certain operating conditions. During the frequency coordination precedure it is recommended that adjacent channel users be contacted to resolve potential interference problems before operations begin. Should interference occur, the licensee may be required to take necessary steps to resolve the problem. See § 90.173(b).

5. Section 90.67(c)(29) is revised to read as follows:

§ 90.67 Forest Products Radio Service.

* * * * *

(c) * * *

(29) This frequency is shared with the Taxicab and Special Industrial Radio Services. Use of this frequency is limit to stations located at least 80.5 km (50 miles) from the center of any urbanized area of 600,000 or more population (U.S. Census of Population, 1970). All operations on this frequency are limited to a maximum transmitter output power

of 75 watts. Evidence of interservice coordination showing that minimum separation requirements for co-channel and adjacent channel operations have been satisfied is required.

* * * * *

6. Section 90.73(d)(28) is revised to read as follows:

§ 90.73 Special Industrial Radio Service.

* * * * *

(d) * * *

(28) This frequency is shared with the Taxicab and Forest Products Radio Services. Use of this frequency is limited to stations located at least 80.5 km (50 miles) from the center of any urbanized area of 600,000 or more population (U.S. Census of Population, 1970). All operations on this frequency are limited to a transmitter putput power of 75 watts. Evidence of interservice coordination showing that the minimum separation requirements for co-channel and adjacent channel operations have been satisfied is required.

* * * * *

Section 90.93(c)(11) is revised to read as follows:

§ 90.93 Taxicab Radio Service.

* * * * *

(c) * * *

(11) This frequency is shared with the Forest Products and Special Industrial Radio Services. Use of this frequency is limited to stations located at least 80.5 km (50 miles) from the center of any urbanized area of 600,000 or more population (U.S. Census of Population, 1970). Evidence of interservice coordination showing that the minimum separation requirements for co-channel and adjacent channel operations have been satisfied is required.

* * * * *

8. Section 90.127(a) is revised to read as follows:

§ 90.127 Filing of applications.

(a) Unless otherwise specified, all applications for station authorizations and modifications shall be submitted to the certified frequency coordinator for the radido service involved.

* * * * *

9. The introductory text of § 90.129 is revised to read as follows:

§ 90.129 Supplemental information to be routinely submitted with applications.

Each application received by the Commission shall be accompanied by the appropriate information listed below:

* * * * *

10. § 90.135(a)(3), (a)(4), (a)(5), (a)(8), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7), and (c)(2) are revised and (b)(8) is added to read as follows:

§ 90.135 Modification of license.

(a) * * *

* * * * *

(3) Any change in output power from that authorized.

(4) Any change in antenna height from that authorized.

(5) Any change in the location or number of base station, control, or mobile transmitters from that authorized.

* * * * *

(8) Any change in the class of a land station including changing from multiple licensed to cooperated use, and unshared to shared use.

(b) * * *

* * * * *

(3) Change in the number and location of station control points.

(4) Change in the number of mobile units for stations assigned exclusive frequencies in the 470–512 MHz band.

(5) Change in the number of mobile units, and number and location of control stations for systems assigned exclusive frequencies in the 806–821 MHz band.

(6) Change in the number of mobile units operated by Radio-location Service licensees.

(7) Change enabling interconnection of the land station with the public switched telephone network. See § 90.477.

(8) Any other change not listed in paragraph (a) of this section.

* * * * *

(c)(1) * * *

(2) In the case of a change listed in paragraphs (b)(3), (b)(4), (b)(5), (b)(6), (b)(7) and (b)(8) of this section, the licensee shall notify the Commission within 30 days of the change. The notice may be filed on FCC Form 574 or may be contained in a letter specifying the nature of the change, the name and address of the licensee as appearing on Commission records, and the call sign, class, and radio service of the station. The notice shall be sent to: Federal Communications Commission, Gettsyburg, Pennsylvania 17325.

11. Section 90.137 is amended by revising the introductory text of paragraph (a) and adding paragraph (a)(3).

§ 90.137 Applications for operation at temporary locations.

(a) An application for authority to operate a base station or a fixed station at temporary locations for a period between 180 days and 1 year shall be submitted in accordance with the following:

* * * * *

(3) These applications shall contain evidence of frequency coordination in accordance with § 90.175.

* * * * *

12. Section 90.139 is revised as follows:

§ 90.139 Preliminary processing of applications.

(a) For those applicatons requiring frequency coordination in accordance with § 90.175, initial examination of all applications will be performed by the applicable radio service frequency coordinator. Applications which are incomplete with respect to answers, supplementary statements, execution, or other matters of a formal character shall be deemed to be defective and may be returned to the applicant with a brief statement as to such defects. In addition, if an applicant is requested to file any additional documents or information not included in the prescribed application form, failure to comply with such request will be deemed to render the application defective, and such application may be returned. Applications will also be deemed to be defective and may be returned to the applicant in the following cases:

(1) Statutory disqualification of applicant;

(2) Proposed use or purpose of station would be unlawful;

(3) Requested frequency is not allocated for assignment for the service proposed.

(b) Applications which are not in accordance with the provisions of this chapter, or other requirements of the Commission, will be considered defective and may be returned unless accompanied by a request in accordance with § 90.151 of this part.

(c) Applications received by the Commission from the frequency coordinators for filing are given a file number. The assignment of a file number to an application is for administrative convenience and does not indicate the acceptance of the application for filing and processing.

§ 90.141 [Reserved]

13. Section 90.141 is removed and reserved.

14. Section 90.145 is amended by adding a new paragraph (c)

§ 90.145 Special temporary authority.

* * * * *

(c) Requests to operate under special temporary authority for periods

exceeding 180 days shall be made through the applicable frequency coordinator.

15. Section 90.151 (d) is revised to read as follows:

§ 90.151 Requests for waiver.

* * * * *

(d) All requests for waiver of the rules in this part submitted with applications for new stations or modifications shall be submitted to the certified frequency coordinatior for the radio service involved. See § 90.127(a).

16. Section 90.159 is revised to read as follows:

§ 90.159 Temporary permit.

An applicant for a private land mobile station license utilizing an already authorized facility may operate the radio station(s) for a period of up to 180 days under a temporary permit evidenced by a properly executed temporary license certificate after submitting a formal application for station license to the appropriate frequency coordinating committee provided that the antenna(s) employed by the control station(s) is (are) twenty feet or less above ground or twenty feet or less above a manmade structure other than an antenna tower to which it is affixed. The temporary operation of stations, other than mobile stations within the Canadian coordination zone will be limited to stations with a maximum of 5 watts effective radiated power and a maximum antenna height of 6.1 meters above average terrain.

17. Section 90.175 is revised to read as follows:

§ 90.175 Frequency coordination requirements.

Except for applications listed in paragraph (g) of this section each application. (1) For a new frequency assignment; (2) for a change in existing facilities by increasing or decreasing the authorized power, raising or lowering the authorized antenna height, changing any authorized station location or the location of the antenna; (3) for the addition of a base station within the licensee's existing area of operation; or (4) for the addition of mobile and/or control stations to existing facilities, or for a change to or the addition of digital voice or nonvoice emission, shall include a showing of frequency coordination as set forth below.

(a) For frequencies below 25 MHz.

(1) No coordination is required.

(b) For frequencies between 25 and 470 MHz:

(1) A statement from a frequency coordinating committee recommending the optimum frequency with respect to cochannel operations and interference considerations. The Committee's recommendations may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate any contemplated interference. The Committee shall not recommend any adjacent channel frequency 15 KHz removed to existing stations which would result in a separation of less than 10 miles. If the frequency recommended is in the 150–170 MHz band, is 15 kHz removed from a frequency which is available to another radio service, and is assignable only after coordination, the committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished. When frequencies are shared by more than one service, concurrence shall be obtained from the other cognizant coordinators.

(c) For frequencies between 470 and 512 MHz and 806–821/851–886 MHz.

(1) A statement from a frequency coordinating committee recommending specific frequencies which are available for assignment in accordance with the loading standards and mileage separations applicable to the specific radio service or category of users involved.

(d) For frequencies in the 929–930 MHz band.

(1) A statement from a frequency coordinating committee recommending the optimum frequency with respect to cochannel operations and interference considerations.

(e) Any recommendation submitted in accordance with paragraph (b)(1), (c)(1), or (d)(1) of this section is purely advisory in character and is not binding on either the applicant or the Commission. Applicants are advised not to purchase radio equipment on specific frequencies until a valid authorization has been obtained from the Commission.

(f) Applications for facilities near the Canadian border north of line A or east of line C in Alaska may require coordination with the Canadian government. See § 1.955 of this chapter.

(g) The following applications need not be accompanied by evidence of frequency coordination:

(1) Applications for a Federal Government frequency.

(2) Applications for a frequency in the band 216–220 MHz.

(3) Applications for a frequency allocated primarily for developmental operations.

(4) Applications for the special Industrial Radio service or the Business Radio Service specifying an itinerant operation only.

(5) Application in the Radiolocation Service.

18. Section 90.176 (a)(1), (a)(3), (b)(1), and (b)(3) are revised to read as follows:

§ 90.176 Interservice sharing of frequencies in the 150–174 and 450–474 MHz bands.

(a) * * *

(1) A determination by the applicant's frequency coordinating committee that there are no satisfactory frequencies available within the applicant's own radio service in the area of desired operation;

* * * * *

(3) A statement from the frequency coordinator(s) having responsibility for the coordination in the radio service(s) in which the frequency in question is assigned concurring in its assignment in the manner proposed and stating that it will not result in harmful interference to existing or planned systems in the service(s) in which the frequency is assigned.

* * * * *

(b) * * *

(1) A determination by the applicant's frequency coordinating committee that there are no satisfactory frequencies available within the applicant's own radio service in the area of desired operation;

* * * * *

(3) A statement from the frequency coordinator(s) having responsibility for the coordination in the radio service(s) in which the frequency in question is assigned concurring in its assignment in the manner proposed and stating that it will not result in harmful interference to existing or planned systems in the service(s) in which the frequency is assigned.

* * * * *

19. Section 90.354 is revised to read as follows:

§ 90.354 Forms to be used.

Applications for trunked radio facilities shall be submitted on FCC Forms 574 and 574 B to the appropriate radio service frequency coordinator.

20. Section 90.356 is amended by adding a new subparagraph (e) to read:

§ 90.356 Supplemental information to be furnished by applicants for facilities under this subpart.

* * * * *

(e) All applicants for these frequencies must comply with frequency coordination requirements of § 90.175(c).

21. Section 90.360 is revised to read as follows:

§ 90.360 Processing of applications.

Applications for facilities to operate on the frequencies governed by this Subpart will be processed as follows:

(a) All applications will be submitted to the appropriate frequency coordinator to determine whether they are acceptable for filing.

(b) Frequencies may be specified by the applicant pursuant to the applicable provisions of § 90.621 of the rules or the applicant may elect to have the frequency coordinator select the frequencies. Frequencies will be selected in accordance with the Commission's assignment policies and loading criteria. If the application cannot be granted because of lack of availability of frequencies, it will be placed in queue on a waiting list in the order it was received.

(c) After determining that the application is suitable for filing, and making a frequency recommendation, the coordinator will submit the application to the Commission.

22. Section 90.390 is revised to read as follows:

§ 90.390 Temporary permit.

An applicant for a Subpart M radio station license to use an already existing facility may operate the radio station(s) for a period of up to 180 days under a temporary permit evidenced by a properly executed certification of FCC Form 572 after submitting a formal application for station license to the appropriate frequency coordinator, provided that the antenna(s) employed by the control station(s) is (are) twenty feet or less above ground or twenty feet or less above a manmade structure other an antenna tower which it is affixed.

23. Section 90.494(b) is revised to read as follows:

§ 90.494 One-way paging operations in the 929-930 MHz band.

* * * * *

(b) All applicants for these frequencies must comply with the frequency coordination requirements of § 90.175(d).

* * * * *

24. Section 90.605 is revised to read as follows:

§ 90.605 Forms to be used.

Applications for conventional and trunked radio facilities shall be submitted on FCC Forms 574 and 574 B to the appropriate radio service frequency coordinator.

25. Section 90.607 is amended by adding a new subparagraph (e) to read:

§ 90.607 Supplemental information to be furnished by applicants for facilities under this subpart.

* * * * *

(e) All applicants for these frequencies must comply with the frequency coordination requirements of § 90.175(c).

26. Section 90.611 is revised to read as follows:

§ 90.611 Processing of applications.

Applications for facilities to operate on the frequencies governed by this subpart will be processed as follows:

(a) All applications will be submitted to the appropriate frequency coordinator to determine whether they are acceptable for filing.

(b) Frequencies may be specified by the applicant pursuant to the applicable provisions of § 90.621 of the rules or the applicant may elect to have the frequency coordinator select the frequencies. Frequencies will be selected in accordance with the Commission's assignment policies and loading criteria.

(c) After determining that the application is suitable for filing, and making a frequency recommendation, the coordinator will submit the application to the Commission.

27. In § 90.621 the introductory text of paragraph (a) and the text of (c) are revised to read as follows:

§ 90.621 Selection and assignment of frequencies.

(a) Applicants eligible in the Public Safety/Special Emergency, Industrial/Land Transportation, Business, and SMRS Categories must specify the frequencies on which the proposed system will operate pursuant to a recommendation by the appropriate frequency coordinating committee.

* * * * *

(c) Trunked systems authorized on frequencies in the Public Safety, Industrial/Land Transportation, SMRS and Business Categories will be protected solely on the basis of predicted contours. Coordinators will attempt to provide a 40 dBu contour and to limit co-channel interference levels to 30 dBu over an applicants requested service area. This would result in a mileage separation of 70 miles for typical system parameters. Separations will be less than 70 miles where the requested service areas, terrain or other factors warrant reduction. We will not accept recommendations of more than 70 miles separation from coordinating groups. Only co-channel interference between base station operations will be taken into consideration. Adjacent channel and other types of possible interference will not be taken into account.

* * * * *

28. Section 90.657 is revised to read as follows:

§ 90.657 Temporary permit.

An applicant for a Subpart S radio station license to use an already existing facility may operate the radio station(s) for a period of up to 180 days under a temporary permit evidenced by a properly executed certification of FCC Form 572 after submitting a formal application for station license to the appropriate frequency coordinator, provided that the antenna(s) employed by the control station(s) is (are) twenty feet or less above ground or twenty feet or less above a manmade structure other than an antenna tower to which it is affixed.

[FR Doc. 84-29907 Filed 11-15-84; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 49, No. 223
Friday, November 16, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Directory of Administrative Hearing Facilities; Publication

The Office of the Chairman of the Administrative Conference of the United States announces publication of the expanded second edition of its "Directory of Administrative Hearing Facilities." The directory is designed to assist persons who are scheduling administrative hearing and conferences to locate and reserve appropriate facilities at minimal expenses. It identifies and describes approximately 1700 courtrooms, conference rooms, hearing rooms, and other locations across the country in which administrative proceedings may be held. The directory also lists contacts to call when seeking to reserve these facilities.

The Office of the Chairman has a limited supply of copies of the directory for distribution to federal agencies and others who have a special need or interest. To request a copy, write to Charles Pou, Jr., Administrative Conference of the United States, Suite 500, 2120 L Street, NW., Washington, D.C. 20037, or telephone (202) 254–7065.

November 13, 1984.

Richard K. Berg,

General Counsel.

[FR Doc. 84-30133 Filed 11-15-84; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

National Conservation Review Group; Meeting

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Notice of meeting.

SUMMARY: The Agricultural Conservation Program (ACP) National Conservation Review Group will meet to consider recommendations from State and County ACP review groups with respect to the operational features of the program. Also, comments and suggestions will be received from the public concerning procedures to govern the various conservation and environmental programs administered by the Agricultural Stabilization and Conservation Service (ASCS).

DATE: Meeting date: December 12, 1984.

ADDRESSES: Meeting location: Room 4960 South Building, U.S. Department of Agriculture, 14th & Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Chief, Conservation Programs Branch, Conservation and Environmental Protection Division, ASCS, U.S. Department of Agriculture, Room 3608–S, South Building, Washington, D.C. 20013, 202–447–7333.

SUPPLEMENTARY INFORMATION: The Agricultural Conservation Program (ACP) National Conservation Review Group meeting is scheduled to be held from 9:00 a.m. to 12:00 p.m. on December 12, 1984, in Room 4960, South Building, U.S. Department of Agriculture, Washington, D.C. Meeting sessions will be open to the public. The agenda will include consideration of State and county review group recommendations for changes in the administrative procedures and policy guidelines of the ACP. Also an opportunity will be provided for the public to present comments on the various conservation and environmental programs. The meeting may also include discussion of current procedures, criteria, and guidelines relevant to the implementation of this program.

Because of the limitations of space available, persons desiring to attend the meeting should call Mr. Vincent Grimes (202) 447–7333 to reserve a seat.

Dated: November 13, 1984.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 84-30175 Filed 11-15-84; 8:45 am]

BILLING CODE 3410-05-M

Soil Conservation Service

Rock Creek Watershed, Adams County PA; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Rock Creek Watershed, Adams County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Olson, State Conservationist, Soil Conservation Service, Federal Building 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone (717) 782–4453.

SUPPLEMENTARY INFORMATION: The environmental evaluation of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. James H. Olson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include the installation of conservation and management practices for erosion and sediment control on 12,400 acres of cropland.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, State and local agencies, and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting James H. Olson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program.) Presidential executive order 12372 establishing the state and local review of federal and federally assisted programs and projects is applicable.

Dated: November 7, 1984.

James H. Olson,

State Conservationist.

[FR Doc. 84-30099 Filed 11-15-84; 8:45 am]

BILLING CODE 3410-16-M

Finding of No Significant Impact; Mitten Lane Flood Prevention and Drainage RC&D Measure, Berkeley County, SC

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mitten Lane Flood Prevention and Drainage RC&D Measure, Berkeley County, South Carolina.

FOR FURTHER INFORMATION CONTACT: Billy Abercrombie, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina, 29201, telephone (803) 765-5681.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Billy Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns flood prevention and improved drainage for area in the Mitten Lane area just outside Moncks Corner. The planned works of improvement include one and one-half miles of stream channel work to increase flow capacity.

The Notice of Finding No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Billy Abercrombie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program.)

Dated: November 7, 1984.

Billy Abercrombie,

State Conservationist.

[FR Doc. 84-30103 Filed 11-15-84; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

President's Commission on Industrial Competitiveness, Capital Resources Committee; Cancellation of Meeting

AGENCY: Office of Economic Affairs, Commerce.

ACTION: Notice of Meeting Cancellation.

SUMMARY: This notice announces the cancellation of a meeting of the Capital Resources Committee of the Commission. The meeting was to have been held on November 19, 1984.

FOR FURTHER INFORMATION CONTACT: J. Paul Royston, President's Commission on Industrial Competitiveness, 736 Jackson Place NW., Washington, DC. 20503, telephone: 202-395-4527.

SUPPLEMENTARY INFORMATION: A notice in the **Federal Register** for November 2, 1984 (p. 44118) informed the public of a meeting of the Capital Resources Committee of the President's Commission on Industrial Competitiveness. The meeting was scheduled for November 19, 1984. The meeting has been cancelled.

Dated: November 14, 1984.

Egils Milbergs,

Executive Director, President's Commission on Industrial Competitiveness.

[FR Doc. 84-30276 Filed 11-14-84; 4:10 pm]

BILLING CODE 3510-18-M

International Trade Administration

[A-122-005]

Carbon Steel Bars and Structural Shapes From Canada; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On September 28, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on carbon steel bars and structural shapes from Canada. The review covers carbon steel bars and structural shapes manufactured by Western Canada Steel Ltd., its subsidiary, Vancouver Rolling Mills, Ltd., the six other known exporters of this merchandise to the United States, and the period September 1, 1982, through August 31, 1983.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: November 16, 1984.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-2923/3601.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 38323) the preliminary results of its administrative review of the antidumping finding on carbon steel bars and structural shapes from Canada (29 FR 13319, September 25, 1964). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of carbon steel bars, bar-shapes under 3 inches, and structural shapes 3 inches and over, currently classifiable under items 606.8300 and 609.8000 of the Tariff Schedules of the United States Annotated, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada.

The review covers Western Canada Steel Limited, its subsidiary, Vancouver Rolling Mills, Limited, the six other known exporters of this merchandise to the United States, and the period September 1, 1982, through August 31, 1983.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review

are the same as those presented in the preliminary results of review, and we determine that the following margins exist for the period September 1, 1982, through August 31, 1983.

Manufacturer/Exporter	Margin (percent)
Western Canada Steel Ltd.	[1] 40.64
Western Canada/A.J. Forsyth Co., Ltd.	[1].01
Western Canada/Mitsubishi Canada Ltd.	[1].01
Western Canada/Mitsui & Co. (Canada) Ltd.	[1].01
Western Canada/Tudor Sales Ltd.	[1].01
Western Canada/Cam Chain Co., Ltd.	3.20
Western Canada/Chatham Steel Ltd.	3.20

[1] No shipments during the period.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for those firms. The Department shall waive the cash deposit requirement for A.J. Forsyth Co., Ltd., Mitsubishi Canada Ltd., Mitsui & Co. (Canada) Ltd., and Tudor Sales Ltd., since the margins for these firms are less than 0.50 percent and, therefore, *de minimis* for cash deposit purposes. For any shipments from a new exporter of carbon steel bars and structural shapes manufactured by Western Canada Steel, Ltd. or its subsidiary, Vancouver Rolling Mills Ltd., not covered in this or prior reviews, whose first shipments occurred after August 31, 1983 and who is unrelated to any covered firm, a cash deposit of 3.20 percent shall be required on future entries. These deposit requirements and waivers are effective for all shipments of Canadian carbon steel bars and structural shapes manufactured by Western Canada Steel Ltd. or its subsidiary, Vancouver Rolling Mills Ltd., entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

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 of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

November 6, 1984.

[FR Doc. 84-30083 Filed 11-15-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-002]

Chloropicrin From the People's Republic of China; Preliminary Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Duty Order

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping duty order on chloropicrin from the People's Republic of China. The review covers the one known Chinese exporter and one known third-country reseller of this merchandise to the United States and the period September 19, 1983 through January 31, 1984.

The Chinese exporter failed to respond to our questionnaire. For that firm we used the best information available for assessment and estimated antidumping duties cash deposit purposes.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: November 16, 1984.

FOR FURTHER INFORMATION CONTACT: Maureen A. Flannery or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On March 22, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 10691) an antidumping duty order on chloropicrin from the People's Republic of China and announced its intent to conduct an administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of chloropicrin, also know as trichloronitromethane. A major use of the product is as a pre-plant soil fumigant. Chloropicrin is currently classifiable under items 408.1600, 408.2900, and 425.5290 of the Tariff Schedules of the United States Annotated.

The review covers the one known Chinese exporter, China National Chemicals Import and Export Corporation (SINOCHEM), and one known third-country (Hong Kong) reseller, William Hunt & Co. (International) Ltd., of this merchandise to the United States and the period September 19, 1983 through January 31, 1984.

William Hunt & Co. (International) Ltd. did not ship Chinese chloropicrin to the United States during the period. The estimated antidumping duties cash deposit rate for the firm will be the fair value rate. SINOCHEM failed to respond to our questionnaire. For that non-responsive firm the Department used the best information available for assessment and estimated antidumping duties cash deposit purposes. The best information available is that firm's fair value rate.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist for the period September 19, 1983 through January 31, 1984:

Exporter/third-country reseller (country)	Margin (percent)
SINOCHEM	58
SINOCHEM/William Hunt & Co. (International) Ltd. (Hong Kong)	[1] 58

[1] No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties

of 58 percent shall be required on all shipments of Chinese chloropicrin entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1685(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

November 5, 1984

[FR Doc. 84-30081 Filed 11-15-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-025]

Clear Sheet Glass From Italy; Final Results of Administrative Review of Dumping Finding

AGENCY: International Trade Administration/Import Administration. Commerce.

ACTION: Notice of Final Results of Administrative Review of Dumping Finding.

SUMMARY: On July 25, 1984, the Department of Commerce published the preliminary results of its administrative review of the dumping finding on clear sheet glass from Italy. The review covers the five known manufacturers and/or exporters of this merchandise to the United States currently covered by the finding and the period December 1, 1982 through November 30, 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 our review are the same as the preliminary results.

EFFECTIVE DATE: November 16, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255/2923.

SUPPLEMENTARY INFORMATION:

Background

On July 25, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 29990-29991) the preliminary results of its administrative review of the dumping finding on clear sheet glass from Italy (36 FR 23360, December 9, 1971). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of clear sheet glass from Italy. This merchandise is currently classifiable under items 542.3120 through 542.4835 of the Tariff Schedules of the United States Annotated.

The review covers the five known manufacturers and/or exporters of this merchandise to the United States currently covered by the findings and the period December 1, 1982 through November 30, 1983.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as the preliminary results, and we determine that the following margins exist for the period:

Manfacturer/exporter	Margin (percent)
Societa Italiano Vetro	[1] 19.62
Vernante Pennitalia S.p.A.	[1] 44.56
Vetreria Milanese Lucchini	[1] 43.90
Vetrobel S.I.R.T.	59.80
Veneziana Vetro S.p.A.	4.51

[1] No shipments during the period.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the perenctages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for those firms. For any future shipments from a new exporter not covered in this or prior reviews, whose first shipments occurred after November 30, 1983, and who is unrelated to any covered firm, a cash deposit of 4.51 percent shall be required. These deposit requirements shall become effective on the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately 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 of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary For Import Administration.

November 1, 1984.

[FR Doc. 84-30080 Filed 11-15-84; 8:45 am]

BILLING CODE 3510-DS-M

Viscose Rayon Staple Fiber From France; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On August 30, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from France. The review covers the two known exporters and one third-country (Netherlands) reseller of this merchandise to the United States and the period March 1, 1983 through February 29, 1984. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of reveiw.

EFFECTIVE DATE: November 16, 1984.

FOR FURTHER INFORMATION CONTACT: Ron Nichols or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On August 30, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 34387) the preliminary results of its administrative review of the antidumping finding on viscose rayon staple fiber from France (44 FR 17156, March 21, 1979). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous

form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated.

The review covers the two known exporters of French viscose rayon staple fiber, Rhone-Poulenc Textile and Achille Bayart et Cie, the one known third-country (Netherlands) reseller, B.V. Textielfabriek Huizen, and the period March 1, 1983 through February 29, 1984. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our reveiw are the same as those presented in the preliminary results, and we determine that, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 24 percent shall be required on all shipments of French viscose rayon staple fiber 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 reveiw. The Department intends to begin immediately the next administrative review.

The Department encourage 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) of the Tarriff Act of 1930 (19 U.S.C. 1675(a)(1) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

November 5, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-30082 Filed 11-15-84; 8:45 am]

BILLING CODE 3510-DS-M

[Case No. 656]

J.O.K. Inc., et al.; Order Temporarily Denying Export Privileges

In the matter of: Josef Kubicek, individually and doing business as, Exclusitrade, Inc. and J.O.K., Inc., with locations at 18 La Vista Verde, Rancho Palos Verdes, CA 90274 and 2001 Artesia Boulevard, Redondo Beach, CA 90278 and Lakeside Office Park, No. 4 Wakefield, MA 01880; William Carlton Dart, individually and doing business as, Display Systems, Inc. and Perpetuum Inc., with locations at 2000 Martin Avenue, Santa Clara, CA 95050; Robert William Haire, Sr., individually and doing business as, Display Systems, Inc. 2000 Martin Avenue, Santa Clara, CA 95050 and Exclusitrade, Inc. with locations at 18 La Vista Verde Rancho, Palo Verdes, CA 90274 and 2001 Artesia Boulevard, Redondo Beach, CA 90278 and Lakeside Office Park, No. 4 Wakefield, MA 01880; Raymond Shields Spitz, Star Route 45E, Spirit Lake, ID 83869.

The Department of Commerce (Department), pursuant to the provisions § 388.19 of the Export Administration Regulations (15 CFR Parts 368–399) (1984)) (Regulations), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to: Josef Kubicek, individually and doing business as Exclusitrade, Inc. and J.O.K., Inc., with offices located in California and Massachusetts; William Carlton Dart, individually and doing business as Display Systems, Inc. and Perpetuum, Inc., both of Santa Clara, California; Robert William Haire, Sr., doing business as Exclusitrade, Inc. and Display Systems, Inc.; and Raymond Shields Spitz, of Spirit Lake, Idaho.

The Department states: (1) That, from June 1983 to February 1984, Josef Kubicek, William Carlton Dart, Robert William Haire, Sr., and Raymond Shields Spitz conspired and acted in concert to export U.S.-origin equipment used in the production, manufacture and construction of integrated circuit devices from the United States to Czechoslovakia in violation of the Regulations, as described in greater detail in (2) through (6); (2) that, in June 1983, in furtherance of their conspiracy, Kubicek and Haire, doing business as Exclusitrade, purchased six U.S.-origin Model 320A and 320B wafer polishers having limited manufacturing capabilities; (3) that, in October and November 1983, Dart and Haire, doing business as Display Systems Inc., and Kubicek, doing business as Exclusitrade and J.O.K., Inc., contracted for two of these polishers to be modified so as to have the much greater manufacturing capabilities of the U.S. manufacturer's Model 3700 wafer polishers, incorporating the condition that two more polishers would be similarly modified upon acceptance by the Czechoslovakian purchaser of the first two polishers; (4) that, after learning that the Department, which reinstated the validated export license requirement for Model 3700 wafer polishers in June 1981, would not issue a validated license for the export of such equipment to Czechoslovakia, Kubicek, et al., arranged for a third party to export the two modified polishers as Model 320B polishers under general license G–DEST (the second two modified polishers were to be exported upon the successful export and acceptance by the Czechoslovakian purchaser of the first two polishers); (5) that, on December 13, 1983, in furtherance of the conspiracy, Spitz received training in the operation of the modified polishers to facilitate his installation of the equipment in Czechoslovakia; and (6) that the first two modified polishers were seized at Los Angeles International Airport on February 9, 1984 after being processed for export by the third party to Czechoslovakia as Model 320B wafer polishers under general license G–DEST.

The Department further states that it believes that respondents herein may in the future engage in a similar pattern of conduct contrary to the Regulations, unless appropriate action is taken to preclude such attempts.

Based on the showing made by the Department, I find that an order temporarily denying all export privileges to respondents is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401–2420 (1982)), and the Regulations.[1]

Anyone who is now or may in the future be dealing with the respondents or anyone who is now or may be subsequently named as a related party in transactions that in any way involve U.S.-origin commodities or technical data in specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which any respondent or any related party appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation

II. The respondents, their successors or assignees, officers, partners, representatives agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or that are otherwise subject to the Regulations. Without

[1] The authority granted by the Act terminated March 30, 1984. The Regulations have been continued in effect by Executive Order 12470, 49 FR 13099, April 3, 1984, under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1982)).

limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to a validated export license application. (b) in preparing or filing any export license application or reexport authorization, or any document to be submitted therewith, (c) in obtaining or using any validated or general export license or other export control document, (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in financing, forwarding, transporting, or other servicing such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any respondent or any related party, or whereby any respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, any respondent or any related party may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room H6716 14th Street and Constitution Avenue NW., Washington, D.C. 20230, an appropriate motion for relief and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative proceedings that might be initiated against the respondents based on the Department's allegations recited at the outset of this Order. A copy of this Order and Parts 387 and 388 of the Regulations shall be served upon each respondent.

Dated: November 6, 1984.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 84-30079 Filed 11-15-84; 8:45 am]

BILLING CODE 3510-DT-M

[A-405-401]

Carbon Steel Plate From Finland; Postponement of Final Antidumping Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for the respondent in this investigation that the final determination be postponed, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A); and, that we have determined to postpone our final determination as to whether sales of carbon steel plate from Finland have occurred at less than fair value, until not later than December 7, 1984.

EFFECTIVE DATE: November 16, 1984.

FOR FURTHER INFORMATION CONTACT: Mary Jenkins, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION: On March 8, 1984, the Department of Commerce published notice in the **Federal Register** (49 FR 9873) that it was initiating under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether carbon steel plate from Finland was being, or was likely to be, sold at less than fair value. On July 25, 1984, we published a preliminary determination of sales at less than fair value with respect to this merchandise (49 FR 29986). The notice stated that if these investigations proceeded normally we would make our final determination by October 2, 1984..

On August 6, 1984 counsel for the respondent in this case, Rautaruukki Oy, requested that we extend the period for the final determination until December 7, 1984, 135 days after the date of publication of the preliminary determination, in accordance with section 735(a)(2)(A) of the Act. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value until not later than 135 days after the date on which it published notice of its preliminary determination, if an exporter who accounts for a significant proportion of the merchandise requests an extension after an affirmative preliminary determination. Rautaruukki Oy is qualified to make such a request since it accounts for the majority of exports of the merchandise under investigation. If a qualified exporter properly requests an extension after an affirmative preliminary determination, the Department is required, absent compelling reasons, to grant the request.

Accordingly, the Department will issue a final determination in this case not later than December 7, 1984.

This notice is published pursuant to section 735(d) of the Act.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-30159 Filed 11-15-84; 8:45 am]

BILLING CODE 3510-05-M

[A-122-016]

Antidumping Duty Order; Choline Chloride From Canada

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: In separate investigations concerning choline chloride from Canada, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that choline chloride from Canada is being sold at less than fair value and that sales of choline chloride from Canada are materially injuring a United States industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of choline chloride from Canada made on or after April 30, 1984, the date on which the Department published its "Preliminary Determination of Sales At Less Than Fair Value" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: November 16, 1984.

FOR FURTHER INFORMATION CONTACT: David Johnston, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 377–2239.

SUPPLEMENTARY INFORMATION: The merchandise covered by this investigation is choline chloride, which is currently classifiable under item number 439.5055 of the *Tariff Schedules of the United States Annotated (TSUSA)*.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on April 30, 1984, the Department published its preliminary determination that there was reason to believe or suspect that choline chloride from Canada was being sold at less than fair value (49 FR 18344). On September 18, 1984, the Department published its final determination that these imports were being sold at less than fair value (49 FR 36532).

On October 29, 1984, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that such importations are materially injuring a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United Stastes Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of choline chloride from Canada. These antidumping duties will be assessed on all unliquidated entries of choline chloride entered, or withdrawn from warehouse, for consumption on or after April 30, 1984, the date on which the Department published its "Preliminary Determination of Sales At Less Than Fair Value" notice in the **Federal Register**.

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated Customs duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

Manufacturers/Producers/Exporters Weighted-Average Margins (%)

All Manufacturers/Producers/Exporters—9.73

This determination constitutes an antidumping order with respect to choline chloride from Canada, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations Annex I of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-30160 Filed 11-15-84; 8:45 am]

BILLING CODE 3510-DS-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

Correction

In FR Doc. 84–28548, beginning on page 43578, in the issue of Tuesday, October 30, 1984, make the following corrections:

1. On page 43578, column two, under "*Issues*" and "*1*", in line two, "100" should read "110".

BILLING CODE 1505-01-M

[Docket No. 40110-4110]

Approval of Federal Information Processing Standard 107, Local Area Networks: Baseband Carrier Sense Multiple Access With Collision Detection Access Method and Physical Layer Specifications and Link Layer Protocol

Correction

In FR Doc. 84–28664, beginning on page 43740, in the issue of Wednesday, October 31, 1984, make the following correction.

On the same page, column three, fifth paragraph, third line, "(IELL)" should read "(IEEE)".

BILLING CODE 1505-01-M

[Docket No. 4011-4111]

Approval of Federal Information Processing Standard 8-5, Metropolitan Statistical Areas (Including CMSAs, PMSAs, and NECMAs)

Correction

In FR Doc. 84–28665, beginning on page 43739, in the issue of Wednesday, October 31, 1984, make the following corrections:

1. On page 43739 column one, the docket number should read as set forth above.

2. On the same page, same column, the last word of the subject heading should read as set forth above.

3. On the same page, column three, paragraph numbered "3.", line four, the last word should read "(MSAs)", and on line eleven, add the word "concept" after the word "general".

BILLING CODE 1505-01-M

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by Southern Pacific Transportation Company From Objection of the California Coastal Commission to Proposed Santa Ynez River Bridge Rehabilitation Project; Appeal

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Appeal.

SUMMARY: On October 24, 1984, Southern Pacific Transportation Company (SPTC) appealed to the Secretary of Commerce (Secretary) an objection by the California Coastal Commission (CCC) to SPTC's certification that its proposed Santa Ynez Bridge Rehabilitation Project, requiring permits from the Army Corps of Engineers and the Air Force, is consistent with the California Coastal Management Program. This appeal has been filed pursuant to subparagraph (A) of section 307(c)(3) of the Coastal Zone Management Act of 1972, (CZMA) as amended, 16 U.S.C. 1456(c)(3)(A).

Interested persons are advised that they may submit comments to the Secretary on the issues raised by the parties to this appeal within 30 days from the date of this notice. Such comments should be sent to Robert J. McManus, General Counsel, National Oceanic and Atmospheric Administration, Room 5814, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Copies of comments should also be sent to the following persons:

1. Ms. Mary Hudson, Staff Attorney, California Coastal Commission, 631 Howard Street, 4th Floor, San Francisco, CA 94105
2. Mr. Dick Clark, Regulatory Branch, Department of the Army, Los Angeles District Corps of Engineers, Construction-Operations Division, 300 N. Los Angeles Street, Los Angeles, CA 90012
3. Mr. Allen Naydol, 4392 AEROSG–DED, Vanderberg Air Force Base, CA 93437
4. David W. Long, Southern Pacific Transportation Corporation, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

Comments should address whether SPTC's proposed bridge rehabilitation project complies with the regulatory criteria, as set forth at 15 CFR 930.121 and 930.122, to be considered by the Secretary in deciding this appeal.

Access to SPTC's notice of appeal and accompanying public information is available to the public at the following State and Federal offices during normal business hours:

1. California Coastal Commission, 631 Howard Street, 4th Floor, San Francisco, CA 94105
2. Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, Department of Commerce, Room 270, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235
3. Department of the Army, Los Angeles District Corps of Engineers, Construction-Operations Division, 300 N. Los Angeles Street, Los Angeles, CA 90012.

FOR FURTHER INFORMATION CONTACT: David P. Drake, Attorney Advisor, Office of the Assistant General Counsel for Ocean Services (202–254–7512).

SUPPLEMENTARY INFORMATION: SPTC has proposed to rehabilitate its existing railroad bridge across the mouth of the Santa Ynez River near Surf, California. The project calls for excavation of the river bed and relocation of the bridge. SPTC has prepared an Environmental Assessment and a mitigation plan to offset project impacts.

In July 1984, SPTC submitted a certification to the CCC stating that the proposed activity complied with the approved California Coastal Management Program and that it would be conducted in a manner consistent with the program. The CCC objected to the consistency certification on the grounds that: (1) The project will alter flow of the river, which in turn may have an adverse effect on the estuary habitat; (2) the proposed excavation is inconsistent with the estuary fill and dredge provisions of the California Coastal Act (section 30233); and (3) the project will interfere with the public's right to access to the ocean during the period of construction (sections 30211 and 30212).

SPTC appealed this objection to the Secretary on the grounds that SPTC's bridge rehabilitation project is "consistent with the objective of [the CZMA]" and "necessary in the interest of national security." 16 U.S.C. 1456(c)(3)(A). The Secretary may sustain SPTC's appeal on either of these two grounds. To sustain the appeal on the first ground, the regulatory criteria set forth at 15 CFR 930.121 must be met: (a) The activity furthers one or more of the competing national objectives or purposes contained in sections 302 and 303 of the CZMA; (b) when performed separately or when its cumulative effects are considered, the activity will not cause adverse effects on the natural resources of the coastal zone substantial enough to outweigh its contribution to the national interest; (c) the activity will not violate any requirements of the Clean Air Act, as amended, or the Clean Water Act, as amended; and (d) there is no reasonable alternative available which would permit the activity to be conducted in a manner consistent with the state management program. To meet the second ground, the Secretary must find that a national defense or other national security interest would be significantly impaired if the activity were not permitted to go forward as proposed.

If the Secretary does not find that the activity meets either of these two grounds, the Federal agency shall not approve the activity.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Administration)

Dated: November 7, 1984.

Robert J. McManus,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 84-30102 Filed 11-15-84; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Man-Made Fiber Textile Products Produced or Manufactured in Brazil

November 13, 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 November 19, 1984. For further information contact James Nader, International Trade Specialist (202) 377–4212.

Background

A CITA directive dated March 28, 1984 (FR 13064) established restraint limits for certain specific categories of cotton and man-made fiber textiles and textile porducts, including Category 614 (other woven fabric, n.e.s.), produced or manufactured in Brazil and exported during the agreement year which began in April 1, 1984 and extends through March 31, 1985. The Governments of the United States and the Federative Republic of Brazil have agreed to amend further their Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, as amended, to increase the designated consultation level for Category 614 from 3,000,000 square yards to 4,000,000 square yards for goods exported during the current agreement year which began on April 1, 1984. The letter to the Commissioner of Customs which follows this notice amends the March 28, 1984 directive to increase this level.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983

(48 FR. 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), and July 16, 1984 (49 FR 28754).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 13, 1984.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of March 28, 1984, which established import restraint limits for certain categories of cotton and man-made fiber textiles and textile products, produced or manufactured in Brazil and exported during the twelve-month period which began on April 1, 1984.

Effective on November 19, 1984, the directive of March 28, 1984 is hereby amended to include an adjusted restraint level of 4,000,000 square yards [1] for man-made fiber textile products in Category 614.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-30161 Filed 11-15-84; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; Notice of Modification to Systems of Records and New Routine Use

AGENCY: Commodity Futures Trading Commission.

ACTION: New Systems Notice of intended modifications to existing systems of records and of new routine use.

SUMMARY: The Commodity Futures Trading Commission is intending to modify two existing systems of records to include materials submitted by two new categories of registrants—leverage transaction merchants and their associated persons—or obtained by the Commission as a result of processing such persons for registration. In addition the two systems are being modified to reflect the planned assumption of certain registration functions, including the maintenance of Commission registration records, by the National Futures Association. The Commission is also proposing a routine use to allow the disclosure of information concerning guaranteed introducing brokers to the guaranteeing futures commission merchants.

EFFECTIVE DATE: December 31, 1984, or such earlier date as the Commission may announce by appropriate notice in connection with the transfer of functions to the National Futures Association unless, with respect to the new routine use, any comments received by the Commission would result in a different determination.

ADDRESS: Comments should be addressed to Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581; Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20581; telephone (202) 254-8955.

SUPPLEMENTARY INFORMATION:

Introduction

Following the directives of the Privacy Act of 1974, the Commodity Futures Trading Commission currently maintains two systems of Commission records related to the registration of persons engaging in certain types of commodity-related activities: CFTC-12 (Fitness Investigations) and CFTC-20 (Registration of Futures Commission Merchants, Floor Brokers, Associated Persons, Commodity Trading Advisors, Commodity Pool Operators and Introducing Brokers). On November 9, 1984, the Commission submitted a New Systems Report concerning modifications to these systems to the Director of the Office of Management and Budget, the President of the Senate and the Speaker of the House of Representatives.

As currently set forth, these two systems contain Registration Forms 7-R, 8-R and 8-S, related supplements and schedules, Forms 3-R and 8-T, fingerprint cards, correspondence, and reports reflecting information developed from various sources relating to the registration and fitness of applicants, registrants and persons affiliated with futures commission merchants (FCMs), introducing brokers (IBs), commodity pool operators (CPOs) and commodity trading advisors (CTAs).[1] The Commission now intends to modify CFTC-12 and CFTC-20 to reflect (1) the creation of two new classes of registrants, leverage transaction merchants (LTMs) and associated persons (APs) of LTMs, and (2) the planned transfer to the National Futures Association (NFA) of certain registration functions, including the maintenance of Commission records, with respect to FCMs, CPOs, CTAs and their respective APs. In addition the Commission is proposing as a routine use the disclosure of information in each system to any FCM with whom an applicant or registered IB has entered or plans to enter a guarantee agreement under Commission regulations.

LTMs and Their APs

On February 13, 1984, the Commission published in the **Federal Register** amendments to its regulations which, among other things, established a requirement that leverage transaction merchants and their associated persons register with the Commission in order to engage in leverage transaction activities.[2] The Commission took that action pursuant to the authority contained in sections 8a(5) and 19 of the Commodity Exchange Act as amended by the Futures Trading Act of 1982.[3] The registration procedures, which became effective on April 13, 1984, were patterned after those applicable to FCMs, CPOs, CTAs, IBs and their APs. For example, LTMs must submit Form 7-R (and Form 8-R for each principal of the firm) as do FCMs, IBs, CPOs, and CTAs. Similarly, APs of LTMs must submit Form 8-R as now done by other APs. The Commission's rules on fingerprinting also apply. Thus the new regulations have not changed the kind of information collected but merely enlarge the categories of persons submitting the information. The Commission's description of CFTC-12 and CFTC-20 has been revised to incorporate the regulatory additions.

NFA's Role

On September 28, 1984, the Commission issued an Order pursuant to Section 8a(10) of the Act authorizing NFA to assume, no later than December 31, 1984, the responsibility for performing certain portions of the Commission's registration functions applicable to FCMs, CPOs, CTAs and their APs. Specifically NFA is authorized to process and, as appropriate, grant applications for initial and renewed registration of those persons and to issue temporary licenses to eligible APs. The Commission had previously authorized NFA to perform such functions with respect to IBs and their APs.[4] In the September 28 Order,

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

[1] *See* 48 FR 31446 (July 8, 1983) and 48 FR 44102 (September 27, 1984).

[2] 49 FR 5498.

[3] 7 U.S.C. 12a (5) and 23 (1982).

[4] 48 FR 35158 (August 3, 1983) and 49 FR 8226 (March 5, 1984), effective May 31, 1984.

which was published in the Federal Register on October 9, 1984, the Commission also designated NFA as the Commission's official custodian of the registration records which NFA must maintain in connection with its performance of the Commission's registration functions.[5]

On July 8, 1983, the Commission published a revised description of its two systems of registration records to reflect, among other things, the fact that NFA would be maintaining the registration records petaining to IBs and their APs.[6] As a consequence of the Commission's recent determination to transfer registration functions for additional categories of registrants to NFA, the Commission has now further modified its description of CFTC–12 and CFTC–20 provide for both NFA's expanded role and the attendant change in location of the records.

Routine Use

In addition to modifying CFTC–12 and CFTC–20, the Commission is proposing to provide for an additional routine use that will apply solely to limited portions of these two systems of records.[7] The routine use would permit the disclosure of any information contained in CFTC–12 and CFTC–20 pertaining to an applicant or register IB to any FCM with whom the IB has entered or plans to enter a guarantee agreement in accordance with Commission regulation 1.10 (17 CFR 1.10). The purpose behind this proposal relates to the responsibility a guaranteeing FCM assumes for the IB's financial obligations and the protection of the IB's customers. It is analogous to the purpose supporting the existing routine use of registration information, which permits disclosure to a person (FCM, IB, COP, CTA or LTM) with whom an applicant or registrant is or plans to be affiliated as an associated person or principal. As with the "employer routine use," the "guarantor-FCM routine use" will facilitate the disclosure of nonpublic information that can assist the FCMs in monitoring the caliber of persons engaging in activities as IBs and for which the FCMs are guaranteeing compliance with the Act and regulations thereunder.

The Commission notes that the protections of the Privacy Act address information about individuals which, as indicated in guidelines issued by the Office of Management and Budget, in personal (and not entrepreneurial) in nature.[8] Accordingly, the Commission believes that it is not required to adopt this disclosure policy as a formal routine use, since with respect to those IBs that are sole proprietors (individuals), the information collected pertains to the IBs in an entrepreneurial role. Nevertheless, in the interest of providing notice to IB applicants and registrants that such information contained in their registration records may be disclosed without their specific consent to FCMs by which they are or may be guaranteed, the Commission is publishing this additional routine use as part of the revised description of CFTC–12 and CFTC–20.

Description of Systems of Records

CFTC–12

SYSTEM NAME:

Fitness Investigations.

SYSTEM LOCATION:

Division of Trading and Markets, 2033 K Street, NW., Washington D.C. 20581. Limited records are located in the Chicago regional office, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606. Limited records on futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors and their respective associted persons and principals are also located at the offices of the National Futures Association (NFA), 200 West Madison Street, Suite 1600, Chicago, Illinois 60660.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied or who may apply to the Commission or NFA, as applicable, for registration as floor brokers or as associated persons, and principals (as defined in 17 CFR 3.1) of futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors and leverage transaction merchants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertaining to the fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes copies of applications (Forms 7–R, 8–R, and 8–S), biographical supplements (Form 8–R), other forms (Forms 8–T and 3–R), supplementary attachments, fingerprint cards, correspondence, reports and memoranda reflecting information developed from various sources outside the agency and NFA. In addition, the system contains records of each CFTC fitness investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(4), 4k(5), 4n(1), 8a(1)-(5), 8a(10) and 19 of the Commodity Exchange Act as amended, 7 U.S.C. 6f(1), 6k(4), 6k(5), 6n(1), 12a(1)-(5), 12a(10) and 23 (1982).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to all of the Commission's systems of records, including this system, were set forth under the caption, "General Statement of Routine Uses," in 47 FR 43759, 43760–61 (October 4, 1982), and subsequently modified in 47 FR 44830, 44831 (October 12, 1982). In addition, information contained in this system of records may be disclosed by the Commission as follows:

1. Information contained in this system of records may be disclosed to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

2. Information contained in this system of records may be disclosed to any registered futures commission merchant with whom an applicant or registered introducing broker has or plans to enter a guarantee agreement in accordance with Commission regulation 1.10 (17 CFR 1.10).

NFA may disclose information contained in those portions of this system of records maintained by FNA, but any such disclosure must be made in accordance with Commission-approved NFA rules and under circumstances authorized by the Commission as consistent with Commission's regulations and routine uses. The currently authorized circumstances are set forth in the Commission's September 28, 1984 Order authorizing NFA to perform certain Commission registration functions including the maintenance of Commission records and are published at 49 FR 39593, 39596 (October 9, 1984), except that Item 2b therein is hereby modified to eliminate the requirement of specific consent by the applicant or

[5] 49 FR 39593.

[6] 48 FR 31466.

[7] While a principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning an individual, it does authorize the disclosure of records relating to individuals if such disclosure is made pursuant to a "routine use" which has been adopted by the affected agency. 5 U.S.C. 522a(b)(3). The Commission has already established eight routine uses that apply to all of its systems of records. These eight were set forth most recently at 47 FR 43759, 43760–61 (October 4, 1982), with one amendment published subsequently at 47 FR 44830, 44831 (October 12, 1982). In addition, the Commission has also adopted one routine use solely applicable to the two systems of registration records. 48 FR 44102 (September 27, 1983).

[8] *See* 40 FR 28948, 28951 (July 9, 1975).

registered introducing broker to disclosure in the circumstance described by that item.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer memory, computer printouts, index cards, microfiche.

RETRIEVABILITY:

By the name of the individual or firm, or by assigned identification number. Where applicable, the Commission's computer cross-indexes the individual's file to the name of the leverage transaction merchant with whom the individual is associated or affiliated.

SAFEGUARDS:

General office security measures including secured rooms or premises and, in appropriate cases, lockable files cabinets with access limited to persons whose official duties require access.

RETENTION AND DISPOSAL:

Applications, biographical supplements, other forms, related documents and correspondence are maintained on the CFTC's or NFA's premises, as applicable, for three years after the individual's registration(s), or that of the firm(s) with which the individual is associated as an associated person or affiliated as a principal, becomes inactive. Records are then stored at an appropriate site for an additional seven years before being destroyed; CFTC-held records are stored in the Federal Records Center, and NFA-held records are to be stored either on NFA's premises or in appropriate fireproof off-site facilties.

Computer records are maintained permanently on the CFTC's or NFA's premises, as applicable, and are updated periodically as long as the individual remains pending for registration, registered in any capacity, or affiliated with any registrant as a principal. Computer records on persons who may apply may be maintained indefinitely. Microfiche records, when produced, are maintained permanently on the CFTC's or NFA's premises.

SYSTEM MANAGER(S) AND ADDRESSES:

Assistant Director, Registration Unit, Division of Trading and Markets, at the Commission's principal office, and Chief, Registration Branch, in the Commission's Chicago regional office, or their designees.

For records held by NFA: Director of Registration, National Futures Association, 200 West Madison Street, Suite 1600, Chicago, Illinois 60606, or his designee.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system of records, or contesting the content of records about themselves, should address written inquiries to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581; telephone (202) 254–3382.

RECORD SOURCE CATEGORIES:

The individual or firm on whom the record is maintained; the individual's employer; federal, state and local regulatory and law enforcement agencies; commodities and securities exchanges, National Futures Association and National Association of Securities Dealers; and other miscellaneous sources. Computer records are prepared from the forms, supplements, attachments and related documents submitted to the Commission or NFA and from information developed during the fitness inquiry.

CFTC–20

SYSTEM NAME:

Registration of Floor Brokers, Futures Commission Merchants, Introducing Brokers, Commodity Trading Advisors, Commodity Pool Operators, Leverage Transaction Merchants, and Associated Persons.

SYSTEM LOCATION:

For floor brokers, leverage transaction merchants and their associated persons: Chicago office (primary files); all other CFTC offices have summary information (microfiche records). The Commission maintains offices in the following locations:

2033 K Street, NW., Washington, D.C. 20581;
2000 L Street, NW., Washington, D.C. 20581;
233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606;
One World Trade Center, Suite 4747, New York, New York 10004;
4901 Main Street, Room 400, Kansas City, Missouri 64112;
510 Grain Exchange Building, Minneapolis, Minnesota 55415; and
10850 Wilshire Boulevard, Suite 370, Los Angeles, California 90024.

For all other categories of registrants: National Futures Association (NFA), 200 West Madison Street, Suite 1600, Chicago, Illinois 60606.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have applied to the CFTC or NFA, as applicable by CFTC regulations, for registration as floor brokers or as associated persons, and principals (as defined in 17 CFR 3.1) of futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, and leverage transaction merchants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information pertainting to the registration and fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes applications for registration (Forms 7–R, 8–R and 8–S) and biographical supplements (Form 8–R); schedules and supplementary attachments to those Forms; fingerprint cards; notices of termination (Form 8–T); supplemental statements (Form 3–R); correspondence relating to registration between the CFTC or NFA and the applicant, registrant or principal; and reports reflecting information developed from sources outside the CFTC or NFA and related to fitness for registration or affiliation.

Computerized systems, consisting primarily of information taken from the registration forms, are maintained by the CFTC's Chicago regional office and NFA for their respective categories. Computer records include the name, date and place of birth, social security number (optional), exchange membership (floor brokers only), firm affiliation, and the residence or business address, or both, of each associated person, floor broker, and principal. Computer records also include information relating to name, trade name, principal office address, records address, names of principals and branch managers of futures commission merchants, introducing brokers, commodity pool operators, commodity trading advisors, and leverage transaction merchants; names of advisory services for commodity trading advisors; and names of pools for commodity pool operators.

Directories and microfiche records, when produced, list the name, business address, and exchange membership affiliation of all registered floor brokers and the name and firm affiliation of all associated persons and principals. These directories and microfiche records, as well as registration forms and biographical supplements, except for any confidential information on supplementary attachments to the forms, are publicly available to any

person for disclosure, inspection and copying. Auxiliary records, such as card indices which summarize information contained in this system regarding each associated person, floor broker and principal, may also be maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 4f(1), 4k(4), 4k(5), 4n(1), 8a(1), 8a(5), 8a(10) and 19 of the Commodity Exchange Act as amended, 7 U.S.C. 6f(1), 6k(4), 6k(5), 6n(1), 12a(1), 12a(5), 12a(10) and 23 (1982).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to all of the Commission's systems of records, including this system, were set forth under the caption, "General Statement of Routine Uses," in 47 43759, 43759, 43760–61 (October 4, 1982), and subsequently modified in 47 FR 44830, 44831 (October 12, 1982). In addition, information contained in this system of records may be disclosed by the Commission as follows:

1. Information contained in this system of records may be disclosed to any person with whom an applicant or registrant is or plans to be associated as an associated person or affiliated as a principal.

2. Information contained in this system of records may be disclosed to any registered futures commission merchant with whom an applicant or registered introducing broker has or plan to enter a guarantee agreement in accordance with Commission regulation 1.10 (17 CFR 1.10).

NFA may disclose information contained in those portions of this system of records maintained by NFA, but any such disclosure must be made in accordance with Commission-approved NFA rules and under circumstances authorized by the Commission as consistent with the Commission's regulations and routine uses. The currently authorized circumstances are set forth in the Commission's September 28, 1984 Order authorizing NFA to perform certain Commission registration functions including the maintenance of Commission records and are published at 49 FR 39593, 38596 (October 9, 1984), except that Item 2b therein is hereby modified to eliminate the requirement of specific consent by the applicant or registered introducing broker to disclosure in the circumstance described in that item.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, computer memory, computer printouts, index cards, microfiche.

RETRIEVABILITY:

By the name of the individual or firm, or by assigned identification number. Where applicable, the computers cross-index the individual's primary registration file to the name of futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator or leverage transaction merchant with whom the individual is associated or affiliated.

SAFEGUARDS:

General office security measures including secured rooms or premises and, in appropriate cases, lockable file cabinets, with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Applications, biographical supplements, other forms, related documents and correspondence are maintained on the CFTC's or NFA's premises, as applicable, for three years after the individual's registration(s), or that of the firm(s) with which the individual is associated as an associated person or affiliated as a principal, becomes inactive. Records are then stored at an appropriate site for an additional seven years before being destroyed; CFTC-held records are stored in the Federal Records Center, and NFA-held records are to be stored either on NFA's premises or in appropriate fireproof off-site facilities.

Computer records are maintained permanently on the CFTC's or NFA's premises, as applicable, and are updated periodically as long as the individual remains pending for registration, registered in any capacity, or affiliated with any registrant as a principal. Any computer printouts that are produced in order to publish directories are maintained on the premises for six months and then destroyed. Microfiche records, when produced, are maintained permanently on the CFTC's or NFA's premises.

SYSTEM MANAGER(S) AND ADDRESSES:

For floor brokers and associated persons and principals of leverage transaction merchants: Chief, Registration Branch, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606, or his designee.

For associated persons and principals of futures commission merchants, introducing brokers, commodity pool operators and commodity trading advisors: Director of Registration, National Futures Association, 200 West Madison Street, Suite 1600, Chicago, Illinois 60606, or his designee.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves, seeking access to records about themselves in this system or records, or contesting the content of records about themselves contained in this system of records, should address written inquiry to the FOI, Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, 2033 K Street, NW.,Washington, D.C. 20581; telephone (202) 254–3382.

RECORD SOURCE CATEGORIES:

The individual or firm on whom the record is maintained; the individual's employer; federal, state and local regulatory and law enforcement agencies; commodities and securities exchanges, National Futures Association and National Association of Securities Dealers; and other miscellaneous sources. The computer records are prepared from the forms, supplements, attachments and related documents submitted to the Commission or NFA and from information developed during the fitness inquiry.

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

Jean A. Webb,

Acting Secretary of the Commission.

[FR Doc. 84–30136 Filed 11–15–84 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Academy Board of Visitors; Meeting

Pursuant to section 9355, Title 10, United States Code, the Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, Nov 30-Dec 1, 1984. The purpose of the meeting is to consider morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

This meeting will be closed to the public to discuss matters analogous to those listed in subsections (2), (4), and

(6) of section 552b(c), Title 5, United States Code. These closed sessions will include: attendance at cadet classes and panel discussions with groups of cadets and military staff and faculty officers involving personal information and opinions, the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Closed sessions will also include executive sessions involving discussions of personal information, including financial information, and information relating solely to internal personnel rules and practices of the Board of Visitors and the Academy. Meetings sessions will be held in the Superintendent's Conference Room, Harmon Hall, USAF Academy.

For further information, contact Major David W. Keith, Headquarters, U.S. Air Force (MPPA), Washington, D.C. 20330, at (202) 697–7116.

Norita C. Koritko,

Air Force Federal Register Liaison Officer

[FR Doc. 84–30220 Filed 11–15–84; 8:45 am]

BILLING CODE 3910–01–M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee, Space Exploitation Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Space Exploitation Task Force will meet 3–4 December 1984, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to review Navy space issues. The entire agenda for the meeting will consist of discussions of key issues regarding the Navy's role in the military exploitation of space and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest require that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Thomas E. Arnold, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Phone (703) 756–1205.

Dated: November 14, 1984.

Dennis Gonzalez,

Lieutenant, JACC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 84–30282 Filed 11–16–84; 11:54 am]

BILLING CODE 3810–AE–M

Secretary of the Navy's Advisory Board on Education and Training (SABET); Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Secretary of the Navy's Advisory Board on Education and Training will meet in Pensacola, Florida, on December 3, 1984, from 8:30 a.m. to 4:30 p.m. The Executive Session of the Board will meet December 4, 1984, from 8:30 a.m. until 10:30 a.m. All sessions will be open to the public.

The Board will hear briefings on the training strategies of the Naval Reserves and its interface with the regular Navy. At a working lunch at the Naval Technical Training Center, Corry Station, they will meet with students attending the EW School to discuss the training and instruction provided. The Working Session of the Board will include interim reports of the Technology Committee, the Civilian Military Linkage Committee, the Financial Assistance and a committee update of the math and science initiative.

For further information concerning this meeting contact: Mrs. Carol Osborn, (Code 00A1), Professional Assistant to the Principal Civilian Advisor on Naval Education and Training, NAS Pensacola, Florida, 32508, Telephone #(904) 452–4394.

Dated: November 13, 1984.

William F. Roos, Jr.,

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

[FR Doc. 84–30195 Filed 11–15–84; 11:54 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Research in Education of the Handicapped

AGENCY: Department of Education.

ACTION: Application Notice Establishing Closing Dates for Transmittal of New Applications for Fiscal Year 1985.

SUMMARY: Applications are invited for new projects under the Research in Education of the Handicapped program.

Authority for this program is contained in Sections 641–644 of Part E of the Education of the Handicapped Act (20 U.S.C. 1441–1444)

This program supports research, surveys, or demonstration projects relating to the educational needs of handicapped children. Under this program, the Secretary makes awards to eligible parties of research and related activities to assist special education personnel, related services personnel, and other appropriate persons, including parents, in improving the education and related services for handicapped children and youth, and to conduct research, surveys, or demonstrations relating to the education of handicapped children and youth. Research and related activities supported under this program shall be designed to increase knowledge and understanding of handicapping conditions and teaching, learning, and education-related practices and services for handicapped children and youth, including physical education or recreation.

Organization of Notice

This notice contains two parts. Part I is a list of all application closing dates covered by this notice. Part II contains individual application announcements for each priority area.

Transmittal of Applications: An application for new projects must be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document.

Applications Delivered by Mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: CFDA Number 84.023, 400 Maryland Avenue, SW., 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.

Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the 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 a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application for a new project that is hand delivered will not be accepted by the Application Control Center after 4:30 p.m. on the closing date.

Applications may be submitted by institutions of higher education, State educational agencies, local educational agencies, or other appropriate public and private nonprofit institutions or agencies.

Part I—List of Program Announcements Published in This Notice

CFDA No.	Program	Closing date
84.023C	Research in Education of the Handicapped—Field Initiated Research Projects.	Jan. 28, 1985.
84.023P	Research in Education of the Handicapped—Enhancing Instructional Program Options Projects.	Feb. 15, 1985.
84.023B	Research in Education of the Handicapped—Student Initiated Research Projects.	Mar. 15, 1985.
84.023R	Research in Education of the Handicapped—Special Population/Handicapped Projects.	Apr. 2, 1985.

Part II—Application Notices

84.023 Research in Education of the Handicapped—Field Initiated Research Projects

Closing Date: January 28, 1985.

Applications are invited for new Field Initiated Research projects under the Research in Education of the Handicapped program.

The purpose of this priority is to provide support for a broad range of field initiated research projects focusing on the education of handicapped children and youth. The appropriate areas of interest for projects are limited only by the mission of the research program—the support of applied research relating to the eduction of handicapped children and youth.

Available Funds: It is estimated that approximately $2,700,000 will be available for support of 27 new projects under this program in fiscal year 1985. This estimates does not bind the Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations. Award approval is for a period of up to 60 months. *See* 34 CFR 75.253.

84.023P Research in Education of the Handicapped—Enhancing Instructional Program Options Projects

Closing Date: February 15, 1985.

Applications are invited for new awards for projects for Enhancing Instructional Program Options projects under the Research in Education of the Handicapped program.

The purpose of this priority is to provide support for projects to enhance the capacity of local educational agencies to provide a variety of instructional options and screening procedures prior to evaluation and placement of children with learning problems in special education.

Available Funds: It is estimated that approximately $1,375,000 will be available for support of 14 new projects in fiscal year 1985. This estimate does not bind the Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations. Award approval is for a period of up to 36 months. *See* 34 CFR 75.253.

84.023B Research in Education of the Handicapped—Student Initiated Research Projects

Closing Date: March 15, 1985.

Applications are invited for new Student Initiated Research projects under the Research in Education of the Handicapped program.

The purpose of this priority is to provide support to postsecondary students to initiate and direct a broad range of research and research related projects focusing on the education of handicappted children. Content of the research projects is limited only by the mission of the research program—the support of applied research relating to the eduction of handicapped children and youth.

Available Funds: It is estimated that approximately $250,000 will be available for support of 25 new projects under this program in fiscal year 1985. This estimate does not bind the Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations. Award approval is for a period of up to 18 months. *See* 34 CFR 75.253.

84.023R Research in Education of the Handicapped—Special Population/Handicapped Projects

Closing Date: April 2, 1985.

Applications are invited for new Special Population/Handicapped projects under the Research in Education of the Handicapped program.

The purpose of these projects is to support projects dealing with the unique educational problems resulting from a combination of membership in a particular special population and having (a) handicapping condition(s). The Secretary will give an absolute preference to proposals for projects that identify and analyze intervention strategies for serving secondary-aged handicapped students who are also youthful offenders, children of migrant families, school dropouts, or substance abusers.

Available Funds: It is estimated that approximately $600,000 will be available for support of 10 new projects under this program in fiscal year 1985. This estimate does not bind the Department of Education to a specified number of awards or to the amount of any award unless that amount is otherwise specified by statute or regulations. Award approval is for a period of up to 24 months. *See* 34 CFR 75.253.

Application Forms: Application forms and program information packages are expected to be available on November 30, 1984 and may be obtained by writing to the Research Projects Branch, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3511), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length. The Secretary

further urges that applicants not submit information that is not requested. (Approved by the Office of Management and Budget under control number 1820–0028)

Applicable Regulations: Regulations applicable to this program announcement include the following:

(a) Regulations governing the Research in Education of the Handicapped program (34 CFR Part 324).

(b) Any final annual priorities adopted by the Secretary. A notice of proposed biennial funding priorities is published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed priorities set forth in this application notice. If there are any substantive changes made in these proposed priorities when published in final form, applicants will be given the opportunity to amend or resubmit their applications.

(c) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

FOR FURTHER INFORMATION CONTACT:

Dr. James Hamilton, Research Projects Branch, Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3511), Washington, D.C. 20202. Telephone: (202) 732–1110

(20 U.S.C. 1441–1444)

(Catalog of Federal Domestic Assistance Number 84.023; Research in Education of the Handicapped)

Dated: November 13, 1984.

T.H. Bell,

Secretary of Education.

[FR Doc. 84–30145 Filed 11–15–84; 8:45 am]

BILLING CODE 4000–01–M

Research in Education of the Handicapped

AGENCY: Department of Education.

ACTION: Notice of Proposed Biennial Funding Priorities.

SUMMARY: The Secretary proposes biennial funding priorities or the Research in Education of the Handicapped program. To ensure wide and effective use of program funds, the Secretary proposes to select from among 11 priorites in order to direct funds to the areas of greatest need for fiscal years 1985 and 1986. A separate competition will be established for each selected priority.

DATE: Comments must be received on or before January 15, 1985.

ADDRESS: Comments should be addressed to Nancy Safer, Research Projects Branch, Division of Educational Services, Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3513), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Nancy Safer Telephone: (202) 732–1064.

SUPPLEMENTARY INFORMATION: The Research in Education of the Handicapped program, authorized by Sections 641–644 of Part E of the Education of the Handicapped Act (20 U.S.C. 1411–1444), supports research, surveys, or demonstration projects relating to the educational needs of handicapped children. Under this program, the Secretary makes awards to eligible parties for research and related activities, to assist special education personnel, related services personnel, and other appropriate persons, including parents, in improving the education and related services for handicapped children and youth, and to conduct research, surveys, or demonstrations relating to the education of handicapped children and youth. Research and related activities supported under this program shall be designed to increase knowledge and understanding of handicapping conditions and teaching, learning, and education related practices and services for handicapped children and youth, including physical education or recreation.

The Education of the Handicapped Act Amendments of 1983, Pub. L. 98–199, included amendments to the provisions of Section 641 of the Act. Under section 641(c) of the Act, the Secretary is expressly required to publish proposed research priorities in the Federal Register every two years, analyze and consider any public comments received, and then publish final research priorities. In accordance with this requirement, the Secretary proposes to select from among the following priorities to make fiscal year 1985 and fiscal year 1986 new awards.

Priorities

The proposed priorities have been selected in response to legislative requirements, program initiatives, and professional and advocacy concerns. As a result of focusing national research efforts on the following priorities, the Secretary expects improvement in the delivery of special educational services, more effective and efficient instructional services, and improvement in the educational performance and transitional accomplishments of handicapped children and youth.

The directed research component provides an opportunity to target national research efforts towards Federally identified priorities. The directed research priorities for fiscal years 1985 and 1986 are expected to—(a) provide solutions to problems associated with educating children and youth with different handicapping conditions within the same special educational placement option (Program Organization Option Projects); (b) encourage the provision of instructional program options and screening procedures for children with learning problems prior to their evaluation and placement in special education (Enhancing Instructional Program Options); (c) assure the use of the results of education related research studies to develop and field-test improved practices in educating handicapped students (Implementation of Research Projects); (d) provide information necessary to deal with the unique educational problems of special education populations of secondary-aged handicapped students, i.e., handicapped youthful offenders, handicapped children of migrant families, handicapped school dropouts, or handicapped substance abusers (Special Population/Handicapped Projects); (e) build further research on issues related to the education of handicapped children on assembled extant data files, records, and information (Extant Data Bases Projects); (f) review and synthesize existing research related to education of the handicapped, examine the implications of that research for educational practice, and determine further research needs (Research Integration projects); (g) increase teaching/learning efficiency by supporting projects that focus on teacher and school variables associated with improved performance of handicapped students on a variety of educational outcome measures (Increasing Teaching/Efficiency Projects); (h) provide information about the comparative effectiveness and efficiency of alternative interventions for educating preschool and secondary-aged handicapped children and youth (Comparative Research Projects); and, (i) provide information about the effect of standards and criteria used to provide credentials, employ and promote school personnel and the effect of standards and criteria used to determine placement, promotion, graduation or programming of handicapped students (Standards and Criteria Projects).

Field-Initiated Research Projects. This priority provides support for a broad range of field-initiated research projects focusing on the education of handicapped children and youth. The appropriate areas of interest for projects are limited only by the mission of the research program—support of applied research relating to the education of

handicapped children and youth. (Fiscal Years 1985 and 1986)

Student-Initiated Research Projects. This priority provides support to post secondary students to initiate and direct a broad range of research and research related projects focusing on the education of handicapped children. Content of the research projects is limited only by the mission of the research program—the support of applied research relating to the education of handicapped children and youth. (Fiscal Years 1985 and 1986)

Program Organization Option Projects. This priority supports projects dealing with solutions to the unique instructional, management, personnel, and financial problems associated with educating children and youth with different handicapping conditions within the same special educational placement option. (*See* 34 CFR 300.551, *Continuum of alternative placements.*) (Fiscal Year 1986)

Implementation of Research Projects. This priority supports projects that use the results of education related research studies to develop and field-test improved practices in educating handicapped students. (Fiscal Year 1986)

Enhancing Instructional Program Options. This priority provides support for projects to enhance the capacity of local educational agencies to provide a variety of instructional options and screening procedures prior to evaluation and placement of children with learning problems in special education. (Fiscal Years 1985 and 1986)

Special Population/Handicapped Projects. This priority supports projects dealing with the unique educational problems resulting from a combination of membership in a particular special population and having (a) handicapping condition(s). The Secretary will give an absolute preference to projects that identify and analyze intervention strategies for serving secondary-aged handicapped students who are also youthful offenders, children of migrant families, school dropouts, or substance abusers. (Fiscal Years 1985 and 1986)

Extant Data Base Projects. This priority supports projects related to the education of handicapped children that use existing data files or records and information as the data source of research focusing on issues related to the education of handicapped children. (Fiscal Year 1986)

Research Integration Projects. This priority supports projects that review and synthesize existing research related to education of the handicapped, examine the implications of that research for practice in the education of the handicapped, and that determine future research needs. (Fiscal Years 1985 and 1986)

Increasing Teaching/Learning Efficiency Projects. This priority supports projects that focus on teacher and school variables associated with improved performance of handicapped students as shown by a variety of educational outcome measures. (Fiscal Year 1986)

Comparative Research Projects. This priority supports projects which systematically, through experimental or quasi-experimental designs, compare the effectiveness and efficiency of alternative interventions for educating preschool or secondary-aged handicapped children and youth. (Fiscal Year 1986)

Standards and Criteria Projects. This priority supports projects to study—(a) the effect and impact of standards and criteria used to provide credentials, employ, and promote school personnel; or (b) the effect and impact of standards and criteria used for determining placement, promotion, graduation, or programming of handicapped students. (Fiscal Year 1986)

Information collection requirements have been approved by the Office of Management and Budget under control number 1820-0028.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed priorities. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before January 15, 1985 will be considered before the Secretary issues final priorities.

All comments submitted in response to these proposed priorities will be available for public inspection, during and after the comment period, in Room 3513, Switzer Building, 330 C Street, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday though Friday of each week except Federal holidays.

(20 U.S.C. 1441-1444)

(Catalog of Federal Domestic Assistance Number 84.023; Research in Edueation of the Handicapped)

Dated: November 13, 1984.

T.H. Bell,

Secretary.

[FR Doc. 84-30144 Filed 11-15-84; 8:45 am]

BILLING CODE 4000-01-M

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

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

DATES: Interested persons are invited to submit comments on or before December 17, 1984.

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

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426-7304.

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

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

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

Dated: November 13, 1984.

Linda M. Combs,

Deputy Under Secretary for Management.

Office of Elementary and Secondary Education

Type of Review Requested: Revision
Title: State Performance Report
Agency Form Number: ED 686–2
Frequency: Annually
Affected Public: State or Local Governments
Reporting Burden
Responses: 54
Burden Hours: 21,870
Recordkeeping Burden
Recordkeepers: 54
Burden Hours: 540

Abstract: This report is used to obtain participation and performance data on the ECIA Chapter 1 program throughout the nation. The data provide information needed to comply with Sections 417(a), 418(a), and 422 of the General Education Provisions Act, and Sections 555(d) and 555(e) of Chapter 1, ECIA.

Type of Review Requested: New
Title: Application for the Magnet Schools Assistance Program
Agency Form Number: ED A10–1P
Frequency: Annually
Affected Public: State or Local Governments
Reporting Burden
Responses: 100
Burden Hours: 2,000
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0

Abstract: The application is used by LEAs to apply for magnet schools projects. The Department needs this information to make awards and insure that proposed projects meet the requirements of the statute and regulations.

Type of Review Requested: Revision
Title: State Application, Chapter 2 of the Education Consolidation and Improvement Act of 1981
Agency Form Number: ED 1000
Frequency: Annually
Affected Public: State or Local Governments
Reporting Burden
Responses: 52
Burden Hours: 104
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0

Abstract: This form is used as an annual application to the Secretary as a precondition to receiving the authorized funds.

Type of Review Requested: Extension
Title: Application for Women's Educational Equity Act (WEEA) Program
Agency Form Number: ED 436–1
Frequency: Annually
Affected Public: Individuals or Households, State or Local Governments, Non-Profit Institutions
Reporting Burden
Responses: 600
Burden Hours: 9,600
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0

Abstract: Local schools, State educational agencies, colleges, universities, non-profit organizations, and individuals are required to submit an annual application to receive funds under the WEEA program. The WEEA staff analyzes the application to insure that federal funds are used for programs that most effectively achieve the purposes of the statute.

Type of Review Requested: Extension
Title: Application for: Civil Rights Technical Assistance and Training (State Educational Agency Program)
Agency Form Number: ED 296–1
Frequency: Annually
Affected Public: State or Local Governments
Reporting Burden
Responses: 120
Burden Hours: 2,400
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0

Abstract: The application is used by State educational agencies to apply for assistance under Title IV of the Civil Rights Act of 1964. The Department uses this information to evaluate the proposed projects and make awards in accordance with program regulations.

Type of Review Requested: Extension
Title: Application for Civil Rights Technical Assistance and Training Desegregation Assistance Center Program
Agency Form Number: ED 296–2
Frequency: Annually
Affected Public: Non-Profit Institutions
Reporting Burden:
Responses: 40
Burden Hours: 640
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: The application is used by non-profit insitutions to apply for desegregation assistance center non-competitive continuation awards under Title IV of the Civil Rights Act of 1964. The Department needs this information to evaluate these proposed projects and set the amount of each award in accordance with program regulations.

Office of Special Education and Rehabilitative Service

Type of Review Requested: Extensions
Title: RSA Discretionary Program Application Instructions
Agency Form Number: ED 424
Frequency: Annually
Affected Public: State or local governments, Businesses or other for-profit and non-profit institutions
Reporting Burden:
Responses: 1,170
Burden Hours: 46,800
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: Instructions are required so that all applications will be completed in accordance with specified and unique requirements of various RSA programs. Program staff and/or outside reviewers use the application information to evaluate program progress, project viability, soundness of approach, and reasonableness of proposed cost of new and continuation applications.

Office of Educational Research and Improvement

Type of Review Requested: New
Title: Fast Response Survey System, Survey of Patron Use of Computers in Public Libraries
Agency Form Number: ED 2379–20
Frequency: Non-Recurring
Affected Public: Non-Profit Institutions
Reporting Burden:
Responses: 900
Burden Hours: 225
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: This survey seeks to obtain nationally representative information on a recent technological and educational development in public libraries—patron use of computer hardware and software. Findings will be used to guide and promote the efforts of public libraries as they try to initiate or expand their services in this area.

Type of Review Requested: New
Title: National Assessment of Educational Progress: Field Test for 1985–86 Assessment
Agency Form Number: ED 2371
Frequency: Non-Recurring
Affected Public: Individuals or Households; State or Local Governments
Reporting Burden:
Responses: 10,366
Burden Hours: 6,168
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: Congress authorized the National Assessment of Educational Progress to assess the condition and progress of education in the nation. This survey will field test math, reading, science and computer competency items for the school year 1985–86 assessment. The results of the field test will be used to refine objectives, background questions and exercises. The respondents are teachers, principals and students. The students are ages 9, 13, and 17.

Type of Review Requested: New
Title: National Assessment of Educational Progress 1985 Young Adult Literacy Assessment
Agency Form Number: ED 2371–17YAL
Frequency: Non-Recurring
Affected Public: Individuals or Households
Reporting Burden
Responses: 3,600
Burden Hours: 5,410
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0

Abstract: Congress mandated the collection of National Assessment survey data. The assessment of Young Adult Literacy will be conducted in 1985, and results will yield a profile of literacy for the group and provide information on the effectivess of their learning experiences and a baseline from which trends can be plotted. Respondents will be a representative sample of young adults, ages 21–25.

Type of Review Requested: Reinstatement
Title: High School and Beyond (HB&B) Third Follow-up (Class of 1980) and National Longitudinal Study of the Class of 1972 (NLS–72) Fifth Follow-up Field Test
Agency Form Number: ED 2441–1, 2441–2, 2422–1
Frequency: Non-Recurring
Affected Public: Individual or Households
Reporting Burden
Responses: 1,200
Burden Hours: 800
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0

Abstract: In response to the need for policy-relevant time series data on nationally representative samples of high school sophomores and seniors, NCES instituted the National Longitudinal Studies (NLS) program. Two components of NLS are the NLS–72 and HS&B studies. These studies are designed to examine longitudinally the educational, vocational, and personal development of high school students. The field test is needed to test new survey items, identify errors in instruction, and evaluate field administration procedures.

Type of Review Requested: New
Title: Public School Survey, School Year 1984–85
Agency Form Number: ED
Frequency: Biennually
Affected Public: State or Local Governments
Reporting Burden
Responses: 13,550
Burden Hours: 6,075
Recordkeeping Burden
Recordkeepers: 0
Burden Hours: 0

Abstract: This survey will provide policy makers with basic statistics and issue oriented data on public elementary and secondary schools which are not currently being collected by National Center for Education Statistics. For example, information will be collected on the training of teachers compared to their current assignments and the use of incentives. The respondents will be public school administrators and teachers.

[FR Doc. 84–30143 Filed 11–15–84; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Availability of Draft Environmental Impact Statement (DEIS) and Public Hearing on the DEIS; Uranium Mill Tailings Remedial Action at Durango, CO

AGENCY: Department of Energy.

ACTION: Notice of availability of DEIS and announcement of public hearing on the DEIS.

SUMMARY: The Department of Energy (DOE) has published a draft environmental impact statement, DOE/EIS–0111–D, Remedial Actions at the Former Vanadium Corporation of America mill site, Durango, La Plata County, Colorado (October, 1984) for a proposed DOE action to perform remedial actions on residual radioactive material at the inactive uranium mill in Durango, Colorado.

Written comments are invited and a public hearing will be held with respect to the DEIS. Written and oral comments will be given equal consideration.

DATES: Written comments should be received at DOE by January 11, 1985, in order to ensure consideration in preparation of the final environmental impact statement. The public hearing is scheduled for December 18, 1984, in Durango, Colorado at 2:00 p.m. and resuming at 7:00 p.m. Requests to speak and preferred times should be received at DOE by December 14, 1984.

ADDRESS: Written comments on the DEIS and requests to speak at the hearing should be addressed to: Mr. John G. Themelis, Project Manager, Uranium Mill Tailings Project Office, U.S. Department of Energy, 5301 Central Avenue NE., Suite 1700, Albuquerque, New Mexico, 87108.

FOR FURTHER INFORMATION CONTACT:

1. Mr. John G. Themelis, Project Manager, Uranium Mill Tailings Project Office, U.S. Department of Energy, 5301 Central Avenue, NE, Suite 1700, Albuquerque, New Mexico, 87108. Phone (505) 844–3941.
2. Dr. Robert J. Stern, Director, Office of Environmental Compliance, Office of the Assistant Secretary for Policy, Safety, and Environment, U.S. Department of Energy, Washington, D.C., 20585. Phone (202) 252–4600.
3. Mr. Henry Garson, Esq., Assistant General Counsel for Environment, U.S. Department of Energy, Washington, D.C., 20585. Phone (202) 252–6947.

SUPPLEMENTARY INFORMATION:

I. Previous Notice of Intent

The Department of Energy published a Notice of Intent (46 FR 30383–30385) on June 8, 1981, regarding the preparation of an EIS and the conduct of public scoping meetings for the remedial actions at the Durango inactive uranium mill site.

II. Background for the Proposed Project

The uranium mill tailings at the Former Vanadium Corporation of America processing site are adjacent to the business district of Durango, Colorado. The site is a 126-acre tract of land recently acquired by Hecla Mining Company from Ranchers Exploration and Development Corporation of Albuquerque, New Mexico. The site contains approximately 1.6 million cubic yards of contaminated materials including 1.2 million cubic yards of uranium and vanadium tailings. The tailings were produced by the former United States Vanadium Corporation from 1943 to 1946, and by the Vanadium Corporation of America from 1949 to 1963. Vanadium tailings and uranium ore were processed for sale to the U.S. Atomic Energy Commission until the mill was closed in 1963.

In 1978 the U.S. Congress passed the Uranium Mill Tailings Radiation Control Act, Pub. L. 95–604. In this Act the Congress found that uranium mill tailings may pose a potential and significant radiation health hazard. It authorized the DOE to carry out

remedial action at each site in cooperation with other Federal agencies and with the state or Indian tribe affected by the action. It gave to the Nuclear Regulatory Commission (NRC) responsibility for consulting with the DOE over a range of subjects concerning conduct of remedial action, for concurring with the selected remedial action and with any cooperative agreement with a state or Indian tribe, and for licensing the maintenance of each tailings disposal site after the remedial action is completed.

In addition, the Environmental Protection Agency (EPA) was given the responsibility to set standards to protect public health, safety, and the environment at the tailings site and the disposal sites. The EPA issued standards for remedial actions at inactive uranium processing sites on January 5, 1983 (48 FR 590).

In accordance with Pub. L. 95–604, the DOE designated 24 sites for remedial action. One of them is the former processing site in Durango, Colorado. The State of Colorado has investigated several locations where the tailings might safely be disposed of and recommended three for further analysis. Of the three sites, the Long Hollow and Bodo Canyon sites were selected for further analysis in the EIS.

III. Scope of the DEIS

The DEIS evaluates the no-action alternative (1) and four alternatives for minimizing the potential public health hazards associated with the Durango site contaminated materials; (2) stabilization of the contaminated materials on the Durango site; (3) transportation of the contaminated materials to the Bodo Canyon site for disposal, and decontamination of the Durango site; (4) transportation of the contaminated materials to the Long Hollow site for disposal, and decontamination of the Durango site; and (5) transportation of the contaminated materials to the Long Hollow site for reprocessing and stabilization, and decontamination of the Durango site (preferred alternative).

As assessment of the impacts of these alternatives was made in terms of effects on radiation levels, air quality, soils and mineral resources, surface- and ground-water resources, ecosystems, land use, sound levels, historical and cultural resources, populations and employment, economic structures, and transportation networks.

Remedial action would include the removal of contaminated soils and vegetation from the floodplain-wetlands area along the Animas River and Lightner Creek.

In accordance with DOE regulations for compliance with floodplains/wetlands environmental review requirements (10 CFR Part 1022), DOE will prepare a floodplain and wetlands assessment, to be incorporated in the final environmental impact statement of this proposed action. Maps and further information are available from DOE at the address shown below. A draft of the floodplain/wetlands assessment is included as Appendix J of the draft EIS.

IV. Comment Procedures

A. Availability of Draft EIS

Copies of the DEIS have been distributed to Federal, State, and local agencies, organizations, and to individuals known to be interested in the Durango remedial action project. Additional copies may be obtained from the Project Manager, Uranium Mill Tailings Project Office, U.S. Department of Energy, 5301 Central Avenue, NE, Suite 1700, Albuquerque, New Mexico, 87108. Phone (505) 844–3941.

Copies of the DEIS are available for public inspection at the following locations:

Durango Public Library, 1188 East Second Avenue, Durango, CO 81301.
Energy Resource Center, 1333 Broadway, Oakland, CA 94612.
Chicago Office Library, 9800 South Cass Avenue, Argonne, IL, 60639.
Energy/Env. Center, Denver Public Library, 1357 Broadway, Denver, CO, 80210.
Idaho Office Library, 550 Second Street, Idaho Falls, ID, 83401.
Grand Junction Area Office Library, P.O. Box 2567, Grand Junction, CO, 81502.
National Atomic Museum, Kirtland Air Force Base East, Albuquerque, NM, 87115.
Nevada Office Library, 2753 South Highland Drive, Las Vegas, NV, 89114.
Oak Ridge Office Library, Federal Building, Oak Ridge, TN, 37830.
Freedom of Information Reading Room, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C., 20585.
Richland Office Library, Federal Building, Richland, WA, 99352.
Savannah Office Library, Savannah River Plant, Aiken, SC, 29801.

B. Written Comments

Interested parties are invited to provide written comments on the DEIS to the Project Manager in Albuquerque, New Mexico, at the address given above. Comments should be identified on the outside of the envelope with the designation "Drafts EIS on Durango Site." All comments and related information should be received by DOE by January 11, 1985, in order to ensure consideration in preparing the final statement.

Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

C. Public Hearing

1. *Participation Procedure.* Public hearings on the draft statement will be held at the County Extension Building, Durango, Colorado on December 18, 1984 at 2:00 p.m. and at 7:00 p.m. to provide an opportunity for oral presentations by interested persons.

A DOE official will designate a presiding officer to chair the hearing. This will not be a judicial or evidentiary-type hearing.

Any person who desires to speak at the hearing should notify the Project Manager at the Albuquerque, New Mexico address listed above before December 14, 1984 so that time can be scheduled. Although not required, persons who intend to speak are encouraged to provide a brief summary of the presentation.

Individuals who did not make an advance arrangement to speak may register to speak at the hearing. After all scheduled speakers, an opportunity will be provided to these individuals to speak. Time for each participant will be limited depending on time available and the number of responses.

2. *Conduct of Hearing.* DOE will arrange the schedule of presentations to be heard and will establish basic rules and procedures for conducting the hearing. The length of each presentation may be limited, depending on the number of persons desiring to speak.

Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer at the start of the hearing.

A transcript of the hearing will be made and the entire record of the hearing including the transcript will be retained by DOE and made available for inspection at the same locations as listed above for review of the DEIS (Section IV A). Additional copies of the complete transcript will also be available at the public document centers noted above. Any person may purchase a copy of the transcript from the reporter.

D. Public Meetings

In addition to the public hearings, DOE will also conduct informal public information meetings on the DEIS in Durango. DOE will issue specific information on the time and place of the meetings in the local news media.

Issued in Washington, D.C., November 9, 1984.

Jan W. Mares,

Assistant Secretary for Policy, Safety, and Environment.

[FR Doc. 84-30085 Filed 11-15-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51533; FRL-2659-2]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 84-22533, beginning on page 33721, in the issue of Friday, August 24, 1984, make the following correction: On page 33722, in column one, under **PMN 84-1068,** line three should have read: dimethylthio-carbamylthio-N'-phenyl".

BILLING CODE 1505-01-M

[OPTS-51534; FRL-2662-5]

Toxic Substances; Certain Chemicals; Premanufacture Notices

Correction:

In FR Doc. 84-23048, beginning on page 34572, in the issue of Friday, August 31, 1984, make the following correction. On page 34573, in column two, PMN **84-1078"** should read "PMN 84-1080".

BILLING CODE 1505-01-M

[OPP-50623; FRL-2662-6]

Issuance of Experimental Use Permits

Correction

In FR Doc. 84-23047, beginning on page 35039, in the issue of Wednesday, September 5, 1984, make the following correction. On page 35040, column three line 14, "1200" should read "12200".

BILLING CODE 1505-01-M

[OPP-50620; FRL-2648-5]

Issuance of Experimental Use Permits; E.I. du Pont de Nemours and Co., et al.

Correction

In FR Doc. 84-20844, beginning on page 31759, in the issue of Wednesday, August 8, 1984, make the following correction: On the same page, column three, first full paragraph, line 14, "40" should read "400".

BILLING CODE 1505-01-M

[OPP-50621; OPP-FRL-2648-8]

Issuance of Experimental Use Permits; Albany International, et al.

Corrections:

In FR Doc. 84-20873, beginning on page 31757, in the issue of Wednesday, August 8, 1984, make the following corrections: On page 31757, column one, in the heading, **"Albany International Inc."** should read **"Albany International,".**

On page 31758, column one, first full paragraph, line five, "inset" should read "insect".

On the same page, column two, first full paragraph, line six, the first word should read "fluvalinate".

BILLING CODE 1505-01-M

[OPP-180658; FRL-2675-2]

Emergency Exemptions; California Department of Food and Agriculture; et al

Correction

In FR Doc. 84-24916, beginning on page 37842, in the issue of Wednesday, September 26, 1984, make the following corrections: On the same page the subject heading should read as set forth above and in column three, Item "9", add "(Libby Welch)" at the end of the paragraph.

BILLING CODE 1505-01-M

[OPP-00187; PH-FRL 2720-1]

Administrator's Pesticide Advisory Committee; Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Subcommittee on Labeling of the Administrator's Pesticide Advisory Committee (APAC) will hold a meeting to discuss organizational issues relating to the function of the subcommittee. The meeting will be open to the public.

DATE: The meeting will take place on Tuesday, December 4, 1984, at 9:00 a.m. and adjourn by 12 noon.

ADDRESS: The meeting will be held in: Environmental Protection Agency, Rm. W-1001, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Betty Winter, Executive Secretary, Administrator's Pesticide Advisory Committee (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-636, 401 M St., SW., Washington, D.C. 20460, (202-382-7801).

SUPPLEMENTARY INFORMATION: The Office of Pesticide Programs (OPP) is undertaking a project to evaluate whether pesticide labeling is communicating use, hazard, and precautionary information effectively. OPP plans to explore not only labeling but also other means of communication such as educational and training programs, media campaigns, etc. The APAC, at its October 25, 1984 meeting, decided unanimously to form a subcommittee to advise the Agency on labeling and hazard communication.

The first meeting of the Subcommittee will be an organizational meeting to define the goals and objectives of the Subcommittee, the subjects it plans to address, and its methodology for addressing them. A more complete agenda will be available at a later date.

The meeting will be open to the public and time will be set aside for public comments concerning the organization of the Subcommittee. Any member of the public wishing to present an oral or written statement relating to the Subcommittee's topics of discussion for this meeting should contact the APAC Executive Secretary at the address or telephone number listed above.

Dated: November 9, 1984.

Marcia Williams,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 84-30142 Filed 11-15-84; 8:45 am]

BILLING CODE 6560-50-M

[WH-FRL-2719-5]

National Drinking Water Advisory Council; Open Meeting

Under Section 10(a)(2) of Pub. L. 92-423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*), will be held at 9:30 a.m. on December 6, 1984, and at 8:30 a.m. on December 7, 1984, at the U.S. Environmental Protection Agency's Regional Office, Hawaii and Trust Territories Room, 215 Freemont Street, San Francisco, California 94105. Council Subcommittees will be meeting at the Regional Office on December 5, 1984.

The purpose of the meeting will be to consider various aspects of the Revised Regulations, Phase I and Phase II. Other main agenda items will include a panel discussion on monitoring for unregulated contaminants, and Council Subcommittee reports on EPA's Direct Implementation regulations for the UIC Program in seven States and some Indian Lands and compliance monitoring and enforcement oversight for the Public Water Systems Supervision Program.

This meeting will be open to the public. The Council encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. Oral statements will be limited to five minutes. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 382-5533. The petition should include the topic of the proposed statement, the petitioner's telephone number and should be received by the Council before November 30, 1984.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at the Council meeting and will be part of the permanent meeting record.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement, should contact Ms. Charlene Shaw, Executive Assistant, National Drinking Water Advisory Council, U.S. Environmental Protection Agency, Office of Drinking Water (WH-550), 401 M Street SW., Washington, D.C. 20460.

The telephone number is: Area Code 202/382-5533.

Dated: November 7, 1984.

Henry Longest II,

Acting Assistant Administrator for Water.

[FR Doc. 84-30118 Filed 11-15-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30245; FRL-2675-3]

Certain Companies; Applications to Register Pesticide Products; NOR-AM Chemical Co., et al.

Correction

In FR Doc. 84-24924, beginning on page 37840, in the issue of Wednesday, September 26, 1984, make the following corrections, on page 37840, column three, seventeenth line "**Contract**" should read "**Contact**". On the same page under "**Supplementary Information**", paragraph numbered "1.", line six, "(N-N (propyl-" should read "(*N*-propyl-*N*-".

On page 37841, column one, first line, "Sulfamide" should read "sulfamide".

On the same page, same column, line twenty-two, "Extrin ®" should read "Ectrin ®".

BILLING CODE 1505-01-M

[OPTS-59168A; OTS-FRL 2678-1]

Certain Chemicals; Approval of Test Marketing Exemption

Correction

In FR Doc. 84-25216, appearing on page 37461, in the issue of Monday, September 24, 1984, make the following correction: In column two under "**Supplementary Information**", in paragraph one, fifth line from the bottom, insert the word "of" between "receipt" and "new".

BILLING CODE 1505-01-M

[OPTS-51535, TSH-FRL 2666-5]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 84-23711, beginning on page 35414, in the issue of Friday, September 7, 1984, make the following corrections: On page 35417, column one, under "**PMN 84-1129**", line two, "aceted" should read "acetic", and on line three, "C_n" should read "C_n".

On the same page, same column under "**PMN 84-1130**", line three, "C_8 C_{10}" should read "C_8—C_{10} and "C_8" should read "C_n".

BILLING CODE 1505-01-M

[OPP-00186; PH-FRL 2719-8]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 2-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel to review the Proposed Special Review Criteria and Procedures Rule; to review the Agency's policy on genetically engineered and nonindigenous microbial pesticides; to review the final rule classifying certain grain fumigants as restricted use pesticides; and to review certain Standard Evaluation Procedures being promulgated by the Office of Pesticide Programs' Hazard Evaluation Division. The meeting will be open to the public.

DATES: Thursday and Friday, December 13 and 14, 1984, from 8:30 a.m. to 5 p.m. each day.

ADDRESS: The meeting will be held at: Ramada Inn, 901 North Fairfax Drive, Alexandria, VA 22314, (703-683-6000).

FOR FURTHER INFORMATION CONTACT: By mail: Philip H. Gray, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (TS-766C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1115, Crystal Mall, Building No. 2, Arlington, VA 22202, (703-557-7096).

SUPPLEMENTARY INFORMATION: The agenda for this meeting is:

1. Review of the Agency's Proposed Special Review Criteria and Procedures Rule.
2. Review of the Agency's policy on genetically engineered and nonindigenous microbial pesticides.
3. Review of a final rule adding certain grain fumigant uses of additional active ingredients to the list of those which the Agency has classified for restricted use.
4. Review of certain draft Standard Evaluation Procedures (SEPs) for the following scientific studies: Environmental Risk Assessment, Hydrolysis, Aqueous Photolysis, Aerobic Soil Metabolism, Teratology and Magnitude of the Residue: Crop Field Trials (raw agricultural commodities).
5. Completion of any unfinished business from previous Panel meetings.
6. In addition, the Agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Copies of documents relating to item 1 may be obtained by contacting: Joanne Dizikes, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7400).

Copies of documents relating to item 2 may be obtained by contacting: Federick S. Betz, Hazard Evaluation Division (TS-769C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1128C, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-9307).

Copies of documents relating to item 3 may be obtained by contacting: Robert Forest, Registration Division (TS-767C).

Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1114, Crystal Mall, Building No. 2 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–0592).

Copies of documents relating to item 4 may be obtained by contacting: Stephen Johnson, Hazard Evaluation Division (TS–769C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1124, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7695).

Any member of the public wishing to submit written comments should contact Philip H. Gray, Jr. at the address or phone listed above to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interested persons are permitted to file such statements before the meeting, and may, upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. All statements will be made part of the record and will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons wishing to make oral and/or written statements should notify the Executive Secretary and submit 10 copies of a summary no later than December 7, 1984, in order to ensure appropriate consideration by the Panel.

Dated: November 8, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 84–30141 Filed 11–15–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–50526; TSH–FRL–2677–1]

Significant New Use Notification; Receipt

Correction

In FR Doc. 84–25218, beginning on page 37460, in the issue of Monday, September 24, 1984, make the following corrections:

1. Under "**SUPPLEMENTARY INFORMATION**" the first word should read "Section".

2. Under "**SNUR 84–1.**" same column, line one, "4,4" should read "4,4' ".

BILLING CODE 1505–01–M

[ER–FRL–2720–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared October 29, 1984 through November 2, 1984 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act, as amended. Request for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated October 19, 1984 (49 FR 41108).

Draft EISs

ERP No. D–AFS–G65039–00, Rating LO, Cibola Nat'l Forest, Kiowa, Rita Blanca, Black Kettle, and McClellan Nat'l Grasslands, Land and Resource Management Plan, NM, TX, OK. SUMMARY: EPA expressed no objection to the preferred alternative, but expressed concerns with the lack of specific documentation on the proposed uses of pesticides and requested that more specific details on pesticide use be supplied.

ERP No. D–BLM–L–61158–ID, Rating LO, Jacks Creek Wilderness Study Areas, Designation, ID. SUMMARY: EPA expressed no objections to the wilderness recommendation, but suggested additional information on herbicide spraying, soil stability, and fisheries impacts be provided in the FEIS.

ERP No. D–FHW–F40239–MN, Rating EC2, MN TH–33 improvements, I–35 to TH–53, MN. SUMMARY: EPA believes the project has potentially significant environmental effects regardless of the alternative selected. In the urban section of the project, the throughtown alternative impacts numerous noise sensitive receptor, while the bypass alternatives impact a great number of ecologically sensitive areas. In the rural section of the project all the alternatives impact many acres of ecologically sensitive lands. EPA recommends an alternative that would upgrade the existing alignment.

ERP No D–FHW–G40112–AR, Rating LO, US 71 Construction, (State Project 4833), I–40 to Fayetteville Bypass, AR. SUMMARY: EPA has not identified any potential environmental impacts requiring substantive changes to the proposal.

ERP No. D–FHW–L40138–AK, Rating E02, Knik Arm Bridge Crossing Construction, Cook Inlet, AK. **SUMMARY:** EPA is concerned that neither of the two proposed crossing alternatives appear to conform with the State Implementation Plan for air quality. Projected violations of Nat'l Ambient Air Quality Stds. for carbon monoxide need to be prevented if the bridge alternative is selected. For the bridge alternatives, EPA believes the secondary development impacts to the Mat-Su Borough, have not been evaluated sufficiently and adequate mitigation has not been proposed.

Final EISs

ERP No. F–AFS–L61149–WA, Early Winters Alpine Winter Sports Study, Permit, Okanogan NF, WA. SUMMARY: Although EPA believes the FEIS does not include a sufficient guarantee that air quality impacts from secondary growth and wood stove use will be adequately mitigated, a cooperative agreement is being prepared with the Forest Service, Washington Dept. of Ecology, and Okanogan County to resolve this concern. Without mitigation, total suspended particulates will exceed Nat'l Ambient Air Quality Stds.

ERP No. D–FHW–E40400–FL, FL–22/232/39th Ave. Road Improvement, I–75 to Gainesville Regional Airport, FL. SUMMARY EPA believes that the project's long-term impacts to wet-lands and water quality are manageable if appropriate erosion control measures are implemented.

ERP F–FHW–F40178–MN, West River Parkway Construction, Franklin Ave. to Plymouth Ave., MN. SUMMARY: EPA does not object to the implementation of the proposed project. The selection Alternative 1 alleviated potential air quality impacts.

ERP No. F–NOA–B8900007–MA, Waquoit Bay Nat'l Estuarine Sanctuary Designation, Nantucket Sound, MA. SUMMARY: EPA believes that the proposed sanctuary will not cause significant adverse impact on the environmental, nor affect the ground water quality of the Cape Code sole source aquifer so as to create a significant hazard to public health.

Dated: November 13, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84–30189 Filed 11–15–84; 8:45 am]

BILLING CODE 6560–01–M

[ER-FRL-2720-3]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements filed November 5, 1984 through November 9, 1984, Pursuant to 40 CFR 1506.9.

EIS No. 840470, FSuppl, NHT, REG, 1985 Model Year Light Trucks Corporate Average Fuel Economy Standards, Due: December 17, 1984, Contact: Joseph Innes (202) 426-0846.

EIS No. 840493, DSuppl, AFS, MT, Lewis and Clark National Forest Land and Resource Management Plan, Wilderness Designation, Due: February 15, 1985, Contact: John Gorman (406) 727-0901.

EIS No. 840503, Draft, AFS, NH, ME, White Mountain National Forest Land and Resource Management Plan, Due: February 28, 1985, Contact: Carl Gebhardt (603) 524-6450.

EIS No. 840504, Final, FHW, OH, Ohio Turnpike (I-76/I-80/I-90) Upgrading, IN to PA State Line, Due: December 17, 1984, Contact: John Hibbs (614) 469-6869.

EIS No. 840505, Final NHT, REG, 1986 Model Year Corporate Average Fuel Economy Standards, Due: December 17, 1984, Contact: Joseph Innes (202) 426-0846.

EIS No. 840506, Final, BLM, WY, Platte River Resource Area, Resource Management Plan, Due: December 17, 1984, Contact: Jim Melton (307) 261-5101.

EIS No. 840507, Draft, AFS, SC, Sumter National Forest Land and Resource Management, Due: February 15, 1985, Contact: Donald Eng (803) 765-5222.

EIS No. 840508, Final BLM, UT, Cedar, Beaver, Garfield and Antimony Planning Units, Resource Management Plan, Due: December 17, 1984, Contact: Sheridan Hansen (801) 586-2458.

EIS No. 840509, Final, BLM, NV, Lahontan Resource Area, Resource Management Plan, Due: December 17, 1984, Contact: Thomas Owen (702) 882-1631.

EIS No. 840510, Final, FHW, WA, Washington State Convention and Trade Center, Leasing/Construction, Pike Street to Freeway Park, King County, Due: December 17, 1984, Contact: P.C. Gregson (206) 753-2120.

EIS No. 840511, Draft, UMT, MD, Baltimore Northeast Corridor Transit Improvements, Baltimore County, Due: January 4, 1985, Contact: John Carudo (215) 597-4179.

EIS No. 840512, Draft, FHW, OR, SW 257th Avenue Extension, I-84 to Stark Street, Multnomah County, Due: January 11, 1985, Contact: Dale Wilken (503) 399-5749.

EIS No. 840513, Draft, USN, WA, Puget Sound Area, Carrier Battle Group Homeporting, Construction/Operation, Snohomish County, Due: January 14, 1985, Contact: Rear Admiral L.S. Severance (206) 526-3075.

EIS No. 840514, Draft, DOE, CO, Durango/Vanadium Inactive Uranium/Vanadium Mill Tailina Site, Redmedial Actions/Clean-up of Radioactively-Contaminated Material, Durango, La Plata County, Due: January 11, 1985, Contact: James Morley (505) 844-3941.

EIS No. 840515, Draft, NRC, GA, Vogtle Electric Generating Plant, Unit 1 and 2, Operation, License Issuance, Burke County, Due: January 7, 1985, Contact: Darl Hood (301) 492-8474.

EIS No. 840516, Draft, BLM, NV, Esmeralde-Southern Nye Planning Area, Resource Management Plan, Esmeralda and Nye Counties, Due: February 19, 1985, Contact: Stephen Mellington (702) 388-6403.

EIS No. 840517, Draft, MMS, ATL, MA, RI, CT, NY, NJ, PA, DE, MD, 1985 OCS Oil/Gas Sale No. 111, Exploration/Development/Production of Hydrocarbon Resources, Lease Offering, Due: January 8, 1985, Contact: Heino Beckert (703) 285-2265.

EIS No. 840518, Final, MMS, CA, Point Arguello Field OCS Oil and Gas Development/Gavista Processing Facility, Santa Barbara County, Due: December 17, 1984, Contact: Mary Elaine Warhurst (213) 688-4360.

Amended Notices

EIS No. 840482, DSuppl, AFS, MT, Flathead National Forest Land and Resource Management Plan, Due: February 15, 1985, Published FR 11-2-84—Filing date reestablished.

EIS No. 840414, Draft, USN, ATL, VA, Navy Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS II), Operation, Chesapeake Bay and Atlantic Ocean, Due: December 13, 1984, Published FR 9-21-84—Review extended.

Dated: November 13, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84-30188 Filed 11-15-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30088; FRL-2720-8]

Certain Pesticide Chemicals; Intent To Reassess Certain RPAR and Pre-RPAR Decisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to reassess certain RPAR or pre-RPAR pesticide decisions.

SUMMARY: This notice announces the intent of the EPA to reassess decisions made regarding the rebuttable presumptions against registration (RPARs) or pre-RPARs of certain chemicals and the anticipated schedule for such reassessments. The RPAR or pre-RPAR decisions for the pesticides lindane, benomyl, paraquat, DDVP, EPN, PCNB, the EBDCs and terbutryn will be reassessed. Each such reassessment will be based on a review of the full complement of health and safety data available within the agency. For the EBDCs, EPN, PCNB, DDVP and terbutryn, the Agency is awaiting receipt of additional health and safety data which the Agency has previously requested from registrants or are otherwise under development and which the Agency considers necessary to conduct the reassessments concerning these pesticides. This notice includes a list of the data considered by the agency to be necessary for the reassessment of EBDCs, EPN, PCNB, DDVP and terbutryn and the projected dates for receipt of such data by the Agency.

FOR FURTHER INFORMATION CONTACT:

By mail:

Frank T. Sanders, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7420).

SUPPLEMENTARY INFORMATION:

I. Background

On September 19, 1984, the Agency and the plaintiffs in *NRDC, et al.* v. *Ruckelshaus, et al.* (Civil Action No. 83-1509) executed a Settlement agreement. In that agreement, the agency agreed to reassess its RPAR decisions concerning the pesticides lindane, benomyl, the EBDCs, EPN, and PCNB, and its pre-RPAR decisions concerning the pesticides paraquat, terbutryn and DDVP. On October 14, 1984, Judge Oliver Gasch of the U.S. District Court for the District of Columbia approved the Settlement Agreement.

This Notice is published pursuant to a provision of the Settlement agreement which requires the Agency to issue for publication in the **Federal Register** a notice of its intention to reassess these particular RPAR or pre-RPAR decisions and a list of data considered necessary to conduct the reassessments for the EBDCs, EPN, PCNB, DDVP, and terbutryn and the projected dates for receipt of such data by EPA.

II. Regulatory Framework

Before a pesticide product may be sold or distributed in the United States, the product must be registered in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), sections 3(a) and 12(a)(1). A pesticide registration is a license allowing a pesticide product to be sold and distributed for a specified use or uses in accordance with label instructions and precautions and other terms and conditions of registration. A pesticide product will be registered only if it performs its intended pesticidal function without causing "unreasonable adverse effects on the environment."

Under FIFRA section 6, the Administrator of EPA may cancel the registration of a pesticide product or modify the terms and conditions of its registration whenever it is determined that the pesticide product causes unreasonable adverse effects on the environment. The Agency created the RPAR process to facilitate the identification of pesticide products (or uses thereof) which may not satisfy the statutory standard for registration, and to provide an informal procedure through which to gather and evaluate information about the risks and benefits of these products and uses. The regulations governing the RPAR process are set forth at 40 CFR 162.11.

III. Reassessments

In each reassessment, the Agency will independently review the full complement of available health and safety data, assess applicable health and environmental risks, and reach an appropriate regulatory decision in accordance with law. Such decision may consist of a proposed or final Registration Standard, a notice of RPAR, a notice of proposed RPAR decision, a Notice of Intent to Suspend, or a Notice of Intent to Cancel concerning the particular pesticide. Upon completion of each reassessment, the Agency will, in its discretion, place the particular pesticide in the most appropriate stage of the regulatory process to avoid unnecessary delay in reaching a final regulatory decision.

EPA will complete its reassessments for the individual chemicals according to the following schedule unless an individual deadline is extended for "good cause" as provided below.

Chemical	Date for completion of reassessment
Lindane	Sept. 30, 1985.
Benoyml	Mar. 31, 1986.
Paraquat	Do.
EBDCs	Dec. 31, 1986.
EPN	Do.
PCNB	Do.
DDVP	Do.
Terbutryn	Do.

For each particular pesticide, the date for completion of a reassessment may be extended for "good cause" upon agreement of the plaintiffs in *NRDC, et al.* v. *Ruckelshaus, et al.* and the Agency. If the plaintiffs and the Agency are unable to reach an agreement on the need for such an extension, the Settlement Agreement provides that the Agency may apply to the Court to modify, for good cause shown, the date previously agreed upon for completion of a particular reassessment.

IV. Data Considered Necessary for Reassessments Which Are Currently Unavailable and the Projected Dates of Receipt

Data	Projected date of receipt
A. EBDCs	
1. Dietary exposure studies:	
a. Crop residue (each parent EBDC and its major metabolites and degradates, including ethylene thiourea (ETU)	1/86
b. Plant/livestock metabolism (each parent EBDC and ETU)	1/85
c. Conversion, reduction, concentration during processing (each parent EBDC and its metabolites and degradation products, especially ETU)	4/86
2. Product chemistry:	
a. Product identity (all product components, including each parent EBDC and its ETU conversion product)	1/85
b. Product analysis (all product components, including each parent EBDC and its ETU conversion product)	1/85
c. Certification of ingredients (all product components, including each parent EBDC and its ETU conversion product)	1/85
d. Physical and chemical characteristics (all product components, including each parent EBDC and its ETU conversion product)	1/85
3. Toxicological studies:	
a. 90-day subchronic feeding (each parent EBDC and ETU)	11/85
b. 90-day subchronic inhalation (each parent EBDC and ETU)	11/85

Data	Projected date of receipt					
	Amoban	Maneb	Manco-zeb	Nabam	Zineb	Metiram
4. Mutagenicity testing	2/85	3/85	11/85	2/85	2/85	2/85
a. Ames assays for gene mutation	2/85	3/85	11/85	2/85	2/85	2/85
b. Host mediated assays	2/85	3/85	11/85	2/85	2/85	2/85
c. In vitro mammalian cell assays	2/85	3/85	11/85	2/85	2/85	2/85
d. In vitro or in vivo cytogenic assays	2/85	3/85	11/85	2/85	2/85	2/85
e. In vitro or in vivo primary hepatocyte repair test	2/85	3/85	11/85	2/85	2/85	2/85
5. Metabolism study	2/85	3/85	[1] 4/83	2/85	2/85	12/85
6. Dermal absorption study	2/85	3/85	[1] 4/83	2/85	2/85	12/85

[1] Data submitted and currently under review.

Data	Projected date of receipt
B. EPN	
1. Toxicology data requirements: Teratogenicity (2 species: rat and rabbit)	11/86
2. Reentry protection data requirements: Field study—foliar dislodgeable residues (on all crops for which EPN is registered)	4/86
3. A study to explore the mechanism of recovery from EPN-induced delayed neurotoxicity	4/86
C. PCNB	
1. Product chemistry:	
a. New confidential statement of formula showing HCB level of 0.5%, maximum	2/85
b. Annual progress report on new technology to achieve 0.1% HCB	[1]
2. Residue study for PCNB and HCB levels in processed potatoes	12/85
3. Applicator exposure study: Data demonstrating that packaging and use patterns will not result in unreasonable adverse effects to applicators	12/85
D. DDVP	
1. Mutagenicity studies:	
a. In-vitro mutagenicity	4/85
b. In-vivo micronucleus assay	4/85
c. Dominant lethal assay	4/85
d. Sister chromatid exchange	4/85
2. Oncogenicity studies: NTP bioassay	3/85
E. Terbutryn	
Teratogenicity study	11/85

[1] Annually.

Information concerning the status of these reassessments will be provided to interested persons by the Agency on an ongoing basis.

Dated: November 14, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 84-30252 Filed 11-15-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Texas; Amendment to Notice of a Major-Disaster Declaration

[FEMA-727-DR]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-727-DR), dated October 30, 1984, and related determinations.

DATED: November 8, 1984.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice

The notice of a major disaster for the State of Texas, dated October 30, 1984, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 30, 1984:

Precinct Four in Harris County as an area for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 84-30101 Filed 11-15-84; 8:45 am]

BILLING CODE 6718-01-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. 202-000014-056.

Title: Trans Pacific Freight Conference (Hong Kong).

Parties:
American President Lines, Ltd.
Barber Blue Sea Line
Japan Line, Ltd.
A.P. Moller Maersk Line
Nippon Yusen Kaisha
Sea-Land Service, Inc.
Showa Line, Ltd.
United States Line, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed amendment would authorize independent action to be taken over the letter or wire signature of the person authorized to do so.

Agreement No. 202-005700-038.

Title: New York Freight Bureau.

Parties:
Barber Blue Sea Line
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.

SYNOPSIS: The proposed amendment would authorize independent action to be taken over the letter or wire signature of the person authorized to do so.

Agreement No. 223-010674.

Title: Elizabeth New Jersey, Terminal Services Agreement.

Parties: **Sea-Land Service, Inc.**
Cia Chilena de Navegacion Interoceanica S.A.

Synopsis: Under Agreement No. 223-010674, Sea-Land will provide terminal services to Cia Chilena de Navegacion Interoceanica S.A. at the Elizabeth-Port Authority Marine Terminal. The term of the agreement shall be for one year from its effective date. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: November 13, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-30174 Filed 11-15-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Fidelcor, Inc., et al; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express the views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 5, 1984.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Fidelcor, Inc.*, Rosemont, Pennsylvania; to engage *de novo* through its subsidiary, Latimer & Buck, Inc., Rosemont, Pennsylvania, in servicing of loans and other extensions of credit for Applicant's accounts or for the accounts of others. This application is to expand the previously approved geographic scope (Delaware, eastern Pennsylvania, and southern New Jersey) to include the entire United States.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *MCORP*, Dallas, Texas; to engage *de novo* through functions or activities that may be performed by a trust

company (including activities of a fiduciary, agency, or custodial nature), in the manner authorized by federal or state law including making loans and investments and taking deposits.

Board of Governors of the Federal Reserve System, November 9, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-30077 Filed 11-15-84; 8:45 am]

BILLING CODE 6210-01-M

National Penn Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requires a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 7, 1984.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *National Penn Bancshares, Inc.*, Boyertown, Pennsylvania; to acquire 20 percent of the voting shares of National Bank of the Main Line, Wayne, Pennsylvania (in organization).

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Water Tower Bancorp, Inc.*, Chicago, Illinois; to become a bank holding company by acquiring 80 percent or more of the voting shares of Water Tower Trust and Savings Bank, Chicago, Illinois.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Star City Bancshares, Inc.*, Star City, Arkansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Star City, Star City, Arkansas.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Security Holding, Inc.*, Aurora, Colorado; to become a bank holding company by acquiring at least 80 percent of the voting shares of East National Bank, Denver, Colorado; and to acquire Mountain Holding, Inc., Aurora, Colorado, and Security Bancorporation, Inc., Boulder, Colorado, thereby indirectly acquiring Security Bank of Aurora, Aurora, Colorado and Security Bank of Boulder, Boulder, Colorado.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Kingsland Bancshares, Inc.*, Kingsland, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Kingsland National Bank, Kingsland, Texas.

Board of Governors of the Federal Reserve System, November 9, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-30078 Filed 11-15-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on November 9, 1984.

Public Health Service Administration

Office of the Assistant Secretary for Health

Subject: 1986 National Mortality Followback Survey—Pretest—New
Respondents: Individual
Subject: Evaluation of the Products & Services of PHS Clearinghouses—New
Respondents: State/Local government; Businesses; Federal agencies

National Institutes of Health

Subject: Private Sector Perspectives on Health Issues of Minority Americans—New
Respondents: State and Local governments and businesses

Health Resources and Services Administration

Subject: Common Reporting Requirements for Urban Indian Health Programs—New
Respondents: Non-profit Institutions

Alcohol, Drug Abuse and Mental Health Administration

Subject: Mental Health of Primary Care Training Program—New
Respondents: Individuals/Non profit Institutions
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Child Support Enforcement Activities Under Title IV-D of the Social Security Act—Extension no change—OCSE-3 (0960-0154)
Respondents: Individuals
Subject: Report of Continuing Disability Interview—Revision—SSA-454BK (0960-0072)
Respondents: Individuals
Subject: Report by Person Entitled to Special age 72 Payments—Extension no change—SSA-1625 (0960-0094)
Respondents: Individuals
OMB Desk Officer: Robert J. Fishman

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503; ATTN: (name of OMB Desk Officer.)

Dated: November 9, 1984.

Harry A. Hadd,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84-30090 Filed 11-15-84; 8:45 am]

BILLING CODE 4150-01-M

Social Security Administration; Statement of Organization, Functions and Delegation of Authority

Correction

In FR Doc. 84–27433 beginning on page 40671 in the issue of Wednesday, October 17, 1984, make the following corrections:

1. On page 40671, third column;

a. In the fourth line, "All SEA" should have read "all SSA";

b. In the seventeenth line, "OLIS" should have read "OIS";

c. In the twenty-second line, "the" should have read "to";

d. In the thirty-seventh line, "(OIS)" should have read "(OSI)"; and

e. In the forty-sixth line, "Directs" should have read " directs".

2. On page 40672;

a. In the first column, first line, "to" should have read "the";

b. In the second column, eighteenth line of paragraph E., "enforce" should have read "enforces".

BILLING CODE 1505-01-M

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Mental Health Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the meeting of the National Advisory Mental Health Council during the month of December 1984.

National Advisory Mental Health Council: December 3–4; 9:00 a.m., National Institutes of Health, Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20205.

Open: Contact: Ms. Helen Garrett, Committee Management Officer, Parklawn Building, Room 17C–26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333.

Purpose: The National Advisory Mental Health Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research and training in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, these grants.

Agenda: The meeting scheduled for December 3–4 will be open for discussion of NIMH policy issues and will include current administrative, legislative, and program developments. Attendance at this 2-day open meeting will be limited to space available.

Substantive information, summaries of the meetings, and roster 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: November 9, 1984.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 84–30125 Filed 11–15–84; 8:45 am]

BILLING CODE 4160–20–M

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting: The following advisory committee meeting is announced:

Veterinary Medicine Advisory Committee

Date, time, and place. December 13 and 14; 9 a.m. on December 13; 8 a.m. on December 14, Conference Rm. E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, December 13, 9 a.m. to 12 m.; open public hearing, 1 p.m. to 2 p.m.; open committee discussion, December 13, 2 p.m. to 4 p.m., December 14, 8 a.m. to 2:30 p.m.; Bert L. Schrivener, Center for Veterinary Medicine (HFV–400), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4557.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational new animal drugs, feeds, and devices for use in the treatment of animal diseases and makes appropriate recommendations to the Commissioner of Food and Drugs.

Agenda—Open public hearing. Interested persons desiring to present data, information, or views orally or in writing, on issues pending before the committee should notify the contact person.

Open committee discussion. On December 13, the committee will discuss: (1) The role of the Veterinary Medicine Advisory Committee, (2) the role of the Center for Veterinary Medicine Council and its relation to the Advisory Committee, and (3) the definition of the policymaking process in the Center for Veterinary Medicine.

On December 14, the committee will discuss: (1) Pending policy decisions in the Center, (2) development of an agenda for dealing with policy issues, and (3) a committee agenda for the next meeting.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committed meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings. This guideline was published in the **Federal Register** of April 13, 1984 (49 FR 14723). These procedures are primarily intended to expedite media access to FDA's public proceedings, including hearings before a public advisory committee conducted pursuant to Part 14 of the agency's regulations. Under this guideline, representatives of the electronic media may permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the presentation of participants at a public hearing. Accordingly, all interested persons are directed to the

guideline, as well as the **Federal Register** notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on public hearings.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's descretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockvile, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: November 9, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–30132 Filed 11–15–84; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 84P–0360]

Food for Human Consumption; Enriched Bread Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Schmidt Baking Co., Inc., to market test a bread enriched to the nutrient levels recommended by the National Academy of Sciences, Food and Nutrition Board (FNB), in 1974 (with the exception that iron will remain at the level required by the standard of identity for enriched bread). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than February 14, 1985.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (HFF–214), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202–485–0107.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of a standard of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Schmidt Baking Co., Inc., Baltimore, MD 21236.

The permit covers limited interstate marketing tests of enriched special formula bread. The test product deviates from the standard of identity for enriched bread (21 CFR 136.115) in that it will contain in each 2-slice (approximately 2 ounces) serving: (1) 6 percent of the U.S. Recommended Daily Allowance (RDA) of vitamin A, (2) 8 percent of U.S. RDA of vitamin B–6, (3) 8 percent of the U.S. RDA of folic acid, (4) 6 percent of the U.S. RDA of magnesium, and (5) 6 percent of the U.S. RDA of zinc. The test product meets all requirements of § 136.115, with the exception of these deviations.

The permit provides for the temporary marketing of a total of 88,950,000 pounds of the product. The test product will be distributed in the States of Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia and in the District of Columbia. The test product is to be manufactured at Schmidt Baking Co., Inc., plants located in Baltimore, MD 21236; Cumberland, MD 21502; Verona, VA 24482; and Martinsburg, WV 25401.

The principal display panel of the label states the product name as "enriched special formula bread," and each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101. A side-by-side comparison of the percentage of U.S. RDA's nutrients in the test product and in regular enriched bread is shown on the label for the applicable nutrients. This permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than February 14, 1985.

Dated: November 8, 1984.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 84–30131 Filed 11–15–84; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

[ORD–052–N]

Medicare and Medicaid Programs; Health Care Financing Research and Demonstration Cooperative Agreements and Grants; Technical Assistance Conference

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces a Technical Assistance Conference (Conference) to be held to discuss the priority areas and the guidelines for the anticipated Federal fiscal year 1985 HCFA cooperative agreements and grants. The Conference will convene on Wednesday, November 28, 1984 from 8:30 a.m. to 5:00 p.m. at Social Security Headquarters, in the Social Security Auditorium of the Altmeyer Building, at 6401 Security Boulevard, Baltimore, Maryland.

We urge potential applicants for HCFA cooperative agreements and grants to attend. The purpose of the conference will be to provide potential applicants with guidelines for preparing their applications in terms of methodology and research design, to discuss the availability of HCFA data sets relevant to HCFA's solicitation areas, and to provide information on the use of cooperative agreements as an award instrument. In addition, we will discuss the rigor of the research and evaluation design for demonstrations, as well as the methodology for estimating waiver costs.

Further information regarding the Conference may be obtained by contacting Michael J. Hoban, Acting Director, Office of Operations Support, Office of Research and Demonstrations, Health Care Financing Administration, (301) 594–7370 or 594–7371. We note that reservations are required because of space limitations. Attendance is limited to the first 700 persons who make reservations, and no more than two attendees from any one organization will be accepted.

Dated: November 14, 1984.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 84-30283 Filed 11-15-84; 11:26 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Garrison Diversion Unit Commission; Business Meeting

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

Name: Garrison Diversion Unit Commission.

Date of Meeting: Wednesday, November 28, 1984.

Time of Meeting: 8:00 a.m.—5:00 p.m.

Place of Meeting: Room 628, Dirksen Senate Office Building (entrance: 1st and C Street, NE.), Washington, D.C.

Contact Person: James C. Wiley, Staff Director, (202) 453-3900.

Purpose: The Commission will discuss the Interim Staff Report on Issues and Alternatives, released November 7, 1984. In its discussions, the Commission will consider testimony presented at the public hearings of November 16-17 in Fargo, ND., as well as comments received on the Report through Wednesday, November 21.

Public Participation: Any interested person may attend and observe the metting.

Transcripts: A transcript of the meeting will be available for public review at the Commission offices: Room 603, 300 7th Street, SW., Washington, D.C., between 8:30 a.m. and 4:00 p.m., Monday—Friday. For copies of the transcript, please contact James C. Wiley, (202) 453-3900.

Dated: November 8, 1984.

R.N. Broadbent,

Federal Representative.

[FR Doc. 84-30096 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-10-M

Privacy Act of 1974; Revision and Update of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, as amended, 5 U.S.C. 552a. Except as noted below, all changes being published are editorial in nature, and reflect organization changes and other minor administrative revisions which have occurred since the previous publication of the material in the **Federal Register.**

Two notices, describing records maintained by the Bureau of Reclamation, are being revised to add new compatible routine uses. The notice titled "Collection Contracts—Interior, Reclamation-6", previously published in the **Federal Register** on April 11, 1977 (42 FR 19096), is revised to add new routine disclosures to: (1) Non-Federal auditors under contract with agencies with whom the Bureau has written agreements permitting access to financial records for audit purposes; (2) to Federal, State, and local agencies with regard to the hiring retention of an employee; and (3) to Federal agencies to collect debts through administrative or salary offset. The notice titled "Concessions—Interior, Reclamation-7", previously published in the **Federal Register** on April 11, 1977 (42 FR 19096), is revised to add a new routine disclosure to non-Federal auditors as described above. Both notices are revised to add disclosures to consumer reporting agencies pursuant to 5 U.S.C. 552a(b)(12). The revised notices are published in their entirety below.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. Therefore, written comments on these proposed changes can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240. Comments received on or before December 17, 1984, will be considered. The notices shall be effective as proposed without further notice at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: November 8, 1984.

Oscar W. Mueller, Jr.,

Director, Office of Information Resources Management.

Interior/WBR-6

SYSTEM NAME:

Collection Contracts—Interior, Reclamation-6.

SYSTEM LOCATION:

Bureau of Reclamation Headquarters Offices, Engineering and Research Center, Regional Offices: Pacific Northwest, Mid-Pacific, Lower Colorado, Upper Colorado, Southwest, Upper Missouri, Lower Missouri. See appendix for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who lease, rent, or buy from the Bureau of Reclamation under a collection contract or agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual collection documents with copies of related bills and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3701, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for the negotiation and administration of contracts to collect monies due the Bureau of Reclamation. Disclosures outside the Department of the Interior may be made: (1) To the Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violationor potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to non-Federal auditors under contract with the Departments of Interior or Energy or water user and other organizations with which the Bureau of Reclamation has written agreements permitting access to financial records to perform financial audits; (5) where relevant or necessary to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit, information may be disclosed: (a) To a Federal agency that has requested the information, or (b) to a Federal, State, or local agency to enable the Department of the Interior to obtain information from such agency; (6) to a Federal agency for the purpose of collecting a debt owed the Federal Government through administrative or salary offset.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 522a(b)(12). Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

In accordance with requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

The records are maintained for 6 years and 3 months after close of fiscal year, unless involved in litigation. Disposal is in accordance with approved retention and disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Finance Officers. Bureau of Reclamation Headquarters Offices, Engineering and Research Center, Regional Offices: Pacific Northwest, Mid-Pacific, Lower Colorado, Upper Colorado, Southwest, Upper Missouri, Lower Missouri. See appendix for addresses.

NOTIFICATION PROCEDURE:

Written inquiries regarding the existence of a record(s) should be sent to the System Manager at the appropriate address listed in the appendix. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

Same as Notification above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Written petitions for amendment should be sent to the System Manager at the appropriate address listed in the appendix. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals contracting with the Bureau and related contracts and agreements.

Interior/WBR–7

SYSTEM NAME:

Concessions—Interior, Reclamation–7.

SYSTEM LOCATION:

Bureau of Reclamation Headquarters Offices, Engineering and Research Center, Regional Offices: Pacific Northwest, Mid-Pacific, Lower Colorado, Upper Colorado, Southwest, Upper Missouri, Lower Missouri. See appendix for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual concessionaires. Records in this system pertaining to individuals contain principally properietary information concerning sole proprietorships, but may also reflect personal information. In addition, the system maintains records concerning corporations and other business entities, some of which may contain personal information. Only the records reflecting personal information are subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Rental or lease agreements with individuals providing services or concessions at Bureau facilities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Reclamation Law of 1902, as amended, 43 U.S.C. 371, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is administrative control over concessions operating at Reclamation facilities. Disclosures outside the Department of the Interior may be made: (1) To State or local government agencies for taxation purposes; (2) to the Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (5) to non-Federal auditors under contract with the Departments of Interior or Energy or water user and other organizations with which the Bureau of Reclamation has written agreements permitting access to financial records to perform financial audits.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

In accordance with requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

The records are maintained for 6 years and 3 months after close of fiscal year, unless involved in litigation. Disposal is in accordance with approved retention and disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Finance Officers. Bureau of Reclamation Headquarters Offices, Engineering and Research Center, Regional Offices: Pacific Northwest, Mid-Pacific, Lower Colorado, Upper Colorado, Southwest, Upper Missouri, Lower Missouri. See appendix for addresses.

NOTIFICATION PROCEDURE:

Written inquiries regarding the existence of a record(s) should be sent to the System Manager at the appropriate address listed in the appendix. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as Notification above. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

Written petitions for amendment should be sent to the System Manager at the appropriate address listed in the appendix. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals on whom records are maintained.

[FR Doc. 84–30087 Filed 11–15–84; 8:45 am]
BILLING CODE 4310–09–M

[INT–DEIS 84–62]

Dunn-Nokota Methanol Project; Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental impact statement for the sale of water an industrial water service contract with the Nokota Company for a proposed Methanol Project in Dunn County, North Dakota. It would produce 86,940 barrels per stream day of Methanol from 43,156 net short tons per stream day of lignite coal and would require use of 16,800 acre-feet of water annually from Lake Sakakawea.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Bureau of

Reclamation, Washington, DC 20240. Telephone: (202) 343–4991

Division of Management Support, General Services, Library Section, Cod 950, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234–3019

Regional Director, Bureau of Reclamation, Federal Building, 316 North 26th Street, Billings, MT 59103, Telephone: (406) 657–6214

Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs, Bureau of Reclamation, or the Regional Director, at the above addresses. Copies will also be available for inspection in libraries in the project vicinity.

Dated: November 13, 1984.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 84-30135 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-09-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Issuance of Permit; USSR Ministry of Fisheries

On August 21, 1984, Notice was published in the **Federal Register** (49 FR 33159), that an application had been filed with the National Marine Fisheries Service, and Fish and Wildlife Service by the USSR Ministry of Fisheries, All-Union Scientific Institute of Fisheries and Oceanography, Moscow, USSR, for a permit to take by killing 200 Pacific walrus (*Odobenus rosmarus*), 200 ribbon seal (*Phoca fasciata*), 200 largha seal (*Phoca largha*), 100 ringed seal (*Phoca hispida*), 300 bearded seal (Erignathus barbatus), and 100 Steller sea lion (Eumetopicas jubatus), for the purpose of scientific research.

Notice is hereby given that on November 7, 1984, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service and Fish and Wildlife Service jointly issued a Scientific Research Permit to the USSR Ministry of Fisheries for the above taking subject to certain conditions set forth therein.

The Permit and related documents are available for reveiw in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802; and Director, Fish and Wildlife Service, U.S. Department of the Interior, 18th & C Streets, NW. Washington, D.C. 20240.

Dated: November 7, 1984.

Richard B. Roe,

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

Richard K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 84-30128 Filed 11-15-84; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-72525]

Airport Leases; Wyoming; Application

Notice is hereby given that, pursuant to the Act of May 24, 1928, 49 U.S. C. 211–214, the Town of Cokeville, Wyoming, has applied for an airport lease for the following described public land:

Sixth Principal Meridian, Wyoming

T. 24 N., R. 119 W.,
sec. 29, lot 6.

The land described contains 25.66 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their comments, together with their name and address, to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

James L. Edlefsen,

Chief, Branch of Land Resources.

[FR Doc. 84-30091 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-22-M

[M 62151]

Montana; Invitation Coal Exploration License Application

Members of the public are hereby invited to participate with Peabody Coal Company in a program for the exploration of coal deposits owned by the United States of America in the following described lands located in Rosebud County, Montana:

T.1 N., R. 40 E., P.M.M.
Sec. 26: S½NE½
80.00 acres.

Any party electing to participate in this exploration program shall notify, *in writing*, both the State Director, Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107; and Peabody Coal Company, Rocky Mountain Division, 10375 East Harvard Avenue, Suite 400, Denver, Colorado 80231. Such written notice must refer to serial number M 62151 and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days after the last publication of the Notice in the Forsyth Independent, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana. The exploration plan is available for public inspection at this address.

Dated: November 6, 1984.

Robert T. Webb,

Chief, Branch of Solid Minerals.

[FR Doc. 84-30093 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-DN-M

Butte District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will be held Thursday and Friday, December 13 and 14, 1984.

The meeting will begin at 1 p.m., December 13 in the conference room of the Butte District Office at 106 North Parkmont, Butte, Montana. The agenda will include (1) the Garnet RMP, (2) the wild horse program, (3) the current status of the land adjustment program, (4) the BLM grazing fee study, (5) the wilderness program, (6) small scale mining, (7) weed control and (8) water rights adjudication.

The meeting is open to the public. Interested persons may make oral statements to the council or file written statements for the council's consideration. Anyone wishing to make an oral statement should make advance arrangements with the District Manager.

Summary minutes of the meeting will be maintained in the district office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: November 7, 1984.

Jack A. McIntosh,

District Manager.

[FR Doc. 84-30095 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-DN-M

Moab District Advisory Council; Meeting and Field Trip

AGENCY: Bureau of Land Management, Utah, Interior.

ACTION: Moab District Advisory Council, Meeting and Field Trip.

SUMMARY: The Council will conduct a field trip on December 13 and 14, 1984. The public is invited but must provide their own transportation.

Location: Moab District Office, 82 East Dogwood, Moab, Utah.

SUPPLEMENTARY INFORMATION: Agenda:

December 13:

9:00 a.m.—Briefing on Nuclear Waste Terminal Storage (NWTS) Program, Moab District Office (MDO)
10:00 a.m.—Leave MDO for Needles Overlook
11:15 a.m.—Arrive Needles Overlook, Briefing on Potential Railroad Routes per Department of Energy Studies
11:45 a.m.—Lunch
12:30 p.m.—Leave for Hart Point
12:45 p.m.—Hart Point Deer Winter Range and Turner Water Rock Tank
1:45 p.m.—Leave for Davis Canyon
2:30 p.m.—Arrive Davis Canyon (Tour Canyon)
4:30 p.m.—Leave for Monticello
6:00 p.m.—Dinner in Monticello

December 14 (Good Weather Option):

8:00 a.m.—Leave Monticello BLM Office
9:00 a.m.—Begin Tour of Wexpro Facility
10:45 a.m.—Tour Patterson Field
11:30 a.m.—Lunch, Montezuma Creek
1:00 p.m.—Tour Marathon Oil
2:30 p.m.—Discussion of Proposed Sale to Hay Hot Oil for Produced Water Disposal
3:00 p.m.—Whitley Lease (Flood Plain)
4:00 p.m.—Final Wrap-Up, Sand Island

December 14 (Bad Weather Option):

8:00 a.m.—Leave Monticello BLM Office
9:15 a.m.—Tour PTM Leases
10:30 a.m.—Tour Sand Island (Discuss River Management)
11:30 a.m.—Visit Muley Point Water System, Seeding, and Overlook
12:15 p.m.—Muley Point
1:30 p.m.—Visit Lisle Adams' Project on State Land
2:30 p.m.—Tour to Kane Gulch Visitor Complex
3:15 p.m.—Junction S-261/U-95 (Discuss Project Bold)
4:00 p.m.—Mule Canyon, Ramada
4:45 p.m.—Butler Wash Ruin (Wrap-Up and Leave 5:30 p.m.)

FOR FURTHER INFORMATION CONTACT: Mary Plumb, Public Affairs Officer, Bureau of Land Management, Moab District, 82 East Dogwood (P.O. Box 970), Moab, Utah 84532, Telephone: 801-259-6111.

Kenneth V. Rhea,

Acting Moab District Manager.

[FR Doc. 84-30094 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-84-M

[Group 855] California

Filing of Plat of Survey; California

November 1, 1984.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, Riverside County

T. 2S., R. 3 E.

2. This plat, representing the dependent resurvey of a portion of the subdivisional lines, and the survey of a right-of-way in section 11, Township 2 South, Range 3 East, San Bernardino Meridian, under Group No. 855, California, was accepted September 12, 1984.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was excuted to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 84-30112 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-40-M

[Group 855]

Filing of Plat of Survey; California

November 1, 1984.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, Riverside County

T. 2 S., R. 3 E.

2. This plat, representing the dependent resurvey of a portion of the subdivisional lines, and the survey of a right-of-way in section 11, Township 2 South, Range 3 East, San Bernardino Meridian, under Group No. 855, California, was accepted September 12, 1984, and amended October 16, 1984.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 84-30092 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-40-M

[Group 663]

Filing of Plat of Survey; California

November 1, 1984.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Sonoma County

T. 10 N., R. 7 W.

2. This plat representing the dependent resurvey of a portion of the west boundary and subdivisional lines, and certain boundaries of mineral surveys, and the survey of the subdivision of sections 7, 17, 18, 19, and 20, Township 10 North, Range 7 West, Mount Diablo Meridian, under Group No. 663, California, was accepted September 26, 1984.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage

Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 84–30110 Filed 11–15–84; 8:45 am]

BILLING CODE 4310–40–M

[C–24–84, C–23–84]

Filing of Plat of Survey; California

November 1, 1984.

1. These supplemental plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, San Bernardino County

T. 5 N., R. 1 W.

Mount Diablo Meridian, Placer County

T. 14 N., R. 10 E.

2. These supplemental plat of (1) section 36, Township 5 North, Range 1 East, San Bernardino Meridian, and (2) the SW 1/4 of Section 6, Township 14 North, Range 10 East, Mount Diablo Meridian, California, were accepted September 27, 1984, and September 25, 1984, respectively.

3. These supplemental plats will immediately become the basic record for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. These supplemental plats were executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 84–30111 Filed 11–15–84; 8:45 am]

BILLING CODE 4310–40–M

Public Use Restriction; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of temporary vehicle use restrictions in the Short Canyon Area within Kern County in the Caliente Resource Area, Bakersfield District, California.

SUMMARY: This action restricts vehicle use on BLM-administered public land in the Short Canyon Area in Kern County, California, due to recent flood-caused damage. Maps of the affected area are available at the Caliente Resource Area Office, 520 Butte Street, Bakersfield, California. All vehicle use in this area is prohibited except for administrative and rehabilitative purposes. Persons allowed to drive in the area will be designated by and authorized officer. This closure will apply for one year from date of publication in the **Federal Register.**

The public lands affected by this closure are located in portions of T. 26 S., R. 35 E., M.D.M., Sections 20, 21, 22, 26, 27, 28, 29, 32, 33, 34, and 35.

SUPPLEMENTARY INFORMATION: Due to extensive flooding that occurred during July and August, massive amounts of sandy soils have been eroded and deposited in the Short Canyon Area. These recently deposited soils, as well as eroded hillside soils, and loss of soil-holding vegetation, represent a potential hazard in that they are highly vulnerable to further erosion and subsequent massive soil movement. This situation directly effects commercial and residential developments in the area. In order to stabilize the eroded area, a temporary vehicle closure will be maintained so that vegetation can be reestablished to protect these fragile soils. Authority for this vehicle closure is contained in CFR Title 43, Chapter II, Part 8364.1(a).

DATES: This vehicle closure will be effective upon publication of this notice.

FOR FURTHER INFORMATION CONTACT: Glenn Carpenter, Caliente Resource Area Manager, Caliente Resource Area, Bureau of Land Management, 520 Butte Street, Bakersfield, California 93305; (805) 861–4236.

Dated: November 11, 1984.

Glenn A. Carpenter,

Caliente Resource Area Manager.

[FR Doc. 84–30098 Filed 11–15–84; 8:45 am]

BILLING CODE 4310–40–M

Realty Action—Recreation and Public Purpose Sale; Public Land in Washington County, FL

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action—R & PP Sale, Public Lands, Washington County, Florida.

SUMMARY: The following described lands have been examined and found suitable for sale for recreation and public purposes under the Recreation and Public Purpose Act of 1926 (44 Stat. 741, 43 U.S.C. 869), as amended.

Tallahassees Meridian, Florida T. 2 N., R. 15 W., Sec. 26: S½ NE¼ (80 acres).

The Washington County, Board of County Commissioners proposes to use this 80 acre tract for a recreational park. They will construct boat launching facilities, camping areas, and fish attracters (artificial reefs), along with maintaining a wildlife management and erosion control program.

It has been determined that the proposed use is in the public's best interest, and is consistent with the policy of the Bureau of Land Management.

The patent will be subject to all existing rights and reservations of record.

Publication of this Notice will segregate the subject lands from all appropriations under the public land laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent, or 18 months from the date of this Notice, or upon publication of a Notice of Termination. Detailed information concerning the sale, including the environmental assessment and land report is available for review at the BLM office listed below.

For a period of 45 days after the date of issuance of this notice, the public and interested parties may submit comments to the District Manager, Jackson District Office, P.O. Box 11348, Jackson, Mississippi 39213. Comments will be evaluated by the District Manager, who may vacate or modify this Realty Action. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Douglas Jones, (601) 960–4405.

Robert Todd,

Associate District Manager.

[FR Doc. 84–30178 Filed 11–15–84; 8:45 am]

BILLING CODE 4310–GJ–M

[ES–31848]

Realty Action; Recreation and Public Purposes Classification; Carlton County, MN

AGENCY: Bureau of Land Management, Interior.

ACTION: Land Classification for Recreation and Public Purposes, Carlton County, Minnesota, ES–31848.

SUMMARY: The following public land has been examined and found to be suitable for classification and sale under the Recreation and Public Purposes Act of

June 14, 1926, as amended (43 U.S.C. 869):

Fourth Principal Meridian, Carlton County, Minnesota

T. 48N., R. 21W.,
Sec. 28: NE¼NE¼.
Containing 40 acres

The Carlton Board of County Commissioners has applied for this land so that it can be included within the County Memorial Forest system for use as wildlife habitat and recreational purposes.

The land is physically suited to the proposed use and is not of national significance. Since the land is valuable for a local public program it is considered chiefly valuable for public purposes and therefore suitable for classification and sale under the Recreation and Public Purposes Act. This action is consistent with local and Federal government plans, programs and policies.

Any patent issued under this notice shall be subject to the provisions in 43 CFR 2741.8. In the event of noncompliance with the terms of the patent, title to the land shall revert to the United States.

The classification of this land will segregate it from all appropriation except as to applications under the mineral leasing laws and the Recreation and Public Purposes Act. Segregation will terminate upon issuance of a patent; or eighteen (18) months from the date of this notice; or upon publication of a notice of termination, whichever occurs first.

Comments: For a period of 45 days from the date of this notice, interested parties may submit comments to: District Manager, Milwaukee District Office, Bureau of Land Management, P.O. Box 631, Milwaukee, Wisconsin 53201–0631. Any adverse comments will be evaluated by the District Manager who may vacate or modify this classification. In the absence of any action by the State Director, this Realty Action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this application is available for review at the Milwaukee District Office, Suite 225, 310 W. Wisconsin Ave., Milwaukee, Wisconsin 53201, or by calling Priscilla McLain at (414) 291–4427.

Chuck Steele,

District Manager.

[FR Doc. 84–30181 Filed 11–15–84; 8:45 am]
BILLING CODE 4310–84–M

[N–38849]

Airport Lease Amendment; Nevada

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214), the Lahontan Airport Development Association has applied to amend its existing airport lease, serial number N–38849 to include the following described lands:

A parcel of land situated in the N½ of the NW¼ of Section 25, T., 18 N., R. 24 E., M.D.B. & M., and being more particularly described as follows:

Beginning at the section corner common to sections 23, 24, 25, and 26, T. 18 N., R. 24 E., M.B.D. & M., thence due East for a distance of 2258.31 feet, thence South 68°59' West for a distance of 2419.25 feet, thence due North for a distance of 867.64 feet, to the point of beginning, containing 22.28 acres, more or less.

A parcel of land situated in the SE¼ of the SE¼ of the SE¼ of Section 23, T. 18 N., R. 24 E., M.D.B. & M., and being more particularly described as follows:

Beginning at the section corner common to sections 23, 24, 25, and 26, T. 18 N, R. 24 E., M.D.B. & M, thence due North for a distance of 203.64 feet, thence South 68°59' West for a distance 583.71 feet, thence North 89°24' East for a distance of 544.91 feet, to the point of beginning, containing 1.27 acres, more or less.

These lands are located in Lyon County, Nevada.

The application was filed on October 19, 1984, and on that date the land was segregated from all other forms of appropriation under the public land laws.

For a period of 45 days from the date of this notice, interested persons may submit comments to the District Manager, Bureau of Land Management, Carson City District Office, 1050 East William Street, Suite 335, Carson City, Nevada 89701.

Thomas J. Owen,

District Manager.

[FR Doc. 30179 Filed 11–15–84; 8:45 am]
BILLING CODE 4310–HC–M

[W–32093, W–71385, W–71386, W–71391, W–71414, W–71895]

Notice of Proposed Continuation of Withdrawal; Wyoming

November 8, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes to continue the existing withdrawals on 16,638.94 acres for the Pathfinder Reservoir, North Platte Project, for an additional 100 years. The remaining acreage in the existing withdrawals will be relinquished. The lands remain closed to surface entry and mining. All of the lands, except those within the National Wildlife Refuge withdrawal, have been and will continue to be open to mineral leasing.

DATE: Comments and requests for public meeting should be received February 14, 1984.

ADDRESS: Comments and meeting requests should be sent to: Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307–772–2089.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation proposes that parts of the existing withdrawals made by the Secretarial Orders of September 21, 1903, January 27, 1904, October 10, 1905, January 20, 1932, June 25, 1940, and Public Land Order No. 5286 dated October 11, 1972, be continued for a period of 100 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The lands proposed for continuation are those lands that lie at or below the elevation of 5,850.1 feet in the following described subdivisions:

Sixth Principal Meridian, Wyoming

T. 26 N., R. 84 W.,
Sec. 4, lots 3, 4, S½NW¼, W½SW¼, SE¼SW¼;
Sec. 5, lots 1, 2, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 8, E½NE¼;
Sec. 9, NW¼, W½SW¼, SE¼;
Sec. 10, W½SW¼.
T. 27 N., R. 84 W.,
Sec. 5, lots 2, 4;
Sec. 6, lots 1, 2, 3, 5, SW¼NE¼, SE¼NW¼, E½SW¼, S½S½NW¼SE¼, S½SE¼;
Sec. 8, NW¼NW¼;
Sec. 28, NW¼SW¼, S½SW¼;
Sec. 29, NW¼NE¼, S½NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼;
Sec. 30, NE¼, NE¼NW¼, N½SE¼;
Sec. 32, E½, NE¼NW¼;
Sec. 33, NW¼, N½SW¼, SW¼SW¼.
T. 28 N., R. 84 W.,
Sec. 4, lots 1–4, S½N½, SW¼, W½SE¼;
Sec. 5, lots 1–4, S½N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 6, lots 1, 2, 3, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 7, lots 1–4, SW¼NE¼, E½W½, SE¼;
Sec. 8, N½, SE¼SE¼;
Sec. 9, W½E½NE¼, W½NE¼, W½, W½NE¼SE¼; NW¼SE¼, S½SE¼;
Sec. 10, SW¼;
Sec. 15, NW¼NW¼, SW½;
Sec. 16, N½, NE¼NW¼SW¼, E½SW¼, SE¼;
Sec. 17, NE¼, N½SW¼, SW¼SW¼;

Sec. 18, lots 1, 2, NW¼NE¼, E½NW¼;
Sec. 19, NE¼NE¼, NW¼SE¼NE¼, E½SW¼, W½NW¼SE¼, NW¼SW¼SE¼;
Sec. 20, S½SE¼NE¼, NW¼NW¼NW¼, SE¼SW¼, SE¼;
Sec. 21, W½E½NE¼, W½NE¼, NE¼NW¼, S½NW¼, SW¼, NW¼SE¼, W½SW¼SE¼;
Sec. 28, SW¼NE¼NW¼, W½W½, NE¼NE¼SW¼;
Sec. 29, NE¼, E½SW¼NW¼, E½NW¼, E½SE¼, E½W½SE¼;
Sec. 30, lots 1, 2, NE¼NW¼;
Sec. 31, SE¼SE¼SE¼;
Sec. 32, NE¼, NE¼SW¼, SE¼NW¼ SW¼, S½SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼;
Sec. 33, W½NE¼NW¼, NW¼NW¼, W½SW¼NW¼, W½NW¼SW¼, NW¼SW¼SW¼.

T. 29 N., R. 84 W.,
Sec. 5, S½;
Sec. 6, lots 5, 6, 7, S½SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, N½NE¼, SE¼NE¼, NE¼NE¼ NW¼, NE¼NE¼SE¼;
Sec. 8, NE¼, N½NW¼, NW¼SW¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼, NE¼SE¼;
Sec. 9, W½W½NE¼, NE¼NW¼, S½NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, S½NE¼SE¼, W½SE¼, SE¼SW¼;
Sec. 13, SW¼SW¼;
Sec. 14, S½S½;
Sec. 16, W½NE¼, W½, SW¼SE¼;
Sec. 17, E½SE¼NE¼, E½E½SE¼;
Sec. 19, SE¼SE¼SE¼;
Sec. 20, E½NE¼, S½SW¼NE¼, S½SE¼ NW¼, S½;
Sec. 21, W½, W½SW¼SE¼;
Sec. 22, S½SW¼SE¼, SE¼NE¼, SE¼;
Sec. 23, NE¼, NE¼NW¼, S½S½NW¼, S½;
Sec. 24, NW¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 26, N½N½, SW¼NW¼, N½SE¼ NW¼, NW¼SW¼, SW¼SE¼;
Sec. 27, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 28, SW¼NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 29, W½NE¼, N½NW¼, E½SE¼ NW¼, E½SW¼, NE¼SW¼SW¼, SE¼;
Sec. 30, NE¼NE¼, SE¼NW¼NE¼;
Sec. 31, S½NE¼NE¼, SE¼NE¼, N½SE¼NE¼, NE¼SE¼, SE¼SE¼SE¼;
Sec. 32, 33;
Sec. 34, N½, N½SW¼, SW¼SW¼;
Sec. 35, N½NE¼, NE¼NW¼, S½NW¼;
Sec. 36, W½NW¼, NW¼SW¼, NE¼SW¼SW¼.

T. 28 N., R. 85 W.,
Sec. 1, SE¼SE¼NE¼, S½S½SW¼, NE¼SE¼, E½NW¼SE¼, S½SE¼;
Sec. 11, SE¼NE¼NE¼;
Sec. 12, NE¼, N½NW¼, N½SW¼NW¼, SE¼NW¼, E½NW¼SW¼, E½SW¼, SE¼SW¼SW¼, NW¼SE¼;
Sec. 13, SE¼NE¼, NE¼NW¼NW¼, S½NW¼NW¼;
Sec. 14, S½NE¼NE¼, S½NE¼, SE¼;
Sec. 23, NE¼, NE¼SE¼;
Sec. 25, N½NE¼, SE¼NE¼, NE¼NW¼.

T. 29 N., R. 85 W.,
Sec. 1, SE¼NE¼, N½NW¼SW¼, E½SW¼, N½SE¼, SW¼SE¼, NW¼SE¼SE¼;
Sec. 2, N½NE¼SE¼;
Sec. 3, NE¼SW¼, N½NE¼SW¼, N½NW¼SE¼, NW¼NE¼SE¼;
Sec. 4, lots 1, 2, N½S½, N½SE¼SW¼, N½SW¼SE¼, NW¼SE¼SE¼;
Sec. 5, SE¼NW¼, NW¼SW¼, N½NE¼ SW¼, N½NW¼SE¼, NE¼SE¼;
Sec. 12, W½NW¼NE¼, NE¼NW¼, E½SW¼NW¼, SE¼NW¼, NW¼SW¼, NW¼NE¼SE¼.

T. 30 N., R. 85 W.,
Sec. 26, SW¼SW¼SW¼, S½SE¼SW¼;
Sec. 27, SE¼SW¼NE¼, E½NW¼SE¼, SE¼SE¼;
Sec. 32, E½SE¼;
Sec. 33, S½SW¼, S½NE¼SE¼, S½SE¼;
Sec. 34, NE¼NE¼, E½E½NW¼;
Sec. 35, N½;
Sec. 36, S½NE¼NE¼, NW¼NE¼, S½NE¼, W½, SE¼.

T. 29 N., R. 86 W.,
Sec. 12, S½NE¼NE¼, N½SE¼NE¼, SW¼SE¼NE¼.

The area described contains 16,638.94 acres in Carbon and Natrona Counties, Wyoming.

The purpose of the withdrawal is to protect the Pathfinder Reservoir, North Platte Project. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Land Resources, in the Wyoming State Office.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire a public meeting for the purpose of being heard must submit a written request to the Chief, Branch of Land Resources, within 90 days from the date of publication of this notice. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

P.D. Leonard,

Associate State Director, Wyoming.

[FR Doc. 84-30183 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-22-M

Jarbidge RMP/EIS Public Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Scheduling of an Additional Public Hearing for the Draft Jarbidge Resource Management Plan (RMP) and EIS.

SUMMARY: Information regarding the Draft Jarbidge RMP/EIS was published in the **Federal Register** on October 22, 1984 (49 FR 41289). In response to requests for additional hearings, the following public hearing will be held: December 5, 1984, 2:00 p.m. The hearing will be held at the Three Creek School which is located 37 miles west of Rogerson, Idaho, along the Rogerson to Jarbidge highway.

For additional information contact: Ted Milesnick, Boise District BLM, 3948 Development Avenue, Boise, Idaho 83705, (208) 334-1582.

Dated: November 9, 1984.

Martin J. Zimmer,

District Manager.

[FR Doc. 84-30180 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-GG-M

[Int DRMP/EIS 84-60]

Availability of the Draft Resource Management Plan/Environmental Impact Statement for the Esmeralda-Southern Nye Planning Area, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of and Public Hearings on the Draft Resource Management Plan/Environmental Impact Statement for the Esmeralda-Southern Nye Planning Area, Las Vegas and Battle Mountain Districts, Nevada.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and section 202 of the Federal Land Policy and Management Act of 1976, the BLM, Las Vegas and Battle Mountain Districts has prepared a combined Resource Management Plan/Environmental Impact Statement for the Esmeralda-Southern Nye Planning Area, Las Vegas and Battle Mountain Districts, Nevada.

SUPPLEMENTARY INFORMATION: The Esmeralda-Southern Nye Resource Management Plan-Environmental Impact Statement is a comprehensive land use planning document which establishes management actions and objectives for resource condition and use levels, the standards for monitoring and evaluating the plan's effectiveness, and the need for more detailed management plan(s) and support actions. It also is an environmental impact statement which analyzes the effects of implementing a multiple use resource management plan on 3.4 million acres of public land in the Las Vegas and Battle Mountain Districts in Nevada. Four alternatives are being considered along with the Preferred Alternatives. The Preferred Alternative proposes to limit off-road vehicles on 113,971 acres of public land and close 15 acres of public land to off-road vehicle use. The Preferred Alternative includes a proposal for identifying a pool of 94,949 acres of public land for disposal and for designating 357 miles of utility corridors while identifying 30 miles of planning corridors. The Preferred Alternative proposes that 17,850 acres in one wilderness study area be recommended suitable for wilderness designation. The affected environment is discussed, and the environmental consequences occurring from each alternative are documented.

FOR FURTHER INFORMATION CONTACT: Kemp Conn, District Manager, Attn: RMP/EIS Project Manager, Las Vegas District Office, P.O. Box 26569, Las Vegas, NV 89126 (702) 388–6403.

Copies of the draft document are available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets, Washington, D.C. 20240

Bureau of Land Management, Nevada State Office, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520, (702) 784–5448

Bureau of Land Management, Las Vegas District Office, 4765 West Vegas Drive, Las Vegas, Nevada 89102, (702) 385–6403

Bureau of Land Management, Battle Mountain District Office, North 2nd and Scott Streets, Battle Mountain, Nevada 89820, (702) 635–5181

Bureau of Land Management, Winnemucca District Office, 705 East 4th Street, Winnemucca, Nevada 89445, (702) 623–3676

Bureau of Land Management, Elko District Office 2002 Idaho Street, Elko, Nevada 89801, (702) 738–4071

Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301, (702) 289–4965

Bureau of Land Management, Carson City District Office, 1050 E. William Street, Carson City, Nevada 89701, (702) 882–1613

Bureau of Land Management, Tonopah Resource Area Office, 102 Old Radar Base Rd., Tonopah, Nevada 89049, (702) 482–6214.

Also, copies are available for review at the following public libraries:

Public Libraries

Amargosa Public Library, Star Route 15, Box 401–T, Lathrop Wells, Nevada 89020

Beatty Community Library, 323 Montgomery, Beatty, Nevada 89002

Charleston Heights Library, 800 Brush Street, Las Vegas, Nevada 89107

Clark County Community College, Learning Resource Center, 3200 E. Cheyenne Ave., North Las Vegas, Nevada 89030

Esmeralda County Public Library, Silver Peak, Nevada 89013

Las Vegas Public Library, 1862 E. Charleston Blvd., Las Vegas, Nevada 89104

Mount Charleston Public Library, P.O. Box 269, S.R. 89038, Mt. Charleston, Nevada 89101

North Las Vegas Library, 2300 Civic Center Drive, North Las Vegas, Nevada 89030

Pahrump Public Library, Pahrump, Nevada 89041

Clark County Library, 1401 E. Flamingo Rd., Las Vegas, Nevada 89109

Esmeralda County Public Library, County Courthouse, Goldfield, Nevada 89013

Washoe County Library, 301 S. Center Street, Reno, Nevada 89505

University of Nevada, Las Vegas, James R. Dickinson Library, 4505 Maryland Parkway, Las Vegas, Nevada 89154

University of Nevada, Las Vegas, Getchell Library, Government Publications Dept., Reno, Nevada 89507.

A copy of the Draft RMP/EIS will be sent to all individuals, agencies, and groups who have expressed interest in the Esmeralda-Southern Nye Area planning process, and a limited number of copies are available upon request to the District Manager at the above address.

DATES: Written comments concerning issues pertinent to the Esmeralda-Southern Nye Planning Area RMP/EIS will be accepted until February 19, 1985. Public hearings have been scheduled for January 15, 1985, at 7:00 p.m. in the Pahrump Community Center, Room B in Pahrump, Nevada, January 16, 1985, at 7:00 p.m. in the Esmeralda County Courthouse in Goldfield, Nevada and January 17, 1985, 7:00 p.m. at the Showboat Hotel, Plantation Room, 2800 E. Fremont Street, Las Vegas, Nevada. Testimony concerning the issues will be accepted at these hearings. Interested individuals, representatives of organizations and public officials wishing to testify are requested to contact the District Manager for advance registration by 4:15 p.m., January 14, 1985. Oral testimony will be limited to 10 minutes.

Dated: November 2, 1984.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 84–29976 Filed 11–15–84; 8:45 am]

BILLING CODE 4310–HC–M

Minerals Management Service

Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 5377, Block 185, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on November 6, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 146, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the

Coastal Management Section *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: November 7, 1984

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-30088 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-MR-M

Receipt of Proposed Development Operations Coordination Document; ODECO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 072, Block 12, South Pelto Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Dulac, Louisiana.

DATE: The subject DOCD was deemed submitted on November 8, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: November 9, 1984.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 84-30182 Filed 11-15-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-131)]

Chicago and North Western Transportation Co.; Abandonment in Douglas County, NE; Findings

The Commission has found that the public convenience and necessity permit Chicago and North Western Transportation Company to abandon its 5.6 mile rail line between milepost 123.1 at Omaha and milepost 117.5 at Florence in Douglas County, NE. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) a financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." any offer previously made must be remade within this 10 days period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 84-30107 Filed 11-15-84; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30418]

Jackson Industrial Development Co.; Securities Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interest Commerce Commission exempts from the requirement prior approval under 49 U.S.C. 11301 the issuance by the Jackson Industrial Development Company of a secured note or notes, in an amount not to exceed $145,000, in connection with its acquisition of certain rail assets of the Missouri Pacific Railroad Company in Cape Girardeau County, MO.

DATES: This exemption is effective on November 15, 1984. Petitions to reopen this proceeding must be filed December 6, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30418 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Peter A. Gilbertson, Suite 350, 1575 Eye Street, NW., Washington, DC 20005.

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

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

Decided: November 5, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 84-30105 Filed 11-15-84; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 55 (Sub-61)]

Petition for Maximum Limits of Compensation Under the Former Bankruptcy Act; Delegation to Divisions of the Commission

AGENCY: Interstate Commerce Commission.

ACTION: Procedural change.

SUMMARY: For reasons of administrative efficiency the Commission is delegating decisions on petitions requesting that the Commission set maximum limits of compensation pursuant to sections 77(c)(2) and 77(c)(12) of the former Bankruptcy Act, from the entire Commission to Division 1 and Division 2.

DATES: The change in procedure is effective on November 16, 1984.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275-7245;

or

Leslie D. Miller, (202) 275-7618.

SUPPLEMENTARY INFORMATION: Under sections 77(c)(2) and 77(c)(12) of the former Bankruptcy Act, as amended (11 U.S.C. 205), while the bankruptcy court awards actual compensation for services rendered on behalf of the debtor's estate, the Commission is responsible for setting the maximum compensation limits that may be awarded. The Commission acts in response to petitions requesting that the maximum compensation limits be set. Since February, 1978, when the Commission ratified the appointment of the trustee in Finance Docket No. 28460, *Chicago Milwaukee, St. Paul and Pacific Railroad Company*, compensation matters have been considered by the entire Commission, rather than by divisions of the Commission.

For reasons of administrative efficiency, petitions requesting that the Commission set the maximum limits of compensation will be delegated from the entire Commission to Division 1 and Division 2. Since this is a final action undertaken to revise internal organizational matters, formal comments are unnecessary under 5 U.S.C. 553(b)(A).

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

Dated: November 8, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 84-30106 Filed 11-15-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-128X)]

Seaboard System Railroad, Inc—Discontinuance of Service and Trackage Rights in Bibb and Shelby Counties, IL; Exemption

The Seaboard System Railroad, Inc. (SBD) has filed a notice of exemption under 49 CFR Part 1152 Subpart F, *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, as amended in *Exemption of Out of Service Rail Lines*, 1 I.C.C. 2d 55 (1984). SBD will discontinue (1) service over 7.97 miles of line of the Woodstock and Blockton Railway, which is jointly owned by SBD and Southern Railway, between Blockton Junction and Blockton in Bibb County, AL, and (2) trackage rights over 20.08 miles of line of the Southern Railway between Blockton and Gurnee Junction, including the Coleandor and Belle Ellen Branches, in Bibb and Shelby Counties, AL.

SBD has certified (1) that it has moved no local or overhead traffic over the line for at least 2 years, and (2) that no formal complaint filed by a user of rail service on the line (or a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Alabama has been notified in writing at least 10 days prior to the filing of the notice. See *Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

This exemption will be effective on December 16, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by November 26, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by December 6, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Fred R. Birkholz, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the use of the exemption is void ab initio.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use concerns.

Decided: November 8, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-30108 Filed 11-15-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

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

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How ofter the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and use of the information collection

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208 NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

Employment and Training Administration
Job Corps Health Questionnaire
1205–0033; ETA 653
On occasion
Individuals or households
18,000 respondents; 5,940 hours; 1 form

The Health Questionnaire is used to obtain the health history of applicants to the program to determine medical eligibility. The applicant must not have a health condition which represents a potentially serious hazard to the youth or others, results in a significant interference in the normal performance of duties, or requires frequent, expensive, or prolonged treatment.

Revision

Bureau of Labor Statistics
Point of Purchase Survey
1220–0044; CPP–2A, CPP–2B, CPP–3
Annually
Individuals or households
3,894 responses; 4,868 hours; 4 forms

The Point of Purchase Survey will use the forms to gather information on the type of outlets at which consumers shop for consumer items. The information collected forms the sampling frame for approximately 85% of the outlet sample used for collecting price information for the Nation's Consumer Price Index (CPI).

Signed at Washington, D.C. this 8th day of November 1984.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 84–30170 Filed 11–15–84; 8:45 am]

BILLING CODE 4510–30; 4510–24–M

Employment and Training Administration

[TA–W–15,419]

Tobin Hamilton Shoe Company, Birch Tree, MO; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 13, 1984, in response to a worker petition received on August 3, 1984, which was filed by three workers on behalf of workers at the Tobin Hamilton Shoe Company, Birch Tree, Missouri.

An active certification covering the petitioning group of workers was in effect during the relevant period (TA–W–12, 984A). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C. this 7th day of November 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84–30171 Filed 11–15–84; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

Summary of Decisions Granting in Whole or in Part Petitions for Modification

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either or both of the following: that an alternate method exists at the petitioner's mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard to the petitioner's mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the **Federal Register.** Final decisions on these petitions are based upon the petitioner's statement, comments and information submitted by interested persons and a field investigation of the conditions at the petitioner's mine. The Secretary has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances the decisions are conditioned upon the petitioner's compliance with stipulations stated in the decision.

FOR FURTHER INFORMATION CONTRACT: The petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations and Variances, MSHA, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: November 7, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION

Docket No.	FR Notice	Petitioner	Regulations affected	Summary of findings
M–81–3–M	46 FR 29009	AMAX lead Co. of Missouri	30 CFR 57.4–61A	Installation of ventilation/fire doors would not enhance the safety of personnel in the mine. Granted with conditions.
M–81–54–M	46 FR 49230	Bunker Hill Co	30 CFR 57.9–99	Operation of a small mancoach on the ore train positioned immediately behind the locomotive in view of the operator of the train considered acceptable alternate method. Granted with conditions.
M–81–57–M	46 FR 58383	Concoco, Inc	30 CFR 57.19–54	Use of bridge strand ropes, protected by solid oak rope guides installed on the hoisting cage, considered acceptable alternate method. Granted with conditions.
M–81–59–M	46 FR 58383	Glens Falls Portland Cement Co	30 CFR 56.16–14(b)	Proposal to cease crane operations anytime trucks or other vehicles are within operating distance of the crane and to place barricades at both ends of the storage hall to prevent unauthorized entry considered acceptable alternate method. Granted with conditions.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION—Continued

Docket No.	FR Notice	Petitioner	Regulations affected	Summary of findings
M-81-66-M	47 FR 11997	San Pedro Mining Co	30 CFR 57.19-7	Use of the hoist without and overspeed device under specific operating conditions considered acceptable altrernate method. Granted with conditions.
M-81-67-M	47 FR 2424	ASARCO, Inc	30 CFR 57.4-61A	Reversal of the main ventilating fan with specified conditions considered acceptable alternate method. Granted with conditions.
M-81-68-M	46 FR 62199	ASARCO, Inc	30 CFR 57.4-61B	Driving a range from the main underground shop to intersect the return airway, construction of suitable bulkheads or ventilation doors at necessary main shop entries and reversal of the main fan considered acceptable alternate method. Granted with conditions.
M-82-9-M	47 FR 13063	Texasgulf Metals Co	30 CFR 57.4-43	Having buildings located within 100 feet of the mine opening equipped with heat and smoke sensors considered acceptable alternate method. Granted with conditions.
M-82-16-M	47 FR 24483	Morton Salt Division of Morton Thiokol, Inc.	30 CFR 57.21-24(a)	In the event of main fan stoppage or malfunction, withdrawal of all personnel from active areas to a designated location determined by petitioner with specific safeguards considered acceptable alternate method. Granted with conditions.
M-82-18-M	47 FR 24484	Morton salt Division of Mortor Thiokol, Inc.	30 CFR 57.21-78	Use of nonpermissible equipment under prescribed conditions considered acceptable alternate method. Granted with conditions.
M-82-19-M	47 FR 24482	Morton Salt Division of Morton Thiokol, Inc.	30 CFR 57.21-46	Petitioner's proposal to make crosscuts that will result in centerline distances of about 190 feet for those crosscuts made between rooms, with such room widths and crosscut widths being about 70 feet considered acceptable alternate method. Granted with conditions.
M-82-32-M	48 FR 97	International Salt Co	30 CFR 57.4-61B	Petitioner's proposal to use a refuge chamber in lieu of installing fire doors considered acceptable alternate method. Granted with conditions.
M-82-33-M	48 FR 4575	Rio Algom Corp	30 CFR 57.21-97	Petitioner's proposal to use regular electric blasting detonators in lieu of millisecond delay detonators considered acceptable alternate method. Granted with conditions.
M-82-34-M	48 FR 4576	Rio Algom Corp	30 CFR 57.21-78	Maintenance of the present overcasts, constructed of 8 x 8 inch timer with headboards or squeeze blocks as a framework to absorb the ground movement, and 2 x 12 inch lagging with all exposed surfaces rendered incombustible considered acceptable alternate method. Granted with conditions.
M-82-37-M	48 FR 9397	Callahan Mining Corp	30 CFR 57.11-59	Use of a self-contained breathing apparatus capable of a quick connect with compressed air stored in containers near the hoist operator which provides a minimum of 12 hours of respirable atmosphere considered acceptable alternate method. Granted with conditions.
M-82-38-M	48 FR 11536	Weaver Construction Co	30 CFR 57.4-52	Operation of gasoline powered service vehicles owned by equipment service companies, electricians and explosive dealers in the mine under specified conditions considered acceptable alternate method. Granted with conditions.
M-83-2-M	48 FR 20525	Hecla Mining Co	30 CFR57.4-43	Installation of metal sheeting on the outside of the front of a structure located approximately 80 feet from the south tunnel portal and use of other precautionary measures considered acceptable alternate method. Granted with conditions.
M-83-37-C	48 FR 37743	Mid-Continent Resources, Inc	30 CFR 75.1303	Drilling and loading of volley explosive holes as a one-step operation with specified conditions considered acceptable alternate method. Granted with conditions.
M-83-39-C	48 FR 45325	Pyro Mining Co	30 CFR 75.1710	Use of cabs or canopies on specified mining equipment in certain mining heights would result in a diminution of safety. Granted with conditions.
M-83-44-C	48 FR 37744	Red Oak Coal Corp	30 CFR 75.1714-2(e)(3)	Storage of SCSRs more than 25 feet from persons during mantrips considered acceptable alternate method. Granted with conditions.
M-83-77-C	48 FR 38349	Alabama By-Products Corp	30 CFR 75.326	Use of belt entries as additional intake entries with specified safeguards considered acceptable alternate method. Granted with conditions.
M-83-78-C	48 FR 43421	Alabama By-Products Corp	30 CFR 75.1103-4(a)	Installation of low-level carbon monoxide detectors with specified safeguards considered acceptable alternate method. Granted with conditions.
M-83-80-C	48 FR 43422	Donna Kay Coal Co., Inc	30 CFR 75.1710	Use of cabs or canopies in specified low mining heights would result in a diminution of safety. Granted in part with conditions.
M-83-97-C	48 FR 48878	Pearl Coal Co	30 CFR 75.1710	Use of cabs of canopies on specified mining equipment in certain mining heights would result in a diminution of safety. Granted in part with conditions.
M-83-101-C	48 FR 51871	Consolidation Coal Co	30 CFR 75.1105	Proposal to install an automatic fire suppression device over the pumps activated by heat sensors considered acceptable alternate method. Granted with specific conditions.
M-83-103-C	48 FR 51870	AMAX Coal Co	30 CFR 75.302-4(d)	Operation of the auxiliary blowing fan system during idle shifts and weekends under specified conditions considered acceptable alternate method. Granted with conditions.
M-83-109-C	48 FR 51872	K. & D. Coal Co	30 CFR 75.902	Petitioner's proposal to deenergize and lock out all low-voltage, three-phase circuits, lock out the pumps from the surface, and post a warning sign at the mine's entry while personnel are undground considered acceptable alternate method. Granted with conditions.
M-83-116-C	48 FR 51871	H.A.T. Coal Co	30 CFR 75.902	Petitioner's proposal to deenergize and lock out all low-voltage, three-phase circuits, lock out the pumps from the surface, and post a warning sign at the mine's entry while personnel are underground considered acceptable alternate method. Granted with conditions.
M-83-117-C	48 FR 51873	Westmoreland Coal Co	30 CFR 75.326	Use of intake air which is coursed through the belt haulage and/or track entries to ventilate active working places with specified safeguards considered acceptable alternate method. Granted with conditions.
M-83-118-C	48 FR 51872	Sewell Coal Co	30 CFR 75.1710	Use of cabs or canopies on specified mining equipment in certain mining heights would result in a diminution of safety. Granted in part with conditions.
M-83-135-C	49 FR 674	Consolidation Coal Co	30 CFR 75.326	Use of air conducted through the belt haulage entries at the working places to maximize the effectiveness of the entries considered acceptable alternate method. Granted with conditions.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION—Continued

Docket No.	FR Notice	Petitioner	Regulations affected	Summary of findings
M-83-136-C	49 FR 675	Consolidation Coal Co	30 CFR 75.1103-4	Installation of an early fire and telemetry system with carbon monoxide monitors installed at specific locations considered acceptable alternate method. Granted with conditions.
M-83-150-C	49 FR 4283	K. and L. Coal Co.	30 CFR 75.902	Petitioner's proposal to deenergize and lock out all low-voltage, three-phase circuits, lock out the pumps from the surface, and post a warning sign at the mine's entry while personnel are underground considered acceptable alternate method. Granted with conditions.
M-83-154-C	49 FR 5215	Jewell Smokeless Coal Corp	30 CFR 77.214(a)	Construction of a refuse embankment in an area containing eight abandoned mines in the Kennedy seam considered acceptable alternate method. Granted with conditions.
M-83-160-C	49 FR 5215	K.M. & K. Coal Co	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternate method of compliance. Granted with conditions.
M-83-165-C	49 FR 5214	Bullion Hollow Enterprises, Inc	30 CFR 75.1710	Use of cabs or canopies on specified mining equipment in certain mining heights would result in a diminution of safety. Granted in part with conditions.
M-83-168-C	49 FR 7309	Westmoreland Coal Co	30 CFR 75.1103-4(a)	Use of a fire sensor and warning device system capable of identification of fire by activated sensors considered acceptable alternate method. Granted with conditions.
M-83-171-C	49 FR 3944	Monterey Coal Co	30 CFR 77.216-3(a)	Inspection of the water impoundment every three months under specified conditions in lieu of every seven days considered acceptable alternate method. Granted with conditions.
M-84-13-C	49 FR 9977	White Oak Coal Co., Inc	30 CFR 75.506(d) and 75.1303	Use of the nonpermissible FEMCO Ten-Shot Blasting Unit with specific safeguards considered acceptable alternate method. Granted.

[FR Doc. 84-30169 Filed 11-15-84; 8:45 am]
BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Application No. D-2935, et al.] Proposed Exemptions; Citizens Bank of Evans City, et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Request

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fidcuiary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Program, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications of file with the Department for a complete statement of the facts and representations.

Citizens Bank of Evans City Pension Plan and Trust (the Plan) Located in Evans City, Pennsylvania

[Application No. D-2935]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) the past lease (the Lease) of certain real property (the Property) by the Plan to the Citizens National Bank of Evans City, Pennsylvania (the Employer), the sponsor of the Plan; (2) the proposed sale of the Property by the Plan to the Employer; and (3) the assumption by the Employer of certain indebtedness of the Plan; provided the terms and conditions of the Lease, the sale of the Property and the assumption of indebtedness by the Employer was

and will be at least as favorable to the Plan as the Plan could obtain in an arm's length transaction between unrelated parties. The Lease was entered into before the effective date of the Act, but after July 1, 1974, the date specified in the transition rules contained in section 414 and 2003 of the Act.

Effective Dates: The effective dates of this examption, if granted, will be January 1, 1975 for the Lease; and the date the grant of the exemption is published in the **Federal Register** for the sale of the Property by the Plan to the Employer and the assumption by the Employer of the indebtedness of the Plan.

Summary of Facts and Representations

1. The Plan is a defined benefit plan with approximately 59 participants. The Employer is the trustee of the Plan. Plan assets, as of December 31, 1982, taking into account the value of the Property was $628,192. On May 23, 1973, the Employer entered into an agreement of purchase for the Property with unrelated third party sellers. At the time of purchase the Employer contemplated that improvements would be made to the existing building on the Property which building would then be used as the Employer's office facility. However, after discussions with the Comptroller of the Currency it was determined that the acquisition of the Property by the Employer would cause the Employer to exceed certain limitations imposed on the Employer by the Comptroller of the Currency. As a result, the Employer assigned its rights under the agreement of purchase to the Plan on June 29, 1973.

2. On August 9, 1973, the Plan purchased the Property for $95,000. The employer advanced $5,000 to the unrelated sellers and loaned $90,000 to the Plan to pay the remainder of the purchase price. Subsequent to the Plan's purchase of the Property, improvements were made on the Property and financed on an interim basis by the Employer. The $5,000 advance was repaid to the Employer by the Plan on December 31, 1973. The $90,000 loan was repaid to the Employer by the Plan on August 29, 1974. On August 29, 1974 the entire transaction was "closed" by the execution of the following documents: (1) The Lease by the Plan to the Employer for the Property was entered into for a 15 year term with three options to renew for 10 years each. The Lease was on a triple net basis with all expenses paid by the Employer. Rent for the initial 15 year term was set at $60,000 per year; (2) a non-recourse mortgage by the Plan to three independent area savings and loan associations (the S&Ls) for $416,000 for a 15 year term at 9½% interest per annum to assume the financing of the improvements on the Property;[1] and (3) the assignment of the Lease to the S&Ls to secure the mortgage note.

3. The applicant represents that all payments on the Lease have been made in a timely fashion in accordance with the terms of the Lease agreement. The applicant represents that the Lease rentals were determined by the trustees after taking into consideration other area rental rates. Also, Prior to entering into the transactions the trustees performed an economic analysis and determined that the Plan would experience a positive cash flow and a high rate of return on its initial capital investment as a result of purchasing the Property and entering into the Lease. As a result of their analysis the trustees repressent that the Lease and accompanying transactions were in the best interests of the participants and beneficiaries of the Plan.

4. The Plan now intends to sell the Property to the Employer for the sum of $398,000. The Plan will receive $308,000 in cash and the Employer will purchase the Property subject to existing mortgage, with an approximate remaining balance of $90,000. Nicklas, King & Company (Nicklas), an independent appraiser, from Pittsburgh, Pennsylvania, states that as of November 15, 1983, the fair market value of the Property, taking into account the leasehold interest of the Employer was approximately $398,000. Barone and Sons, Inc. (Barone), an independent appraiser from Pittsburgh, Pennsylvania, states that as of November 1, 1983, the fair market value of the Property taking into account the leasehold interest of the Employer was between $385,000 to $410,000. Both Nicklas and Barone indicate that the proper method of valuing the Property was to value the remaining leasehold interest of the Employer. Both Nicklas and Barone represent that a valuation of the Property in fee simple would produce a lower value for the Property. Nicklas represents that if the Property was valued in fee simple of the Property, as of November 1, 1983 would be approximately $350,000. Barone represents that the probability another unrelated tenant or owner could be found is not great and that the local demand for office space is insufficient to support a facility as large as the Property. Therefore, Barone represents that if the Property were vacant it could only be rented at rates substantially below the present rentals on the Lease. As a result, Barone represents valuation of the leasehold interest of the Employer equals or exceeds the value of the Property in fee simple. The Plan will not pay any taxes or commissions in connection with the sale of the Property to the Employer. The Lease will be terminated upon sale to the Employer.

5. In summary, the applicants represent that the statutory criteria of section 408(a) of the Act have been satisfied as follows: (1) The trustees represent that at the time the transactions were entered into they were appropriate and in the best interests of the Plan; (2) rentals were determined by the trustees prior to entering into the Lease after taking into consideration other area rentals; (3) all payment of rentals were made in a timely fashion in accordance with the terms of the Lease; (4) the Lease will be terminated by the sale to the Employer; (5) the sales price for the Property was determined according to valuations by two independent appraisers; and (6) no expenses will be charged the Plan by reason of the sale of the Property.

Finally, the applicants represent that the Lease was entered into prior to the effective date of the Act without knowledge that the transactions would become prohibited on January 1, 1975. As soon as the applicants realized that the Lease had become a prohibited transaction, the applicants submitted a good faith request for an exemption instead of terminating the Lease.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523–8973. (This is not a toll-free number.)

A.B. Dick Products Company of Des Moines Employees Profit Sharing Plan and Trust Located in Des Moines, Iowa

[Application No. D–5234]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply for a period of five years from the date of an exemption grant to (1) the purchase by the Plan of certain leases of equipment (the Leases) from A.B. Dick

[1] The department expresses no opinion as to whether the mortgage by the Plan to the S&Ls constitutes a prohibited transaction under section 406 of the Act. Accordingly, no relief from section 406 is proposed by the Department for the mortgage.

Products Company of Des Moines (the Employer), and (2) the agreement by the Employer to indemnify the Plan against any loss relating to the Leases and also to repurchase any leases that are in default in accordance with paragraph (C) below, provided that the following conditions are met:

A. Any sale of Leases to the Plan will be on terms at least as favorable to the Plan as an arm's length transaction with an unrelated third party would be.

B. The acquisition of a Lease from the Employer shall not cause the Plan to hold immediately following the acquisition: (i) more than 50 percent of the current value (as that term is defined in section 3(26) of the Act) of Plan assets in Leases sold by the Employer; or (ii) more than 10 percent of Plan assets (as defined above) in Leases of any one lessee.

C. Upon default by the lessee on any payment due under a Lease, the Employer guarantees in writing the immediate payment of all remaining rental payments and all other amounts due and owing under the Lease. A Lease shall be deemed to be in default for purposes of this section, if a payment due under the terms and conditions of the Lease is past due for 30 days; or in the event the lessee shall become insolvent, commit an act of bankruptcy, make an assignment for the benefit of creditors or a liquidating agent, offer a composition or extension to creditors, make a bulk sale; or in the event any proceeding, suit or action at law, in equity or under any of the provisions of the Bankruptcy Act or of amendments thereto for reorganization, composition, extension, arrangements, receivership, liquidation, or dissolution shall be begun by or against the lessee; or in the event of the appointment under any jurisdiction at law or in equity of any receiver of any property of the lessee; or in the event the condition of affairs of the lessee shall so change as to, in the opinion of the Trustee or other appropriate Plan fiduciaries, impair its security or increase its credit risk.

D. The Plan receives adequate security for the property underlying the Lease. For purposes of this exemption, the term adequate security means that the property is secured by a perfected security interest in the property leased, so that, if there is a default on the Lease, and the security is foreclosed upon, or otherwise disposed of, the value and liquidity of the security is such that it may reasonably be anticipated that the Plan will experience no loss.

E. Insurance against loss or damage to the leased property from fire or other hazards will be procured and maintained by the lessee, and the proceeds from such insurance will be assigned to the Plan.

F. The Plan shall maintain for the duration of any Lease which is sold to the Plan pursuant to this exemption, records necessary to determine whether the conditions of this exemption have been met. The records above must be unconditionally available at their customary location for examination, for purposes reasonably related to protecting rights under the Plan, during normal business hours by the Internal Revenue Service, the Department of Labor, Plan participants, any employer of Plan participants, any employee organization any of whose members are covered by the Plan, or any duly authorized employee or representative of the above described persons.

Summary of Facts and Representations

1. The Plan is a defined contribution plan with 36 participants. As of December 31, 1983, the Plan had assets of $249,679.01. The Trustee is Valley National Bank (the Bank) located in Des Moines, Iowa.

2. The Employer is in the business of selling and leasing duplicating equipment, high speed typewriters and word processing equipment. The Employer, prior to the effective date of the Act, sold a number of leases of duplicating equipment and high speed typewriters to the Plan. On September 21, 1979, the Department granted Exemption 79–50 (44 FR 54790) to permit the Plan to invest up to 50% of Plan assets in such Leases, with the condition that no more than 10% of Plan assets be invested in the Leases of any one customer. The applicant seeks an additional five year exemption for the Plan to purchase Leases from the Employer. The Leases involve equipment which is leased to third parties. The Leases vary in length from twelve to thirty-six months, depending on the cost of the equipment, and will be sold to the Plan for cash. The Plan purchased eight Leases under Exemption 79–50 and the Bank represents that the Plan has complied with the percentage limitations thereunder. The Bank further represents that there have been no defaults on the eight Leases purchased by the Plan. The applicant represents that over the past five years, the Leases, which are completely net to the Plan, have averaged a 17.26% net rate of return.

3. The purchase price of a Lease will be based upon the retail price of the equipment being leased. In addition, no commissions will be paid to anyone as a result of sales of Leases to the Plan. The rental for the Leases purchased by the Plan will be calculated by the same method used to calculate the rental for the Employer's leases. Rentals will be comparable to what the Plan could obtain in a direct transaction with an unrelated third party. Title to the equipment passes to the Plan upon the purchase of any Lease.

4. Notwithstanding the fact that the Plan will acquire and hold title to the equipment under each Lease, as a further protection to the Plan, such equipment will be secured by a perfected security interest which will name the Plan as the secured party. If the security would be foreclosed upon, in the event of default, the value and liquidity of the security will be such that it may reasonably be anticipated that loss of principal or interest will not result.

5. The Plan will assume the position of lessor with the attendant rights and obligations under the terms of the Leases. However, the Employer will be liable under the warranty clauses of that agreement and all warranty work will be performed by the Employer at no charge to the Plan. Furthermore, if a default would occur, the Plan would have full recourse against the Employer and the Employer has agreed to repurchase any Lease defaulted upon at the purchase option price, pursuant to the terms of the Lease, and also to indemnify the Plan for any loss suffered.

6. The Bank will serve as an independent fiduciary on behalf of the Plan with respect to the proposed transactions. The Bank has advanced and will continue to advance credit to the Employer. The Bank represents that neither the Employer nor the principal of the Employer own stock in Banks of Iowa, Inc., the parent of the Bank, nor do any of the shareholders or officers of the Employer sit on the board of directors of the Bank or its parent corporation. The deposits of the Employer and the principal of the Employer in the aggregate total less than 1% of the total deposits of the Bank. The Bank's loans to the Employer and to the principal of the Employer in the aggregate total less than 1% of the total loans of the Bank. The Bank further represents that so long as it serves as trustee of the Plan, the Bank will not engage in the purchase of Leases from the Employer except on behalf of the Plan. The Bank will not purchase any Employer leases on its own account.

7. The Bank represents that it will approve all purchases of Leases and will determine that each purchase is a fair market value transaction. The Bank further represents that it will make an individual determination prior to the purchase of each Lease that the

purchase is appropriate and suitable for the Plan. In addition, the Bank represents that it will monitor the terms of the Leases and take whatever action is necessary to enforce the rights of the Plan.

8. At the end of the initial lease term, the lessee has three options, with the following consequences to the Plan: (a) the customer may renew the Lease with the Plan's rights and obligations remaining the same as during the initial term; (b) the customer may purchase the equipment at the purchase option price, in which case the Plan would receive the proceeds; and (c) the customer may choose not to renew the Lease or purchase the equipment, in which case the Employer would purchase the equipment from the Plan at the purchase option price.

9. In summary, the applicant represents that the proposed sales of the Leases by the Employer to the Plan meet the requirements of section 408(a) of the Act, because: (a) The sales will be limited to a five year period and will be limited to 50 percent of Plan assets with the condition that no more than ten percent of plan assets be invested in the Leases of any one customer; (b) the decision to purchase a Lease will be made by the Bank acting as independent fiduciary on behalf of the Plan; (c) perfected security interests will be filed on the equipment; (d) the Employer will guarantee the payment of the Leases upon the lessee's default or termination of the Lease; and (e) the Leases are net to the Plan and have averaged a net return of more than 17.26 percent to the Plan over the past five years.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

Family Medical Clinic of Pearl, P.A. Profit Sharing Plan (the Profit Sharing Plan) and Family Medical Clinic of Pearl, P.A. Money Purchase Pension Plan (the Pension Plan; Together, the Plans) Located in Pearl, Mississippi

[Application No. D-5392]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the purchase by the Profit Sharing Plan of a parcel of unimproved real property (Lot 1), located in Pearl, Mississippi, from Robert R. Rester, M.D., for $28,476, and the purchase by the Pension Plan of a parcel of unimproved real property (Lot 2), located in Pearl, Mississippi, from Dr. Rester for $22,770, provided the purchase prices do not exceed the fair market values of the Lots on the date of the acquisitions.

Summary of Facts and Representations

1. Family Medical Clinic of Pearl, P.A. (the Employer) is engaged in the practice of medicine in Pearl, Mississippi. The Plans are defined contribution Plans which had 4 participants each as of January 1, 1984. Both Plans allow individual participant direction of investments.

2. Dr. Rester, who is an employee, director and 100% shareholder of the Employer, has an individually directed account in each Plan. Dr. Rester is also the trustee of each Plan. As of July 31, 1984, Dr. Rester's Profit Sharing Plan account had a total of $115,386, and his Pension Plan account had a total of $99,244.

3. Dr. Rester owns several parcels of unimproved real estate, including Lots 1 and 2, located in the Boyington Oaks Office Park, Pearl, Mississippi. Dr. Rester now desires to direct his account in the Profit Sharing Plan to purchase Lot 1, and his account in the Pension Plan to purchase Lot 2, at the Lot's fair market values, as long-term investments that will diversify the assets of each account. Payment for each Lot will be in cash, and no commissions or other costs will be paid by either account. Deeds for each Lot will be filed and recorded in the Land Records of Rankin County, Mississippi. Dr. Rester's account in each Plan is segregated from the other accounts, and his accounts will bear the risk of all gains and losses from the investments. The separate accounts of Dr. Rester are the only accounts affected by the proposed sales.

4. Messrs. R.D. Morrow, Jr. and David L. Morrow, Jr., independent real estate appraisers in Brandon, Mississippi, have appraised Lot 1 as having a fair market value of $28,476, and Lot 2 as having a fair market value of $22,770 both as of September 21, 1984.

5. In summary, the applicant represents that the proposed transactions meet the criteria of section 408(a) of the Act because: (1) The purchase of Lot 1 involves approximately 24.7% of Dr. Rester's account in the Profit Sharing Plan, and the purchase of Lot 2 involves approximately 22.9% of Dr. Rester's account in the Pension Plan; (2) the sales will be at prices established by independent appraisal; (3) Dr. Rester is the only participant of the Plans to be affected by the transactions; and (4) Dr. Rester has determined that the proposed transactions are appropriate for and in the best interests of his accounts in the Plans, and he desires that the transactions be consummated by the accounts.

Notice to Interested Persons: Because Dr. Rester is the only participant in the Plans to be affected by the proposed transactions, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and requests for a public hearing are due 30 days after the date of publication of this notice in the **Federal Register.**

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Telephone Real Estate Equity Trust (the Trust) Located in New York, New York

[Application No. D-5456]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the use of a portion of the purchase price paid by the Trust in connection with purchase of three industrial parks located in Orange and Los Angeles Counties, California (the Parks) to pay off outstanding mortgages held by the Pacific Mutual Life Insurance Company (Pacific), and the First Interstate Mortgage Company (First Interstate), parties in interest with respect to the Trust.

Effective Date: If granted, this exemption will be effective October 21, 1983.

Summary of Facts and Representations

1. The Trust is a tax-exempt trust established, effective January 1, 1984, pursuant to an amendment and restatement of the Bell System Trust. Prior to January 1, 1984, the Trust was known as the Bell System Trust (BST). Pursuant to the court-ordered divestiture by American Telephone and Telegraph Company AT&T), the sponsor of the Trust, of certain portions of its

subsidiaries effective January 1, 1984, the BST was split into separate plans for the nine newly created companies (the Companies). The approximately $4 billion in assets of the BST invested in real estate, including real estate to be acquired after January 1, 1984 pursuant to commitments by the BST entered into prior to January 1, 1984, are held in the Trust for a 10 year period from the effective date of the divestiture. Each plan for the newly organized Companies, which includes a newly created plan on behalf of AT&T and subsidiaries has an undivided proportionate interest in the Trust based upon the BST's actuarily determined liabilities as of January 1, 1984. As of December 31, 1982, the Bell System Pension Plan and the Bell System Management Pension Plan, the plans funded by the BST, had total assets of approximately $46 billion, and covered a total of approximately 1,165,000 participants.

2. Pursuant to the terms of the BST trust agreement dated October 1, 1980, AT&T reserved the power to hire investment managers to invest all or some of the funds held in the BST. (Hereinafter the term "the Trust" shall refer to both the BST and the Trust, as applicable.) Heitman Advisory Corporation (Heitman), an Illinois corporation with its principal office in Chicago, Illinois, is an investment advisor registered with the Securities and Exchange Commission and the Security Division of the Secretary of State of the State of Illinois. Heitman has enterd into a management agreement with AT&T whereby Heitman has agreed to act as an investment manager for a portion of the Trust assets. Specifically, Heitman's duties are to invest allocated Trust funds, directly or indirectly, in parcels of real estate or real estate related investments. As an investment manager, Heitman has sole responsibility and discretion for the acquisition, management and disposition of each real estate related investment acquired by Heitman on behalf of the Trust. All amounts allocated to Heitman from the Trust are allocated through Harris Trust and Savings Bank (Harris Bank), one of the Trust's trustees. All such investments are purchased in the name of Harris Bank as trustee for the Trust, or such investment may be held by another nominee of the Trust, as may be designated to Heitman.

3. All investment decisions made by Heitman for the Trust are made by Heitman's investment committee. This committee consists of Messrs. Norman Perlmutter, Miles Berger, William Jenson, Herbert Kuehnle, Eric Mayer, Stuart Isen, George A. Scheidler, and Lester Rosenberg. None of these individuals is an officer, director or employee of AT&T or any affiliate. None of the stock of Heitman or any affiliate is held by AT&T or any affiliate, nor does any officer, director, or employee of AT&T or any affiliate own any stock in Heitman or any affiliate.

4. On October 21, 1983, Heitman, as investment manager to the Trust, and Bank of America National Trust & Savings Association, as ancillary trustee for Harris Bank, entered into a purchase agreement with Dunn Construction Company, a California general partnership, dba DCC Properties, and Calinda Properties, a California general partnership (collectively, the Sellers) to acquire the Parks for a price of $42.2 million. The Parks are known as the Fountain Valley Industrial Park, the Valley East Industrial Park and the Orangewood Industrial Park. Heitman represents that neither of the Sellers and no tenants in the the Parks are parties in interest with respect to the Trust. However, the applicant represents that two of the seven lending institutions which held mortgages on the Parks, Pacific and First Interstate, are affiliates of fiduciaries to the Trust. Pacific is the parent of Pacific Investment Management Comany, an investment manager to the Trust, and First Interstate is a "brother-sister" corporation with First Interstate Bank of Oregon, a fiduciary to the Trust.

5. The closing of the purchase of the Parks occurred on January 17, 1984, through an escrow procedure as the purchase price was paid to an escrowee and a portion of it was applied to pay off the outstanding principal balances owed to the mortgage lenders. Title was therefore conveyed to the Trust free and clear of the Seller's mortgages. The Parks are currently held in the Trust.

6. The applicant seeks an exemption for the application of a portion of the purchase price of pay off the outstanding mortgages of Pacific and First Interstate. Neither of the lenders had any authority, control or responsibility with respect to the investment decision to acquire the Parks as all negotiations concerning the acquisition of the Parks was conducted by Heitman. Heitman's decision to acquire the Parks was not influenced by the fact that Pacific and First Interstate are affiliates of other fiduciaries with respect to the Trust. Heitman did not discover the relationship of the two lenders to the Trust until a date after Heitman made the decision to acquire the Parks on behalf of the Trust. In the course of its acquisition of the Parks for the Trust, Heitman determined that the acquisition of the Parks not subject to any outstanding mortgages was in the best interests of the Trust.

7. Heitman believes that it qualifies as a "Qualified Professional Asset Manager" as defined in Part V(a) of the class exemption published in the **Federal Register** on March 13, 1984 (47 FR 56945). The two lenders do not have the authority to appoint Heitman as a manager of funds held by the Trust or to negotiate the terms of Heitman's investment management agreement with AT&T with respect to the Trust. However, Heitman does not qualify for the Part I—General Exemption with respect to the Trust due to the fact that more than 20% of the total client assets managed by Heitman are Trust assets.

8. In summary, the applicant represents that the transaction satisfies the statutory criteria of section 408(a) of the Act because (a) Heitman, a Trust fiduciary completely independent of the mortgagees, negotiated the transaction without regard to the fact that the mortgagees are parties in interest with respect to the Trust; (b) neither the mortgagees or their affiliates had any discretion with respect to Heitman's decision to acquire the Parks; and (c) the transaction was effected on terms not less favorable to the Trust than those available with unrelated parties.

Notice to Interested Persons: Interested persons will be notified in the manner agreed upon by the applicant and the Department within 30 days of the date of publication of this notice in the **Federal Register.** Comments are due within 60 days of the date of publication.

For Further Information Contact: Mr. David Stander of the Department, telepone (202) 523–8881. (This is not a toll-free number.)

Truman Arnold Retirement Trust (the Plan) Located in Texarkana, Texas

[Application No. D–5466]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the continued leasing beyond June 30,

1984, of certain real property (the Property) by the Plan to Truman Arnold Distributing Co., Inc. (the Employer), a party in interest to the Plan, provided that the terms of the lease (the New Lease) are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

Effective Date: If the proposed exemption is granted, it will be effective July 1, 1984.

Summary of Facts and Representations

1. The Employer owns and operates an interstate chain of convenience stores and distribution centers for petroleum products. Stock of the Employer is wholly owned by O. Truman Arnold (Mr. Arnold) who also wholly owns Truman Arnold Transport Company (Transport).

The Plan as of September 30, 1983, had net assets of $2,404,556 and 182 participants. Employees of both the Employer and Transport are covered by the Plan. The trustee of the Plan (the Trustee) is State First National Bank of Texarkana, Texas.

2. The Plan acquired land and buildings comprising the Property in Texarkana, Texas, which the Plan leased (Lease 1) prior to July 1, 1974, to the Employer and Transport for use as a home office site.[2] In 1979, the Employer expanded its home office operations by purchasing a parcel of property contiguous with the original parcel owned by the Plan and constructing a building on the new property (the Expansion Property). Pursuant to an exemption application filed by the Employer and others, the Department granted an exemption [3] permitting the Employer to contribute the Expansion Property to the Plan and permitting the Plan to lease the Expansion Property (Lease 2) back to the Employer. The current exemption application seeks relief to permit the continuation of Lease 1 beyond June 30, 1984, on terms similar to those contained in Lease 2. The applicants represent that the only Plan assets to which the Employer is a lessee, user, issuer or obligee are the Property and the Expansion Property.

3. The Property was appraised by Jim Freeman (Mr. Freeman) of P.M. Brown, Inc., Realtors in Texarkana, Texas, at $256,000 as of September 15, 1983. Mr. Freeman, who has no relationship with the Employer, Transport or their principals, is a senior member of both the American Society of Appraisers and the American Association of Certified Appraisers. Mr. Freeman determined that the gross fair rental value of the Property was $33,480 per year and, adjusting for estimated taxes, insurance, maintenance and management expenses, the net fair rental value was $28,705 per year. Mr. Freeman opined that the Property is a multipurpose property that could be easily converted to other uses should the need arise.

In addition to appraising the Property, Mr. Freeman also appraised the Expansion Property which he valued at $310,000. Thus, the value of the Property and the Expansion Property as of September 15, 1983, totaled $566,000, which constituted 23.5% of the Plan's assets at that time.

4. The New Lease was negotiated prior to July 1, 1984, by Commercial National Bank in Shreveport, Louisiana (the Bank), acting in its capacity as the Plan's independent fiduciary [4] with regard to the Property, and the Employer. The New Lease is a triple net lease having a primary term of five years with three additional five-year terms which may be exercised solely in the Bank's discretion. The initial rental rate is $35,840 per year, which amount equals 14% of the fair market value of the Property. Every third year of the New Lease the fair market value and fair rental value of the Property will be determined by an independent appraiser selected by the Bank. The rental rate will be adjusted every third year based on the new appraisal, and the rental rate at all times will be, on a triple net basis, the greater of the fair rental rate determined by the appraiser or 14% of the fair market value of the Property. The Employer will maintain adequate fire and casualty insurance on the Property as determined by the Bank with the Plan named as loss payee. Further, the Employer and Mr. Arnold, individually, have agreed to indemnify the Plan against any decline in the market value of the Property below $256,000.

5. The Bank has full responsibility and exclusive authority to take all actions on behalf of the Plan with respect to the Property, including selling the Property if the Bank determines that the sale is in the best interests of the Plan and its participants and beneficiaries. The Bank concluded prior to July 1, 1984, that the Plan should retain the Property as an investment and that the Plan should continue to lease the Property to the Employer. In reaching this conclusion, the Bank reviewed the Plan's financial records and asset portfolio. The Bank found that the Trustee maintains more than 20% of the Plan's assets in liquid assets consisting of cash, government securities, marketable corporate debt and equity instruments, accounts receivable, and cash surrender values of life insurance policies. Only 24 of the current 182 Plan participants will reach normal retirement age in the next ten years. Both the Trustee and the Bank feel that the liquid assets maintained in the Plan should be more than adequate to fulfill any contingent liabilities in the foreseeable future. Because the Property is readily adaptable to other uses, the Plan is indemnified against a decline in the fair market value of the Property, and the Property has appreciated in value over the years it has been a Plan asset, the Bank believes the Plan should continue to own the Property.

The terms of the New Lease were found by the Bank to be no less favorable to the Plan than terms obtainable in an arm's length transaction with an unrelated party. The current gross fair rental value of the Property determined through an appraisal is $33,480 per year, yet the Plan will be paid $35,840 on a triple net basis. The Bank also views the guaranteed 14% return on the fair market value of the Property as an attractive feature of the New Lease. The Bank examined the past payment records of the Employer and found that it has never defaulted on any rental payments to the Plan. The Bank also examined the financial statements of the Employer and concluded that the Employer is a responsible lessee and is financially healthy.

6. In summary, the applicants represent that the subject transaction satisfies the exemption criteria of section 408(a) of the Act because: (a) The interests of the Plan with regard to the Property and the New Lease are represented by an independent fiduciary, the Bank; (b) the initial rental rate under the New Lease is 14% of the fair market value of the Property, which amount is not less than the current fair rental value of the Property; (c) the rental rate will be adjusted every third year of the New Lease based on independent appraisals of the Property and will equal the greater of 14% of the fair market value of the Property or the fair rental value of the Property; (d) the value of the Property and the Expansion Property represent less than 24% of the Plan's assets; (e) the Plan is indemnified

[2] The applicants represent that Lease 1 was encompassed until June 30, 1984, by the transitional rules of sections 414(c)(2) and 2003(c)(2)(B) of the Act. The Department expresses no opinion as to the applicability of sections 414(c)(2) and 2003(c)(2)(B) of the Act to Lease 1.

[3] See Prohibited Transactions Exemption 81-56, 46 FR 36273, July 14, 1981.

[4] The Employer maintains with the Bank two checking accounts which represent .000023% of the Bank's total deposits as of December 31, 1983. The Bank has no other relationships with the Employer, Transport or their principals.

against any decline in the fair market value of the Property below $256,000; and (f) the Bank determined, following extensive review and evaluation, that the retention of the Property as a Plan asset and the continued leasing of the Property to the Employer under the terms of the New Lease are in the best interests of the Plan and its participants and beneficiaries.

FOR FURTHER INFORMATION CONTACT: Mrs. Mary Jo Fite of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its praticipants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogration of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 13th day of November, 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-30177 Filed 11-15-84; 8:45 am]

BILLING CODE 4510-29-M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p 1004), and Administrative Order No. 1–76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following normal labor turnover certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522–9, as amended and § 522.20 to 522.25, as amended).

Big River Mfg. Co., Kittanning, PA; 8–31–84 to 8–30–85; 10 percent of the total number of factory production workers. (Boy's shirts)

Bland Sportwear, Inc., Bland, VA; 7–24–84 to 7–23–85; 10 learners. (Men's and boys' shirts)

The following normal labor turnover certificates were issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and § 522.30 to 522.35, as amended.)

Louis Gallet, Inc., Uniontown, PA; 6–22–84 to 6–21–85; 5 learners. (Ladies' sweaters)

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before December 3, 1984.

Signed at Washington, D.C. this 9th day of November 1984.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 84-30168 Filed 11-15-84; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering.

Date and Time: December 4–5, 1984:

9:00 a.m.–5:00 p.m., December 4

9:00 a.m.–3:00 p.m., December 5

Place: National Sciene Foundation, 1800 G Street, NW., Room 540, Washington, D.C. 20550.

Type of Meeting: Open.

Contact Person: Mrs. Mary Poats, Executive Secretary, Advisory Committee for Engineering, Room 537, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357–9571.

Summary Minutes: Mrs. Mary Poats at the above address.

Purpose of Advisory Committee Meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering programs and activities.

Summarized Agenda: Discussions on issues, opportunites and future directions for the Engineering Directorate; discussion of the Engineering Directorate budgets for FY 85 and FY 86; reports from Directorate Advisory Committee Chairmen; discussion with NSE Director as well as other items.

M. Rebecca Winkler,

Committee Management Officer.

November 13, 1984.

[FR Doc. 84-30139 Filed 11-15-84; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Ethics and Values in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Ethics and Values in Science and Technology.

Date and Time: December 3 and 4, 1984; 8:30 a.m. to 6 p.m. each day.

Place: Room 1242A, National Science Foundation, 1800 G Street, NW., Washington, D.C. (Room 415, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, D.C., December 4, 8:30 a.m. to noon.)

Type of Meeting: Part Open: Open, December 4, 1 p.m.–6 p.m.; Closed—remainder of scheduled time.

Contact Person: Dr. Rachelle Hollander, Program Director, Ethics and Values in Science and Technology, National Science Foundation, Washingon, D.C. 20550, Telephone 202/357–7552.

Summary Minutes: May be obtained from the Contact Person at the above address.

Purpose of Meeting: To provide advice and recommendation concerning support for research and related activities in this field.

Agenda: Open—General discussion of the current status and future plans of the Ethics and Values in Science and Technology program. Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

November 13, 1984.

[FR Doc. 84–30138 Filed 11–15–84; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Law and Social Sciences of the Division of Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub.L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Law and Social Sciences of the Advisory Panel for Social and Economic Science.

Date and Time: November 30th and December 1st, 1984; 9:00 a.m. to 5:00 p.m.

Palce: Room 628, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Felice J. Levine, Program Director, Law and Social Sciences Program, Room 312, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550; telephone (202) 357–9567.

Purpose of Subpanel: To provide advice and recommendation concerning support for research in Law and Social Sciences.

Agenda: Closed portion: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

November 13, 1984.

[FR Doc. 84–30137 Filed 11–15–84; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export and Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70 (b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the following applications for export and import licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 13th day of November 1984 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

NRC Export Applications

Name of applicant, date of application, date received, application No.	Material type (percent)	Material in kilgrams		End-use	Country of destination
		Total element	Total isotope		
Westinghouse Electric Corp., Oct. 19, 1984, Oct. 25, 1984, XSNM02177.	3.3	89,809	2,964	For conversion to UO_2, pelleting and assembly into fuel rods for return to U.S. for Commanche Peak No. 2.	Sweden.
International Energy Association Ltd., Oct. 30, 1984, Nov. 5, 1984, ISNM84012.	4.0	1,600	40	Samples to be delivered to Ledoux and Co. for isotopic and chemical analysis.	From United Kingdom, Federal Republic of Germany, Netherlands.
Exxon Nuclear Co., Inc., Nov. 1, 1984, Nov. 5, 1984, XSNM02161, amendment No. 01.	5.0	Additional 33,519	Additional 1,125	Reload fuel for Biblis A	West Germany.
	5.0	Additional 51,750	Additional 1,800	Reload fuel for Blayais 1, 2, and 3	France.
	5.0	Additional 1,429	Additional 10	Reload fuel for Tihange	Belgium.
	5.0	76,000	3,050	Add KRB IIC as another ultimate consignee. Increase enrichment to 5%.	West Germany.
Marubeni America Corp., Nov. 2, 1984, Nov. 5, 1984, XSNM02179.	3.95	18,562	554	Reload fuel for Fukushima I, unit 4	Japan.

NRC EXPORT APPLICATIONS—Continued

Name of applicant, date of application, date received, application No.	Material type (percent)	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Marubeni America Corp., Nov. 2, 1984, Nov. 5, 1984, XSNM02180.	3.95	5,934	180	Reload fuel for Fukushima I, unit 4	Japan.
Westinghouse Electric Corp., Oct. 22, 1984, Oct. 25, 1984, ISNM84011.	3.3	89,809	2,964	For ultimate use in Commanche Peak, unit 2	From Sweden.

[FR Doc. 84-30162 Filed 11-15-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. STN 50-454, STN 50-455]

Commonwealth Edison Co. (Byron Nuclear Power Station, Units 1 and 2); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of November 8, 1984, oral argument on the intervenors' challenge to the Licensing Board's October 16, 1984 supplemental initial decision will be held at *10:00 a.m. on Thursday, November 29, 1984, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.*

Dated: *November 9, 1984.*
For the Appeal Board.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 84-30163 Filed 11-15-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-424 and 50-425]

Georgia Power Co., et al.; Availability of Draft Environmental Statement of Vogtle Electric Generating Plant, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-1087) prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Vogtle Electric Generating Plant, Units 1 and 2, located in Burke County, Georgia, is available for inspection by the public in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and in the Burke County Library, 4th Street, Waynesboro, Georgia 30830. The Draft Statement is also being made available at the Office of Planning and Budget, Room 615B, 270 Washington Street, S.W., Atlanta, Georgia 30334 and at the Central Savannah River APDC, 2123 Wrightsboro Road, Augusta, Georgia 30904.

The applicants' Environmental Report, as supplemented, submitted by Georgia Power Company is also available for public inspection at the above designated locations. Notice of availability of the applicants' Environmental Report was published in the **Federal Register** on December 28, 1983 (48 FR 57183).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the applicants' Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal, State and local agencies are being provided with copies of the applicants' Environmental Report and the Draft Environmental Statement. Comments are due by January 7, 1985. Comments by Federal, State and Local Officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Burke County Library, 4th Street, Waynesboro, Georgia 30830. Upon Consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register**.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Free single copies of NUREG-1087 may be requested for public comment by writing to the Publication Services Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 9th day of November, 1984.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 84-30164 Filed 11-15-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co. Monticello Nuclear Generating Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-22 issued to Northern States Power Company, (NSP/the licensee) for operation of the Monticello Nuclear Generating Plant, (the facility), located in Wright County, Minnesota.

Environmental Assessment

Identification of Proposed Action

The proposed action would permit the licensee to implement changes (called the Average Power Range Monitor/Rod Block Monitor/Technical Specification (ARTS) Improvement Program) to the Monticello Nuclear Generating Plant and Technical Specifications as described in its letter of May 30, 1984, as supplemented May 31, September 6, and October 17, 1984.

The Need for the Proposed Action

The need for the proposed action is to: (i) Reduce the need for manual setpoint adjustments and allow for more direct thermal limit administration; (ii) improve the quality of electronic hardware in the Rod Block Monitor; and (iii) change certain operating limits to bring about consistency among the various changes being implemented.

Environmental Impacts of the Proposed Action

The proposed action improves the accuracy of indications provided to the operator for control of thermal parameters in the reactor. While the

proposed amendment changes a number of operating control features, the net power level is unchanged and the response of the reactor protection system under accident conditions is unchanged. Thus, post-accident radiological releases will not be greater than previously determined, nor does the proposed change otherwise affect radiological plant effluents. Occupational exposures to radiation would also be unaffected. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed amendment.

With regard to potential non-radiological impacts, the proposed change involves systems located within the restricted area as defined in 10 CFR Part 20. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed change.

Since we have concluded that there is no measurable environmental impact associated with the proposed changes to the Technical Specifications, any alternatives to these changes will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation.

Alternative Use of Resources

This action would involve no use of resources not previously considered in connection with the Final Environmental Statement related to operation (Final Environmental Statement dated November 1972).

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated May 30, 1984, as supplemented by letters dated May 31, September 6, and October 17, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room located at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Dated at Bethesda, Maryland, this 9th day of November, 1984.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Assistant Director for Operating Reactors, Division of Licensing.

[FR Doc. 84-30167 Filed 11-15-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix R to 10 CFR Part 50 to Power Authority of the State of New York (the licensee), for the James A. FitzPatrick Nuclear Power Plant, located in Oswego County, New York.

Environmental Assessment

Identification of Proposed Action

The exemption would relax the requirements to provide a 3-hour fire barrier between redundant shutdown divisions and to provide at least 20 feet of separation without intervening combustibles between redundant shutdown divisions at certain zone boundaries within the crescent area of the reactor building. The licensee would install either a fire barrier of lesser rating or a water curtain in place of a 3-hour barrier around four open stairways and would install water curtains between redundant shutdown divisions in place of the above separation requirement.

The Need for the Proposed Action

The proposed exemption is needed because the existing level of fire protection and proposed modifications for the FitzPatrick facility, as described in the licensee's request, represent the most practical method for meeting the intent of Appendix R. Literal compliance would not significantly enhance the fire protection capability.

Environmental Impacts of the Proposed Action

The proposed exemption will provide a degree of fire protection that is equivalent to that required by Appendix R for other areas of the plant such that there is no increase in the risk of fires at this facility. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the James A. FitzPatrick Nuclear Power Plant.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the exemption dated February 26, 1982, and supplements dated July 13 and November 11, 1982; March 1, April 5, and May 19, 1983; and July 16, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College of Oswego, Oswego, New York.

Dated at Bethesda, Maryland this 9th day of November, 1984.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Assistant Director for Operating Reactors, Division of Licensing.

[FR Doc. 84-30165 Filed 11-15-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; (Vermont Yankee Nuclear Power Station); Exemption

I

Vermont Yankee Nuclear Power Corporation (the licensee) is authorized by Facility Operating License No. DPR-28 to operate the Vermont Yankee Nuclear Power Station (the facility) at steady-state reactor power level not in excess of 1593 megawatts thermal. The license provides, among other things, that it is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. The facility consists of a boiling water reactor located at the licensee's site in Windham County, Vermont.

II

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.2 of Appendix E requires that each licensee at each site shall annual exercise its emergency plan.

By letter dated August 6, 1984, the licensee requested an exemption from the annual exercise requirement of Section IV.F of Appendix E. Specifically, the licensee would substitute an event that occured on June 15, 1984 in place of the planned November 1984 on-site exercise. The event, which involved local high radiation readings substantially above background, resulting from a traversing incore probe stuck in an unshielded position outside of the reactor core, resulted in complete implementation of their Emergency Plan to the Alert level.

This event adequately substitutes for the planned on-site exercise in that the licensee: (1) Identified the nature and cause of the high radiation condition and took immediate action to protect personnel; (2) correctly classified the event based on Emergency Action Level; (3) activated and staffed all emergency facilities to the Alert level; (4) used the emergency response centers and resources to evaluate the problem and determined the best course of action; and (5) notified the NRC and all three emergency planning zone states (Vermont, New Hampshire and Massachusetts) with both New Hampshire and Massachusetts sending representatives to the Emergency Operations Facility. In addition, the NRC Resident Inspector observed activity in the emergency facilities.

The emergency was terminated and recovery was successfully completed. Formal critiques were held with event participants. Both the NRC Resident Inspector and the state representatives were in attendance at the critiques. Comments generated by the critique demonstrated recognition of where problems were encountered. Follow-up of comments in the areas of procedures, equipment and training is proceeding. The critiques and follow-up activities stemming from the June 15, 1984 event should result in improvements in emergency response capability similar to what would be expected from the conduct of an on-site exercise. No violations were identified by the Resident Inspector. The licensee acted in a manner which adequately provided protective measures for the health and safety of the public in that it was determined that there were no releases of radioactive material offsite. The last full scale emergency exercise was held September 21, 1983. The next full scale emergency exercise is planned for April 1985.

Section IV.F of Appendix E requires that each licensee shall annually exercises it emergency plan. Exercise shall:

(1) Test the adequacy of timing and adequacy of implementing procedures and methods,

(2) Test emergency equipment and communications networks,

(3) Test the public notification system, and

(4) Ensure that emergency organization personnel are familiar with their duties.

The June 15, 1984 event exercised the emergency plan. Based on an evaluation of the event, response to the event, and subsequent activities, the staff concludes that the licensee adequately demonstrated the capability to implement its emergency plan in order to protect the health and safety of the public.

Based on the above, we conclude that the licensee's request for a one-time exemption is reasonable and that granting the requested exemption will not adversely affect the overall state of emergency preparedness for Vermont Yankee Nuclear Power Station. Therefore, the licensee's request for exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter August 6, 1984, as discussed above, is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest.

Therefore, the Commission hereby approves the following exemption: Exemption from the exercise requirements of 10 CFR 50, Appendix E, Section IV.F, involving the conduct of an on-site exercise during November 1984.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the environment (49 FR 44175).

Dated at Bethesda, Maryland this 9th day of November 1984.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-30166 Filed 11-15-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-31 and DPR-41, issued to Florida Power and Light Company (the licensee), for operation of the Turkey Point Plant Unit Nos. 3 and 4 located in Dade County, Florida.

Identification of Proposed Action

The amendments would consits of changes to the operating licenses and Technical Specifications (TSs) and would authorize an increase of the storage capacity of both spent fuel pools (SEPs) from 621 fuel assemblies to 1404 fuel assemblies with enrichments no greater than 4.5 weight percent U-235.

The amendments to the TSs are responsive to the licensee's application dated March 14, 1984. The NRC staff has prepared an Environmental Assessment of the Proposed Action, "Environmental Assessment By the Office of Nuclear Reactor Regulation Relating to the Modification of the Spent Fuel Storage Pools, Operating License Nos. DPR-31 and DPR-41, Florida Power and Light Company, Turkey, Point Plant Unit Nos. 3 and 4, Docket Nos. 50-251 and 251," dated November 14, 1984.

Summary of Environmental Assessment

The Final Generaic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG-0575), Volumes 1-3 concluded that the environmental

impact of interim storage of spent fuel was negligible and the cost of the various alternatives reflects the advantage of continued generation of nuclear power with the accompanying spent fuel storage. Because of the differnces in SFP designs, the FGEIS recommended licensing SFP expansions on a case-by-case basis.

For Turkey Point Plant Unit Nos. 3 and 4, the expansion of the storage capacity of the SFPs will not create any significant additional radiological effects or non-radiological environmental impacts.

The additional whole body dose that might be received by a individual at the site boundary is less than 0.1 millirem per year; the estimated dose to the population within a 50-mile radius is estimated to be less than 0.1 person-rem per year. These doses are small compared to the fluctuations in the annual dose this population receives from exposure to background rediation. The estimated radiation doses incurred by workers taking part in the modifications to the SFPs will be about 60 person-rems. This represents about a 7% increase in the average annual dose from routine occupational radiation exposure at the plant which was about 870 person-rems/year/unit over the five year period of 1978–1982.

The only non-radiological discharge altered by the modifications to the SEPs is the waste heat. The total load to the station closed cycle cooling canals will be increased by about 0.3 percent. Thus, there is no significant environmental impact attributable to the discharge waste heat from the station due to this very small increase.

Finding of No Significant Impact

The staff has revieed the proposed modifications to the facilities relative to the requirements set forth in 10 CFR Part 51. Based on this assessment, the staff concludes that there are no significant radiological or non-radiological impacts associated with the proposed action and that the issance of the proposed amendments to the licenses will have no significant impact on the quality of the human environment. Therefore, pursuant to 10 CFR 51.31, an environmental impact statement need not be prepared for this action.

For further details with respect to this action, see (1) the appliation for amendments to the Technical Specifications dated March 14, 1984 and supplemented July 23, August 22 and September 16, 1984, (2) the FGEIS on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG–0575), (3) the Final Enviromental Statement for Turkey Point Plant Units 3 and 4 issued July 1972, and (4) the Environmental Assessment dated November 14, 1984. These document are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington D.C. 20555 and at the Environmental and Urban Affairs Library, Florida International University Miami, Florida 33199.

Dated at Bethesda Maryland, this 14th day of November 1984.

For the Nuclear Regulatory Commission.

Dominic V. Vassallo,

Acting Assistant Director for Operating Reactors, Division of Licensing.

[FR Doc. 84–30298 Filed 11–15–84; 9:03 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments Certain Alkaline Batteries

On November 6, 1984, the United States International Trade Commission referred to the President for review its determination that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, and in the sale, of certain alkaline batteries that infringe a U.S. registered trademark. The Commission also found that the respondents had misappropriated the trade dress of the complainant and had falsely designated the origin of the batteries. All respondents but one were found to have violated the Fair Packaging and Labeling Act (15 U.S.C. 1452 and 1453). The Commission found that the importations in question have the tendency to injure substantially and efficiently and economically operated United States industry. The Commission directed the U.S. Customs Service to exclude from entry into the United States alkaline batteries that infringe the registered trademark or that copy the trade dress of the complainant, Duracell, Inc.

Under section 337(g), the President, for policy reasons, may disapprove the Commission's determination within sixty days following receipt of the determination and record. If disapproved by the President, the determination, and any order issued under its authority, would be without force or effect. The determination and related orders become final automatically following the sixty day review period, if the President has not disapproved. The President also may approve the determination, making it, and any order issued under its authority, final on the date the Commission receives notice.

Interested parties may submit comments concerning foreign or domestic policy issues that should be considered by the President in making his decision regarding this case. Parties commenting on domestic policy issues should refer to the portion of the Commission's record in which that issue is discussed. Parties should provide a rationale if the domestic policy issue was not raised before the Commission.

Comments of more than 15 letter-sized pages, including attachments will not be accepted. Twenty copies of the submission must be provided. Comments must be delivered by the close of business, Friday, November 30, 1984, to the Secretary, Trade Policy Staff Committee, 600 17th Street, NW., Washington, D.C. 20506. For further information, call Alice Zalik (202) 395–3432.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 84–30147 Filed 11–15–84; 8:45 am]

BILLING CODE 3190–01–M

POSTAL RATE COMMISSION

Dahlen, ND 58224 (Citizens of Dahlen, Petitioners); Order Accepting Appeal and Establishing Procedural Schedule

Issued November 9, 1984.

Before Commissioners: Janet D. Steiger, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; James H. Duffy

Docket Number: A85–4.

Name of affected Post Office: Dahlen, North Dakota.

Petitioners: Citizens of Dahlen.

Type of determination: Closing.

Date of filing of appeal papers: October 30, 1984.

Categories of issues apparently raised:

1. Effect on the community [39 U.S.C. 404(b)(2)(A)].

2. Effect on employees [39 U.S.C. 404(b)(2)(B)].

3. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

4. Economic savings to the Postal Service [39 U.S.C. 404(b)(2)(D)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition within the 120-day decision schedule [39 U.S.C. 404(b)(5)] the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the

requests; a copy shall be served on the Petitioners.

The two appeal letters sent to the Commission do not identify the persons who wish review of the Postal Service's decision to close the Dahlen post office. The review procedure requires that petitioners be identified in order that the Commission may ascertain that review has been requested by a person served by the post office in question. The statute limits the right to ask for review to patrons of post offices the Postal Service has decided to close [39 U.S.C. 404(b)(5)]. Furthermore, the identifty of petitioners is necessary in order that the Commission and the Postal Service may send them documents in this case—in addition to these documents being posted in the affected post offices.

In light of the 30-day statutory deadline for filing appeals in these cases, we are provisionally accepting the two appeal letters and establishing Docket No. A85–4 for their consideration. We will give the patrons of the Dahlen office 30 days in which to amend the appeal letters to meet our rules of practice by supplying the names of the patrons requesting review. If the Commission does not receive the necessary addition to this case within 30 days of the issuance of this order, we intend to dismiss this case.

The Postal Service has previously filed its record in this case. We appreciate that cooperation.

The Commission orders:

(A) The October 30 and 31 appeal letters concerning the closing of the Dahlen post office are accepted with the condition that a patron requesting review must be identified within 30 days from the date of this Order.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register.**

By the Commission.

Charles L. Clapp,

Secretary.

Appendix

October 30, 1984, Filing of Petition
November 9, 1984, Notice and Order of Filing of Appeal
December 10, 1984, Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
December 20, 1984, Petitioners' Participant Statement or Initial Brief [*see* 39 CFR 3001.115(a) and (b)].
January 9, 1985, Postal Service Answering Brief [*see* CFR 3001.115(c)].
January 24, 1985, (1) Petitioner's Reply Brief should petitioners choose to file one [*see* CFR 3001.115(d)].
January 31, 1985, (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument [*see* 39 CFR 3001.116].
February 27, 1985, Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 84–30097 Filed 11–15–84; 8:45 am]

BILLING CODE 7715–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0189]

DGC Capital Co.; Issuance of a Small Business Investment Company License

On July 17, 1984, a notice was published in the **Federal Register** (49 FR 28954) stating that an application has been filed by DGC Capital Company, Norwest Center, Duluth, Minnesota 55802, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1984)) for a license to operate as a small business investment company.

Interested parties were given until close of business August 17, 1984, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05–0189 on October 29, 1984, to DGC Capital Company to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 7, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84–30154 Filed 11–15–84; 8:45 am]

BILLING CODE 8025–01–M

[Designation of Disaster Loan Area No. 6210; Amdt. No. 1]

California; Designation of Disaster Loan Area

The above numbered designation of Disaster Loan Area (49 FR 43142) is amended by adding the following Counties within the State of California, as a result of Pub. L. 98–473, El Nino related ocean conditions in the Pacific Ocean beginning December 1982: Alemada, Del Norte, Los Angeles, Marin, Monterey, San Francisco, San Luis Obispo, San Mateo, Santa Cruz, Sonoma. All other information remains the same, i.e., applications for loans for economic injury may be filed until the close of business on July 22, 1985.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 9, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84–30149 Filed 11–15–84; 8:45 am]

BILLING CODE 8025–01–M

[Designation of Disaster Loan Area No. 6223; Amdt. No. 1]

Oregon; Designation of Disaster Loan Area

The above numbered designation of Disaster Loan Area (49 FR 43142) is amendment by adding the remaining 29 counties within the state of Oregon, as a result of Pub. L. 98–473, El Nino related ocean conditions in the Pacific Ocean beginning December 1982. All other information remains the same; i.e., applications for loans may be filed until the close of business on July 22, 1985.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 9, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84–30150 Filed 11–15–84; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area (No. 2173); Amdt. No. 1]

Texas; Designation of Disaster Loan Area

The above numbered declaration (49 FR 44258) is amended in accordance with the amendment to the President's declaration of October 30, 1984, to include Precinct one in Nueces County as an adjacent area in the State of Texas as a result of damage from severe storms, high winds, and flooding beginning on or about October 19, 1984. All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on December 31, 1984, and for economic injury until the close of business on July 30, 1985.

(Catalog of Federal Domestic Assistance Programs No. 59002 and 59008)

Date: November 8, 1984.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84–30151 Filed 11–15–84; 8:45 am]

BILLING CODE 8025–01–M

[License No. 03/03-0175]

UV Capital; Issuance of a Small Business Investment Company License

On September 12, 1984, a notice was published in the **Federal Register** (49 FR 35891) stating that an application has been filed by UV Capital, 9 South 12th Street, Third Floor, Richmond, Virginia 23219, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1984)) for a license to operate as a small business investment company.

Interested parties were given until close of business October 13, 1984, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information. SBA issued License No. 03/03-0175 on October 29, 1984, to UV Capital to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 7, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-30155 Filed 11-15-84; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The Small Business Administration Region II Advisory Council located in the geographical area of Hato Rey, Puerto Rico, will hold a public meeting at 9:00 a.m., Wednesday, December 5, 1984, at Room 401, Federal Building, Carlos Chardon Avenue, Hato Rey, Puerto Rico, to discuss such matters as may be presented by members, staff of the Small Business Administration or others attending.

For further information, write or call Wilfred Benítez Robles, District Director, Small Business Administration, Federal Building, Room 691, Carlos Chardon Avenue, Hato Rey, Puerto Rico, 00918—(809) 753-4003.

Jean M. Nowak,

Director, Office of Advisory Councils.

November 8, 1984.

[FR Doc. 84-30153 Filed 11-15-84; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Cleveland, will hold a public meeting at 9:30 a.m., on Monday, December 3, 1984, at the Anthony J. Celebrezze Federal Building, 1240 East Ninth Street, Room B-1 (located on the cafeteria level of the building), Cleveland, Ohio, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or other present.

For further information, write or call S. Charles Hemming, District Director, U.S. Small Business Administration, 317 AJC Federal Building, 1240 East Ninth Street, Cleveland, Ohio 44199, (216) 522-4182.

Jean M. Nowak,

Director, Office of Advisory Councils.

November 8, 1984.

[FR Doc. 84-30152 Filed 11-15-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB October 20–November 7, 1984

AGENCY: Office of the Secretary, DOT

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation, during the period October 20–November 7, 1984, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 426-1887, or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the **"FOR FURTHER INFORMATION CONTACT"** paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB from October 20–November 7, 1984:

DOT No: 2512
OMB No: 2120-0028
By: Federal Aviation Administration
Title: Operations Specifications
Forms: FAA Form 8400-7, FAA Form 8400-1/1A
Frequency: On occasion
Respondents: Applicants for air carrier operating certificates

Need/Use: Federal Aviation Act of 1958, section 604 (49 U.S.C. 1424) authorizes issuance of air carrier operating certificates. Operations specifications information collected is used to determine applicant's eligibility. The information also becomes part of the air carrier operating certificate.

DOT No: 2513
OMB No: 2125-0520
By: Federal Highway Administration
Title: Authorization to Transport Passengers in a Truck
Forms: None
Frequency: On occasion
Respondents: Motor Carriers

Need/Use: To meet Federal Highway Administration requirements prohibiting the transportation of passengers in the cab of a truck unless specifically

authorized by the motor carrier management in writing.

DOT No: 2514
OMB No: 2120–0063
By: Federal Aviation Administration
Title: Airport Operating Certificate
Forms: FAA Forms 52 80–1 and 52 80–2
Frequency: Annually and on occasion
Respondents: State and Local Governments

Need/Use: To operate an airport serving air carriers, a person must obtain and maintain an Airport Operating Certificate. The application initiates the certification process including airport inspection and documentation of safe airport operations and equipment. The certification remains valid if safety standards are maintained as verified by inspections, records, and reports.

DOT No: 2515
OMB No: 2137–0048
By: Research and Special Programs Administration
Title: Recordkeeping Requirements for Liquid Natural Gas Facilities
Forms: None
Frequency: As necessary
Respondents: Operators of LNG facilities

Need/Use: The liquefied natural gas (LNG) safety regulations (49 CFR Part 193) have been established under the Pipeline Safety Act of 1979. They establish comprehensive regulations for LNG facilities which include recordkeeping requirements and other written plans.

DOT No: 2516
OMB No: New
By: Federal Aviation Administration
Title: FAR Part 150—Airport Noise Compatibility Planning
Forms: None
Frequency: On occasion
Respondents: State and Local Governments and Businesses

Need/Use: The respondents are those airport operators voluntarily submitting noise exposure maps and noise compatibility programs to the Federal Aviation Administration for review and approval. Federal Aviation Administration approval makes the noise compatibility projects eligible for an 8 percent set-aside of discretionary grant funds under the Federal Aviation Administration Airport Improvement Program.

Issued in Washington, D.C. on November 9, 1984.

Jon H. Seymour,

Deputy Assistant Secretary for Administration.

[FR Doc. 84–30104 Filed 11–15–84; 8:45 am]
BILLING CODE 4910–62–M

[Notice No. 84–17]

Advisory Commission on the Reorganization of the Metropolitan Washington Airports

Notice is hereby given of the fifth meeting of the Advisory Commission on the Reorganization of the Metropolitan Washington Airports, an advisory committee reporting to the Secretary of Transportation. The Commission is charged with developing a plan for the transfer of the Metropolitan Washington Airports, Washington National and Dulles International, from the federal government to an appropriate state, local, or interstate governmental body. Its charter was published in the Federal Register of June 18, 1984 (49 FR 24967).

The fifth meeting will be held Thursday, November 29 at 10:00 a.m. in room 2230 of the Department of Transportation headquarters building (Nassif Building), 400 Seventh Street, SW., Washington, D.C.

Summary agenda for the November 29 meeting:

I. Further discussion of alternate structures for a new airport authority; possibility of an interstate authority; and development of a position for the report to the Secretary.

II. Related matters, as raised by the members.

The meeting will be open to the public. Press will be asked to register at the door.

Additional information may be obtained from the Commission's office at: Room 9413, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590; or by calling 202–472–7934.

Issued at Washington, D.C. on November 13, 1984.

Gregory Wolfe,

Executive Director, Advisory Commission on the Reorganization of the Metropolitan Washington Airports.

[FR Doc. 84–30109 Filed 11–15–84; 8:45 am]
BILLING CODE 4910–62–M

Federal Aviation Administration

[Summary Notice No. PE–84–22]

American Airlines, Inc.; Summary of Petition for Exemption

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of a petition by American Airlines, Inc. seeking temporary relief from the 1000-mile flights restriction on operations at Washington National Airport. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: December 5, 1984.

ADDRESS: Send comments on any petition in triplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. 24325, 800 Independence Avenue, SW., Washington, D.C. 20591.

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

Richard Beitel,

Acting Assistant Chief Counsel Regulations and Enforcement Division.

Petition Docket No. 24325

American Airlines, 14 CFR 159.60

Petitioner requests a six month exemption from the requirements of the Metropolitan Washington Airports Rule, 14 CFR 159.60, to operate four National Airport (DCA)-Dallas/Ft. Worth (DFW) nonstop roundtrips. American proposes to replace four existing National/Dulles-Dallas/Ft. Worth roundtrips with four Dulles-DFW nonstop roundtrips and four National-DFW nonstop roundtrips. This exemption is requested because petitioner believes that its current service between Dulles and DEW will be inadequate to cope with passenger demand after November 5, 1984. On that date, Braniff discontinued three of its four Dulles-DFW roundtrips. Petitioner's National/Dulles-DFW service has since its inauguration in June 1981 developed a substantial market for travel between Dulles and DFW. Many of petitioner's Dulles flights are now sold out well in advance of departure time. As a result, significant numbers of potential passengers between Dulles and DFW are being turned away. Many of these "turn aways" gravitate to National

Airport where service to and from DFW can be found via intermediate points such as Atlanta, Nashville, Pittsburgh, St. Louis, Kansas City and Chicago. The "turn away" problem will be exacerbated by Braniff's November 5 reduction in service. The requested exemption would provide a significant increase in seats available for passengers travelling between Dulles and DFW, thereby permitting continued growth in this important market. Petitioner believes that the recent Braniff announcement is good cause for granting an exemption on short notice (pursuant to 14 CFR 11.27) to be effective as soon as the FAA determines to be feasible. Since the requested exemption is a temporary one, extending for a period of six months, the FAA would have an opportunity to assess the effect on Dulles traffic of petitioner's operation of separate nonstop services between each of Washington's three major airports and DFW. Prior to expiration of the exemption, petitioner would make available to the FAA complete data concerning the Washington area airports utilized by passengers travelling to and from Dallas/Ft. Worth.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on November 15, 1984.

[FR Doc. 84-30368 Filed 11-15-84; 11:41 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: November 13, 1984.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7225, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0224
Form Number: IRS Form 6248
Type of Review: New
Title: Credit or Refund of Windfall Profit Tax to Certain Trust Beneficiaries for Windfall Profit Tax Paid by a Trust
Clearance Officer: Garrick Shear (202) 566-6254, Room 5571, 1111 Constitution Avenue, NW., Washington, D.C. 20224
OMB Reviewer: Norman Frumkin (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Bureau of Alcohol, Tobacco, and Firearms

OMB Number: None
Form Number: ATF Rec 5110/12
Type of Review: Revision
Title: Equipment and Structure—Marks, Signs and Calibrations

OMB Number: None
Form Number: ATF Rec 5110/11
Type of Review: Revision
Title: Marks and Labels of Containers of Distilled Spirits
Clearance Officer: Howard Hood (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 2228, Federal Building, 1200 Pennsylvania Avenue, NW., 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. 84-30184 Filed 11-15-84; 8:45 am]
BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Grants Program; Private Not-For-Profit Organizations in Support of International Education and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The primary purpose of the program is to enhance the achievement of the Agency's international public diplomacy goals and objectives by stimulating and encouraging increased private sector commitment, activity, and resources. The information collection involved in this solicitation is covered by OMB Clearance Number 3116-0175, entitled "A Grants Program for Private Organizations," expiration date January 31, 1987.

Private Sector organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

Professional Development Seminars in the Dominican Republic and Guatemala

USIA is interested in supporting two five-day seminars, one to take place in Santo Domingo, the Dominican Republic (June 3-7, 1985), the other in Guatemala City, Guatemala (June 10-14, 1985). The conference organizer must be able to provide for each seminar a panel of bilingual (English and Spanish) American experts in the fields to be covered by each of the seminars.

The seminar in the Dominican Republic on contemporary America will have as its topics: 1: The U.S. Governmental System; 2. Domestic and International Factors in the Formulation of U.S. Foreign Policy; 3. Economics and Trade Issues, regional and bilateral; 4. Current Trends in U.S. Society and Social Behavior; 5. U.S./Latin American Relations; 6. Media and Communications; 7. The Impact of Science and Technology on U.S. Society; 8. New Developments in Education; 9. New Developments in the Plastic Arts in the U.S.

The seminar in Guatemala will cover a variety of themes similar in scope although *not identical* to those proposed for the Dominican Republic. It is conceivable, therefore, that some if not all of the specialists may be able to serve on both panels. The seminars will be held under the auspices of USIS Santo Domingo and USIS Guatemala City.

Interested private sector organizations should have demonstrated expertise in Latin American and Caribbean affairs and in handling the organization of conferences of this type.

Your submission of a letter indicating interest in the above project concept begins the consultative process. This letter should further explain why your organization has the substantive expertise and logistical capability to successfully design, develop and conduct the above project.

Emphasis during the preliminary consultative process will be on identifying organizations whose goals and objectives clearly complement or coincide with those of USIA. Furthermore, USIA is most interested in working with organizations that show promise for innovative and cost effective programming and with organizations that have substantial potential to obtain third party private sector funding and/or in-kind cost sharing in addition to USIA funding. Requests for Agency funds should be primarily for travel and per diem

expenses, and, if necessary, for modest additional administrative costs.

Organizations must also demonstrate a potential for designing programs which will have a lasting impact on their participants. In your response, you may also wish to include other pertinent background information. To be eligible for consideration, organizations *must* postmark their general letter of interest within 30 days of the date of this notice.

This is not a solicitation for grant proposals. After consultation, selected organizations will be invited to prepare proposals for the financial assistance available.

Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, (ATTN. Initiative Programs), United States Information Agency, 301 4th Street S.W., Washington, D.C. 20547.

Dated: November 8, 1984.

Albert Ball,

Deputy Director, Office of Private Sector Programs.

[FR Doc. 84-30134 Filed 11-15-84; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains reinstatements, extensions, and a revision 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 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 forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20530, (202) 395-7316.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: November 9, 1984.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extensions

1. Department of Veterans Benefits.
2. Compliance Inspection Report.
3. VA Form 26-1839.
4. On occasion.
5. Individuals or households.
6. 453,000 responses.
7. 113,250 hours.
8. Not applicable.

1. Department of Veterans Benefits.
2. School Attendance Report.
3. VA Form 21-674b.
4. On occasion.
5. Individuals or households.
6. 39,500 responses.
7. 3,300 hours.
8. Not applicable.

1. Department of Veterans Benefits.
2. Application for Burial Benefits.
3. VA Form 21-530.
4. On occasion.
5. Individuals or households.
6. 384,000 responses.
7. 128,000 hours.
8. Not applicable.

1. Department of Veterans Benefits.
2. Request to Mortgage Company for Amount of Unpaid Mortgage.
3. VA Form 29-712.
4. On occasion.
5. Individuals or households.
6. 1,000 responses.
7. 167 hours.
8. Not applicable.

1. Department of Veterans Benefits.
2. Application for Survivors' and Dependents' Educational Assistance.
3. VA Form 22-5490.
4. On occasion.
5. Individuals or households.
6. 16,000 responses.
7. 8,000 hours.
8. Not applicable.

1. Department of Veterans Benefits.
2. Certification of Loan Disbursement.
3. VA Form 26-1876.
4. On occasion.
5. Individuals or households; Businesses or other for-profit; Small businesses or organizations.
6. 145,000 responses.
7. 72,500 hours.
8. Not applicable.

1. Department of Veterans Benefits.
2. Application for Release from Personal Liability to the Government on a Home Loan.
3. VA Form 26-6381.
4. On occasion.
5. Individuals or households; Businesses or other for-profit.
6. 18,000 responses.
7. 3,000 hours.
8. Not applicable.

Reinstatement

1. Department of Veterans Benefits.
2. Notice to Veterans Administration of Veteran or Beneficiary Incarcerated in Penal Institution.
3. VA Form 21-4193.
4. On occasion.
5. Individuals or households.
6. 1,664 responses.
7. 416 hours.
8. Not applicable.

Extension

1. Department of Veterans Benefits.
2. Application for Change of Permanent Plan (Medical).
3. VA Form 29-1549.
4. On occasion.
5. Individuals or households.
6. 65 responses.
7. 98 hours.
8. Not applicable.

Reinstatements

1. Department of Veterans Benefits.
2. Title VI Compliance Review Report and Supplement.
3. VA Form 27-8734 and VA Form 27-8734a.
4. On occasion.
5. Businesses or other for-profit; Non-profit institutions; Small businesses or organizations.
6. 4,367 responses.
7. 4,367 hours.
8. Not applicable.

1. Department of Veterans Benefits.
2. Wood Destroying Insect Information-Existing Construction.
3. VA Form 26-8850.
4. On occasion.
5. Individuals or households; Businesses or other for-profit; Small businesses or organizations.
6. 113,000 responses.
7. 37,667 hours.
8. Not applicable.

Revision

1. Department of Veterans Benefits.
2. Manufactured Home Loan Claim Under Loan Guaranty (Manufactured Home Unit Only).
3. VA Form 26–8629.
4. On occasion.
5. Individuals or households; Businesses or other for-profit.
6. 2,600 responses.
7. 867 hours.
8. Not applicable.

[FR Doc. 84–30140 Filed 11–15–84; 8:45 am]
BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 223
Friday, November 16, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL HOME BANK BOARD

TIME AND DATE: 2:30 p.m. Friday, November 30, 1984.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee, (202-377-6677).

MATTERS TO BE CONSIDERED:

Net Worth Requirements of Insured Institutions
Limitations on Direct Investment by Insured Institutions
Subordinated Debentures
No. 99, November 14, 1984.

[FR Doc. 84-30250 Filed 11-14-84; 2:27 pm]
BILLING CODE 6720-21-M

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: November 13, 1984, 49 FR 44974.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: November 14, 1984, 9:00 a.m.

CHANGE IN THE MEETING: Addition of the following item to the closed session: 2. Docket No. 84-33: Section 19 Inquiry—United States/Argentina and United States/Brazil Trades, and Docket No. 84-34: Shipping Conditions in the United States/Argentina Trade—Consideration of Certain Motions and Pleadings.

Francis C. Hurney,
Secretary.

[Fr Doc. 84-30186 Filed 11-13-84; 4:50 p.m.]
BILLING CODE 6730-01-M

3

FEDERAL RESERVE SYSTEM

Committee on Employee Benefits of the Federal Reserve System.

TIME AND DATE: 2:30 p.m., Wednesday, November 21, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. The Committee's agenda will consist of matters relating to (a) the general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long-Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal, actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans.

Specific items include (1) Office of Employees Benefits' expense budgets for 1984 and 1985; (2) technical amendments to the Retirement and Thrift Plans; and (3) proposed trust and flexible benefit plan under the Internal Revenue Code.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: November 13, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-30185 Filed 11-13-84; 4:50 pm]
BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 11:00 a.m., Wednesday, November 21, 1984, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: November 14, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-30214 Filed 11-14-84; 11:54 am]
BILLING CODE 6210-01-M

5

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, November 21, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Publication for comment of proposed amendment to the Board's Regulation AA (Unfair or Deceptive Acts or Practices) to implement, as to banks, the Federal Trade Commission's credit practices rule prohibiting certain contract provisions and practices deemed unfair or deceptive.
2. Proposed amendment to Regulation Z (Truth in Lending) regarding the regulation's coverage of credit cards used for certain exempt transactions. (Proposed earlier for public comment; Docket No. R-0501).
3. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: November 13, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–30213 Filed 11–14–84; 11:54 am]

BILLING CODE 6210–01–M

6

MERIT SYSTEMS PROTECTION BOARD

Notice of deletion of items from the October 30, 1984 Agenda.

CHANGE IN THE MEETING: The following items were deleted from the agenda of the closed meeting of October 30, 1984:

1. *Hagan* v. *U.S. Postal Service*, MSPB Docket No. BN07528310018.
2. *Doe* v. *Department of the Air Force*, MSPB Docket No. DA07528310714.

For the Board.

Dated: November 14, 1984.

Stephen E. Manrose,

Acting Clerk of the Board.

[FR Doc. 84–30257 Filed 11–14–84; 3:05 pm]

BILLING CODE 7400–01–M

7

PAROLE COMMISSION

Pursuant To The Government In The Sunshine Act, Pub. L. 94–409 (5 U.S.C. Section 552b)

AGENCY HOLDING MEETING: U.S. Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland, Headquarters).

TIME AND DATE: Tuesday, November 20, 1984—2:00 p.m.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately four cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

Dated: November 13, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84–30274 Filed 11–14–84; 3:50 pm]

BILLING CODE 4410–10–M

federal register

Friday
November 16, 1984

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions, Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations. Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Order 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Government Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California: CA83–5119	Sept. 16, 1983.
Massachusetts: MA84–3010	Apr. 6, 1984
Michigan: MI84–2042	July 9, 1962
New Jersey: NJ84–3019	July 6, 1984
Nevada:	
NV84–5017	June 29, 1984
NV84–5014	June 8, 1984
Oregon: OR84–5020	June 22, 1984.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Alabama:	
ALI83–1011 (AL84–1033)	Feb. 18, 1983.
83–1084 (AL84–1032)	Nov. 25, 1983.
Maine: ME83–3008 (ME84–3031)	Apr. 15, 1983.
Washington: WA83–5110 (WA84–5040)	June 3, 1983.
Wisconsin: SI83–2076 (WI84–5030)	Sept. 30, 1983.

Signed at Washington, D.C. this 9th day of November 1984.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

DECISION NO. CA83-5119 - MOD. #7 (48 FR 41702-September 16, 1983) San Diego County, California	Basic Hourly Rates	Fringe Benefits
OMIT:		
Electricians:		
Electricians	$20.00	3% + $3.90
Cable Splicers	20.45	3% + $3.90
Utility Technician	16.50	3%+.74
Sound Installers	16.47	3% + $1.46
ADD: Electricians:		
Electricians	20.00	3% + $3.90
Cable Splicers	20.45	3% + $3.90
Sound Installers	16.47	3% + $1.46
Utility Technician #1	16.50	3%+.74
Utility Technician #2	12.50	3%+.74

Utility Technician #1: Installation of street lights and traffic signals, including electrical circuitry, programable controller, pedestal mounted electrical meter enclosures and laying of pre-assembled cable in ducts. The layout of electrical systems and communication installation including proper position of trench depths, and radius of duct banks, location for manholes, street lights, and traffic signals.

Utility Technician #2: Distribution of material at job site, installation of underground ducts for electrical, telephone, cable TV, and communication systems. The setting, leveling, grounding and racking of precast manholes, handholes and transformer pads.

DECISION NO. NJ84-3019 - MOD. #4 (49 FR 27883 - July 6, 1984) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, New Jersey	Basic Hourly Rates	Fringe Benefits
OMIT:		
ROOFERS:		
Zone 2:		
All rates and classifications		
ADD:		
ROOFERS:		
Zone 2:		
Shingle, slate and tile	13.92	2.25
Mechanic II for shingle, slate or tile work - handles and transports all materials, tools and equipment; clean-up debris	6.25	2.25
All other work	19.57	2.93+k
Mechanic II for all other work - handles and transports all materials, tools and equipment; clean-up debris	8.25	2.93+k
FOOTNOTE:		
k. Paid Holiday: Election Day.		

DECISION NO. MA84-3010 - MOD. #4 (49 FR 13809 - April 6, 1984) ESSEX, SUFFOLK, MIDDLESEX, NORFOLK, BRISTOL, PLYMOUTH, BARNSTABLE, DUKES AND NANTUCKET COUNTIES, MASSACHUSETTS	Basic Hourly Rates	Fringe Benefits
CHANGE:		
"LABORERS (WRECKING)" to read "LABORERS (WRECKING - Area 1)"		

DECISION NO. OR84-5020 - MOD. #6 (49 FR 25821) - June 22, 1984 Statewide Oregon	Basic Hourly Rates	Fringe Benefits
OMIT:		
Electricians:		
Area 3:		
Omit rate & Area Description		
ADD:		
Electricians:		
Area 3:		
Coos, Curry, and Lincoln Counties; Douglas and Lane Counties (Area lying West of a line North and South from the NE corner of Coos County to the SE corner of Lincoln County	$15.00	$4.35 +3%
CHANGE:		
Ironworkers:		
Structural, Reinforcing, Ornamental, Riggers, Fence Erectors, Signal Men	17.48	$4.71

	Basic Hourly Rates	Fringe Benefits
DECISION NO. MI82-2042 - MOD. #9 (47 FR 29976 - July 9, 1982) Statewide, Michigan		
OMIT: Power Equipment Operators-Underground Construction		
ADD: Power Equipment Operators-Underground Construction:		
Contracts over $400,000:		
Zone 1:		
Class 1	$14.93	13% + $4.35
Class 2	14.55	13% + $4.35
Class 3	13.90	13% + $4.35
Class 4	13.40	13% + $4.35
Zone 2:		
Class 1	13.42	13% + $4.35
Class 2	12.89	13% + $4.35
Class 3	12.45	13% + $4.35
Class 4	12.20	13% + $4.35
Contracts $400,000 or less:		
Zone 1:		
Class 1	14.04	13% + $4.35
Class 2	13.66	13% + $4.35
Class 3	13.02	13% + $4.35
Class 4	12.51	13.% + $4.35
Zone 2:		
Class 1	12.09	13% + $4.35
Class 2	11.57	13% + $4.35
Class 3	11.12	13% + $4.35
Class 4	10.88	13% + $4.35

Definition of Zones:	Basic Hourly Rates	Fringe Benefits
Zone 1: Bay, Branch, Calhoun, Clinton, Eaton, Genesee, Gratiot, Hillsdale, Huron, Ingham, Jackson, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, Sanilac, Shiawassee, St. Clair, Tuscola, Washtenaw, Wayne Counties.		
Zone 2: Remainder of State		

DECISION NO. MI82-2042 (Cont'd)

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION

CLASSIFICATIONS:

CLASS I - Backfiller Tamper, Backhoe, Batch Plant Operator (concrete), Clamshell, Concrete Paver (two drum or larger), Conveyor Loader (euclid type), Crane (crawler, truck type or pile driving), Dozer (9 ft. blade and over), Dragline, Elevating Grader, Endloader (over 1¼ cubic yds. capacity), Gradall (and similar type equipment), Mechanic, Power Shovel, Roller (asphalt), Scraper (self-propelled or tractor drawn), Side Boom Tractor (type D-4 or equivalent and larger), Slip Form Paver, Slope Paver, Trencher (over 8 ft. digging capacity), Well Drilling Rig.

CLASS II - Boom Truck (power swing type boom), Crusher, Dozer (less than 9 ft. blade), Endloader (1¼ cubic yds. capacity and smaller), Hoist, Pump (one or more--6 in. discharge or larger--gas or diesel powered or powered by generator of 300 amps or more--inclusive of generator), Side Boom Tractor (smaller than type D-4 or equivalent), Sweeper (Wayne type and similar equipment), Tractor (pneu-tired, other than backhoe or front end loader), Trencher (8 ft. digging capacity).

CLASS III - Air Compressors (6000 cfm or larger), Air Compressors (two or more--less than 600 cfm), Boom Truck (non-swinging, non-powered type boom), Concrete Breaker (self-propelled or truck mounted--includes compressor), Concrete Paver (one drum--1½ yd. or larger), Elevator (other than passenger), Maintenance Man, Mechanic Helper, Pump (two or more--4 in. up to 6 in. discharge--gas or diesel powered--excluding submersible pumps), Pumpcrete Machine (and similar equipment), Wagon Drill (multiple), Welding Machine or Generator (two or more 300 amp. or larger--gas or diesel powered).

CLASS IV - Boiler, Concrete Saw (40 h.p. or over), Curing Machine (self-propelled), Farm Tractor (with attachment), Finishing Machine (concrete), Fireman, Hydraulic Pipe Pushing Machine, Mulching Equipment, Oiler, Pumps (two or more up to 4 in. discharge if used three hours or more a day--gas diesel powered--excluding submersible pumps), Roller (other than asphalt), Stump Remover, Trencher (service), Vibrating Compaction Equipment (self-propelled, 6ft. wide or over)

ISION NO. NV84-5017 - MOD. #2
9 FR 26874 - June 29, 1984)
shoe County, Nevada

IT:
aborers

D:
aborers

	AREA 1	AREA 2	AREA 3	AREA 4
Group 1	$13.92	$15.42	$15.92	$16.92
Group 2	14.02	15.52	16.02	17.02
Group 3	14.17	15.67	16.17	17.17
Group 4	14.42	15.92	16.42	17.42
Group 5	14.72	16.22	16.72	17.72
Group 6-A	14.72	16.22	16.72	17.72
Group 6-B	14.42	15.92	16.42	17.42
Group 6-C	14.07	15.57	16.07	17.07

Fringe Benefits:
$2.80

AREA DEFINITIONS

a 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse

a 2: Area Between 50 and 150 road miles of the Washoe County Courthouse

a 3: Area between 150 and 300 road miles of the Washoe County Courthouse

a 4: Area over 300 road miles of the Washoe County Courthouse

DECISION NO. NV84-5014 - MOD. #5
(49 FR 23988 - June 8, 1984)
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway construction in Douglas County), Nevada

OMIT:
Laborers:
Remaining Counties

ADD:
Laborers:
Remaining Counties:

	AREA 1	AREA 2	AREA 3	AREA 4
Group 1	$13.92	$15.42	$15.92	$16.92
Group 2	14.02	15.52	16.02	17.02
Group 3	14.17	15.67	16.17	17.17
Group 4	14.42	15.92	16.42	17.42
Group 5	14.72	16.22	16.72	17.72
Group 6-A	14.72	16.22	16.72	17.72
Group 6-B	14.42	15.92	16.42	17.42
Group 6-C	14.07	15.57	16.07	17.07

Fringe Benefits:
$2.80

AREA DEFINITIONS

Area 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse

Area 2: Area Between 50 and 150 road miles of the Washoe County Courthouse

Area 3: Area between 150 and 300 road miles of the Washoe County Courthouse

Area 4: Area over 300 road miles of the Washoe County Courthouse

SUPERSEDEAS DECISION

STATE: Alabama

COUNTIES: Calhoun,Etowah,Green,Jefferson, Pickens,St. Clair,Shelby,Sumter, Talladega,Tuscaloosa, & Walker

DECISION NUMBER: AL84-1033

DATE: Date of Publication

Supersedes Decision No.: AL83-1011 dated February 18, 1983 in 48 FR 7366.

DESCRIPTION OF WORK: HEAVY CONSTRUCTION PROJECTS.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$ 9.50	
CARPENTERS:		
1. Green,Pickens,Sumter, & Tuscaloosa Counties	11.67	.10
2. Jefferson, Shelby, Walker, & that portion of St. Clair & Talladega Cos. west of HWY 231 from the Blount Co. line south to Interstate 20. Also that portion of St. Clair & Talladega Cos. south of Interstate 20 & west of U.S. Alternate 231 south, not including the city of Talladega & that portion of Talladega Co. South, of the City of Talladega & west & south of the Talladega National Forest	12.13	1.13
3. Calhoun,Etowah, & Remainder of St. Clair, & Talladega Counties	10.84	.72
ELECTRICIANS	14.70	1.20 +3%%
IRONWORKERS	14.67	1.93
LABORERS:		
Zone 1: Jefferson, St. Clair,Shelby,Talladega, & Walker Counties:		
1. Asphalt Raker,Air Tool Oper.,Chain Saw Oper., Concrete Saw Oper., Vibrator Oper.	8.47	1.15
2. General Laborers,Hand Blade Oper.,Batch Truck Dumper	8.56	1.15
3. Pipelayer, Mucker, Mortar Mixer	8.69	1.15
4. Powderman & Blaster	9.57	1.15
5. Tunnel Work--		
Tunnel Miner	9.79	1.15
Tunnel Laborer	9.05	1.15
Chuck Tender	9.22	1.15
Pneumatic Concrete Gun Oper., & Nozzleman	9.41	1.15

	Basic Hourly Rates	Fringe Benefits
LABORERS: (Cont'd)		
Zone 2: Calhoun,Etowah, Green,Pickens,Sumter, & Tuscaloosa Counties:		
1. Asphalt Raker,Air Tool,Chain Saw Oper.,Concrete Saw Oper.,Vibrator Oper.	$ 8.03	1.15
2. General Laborer,Hand Blade Oper.,Batch Truck Dumper	7.85	1.15
3. Pipelayer,Mucker, Mortar Mixer	7.98	1.15
4. Powderman & Blaster	8.74	1.15
5. Tunnel Work--		
Tunnel Miner	8.83	1.15
Tunnel Laborer	8.34	1.15
Chuck Tender	8.52	1.15
Pneumatic Concrete Gun Oper. & Nozzleman	8.71	1.15
PLUMBERS & PIPEFITTERS	9.45	.65
POWER EQUIPMENT OPERATORS:		
Class A	12.91	1.50
Class B	12.19	1.50
Class C	11.65	1.50
Class D	10.83	1.50
TRUCK DRIVERS:		
1. Up to 1½ tons	7.44	.58
2. 1½ up to 3 tons	7.73	.58
3. 3 tons up to 5 tons	8.08	.58
4. Off Road Truck	8.80	.58
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.		

POWER EQUIPMENT OPERATORS: Classification Definitions.

Class A: Asphalt plant, asphalt spreader, backhoe, boat oper.(inboard), boom tractor, bulldozer, cableways, cherry picker, compressors-2 or more within 200 ft. radius, concrete plants-stationary, mixer oper., concrete pump, conveyors-2 or more up to 4, core driller-crane-derricks-draglines-deck hoist on construction barges, crane-hydro, dinky locomotive distributors-bituminous surface, dredge oper., farm tractor with attachments (30 hp or more-which are an integral part of tractor), forklift, front end loader, gradall, headhouse oper., heavy duty, mechanic, hoist-2 drums or more, ice plant in connection with concrete mixers-5 bags or over, motor graders, piledriver, push tractor, quarry master, & rock crusher, rollers-asphalt, scraper, scrapers in tandem (operator to receive 25¢ per hour for each additional scraper), shovels, trenching machines & all similar equipment.

Class B: Crawler, tractor, hoist-drum, pumps-2 or more 4 inch & over, under 5 within 200 ft. radius rollers(other than asphalt), winch truck, well points & other equipment used for dewatering.

Class C: Air compressor, blade graders-pull type, farm tractor with attachments finishing machine--screed mounted self-propelled, mixers - under 5 bags.

Class D: Outboard boats, air compressor-125 & under, conveyor-one, (1) tended by oiler, pumps--under 4 inch or under, welding machines-3 or under, oiler in-goard boats, deckhand.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Alabama

COUNTIES: Jefferson, Shelby, & St. Clair

DECISION NO.: AL84-1032

DATE: Date of Publication

Supersedes Decision No.: AL83-1084 dated November 25, 1983 in 48 FR 53252.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION Projects (does not include residential construction consisting of single family homes and apartments up to and including 4 (four) stories.)

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$13.03	$1.72
CARPENTERS	13.12	1.43
CEMENT MASONS	8.35	
ELECTRICIANS	14.70	3.5%+ 1.20
GLAZIERS	12.64	2.07a
IRONWORKERS	14.67	1.93
PAINTERS	12.85	.70
PLASTERERS	11.31	.70
PLUMBERS & PIPEFITTERS	14.65	2.37
ROOFERS	11.45	.60
SHEET METAL WORKERS	14.46	2.31
SPRINKLER FITTERS	14.57	3.23
TILE SETTERS	12.25	.60
TRUCK DRIVERS	6.06	
LABORERS:		
Group A	9.26	1.30
Group B	9.19	1.30
Group C	9.13	1.30
Group D	9.06	1.30
Group E	9.56	1.30
Group F	10.11	1.30
Group G	9.98	1.30
Group H	10.04	1.30
Group I	9.93	1.30
Group J	9.75	1.30
Group K	10.90	1.30
POWER EQUIPMENT OPERATORS:		
Group A	13.25	1.50
Group B	12.60	1.50
Group C	11.29	1.50
Group D	14.12	1.50
Group E	13.24	1.50
Group F	11.45	1.50

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTE:

a - Paid Holidays include New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, and Christmas Day.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(A)(1)(ii)).

POWER EQUIPMENT OPERATORS:

Classification Definitions

GROUP A - Asphalt plant,boom tractor,bulldozer,cableways,core driller, compressors (2 or more),crane-derrick-dragline,dinky locomotive,dredges, forklift,front end loader,gradall,heavy-duty mechanic,hoist (1 drum or more),mixers,push tractor,scrapers,shovels,trenching machine, (and all similar equipment),winch trucks,motor graders,concrete pump,piledriver, rotary drill.

GROUP B - Air compressor(over 125),asphalt spreaders,blade graders,(pull type),boat operator,conveyor (2 or more up to 4),crawler tractor,distributors, (bituminous surface),farm tractors,finishing machine,pumps over 4 inches, rollers,welding machine (4 or more).

GROUP C - Air Compressor(125 & under),oilers-fireman,conveyor (1 tended by oiler),pumps (under 4 inches),welding machines (3 or under).

STEEL ERECTION-

GROUP D - Crane,dragline,derricks,hoist,piledrivers,winch truck,forklift, tower cranes,climbing cranes,cherry picker,mechanics,locomotives,tug boat.

GROUP E - Tractors, gas or diesel driven welding machine (4 or more), air compressors over 125 (2 or less), power generating units (gas or diesel).

GROUP F - Gas or diesel driven welding machine (3 or less),air compressor 125 and under (2 or less),oiler,fireman,small boat.

LABORERS:

Classification Definitions:

Group A - Air or electrical tool operators and asphalt rakers

Group B - Vibrator operators, chain saw operators, operators of mechanical equipment which replaces wheelbarrows or buggies, power mowers, mortar mixers, pipe layers, concrete and clay and muckers

Group C - Plasterers' tenders and hod carriers

Group D - Mason tenders and building laborers

Group E - Burners on demolition, wagon drill operators and tunnel laborers

Group F - Powderman

Group G - Caisson-driller (10' diameter)

Group H - Tunnel miner

Group I - Pneumatic concrete gun operator and nozzleman

Group J - Chuck Tender

Group K - Oxagon operator

SUPERSEDEAS DECISION

STATE: MAINE COUNTY: YORK
DECISION NO. ME84-3031 DATE: DATE OF PUBLICATION
Supersedes Decision NO. ME83-3008, dated April 15, 1983 in 48 FR 16413.
DESCRIPTION OF WORK: Building Construction Projects

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	11.66	1.68
CARPENTERS	9.26	
CEMENT MASONS/FINISHERS	10.78	
DRYWALL/SHEET ROCK INSTALLERS	9.19	
ELECTRICIANS	11.24	
ELEVATOR CONSTRUCTION:		
MECHANIC	12.80	3.00 +a
HELPER	8.96	3.00 +a
PROBATIONARY HELPER	6.40	
GLAZIERS	6.99	
INSULATION INSTALLERS (Perimeter of Building)	6.25	
IRONWORKERS	10.43	
LABORERS:		
Fence Installers	5.08	
Mason Tenders	5.96	
Laborers	7.11	
MILLWRIGHTS	6.50	
PAINTERS	6.26	
PLUMBERS, PIPEFITTERS & STEAMFITTERS	11.32	
ROOFERS	9.47	.16
SHEET METAL WORKERS	10.03	
SPRINKLER FITTERS	10.00	
TAPERS	9.25	
TRUCK DRIVERS	5.41	

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Backhoe	8.93	
Bulldozer	6.90	
Grader	7.78	
Loader	6.26	

WELDER - Rate for craft to which the welding is incidental.

FOOTNOTE:
a. Paid Holidays: New Year's Day, Lincoln's Birthday, Memorial Day, 4th of July, Columbus Day, Armistice Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Day.

b. Vacation Pay Credit: Employer contributes 6% of basic hourly rate for 6 months to 5 years or more of service.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide
DECISION NUMBER: WA84-5040 DATE: Date of Publication
Supersedes Decision No. WA83-5110 dated June 3, 1983 in 48 FR 25108
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	21.07	3.30
Area 2	21.52	3.54
Area 3	20.15	3.53
BOILERMAKERS	19.67	4.25
BRICKLAYERS, MARBLE SETTERS:		
Area 1:		
Masonry contracts under $100,000.00	13.07	4.04
Masonry contracts over $100,000.00	16.23	4.04
Area 2	17.28	1.87
Area 3	17.84	2.29
Area 4	18.45	3.18
Area 5	17.11	2.85
Area 6:		
Masonry contracts under $100,000.00	13.31	3.40
Masonry contracts over $100,000.00	16.64	3.40
Area 7	18.18	3.50
Area 8	18.35	3.28
CARPENTERS:		
Area 1:		
(See footnote "e" regarding cost of project)		
Carpenters	12.68	3.67
Piledrivers:		
Piledriver	12.80	3.67
Boom man	12.88	3.67
Creosote	13.00	3.67
Millwright	13.08	3.67
All other work:		
Carpenters & Lathers	16.13	3.67
Piledriver, saw filer, stationary power woodworking tool op.	16.28	3.67
Boom men, carpenters working on burned, charred, creosoted or similarly treated material	16.38	3.67

	Basic Hourly Rates	Fringe Benefits
CARPENTERS (CONT'D):		
Piledriver, creosoted material	16.53	3.67
Millwright, machine erector	16.63	3.67
AREA 2:		
Carpenters & Drywall applicator	17.22	2.81
Carpenter on creosoted material	17.32	2.81
Sawfilers, stationary power saw, floor finisher, floor layers, shingler, floor sander and other stationary power woodworking tools	17.35	2.81
Millwright & machine erector	17.72	2.81
Piledriver, bridge, dock and wharf builders	17.42	2.81
Acoustical workers	17.38	2.81
Boom men	17.47	2.81
AREA 3:		
(See Footnote "d" regarding cost of project)		
Carpenters, automatic nailing machine, form stripper, manhole builder	16.31	4.02
Floor layers & finishers, stationary power saw op.	16.46	4.02
Millwright & machine erector	16.56	4.02
Certified welder	16.71	4.02
Piledrivermen, bridge, dock & wharf builder	16.41	4.02
Boom men	16.51	4.02
AREA 4:		
Carpenters	16.27	3.32
Piledriver, sawfiler, stationary power woodworking tool	16.42	3.32

	Basic Hourly Rates	Fringe Benefits
CARPENTERS (CONT'D):		
AREA 4: (CONT'D):		
Boom men, carpenters working on burned, charred, or similarly treated material	16.52	3.32
Piledriver, creosote	16.63	3.32
Millwright & machine erector	16.77	3.32
AREA 5:		
Carpenters, lathers, sawfilers, stationary power saw, floor layer, floor finisher, floor sander and stationary wood working tools	14.00	2.66
Millwright & machine erector	17.56	2.66
Piledriver, bridge, dock and wharf builder	17.26	2.66
Acoustical workers	17.22	2.66
CEMENT MASONS:		
AREA 1:		
Group 1	15.62	3.70
Group 2	16.12	3.70
Group 3	16.62	3.70
AREA 2:		
Cement masons	17.86	3.45
Composition, color, mastic, trowel machine, grinder, power tool, gunnite nozzleman	18.11	3.45
AREA 3:		
Cement masons	16.95	3.00
Composition, color, mastic, trowel machine, grinder, power tools, gunnite nozzleman	17.20	3.00
AREA 4:		
Cement masons	16.49	3.22
Composition workers and power machinery	16.80	3.22
AREA 5:		
Group 1	15.88	3.20
Group 2	16.38	3.20
Group 3	16.88	3.20
DRYWALL & ACOUSTICAL APPLICATORS:		
Area 1	14.40	4.02
ELECTRICIANS:		
Area 1:		
Electricians	19.70	3%+ 3.33
Cable Splicers	20.10	3%+ 3.33
Area 2:		
Electricians	20.87	3%+ 4.80
Cable Splicers	21.91	3%+ 4.80
Area 3:		
Electricians	20.03	3%+ 3.75
Cable Splicers	22.03	3%+ 3.75
Area 4:		
Electricians	17.62	3%+ 3.38½
Cable Splicers	19.38	3%+ 3.38½
Area 5:		
Electricians	18.80	3%+ 3.50
Cable Splicers	19.55	3%+ 3.50
Area 6:		
Electricians	18.06	9%+ 3.32
Cable Splicers	19.87	9%+ 3.32
Area 7:		
Electricians	18.70	3%+ 2.38
Cable Splicers	20.57	3%+ 2.38
Area 8:		
Electricians	21.00	3%+ 3.20
Cable Splicers	23.10	3%+ 3.20
ELECTRONIC TECHNICIANS:		
Area 1	10.08	3%+ 0.69
Area 2	13.66	2.63

	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS:		
Mechanics:		
Area 1	19.855	a+3.37
Area 2	20.76	a+3.00
Area 3	19.445	a+3.00
Elevator Helpers - Areas 1,2 and 3 - 70% of JourneymanRate Plus the above Fringe Benefits		
Probationary Helpers - Areas 1, 2 and 3 - 50% of Journeyman Rate excluding Fringe Benefits		
GLAZIERS:		
Area 1	13.70	b+1.34
Area 2	17.11	2.76
Area 3	10.91	2.51
Area 4	13.79	2.04
Area 5	17.84	b+1.85
Area 6	13.06	2.03
Area 7	16.24	1.84
INSULATION APPLICATORS	14.22	2.66
IRONWORKERS	17.48	4.71
LATHERS:		
Area 1	17.27	3.05
Area 2	14.42	1.86
MASON TENDERS:		
Area 1	14.76	3.30
PAINTERS:		
Area 1:		
Brush	15.97	2.59
Drywall Taper	14.39	2.59
Steel; Spray; Steam Cleaning	16.47	2.59
Swing Stage or High work over 30'	16.67	2.59
Bitumastic;Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	16.77	2.59
TV, Radio and Electrical Transmission Towers	17.47	2.59
Area 2:		
Brush	15.59	3.09
Spray	16.24	3.09
Bridges, High work over 50' (brush)	17.14	3.09
Bridges, High work over 50' (spray)	17.79	3.09
Drywall Finishers	17.48	2.11
Highway & Parking Lot Painter	17.64	1.05
Area 3:		
General Painters	16.74	2.72
Drywall Tapers	17.78	2.72
Industrial Painter	17.14	2.72
PAINTERS (Cont'd):		
Area 4:		
Striper	16.65	2.05
Area 5:		
Journeyman Painters	15.97	2.46
Taper Finishers	16.22	2.46
Spray Painters, Steel Painters, Steam Cleaning, Acid Etching	16.47	2.46
Swing Stage Work or high work over 30 ft.	16.67	2.46
Bitumastic, Sand Blasting, Bridges, Towers, Stacks, Steeples, Tank on Legs	16.77	2.46
TV, Radio and Electrical Transmission Towers	17.47	2.46
PLASTERERS:		
Area 1	15.88	3.20
Area 2	17.31	3.62
Area 3	16.23	3.31
PLASTERERS' TENDERS:		
Area 1	14.27	3.37
PLUMBERS:		
Area 1	17.25	6.82
Area 2	19.43	6.98
Area 3	19.89	6.76
Area 4	20.48	3.70
Area 5	19.00	6.82
ROOFERS:		
Area 1	14.56	4.10
Area 2	16.48	2.55
Area 3:		
Roofers; Waterproofers	18.85	2.57
Slate and Tile Roofers	19.10	2.57
Area 4:		
Roofers; Waterproofers	16.75	3.04
Slate and Tile Roofers	17.00	3.04
Area 5:		
Roofers; Waterproofers	14.77	1.81
Slate and Tile Roofers	15.27	1.81
Area 6:		
Roofers	14.60	2.90
Handling of irritating material (coal tar or epoxy)	16.60	2.90

	Basic Hourly Rates	Fringe Benefits
SHEET METAL WORKERS:		
Area 1	17.46	3%+ 3.08
Area 2	21.54	3%+ 2.24
Area 3	17.89	4.54
Area 4	19.65	3%+ 2.33
Area 5	20.71	3%+ 3.07
Area 6	20.52	3%+ 3.07
Area 7	18.76	3%+ 3.10
SOFT FLOOR LAYERS:		
Area 1	14.19	1.74
Area 2	15.72	2.99
Area 3	15.00	2.34
Area 4	11.75	1.79
Area 5	17.03	3.10
Area 6	13.786	c+2.38
Area 7	15.71	3.09
Area 8	15.05	1.89
SPRINKLER FITTERS:		
Area 1	21.14	6.76
Area 2	19.17	3.23
TERRAZZO WORKERS; TILE SETTERS:		
Area 1	15.17	3.30
Area 2	16.61	1.87
Area 3	17.84	2.29
Area 4	17.69	3.12
Area 5	17.31	3.05
Area 6	16.64	3.40
Area 7	16.86	3.43
TILE, MARBLE & TERRAZZO FINISHERS:		
Area 1	14.77	2.22
Area 2	15.70	2.10
Area 3	12.64	3.30
IRRIGATION & LANDSCAPE CONSTRUCTION:(STATEWIDE):		
Laborers	8.66	2.50
Plumbers	10.62	2.31
Power Equipment Operators	10.96	2.95

Basic Hourly Rates	Fringe Benefits

LABORERS (AREA 1)

(See footnote "e" regarding cost of project.)
All Counties and portions of Counties East of the 120th Meridian (except DOE Hanford Site in Benton and Franklin Counties)

BUILDING, HEAVY and HIGHWAY CONSTRUCTION

GROUPS	BASE RATE	FRINGE BENEFITS
1	$13.72	$3.37
2	13.97	3.37
3	14.22	3.37
4	14.47	3.37

AREA 2

All Counties West of the 120th Merdian including the portions of Chelan, Douglas, Kittitas, Okanogan and Yakima that lie west of the 120th Meridian and the Northern portion of Pacific County (excluding those areas included in Area 3)

GROUPS	BASE RATE	FRINGE BENEFITS
1	$ 8.46	$3.43
2	10.78	3.43
3	14.96	3.43
4	15.44	3.43
5	15.80	3.43
Sewer & Water Line Construction Only:		
Laborer	13.80	3.31
Topman	14.14	3.31
Pipe layer	14.20	3.31

AREA 3

(See Footnote "d" regarding cost of project)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties, and the Southern portion of Pacific County

GROUPS	(ZONE 1) BASE RATE	(Add to BASE RATE)
1	$13.59	Zone 2 - $0.65
2	13.94	Zone 3 - 1.15
3	14.24	Zone 4 - 1.70
4	14.49	Zone 5 - 2.75
5	10.87	

FRINGE BENEFITS: $4.10

LABORERS (CONT'D)
AREA 4
DOE Hanford site in Benton & Franklin Counties

GROUPS	BASE RATE	FRINGE BENEFITS
1	$14.10	$ 3.12
2	14.35	3.12
3	14.60	3.12
4	14.85	3.12
5	15.10	3.12

LINE CONSTRUCTION

	BASE RATE (ZONE 1)
Group 1: Cable Splicer, Leadman Pole Sprayer	$20.03
Group 2: Lineman, Pole Sprayer. Heavy Line Equipment Man, Certified Lineman Welder	18.11
Group 3: Tree Trimmer	16.35
Group 4: Line Equipment Man	15.61
Group 5: Head Groundman, Powderman, Jackhammer Man	13.66
Group 6: Head Groundman	13.66
Group 7: Groundman	12.84

ZONE DIFFERENTIAL (Add to BASE RATE)	FRINGE BENEFITS
Zone 2 - $2.40	Groups 1 to 3 - $3.00+3½%
Zone 3 - 3.15	Groups 4 to 7 - 2.30+3½%
Zone 4 - 3.90	
Zone 5 - 5.15	

*Groups 3 and 6 receive BASE RATEONLY (no Zone Differential)

ZONE DEFINITIONS - LINE CONSTRUCTION ONLY

ZONE 1 - 0 to 3 miles radius from the geographical center of Seattle, Tacoma, Portland, Medford
ZONE 2 - 3 to 20 miles radius from Seattle, Tacoma, Portland, Medford; and 0 to 20 miles radius from the Cities listed below
ZONE 3 - 20 to 35 miles madius from all Cities
ZONE 4 - 35 to 50 miles radius from all Cities
ZONE 5 - More than 50 miles radius from all Cities

BASE POINTS

Bellingham	Astoria	Coeur D'Alene	Ellensburg
Ephrata	Baker	Kellogg	Everett
Kennewick	Bend	Lewiston	Longview
Olympia	Corvallis	Oro Fino	Sandpoint
Spokane	Lakeview	Walla Walla	Klamath Falls
Wenatchee	Pendleton	Salem	Roseburg
Wilbur	The Dalles	Yakima	Umatilla
Eugene	Burns		

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
(AREA 1)		
(See footnote "e" regarding cost of project)		
All Counties and portions of Counties East of the 120th Meridian (except DOE Hanford Site in Benton and Franklin Counties):		
Group 1	14.02	4.35
Group 2	14.32	4.35
Group 3	14.87	4.35
Group 4	15.02	4.35
Group 5	15.17	4.35
Group 6	15.42	4.35
Group 7	15.67	4.35
Group 8	16.67	4.35
(AREA 2)		
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in (Area 3):		
Group 1	18.73	4.16
Group 2	18.23	4.16
Group 3	17.79	4.16
Group 4	17.43	4.16
Group 5	17.13	4.16
Group 6	15.33	4.16
(AREA 3)		
(See footnote "d" regarding cost of project)		
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County:		
	ZONE 1	
Group 1	15.00	4.60
Group 2	15.18	4.60
Group 3	15.33	4.60
Group 4	15.53	4.60
Group 5	15.56	4.60
Group 6	15.67	4.60
Group 7	15.74	4.60
Group 8	15.87	4.60
Group 9	15.96	4.60
Group 10	16.04	4.60
Group 11	16.06	4.60
Group 12	16.15	4.60
Group 13	16.25	4.60
Group 14	16.48	4.60
Group 15	16.67	4.60
Group 16	16.91	4.60
Group 17	17.10	4.60
Group 18	17.34	4.60
Group 19	17.52	4.60

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
(AREA 3) (Cont'd)		
ZONE DIFFERENTIAL - (Add to Zone 1 Rate):		
Zone 2 - $0.65		
Zone 3 - 1.15		
Zone 4 - 1.70		
Zone 5 - 2.75		
Sewer & Waterline Construction:		
Group 1:		
Backhoe (780 Case type & larger with attachments), Ditching Machine, Side Boom (all Cat, Type D-3 & larger), Dozer (all Cat, Type D-3 & larger), Motor Grader, Back Filler, Front-end Loader (2 yds. & over), Mechanic, Clam, Dragline, Crane, Screed, Mechanic Welder, Shovel 3 yds. & under	16.92	4.01
Group 2:		
Backhoe (680 Case type & smaller with attachments), Side Boom (any smaller than Cat D-3), Dozer (any type smaller than Cat D-3), Front-end Loader (under 2 yds.), Gin Truck, Boring Machine, Bending Machine, Boom Truck (stationary), Pot firemen (engine operated above 3 bbl) Service Plow, Mechanical Greaser (large grease truck) Drills (Leroi type), Tractair, Well point system, Paving Machines, Rollers & Compactors	16.425	4.01

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	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS		
Sewer & Waterline Construction (Cont'd):		
Group 3:		
Oiler, Air Compressor, Pump, Oil-Greaser, Chain Type Ditcher (Ditch Witch) Concrete Saw, Welding Machine	14.46	4.01
(DREDGING - AREA 1)		
All Counties & portions of Counties East of the 120th Meridian:		
Group 1	16.63	4.35
Group 2	16.73	4.35
Group 3	17.07	4.35
Group 4	17.12	4.35
Group 5	17.49	4.35
(DREDGING -AREA 2)		
All Counties & portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern part of Pacific County:		
Group 1	16.75	3.96
Group 2	16.85	3.96
Group 3	17.19	3.96
Group 4	17.24	3.96
Group 5	17.61	3.96
(DREDGING - AREA 3)		
Clark, Cowlitz,& Klickitat Counties; Pacific County (Southern portion); Skamania & Wahkiakum Counties:		
Group 1	16.97	3.87
Group 1-A	17.68	3.87
Group 2	16.43	3.87
Group 3	16.02	3.87
Group 4	15.67	3.87
(AREA 4)		
DOE Hanford Site in Benton and Franklin Counties:		
Group 1	14.28	4.10
Group 2	14.58	4.10
Group 3	15.13	4.10
Group 4	15.28	4.10
Group 5	15.43	4.10
Group 6	15.68	4.10
Group 7	15.93	4.10
Group 8	16.93	4.10
Group 9	18.68	4.10

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
(AREA 1)		
(See footnote "e" regarding cost of project)		
All Counties & portions of Counties East of the 120th Meridian (Except DOE Hanford Site in Benton & Franklin Counties:		
Group 1	12.75	4.10
Group 2	15.19	4.10
Group 3	15.23	4.10
Group 4	15.29	4.10
Group 5	15.38	4.10
Group 6	15.59	4.10
Group 7	15.63	4.10
Group 8	15.69	4.10
Group 9	15.73	4.10
Group 10	15.84	4.10
Group 11	15.88	4.10
Group 12	16.19	4.10
Group 13	16.33	4.10
Group 14	16.49	4.10
Group 15	16.63	4.10
(AREA 2)		
All Counties & portions of Counties West of the 120th Meridian (Except those enumerated in Area 3) including the Northern portion of Pacific County & all of Kittitas & Yakima Counties:		
Group 1	17.06	3.64
Group 2	17.11	3.64
Group 3	17.16	3.64
Group 4	17.27	3.64
Group 5	17.33	3.64
Group 6	17.37	3.64
Group 7	17.38	3.64
Group 8	17.44	3.64
Group 9	17.49	3.64
Group 10	17.51	3.64
Group 11	17.54	3.64
Group 12	17.64	3.64
Group 13	17.66	3.64
Group 14	17.70	3.64
Group 15	17.82	3.64
Group 16	17.86	3.64
Group 17	17.98	3.64
Group 18	18.03	3.64
Group 19	18.19	3.64
Group 20	18.35	3.64
Group 21	18.51	3.64
Group 22	12.00	3.64
Group 23	15.25	3.64

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	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS (Cont'd):		
(AREA 3)		
(See footnote "d" regarding cost of project)		
Clark, Cowlitz, Klickitat, Skamania, & Wahkikkum Counties; & the Southern portion of Pacific County:	ZONE 1	
Group 1	14.69	4.57
Group 2	14.74	4.57
Group 3	14.79	4.57
Group 4	14.84	4.57
Group 5	14.89	4.57
Group 6	14.99	4.57
Group 7	15.09	4.57
Group 8	15.19	4.57
Group 9	15.29	4.57
Group 10	15.46	4.57
Group 11	15.56	4.57
Group 12	15.66	4.57
Group 13	15.76	4.57
Group 14	15.86	4.57
ZONE DIFFERENTIAL - (Add to Zone 1 Rate):		
Zone 2 - $0.65		
Zone 3 - 1.15		
Zone 4 - 1.70		
Zone 5 - 2.75		
(AREA 4)		
DOE Hanford Site in Benton & Franklin Counties:		
Group 1	15.19	3.48
Group 2	15.23	3.48
Group 3	15.29	3.48
Group 4	15.38	3.48
Group 5	15.59	3.48
Group 6	15.63	3.48
Group 7	15.69	3.48
Group 8	15.73	3.48
Group 9	15.84	3.48
Group 10	15.88	3.48
Group 11	16.19	3.48
Group 12	16.33	3.48
Group 13	16.49	3.48
Group 14	16.63	3.48

Basic Hourly Rates	Fringe Benefits

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

*Where Pacific County is stated as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific County (northern portion) - North of Wahkiakum County northern boundary extended due west to the Pacific Ocean

Pacific County (southern portion) - South of Wahkiakum County northern boundary extended due west to the Pacific Ocean

FOOTNOTES:

a. Employer contributers 8% of basic hourly rate for over 5 years service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day.

b. Two weeks' vacation with pay after 1 year employment. Also seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day.

c. 4% of all gross wages to be placed to the credit of the employee with less than one (1) year's service - 6% of all gross wages to be placed to the credit of the employee with more than one (1) year of service.

d. Employees shall be paid 80% of the basic hourly rate plus full fringe on projects with a total value, including the cost of utilities, of less than $1 million; or on projects which involve work on buildings, bridges, or docks, and which meet both of the following criteria:

(a) The total cost of the project is less than $1.5 million excluding the cost of underground utilities which are located 5 ft or more outside or away from the building, bridge, or dock, and which are incidental or subordinate to it. "Utilities" are facilities for electricity, water, gas, sewerage (including storm), and communications.

(b) Work on buildings, bridges, or docks shall constitute 20% or more of the cost of the project.

e. LABORERS (AREA 1), POWER EQUIPMENT OPERATORS (AREA 1) & TRUCK DRIVERS (AREA 1):

All Counties and portions of Counties East of the 120th Meridian except DOE Hanford Site in Benton and Franklin Counties

All projects involving any or all components listed below, the dollar value of which is equal to or less than the amounts shown shall receive 80% of the base rate plus full fringe benefits:

Paving	$ 75,000
Crushing	200,000
Grading & Clearing	350,000
Bridges & Related Work	500,000
Utilities	Unlimited
Buildings	2,000,000 (exclusive of mechanical & electrical subcontracts)

EXCEPTION: Paving within 45 mile radius of Spokane or Lewiston shall receive full rate. For work that exceeds the amounts shown above, full rates as specified below shall apply Eastern Washington private works language

AREA and ZONE DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, and Okanogan Counties, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Remaining Counties

BRICKLAYERS; MARBLE SETTERS:
Area 1: Adams County (except City of Othello); Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, and Stevens Counties; Grand Coulee Dam Area in Okanogan County; and Whitman County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan, Douglas and Grant Counties; Okanogan County (except area of Grand Coulee Dam); and the portion of Adams County that includes the City of Othello
Area 4: Cllallam, Island, Jefferson, King, Kitsap, and Snohomish
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and ten mile strip bordering the Columbia River in Klickitat County
Area 6: Kittitas and Yakima Counties; Klickitat County (except a ten mile strip bordering the Columbia River)

AREA and ZONE DESCRIPTIONS (Cont'd)

BRICKLAYERS; MARBLE SETTERS:
Area 1: Adams County (except City of Othello); Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, and Stevens Counties; Grand Coulee Dam Area in Okanogan County; and Whitman County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan, Douglas and Grant Counties; Okanogan County (except area of Grand Coulee Dam); and the portion of Adams County that includes the City of Othello
Area 4: Cllallam, Island, Jefferson, King, Kitsap, and Snohomish
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and ten mile strip bordering the Columbia River in Klickitat County
Area 6: Kittitas and Yakima Counties; Klickitat County (except a ten mile strip bordering the Columbia River)
Area 7: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 8: San Juan, Skagit and Whatcom

CARPENTERS:
Area 1: All Counties and parts of Counties east of the 120th Meridian except the counties in areas 4 and 5
Area 2: All Counties and parts of Counties west of the 120th Meridian except the counties in area 3, 4 and 5
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion), Skamania and Wahkiakum Counties
Area 4: DOE Hanford Site in Benton and Franklin Counties
Area 5: Chelan, Kittitas, Yakima, Okanagon and the Western parts of Douglas and Grant Counties

CEMENT MASONS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbina, Douglas, Ferry, Garfield, and Grant Counties; Kittitas County (except western portion lying one mile west of the City of Easton); Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Grays Harbor, and Jefferson Counties; King County (southern portion); Kitsap County; Kittitas County (western portion lying one mile west of the City of Easton); Lewis and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 3: Island, San Juan, Skagit, and Snohomish Counties; King County (northern portion); Whatcom County

AREA and ZONE DESCRIPTIONS (Cont'd)

CEMENT MASONS (Cont'd):
Area 4: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

GROUP DESCRIPTIONS FOR CEMENT MASONS - AREAS 1 and 5

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing, setting of Screeds, Screed Forms, Curb and gutter and sidewalk forms, Preparation of all concrete for caulking of the joints and the caulking of expansion joints, Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of Machine Base; Removal of Snap Ties and She-Bolts prior to patching of concrete
Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Toroganal or material with epoxy base or exychloride base; All power Grinders, Brushing Hammer, Chipping Gun, Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats, Rodding Machines and Belting Machines; Scarifiers
Group 3: Grinding, Brushing or Chipping of Toxic materials or high density concrete; Operating power tools on a Scaffold

DRYWALL & ACOUSTICAL WORKERS:
Area 1: Clark, Cowlitz, Klickitat, southern portion of Pacific County, Skamania, Wahkiakum County
ELECTRICIANS:
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, and Yakima Counties
Area 3: Chelan, Douglas, Grant, and Okanogan Counties
Area 4: Clallam, Jefferson, King, and Kitsap Counties
Area 5: Clark, Klickitat, and Skamania Counties
Area 6: Cowlitz and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, Mason, Pierce, Pacific, and Thurston Counties
Area 8: Island, San Juan, Skagit, Snohomish, and Whatcom Counties

AREA DESCRIPTIONS (Cont'd)

ELECTRONIC TECHNICIANS:
(Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman):
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Clallam, Jefferson, King, and Kitsap Counties

ELEVATOR CONSTRUCTORS:
Area 1: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Cos.
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

GLAZIERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern corner); Chelan, Douglas, and Grant Counties; Lincoln County (western half); and Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Clallam, Island, Jefferson, Grays Harbor, King, Kitsap, Lewis, and Mason Counties; Pacific (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 6: Yakima and Kittitas Counties
Area 7: Clark, Cowlitz, and Klickitat Counties, Pacific County (southern portion); Skamania and Wahkiakum Counties

LATHERS:
Area 1: Clallam, Island, Jefferson, King, Kitsap, and Lewis Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, and Whatcom Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

MASON TENDERS:
Area 1: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

AREA DESCRIPTIONS (Cont'd)

PAINTERS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, and Thurston Counties; Pacific County (northern portion); and Whatcom County
Area 4: Statewide except (Clark, Cowlitz, and Klickitat Counties; Pacific County (southern Portion); Skamania and Wahkiakum Counties
Area 5: DOE Hanford site in Benton and Franklin Counties

PLASTERERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PLASTERERS' TENDERS:
Area 1: All Counties and portions of Counties east of the 120th Meridian

PLUMBERS:
Area 1: Chelan County; Kittitas County (north of 47°15' N. Lat.); Douglas County (west of the 119°30' W. Long.); Okanogan County (except the area lying east of the 119°31' W. Long., North to 48°30' N. Lat.)
Area 2: Adams County (southern portion), Asotin County (except the City of Clarkston), Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, and Yakima Counties; Douglas County (east of 119°30' W. Long.); Ferry County (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas County (south of 47°15' N. Lat.), Lincoln County (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan County (east of 119°30' W. Long. and south of 48°30' N. Lat.)
Area 3: Adams County (northern portion including the City of Ritzville), Asotin County (City of Clarkston only), Cowlitz County; Ferry County (east to a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Island, Kitsap, and Lewis Counties; Lincoln County (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, Clark, and Skamania Counties (those portions lying north of a east-west line drawn through Woodland eastward to the Klickitat County Line
Area 4: Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line
Area 5: Clallam, King, and Jefferson Counties; and all Dam Sites on the Skagit River in Whatcom County

AREA DESCRIPTIONS (Cont'd)

ROOFERS:
Area 1: Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Benton, Franklin, Kittitas, Klickitat and Yakima Counties
Area 3: Clallam, Jefferson, King, Kitsap, Mason, and Snohomish Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum Counties
Area 5: Island, San Juan, Skagit, and Whatcom Counties
Area 6: Clark and Skamania Counties

SHEET METAL WORKERS:
Area 1: Adams, Asotin, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Clallam, Jefferson, Kitsap, and Mason Counties
Area 3: Clark and Skamania Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum counties
Area 5: King, Kittitas, Island, and Snohomish Counties
Area 6: Whatcom, Skagit, and San Juan Counties
Area 7: Benton, Columbia, Franklin, Garfield, Klickitat, Walla Walla, and Yakima Counties

SOFT FLOOR LAYERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern portion); Chelan, Douglas, and Grant Counties, Lincoln County (western half); Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Island, King, Kitsap, Skagit, Snohomish and Whatcom
Area 6: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 8: Yakima and Kittitas County

SPRINKLER FITTERS:
Area 1: Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Counties
Area 2: Remaining Counties

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Adams County (except that portion which include the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan, Douglas, Grant, Okanogan County (except area of Grand Coulee Dam), and the portion of Adams County that include the City of Othello)

AREA DESCRIPTIONS (Cont'd)

TERRAZZO WORKERS; TILE SETTERS: (Cont'd)
Area 4: Clallam, Island, Jefferson, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom Counties
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bordering the Columbia River in Klickitat County
Area 6: Kittitas, Klickitat (except 10 mile striping bordering the Columbia River), and Yakima Counties
Area 7: Grays Harbor, Lewis, Mason, Pierce, and Thurston Counties

TILE, MARBLE, and TERRAZZO FINISHERS:
Area 1: All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 2: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bprdering the Columbia River in Klickitat County
Area 3: Adams County (except that portion which includes the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County

ZONE DESCRIPTIONS (AREA 3) ONLY

LABORERS,
POWER EQUIPMENT and TRUCK DRIVERS
Astoria, Bingen, Goldendale, The Dalles, Longview, Portland and Vancouver

ZONE 1 - all jobs or projects located within 30 miles of the respective City Hall
ZONE 2 - more than 30 miles but less than 40 miles from the respective City Hall
ZONE 3 - more than 40 miles but less than 50 miles from the respective City Hall
ZONE 4 - more than 50 miles but less than 80 miles from the respective City Hall
ZONE 5 - more than 80 miles from the respective City Hall

LABORERS (AREA 1)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

BUILDING, HEAVY, and HIGHWAY CONSTRUCTION

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and Reference Post, Sign Posts, and Right-of-way Markers); General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper; Track Laborer; Railroad Equipment, power driven; Dual Mobile Power Spiker or Puller

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Powderman; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts; Powderman receives $0.25 an hour additional

LABORERS (Cont'd)
AREA 2

All Counties and portions of Counties West of the 120th Meridian including the portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima that lie West of the 120th Meridian, and the Northern part of Pacific County, but excluding those portions contained in Area 3

Group 1: Fence Laborer, Window Washer
Group 2: Batch Weighman, Crusher Feeder, Pilot Car, Toolroom Man (at job site)
Group 3: General Laborer; Air, Gas or Electric Vibrating Screed; Ballast Regulator Machine; Carpenter Tender; Chipping Gun; Chuck Tender; Concrete Form Stripper; Cement Finisher Tender; Curing Labor; Demolition, Wrecking and Moving including Charred Material, Epoxy Technician; Gabian Basket Builders; Grinders; Pot Tender; Powderman's Tender; Stake Hopper; Topman-Tailman; Tugger Operator
Group 4: Cement Dumper-Paving; Clary Power Spreader; Concrete Saw Operator; Faller and Bucker Chain Saw; Grade Checker; High Scaler; Jackhammer; Manhole Builder; Mortarman and Hodcarrier; Nozzleman (concrete pump, green cutter when using combination of high pressure air & water on concrete and rock, sandblast, gunnite, shotcrete) water blaster; Pavement Breaker; Pipe Layer & Caulker; Pipe reliner (not insert type); Railroad Spike Puller (Power); Raker - Asphalt; Spreader (concrete); Timberman-Sewer (lagger, shorer & cribber); Track Liner (power); Tamper (multiple and self-propelled); Tamper & Similar Electric, Air & Gas operated tools; Vibrator; Wagon Driller & Air Track Operator; Well Point Laborer
Group 5: Caisson Worker; Miner; Powderman; Re-Timberman

LABORERS (Cont'd)
AREA 3

Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties, and the Southern portion of Pacific County

Group 1: General Laborer; Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutter; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers' Tenders; Dumpers, road oil crew; Dumpman (for grading crew); Fine Graders; Form Strippers (not swinging stages); Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-Way Marker; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Tender; Pittsburgh Chipper Operator or similar types; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipman; Slopers; Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman - Crusher (aggregate when used); Railroad Track Laborers

Group 2: Applicator (including Pot Tender for same) applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, power spreader and similar types; Cleanup Nozzleman-Greencutter (concrete, rock, etc.); Concrete power Buggyman; Crusher Feeder; Demolition and wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sandblasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Ribbon Setter, head; Rip Rap Man, head, hand placed; Sand Blasting (wet); Stake Setter; Tunnel-Muckers; Brakemen; Concrete Crew; Bull Gang (underground)

Group 3: Aspahlt Rakers; Bit Grinder; Drill Doctor; Drill Operators; Air Tracks; Cat Drills; Wagon Drills; Rubber - mounted Drills and other similar types; Concrete Saw Operator; Gunite Nozzleman; High Scalers; Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying); Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powderman; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer (Pipe Layers); Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, multiple Tampers, Power Jacks; Tugger Operator; Tunnel Chuck Tenders; Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powdermen

Group 5: Fence Builder

LABORERS (Cont'd)
AREA 4
DOE Hanford Site in Benton and Franklin Counties

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the Nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and reference Post, Sign Posts, and Right-of-way Markers); General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Wellpoint Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multisection; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

Group 5: Powderman

POWER EQUIPMENT OPERATORS
(AREA 1)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 1: Bit Grinder; Bolt Threading Machine; Compressor, under 2,000 cu. ft. per minute, gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Tender; Fireman and Heater Tender; Grade Checker; Tender (Mechanic, H.D.); Oiler, Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or Compacting or Vibrator) except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine; Hydro-seeder

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator; Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more, gas, diesel or electric power); Concrete Saw multiple cut); Distributor Leverman; Elevator hoisting materials; Dope Pots (power agitated); Fork lift or Lumber Stacker; Hydralift and similar; Gin Trucks (Pipeline); Hoist, single drum; Loader (Bucker, Elevator and Conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker; Hydra Hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Batch Plant and Wet Mix Operator, single unit (concrete); Bending Machine; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (Pipeline); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Mucking Machines; Soil Stabilizer (P & H or similar); Spreader Machine; Pump; Tractor to D-6 or equivalent and Traxcavator; Transverse Finish Machine, Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pump (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders Overhead and Front-end, under 4 yds. R/T); Pave or Curb Extruders (asphalt or concrete); Refrigeration Plant Engineers (under 1,000 tons); Rubber-tired Skidders (R/T with or without attachments); Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill, under 5" bit)

POWER EQUIPMENT OPERATORS
AREA 1 (Cont'd)

Group 5: Backhoe (under 1 yard); Crane (25 tons and under); Derrick and Stifflegs (under 65 tons); Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Piledriving Engineers; Paving (dual drum); Refrigeration Plant Engineer (1,000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

Group 6: Asphalt Plant Operator; Automatic Subgrader (Ditches and Trimmers (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (1 yard to 3 yards); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Blade (finish and Bluetop) (Automatic, CMI, ABC, and similar when used as automatic); Boat Operator; Boom Cats (side); Cableway Controller (Dispatcher); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (over 25 tons including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yards); Drill Doctor; H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards including 8 yards); Multiple Dozer Units with single blade; Quad-track or similar equipment; Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yards); Rubber-tired Scrapers, Multi-engine power with one Scraper (Euclid, TS 24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Rubber-tired Scraper, multiple engines with two scrapers; Scraper Operator; Shovels (under 3 yards); Tractors (D-6 and equivalent and over); Trenching Machines (7 feet depth and over, and screed operator

Group 7: Backhoe (3 yards and over); Cableway Operators; Clamshell Operator (3 yards and over); Cranes (over 45 tons to 85 tons); Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar; Loaders (Overhead and Front-end, over 8 yards to 10 yards); Rubber-tired Scrapers (multiple engine with three or more Scrapers); Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 8: Cranes (85 tons and over, and all climbing, rail and tower); Loaders (Overhead and Front-end, 10 yards and over); Helicopter Pilot

AREA 2
All Counties and portions of Counties West of the 120th Meridian
(Except those enumerated in Area 3)

Group 1: Cranes, 100 tons and over or 200' of boom including jib and over; Loaders, 8 yds. and over; Shovels and attachments, 6 yds. and over

Group 2: Cableways; Cranes, over 45 tons up to 100 tons or over 150' including jib; Rollagon; Tower Crane; Helicopter, Winch; Remote Control Operator; Loader, Overhead, 6 yds. up to 8 yds.; Shovels, Backhoes, over 3 yds. to 6 yds.; Slipform Pavers; Scrapers, self-propelled, 45 yds. and over; Quad 9, HD 41, D-10

POWER EQUIPMENT OPERATORS (Cont'd)
(AREA 2) (Cont'd)

Group 3: Concrete Batch Plant Operator; Bump Cutter; Cranes, 20 tons through 45 tons; Hydralifts; Chipper; Crushers; Derrick; Drilling Machine; Finishing Machine; Loaders, Overhead, under 6 yds.; Mechanics; Mixers, Asphalt Plant; Motor Patrol Graders, finishing; Pump Truck mounted Concrete Pump with boom attachment; Piledriver Operator; Screed Man; Shovels, Backhoes 3 yds. and under; Subgrader, Trimmer; Tractors, Backhoes, over 60 HP; Scrapers, Self-propelled, under 45 yds.

Group 4: Brooms; Dozers, D-9 and under; Paydozers; A-Frame Crane; Cranes up to 20 tons; Conveyors; Hoists, Air Tugger; Loaders, elevating type; Fork Lifts; Motor Patrol Grader, non-finishing; Mucking Machine; Concrete Pumps; Roller, Plant Mix or Multi-lift materials; Saws, Concrete; Scrapers, Carryall; Spreaders, Blaw Knox; Trenching Machines; Equipment Service Engineer; Oiler Driver on Truck Cranes over 45 tons; Tractor, Backhoe, 60 HP and under

Group 5: Oiler Driver on Truck Cranes, 45 tons and under; Oil Distributors, blower; Assistant Engineer (formerly Oiler classification); Pavement Breaker; Posthole Digger, mechanical; Power Plant; Wheel Tractors, Farmall type; Compressor; Pumps, water; Rollers, other than plant mix;

Group 6: Gradechecker and Stakeman

AREA 3
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler - driver, 25 ton capacity or over; Crane Fireman (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Tender; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Tender; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 3 (Cont'd)

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite Work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Serivce Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without Front End attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring Operator or Grader; Pot Rammer

Group 8: Diesel-electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yds.; Loader, Front End and Overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. Flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 3 (Cont'd)

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller - Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu .yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine; Single Scraper, with Push-pull attachments, self-loader; Paddle Wheel, auger type; Blade mounted Spreaders Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, auger type, finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley, over 80 ton and including 150 ton; Floating Crane (Derrick Barge), 80 ton, but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 3 (Cont'd)

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane, 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in connection with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane, 250 ton and over; Remote contolled earth moving equipment; Underwater equipment, remote or otherwise

DREDGING

AREA 1 - All Counties and portions of Counties East of the 120th Meridian
AREA 2 - All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern part of Pacific County

Group 1: Assistant Mate (Deckhand)

Group 2: Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam of Booster Pump); Mates and Boatmen

Group 4: Craneman, Engineer Welder

Group 5: Leverman, Hydraulic

AREA 3- DREDGING
Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

Group 1: Leverman, Hydraulic

Group 2-A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, attending Dredging Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 4
DOE Hanford Site in Benton and Franklin Counties

Group 1: Bit Grinders; Bolt Threading Machine; Compressors (under 2,000 CFM, gas, diesel or electric power); Crusher Feeder (mechanical); Deck Hand; Driller Tender; Fireman and Heater Tender; Grade Checker; Mechanic or Welder, H.D.; Hydro-seeder, Mulcher, Nozzleman; Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar, or Compacting Vibrator), except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single drum); Assistant Refrigeration Plant (under 1,000 ton); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2,000 CFM or over, 2 or more, gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Ditch Witch or similar; Elevator, hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket, elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job only); Tractor (Farm type R/T with attachments, except Backhoe); Tugger Operator

Group 3: A-Frame Truck (2 or more drums); Assistant Regrigeration Plant and Chiller Operator (over 1000 ton); Backfillers (Cleveland and similar); Batch Plant and Wet Mix Operator, single unit (concrete); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Bend Machine; Bob Cat; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginau or similar); Canal Lining Machine (concrete); Cleaning and Doping Machine (pipeline); Deck Engineer; Elevating Belt-type Loader (Euclid, Barber Green and similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Posthole Auger or Punch; Pump (Grout or Jet); Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (to D-6 or equivalent) and Traxacavator; Traverse Finish Machine; Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pumps (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Curb Extruder (asphalt or concrete); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front-end, under 4 yds. R/T); Refrigeration Plant Engineers (under 1000 ton); Rubber-tire Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill under 8" bit)

POWER EQUIPMENT OPERATORS (Cont'd)
AREA 4 (Cont'd)

Group 5: Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Paving (dual drum); Refrigeration Plant Engineer (1000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

Group 6: Automatic Subgrader (Ditches and Trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoe (under 1 yd.); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Boat Operator; Cableway Controller (Dispatcher); Cranes (25 tons and under); Derricks and Stifflegs (under 65 tons); Drill Doctor; Multiple Dozer Units with single blade; Paving Machine (asphalt and concrete); Piledriving Engineers; Quad-track or similar equipment; Rollerman (finishing pavement); Trenching Machines (7 ft. depth and over)

Group 7: Asphalt Plant Operator (Backhoes (1 yd. to 3 yds.); Blade (finish and Bluetop) Automatic, CMI, ABC and similar when used as automatic; Boom Cats (side); Cableway Operators; Clamshell Operators (under 3 yds.); Concrete Slip Form Paver; Cranes (over 25 tons, including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yds.); Elevating Belt (Holland type); H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards, including 8 yards); Mucking Machine; Quad-track or similar equipment; Rubber-tired Scrapers; Shovels (under 3 yds.); Tractors (D-6 and equivalent and over)

Group 8: Backhoes (3 yds. and over); Cranes (over 45 tons, to 85 tons); Cranes (85 tons and over, all climbing, rails and tower); Clamshell Operator (3 yds. and over); Derricks and Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yds.); Helicopter Pilot; Shovels (3 yds. and over); Whirleys and Hammerheads, all

Group 9: Transi-lift

TRUCK DRIVERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (Except DOE Hanford Site in Benton and Franklin Counties)

Group 1: Escort Driver or Pilot Car, pickup hauling employees or material

Group 2: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 3: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material); Tireperson No. 1

TRUCK DRIVERS (Cont'd)
AREA 1 (Cont'd)

Group 4: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck, 1,801 - 4,000 gallons

Group 5: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. and under); Flat Bed Truck (with hydarulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

Group 6: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yds. to 12 yds.); Oil Distributor Driver (Road, Boot Person, Lever Person, Tender)

Group 7: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 8: Dumptor (over 6 yds.); Transit Mixers and Trucks hauling concrete (6 yds. to 10 yds.); Trucks, side, end, and bottom dump (over 12 yds. including 20 yds.); Semi Truck and Trailer 50 tons and under; Lowboy

Group 9: Low Boy (over 50 tons); Water Tank Trucks, 8,001 to 10,000 gallons; Tractor with Steer Trailer; Truck mounted Crane with load bearing surface, either mounted or pulled

Group 10: Transit Mixer and Trucks hauling concrete (10 yds. to 15 yds.); Trucks, side, end, and bottom dump (over 20 yds. including 30 yds.); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Group 11: Mechanic, Field

Group 12: Tournarocker, D. W.'s and similar, with 2 to 4 wheel power tractor with trailer, gallonage or yardage scale, whichever is greater; Transit Mixers and Trucks hauling concrete (15 yds. to 20 yds.); Trucks, side, end, and bottom dump (over 30 yds. to 40 yds.); Water Tank Truck, 12,001 to 14,000 gallons

Group 13: Transit Mixers and Trucks hauling concrete (over 20 yds.); Trucks, side, end, and bottom dump (over 40 yds. to 50 yds.)

Group 14: Trucks, side, end, and bottom dumps (over 50 yds. to 100 yds.)

Group 15: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

TRUCK DRIVERS (Cont'd)
AREA 2
All Counties and portions of Counties West of the 120th Meridian (Except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at Bunkers and Batch Plants; Swampers; and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site (warehousing); Dumpsters and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks, side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yds.; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Trucks, up to 1,600 gallons; Winch Truck, single rear axle; Wrecker, Tow Truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Trucks, 1,6000 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yds. to and including 12 yds.; Explosive Truck (field mix) anmilar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tankers; Dumpsters and similar equipment (as listed in Group 3) - over 16 yds. to and including 20 yds.; Water Wagon and Trank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4 yds. to and including 6 yds.

Group 12: "A" Frame or Hydralift Trucks or similar equipment

TRUCK DRIVERS (Cont'd)
AREA 2 (Cont'd)

Group 13: Dumpster and similar equipment (as listed in Group 3) - over 20 yds. to and including 30 yds.; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yds. to and including 8 yds.

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yds. to and including 40 yds.; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yds. to and including 10 yds.

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yds. to and including 55 yds.

Group 18: Transit-mix, over 10 yds. to and including 12 yds.

Group 19: Transit-mix, over 12 yds. to and including 16 yds.

Group 20: Transit-mix, over 16 yds. to and including 20 yds.

Group 21: Transit-mix, over 20 yds.

Group 22: Escort or Pilot Car

Group 23: Flat bed (single rear axle); pickup truck

AREA 3

Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on Concrete Dry Batch Plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Tender; Truck Mechanic Tender; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

TRUCK DRIVERS (Cont'd)
AREA 3 (Cont'd)

Group 3: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and Wet or Dry Mix Trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Stadddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and Wet or Dry Trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and Wet or Dry Mix Truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic - Welder - Body Repairman; Water Wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity) over 7,000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 11 cu. yds. and including 13 cu. yds.; Water Wagon (rated capacity) over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

TRUCK DRIVERS (Cont'd)
AREA 3 (Cont'd)

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

AREA 4
DOE Hanford Site in Benton and Franklin Counties

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired Pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yds. and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yds. to 12 yds.); Oil Distributor Driver (road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer; Lowboy 50 tons and under

Group 8: Low Boy (over 50 ton); Water Tank Trucks, 8,001 to 10,000 gallons; Tractor with Steer Trailer; Truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yds. to 15 yds.); Trucks, side, end, and bottom dump (over 20 yds. including 30 yds.); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

TRUCK DRIVERS (Cont'd)
AREA 4 (Cont'd)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, whichever is greater; Transit Mixers and Trucks hauling concrete (15 yds. to 20 yds.); Trucks, side, end, and bottom dump (over 30 yds. to 40 yds.); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yds.); Trucks, side, end, and bottom dump (over 40 yds. to 50 yds.)

Group 13: Trucks, side, end, and bottom dumps (over 50 yds. to 100 yds.)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

Drivers and Tenders (hauling sacked cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Brown, Door, Kewaunee & Oconto

DECISION NUMBER: WI 84-5030

DATE: Date of Publication

Supersedes Decision No. WI83-2076 dated, September 30, 1983, in 48 FR 45003

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$17.75	$2.01
BOILERMAKERS	17.345	3.25
BRICKLAYERS, Marble Setters & Stonemasons	12.70	2.44
CARPENTERS & SOFT FLOOR LAYERS	13.61	2.21
CEMENT MASONS	12.20	2.44
ELECTRICIANS	15.95	1.40+9½%
GLAZIERS	13.11	3.00
ELEVATOR CONSTRUCTORS:		
Mechanics	16.56	3.00
Helpers	11.59	3.00
Helpers (Prob.)	8.28	
IRONWORKERS:		
Structural, Ornamental and Reinforcing	14.08	3.00
Millwrights & Pile-drivermen	14.06	2.11
PAINTERS:		
Brush	14.05	1.00
Structural Steel & Spray	14.43	1.00
PLASTERERS	12.75	2.15
PLUMBERS/PIPEFITTERS	17.37	2.76
ROOFERS	14.50	1.50
SHEET METAL WORKERS	14.16	5.37
TERRAZZO WORKERS & TILE SETTERS	12.75	2.15
LABORERS:		
Building:		
Class I:		
General	11.03	1.43
Class II:		
Plasterers & Mason Tender	11.13	1.43
Class III:		
Jackhammer Operator	11.28	1.43
POWER EQUIPMENT OPERATORS:		
Group 1	15.72	3.42
Group II	15.22	3.42
Group III	14.44	3.42
Group IV	13.88	3.42
Group V	13.41	3.42

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

POWER EQUIPMENT OPERATORS (Classifications)

Group 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

Group 2 - Concrete and grout pumps, material hoists, stack hoists, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (10 tons or under), manhoists, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons), rail level-machine (railroad), tie placer tie extractor, tie tamper, stone leveler, rotary drill operator and blaster, percussion drilling machine, trencher (wheel type or chain type having over 8-inch bucket), elevator

Group 3 - Backfiller, concrete auto breaker (large), concrete finishing machines (road type), roller (rubber tire), concrete batch hopper, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h. p.), pumps (well points), trencher (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and fireman (pile drivers and derricks), hoists (automatic), forklift (over 12'), tampers-compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammers (small), brooms and sweeper, hoists (tuggers), stump chipper (large), boats (tug, safety, work barges and launch).

Group 4 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, fireman (asphalt plants), air compressor (400 CFM or over), augers (vertical and horizonal), air electric, hydraulic jacks (slip form) prestress machine, skid steer loader, boiler operators (temporary heat), forklift (12' and under)

Group 5 - Generators over 150 KW, pumps over 3", combination small equipment operator, compressors (under 400 CFM), welding machines, heaters (mechanical), generators (under 150 KW), pumps (3" and under), winches (small electric) Oiler and greaser, conveyor.

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[FR Doc. 84-30074 Filed 11-15-84; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
November 16, 1984

Part III

Office of Management and Budget

Budget Rescissions and Deferrals; Cumulative Report

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

November 1, 1984.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of November 1, 1984, of 23 deferrals contained in the two special messages of FY 1985. These messages were transmitted to the Congress on October 1 and 31, 1984.

Rescissions (Table A and Attachment A)

As of November 1, 1984, there were no rescission proposals pending before the Congress

Deferrals (Table B and Attachment B)

As of November 1, 1984, $1,240.9 million in 1985 budget authority was being deferred from obligation and $6.7 million in 1985 outlays was being deferred from expenditure. Attachment B shows the history and status of each deferral Reported during FY 1985.

Information From Special Messages

The special messages containing information on the rescission proposals and deferrals covered by this cumulative report are printed in the **Federal Registers** Listed below:

Vol. 49, FR p. 39464, Friday, October 5, 1984

Vol. 49, FR p. 44870, Friday November 9, 1984

David A. Stockman,

Director, Office of Management and Budget

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1985 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$ 0
Accepted by the Congress	0
Rejected by the Congress	0
Pending before the Congress	$ 0

****

TABLE B

STATUS OF 1985 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$ 1,426.4
Routine Executive releases through November 1, 1984 (OMB/ Agency Releases of $178.9 million and cumulative adjustments of $0 million)	- 178.9
Overturned by the Congress	0
Currently before the Congress	$ 1,247.5

a/ This amount includes $6.7 million in outlays for a Department of the Treasury deferral (D85-13).

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1985

As of November 1, 1984 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
NONE								

Attachment B - Status of Deferrals - Fiscal Year 1985

As of November 1, 1984 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 11-1-84
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs..	D85-1	10,000		10-1-84					10,000
International Security Assistance									
Economic support fund.....	D85-2	280,500		10-1-84					280,500
Military assistance.....	D85-3	18,500		10-1-84					18,500
DEPARTMENT OF AGRICULTURE									
Forest Service									
Timber salvage sales.....	D85-4	9,704		10-1-84					9,704
Expenses, brush disposal.....	D85-5	55,850		10-1-84					55,850
DEPARTMENT OF DEFENSE - MILITARY									
Military Construction									
Military construction, all services.....	D85-6	300,008		10-1-84					300,008
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation.....	D85-7	1,127		10-1-84	-150				977
DEPARTMENT OF ENERGY									
Power Marketing Administrations									
Southeastern Power Administration, Operation and maintenance.....	D85-16	12,467		10-31-84					12,467
Southwestern Power Administration, Operation and maintenance.....	D85-17	7,260		10-31-84					7,260
Western Area Power Administration, Construction, rehabilitation, operation and maintenance.....	D85-18	3,000		10-31-84					3,000

Attachment B - Status of Deferrals - Fiscal Year 1985

As of November 1, 1984 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 11-1-84
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Assistant Secretary for Health Scientific activities overseas (special foreign currency program).....	D85-8	424		10-1-84					424
Social Security Administration Limitation on administrative expenses (construction).....	D85-9	15,488		10-1-84					15,488
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management Payments for proceeds, sale of water, Mineral Leasing Act of 1920, sec. 40 (d)..	D85-10	49		10-1-84					49
DEPARTMENT OF JUSTICE									
Federal Prison System Buildings and facilities.....	D85-19	44,534		10-31-84					44,534
DEPARTMENT OF STATE									
Other United States emergency refugee and migration assistance fund.....	D85-20	32,928		10-31-84					32,928
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration Facilities and equipment (airport and airway trust).....	D85-11	537,205		10-1-84	-163000				374,205
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing Local government fiscal assistance trust fund.....	D85-12	55,400		10-1-84	-2557				52,843
	D85-13	19,900		10-1-84	-13201				6,699
OTHER INDEPENDENT AGENCIES									
Board for International Broadcasting Grants and expenses.....	D85-21	4,408		10-1-84					4,408
Pennsylvania Avenue Development Corporation Land acquisition and development fund.....	D85-14	14,300		10-1-84					14,300
Railroad Retirement Board Milwaukee railroad restructuring, administration.....	D85-15	108		10-1-84					108
U. S. Information Agency Salaries and expenses.....	D85-22	2,433		10-31-84					2,433
Salaries and expenses, special foreign currency program.....	D85-23	852		10-31-84					852
TOTAL, DEFERRALS.....		1,426,444	0		-178,908	0		0	1,247,536

Notes: All of the above amounts represent budget authority except the Local Government Fiscal Assistance Trust Fund (D85-13) of outlays only.

[FR Doc. 84-30148 Filed 11-15-84; 8:45 am]
BILLING CODE 3110-01-C

federal register

Friday
November 16, 1984

Part IV

Department of Health and Human Services

Social Security Administration

45 CFR Parts 201, 205, 206, 225, 232, 233, 234, 235, and 237

Aid to Families With Dependent Children Adult Assistance Programs; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Parts 201, 205, 206, 225, 232, 233, 234, 235, 237

Aid to Families With Dependent Children Adult Assistance Programs

AGENCY: Social Security Administration, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Social Security Administration is proposing to amend regulations relating to the Aid to Families with Dependent Children (AFDC) program under title IV–A and the adult categories under titles I, X, XIV or XVI (AABD) of the Social Security Act. This action is being taken promote fiscal savings, reduce the paperwork burden and increase State flexibility in the administration of these programs. Specifically, we propose to amend 45 CFR Parts 201, 205, 206, 225, 232, 233, 234, 235, 237.

DATES: Comments must be received on or before January 15, 1985.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Family Assistance, Social Security Administration, Room B–448, Transpoint Building, 2100 Second Street, SW., Washington, D.C. 20201, between 8:00 a.m. and 4:30 p.m., on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Levering, Office of Family Assistance, Social Security Administration, Transpoint Building, 2100 Second Street, SW., Washington, D.C. 20201, telephone (202) 245–2637.

SUPPLEMENTARY INFORMATION: The Office of Family Assistance, in the Social Security Administration (SSA), has undertaken a review of existing regulations under title IV–A and titles I, X, XIV and XVI (AABD) in order to recommend regulatory changes that would result in savings to State and Federal goverments, provide States greater flexibility, and/or relieve the burden of paperwork on State agencies. These proposed regulations are the result of that review.

The proposed changes apply to both the AFDC and adult assistance programs unless otherwise specified. Additionally, some of the proposed changes would clarify policy areas as a result of implementation of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (hereinafter referred to as OBRA). Unless otherwise noted, the estimated savings are Federal dollars only.

Regulatory Procedures

Executive Order 12291

These proposed regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required because these regulations will not:

(1) Have an annual effect on the economy of $100 million or more. The combined Federal and State annual savings of these regulatory provisions are estimated to be up to $52 million.

(2) Impose a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Result in significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

Pursuant to the provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, the Department has determined that this rulemaking would not impose any new recordkeeping, information collection, or reporting requirement requiring OMB approval.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (Pub. L. 96–354) requires the Federal government to anticipate and reduce the impact of regulations and paperwork requirements on small businesses. For each particular regulation with a "significant impact on a substantial number of small entities" (e.g., small business) we must publish an initial analysis describing the regulation's impact on them. This analysis is to indicate the purpose and reason for the regulation and the number of small businesses to which it would apply, to anticipate reporting and recordkeeping requirements, to identify possible overlap and conflict with other Federal regulations and to describe possible alternative means of accomplishing the stated objectives which would minimize the impact on small businesses.

We certify that these regulations will not have any significant economic impact on a substantial number of small entities because the primary impact of these regulations is on State governments and individuals. We do not believe that any provision will have direct impact on small businesses or other small entitles within the intent of the Regulatory Flexibility Act and therefore, a regulatory flexibility analysis is not required.

Discussion of Major Proposed Regulations

(A) 45 CFR Part 205

Optional Telephone Hearings—45 CFR 205.10(a)(1)

Current regulations require that each State provide applicants and recipients an opportunity for a hearing where the agency proposes to discontinue, terminate, suspend or reduce assistance or to change the manner or form of payments to a protective, vendor, or two-party payment. We propose to amend the regulations at 45 CFR 205.10(a) to specify that States have the option of offering a telephone hearing when mutually agreed upon by the applicant or recipient and the State agency, as an alternative to face-to-face hearings.

One State, New Mexico, operated a demonstration project to study the effects of telephone conferencing as a substitute for in-person hearings under the AFDC program. The experiment was designed based on the following research questions: (1) Are hearings conducted over the telephone perceived to meet due process standards as specified by the courts for administrative hearings? (2) is the quality of the hearing changed by the introduction of telephone conferencing? and (3) are telephone hearings cost-effective?

The results of this study were favorable in response to all three of the research questions and conclusively demonstrated that telephone hearings can generate savings in both hearing officer productivity and travel expenses.

The comments uniformly expressed by both recipients and caseworkers were that fair and impartial hearings were still conducted and that recipients had full opportunity to present testimony. There were no significant differences in outcome results. A higher percentage ended in the recipient's favor and the time frame for handing down the hearing decision was shortened.

During a telephone hearing, for example, the hearing officer can remain at his/her place of employment, while all other pertinent parties can gather at the State agency. Should the recipient for whatever reason be unable to attend

at the last moment, the hearing officer has not lost time in travel and is able to continue with routine work. Telephone hearings also make the hearing system more accessible to applicants and recipients. Additionally, the waiting period for a hearing and the hearing decision may also be shortened and thus benefit applicants and recipients.

Under this proposal, if a recipient chooses a telephone hearing rather than a face-to-face hearing, the State must still assure that all applicable provisions of the hearing process are met. Any request for a telephone hearing must be knowing and voluntary. In addition, the recipient must be given adequate opportunity to be represented, examine and cross-examine witnesses, and examine the contents of the case file, and the hearing must be conducted at a reasonable time and date.

If all States were to allow telephone hearings, savings are estimated to be up to $2 million annually, based on approximately 59 percent of all hearings being conducted by telephone.

Aid Paid Pending the Hearing Decision—45 CFR 205.10(a)(4)(i)(B) and (6)(i) and (7)

Current regulations at 45 CFR 205.10(a)(6)(i) specify, in pertinent part, that if a recipient requests a hearing within the timely notice period, assistance shall not be suspended, reduced, discontinued or terminated until a decision is rendered after a hearing. The regulations do, however, specify two exceptions to the continuation of assistance: (1) A determination made at the hearing that the sole issue is one of State or Federal law of policy, or a change in State or Federal law and not one of incorrect grant computation; and (2) a change affecting the recipient's grant occurs while the hearing decision is pending and the recipient fails to request a hearing after the notice of change. It is further provided in this regulation that if the agency's action is sustained at the hearing, the aid paid pending the hearing is subject to recovery by the agency.

Many States have interpreted the current regulation very narrowly. Aside from the specific exceptions specified in the regulation, States believe they must continue the assistance in all cases, even where the recipient does not want aid paid pending the hearing.

Prior to OBRA, recovery of overpayments was optional under the AFDC program. As such, when an agency's action was upheld, most States did not recover benefits paid during the period between the hearing request and the decision. However, OBRA now mandates the recovery of such AFDC payments, if the State's proposed action is upheld. Recovery of benefits remains optional for the adult assistance programs.

Because of this, some recipients and States are concerned over requiring the grant to be continued pending a hearing in all instances and then being confronted with recovery of this money when the State's action is upheld. Based on current available data, 58% of the hearing decisions rendered (January–March 1981) upheld the States' proposed actions.

We believe the recipient should be afforded a clear choice to refuse or to receive assistance pending a hearing. The regulations were not intended to preclude such action if requested by the recipient. Aid must be continued where the recipient requests this and it is not otherwise precluded under the regulations. Safeguards should be established in the State to ensure the recipient's decision is informed and not made under duress. Likewise, in the event the hearing decision is favorable to the recipient and he/she has elected not to receive aid paid pending, the State must reimburse him/her in accordance with 45 CFR 205.10(a)(18).

We propose, therefore, to amend the regulations to explicitly allow States to provide the recipient the opportunity to decline receipt of continued assistance, if the hearing is requested within the timely notice period.

This proposed change will provide consistency with current policy of two other Federal programs—Food Stamp and SSI. In many instances, the same individuals are receiving benefits from more than one of these programs. This change will clarify that States can coordinate this aspect of the AFDC and adult assistance programs with the Food Stamp and SSI programs.

In addition, we propose to amend 45 CFR 205.10(a)(4)(i)(B) to provide where applicable, that the adequate notice inform an AFDC recipient that the assistance must be repaid if the agency action is upheld. Under the adult assistance programs, such notice will be provided where the State has elected to recover when an agency action is upheld.

These proposed clarifications of the regulations also apply to the adult assistance programs.

We estimate savings of up to $1 million annually.

Hearings Related to Change in Manner or Form of Payment—45 CFR 205.10(a)(4), (a)(5) and (a)(6); and 45 CFR 234.60(a)(11)

Current regulations require that recipients have the opportunity for a hearing regarding any intended action to reduce or suspend assistance or change the manner or form of payment. These hearings are currently held before any action can occur even when the amount of assistance is unaffected, but a protective, vendor, or two-party payment is sought.

We propose to change the methodology and timing for fair hearings held in connection with the imposition of protective, vendor or two-party payments. Therefore, we are deleting all references to protective, vendor and two-party payments from the existing fair hearings regulations at 45 CFR 205.10 and are establishing separate requirements in the regulations at § 234.60.

In cases where the amount of payment is at issue, the opportunity for a fair hearing pursuant to §205.10 must still be provided.

Under the new requirements governing protective, vendor or two-party payments, the State must provide an opportunity for a fair hearing on the issue of whether protective, vendor or two-party payments should be instituted and to whom the payments will be made after the determination to institute such payments has been made. If the State sends a protective, vendor or two-party payment, it must also provide the recipient with an adequate notice as discussed in the revisions to section 234.

The reasons for these changes to the regulations are discussed in the section of the preamble relating to changes in the regulations governing protective, vendor, and two-party payments.

State Procedures for Issuance of Replacement Checks—45 CFR 205.32

In a statement before a Congressional subcommittee hearing on fraud and abuse involving several Federal programs in 1981, the Associate Commissioner for the Office of Family Assistance described several initiatives under review including possible rulemaking changes to reduce the incidence of duplicate check issuance as a result of AFDC checks being lost or stolen. Preliminary findings from a study undertaken to gather statistical data on the incidence of duplicate checks showed that, in the 32 States responding duplicate checks constituted 7.1 percent of all AFDC checks issued in 1979. They

are costly, both administratively and from the standpoint of potential fraud.

We propose, therefore, to provide in regulations, prescribed procedures governing the issuance of duplicate (hereinafter referred to as replacement) checks under the AFDC program.

First, we propose uniform procedures under which a State must, prior to the issuance of a replacement check: (1) Initiate, when appropriate, an immediate stop payment order on the original check through appropriate banking procedures (such action would not be applicable when the original check is returned by the recipient and a replacement check is issued because of a name change or there is a change in the grantee, etc.); and

(2) where the original check is not returned, secure a signed statement from the recipient attesting to the non-receipt, loss or theft of the original check. In this way, an adequate audit trail is established for documenting potential fraud.

Further, we propose to provide that States may, at their option, require recipients to report lost or stolen checks to the police or other appropriate authorities. Such investigations would assist in resolving many reports of lost or stolen checks. More importantly, it may deter incidents of fraud. Early investigation of stolen check cases should lead to quicker apprehension and be a significant factor in crime prevention. A State may make filing such a report a prerequisite for issuance of a replacement check in cases of lost or stolen checks. A State may also establish procedures for the verification of such reports. For example, the State may require that the recipient provide a copy of the report made to the police, or other appropriate authorities.

In establishing procedures for issuance of replacement checks, States must ensure that no undue delays occur in issuing a new payment.

These proposed rules would result in more efficient and effective program administration. Annual savings are estimated at up to $1 million in Federal funds, and up to $5 million in State funds, based on State data relating to the number of replacement checks issued.

(B) 45 CFR Part 206

Redeterminations—45 CFR 206.10(a)(9)

Current regulations at 45 CFR 206.10(a)(9) require that AFDC eligibility be redetermined at least every six months. We propose to amend the regulations to provide that it may take place less frequently than every 6 months but in no case less frequently than every 12 months for those recipients who must report monthly, or where the State has an approved alternative redetermination plan based on an error-prone profiling system under which the State varies redetermination frequencies (i.e., more or less frequent than every six months). In addition, we propose to require that at least one AFDC redetermination in each case each year must be face to face.

We are amending this section to permit States to schedule their AFDC redeterminations as infrequently as every 12 months, under certain circumstances, for several reasons. First, legislation enacted by OBRA and modified by the Deficit Reduction Act of 1984 provides that States require certain categories of recipients to submit monthly reporting forms. For those cases that must report monthly, whether as a Federal requirement or at State option, the State is reviewing very similar information to that which is secured when the State redetermines eligibility.

Prior to the monthly reporting requirement, States were only required to redetermine eligibility at least every 6 months to assure that no changes in family circumstances had occurred which would affect eligibility and the amount of payment. With monthly reporting, there is sufficient and timely contact with the case situation so that redeterminations may be scheduled less often than every 6 months, at the State's option.

Secondly, we believe cost savings can be maximized by concentrating and directing State efforts to cases which are more likely to have errors. Therefore, also for those cases which are identified as low error-prone based on an approved State error-prone profiling system, the intervals between redeterminations may be as much as 12 months. The savings generated from reviewing less error-prone cases as infrequently as every 12 months will permit States to concentrate on high error-prone cases that are subject to frequent changes in eligibility status or have high average dollar errors per case. Thus, under this proposed rule, intervals between redeterminations in low error-prone cases could be once a year while high error-prone redeterminations could be monthly, but more typically, could occur three or four times a year.

The experience of the Supplemental Security Income (SSI) program with error-prone profiles and the results of AFDC demonstration projects in Texas, New Hampshire, South Carolina and West Virginia have shown considerable administration cost savings can be achieved by concentrating and directing State efforts to cases which are most likely to have errors and, therefore, need more frequent redeterminations. Thus, earlier identification of changes can be made and costly long-term errors can be prevented.

Lastly, we have added a requirement that all cases be redetermined face to face at least once every 12 months in order to verify all eligibility factors and to ensure personal contact between the agency and the individual(s). However, if the State redetermines a case more frequently, the additional redeterminations are not required to be face to face. Yearly face-to-face redeterminations are most effective in identifying inconsistencies in the information provided in the monthly reports or in answers provided by the recipient during the interview. Face-to-face contact gives caseworkers an opportunity to restate agency requirements for receipt of AFDC and gives recipients time in which to ask questions and have policies clarified. We believe face-to-face redeterminations are cost effective because increases in administrative costs will be offset by the reduction in erroneous payments. Furthermore, this would also make the AFDC program consistent with recertification requirements in the Food Stamp Program.

This proposed regulatory change only applies to AFDC and not the adult assistance programs.

We estimate savings of up to $15 million annually.

(C) 45 CFR Part 233

Allocation of Income—45 CFR 233.20(a)(3)(ii)(C)

Current regulations at 45 CFR 233.20(a)(3)(ii)(C) provide that States may have a policy to allocate a portion of an individual's income to support his or her non-assistance dependents, before counting the remaining income available to the assitance unit. Dependents are not defined by regulation. States define the dependents for whom their allocation policy applies.

We propose to amend the regulations to address three specific concerns.

A. Some States have been interpreting the provisions to mean that income may be allocated only to an individual's dependents and not to the individual him/herself when such individual is not applying for assistance. The proposed regulation clarifies that, for purposes of allocating income, a dependent may include the individual, as well as his or her non-assistance dependents. States that allocate income to meet the individual's own needs must check the

allocation box on the State Plan Preprint.

B. Some States have been permitting income to be allocated to support individuals whose needs have been removed from the grant under the child support enforcement sanction provisions of 45 CFR 232.12(d) or because of a sanction for failing to meet the requirements of the WIN, Employment Search or Community Work Experience Programs provisions at 45 CFR 224.51, 45 CFR 238.22 and 45 CFR 240.22. Permitting income to be allocated to the support of a sanctioned individual before counting the remaining income available to the assistance unit has the effect of circumventing the intent of the sanction provisions, i.e., that assistance will be determined without regard to the needs of the sanctioned person. Therefore, to remedy this, the proposed regulation provides that States may not allocate income to meet the needs of a sanctioned individual.

C. States have been permitting income to be allocated to meet the need of a wide variety of persons. As a result, in some cases income has been used to support other individuals rather than the individual's own children who are receiving AFDC. In order to assure that an individual's income is used primarily to support the members of his or her own family who are in the assistance unit, we propose to revise the existing provisions on the amounts of income that may be allocated and the persons for whom income may be allocated. The proposed regulation restricts the income allocation provision to permit allocation only for the individual's own needs (when he or she is not applying for or receiving assistance), the needs of others who are or could be claimed as dependents for determining Federal personal income tax liability, or those whom the individual is legally obligated to support. Within this limitation, States may elect which dependents to include for coverage. The amounts which may be allocated and the individuals for whom income may be allocated are consistent with similar provisions regarding the income of stepparents and alien sponsors (45 CFR 233.20(a)(3)(xiv) and 233.51(b)(1) respectively). In specifying the amount of income which would be considered available to an assistance unit, the Congress made certain provisions to assure that stepparents and alien sponsors would retain sufficient income to meet their own needs and the needs of their dependents. These amounts reflect the amounts that States have determined are necessary to meet current living expenses as well as those amounts that are actually paid to support other individuals and therefore are not available to meet the needs of the assistance unit. Since these are amounts that Congress has determined are reasonable, we have adopted them as the maximum amounts that may be allocated in other similar circumstances.

We estimate savings of up to $1 million annually.

Counting Windfalls as Income—45 CFR 233.20(a)(3)(ii)(F)

Counting Income Tax Refunds as Resources—45 CFR 233.20(a)(3)(iv)(E)

The general rule in assistance programs is that all earned and unearned funds received by an assistance unit must be counted as income for the month of receipt except funds that are expressly disregarded as income in a Federal statute. However, under longstanding Federal policy for the AFDC and adult assistance programs, a State agency may treat non-recurring payments which are in the nature of a windfall as resources instead of as income. A windfall is a sum that is not earned, does not occur on a regular basis, and does not represent accumulated monthly income received in a single sum. A windfall might come from an inheritance, lottery winnings, or an income tax refund, but not title II Social Security or VA benefits. Social Security or VA benefits covering more than one month's benefits are instead examples of accumulated monthly income received in a single lump sum.

In reviewing the legislative history of OBRA, we believe that the Congress intended all lump sum payments (including windfalls) to be treated as income under the AFDC program. The Senate Finance Committee Report, No. 97–139, dated November 17, 1981, (on page 505) indicates that lump sum income should be "considered available to meet the ongoing needs of an AFDC family . . .". Given the intent of the lump sum provision to assure use of available funds in future months, we believe that windfall payments should be considered lump sum income. In the absence of the proposed change, the very type of payments Congress intended be counted and used to meet the family's future needs may not be budgeted for meeting future needs, if treated initially as a resource and not retained. Accordingly, for AFDC, we plan to classify payments in the nature of a windfall (with the sole exception of income tax refunds) as unearned income from a non-recurring source and treat them as a lump sum in accordance with 45 CFR 233.20(a)(3)(ii)(F) unless otherwise disregarded, e.g., under the casual and inconsequential income policy at 45 CFR 233.20(a)(3)(iv).

With respect to income tax refunds, except for an Earned Income Credit payment, a tax refund recognizes that there was an overwithholding of taxes during the year. Under the AFDC program, since the $75 standard work expense disregard applies to gross income and respresents all work expenses excluduing child care, the actual amount of tax withheld has no bearing on the income counted or the amount of actual assistance payable to a recipient. Thus, since some portion of the income tax withholding may have exceeded, in combination with other work expenses, the $75 standard disregard, and therefore may have already been counted as income, it should not again be counted as income when it is returned to the recipient.

Therefore, for the AFDC program we are proposing to make an exception in the case of income tax refunds and require States to treat these refunds only as resources (liquid assets). However, any portion of a tax refund which represents an earned income credit (EIC) payment would still be considered as earned income in accordance with 45 CFR 233.20(a)(6)(ix)(C). The EIC portion of any tax refund (or any EIC payments for that matter) must be treated as earned income because the statute specifically requires that such payments be considered as earned income (section 402(d) of the Social Security Act). When EIC payments are made in a single lump sum they are paid through the income tax collection system. Thus, in those cases, the payments would come in the form of a tax refund.

Neither the lump sum income change nor the $75 standard work expense change applies to the adult assistance programs. Therefore, we are not changing the policy in effect for these programs. At State option, these payments may be considered either as income or as a resource.

We estimate savings of up $1 million annually.

Casual and Inconsequential Income—45 CFR 233.20(a)(3)(iv)

Until 1975, Federal regulations at 45 CFR 233.20(a)(3)(ii)(*c*) provided that "only such net income as is actually available for current use on a regular basis will be considered . . ." Even though the regulations were changed in 1975 to require that income available for current use be counted, States were still permitted to exclude income considered "casual and inconsequential." One major reason was to help States avoid administrative complexities associated

with budgeting unpredictable income under the prospective budgeting system.

Another consideration behind this policy was to allow some latitude in disregarding small gifts, which do not realistically represent income available to meet the family's living expenses, e.g., Christmas, graduation and birthday gifts, and which are difficult to administratively track. However, there is currently considerable variation in the amounts and types of income that States define as casual and inconsequential, and exceptionally large non-recurring sums have been disregarded under both the AFDC and adult assistance programs. Currently, 19 States have imposed dollar amounts to be disregarded as casual and inconsequential income. These amounts include: $60 a quarter, $40 a month, $30 a quarter, or $10 a month. Therefore, we propose to amend the regulations at 45 CFR 233.20(a)(iv) to provide that the State can optionally exclude gifts which represent reasonable nominal amounts not to exceed $30 for any recipient for any quarter. We selected $30 because it falls within the average range of the dollar amount currently used by States, and because it is the level used in the Food Stamp Program.

We estimate savings of up to $1 million annually.

Definition of Stepparent—45 CFR 233.20(a)(3)(xiv); 45 CFR 233.90(a)(1); 45 CFR 237.50(b)(3)(ii); and 45 CFR 237.50(b)(4)(ii)

Several States have questioned whether the AFDC provision at 45 CFR 233.90 which specifies that a stepparent must be "ceremonially" married includes common law marriage in States that recognize a common law marriage as valid under the laws of the State.

We propose to amend the regulation at 45 CFR 233.90(a)(1) to remove the word "ceremonially" and clarify that in determining whether a child has been deprived of parental support, the marriage must only be one that is recognized as a valid marriage under the laws of the State. This includes common law marriages. The reason we included the word "ceremonially" was to deter States from counting the income of a "man in the house" as available to the assistance unit. We never intended to exclude the income of a person who was legally and validly married to the parent of an AFDC child under State law. Therefore, we are clarifying the regulations to reflect this intent.

We propose to further amend the regulation at 45 CFR 233.20 (a)(3)(xiv) to clarify that a stepparent is one who is married to the child's parent under State law. We estimate savings up to $1 million annually.

We are also removing the word "ceremonially" from the provisions at 45 CFR 237.50(b)(3)(ii) and (4)(ii) to conform with these proposed changes.

Disregard of Income from VISTA Payments—45 CFR 233.20(a)(4)(ii)(*h*)

In accordance with section 404(g) of Pub. L. 93–113, the Domestic Volunteer Service Act of 1973, payments received by applicants and recipients participating in the Volunteers in Service to America (VISTA) Program have been disregarded, regardless of the amount of such payments.

On December 13, 1979, Congress enacted Pub. L. 96–143 the Domestic Volunteer Service Act of 1979, which included a provision limiting this disregard. Section 9 of Pub. L. 96–143 provides that the disregard "shall not apply in case of such payments when the Director determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938, . . . or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater."

Since Federal regulations were not revised at that time, we are amending them now to accurately reflect section 9 of Pub. L. 96–143.

(D) 45 CFR Part 234

Criteria for Use of Restricted Payments—45 CFR 234.60(a)(2)(ii); 45 CFR 234.60(a)(6)

Section 406(b)(2) of the Social Security Act provides for restricted payments (a protective payee, vendor payments, or two-party checks) in situations where the caretaker relative has demonstrated an inability to manage funds, thereby imperiling the child's welfare. In addition to mandating that States make a determination of mismanagement prior to making a restricted payment, the statute also includes certain conditions which must be met by States in implementing this provision. The State must: (1) Provide opportunity for a fair hearing before the State agency on the determination of inability to manage funds; (2) undertake and continue special efforts to develop greater ability on the part of the relative to manage funds; and (3) conduct periodic reviews to ascertain whether conditions justifying a determination of mismanagement still exist. When first enacted, Congress limited the number of cases at 5 percent that a State could have in restricted payment status. This statutory limitation was subsequently raised twice to 10 percent and 20 percent. Then, in OBRA, Congress deleted the limitation entirely and also provided States the authority to allow recipients to voluntarily request restricted payments without a determination of mismanagement.

An NPRM, published in 1979 (45 FR 11803), to implement changes required by Pub. L. 95–171, approved November 12, 1977, generated comments from States requesting clarification of what constitutes mismanagement. In that NPRM, we proposed to include a rule that a determination of mismanagement could not be made solely on the fact that bills were not timely paid. To respond to those request, the final regulations included requirements which States must take into account in determining whether there has been mismanagement. These are: (1) Whether funds were spent for some emergency or extraordinary reason; (2) whether expenses for necessary bills exceeded the recipient's grant and other income; and (3) whether withholding of a payment was an exercise of consumer rights when there is a legitimate dispute as to whether terms of an agreement have been met. These requirements were not intended to be all inclusive, but rather to provide a framework under which States could implement the restricted payment provisions.

States have asked for more flexibility in determining when mismanagement exists so that they may tailor their vendor payment programs to specific situations not covered by existing regulations. This is a reasonable request. Since 1979, State agencies have had considerable experience in handling cases of mismanagement under the Act and implementing regulations. This experience has demonstrated that these rules have proved to be too restrictive and thus, in many situations, States have not been able to adequately protect dependent children from the caretakers' mismanagement of the AFDC grant.

Therefore, we are proposing to amend the regulation by removing the specific criteria under which a determination of mismanagement is made and allowing States to establish the criteria for such a determination (with one exception). The effect of this is to restore Federal policy in this area nearly to what it was prior to 1979. Under this change, States will have more flexibility in meeting a variety of situations in which mismanagement arises, which cannot now be met. However, the States will still have to meet the conditions of section 406 and other provisions of the

Act requiring that their mismanagement determinations be reasonable in light of the welfare of the dependent child.

However, we propose in these regulations that mismanagement will be presumed after two months' nonpayment of rent. We believe this is a reasonable minimum criteria for mismanagement. Nonpayment of rent is a serious problem because it may place the recipient in jeopardy of eviction from his or her current housing with no immediate prospects for finding new housing.

While AFDC recipients may face a variety of short term crises from month to month, being homeless presents them with a grave situation which can only exacerbate their other problems. In light of this, it seems to us that the welfare of dependent children cannot be adequately safeguarded when such children's families are under constant threat of being without a place to live. Therefore, this proposed change not only fulfills the statutory imperative to protect the welfare of dependent children but is also squarely in keeping with the purposes of the AFDC program, as expressed in section 401 of the Social Security Act, to provide for the care of dependent children in their own homes and to help maintain and strengthen family life.

An additional benefit of this policy may be to increase the availability of adequate housing in jurisdictions where landlords are reluctant to rent to welfare recipients.

Additionally, in cases where protective payments are being made, States are currently required to make referrals for social services where problems and needs for services and care of the recipients are beyond the ability of the protective payee to handle.

We propose to delete this automatic requirement for social services referral. States will be given flexibility so that they need not refer recipients to social services when they are unnecessary or unwanted. For example, counseling services are of little value when recipient does not seek them.

For much the same reasons as we made the changes in the criteria for mismanagement, we are also proposing to change the methodology and timing of fair hearings as previously noted in the discussion of 45 CFR 205.10.

Currently, the opportunity for advance hearings can result in considerable delays before the new payment form is instituted, due to delays in administrative proceedings. Even though a State holds these hearings in the time frames required under the existing regulations, they can't always be done expeditiously enough to prevent irreparable harm, such as evictions, from occurring. Accordingly, we believe a change to post hearings will enable the State to react more quickly to situations in which the protection of dependent children requires urgent and immediate action.

In order to give States maximum flexibility, we have not specified any particular procedures to be followed by the States in conducting the fair hearings. In the absence of such procedures in the regulations, States will need to establish appropriate procedures consistent with constitutional requirements. We have, however, required States to provide adequate notice to recipients concurrently with the insitution of protective, vendor, or two-party payments.

One of the key purposes of these changes, including the change to the definition of mismanagement, is to help to alleviate the shortage of housing that is adversely affecting AFDC recipients. The shortage of such housing is becoming an increasingly serious problem working substantial hardship in AFDC children. The experience in New York City is illustrative of the significant problems faced by AFDC recipients as the result of the mismanagement of rent allowances by a small portion of recipients. The failure of a few recipients to pay their rent has resulted in the unwillingness of many New York City landlords to rent to AFDC recipients, to the great hardship of many AFDC children. For example, New York City authorities, in response to an acute shortage of rental housing for AFDC recipients, recently sent out over 50,000 inquiries seeking rental units. Only about 110 replies were received. In addition, as noted above, under the existing regulations it often is difficult to place an AFDC recipient who is not paying rent on protective, vendor and two-party payments without a substantial delay while a hearing is being pursued. Since many landlords are unwilling to risk such a delay should the recipient fail to pay rent, there is a growing shortage of rental housing for AFDC recipients. Since State and local authorities will now be able to place recipients on protective, vendor and two-party payments prior to the opportunity for a hearing, this delay will be eliminated. All these changes, by making it easier for State and local authorities to place AFDC recipients on protective, vendor, or two-party payments, should result in a greater willingness of landlords to rent to AFDC recipients, thereby helping alleviate the present shortage of housing for AFDC recipients.

Comments are requested whether these regulations should establish hearing procedures or whether the specification of appropriate procedures should be left to the States.

We estimate annual savings of up to $1 million.

Review of Restricted Payment Cases—45 CFR 234.60(a)(9)

Currently, States are required to review restricted payment cases as frequently as indicated by the individual's circumstances and at least every 6 months in the AFDC program. The specified time frame for review was changed in 1980 from 3 months to 6 months to coincide with the time frame for periodic eligibility redeterminations. It was done in response to comments received in relation to the restricted payment NPRM to provide administrative ease in case management.

We now propose to change the time frame for review of these cases. In cases where a vendor or two-party payment has been instituted, review will be made at the request of the recipient, but not more than once every 12 months. The recipient will have the burden of proof in showing that circumstances have changed sufficiently so that vendor or two-party payments are no longer justified.

These changes will ensure continuity of the form of assistance, once an action has been taken to institute these restricted payments. In cases with protective payments, review can continue to be made as frequently as indicated by the individual's circumstances, but we propose that review be required at least once every 2 years, regarding the need for protective payments and the way they are being carried out. Maximum flexibility is retained in protective payment cases, to help ensure that necessary changes can be made swiftly when indicated. Federal and State administrative costs would also be reduced.

These proposed changes will also minimize the number of times the recipients is required to report similar information and permit the State to avoid repetitious and unnecessary reviews. They will also enable States, in the absence of changes in the individual's circumstances, to include the restricted payment review with the regularly scheduled eligibility redetermination.

We estimate annual savings of up to $1 million.

(E) Technical Amendments

A. OBRA extensively revised the title IV–A statute. Because of the major work effort involved in developing regulations and providing guidance to States for implementation of these new provisions, several technical changes to the regulations were inadvertently not made. We propose to amend our regulations to reflect these technical changes to the Social Security Act.

1. Section 2181 of OBRA repealed section 403(g) of the Social Security Act. This section had established a penalty to reduce by 1 percent the quarterly amount payable to a State under title IV–A for failure to inform of and provide and arrange for early and periodic screening, diagnosis and treatment (EPSDT) under title XIX for children receiving assistance under AFDC. The regulations at §§ 201.14(a)(3) and 205.146(c) are removed to reflect this amendment to the Social Security Act.

2. Section 2319 of OBRA repealed section 403(a)(3)(A) of the Act which authorized 75% matching for training, and as a result, we consider training to be an administrative expense under section 403(a)(3)(C) which provides for 50% matching. The regulations at 45 CFR 205.45 (b) and (c) are amended to reflect this change. They do not apply to the adult assistance programs.

3. Section 2353(b) of OBRA repealed section 402(a)(5) of the Social Security Act, as in effect with respect to Puerto Rico, Guam, and the Virgin Islands. This provision had related to the establishment and maintenance of personnel standards on a merit basis, and for the training and effective use of paid subprofessional staff. The regulations at 45 CFR Part 225 are now currently applicable only to the adult assistance programs, and have been revised to delete the reference to the AFDC program.

4. Section 2605(f) of OBRA prohibits counting Low Income Home Energy Assistance Program (LIHEAP) benefits as either income or resources for any purpose under any Federal or State law relating to taxation, food stamps, public assistance, or welfare programs.

Although the status is very clear and leaves no decision to the Secretary, an amendment is needed to update the list of disregard requirements currently included in the regulations, and to distinguish the permanent and mandatory exlcusion of LIHEAP benefits from the temporary and optional exclusion of certain other home energy assistance (48 FR 33304, July 21, 1983). Therefore, the regulations at 45 CFR 233.20(a)(4)(ii) are amended to exclude from income and resources, benefits provided under the Low Income Home Energy Assistance Program.

B. Additionally, we propose the following changes to conform regulatory policy to existing legislation.

1. The Food Stamp Program regulations at 7 CFR 272.1(g)(1)(i) provide that State agencies shall eliminate the purchase requirement for all households on or before January 1, 1979. Prior to that date, the title IV–A agency could deduct the food stamp purchase cost and consider it an AFDC payment for purposes of Federal matching. This provision at 45 CFR 234.11(b) is removed as it is now obsolete.

2. Pub. L. 97–34, The Economic Recovery Tax Act of 1981, terminated the separate WIN and Welfare Tax Credits, for providing employment to AFDC recipients, and effective January 1, 1982, added these two groups to the groups provided for in the Targeted Jobs Tax Credit program, i.e., recipients of AFDC for at least 90 days and WIN/WIN Demonstration participants.

Pub. L. 97–34, also provided that certification of AFDC recipient status is now a function of a designated local agency. Under Federal policy, the State Employment Security Agency will provide the required certification. The State and local IV–A agency function will be limited to providing verification that the individual being hired has been an AFDC recipient for at least 90 days or is a participant in the WIN or WIN Demonstration program. Therefore, the regulations at 45 CFR 235.40 relating to the certification of AFDC recipients for employment incentive tax credit, are removed as no longer applicable to the title IV–A agency.

The regulations at 45 CFR 205.50(a)(1)(i)(D) have been revised to provide for the release of information to verify that an individual has been a recipient of AFDC for at least 90 days or is a WIN/WIN Demonstration participant.

3. Pub. L. 92–603, October 30, 1972, provided the Secretary authority to assure that social security account numbers be assigned to, among others, any applicant for or recipient of benefits under federally funded programs. Subsequently, section 7 of Pub. L. 93–579, The Privacy Act of 1974, made it unlawful for any Federal, State, or local government agency to deny any right, benefit or privilege because of an individual's refusal to disclose his social security number, unless such disclosure is required by Federal statute, or the disclosure of the social security number is to a Federal, State, or local agency which maintained a system of records in existence and operating before January 1, 1975, if such disclosure was required by statute or regulation adopted prior to such date to verify the identity of the individual.

As a result of these statutory provisions, Federal regulations were developed (45 CFR 206.10 (b) and (c)); (section 206.10 was completely renumbered under TEFRA implementing regulations). They provide that the State IV–A agency could impose the disclosure as a condition of eligibility for AFDC only if the State had in effect prior to January 1975, a system of welfare or Medicaid records for which disclosure of the SSN was required by statute or regulation, in order to verify the identity of the individual. However, in 1975, Pub. L. 93–647 mandated that as a condition of eligibility for AFDC, all applicants and recipients must furnish the IV–A agency a social security number. Regulations implementing this statutory provision are codified at 45 CFR 232.10. This change in Federal statute and the regulations at 45 CFR 232.10 have rendered obsolete those provisions in 45 CFR 206.10, and they are accordingly removed.

3. Section 101(a) of Pub. L. 96–272 repealed section 408 of the Social Security Act, and established a new Part E under title IV of the Act. The State agency responsible for administering the program authorized by Part B of title IV is to administer or supervise administration of this new Part E, *Federal Payments for Foster Care and Adoption Assistance*. This repeal is effective at the time the State plan under IV–E becomes effective, but not later than September 30, 1982. The regulations at 45 CFR 233.110 are revised to reflect this amendment to the Social Security Act. Other references to AFDC Foster Care at 45 CFR 233.90(c), 45 CFR 233.10(b), and 45 CFR 232.10(c) are deleted as well.

4. Section 507 of Pub. L. 94–566 amended section 407 of the Social Security Act to provide for a reduction in the AFDC payment by the amount of unemployment compensation a child's unemployed parent receives and that the family is ineligible if the parent refuses to apply for or accept unemployment compensation. Although the pertinent program policy was amended to reflect this change, the parallel FFP provision was not. The regulation now at 45 CFR 233.100(c)(1)(v) is amended, therefore, to reflect this change in statute.

5. Section 407(c)(A)(i) of the Social Security Act provides that FFP is not available in any payment of aid made to an unemployed principal earner during the first 30 days of unemployment. The

implementing regulation however provides that if the principal earner is "not unemployed" during the 30-period, there is no FFP. This is a difficult grammatical construction to understand and might be read to mean that if the principal earner is "unemployed" during the 30-day period, FFP is available. Because this would contravene the statute, the regulation now at 45 CFR 233.100(c)(2)(i) is amended to clarify that FFP is not available for payments that cover the first 30 days of unemployment.

Additionally, those regulatory provisions that still reference the word "father" are amended to substitute the word "parent" as required to eliminate, where possible, gender discrimination.

We have also corrected as a result of our own review, general references and citations. We have deleted some obsolete material from 45 CFR 205.40(d) and 45 CFR 233.27(b)(2) and corrected references in 45 CFR 205.50(a) and (a)(2)(i)(A).

These regulations are issued under the authority of section 1102 of the Social Security Act, as amended, 49 Stat. 647, as amended, 42 U.S.C. 1302.

(Catalog of Federal Domestic Assistance Programs No. 13.808, Public Assistance Maintenance Assistance (State Aid))

List of Subjects

45 CFR Part 201

Aid to families with dependent children, Family assistance, Grant programs-social programs, Guam, Public assistance, Puerto Rico, Virgin Islands.

45 CFR Part 205

Administrative practice and procedure, Aid to families with dependent children, Family assistance, Grant programs-social programs, Public assistance programs, Reporting requirements.

45 CFR Part 206

Aid to families with dependent children, Family assistance, Grant programs-social programs, Public assistance programs.

45 CFR Part 225

Aid to families with dependent children, Family assistance, Grant programs-social programs, Public assistance programs, Volunteers.

45 CFR Part 232

Aid to families with dependent children, Child support, Child welfare, Family Assistance, Grant progress-social programs.

45 CFR Part 233

Aid to families with dependent children, Aliens, Family assistance, Grant programs-social programs, Public assistance programs, Reporting requirements.

45 CFR Part 234

Aid to families with dependent children, Family assistance, Grant programs-social programs, Health facilities, Public assistance, Public housing.

45 CFR Part 235

Aid to families with dependent children, Family assistance, Grant programs-social programs, Public assistance programs.

45 CFR Part 237

Aid to Families with dependent children, Family assistance, Grant programs-social programs, Public assistance prorams.

Dated: February 9, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: March 19, 1984.

Revised & Approved: September 21, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

Title 45 Chapter II of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 201—[AMENDED]

A. Part 201 is amended as follows:

1. Section 201.14 is amended by vacating and reserving paragraph (a)(3) as follows:

§ 201.14 Reconsideration under section 1116(d) of the Act.

(a) * * *

(3) [Reserved]

* * * * *

PART 205—[AMENDED]

B. Part 205 is amended as follows:

1. The Table of Contents in Part 205 is amended by adding § 205.32 to read as follows:

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

* * * * *

Sec.

205.32 Procedures for issuance of replacement checks.

* * * * *

2. Section 205.10 is amended by revising paragraph (a)(2) to read as follows:

§ 205.10 Hearings.

(a) * * *

(1) * * *

(2) Hearing procedures shall be issued and publicized by the State agency. Such procedures shall provide for a face-to-face hearing, or where the State and the applicant or recipient mutually agree, a hearing by telephone. Under this provision, the State shall assure that the applicant or recipient is afforded all rights as specified in this section, whether the hearings is face-to-face or by telephone;

* * * * *

3. Section 205.10 is amended by revising the introductory text of (a)(4) to read as follows:

§ 205.10 Hearings.

(a) * * *

(4) In cases of intended action to discontinue, terminate, suspend or reduce assistance:

* * * * *

4. Section 205.10 is amended by revising paragraph (a)(4)(i)(B) to read as follows:

§ 205.10 Hearings.

(a) * * *

(4) * * *

(i) * * *

(B) "Adequate" means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific regulations supporting such action, explanation of the individual's right to request an evidentiary hearing (if provided) and a State agency hearing, the circumstances under which assistance is continued if a hearing is requested, and if the agency action is upheld, that such assistance must be repaid under title IV–A, and must also be repaid under titles I, X, XIV or XVI (AABD) if the State plan provides for recovery of such payments.

* * * * *

5. Section 205.10 is amended by revising the introductory text of paragraph (a)(5) to read as follows:

§ 205.10 Hearings.

(a) * * *

(5) An opportunity for a hearing shall be granted to any applicant who requests a hearing because his or her claim for financial assistance (including a request for supplemental payments under §§ 233.23 and 233.27) is denied, or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance, or termination of assistance. A hearing need not be granted when either State or Federal law requires automatic grant adjustments for classes of recipients

unless the reason for an individual appeal is incorrect grant computation.

* * * * *

6. Section 205.10 is amended by revising paragraphs (a)(6)(i), (a)(6)(i)(A), (a)(6)(i)(B) and by adding a new paragraph (a)(6)(i)(C) to read as follows:

§ 205.10 Hearings.

(a) * * *

(6) * * *

(i) Assistance shall not be suspended, reduced, discontinued or terminated, (but is subject to recovery by the agency if its action is sustained), until a decision is rendered after a hearing, unless:

(A) A determination is made at the hearing that the sole issue is one of State or Federal law or policy, or change in State or Federal law and not one of incorrect grant computation;

(B) A change affecting the recipient's grant occurs while the hearing decision is pending and the recipient fails to request a hearing after notice of the change; or

(C) The recipient specifically requests that he or she not receive continued assistance pending a hearing decision;

* * * * *

7. Section 205.10 is amended by revising paragraph (a)(7) to read as follows:

§ 205.10 Hearings.

(a) * * *

(7) A State may provide that a hearing request made after the date of action (but during a period not in excess of 10 days following such date) shall result in reinstatement of assistance to be continued until the hearing decision, unless (i) the recipient specifically requests that continued assistance not be paid pending the hearing decision; or (ii) at the hearing it is determined that the sole issue is one of State or Federal law or policy. In any case where action was taken without timely notice, if the recipient requests a hearing within 10 days of the mailing of the notice of the action, and the agency determines that the action resulted from other than the application of State or Federal law or policy or a change in State or Federal law, assistance shall be reinstated and continued until a decision is rendered after the hearing, unless the recipient specifically requests that continued assistance not be paid pending the hearing decision.

* * * * *

8. Part 205 is amended to add a new § 205.32 to read as follows:

§ 205.32 Procedures for issuance of replacement checks.

(a) *State plan requirements.* A State plan under title IV–A of the Social Security Act shall provide that (1) procedures are in effect to ensure that no undue delays occur in issuing a replacement check; and (2) when applicable, prior to the issuance of a replacement check, the State agency must:

(i) Issue a stop payment order on the original AFDC check through appropriate banking procedures; and

(ii) Require recipients to execute a signed statement attesting to the non-receipt, loss, or theft of the original AFDC check. However, if obtaining such a statement from the recipient will cause the issuance of the check to be unduly delayed, the statement may be obtained within a reasonable time after the check is issued.

(b) *State option.* A State plan may provide that as a condition for issuance of a replacement check, a recipient is required to report a lost or stolen AFDC check to the police or other appropriate authorities. Under this provision, the State agency may require that the recipient verify that a report was made to the police or other appropriate authorities and, if so, the agency will establish procedures for such verification.

9. Section 205.40 is amended by vacating and reserving paragraph (d) as follows:

§ 205.40 Quality control system.

* * * * *

[Reserved]

10. Section 205.45 is amended by revising paragraphs (b) and (c) to read as follows:

§ 205.45 Federal financial participation in relation to State emergency welfare preparedness.

* * * * *

(b) Federal financial participation is available at 50 percent under title IV–A for providing training in emergency welfare preparedness for all staff and for volunteers.

(c) In Guam, Puerto Rico, and the Virgin Islands, Federal financial participation is available at the rate of 75 percent in expenditures for emergency welfare preparedness under titles I, X, XIV, XVI (AABD) of the Social Security Act.

* * * * *

11. Section 205.50 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 205.50 Safeguarding information for the financial assistance programs.

(a) State plan requirements. A State plan for financial assistance under title IV–A of the Social Security Act, must provide that:

* * * * *

12. Section 205.50 is amended to revise paragraph (a)(1)(i)(D) to read as follows:

§ 205.50 Safeguarding information for the financial assistance programs.

(a) * * *

(1) * * *

(i) * * *

(D) The verification to the Employment Security Agency that an individual has been an AFDC recipient for at least 90 days or is a WIN or WIN Demonstration participant pursuant to Pub. L. 97–34, the Economic Recovery Tax Act of 1981.

* * * * *

13. Section 205.50 is amended by revising paragraph (a)(2)(i)(A) to read as follows:

§ 205.50 Safeguarding information for the financial assistance programs.

(a) * * *

(2) * * *

(i) * * *

(A) The names and addresses of applicants and recipients and amounts of assistance provided (unless excepted under paragraph (a)(1)(iv) of this section);

* * * * *

14. Section 205.146 is amended by vacating and reserving paragraph (c) as follows:

§ 205.146 Specific limitations on Federal financial participation under title IV–A.

* * * * *

(c) [Reserved]

* * * * *

PART 206—[AMENDED]

C. Part 206 is amended as set forth below:

1. Section 206.10 is amended by removing and reserving paragraphs (a)(1)(iv) and (a)(1)(v) as follows:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

(a) * * *

(1) * * *

(iv)–(v) [Reserved]

* * * * *

2. Section 206.10 is amended by revising paragraph (a)(9)(iii) and adding (a)(9)(iv) to read as follows:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

(a) * * *

(9) Where an individual has been determined to be eligible, eligibility will be reconsidered or redetermined:

(i) * * *

(ii) * * *

(iii) Periodically, within agency established time standards, but not less frequently than every 12 months in OAA, AB, APTD, and AABD, on eligibility factors subject to change. For recipients of AFDC, eligibility will be redetermined at least every 6 months except in the case of monthly reporting cases or cases covered by an approved error-prone profiling system as specified in paragraph (a)(9)(iv) of this section. Under the AFDC program, at least one face-to-face redetermination must be conducted in each case once in every 12 months. A redetermination is a periodic scheduled case folder review of all factors affecting AFDC eligibility and payment amount, i.e., continued absence, income (including child and spousal support) etc.

(iv) In accordance with paragraph (a)(9)(iii) of this section, under an alternative redetermination plan based on error-prone profiling, which has been approved by the Secretary, and includes:

(A) a description of the statistical methodology used to develop the error-prone profile system upon which the redetermination schedule is based;

(B) the criteria to be used to vary the scope of review and to assign different redetermination frequencies for different types of cases; and

(C) a detailed outline of the evaluation system, including provisions for necessary changes in the error-prone output, such as types of cases, types of errors, frequencies of redeterminations and corrective action.

* * * * *

PART 225—[AMENDED]

D. Part 225 is amended as set forth below:

1. Section 225.2 is amended by revising the introductory paragraph and by revising paragraph (a)(1) to read as follows:

§ 225.2 State plan requirements.

The State plan for financial assistance programs under titles I, X, XIV, or XVI (AABD) of the Social Security Act for Guam, Puerto Rico and the Virgin Islands or for child welfare services under title IV–B of the Act must:

(a) * * *

(1) Such methods of recruitment and selection as will offer opportunity for full-time or part-time employment of persons of low income and little or no formal education, including employment of young and middle aged adults, older persons, and the physically and mentally disabled, and in the case of a State plan for financial assistance under title I, X, XIV, or XVI (AABD), of recipients: and will provide that such subprofessional positions are subject to merit system requirements, except where special exemption is approved on the basis of a State alternative plan for recruitment and selection among the disadvantaged of persons who have the potential ability for training and job performance to help assure achievement of program objectives:

* * * * *

2. Section 225.3 is revised to read as follows:

§ 225.3 Federal financial participation.

Under the State plan for financial assistance programs under titles I, X, XIV, XVI (AABD) or for child welfare services under title IV-B of the Act, Federal financial participation in expenditures for the recruitment, selection, training, and employment and other use of subprofessional staff and volunteers is available at the rates and under related conditions established for training, services, and other administrative costs under the respective titles.

PART 232—[AMENDED]

E. PArt 232 is amended as set forth below:

1. Section 232.10 is amended by revising paragraph (c) to read as follows:

§ 232.10 Furnishing of social security numbes.

* * * * *

(c) The State or local agency will assist the applicant or recipient in making applications for SSNs and will comply with the procedures and requirements established by the Social Security Administration for application, issuance, and verification of social security account numbers.

* * * * *

PART 233—[AMENDED]

F. Part 233 is amended as set forth below:

1. The Table of Contents in Part 233 is amended by revising the section heading for § 233.110 to read as follows:

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

* * * * *

Sec.

233.110 Foster care maintenance and adoption assistance.

* * * * *

2. Section 233.10 is amended by revising paragraphs (b)(2) (ii)(*a*)(*2*) and (*3*) to read as follows:

§ 233.10 General provisions regarding coverage and eligibility.

* * * * *

(b) * * *

(ii) * * *

(*a*) * * *

(2) Deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or unemployment of a principal earner, and

(*3*) Living in the home of a parent or of certain relatives specified in the Act.

* * * * *

3. Section 233.20 is amended by revising paragraph (a)(3)(ii)(C) to read as follows:

§ 233.20 Need and amount of assistance.

(a) * * *

(3) * * *

(ii) * * *

(C) States may have policies which provide for allocating an individual's income for his or her own support if the individual is not applying for or receiving assistance; for the support of other individuals living in the same household but not receiving assistance; and for the support of other individuals living in another household. Such other individuals are those who are or could be claimed by the individual as dependents for determining Federal personal income tax liability, or those he or she is legally obligated to support. No income may be allocated to meet the needs of an individual who has been sanctioned under sections 224.51, 232.12(d), 238.22 or 240.22. The amount allocated for the individual and the other individuals who are living in the home must not exceed the State's need standard amount for a family group of the same conposition. The amount allocated for individuals not living in the home must not exceed the amount actually paid.

* * * * *

4. Section 233.20 is amended by revising paragraphs (a)(3)(ii)(D) and the introductory text of (a)(3)(ii)(F) to read as follows:

§ 233.20 Need and amount of assistance.

(a) * * *

(3) * * *

(ii) * * *

(D) Net income, except as provided in paragraph (a)(3)(xiii) of this section, and

resources available for current use shall be considered; income and resources are considered available both when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make such sum available for support and maintenance.

* * * * *

(F) When the AFDC assistance unit's income, after applying applicable disregards, exceeds the State need standard for the family because of receipt of nonrecurring lump sum income (including for AFDC, title II and other retroactive monthly benefits, and payments in the nature of windfall, e.g., inheritances or lottery winnings), the family will be ineligible for aid for the full number of months derived by dividing the sum of the lump sum income and other income by the monthly need standard for a family of that size. Any income remaining from this calculation is income in the first month following the period of ineligibility. The period of ineligibility shall begin with the month of receipt of the nonrecurring income or, at State option, as late as the corresponding payment month.

* * * * *

5. Section 233.20 is amended by revising (a)(3)(iv) to read as follows:

§ 233.20 Need and amount of assistance.

(a) * * *

(3) * * *

(iv) Provide that in determining the availability of income and resources, the following will not be included as income (A) Except for AFDC, income equal to expenses reasonably attributable to the earning of income (including earnings from public service employment); (B) loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs; (C) home produce of an applicant or recipient, utilized by him and his household for their own consumption; (D) for AFDC, any amounts paid by a State IV–A agency from State-only funds to meet needs of children receiving AFDC, if the payments are made under a statutorily-established State program which has been continuously in effect since before January 1, 1979; (E) for AFDC, income tax refunds (except the earned income credit (EIC) portion) but such payments shall be considered as resources; and (F) at State option, small nonrecurring gifts, such as those for Christmas, birthdays and graduations, not to exceed $30 per recipient in any quarter.

* * * * *

6. Section 233.20 is amended by revising paragraph (a)(3)(xiv) to read as follows:

§ 233.20 Need and amount of assistance.

(a) * * *

(3) * * *

(xiv) For AFDC, in States that do not have laws of general applicability holding the stepparent legally responsible to the same extent as the natural or adoptive parent, the State agency shall count as income to the assistance unit the income of the stepparent (i.e., one who is married, under State law, to the child's parent) of an AFDC child who is living in the household with the child after applying the following disregards (exception: if the stepparent is included in the assistance unit, the disregard under paragraph (a)(11) (i) and (ii) of this section apply instead:

(A) The first $75 of the gross earned income of the stepparent if he or she is employed full-time. The State agency shall have in place a procedure under which it determines and applies a disregarded amount less than $75 for stepparents who are not employed on a full-time basis or not employed throughout the month;

(B) An additional amount for the support of the stepparent and any other individuals who are living in the home, but whose needs are not taken into account in making the AFDC eligibility determinations and are or could be claimed by the stepparent as dependents for purposes of determining his or her Federal personal income tax liability. This disregarded amount shall equal the State's need standard amount for a family group of the same composition as the stepparent and those other individuals described in the preceding sentence;

(C) Amounts actually paid by the stepparent to individuals not living in the home but who are or could be claimed by him or her as dependents for purposes of determining his or her Federal personal income tax liability; and

(D) Payments by such stepparent of alimony or child support with respect to individuals not living in the household.

* * * * *

7. Section 233.20 is amended by revising paragraph (a)(4) (ii)(*h*) to read as follows:

§ 233.20 Need and amount of assistance.

(a) * * *

(4) * * *

(ii) * * *

(*h*) Payments to applicants or recipients participating in the Volunteers in Service to America (VISTA) Program, except that this disregard will not be applied when the Director of ACTION determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938, or the minimum wage under the laws of the States where the volunteers are serving, whichever is greater. (Section 404(g) of Pub. L. 93–113, as amended by section 9 of Pub. L. 96–143):

* * * * *

8. Section 233.20 is amended by adding a new paragraph (a)(4)(ii)(*l*) to read as follows:

§ 233.20 Need and amount of assistance.

(a) * * *

(4) * * *

(ii) * * *

(*l*) Benefits paid to eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to section 2605(f) of Pub. L. 97–35;

* * * * *

9. Section 233.27 is amended by revising paragraph (b)(2) to read as follows:

§ 233.27 Supplemental payments under retrospective budgeting.

* * * * *

(b) * * *

(2) The agency may include as income cash in hand or available in bank accounts. It may also include as income any cash disregarded in determining need or the amount of the assistance payment, but not cash payments that are disregarded by paragraphs (c) on relocation assistance, (d) on educational grants or loans and (g) on payments for certain services.

10. Section 233.90 is amended by revising paragraph (a)(1) to read as follows:

§ 233.90 Factors specific to AFDC.

(a) *State plan requirements.* A State plan under title IV–A of the Social Security Act shall provide that:

(1) The determination whether a child has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his or her parent who is the principal earner will be made only in relation to the child's natural or adoptive parent, or in relation to the child's stepparent who is married, under State law, to the child's natural or

* * * * *

11. Section 233.90 is amended by revising paragraphs (c)(2)(i) and (c)(2)(ii) to read as follows:

§ 233.90 Factors specific to AFDC.

* * * * *

(c) * * *

(2) Federal financial participation is available in:

(i) Initial payments made on behalf of a child who goes to live with a relative specified in section 406(a)(1) of the Social Security Act within 30 days of the receipt of the first payment, provided payments are not made for a concurrent period for the same child in the home of another relative or as foster care under title IV–E;

(ii) Payments made for the entire month in the course of which a child leaves the home of a specified relative, provided payments are not made for a concurrent period for the same child in the home of another relative or as foster care under title IV–E; and

* * * * *

12. Section 233.100 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 233.100 Dependent children of unemployed parents.

(a) Requirements for State Plans. If a State wishes to provide AFDC for children of unemployed parents, the State plan under title IV–A of the Social Security Act must:

* * * * *

§ 233.100 [Amended]

13. Section 233.100 is amended by removing paragraphs (a)(7) and (a)(8):

14. Section 233.100 is amended by vacating and reserving paragraph (b) as set forth below:

§ 233.100 Dependent children of unemployed parents.

* * * * *

(b) [Reserved.]

* * * * *

15. Section 233.100 is amended by revising paragraphs (c)(1)(iv) and (c)(1)(v) to read as follows:

§ 233.100 Dependent children of unemployed parents.

* * * * *

(c) * * *

(1) * * *

(iv) Whose parent who is the principal earner (*a*) has six or more quarters of work (as defined in paragraph (a)(3)(iv) of this section) within any 13-calendar-quarter period ending within 1 year prior to the application for such aid, (*b*) within such 1-year period, received unemployment compensation under an unemployment compensation law of a State or of the United States, or was qualified (under the terms of paragraph (a)(3)(v) of this section) for such compensation under the State's unemployment compensation law; and

(v) Whose parent who is the principal earner (*a*) is currently registered with the WIN program unless exempt or is registered with the public employment office in the State if exempt from WIN registration under § 224.20(b)(6) or because there is no WIN program in which he can effectively participate; and (*b*) has not refused to apply for or accept unemployment compensation under an unemployment compensation law of a State or of the United States.

* * * * *

16. Section 233.100 is amended by revising paragraph (c)(2)(i) to read as follows:

§ 233.100 Dependent children of unemployed parents.

* * * * *

(c) * * *

(2) * * *

(i) For any part of the 30-day period specified in paragraph (a)(3)(i) of this section;

* * * * *

17. Section 233.100 is revised as set forth below:

§ 233.100 Foster care maintenance and adoption assistance.

(a) *State plan requirements.* A State plan under title IV–A of the Social Security Act must provide that the State has in effect a plan approved under Part E, title IV of the Social Security Act, and operates a foster care maintenance and adoption assistance program in conformity with such a plan.

PART 234—[AMENDED]

G. Part 234 is amended as set forth below:

1. Section 234.11 is amended by vacating and reserving paragraph (b) as follows:

§ 234.11 Assistance is the form of money payments; deduction of food stamp costs.

* * * * *

(b) [Reserved.]

2. Section 234.60 is amended by revising paragraphs (a)(2)(i) and (ii) to read as follows:

§ 234.60 Protective, vendor and two-party payments for dependent children.

(a) * * *

(2)(i) Methods will be in effect to identify children whose relatives have demonstrated an inability to manage funds such that payments to the relative have not been or are not currently used in the best interest of the child. This means that the relative has mismanaged funds such that allowing him or her to continue to manage the AFDC grant would be contrary to the welfare of the child.

(ii) States will establish the criteria to determine if mismanagement exists, with the exception of the following limitation:

(A) Where the asserted mismanagement involves nonpayment of rent, mismanagement will be presumed after two months of such nonpayment. The recipient may rebut such presumption by demonstrating that the nonpayment was the result of a life-threatening emergency to the family compelling the temporary nonpayment of rent, or that rent was withheld as an appropriate response to the willful and unlawful refusal of the landlord to provide essential services.

(B) States may establish additional criteria for determining when nonpayment of rent constitutes mismanagement, but such additional criteria shall not restrict the application of the above presumption.

* * * * *

3. Section 234.60 is amended to vacate and reserve paragraph (a)(6) as follows:

§ 234.60 Protective, vendor and two-party payments for dependent children.

(a) * * *

(6) [Reserved]

* * * * *

4. Section 234.60 is amended by revising paragraphs (a)(9)(i) and (ii) to read as follows:

§ 234.60 Protective, vendor and two-party payments for dependent children.

(a) * * *

(9)(i) Review will be made at the request of the recipient, but not more than once every 12 months, of the need for vendor and two-party payments. The recipient shall have the responsibility in any such review of showing that circumstances have changed such that vendor and two-party payments are no longer justified.

(ii) Review will be made as frequently as indicated by the individual's circumstances, and at least every 2 years, of the need for protective payments and the way in which a protective payee's responsibilities are carried out.

* * * * *

5. Section 234.60 is amended by revising paragraph (a)(11) to read as follows:

§ 234.60 Protective, vendor and two-party payments for dependent children.

(a) * * *

(11) Opportunity for a fair hearing will be given to any individual claiming assistance in relation to the determination:

(i) That a protective, vendor, and two-party payment should be made or continued.

(ii) As to the payee selected.

In either case, the opportunity for a fair hearing shall be given after the determination, and such determination shall take effect at the time it is made, and shall continue in effect until changed. The agency must provide adequate notice at the time the determination is effective. For purposes of this section, adequate notice means a written notice that includes a statement of the action the agency has taken, the reasons for the action, and an explanation of the individual's right to request a State agency fair hearing.

* * * * *

H. Part 235 is amended as set forth below:

1. The Table of Contents of Part 235 is amended by vacating and reserving § 235.40:

PART 235—ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

Sec.

235.40 [Reserved]

* * * * *

2. Section 235.40 is vacated and reserved as follows:

§ 235.40 [Reserved.]

PART 237—[AMENDED]

1. Part 237 is amended as set forth below:

1. Section 237.50 is amended by revising paragraph (b)(3)(ii) to read as follows:

§ 237.50 Recipient count, Federal financial participation.

* * * * *

(b) * * *

(3) * * *

(ii) As used in paragraph (b)(3)(i) of this section, the term "parent" means the natural or adoptive parent, or the stepparent who was married under State law to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children; and the term "spouse" means an individual who is the husband or wife of the child's own parent, as defined above, by reason of a ceremonial or other legal marriage.

* * * * *

2. Section 237.50 is amended by revising paragraph (b)(4) to read as follows:

§ 237.50 Recipient count, Federal financial participation.

* * * * *

(b) * * *

(4)(i) When at least one of the children in a family is eligible due to the unemployment of his or her parent who is the principal earner in the home, the recipient count may include all eligible children, the parent who is the principal earner and spouse with whom the children are living, if the needs of such parent and spouse were included in computing the assistance payment.

(ii) For purposes of paragraph (b)(4)(i) of this section, the definitions of the terms "parent" and "spouse" as specified in paragraph (b)(3)(ii) of this section are applicable.

* * * * *

[FR Doc. 84-30176 Filed 11-15-84; 11:48 am]
BILLING CODE 4190-11-M

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H.R. 1314/Pub. L. 98–614

Reorganization Act Amendments of 1984. (Nov. 8, 1984; 98 Stat. 3192) Price: $1.00

H.R. 2300/Pub. L. 98–615

Civil Service Retirement Spouse Equity Act of 1984. (Nov. 8, 1984; 98 Stat. 3195) Price: $1.50

H.R. 2867/Pub. L. 98–616

The Hazardous and Solid Waste Amendments of 1984. (Nov. 8, 1984; 98 Stat. 3221) Price: $2.50

H.R. 5386/Pub. L. 98–617

To amend part A of title XVIII of the Social Security Act with respect to the payment rates for routine home care and other services included in hospice care. (Nov. 8, 1984; 98 Stat. 3294) Price: $1.00

H.R. 5399/Pub. L. 98–618

Intelligence Authorization Act for fiscal year 1985. (Nov. 8, 1984; 98 Stat. 3298) Price: $1.00

H.R. 6028/Pub. L. 98–619

Department of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1985. (Nov. 8, 1984; 98 Stat. 3305) Price: $1.50

H.R. 6163/Pub. L. 98–620

To amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes. (Nov. 8, 1984; 98 Stat. 3335) Price: $1.75

H.R. 6224/Pub. L. 98–621

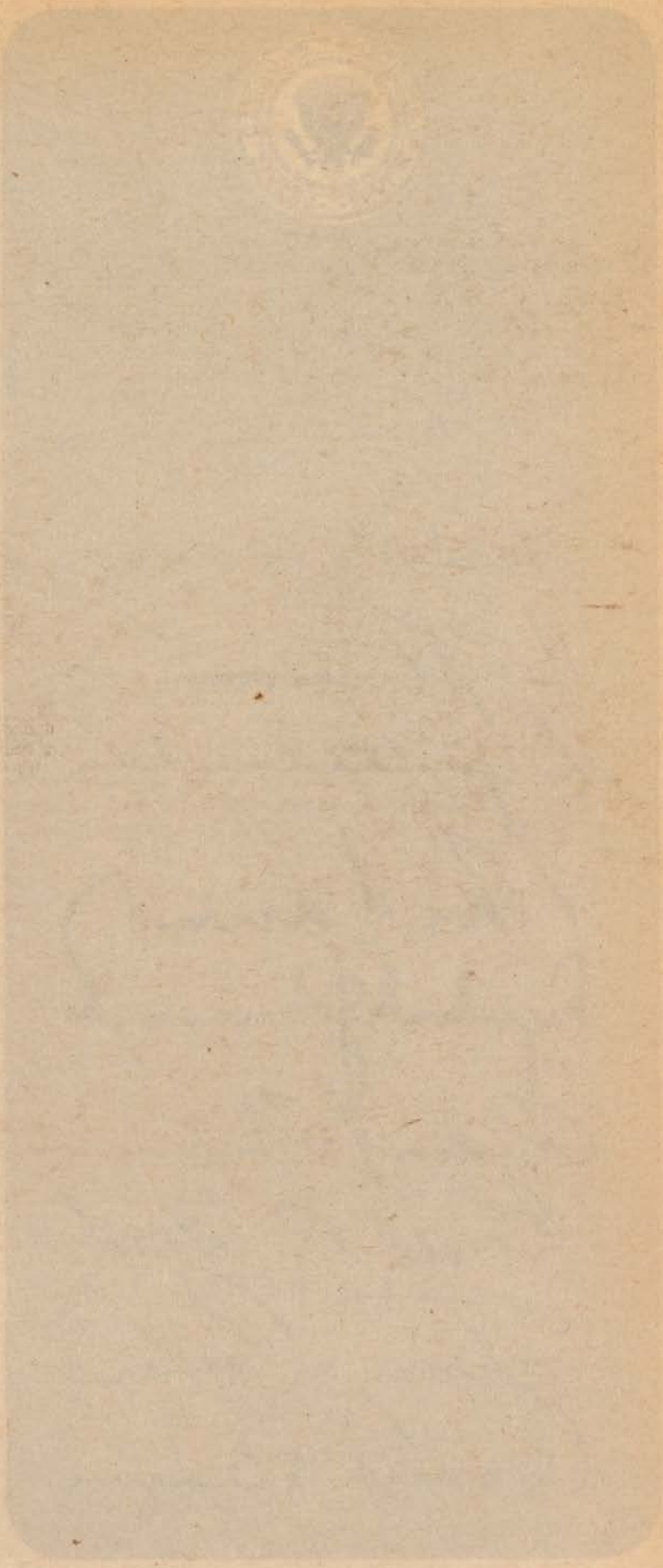
Saint Elizabeths Hospital and District of Columbia Mental Health Services Act (Nov. 8, 1984; 98 Stat. 3369) Price: $1.00

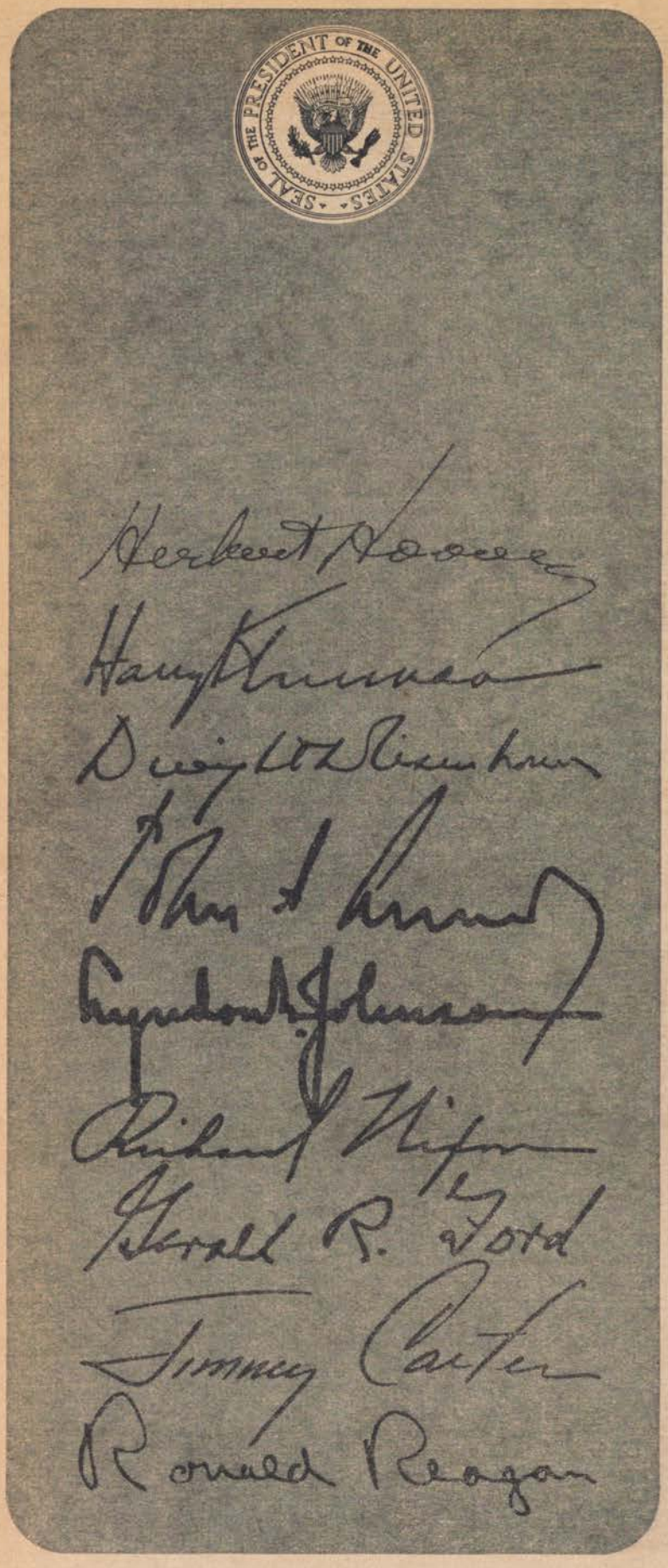
H.R. 6286/Pub. L. 98–622

Patent Law Amendments Act of 1984. (Nov. 8, 1984; 98 Stat. 3383) Price: $1.00

H.R. 6342/Pub. L. 98–623

To approve governing international fishery agreements with Iceland and the EEC; to establish national standards for artificial reefs; to implement the Convention on the Conservation of Antarctic Marine Living Resources; and for the other purposes. (Nov. 8, 1984; 98 Stat. 3394) Price: $1.25





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