9-13-84
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federal register

Thursday
September 13, 1984

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

CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Memorandum of September 11, 1984

Extension of the Exercise of Certain Authorities Under the Trading With the Enemy Act

Memorandum for the Secretary of State, the Secretary of the Treasury

Under section 101(b) of Public Law 95–223 (91 Stat. 1625, 50 U.S.C. App. 5(b) note), and a previous determination made by the President on September 7, 1983 (48 *Fed. Reg.* 40695 (1983)), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 1984.

I hereby determine that the extension for one year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, pursuant to the authority vested in me by section 101(b) of Public Law 95–223, I extend for one year, until September 14, 1985, the exercise of those authorities with respect to countries affected by:

(1) the Foreign Assets Control Regulations, 31 CFR Part 500;

(2) the Transaction Control Regulations, 31 CFR Part 505;

(3) the Cuban Assets Control Regulations, 31 CFR Part 515; and

(4) the Foreign Funds Control Regulations, 31 CFR Part 520.

This memorandum shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, September 11, 1984.

[FR Doc. 84-24426
Filed 9-11-84; 4:20 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Official Records; Fee Schedule; National Agricultural Library

AGENCY: Office of the Secretary, USDA.
ACTION: Final rule.

SUMMARY: The Fee Schedule is amended by increasing fees for photographic reproductions and on-line searching for National Agricultural Library records. These changes are necessary to offset base costs and increased production costs.

EFFECTIVE DATE: October 15, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph H. Howard, Director, National Agricultural Library, United States Department of Agriculture, Room 200, NAL, Beltsville, Maryland 20705 (301) 344–4248.

SUPPLEMENTARY INFORMATION: On May 7, 1984, the Department of Agriculture published a notice of proposed rulemaking in the **Federal Register** (49 FR 19307). Interested parties were invited to participate in this rulemaking by submitting written comments on the proposal to the Department. On June 6, 1984, the proposed rule comment period expired. No comments were received. Therefore, this final rule is the same as that published in the notice.

This final rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512–1 and been determined not to be a "major rule." In addition, it will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the fees provided for in this rule are not new but merely reflect a minimal increase in the costs currently borne by those persons requesting Government photographic reproductions and on-line searching. John E. Carson, Director, Office of Finance and Management made these determinations.

List of Subjects in 7 CFR Part 1

Freedom of information.

PART 1—ADMINISTRATIVE REGULATIONS

Accordingly, Appendix A of Subpart A, of Part 1, title 7, Code of Federal Regulations is amended as follows:

Appendix A—Fee Schedule

1. The authority citation for Appendix A, Subpart A of Part 1 is revised to read as follows:

(5 U.S.C. 301, 552; 7 U.S.C. 2244; 31 U.S.C. 9701; and 7 CFR 2.75(a)(6)(xiii)

2. The heading and the provisions of paragraph a of section 16 are revised to read as follows:

Sec. 16. *Photographic reproduction prices.*

* * * * *

a. *National Agricultural Library.* The following prices are applicable to National Agricultural Library (NAL) items only: Reproduction of electrostatic, microfilm, and microfiche copy—$5.00 for the first 10 pages or fraction thereof, and $3.00 for each additional 10 pages or fraction thereof. Duplication of NAL-owned microfilm—$10.00 per reel. Duplication of NAL-owned microfiche—$5.00 for the first fiche, and $0.50 for each additional fiche. Magnetic tape containing bibliographic files—$45.00 per reel. As part of its reference service NAL may, in accordance with its policies, provide staff assistance and the use of manual or computerized reference tools to answer inquiries. All inquiries requiring more than a threshold level of one hour of staff time or $25 in computer costs shall be billed for that part of the staff time and computer-related costs which exceed the threshold levels in accordance with section 8, paragraphs c through e of this fee schedule. The contract rate charged by the commercial source to the National Agricultural Library for computer services is available at the National Agricultural Library, Room 200, United States Department of Agriculture, Beltsville, Maryland 20705 (301–344–4248).

* * * * *

Signed at Washington, D.C., on September 6, 1984.

Larry Wilson,
Acting Director, Office of Finance and Management.

[FR Doc. 84–24084 Filed 9–12–84; 8:45 am]
BILLING CODE 3410–98–M

Agricultural Marketing Service

7 CFR Part 993

Dried Prunes Produced in California; Changes in Pack Specifications

AGENCY: Agricultural Marketing Service, USDA.
ACTION: Final rule.

SUMMARY: This final rule prescribes an additional nomenclature size designation—"Small", "Breakfast", "Petite", or "Economy"—for consumer packages of dried prunes under the marketing order for California dried prunes. Packages of prunes labeled with these size designations shall include prunes falling within a range of 85 to 100 prunes, inclusive, per pound. The current nomenclature size designations are "Extra Large," "Large", and "Medium". This additional nomenclature size designation is intended to give handlers more flexibility in merchandising small prunes.

EFFECTIVE DATE: September 13, 1984.

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

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

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

Notice of this action was published in the August 14, 1984, issue of the **Federal Register** (49 FR 32368) and interested persons were afforded an opportunity to submit written comments until August

29, 1984. Two comments were received in favor of the proposal.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) The 1984–85 crop year begins August 1, 1984, and handlers will soon be receiving and packing 1984–crop prunes; (2) handlers need to implement this change as soon as possible in packing and marketing the prunes they pack; and (3) because this action relieves restrictions on handlers, they do not need advance notice to use the additional designation.

This final rule changes paragraphs (b) and (c) of § 993.515 of Subpart—Pack Specification as to Size (7 CFR 993.501—993.518) to prescribe another nomenclature size designation which handlers can use on consumer packages of dried prunes. This designation will be either "Small", "Breakfast", "Petite", or "Economy". The dried prunes in the packages shall fall within a size range of 85 to 100 prunes, inclusive, per pound.

The additional nomenclature size designation was recommended by the Prune Marketing Committee, which is established under the marketing agreement and Order No. 993 both as amended (7 CFR Part 993) regulating the handling of dried prunes produced in California (hereinafter both are referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Committee works with USDA in administering the order.

The pack specifications in § 993.515 prescribe commercially recognized size categories for the packing of prunes in consumer packages, including numerical and nomenclature size designations. The nomenclature size designations currently listed in § 993.515(b) continue in effect. These are "Extra Large", "Large", and "Medium". The additional nomenclature size designation—"Small", "Breakfast", "Petite", or "Economy"—will be defined in § 993.515(c) in terms of the count of prunes per pound as follows: "Small", "Breakfast", "Petite", or "Economy" means any size count which falls within the range of 85 to 100 prunes, inclusive, per pound.

Handlers have been using this nomenclature size designation in conjunction with the numerical designation of 90 to 00 prunes, inclusive, per pound for the past several years, but have found the appearance of both numerical and nomenclature designations on the label to be counterproductive in merchandising and promoting sales of such prunes. This action no longer requires the numerical designation to be included on the label with the "Small", "Breakfast", "Petite", or "Economy" size designation, thus making the label more useful in merchandising and promoting the sale of small prunes. Also, this action gives handlers greater latitude and flexibility in utilizing, packing, and marketing the smaller prunes they receive from producers each year.

After consideration of all relevant matter presented, including that in the notice, the Committee's recommendation, and other available information, it is found that to amend Subpart—Pack Specification as to Size (7 CFR 993.515) will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 993

Marketing agreements and orders plums and prunes, California.

§ 993.515 Amended

Therefore, § 993.515 is amended by revising paragraphs (b) and (c) to read as follows:

Subpart—Pack Specification as to Size

* * * * *

§ 993.515 Size categories.

* * * * *

Nomenclature designations. Each of the following is a nonmenclature size category:

(1) Extra Large;

(2) Large;

(3) Medium; and

(4) Small, Breakfast, Petite, or Economy.

(c) *Nomenclature designations defined.* As used in paragraph (b) of this section:

(1) "Extra Large" means any size count which falls within the range of 25 to 40 prunes, inclusive, per pound;

(2) "Large" means any size count which falls within the range of 40 to 60 prunes, inclusive, per pound;

(3) "Medium" means any size count which falls within the range of 60 to 85 prunes, inclusive, per pound; and

(4) "Small", "Breakfast", "Petite", or "Economy" means any size count which falls within the range of 85 to 100 prunes, inclusive, per pound.

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

Dated: September 7, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 84–24255 Filed 9–12–84; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1046

[Docket No. AO–123–A53]

Milk in the Louisville-Lexington-Evansville Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the Louisville-Lexington-Evansville Federal milk marketing order. One change increases the Class I price differential by 20 cents per hundredweight from the effective date of the amended order through February 1985. Also, a hauling credit is provided for handlers of supplemental milk brought in from other milk orders during the same period. The base-excess plan will be modified to allow producers' milk delivered to other order plants regulated by the southeastern orders containing base-excess plans to be included in the computation of their bases.

These changes are based on evidence presented at a public hearing on proposals to amend this and 13 other Federal milk orders. The hearing was held on August 7, 1984, in Atlanta, Georgia. The order changes were requested by a cooperative association that represents dairy farmers who supply milk to the Louisville-Lexington-Evansville market.

The adopted order changes are necessary to reflect current marketing conditions and to insure that all handlers in the market share more equitably in the cost of obtaining substantial supplies of supplemental milk during the months in which demand is expected to be greatest. Because of the limited time available to complete the rulemaking procedures, a recommended decision and the opportunity to file exceptions thereto were omitted. The amendments were adopted in the Assistant Secretary's decision of August 22, 1984. More than two-thirds of the producers who voted in a referendum approved the issuance of the amended order.

EFFECTIVE DATE: September 13, 1984.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued August 1, 1984; published August 3, 1984 (49 FR 31072).

Emergency Final Decision: Issued August 22, 1984; published August 28, 1984 (49 FR 34028).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the aforesaid tentative marketing agreement and order:

(a) *Findings upon the basis of the hearing record.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the **Federal Register.** Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued August 22, 1984 (49 FR 34028). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the **Federal Register** and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register.** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who are were engaged in the production of milk for sale in the marketing area during the determined representative period.

List of Subjects in 7 CFR Part 1046

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby further amended, as follows:

PART 1046—MILK ON THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. In § 1046.50, paragraph (a) is revised to read as follows:

§ 1046.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70, and plus $0.20 from the effective date hereof through February 1985.

* * * * *

2. In § 1046.60, paragraph (g) is revised to read as follows:

§ 1046.60 Handler's value of milk for computing uniform price.

* * * * *

(g) With respect to milk marketed on and after the effective date hereof, through February 1985, subtract the amount obtained by multiplying the pounds of bulk fluid milk products that were transferred to the handler's pool plant from an other order plant and allocated to Class I milk, by a rate equal to 3.3 cents per hundredweight for each 10 miles of fraction thereof, less any difference (positive only) between the Class I differential applicable at the receiving plant less the Class I differential applicable at the shipping plant.

3. Section 1046.90 is revised to read as follows:

§ 1046.90 Base milk.

"Base milk" means the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month, except that for the months of March 1985 through June 1985 base milk shall be determined by the producer's base multiplied by the number of days in the month times the percentage of the producer's production pooled pursuant to § 1046.13.

4. In § 1046.92, the following language is added to paragraphs (a) and (b):

§ 1046.92 Computation of base for each producer.

(a) * * * For producer bases to be calculated on or before February 1, 1985, and subject to § 1046.93, the base to be calculated for each producer shall be an amount obtained by dividing the total pounds of his producer milk (as defined under the respective orders) received from the producer by all handlers fully regulated under the terms of the respective orders regulating the handling of milk in the Georgia; Tennessee Valley; Louisville-Lexington-Evansville; Alabama-West Florida; Memphis, Tennessee; Nashville, Tennessee; Fort Smith, Arkansas; and Central Arkansas marketing areas (Parts 1007, 1011, 1046, 1093, 1097, 1098, 1102, and 1108, respectively, of this chapter) during the immediately preceding months of September through December 1984 by the number of days' production represented by such producer milk or by 100, whichever is more.

(b) * * * For bases calculated from the September–December 1984 base-forming period, the base for a producer

whose milk was delivered to a plant that did not become a pool plant under any of the orders specified in paragraph (a) of this section until after the beginning of the base-forming period shall be calculated as if the plant were a pool plant under such orders for the entire base-forming period. A base thus assigned shall not be transferable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–764)

Effective date: September 13, 1984.

Signed at Washington, D.C., on September 10, 1984.

C.W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-24311 Filed 9-12-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 24238; Amdt. No. 1277]

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

For Examination—

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

For Purchase—

Individual SIAP copies may be obtained from:

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

By Subscription—

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

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

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

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

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

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

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Aviation safety.

Adoption of the Amendment

PART 97—[AMENDED]

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

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

* * * *Effective October 25, 1984*

Deadhorse, AK—Deadhorse, VOR RWY 22, Amdt. 4
Deadhorse, AK—Deadhorse, VOR/DME RWY 4, Amdt. 1
Honolulu, HI—Honolulu Intl, VOR or TACAN RWY 8L, Orig.
Honolulu, HI—Honolulu Intl, VOR or TACAN RWY 8R, Amdt. 1
Honolulu, HI—Honolulu Intl, VOR or TACAN–A, Orig., Cancelled
Honolulu, HI—Honolulu Intl, VOR or TACAN RWY 4R, Orig., Cancelled
Kaunakakai, Molakai, HI—Molokai, VOR or TACAN–A, Amdt. 10
Lanai City, HI—Lanai, VOR or TACAN RWY 3, Amdt. 2
Lanai City, HI—Lanai, VOR or TACAN–A, Amdt. 6

Jerome, ID—Jerome County, VOR/DME-A, Orig.
Red Oak, IA—Red Oak Muni, VOR/DME-A, Amdt. 2
Goodland, KS—Renner Fld (Goodland Muni), VOR RWY 30, Amdt. 7
Goodland, KS—Renner Fld (Goodland Muni), VOR/DME RWY 30, Amdt. 5
Mount Sterling, KY—Mt Sterling-Montgomery County, VOR/DME RWY 7, Amdt. 3
Mount Sterling, KY—Mt Sterling-Montgomery County, VOR RWY 7, Amdt. 2
Richmond, KY—Madison, VOR/DME RWY 18, Amdt. 2
Hopedale, MA—Hopedale-Draper, VOR-A, Amdt. 5
Jaffrey, NH—Jaffrey Muni-Silver Ranch, VOR-A, Amdt. 5
Raleigh-Durham, NC—Raleigh-Durham, VOR RWY 5, Amdt. 12
Raleigh-Durham, NC—Raleigh-Durham, VOR RWY 23, Amdt. 13
Raleigh-Durham, NC—Raleigh-Durham, VOR RWY 32, Amdt. 2
Annville, PA—Millard, VOR/DME-A, Amdt. 1
Pottsville, PA—Schuylkill County/Joe Zerbey, VOR RWY 4, Admt. 4
Ashland, VA—Hanover County Muni, VOR RWY 16, Amdt. 2
Chesterfield, VA—Chesterfield County, VOR RWY 15, Amdt. 7
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Rock Springs, WY—Rock Springs-Sweetwater County, VOR-B, Amdt. 3
Rock Springs, WY—Rock Springs-Sweetwater County, VOR/DME RWY 9, Amdt. 1
Rock Springs, WY—Rock Springs-Sweetwater County, VOR/DME RWY 27, Amdt. 1

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

** * * Effective October 25, 1984*

Deadhorse, AK—Deadhorse, LOC/DME BC RWY 22, Amdt. 5
Honolulu, HI—Honolulu Intl, LDA/DME RWY 26L, Amdt. 3
Ashland, VA—Hanover County Muni, SDF RWY 16, Amdt. 2
Chesterfield, VA—Chesterfield County, SDF RWY 33, Amdt. 3

** * * Effective September 27, 1984*

Harrison, AR—Boone County, LOC RWY 36, Amdt. 3
Texarkana, AR—Texarkana Muni-Webb Field, LOC BC RWY 4, Amdt. 10
St Louis, MO—Lambert-St Louis Intl, LDA/DME RWY 12L, Orig.
St Louis, MO—Lambert-St Louis Intl, LDA/DME-A, Orig., Cancelled

** * * Effective August 22, 1984*

Lubbock, TX—Lubbock Intl, LOC BC RWY 35L, Amdt. 11

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

** * * * Effective October 25, 1984*

Sacramento, CA—Sacramento Metropolitan, NDB RWY 34, Amdt. 1
Monroe, GA—Monroe Muni, NDB RWY 3, Orig.
Honolulu, HI—Honolulu Intl, NDB RWY 8L, Amdt. 16
Red Oak, IA—Red Oak Muni, NDB RWY 17, Amdt. 5
Caldwell, ID—Caldwell Industrial, NDB RWY 30, Orig.
Nampa, ID—Nampa Muni, NDB RWY 11, Orig.
Chicago, IL—Chicago Midway, NDB RWY 13R, Amdt. 9, Cancelled
Goodland, KS—Renner Fld (Goodland Muni), NDB RWY 30, Amdt. 6
Raleigh-Durham, NC—Raleigh-Durham, NDB RWY 5, Amdt. 18
Raleigh-Durham, NC—Raleigh-Durham, NDB RWY 23, Amdt. 2
Valley City, ND—Barnes County Muni, NDB RWY 31, Amdt. 1
Pottsville, PA—Schylkill County/Joe Zerbey, NDB RWY 29, Amdt. 3
Reading, PA—Reading Muni, Gen Carl A Spaatz Field, NDB RWY 36, Amdt. 22
Rogersville, TN—Hawkins County, NDB RWY 7, Amdt. 1
Ashland, VA—Hanover County Muni, NDB RWY 16, Amdt. 1
Chesterfield, VA—Chesterfield County, NDB RWY 33, Amdt. 5
Rock Springs, WY—Rock Springs-Sweetwater County, NDB-C, Amdt. 1

** * * Effective September 27, 1984*

New Orleans, LA—New Orleans Intl (Moisant Field), NDB RWY 10, Amdt. 22

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

** * * Effective October 25, 1984*

Deadhorse, AK—Deadhorse, ILS/DME RWY 4, Amdt. 5
Sacramento, CA—Sacramento Metropolitan, ILS RWY 16, Amdt. 10
Sacramento, CA—Sacramento Metropolitan, ILS RWY 34, Amdt. 2
Honolulu, HI—Honolulu Intl, ILS RWY 4R, Amdt. 9
Honolulu, HI—Honolulu Intl, ILS RWY 8L, Amdt. 18
Chicago, IL—Chicago Midway, ILS RWY 13R, Amdt. 37
Goodland, KS—Renner Fld (Goodland Muni), ILS RWY 30, Amdt. 3
Kansas City, MO—Kansas City Intl, ILS RWY 1, Amdt. 8
Raleigh-Durham, NC—Raleigh-Durham, ILS RWY 5, Amdt. 22
Raleigh-Durham, NC—Raleigh-Durham, ILS RWY 23, Amdt. 2
Harrisburg, PA—Capital City, ILS RWY 8, Amdt. 7
Lancaster, PA—Lancaster, ILS RWY 8, Amdt. 10
Middletown, PA—Harrisburg Intl Arpt-Olmsted Fld, ILS RWY 13, Amdt. 8
Middletown, PA—Harrisburg Intl Arpt-Olmsted Fld, ILS RWY 31, Amdt. 2
Reading, PA—Reading Muni, Gen Carl A Spaatz Field, ILS RWY 36, Amdt. 27
Richmond, VA—Richard Evelyn Byrd Intl, ILS RWY 6, Amdt. 23
Richmond, VA—Richard Evelyn Byrd Intl, ILS RWY 15, Amdt. 5
Richmond, VA—Richard Evelyn Byrd Intl, ILS RWY 33, Amdt. 10
Rock Springs, WY—Rock Springs-Sweetwater County, ILS/DME RWY 27, Amdt. 2

** * * Effective September 27, 1984*

Little Rock, AR—Adams Field, ILS RWY 4, Amdt. 21
Texarkana, AR—Texarkana Muni-Webb Field, ILS RWY 22, Amdt. 12
Hot Springs, AR—Memorial Field, ILS RWY 5, Amdt. 9
New Orleans, LA—New Orleans Intl (Moisant Field), ILS RWY 28, Amdt. 2
New Orleans, LA—New Orleans Intl (Moisant Field), ILS RWY 10, Amdt. 29
St Louis, MO—Lambert-St Louis Intl, ILS RWY 12R, Amdt. 16

** * * Effective September 4, 1984*

Sarasota/Bradenton, FL—Sarasota-Bradenton, ILS RWY 14, Amdt. 1

** * * Effective August 27, 1984*

Charlottesville, VA—Charlottesville-Albemarle, ILS RWY 3, Amdt. 10

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

** * * Effective October 25, 1984*

Raleigh-Durham, NC—Raleigh-Durham, RADAR-1, Amdt. 2
Harrisburg, PA—Capital City, RADAR-1, Amdt. 11
Middletown, PA—Harrisburg Intl Arpt-Olmsted, RADAR-1, Amdt. 6
Richmond, VA—Richard Evelyn Byrd Intl, RADAR-1, Amdt. 7

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

** * * Effective October 25, 1984*

Goodland, KS—Renner Fld (Goodland Muni), RNAV RWY 12, Amdt. 4
Lawrence, KS—Lawrence Muni, RNAV RWY 32, Orig.
Richmond, KY—Madison, RNAV RWY 36, Amdt. 2
Pottsville, PA—Schuylkill County/Joe Zerbey, RNAV RWY 29, Amdt. 1
Reading, PA—Reading Muni, Gen Carl A Spaatz Field, RNAV RWY 13, Amdt. 6
Richmond, VA—Richard Evelyn Byrd Intl, RNAV RWY 20, Amdt. 4

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

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to

keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Issued in Washington, D.C. on September 7, 1984.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 84-24147 Filed 9-12-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 1710

[Docket No. N-84-1286; FR 1732]

Guidelines for Exemptions Available Under the Interstate Land Sales Full Disclosure Act

Correction

In FR Doc. 84-20696 beginning on page 31375 in the issue of Monday, August 6, 1984, make the following correction:

On page 31383, column three, line two, "continue" should read "contain".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Order No. 1064-84]

Delegation of Authority To Designate Certain Employees of the Department of Agriculture (Tick Inspectors) To Carry and Use Firearms

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This Order delegates the Attorney General's authority under Public Law 97-312, 7 U.S.C. 2274, to designate certain employees of the Department of Agriculture (Tick Inspectors) to carry and use firearms when necessary for self-protection while engaged in the performance of official duties.

EFFECTIVE DATE: September 5, 1984.

FOR FURTHER INFORMATION CONTACT: Arthur F. Norton, Criminal Division, Washington, D.C. 20530 (202-724-7526).

The Order is not a rule within the meaning of either Executive Order 12291, Section 1(a), or the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies); Intergovernmental relations.

PART 0—[AMENDED]

By virtue of the authority vested in me as Attorney General by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Part 0 of Title 28 of the Code of Federal Regulations is amended by adding a new § 0.64-3 to read as follows:

§ 0.64-3 Delegation respecting designation of certain Department of Agriculture employees (Tick Inspectors) to carry and use firearms.

The Assistant Attorney General in charge of the Criminal Division is authorized to exercise all the power and authority vested in the Attorney General under section 2274 of Title 7, U.S. Code, concerning the designation of certain Department of Agriculture employees (Tick Inspectors) to carry and use firearms. This delegation includes the power and authority to issue, with the Department of Agriculture, joint rules and regulations pertaining to the carrying and use of such firearms, which would, when promulgated, supersede the existing regulations pertaining to the carrying and use of firearms by Tick Inspectors, promulgated by the Attorney General and contained in Attorney General's Order No. 1059-84. The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate all of this authority under section 2274 to his Deputy Assistant Attorneys General and appropriate Office Directors and Section Chiefs.

Dated: September 5, 1984.

William French Smith,

Attorney General.

[FR Doc. 84-24168 Filed 9-12-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R, Amdt. No. 26]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS): Cardiac Pacemaker Telephonic Monitoring

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment of Final Rule.

SUMMARY: This final rule will amend DoD 6010.8-R (32 CFR Part 199) which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). The final rule will allow coverage for transtelephonic monitoring of cardiac pacemakers which is currently excluded under the CHAMPUS Basic Program. Transtelephonic monitoring of cardiac pacemakers is an effective means of alerting the physician to pacemaker malfunction and serves to increase patient comfort and reduce the cost of medical care.

DATE: This amendment is effective September 13, 1984.

FOR FURTHER INFORMATION CONTACT: David R. Bennett, Policy Branch, OCHAMPUS, Aurora, Colorado 80045, Telephone (303)-361-8608.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977, (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

In FR Doc 84-1271 appearing in the **Federal Register** on January 18, 1984 (49 FR 2118), the Office of the Secretary of Defense published for public comment a proposed amendment extending CHAMPUS benefits for transtelephonic monitoring of cardiac pacemakers. Public comments were to have been submitted by February 17, 1984.

Except for the following comments that recommended changes to the language of the rule, all other comments that were received supported the proposed rulemaking.

1. One of the comments suggested that "self-contained cardiac pacemaker monitors" be excluded from coverage and that specific intervals be stipulated for single versus dual chamber pacemakers. These suggestions will be adopted and incorporated into CHAMPUS' internal procedural guidelines as soon as the new Medicare

instructions for transtelephonic monitoring of cardiac pacemakers are issued.

2. There were also two editorial comments regarding the proposed rule that were accepted and added to the final rule. Section 199.10, paragraph (g)(56) of Part 199, specifically excludes services and advice rendered by telephone or other telephonic device. This restriction prevents the payment of transtelephonic monitoring of cardiac pacemakers under the CHAMPUS Basic Program.

Transtelephonic monitoring is a convenient and effective means of alerting the physician to incorrect positioning of malfunctioning of electrodes, failure of the generator's electronic circuitry and impending battery exhaustion. This method serves to increase patient comfort by avoiding unnecessary trips to the physician's office, reducing the burden on the hospitals' specialized cardiac units and reducing the cost of pacemaker monitoring.

Under the final rule all telephonic services are excluded except for transtelephonic monitoring of cardiac pacemakers. Transtelephonic monitoring of cardiac pacemakers will be payable using Medicare utilization parameters for development and reimbursement of transtelephonic monitoring claims. If the utilization parameters are exceeded, written justification will be required from the physician that more frequent monitoring is medically necessary.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Chapter I, is amended as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Section 199.10 is amended by revising paragraph (g)(56) to read as follows:

§ 199.10 Basic Program Benefits.

* * * * *

(g) * * *

(56) *Telephonic Services.* Services or advice rendered by telephone or other telephonic device, including remote monitoring, except for transtelephonic monitoring of cardiac pacemakers.

* * * * *

(10 U.S.C. 1079, 1086; 5 U.S.C. 301)

Dated: September 6, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 84-24000 Filed 9-12-84; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08-83-04]

Drawbridge Operation Regulations; Teche Bayou, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), St. Mary Parish (SMP) and Iberia Parish (IP), the Coast Guard is changing the operating regulations for all 22 low level drawbridges across Teche Bayou, from mile 3.9 to mile 73.3. Sixteen of the bridges are owned by the LDOTD, four by SMP and two by IP.

The change requires that at least four hours advance notice be given at all times to open the bridges, except the four at miles 27.0, 32.5, 37.0 and 38.9 where the four hours notice is limited to the hours between 9 p.m. and 5 a.m. Outside these hours, the four bridges still are required to open on signal.

Additionally, the change (1) revokes the operating regulation for the railroad bridge at mile 61.0, a bridge no longer used and kept in the open to navigation position, pending removal, and (2) requires that at least 24 hours advance notice be given at all times to open the combination railroad/vehicular bridge at mile 77.7, to be consistent with the existing opening requirement for the bridge immediately downstream at mile 75.2. This addition, although not part of the previously issued proposed rule, is included herein to put these two bridges in accord with current conditions and has no effect on navigation.

Existing regulations call for all of the bridges from mile 3.9 to mile 77.7 to open on signal, except that from 9 p.m. to 5 a.m. they are to open on advance notice of 12 hours, and in some cases on advance notice of three hours for part of the year. The bridge at mile 73.3 was completed very recently and presently has no special regulation.

This change is being made because of infrequent requests for opening the draws. This action will relieve the bridge owner of the burden of having a person constantly available to open the draws and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on October 15, 1984.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: On August 11, 1983, the Coast Guard published a proposed rule (48 FR 36475) concerning this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated 11 August 1983. In each notice, interested parties were given until 26 September 1983 to submit comments. The proposed rule was codified as an amendment to § 117.245 and § 117.540, Part 117, Title 33 CFR. The final rule has been recodified as an amendment to § 117.501 to conform to the numbering system established by 49 FR 17450 dated April 24, 1984.

Drafting Information

The drafters of these regulations are Perry Haynes, project officer, and Steve Crawford, project attorney, District Legal Office.

Discussion of Comments

Seven comments were received in response to the proposed rule. Four were from users of Teche Bayou located along its banks; namely, Radcliff Materials, Inc., M&C Contractors, Breaux's Bay Craft, Inc. and Sierra Delta, Inc. The other three were from parties who wrote on behalf of Teche Queen, Inc., the owner and operator of a prospective bayou cruise boat. All comments basically expressed concern about opening delays which may occur with the advance notice provisions. To allay this concern, the LDOTD held separate meetings with the four users of the waterway and the prospective user. At these meetings, bridge opening statistics were reviewed to show that each bridge averages well under one opening per day during the prescribed advance notice periods, so infrequent that there should be no difficulty in honoring the appointed times for openings. The waterway users, both actual and prospective, were assured by the LDOTD that it would provide prompt and efficient bridge opening service at all times required, with the District Administrator at Lafayette designated as the point of contact in the event of any problems. To accommodate M&C Contractors, the LDOTD agreed to a four hour advance notice for the bridge at mile 73.3, instead of the 24 hours as

stated in the proposed rule, making this like the other bridges. In light of these undertakings, all the users indicated that the regulations were acceptable.

These modifications to the rule as originally proposed are minor and have a possible adverse impact only upon the bridge owners. The owners have, however, been involved in formulating these final rules and have assented to the provisions contained in this rule. Moreover, the revisions, which resulted from consultation and meetings between affected parties, will serve to enhance local navigation. Therefore, the Coast Guard finds that supplemental notice of the modified rule and public procedure thereon are unnecessary under 5 U.S.C. 533(b).

The advance notice for opening of any of the draws would be given by placing a collect call at any time from ashore or afloat. From ashore, call Lafayette (318) 233–7404 for LDOTD bridges, Franklin (318) 828–1960 for St. Mary Parish bridges, Loreauville (318) 229–6874 for Iberia Parish bridges and Lafayette (318) 261–3629 for the Southern Pacific railroad bridge. From afloat, call Morgan City Public Coast Station KKD 732, VHF Channels 24 and 26, for all bridges.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that each bridge averages well below one opening per day for vessels during the respective advance notice period prescribed. These few vessels can reasonably give a four hours notice for a bridge opening by placing a collect call to the bridge owner at any time, from ashore or afloat. Mariners requiring the bridge openings are mainly repeat users and scheduling their arrival at a bridge at the appointed time would involve little or no additional expense to them. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subject in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, as recodified by 49 FR 17450 dated April 24, 1984, is amended by revising § 117.501 (a), (b) and (c) to read as follows:

§ 117.501 Teche Bayou.

(a) The draws of the following bridges shall be open on signal, except that from 9 p.m. to 5 a.m. the draws shall open on signal if at least four hours notice is given:

(1) St. Mary Parish bridge, mile 27.0 at Baldwin.

(2) S324 bridge, mile 32.5 at Charenton.

(3) S670 bridge, mile 37.0 at Adeline.

(4) St. Mary Parish bridge, mile 38.9 at Sorrel.

(b) The draws of the following bridges shall open on signal if at least four hours notice is given:

(1) St. Mary Parish bridge, mile 3.9 at Calumet.

(2) St. Mary Parish bridge, mile 11.8 at Centerville.

(3) S3069 bridge, mile 16.3 at Franklin.

(4) S322 bridge, mile 17.2 at Franklin.

(5) S323 bridge, mile 22.3 at Oaklawn.

(6) S671 bridge, mile 41.8 at Jeanerette.

(7) S3182 bridge, mile 43.5 at Jeanerette.

(8) S320 bridge, mile 48.7 at Olivier.

(9) S3195 bridge, mile 50.4 at New Iberia.

(10) S87 Spur bridge, mile 52.5 at New Iberia.

(11) S86 bridge, mile 53.0 at New Iberia.

(12) S3156 bridge, mile 53.3 at New Iberia.

(13) S44 bridge, mile 56.7 at Morbihan.

(14) Iberia Parish bridge, mile 58.0 at New Iberia.

(15) Iberia Parish bridge, mile 60.7 at Vida.

(16) S344 bridge, mile 62.5 at Loreauville.

(17) S86 bridge, mile 69.0 at Daspit.

(18) S92 bridge, mile 73.3 at St. Martinville.

(c) The draws of the S96 bridge, mile 75.2 at St. Martinville, the Southern Pacific Transportation Company railroad/vehicular bridge, mile 77.7 at Levert, and the S350 bridge, mile 82.0 at Parks, shall open on signal if at least 24 hours notice is given.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: September 5, 1984

W.H. Stewart,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 84-24216 Filed 9-12-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[OAR-4-FRL-2668-5]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of delegation of authority.

SUMMARY: On February 1, April 17, and 25, 1984, the State of South Carolina requested a delegation of authority for the implementation and enforcement of several additional categories of New Source Performance Standards and one category of National Emission Standards for Hazardous Air Pollutants. EPA's review of South Carolina's laws, rules, and regulations showed them to be adequate for the implementation and enforcement of these Federal standards, and the Agency made the delegation as requested.

EFFECTIVE DATE: These delegations of authority to South Carolina were effective April 6 and May 10, 1984.

ADDRESSES: Copies of the requests for the delegations of authority and EPA's letters of delegation are available for public inspection at EPA's Region IV Office, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

All reports required pursuant to the newly delegated standards should not be submitted to the EPA Region IV Office, but should instead be submitted to the following address: Mr. Otto Pearson, PE, Bureau of Air Quality Control, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Al Yeast (404) 881–3286.

SUPPLEMENTAL INFORMATION: Sections 101, 110, and 111 of the Clean Air Act authorize the Administrator to delegate his authority to implement and enforce the National Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for

Hazardous Air Pollutants (NESHAP), to any State which has submitted adequate implementation and enforcement procedures.

On October 26, 1976, EPA delegated to the State of South Carolina the authority to implement the NSPS and NESHAP. Subsequent NSPS delegations were made on March 17, 1981, and March 22, 1982. On March 24, 1983, South Carolina requested that EPA delegate authority for the NSPS categories that had been promulgated since the March 22, 1982, delegation. On February 1, April 17 and 25, 1984, the State of South Carolina requested delegation of authority for several NSPS and NESHAP categories. The NSPS categories requested are as follows:

1. *Surface Coating of Metal Furniture, 40 CFR Part 60, Subpart EE,* as promulgated on October 29, 1982.
2. *Industrial Surface Coating: Large Appliances, 40 CFR Part 60, Subpart SS,* as promulgated on October 27, 1982.
3. *Metal Coil Surface Coating, 40 CFR Part 60, Subpart TT,* as promulgated on November 1, 1982.
4. *Synthetic Fiber Production Facilities, 40 CFR Part 60, Subpart HHH* as promulgated on April 5, 1984.
5. *Metallic Mineral Processing, 40 CFR Part 60, Subpart LL,* as promulgated on February 21, 1984.
6. *Pressure Sensitive Tape and Label Coating Operations, 40 CFR Part 60, Subpart RR,* as promulgated on October 18, 1983.
7. *Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry, 40 CFR Part 60, Subpart VV,* as promulgated on October 18, 1983.
8. *Beverage Can Surface Coating Industry, 40 CFR Part 60, Subpart WW,* as promulgated on August 25, 1983.
9. *Bulk Gasoline Terminals, 40 CFR Part 60, Subpart XX,* as promulgated on August 18, 1983.

The NESHAP category being requested is:

1. *Asbestos, 40 CFR Part 61, Subpart M,* as promulgated on April 5, 1984.

Action. Since review of the pertinent South Carolina laws, rules, and regulations showed them to be adequate for the implementation and enforcement of the aforementioned categories of NSPS and NESHAP, I delegated to the State of South Carolina my authority for the source categories listed above on April 6 and May 10, 1984.

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

This notice is issued under the authority of sections 101, 110, 111 and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7410, 7411, and 7601).

Dated: August 31, 1984.

John A. Little,

Acting Regional Administrator.

[FR Doc. 84-24060 Filed 9-12-84; 8:45 am]

BILLING CODE 6560-50-M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program; Appendix A: Alabama

AGENCY: Office of Personnel Management.

ACTION: Final rule with request for comments.

SUMMARY: The Office of Personnel Management is establishing the location of a new office for filing of applications or complaints under the Voting Rights Act of 1965, as amended. The Attorney General has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution.

DATES: This rule is effective September 13, 1984. In view of the need for its publication without an opportunity for prior comment, comments will still be received and considered. To be timely, comments must be received on or before October 15, 1984.

ADDRESS: Send or deliver comments to: Ronald E. Brooks, Coordinator, Voting Rights Program, Office of Personnel Management, 1900 E Street, NW, Room 5532, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Ronald E. Brooks, Coordinator, Voting Rights Program, (202) 632-5544.

SUPPLEMENTARY INFORMATION: The Attorney General has designated Chambers County, Alabama, as an additional examination point under the provisions of the Voting Rights Act of 1965, as amended. He has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, the U.S. Office of Personnel Management will appoint Federal examiners to review the qualifications of applicants to be registered to vote and Federal observers to observe local elections.

Pursuant to section 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of OPM's legal responsibilities under 42 U.S.C. 1973e(a) and other parts of the Voting Rights Act of 1965, as amended, which require OPM to publish counties certified by the U.S. Attorney General and locations within these counties where citizens can be federally listed and become eligible to vote, and where Federal observers can be sent to observe local elections.

Pursuant to section 553(d)(3) of title 5 of the United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately to allow Federal examiners to register voters immediately in view of the pending elections to be held in the subject county, where Federal observers will observe elections under the authority of the Voting Rights Act of 1965, as amended.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have significant economic impact on a substantial number of small entities because its purpose is the addition of five new locations to the list of counties in the regulations concerning OPM's responsibilities under that Voting Rights Act.

List of Subjects in 45 CFR Part 801

Administrative practice and procedures, Voting rights.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management amends 45 CFR 801.202, Appendix A, by alphabetically adding Chambers County, Alabama, to read as follows:

PART 801—VOTING RIGHTS PROGRAM

§ 801.202 Times and places for filing and forms of application.

* * * * *

Appendix A

* * * * *

Alabama

County; Place for filing; Beginning date.

* * * * *

Chambers; Lafayette—Examiners Office, Room 218, FHA Office, County Building, 18 Alabama Avenue E., July 30, 1984.

* * * * *

(5 U.S.C. 1103; secs. 7, 9, 79 Stat. 440, 411 (42 U.S.C. 1973c, 1973g))

[FR Doc. 84-24160 Filed 9-12-84; 8:45 am]
BILLING CODE 6325-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

[APD 2800.12 CHGE 5]

Disputes and Appeals; Rules of the GSA Board of Contract Appeals

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) Chapter 5, is amended to add the Rules of the General Services Administration Board of Contract Appeals as Appendix B. The intended effect is to provide the rules which govern the proceedings in appeals relating to contracts filed with the Board.

EFFECTIVE DATE: Board rules were effective June 1, 1984.

FOR FURTHER INFORMATION CONTACT: Carol A. Farrell, Office of GSA Acquisition Policy and Regulations, (202) 523-3822.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.) therefore, no regulatory flexibility analysis had been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq.

List of Subject in 48 CFR Part 533

Government procurement.

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

1. The GSAR General Structure, Appendix B is amended to remove the word "Reserved".

PART 533—DISPUTES AND APPEALS

Subpart 533.70—Rules of the GSA Board of Contract Appeals

2. Section 533.7001 is revised to read as follows:

533.7001 Rules of the GSA Board of Contract Appeals.

The rules of GSA Board of Contract Appeals which were issued June 1, 1984, by the Acting Administrator by GSA Order ADM 2806.4A, appear in their entirety, in Appendix B of this regulation.

3. Appendix B is amended to add the rules to read as follows:

Appendix B—Rules of the GSA Board of Contract Appeals

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Note.—The Form Exhibits will not be illustrated in this issue of the **Federal Register**, but will be illustrated in the GSAR.

Foreword

The GAS Board of Contract Appeals was established in GSA pursuant to the Contract Disputes Act of 1978 (Pub. L. 95-563, 92 Stat. 2383-91) as an independent tribunal to hear and decide contract disputes between contractors and GSA and other agencies of the United States. Additionally, the Board hears and decides appeals taken under the Disputes clause and in connection with contract-related claims. The authority of the Board is exercised in accordance with these rules and the agency standards of conduct so that the integrity, impartiality, and independence of the Board are preserved.

Rule 1. *Scope of rules; construction; rulings and orders.*

(a) *Scope.* These rules govern proceedings in appeals relating to contracts filed with the Board on or after June 1, 1984, and all further proceedings in appeals then pending, except to the extent that in the opinion of the Board, their application in a particular appeal pending on the effective date would be infeasible or would work an injustice, in which event the former procedure applies. Where appropriate, or where expressly provided, these rules also govern proceedings concerning any petition filed with the Board for an order directing a contracting officer to issue a decision.

(b) *Construction.* These rules shall be construed to secure the just, speedy, and inexpensive resolution of every appeal.

(c) *Rulings, orders, and directions.* The Board may make such rulings and issue such orders and directions as are necessary to secure the just, speedy, and inexpensive resolution of every appeal before the Board. Any ruling, order, or direction that the Board may make or issue pursuant to these rules may be made on the motion or application of either party or on the initiative of the Board. The Board may also amend, alter, or vacate a ruling, order, or direction upon such terms as are just.

(d) *Panels.* Each appeal is assigned to a panel consisting of one or more administrative judges, one of whom is designated the panel chairman. In appeals not processed under Rule 13 or 14, a panel shall consist of three or more administrative judges. The panel chairman has responsibility for processing the appeal and may, without referral to other panel members, rule on nondispositive motions and dismiss an appeal with prejudice upon the joint request or with the joint consent of the parties. Concurrence of a majority of the panel, if more than one judge is

assigned, is required for the following actions:

(1) Adjudicating an appeal on the merits or denying or refusing such an adjudication; and

(2) Issuing a ruling, order, or opinion deciding a motion filed under Rule 32 or 33.

Any action that may be taken by a panel may be taken by the full Board pursuant to Rule 30.

Rule 2. *Time: Computation; enlargement.*

(a) *Time for Performing required actions.* All time limitations prescribed in these rules or in any order or direction given by the Board are maximums, and the action required should be accomplished in less time whenever possible.

(b) *Enlarging time.* Upon application of a party for good cause shown, the Board may enlarge any time prescribed by these rules or by an order or direction of the Board. A written application is required, but in exigent circumstances an oral request may be made and followed by a written request. An enlargement of time may be granted even though the request was filed after the time for taking the required action expired, but the party requesting the enlargement must show good cause for its inability to make the request before that time expired.

(c) *Computing time.* Except as otherwise required by law, in computing a period of time prescribed by these rules or by order of the Board, the day from which the designated period of time begins to run shall not be counted, but the last day of the period shall be counted unless that day is a Saturday, a Sunday, or a legal holiday under federal law, in which event the period shall include the next business day. When the period of time prescribed or allowed is less than 7 days, intervening Saturdays, Sundays, and legal holidays shall not be counted. Time for filing any document or copy thereof with the Board expires when the Office of the Clerk of the Board closes on the last day on which such filing may be made.

(d) *Adding time after service by mail.* When a party has the right, or is required, to file a document within a prescribed time after the filing of another document with the Board, and the document to which response is required or permitted is served on that party by mail, 5 days shall be added to the period within which that action may or must be performed.

(e) *Filing defined.* Filing occurs upon receipt by the Office of the Clerk of the Board, except that: (1) an appeal may also be filed with the Board by submitting a written notice of appeal to the contracting officer or to the head of the contracting agency; (2) the filing date of a document that has been mailed through the United States Postal Service is the date it is mailed; and (3) the filing date of a telegram is the date it is first transmitted by the telegraph company. A postmark affixed by the United States Postal Service shall be presumed establish the date of mailing; postmarks affixed by postage meters will not be accepted as evidence of the date of mailing. The date placed on a telegram by the telegraph company shall be presumed to establish the date of first transmission.

Rule 3. *Service of papers.*

(a) *On whom service must be made.* Except as these rules provide or the Board may order, when a party sends a document to the Board it must at the same time send a copy to the other party. Exceptions to this requirement appear in Rule 20 (subpoenas) and Rule 25 (posthearing and reply briefs). Any papers required to be served on a party shall be filed with the Board before service or within a reasonable time thereafter, but the Board may on motion of a party or on its own initiative order that deposition upon oral examination and interrogatories, requests for documents, requests for admission, and answers and responses thereto not be filed unless on order of the Board or for use in a proceeding.

(b) *Proof of service.* Except when service is not required, a party sending a document to the Board must indicate to the Board that a copy has also been sent to the opposing party. This may be done by certificate of service, by the notation of a carbon copy (cc:), or by any other means that can reasonably be expected to indicate to the Board that the other party has received a copy. Unless informed otherwise, the Board will assume that a document was served by mail.

(c) *Failure to make service.* If a document sent to the Board by a party does not indicate that a copy has been served on the other party, the Board may return the document to the party that submitted it with such directions as it considers appropriate, or the Board may inquire of the other party whether it has received a copy and note on the record the fact of inquiry and the response and may also direct the party that submitted the document to serve a copy on the other party. In the absence of proof of service a document may be treated by the Board as not properly filed.

Rule 4. *The appeal file.*

(a) *Submission to the Board by the contracting officer.* Within 30 days from receipt of notice that an appeal has been filed, or within such time as the Board may allow, the respondent shall file with the Board appeal file exhibits consisting of all documents and other tangible things relevant to the claim and to the contracting officer's decision from which the contractor has appealed, including:

(1) The contracting officer's decision, if any, from which the appeal is taken;

(2) The contract, including amendments, specifications, plans, and drawings;

(3) All correspondence between the parties relevant to the appeal, including the written claim or claims that are the subject of the appeal, and evidence of their certification, if any;

(4) Affidavits or statements of any witnesses on the matter in dispute and transcripts of any testimony taken prior to the filing of the notice of appeal;

(5) All documents and other tangible things on which the contracting officer relied in making the decision.

The respondent shall serve a copy of the appeal file on the appellant at the same time that it files the appeal file with the Board, except that it need not serve on the appellant those documents described in subparagraph (a)(2) of this rule. However, the respondent must serve upon the appellant a list indicating the specific contractual documents filed with the Board. This list must also be filed with the Board as an exhibit to the appeal file.

(b) *Submission to the Board by appellant.* Within 30 days after filing of the respondent's appeal file exhibits, or within such time as the Board may allow, the appellant shall file with the Board for inclusion in the appeal file documents or other tangible things relevant to the appeal that have not been submitted by the respondent. The appellant shall serve a copy of its additional appeal file exhibits upon the respondent at the same time as it files them with the Board.

(c) *Submissions on order of the Board.* The Board may, at any time during the pendency of the appeal, require either or both of the parties to file other documents and tangible things as additional exhibits to the appeal file.

(d) *Organization of the appeal file.* Appeal file exhibits may be originals or true, legible, and complete copies. They shall be arranged in chronological order within each submission, earliest documents first, bound on the left margin except where size or shape makes such binding impracticable, numbered, tabbed, and indexed. The numbering shall be consecutive, in whole arabic numerals (no letters,

decimals, or fractions), and continuous from one submission to the next, so that the complete appeal file, after all submissions, will consist of one set of consecutively numbered appeal file exhibits. The index should include the date and a brief description of each exhibit and shall indicate which exhibits, if any, have been filed with the Board but not served on the other party.

(e) *Lengthy or bulky documents.* The Board may waive the requirement to furnish to the other party copies of bulky, lengthy, or outsized documents submitted to the Board as appeal file exhibits. The requirements of paragraph (d) of this rule apply to such documents. In addition, the party submitting them shall make them reasonably available to the other party for inspection if it has retained copies, and the Board will also make them available for inspection at its offices.

(f) *Use of appeal file as evidence.* All exhibits in the appeal file are part of the record upon which the Board will render its decision, except for those as to which an objection has been sustained. Unless otherwise ordered by the Board, objection to any exhibit in the appeal file may be made at any time prior to the swearing of the first witness or, if the appeal is submitted on the record pursuant to Rule 11, at any time prior to or concurrent with the first record submission. The Board may enlarge the time for such objections and will consider an objection made during a hearing if the ground for objection could not reasonably have been earlier known to the objecting party. If an objection is sustained, the Board will so note in the record.

(g) *When appeal file not required.* The Board may postpone or dispense with the submission of any or all appeal file exhibits.

Rule 5. *Filing appeals; Notice of appeal; docketing.*

(a) *Filing appeals.* (1) An appeal is commenced by filing a notice of appeal with the Board, or by submitting a notice of appeal to the contracting officer or to the head of the contracting agency.

(2) An appeal from a decision of a contracting officer shall be filed no later than 90 days after the date the appellant receives that decision.

(3) An appeal may be filed with the Board should the contracting officer fail or refuse to issue a timely decision on a claim submitted in writing.

(4) A contractor may file with the Board a petition that the Board direct a contracting officer to issue a written decision on a claim.

(b) *Notice of appeal.* (1) A notice of appeal or petition under subparagraph (a)(4) of this rule shall be in writing and should be signed by the appellant or by the appellant's attorney or authorized representative. If the appeal is from a contracting officer's decision, the notice of appeal should describe the decision in enough detail to enable the Board to differentiate that decision from any other; the contractor can satisfy this requirement by attaching a copy of the contracting officer's decision to the notice of appeal. If an appeal is taken, pursuant to subparagraph (a)(3) of this rule, from the failure of a contracting officer to issue a decision, or if a petition is filed with the Board, pursuant to subparagraph (a)(4) of this rule, requesting that the Board direct a contracting officer to issue a decision, the notice of appeal or petition should describe in detail the claim that the contracting officer has failed to decide; the contractor can satisfy this requirement by attaching a copy of the written claim submission to the notice of appeal or petition.

(2) A written notice in any form, including the one specified in the Appendix to these rules, is sufficient to initiate an appeal. The notice of appeal, or a petition pursuant to subparagraph (a)(4) of this rule, should include the following information: (A) the number and date of the contract; (B) the name of the agency and the component thereof against which the claim has been asserted; (C) the name of the contracting officer whose decision or failure to decide is appealed and the date of the decision, if any; (D) a brief account of the circumstances giving rise to the appeal; and (E) an estimate of the amount of money in controversy, if any and if known.

(3) The appellant should send a copy of the notice of appeal or petition to the contracting officer whose decision is appealed or, if there has been no decision, to the contracting officer before whom the appellant's claim is pending.

(c) *Notice of docketing.* Notices of appeal and petitions filed pursuant to subparagraph (a)(4) of this rule will be docketed by the Office of the Clerk of the Board, and a written notice of docketing will be sent promptly to both parties. The notice of docketing may include orders and directions to the parties.

Rule 6. *Appearances; notices of appearance.*

(a) *Appearances before the Board.* (1) *Appellant.* The party filing an appeal shall be known as the appellant. Any appellant may appear before the Board by an attorney at law licensed to practice in a state, commonwealth, or territory of the United States, in the District of Columbia, or in a foreign country. Alternatively, an individual appellant may appear in his own behalf; a corporation, trust, or association may appear by one of its officers or by any other authorized representative; and a partnership may appear by one of its members or by any other authorized representative.

(2) *Respondent.* The Government agency whose decision is being appealed shall be known as the respondent. The respondent may appear before the Board by an attorney at law licensed to practice in a state, commonwealth, or territory of the United States, in the District of Columbia, or in a foreign country. Alternatively, the respondent may appear by the contracting officer or by the contracting officer's authorized representative.

(b) *Notice of appearance.* Unless a notice of appearance is filed by some other person, the person signing the notice of appeal shall be deemed to have appeared on behalf of the appellant, and the head of the respondent agency's litigation office shall be deemed to have appeared on behalf of the respondent. A notice of appearance in the form specified in the Appendix to these rule is sufficient.

Rule 7. *Pleadings.*

(a) *Pleadings required and permitted.* Except as the Board may otherwise order, the Board requires the submission of a complaint and an answer. In appropriate circumstances, the Board may order or permit a reply to an answer.

(b) *Complaint.* No later than 30 days after the docketing of the appeal, the appellant shall file with the Board a complaint setting forth its claim or claims in simple, concise, and direct terms. The complaint should set forth the factual basis of the claim or claims, with appropriate reference to the contract provisions, and should state the amount in controversy, or an estimate thereof, if any and if known. No particular form is prescibed for a complaint, and the Board may designate the notice of appeal, a claim submission, or any other document as the complaint, either on its own initiative or on request of the appellant.

(c) *Answer.* No later than 30 days after the filing of the complaint or of the Board's designation of a complaint, the respondent shall file with the Board an answer setting forth simple, concise, and direct statements of its defenses to the claim or claims asserted in the complaint as well as any affirmative

defenses it chooses to assert. In lieu of answering, the respondent may file a dispositive motion of one of the sorts enumerated in Rule 8(c) or a motion for a more definite statement; if such a motion is filed and is denied by the Board in whole or in part, the respondent shall file its answer no later than 30 days after the Board's ruling on the motion. If no answer or motion is timely filed, the Board may enter a general denial, in which case the respondent may thereafter amend the answer to assert affirmative defenses only by leave of the Board and as otherwise prescribed by subparagraph (f) of this rule. The Board will inform the parties when it enters a general denial on behalf of the respondent.

(d) *Reply to an answer.* If the Board orders or permits a reply to an answer, it shall be filed as directed by the Board.

(e) *Modifications to requirement for pleadings.* If the appellant has elected the small claims procedure provided by Rule 13 or the accelerated procedure provided by Rule 14, the submission of pleadings shall be governed by the applicable rule.

(f) *Amendment of pleadings.* Each party may amend its pleadings once without leave of the Board at any time before a responsive pleading is filed; if the pleading is one to which no responsive pleading is permitted, such amendment may be made at any time within 20 days after it is served, or, in small claims proceedings under Rule 13, within 10 days after it is served. The Board may permit either party to amend its pleadings further on conditions fair to both parties. If a response to the unamended pleading was required by these rules or by an order of the Board, a response to the amended pleading shall be filed no later than 30 days after the filing of the amended pleading, or, in small claims proceedings, no later than 15 days after the filing of the amended pleading. Rule 12(e) concerns amendments to pleadings to conform to the evidence.

Rule 8. *Motions.*

(a) *How motions are made.* Motions may be oral or written. A written motion shall indicate the relief or order sought and, either in the text of the motion or in an accompanying legal memorandum, the grounds therefor. Rule 25 prescribes the form and content of legal memoranda. Oral motions shall be made on the record and in the presence of the other party.

(b) *When motions may be made.* A motion filed in lieu of an answer pursuant to Rule 7(c) shall be filed no later than when the answer is required to be filed. Any other dispositive motion shall be made as soon as the grounds therefor are known. Any other motion shall be made promptly or as required by these rules.

(c) *Dispositive motions.* The following dispositive motions may properly be made before the Board:

(1) Motions to dismiss for lack of jurisdiction or for failure to state a claim upon which relief can be granted;

(2) Motions to dismiss for failure to prosecute;

(3) Motions for summary relief (analogous to summary judgment);

(4) Any other motion to dismiss with prejudice.

(d) *Other motions.* Other motions may be made in good faith and in proper form.

(e) *Jurisdictional questions.* The Board may at any time consider the issue of its jurisdiction to decide an appeal. When all facts touching upon the Board's jurisdiction are not of record, decision of a jurisdictional question may be deferred pending hearing on the merits or the filing of record submissions.

(f) *Procedure.* A party may respond to a written motion other than a motion pursuant to Rule 31, 32, or 33 at any time within 20 days after the filing of the motion. Responses to motions pursuant to Rule 31, 32, or 33 may be made only as permitted or directed by the Board. The Board may permit hearing or oral argument on written motions and may require additional submissions from either or both of the parties. Procedure on oral motions made at hearing shall be determined as necessary in the course of their consideration.

(g) *Effect of pending motion.* Except as these rules provide or the Board may order, a pending motion shall not excuse the parties from proceeding with the appeal in accordance with these rules and the orders and directions of the Board. If a motion is initially filed in lieu of an answer, the answer will be due as prescribed by Rule 7(c).

Rule 9. *Election of hearing or record submission.*

Each party shall inform the Board, in writing, whether it elects a hearing or submission of its case on the record pursuant to Rule 11. Such an election may be filed at any time unless a time for filing is prescribed by the Board or by Rule 13 (small claims procedure) or Rule 14 (accelerated procedure). A party electing to submit its case on the record pursuant to Rule 11 may also elect to appear at a hearing solely to cross-examine any witness presented by the opposing party, provided that the Board is informed of that party's intention within 10 days of its receipt of notice of the election of hearing by the opposing party. If a hearing is elected, the election should state where and when the electing party desires the hearing to be held and should explain the reasons for its choices if they are not apparent. A hearing will be held if one or both of the parties elects one. If a party's decision whether to elect a hearing is dependent upon the intentions of the other party, it shall consult with the other party before filing its election. If there is to be a hearing, it will be held at a time and place prescribed by the Board after consultation with the party or parties electing the hearing. The record submissions from a party that has elected to submit on the record shall be due as provided in Rule 11.

Rule 10. *Conferences; conference memorandum; prehearing order; sanctions; prehearing and presubmission briefs.*

(a) *Conferences.* The Board may convene the parties in conference, either by telephone or in person, for any purpose. The conference may be stenographically or electronically recorded. Matters to be considered and actions to be taken at a conference may include:

(1) Simplifying, clarifying, or severing the issues;

(2) Stipulations, admissions, agreements, and rulings to govern the admissibility of evidence, understanding on matters already of record, or other similar means of avoiding unnecessary proof;

(3) Plans, schedules, and rulings to facilitate discovery;

(4) Limiting the number of witnesses and other means of avoiding cumulative evidence;

(5) Stipulations or agreements disposing of matters in dispute; or

(6) Any other matter that may aid in the disposition of the appeal.

(b) *Conference memorandum.* The Board may prepare a memorandum of the results of a conference, including any rulings or orders, and place such memorandum in the record of the appeal. A copy of the memorandum will be sent to each party, and each party shall have 7 days from receiving the memorandum to object to the substance of it.

(c) *Prehearing order.* The Board may issue a prehearing or presubmission order to govern the proceedings in an appeal.

(d) *Sanctions.* When the Board has issued written directions or orders to one or both of the parties, whether on its own initiative or following a prehearing or presubmission conference, and either party fails to comply, the Board may

make such orders with regard to the failure as are just, including the following:

(1) Ordering that the facts pertaining to the matter in default shall be taken to be established for the purpose of the appeal in accordance with the contention of the party submitting documents or requests for admissions;

(2) Declaring a waiver of challenge of the accuracy of any statement or schedule of items and figures involved;

(3) Refusing to allow the disobedient party to support or oppose designated claims or defenses;

(4) Prohibiting the disobedient party from introducing in evidence designated documents or items of testimony; or

(5) Dismissing the appeal or any part thereof.

(e) *Prehearing or presubmission briefs.* At any time prior to hearing or to the date by which first record submissions are due, a party may, by leave of the Board, file a prehearing or presubmisson brief.

Rule 11. *Submissionon the record without a hearing.*

(a) *Submission on the record.* A party may elect to submit its case on the record without a hearing. A party submitting its case on the record may include in its written record submission or submissions:

(1) Any relevant documents or other tangible things it wishes the Board to admit into evidence;

(2) Affidavits, depositions, and other discovery materials that set forth relevant evidence; and

(3) A brief or memorandum of law.

The Board may require the submission of additional evidence or briefs and may order oral argument in an appeal submitted on the record.

(b) *Time for submission.* (1) If both parties have elected to submit their case on the record, the Board will issue an order prescribing the time for initial and, if appropriate, reply record submissions.

(2) If one party has elected a hearing and the other party has elected to submit its case on the record, the party submitting in the record shall make its initial submission no later than commencement of the hearing or at an earlier date if the Board so orders, and a further submission in the form of a brief at the time when the party's posthearing brief is due. The Board will accept a further record submission in the form of a reply brief if the party that attended the hearing is permitted to submit a reply brief; such a record submission will be due at the same time as the reply brief of the party that attended the hearing. Submission and service of record submissions in the form of briefs are governed by Rule 25.

(c) *Objections to evidence.* Objections to evidence in a record submission may be made at any time within 10 days after the filing of the submission. Replies to such objections, if any, may be made within 10 days after the filing of the objection. The Board may rule on such objections in its opinion deciding the merits of the appeal.

Rule 12. *Record of Board proceedings.*

(a) *Composition of the record for decision.* The record upon which any decision of the Board will be rendered consists of:

(1) The notice of appeal;

(2) Appeal file exhibits other than those as to which an objection has been sustained;

(3) Hearing exhibits other than those as to which an objection has been sustained;

(4) Pleadings;

(5) Motions and responses thereto;

(6) Memoranda, orders, rulings, and directions to the parties issued by the Board;

(7) Documents and other tangible things admitted in evidence by the Board;

(8) Written transcripts or electronic recordings of proceedings;

(9) Stipulations and admissions by the parties;

(10) Depositions, or parts thereof received in evidence;

(11) Written interrogatories and responses received in evidence;

(12) Briefs and memoranda of law; and

(14) Anything else that the Board may designate part of the record.

All other papers and documents in an appeal are part of the administrative record of the proceedings in an appeal. The administrative record shall include appeal file and hearing exhibits offered but not received in evidence; it may also include correspondence with and between the parties, and depositions, interrogatories, offers of proof contained in the transcript, and other documents that are not part of the record for the purpose of any decision by the Board.

(b) *Time for entry into the record.* Except as the Board may otherwise order, nothing other than posthearing briefs will be received into the record after a hearing is completed. In cases submitted on the record without a hearing, nothing will be received into the record after the time for filing of the last record submission. Briefs will be due as provided in Rule 25(b).

(c) *Closing of the record.* Except as the Board may otherwise order, no proof shall be received in evidence after a hearing is completed or, in cases submitted on the record without a hearing, after notice by the Board to the parties that the record is closed and that the case is ready for decision.

(d) *Notice that the appeal is ready for decision.* The Board will give written notice to the parties when the record is closed and the case is ready for decision.

(e) *Amendments to conform to the evidence.* When issues within the proper scope of an appeal, but not raised in the pleadings, have been raised without objection or with permission of the Board at a hearing (see Rule 21(h)) or in record submissions, they shall be treated in all respects as if they had been raised in the pleadings. The Board may formally amend the pleadings to conform to the proof or may order that the record be deemed to contain pleadings so amended.

(f) *Enlargement of the record.* The Board may at any time require or permit enlargement of the record with additional evidence and briefs. It may reopen the record to receive additional evidence and oral argument at a hearing.

(g) *Inspection of the record of proceedings; release of any paper, document, or tangible thing prohibited.* Except for any part thereof that is subject to a protective order, the record of proceedings in an appeal shall be made available for inspection by any person at the office of the Board during the Board's normal working hours. Except as provided in Rule 23(c), no paper, document, or tangible thing which is part of the record of proceedings in an appeal may be released from the offices of the Board. Copies may be obtained by any person as provided in Rule 37.

(h) *Submissions in camera.* (1) A party may by motion request that the Board receive and hold in camera documents that the party contends are privileged or confidential. The documents that are the subject of the motion shall be attached to the motion. If the Board denies the motion, the documents will be returned to the moving party. If the Board grants the motion, the documents will be held in camera and will be part of the record of the appeal.

(2) The Board may at any time determine that documents in its files should be held in camera. If such a determination is made, both parties will be so notified.

Rule 13. *Small claims procedure.*

(a) *General.* The small claims procedure is available solely at the appellant's election. This procedure

shortens the time periods for and allows the elimination of many of the procedural steps required by these rules so that the Board may render its decision, where practicable, within 120 days after the Board's receipt of the election. Pleadings, discovery, and other prehearing activities may be restricted or eliminated. An appellant may elect the accelerated procedure prescribed by Rule 14, instead of the small claims procedure prescribed by this rule, for any appeal eligible for the small claims procedure.

(b) *Election of the small claims procedure.* In any appeal in which the amount in controversy is $10,000 or less, the appellant may elect the small claims procedure. Except as the Board may otherwise order, such an election shall be made by written notice filed with the Board no later than 30 days after filing of the notice of docketing. A late election may be made only by leave of the Board.

(c) *Proceedings in small claims.* The Board may establish an expedited schedule for the proceedings other than that prescribed in subparagraphs (1) through (6) of this paragraph (c). The Board will ordinarily conduct a prehearing or presubmission conference pursuant to Rule 10 for this purpose. Except as the Board may otherwise order, the parties shall proceed in small claims appeals as follows:

(1) The respondent's appeal file exhibits shall be filed either as prescribed by Rule 4(a) or no later than 15 days after the filing of the appellant's notice of election, whichever first occurs.

(2) If the Board permits the filing of a complaint, it shall be filed either as prescribed by Rule 7(b) or no later than 15 days after filing of the appellant's notice of election, whichever first occurs.

(3) The appellant's appeal file exhibits shall be filed no later than 10 days after the filing of the respondent's appeal file exhibits.

(4) If the Board has permitted the filing of a complaint, the answer shall be filed no later than 10 days after the filing of the complaint.

(5) The election of each party prescribed by Rule 9 shall be filed no later than 30 days after the filing of the appellant's election of the small claims procedure.

(6) If the Board permits discovery, it shall be concluded no later than 10 days prior to the hearing date or, if both parties have elected to submit on the record pursuant to Rule 11, no later than 10 days prior to the date prescribed by the Board for first record submissions under Rule 11(b).

(d) *Decisions under the small claims procedure.* (1) Written decisions may be rendered by a single administrative judge and will be summary in form. If there is a hearing, the Board may, at the conclusion of the hearing, render a summary oral opinion deciding the appeal. Any such oral opinion will be reduced to writing, and copies will be given to both parties for record and payment purposes and to establish a date for commencement of the period for filing a motion pursuant to Rule 32 or 33.

(2) In the absence of fraud, a decision under the small claims procedure is final and conclusive and may not be appealed or set aside. Such decisions shall have no value as precedent.

(e) *Motions pursuant to Rules 31, 32, and 33.* A motion pursuant to Rule 31, 32, or 33 may be filed in an appeal decided under the small claims procedure. Ordinarily, such a motion will be decided by the administrative judge who decided the appeal or by one other administrative judge of the Board.

Rule 14. *Accelerated procedure.*

(a) *General.* The accelerated procedure is available solely at the appellant's election. This procedure shortens the time periods for many of the procedural steps required by these rules so that the Board may render its decision, where practicable, within 180 days after the Board's receipt of the election. An appellant may elect the accelerated procedure prescribed by this rule, instead of the small claims procedure prescribed by Rule 13, for any appeal eligible for the small claims procedure. In cases proceeding under the accelerated procedure, the parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) *Election of the accelerated procedure.* In any appeal in which the amount in controversy is $50,000 or less, the appellant may elect the accelerated procedure. Except as the Board may otherwise order, such an election shall be made by written notice filed with the Board no later than 30 days after the date the appellant receives the Board's notice of docketing. A late election may be made only by leave of the Board.

(c) *Proceedings in accelerated appeals.* The Board may establish an expedited schedule for the proceedings other than that prescribed in subparagraphs (1) through (6) of this paragraph (c). The Board will ordinarily conduct a prehearing or presubmission conference pursuant to Rule 10 for this purpose. Except as the Board may otherwise order, the parties shall proceed in accelerated appeals as follows:

(1) The respondent's appeal file exhibits shall be filed as prescribed by Rule 4(a).

(2) The complaint shall be filed as prescribed by Rule 7(b).

(3) The appellant's appeal file exhibits shall be filed no later than 30 days after the filing of the respondent's appeal file exhibits.

(4) The answer shall be filed no later than 20 days after the filing of the complaint.

(5) The election of each party prescribed by Rule 9 shall be filed no later than 60 days after the filing of the appellant's election of the accelerated procedure.

(6) All discovery shall be concluded no later than 20 days prior to the hearing date or, if neither party has elected a hearing, no later than 20 days prior to the date prescribed by the Board for first record submissions under Rule 11.

(d) *Decisions under the accelerated procedure.* Decisions will be written and may be rendered by a single administrative judge with the concurrence of one other administrative judge. In the event the two administrative judges disagree, the chief administrative judge will designate a third administrative judge to participate in the decision.

(e) *Motions pursuant to Rules 31, 32, and 33.* A motion pursuant to Rule 31, 32, or 33 may be filed in an appeal decided under the accelerated procedure.

Rule 15. *General provisions governing discovery.*

(a) *Discovery methods.* The parties may obtain discovery by one or more of the following methods:

(1) Depositions upon oral examination or written questions;

(2) Written interrogatories;

(3) Requests for production of documents or other tangible things; and

(4) Requests for admissions.

Unless otherwise ordered by the Board or provided by these rules, the frequency of use of these methods is not limited.

(b) *Scope of discovery.* Except as otherwise limited by order of the Board in accordance with these rules, the parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending appeal, whether it relates to the claim or defense of a party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, and the identity and location of persons having knowledge of

any discoverable matter. It is not a ground for objection that the information sought will be inadmissible if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(c) *Voluntary discovery.* The parties are encouraged to engage in voluntary discovery. The parties may by stipulation agree to the methods and procedures to be used in discovery except that agreements affecting the time provided in Rule 17 for responses to requests for discovery may be made only with the approval of the Board.

(d) *Discovery conference.* At any time after an appeal has been filed, upon application of a party or on its own initiative, the Board may hold an informal meeting or telephone conference with the parties to identify the issues for discovery purposes; establish a plan and schedule for discovery; set limitations on discovery, if any; and determine such other matters as are necessary for the proper management of discovery. The Board may include in the conference such other matters as it deems appropriate in accordance with Rule 10.

(e) *Protective orders.* In connection with any discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

(1) That the discovery not be had;

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time and place, or that the scope of discovery be limited to certain matters;

(3) That discovery be conducted with no one present except persons designated by the Board;

(4) That confidential information not be disclosed or that it be disclosed only in a designated way; and

(5) Such other matters as justice may require.

(f) *Failure to make or cooperate in discovery: sanctions.* (1) A party may apply to the Board for an order compelling discovery when a party refuses or obstructs discovery. If a motion to compel discovery is denied in whole or in part, the Board may make a protective order of the type listed in paragraph (e) of this rule.

(2) When the Board has entered an order to provide or permit discovery, and there is a failure to comply with that order, the Board may make such orders with regard to the failure as are just, including the following:

(A) An order that designated facts shall be taken to be established for purposes of the appeal in accordance with the claim of the party obtaining that order;

(B) An order refusing to permit the disobedient party to support or to oppose designated claims or defenses, or prohibiting it from introducing designated matters in evidence; and

(C) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed.

(g) *Subpoenas.* A party may request the issuance of a subpoena in aid of discovery under the provisions of Rule 20.

Rule 16. *Depositions.*

(a) *When depositions may be taken.* After an appeal has been filed, the parties may mutually agree to, or, upon application of a party, the Board may order, the taking of testimony of any person by deposition upon oral examination or written questions before an officer authorized to administer oaths at the place of examination. Attendance of witnesses may be compelled by subpoena as provided in Rule 20, and the Board may upon motion order that the testimony at a deposition be recorded by other than stenographic means, in which event the order may designate the manner of recording, preserving, and filing the deposition and may include other provisions to assure that the recorded testimony will be accurate and trustworthy. If the order is made, a party may, nevertheless, arrange to have a stenographic transcription made at its own expense.

(b) *Depositions: time; place; manner of taking.* The time, place, and manner of taking depositions, including the taking of depositions by telephone, shall be as agreed upon by the parties or, failing such agreement, as ordered by the Board. A deposition taken by telephone is taken at the place where the deponent is to answer questions propounded to him.

(c) *Use of depositions.* At a hearing on the merits or upon a motion or interlocutory proceeding, any part or all of a deposition, so far as admissible and as though the witness were then present and testifying, may be used against a party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with any of the following provisions:

(1) Any deposition may be used by a party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or a person designated to testify on behalf of, a public or private corporation, partnership or association, or governmental agency, which is a party, may be used by the adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by a party for any purpose in its own behalf if the Board finds that:

(A) The witness is dead; or

(B) The attendance of the witness at the place of hearing cannot be reasonably obtained, unless it appears that the absence of the witness was procured by the party offering the deposition; or

(C) The witness is unable to attend or testify because of illness, infirmity, age, or imprisonment; or

(D) The party offering the deposition has been unable to procure the attendance of the witness by subpoena; or

(E) Upon application and notice, exceptional circumstances exist which make it desirable in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, the adverse party may require the offering party to introduce any other part which in fairness ought to be considered with the part introduced.

(d) *Depositions pending appeal from a decision of the Board.* If an appeal has been taken from a decision of the Board, or before the taking of an appeal if the time therefor has not expired, the Board may allow the taking of depositions of witnesses to perpetuate their testimony for use in the event of further proceedings before the Board. In such case, the party that desires to perpetuate testimony may make a motion before the Board for leave to take the depositions as if the action was pending before the Board. The motion shall show:

(1) the names and addresses of the persons to be examined and the substance of the testimony which the moving party expects to elicit from each; and

(2) the reasons for perpetuating the testimony of the persons named.

If the Board finds that the perpetuation of testimony is proper to avoid a failure or a delay of justice, it may order the depositions to be taken and may make orders of the character provided for in Rule 15 and in this rule. Thereupon, the depositions may be taken and used as prescribed in these rules for depositions taken in actions pending before the Board. Upon request and for good cause shown, an administrative judge may issue or obtain a subpoena, in

accordance with Rule 20, for the purpose of perpetuating testimony by deposition during the pendency of an appeal from a Board decision.

Rule 17. *Interrogatories to parties; requests for admissions; requests for production of documents.*

After an appeal has been filed, a party may serve on the other party written interrogatories, requests for admissions, and requests for production of documents.

(a) *Written interrogatories.* Written interrogatories shall be answered separately in writing, signed under oath, and answered or objected to within 30 days after service.

(b) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon which the interrogatory has been served or from an examination, audit, or inspection of such business records, including a compilation, abstract, or summary thereof, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit, or inspect such records and to make copies, compilations, abstracts, or summaries thereof. Such specification shall be in sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the records from which the answer may be ascertained.

(c) *Written requests for admissions.* A written request for the admission of the truth of any matter, within the proper scope of discovery, that relates to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents, is to be answered in writing and signed or objected to within 30 days after service; otherwise, the matter therein may be deemed to be admitted. An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory may involve an opinion or contention that relates to fact or the application of law to fact, but the Board may order that such an interrogatory need not be answered until after designated discovery has been completed or until a prehearing conference has been held, or some other event has occured.

(d) *Written requests for production of documents.* A written request for the production, inspection, and copying of any documents and things shall be answered or objected to within thirty days after service.

(e) *Enlargement of time.* Upon request of either party, or on its own initiative, the Board may prescribe a period of time other than that specified in this rule.

Rule 18. *Hearing examiners.*

(a) *Designation.* In appropriate cases the chief administrative judge may designate a duly appointed hearing examiner of the Board to conduct proceedings in an appeal that has been assigned to a panel. Any such designation shall be by written order of the chief administrative judge, who may specify the authority of the hearing examiner. A copy of such designation shall be sent to each party. In the absence of any specification in the order, and subject to paragraph (c) of this rule, the authority of the hearing examiner shall be as set forth in paragraph (b) of this rule. In no event shall the authority of the hearing examiner specified in the order of designation exceed that set forth in paragraph (b) of this rule. Either party may object in writing to the designation of a hearing examiner to conduct a hearing. Such objection must be filed with the chief administrative judge within 10 days of the objecting party's receipt of notice of the designation. The chief administrative judge will rule on any such objection within 5 days of its receipt.

(b) *Authority.* Subject to paragraph (c) of this rule and Rule 1(d), a hearing examiner may be given the authority, with respect to any appeal to which the hearing examiner has been designated, to:

(1) Correspond with the parties on behalf of the Board with respect to any matter within the hearing examiner's authority;

(2) Perform any act that would be within the authority of a single administrative judge of the Board, including the following:

(A) Establish the date and place of hearing;

(B) Establish a schedule for record submissions when at least one of the parties has elected not to attend a hearing;

(C) Conduct a prehearing or presubmission conference and make rulings or issue directions in the course of such a conference;

(D) Conduct a hearing and make rulings in the course of that hearing; and

(E) Make other rulings that do not relate to dispositive matters during the pendency of the appeal;

(3) Prepare recommended findings of fact and a recommended decision to be proposed to the assigned panel for adoption by the Board.

(c) *Limitations on authority.* Notwithstanding any other provision of this rule, no hearing examiner of the Board may:

(1) Conduct any proceedings with respect to an appeal to which the hearing examiner has not been designated or in contravention of the order designating the hearing examiner;

(2) Conduct a hearing with respect to an appeal in which the amount in dispute is greater than $50,000;

(3) Take any action that has the effect of an adjudication of the appeal on the merits;

(4) Take any action that has the effect of striking, dismissing, or granting partial summary judgment with respect to any claim or defense of a party;

(5) Sign a subpoena; or

(6) Issue an oral decision at the conclusion of a hearing under the small claims procedure.

(d) *Amendment of rulings.* Upon motion of either party, the chairman of the panel to which an appeal has been assigned may amend, alter, or vacate any ruling made by the hearing examiner prescribed in paragraph (b) of this rule. Such motions shall be filed within 5 days after the hearing is completed or, in cases submitted on the record, within 5 days after notice by the Board to the parties that the record is closed.

Rule 19. *Hearings: scheduling; notice; unexcused absences.*

(a) *Scheduling of hearings.* Hearings will be held at the time and place ordered by the Board and will be scheduled at the discretion of the Board. In scheduling hearings, the Board will consider the requirements of these rules, the need for orderly management of the Board's caseload, and the stated desires of the parties as expressed in their elections filed pursuant to Rule 9 or otherwise. The time or place for hearing may be changed by the Board at any time.

(b) *Notice of hearing.* Notice of hearing will be by written order of the Board. Notice of changes in the hearing schedule will also be by written order when practicable but may be oral in exigent circumstances. Except as the Board may otherwise order, each party that plans to attend the hearing shall, within 10 days of receipt of (1) a written notice of hearing or (2) any notice of a change in hearing schedule stating that an acknowledgment is required, notify

the Board in writing that it will attend the hearing.

(c) *Unexcused absence from hearing.* In the event of the unexcused absence of a party from a hearing, the hearing will proceed, and the absent party will be deemed to have elected to submit its case on the record pursuant to Rule 11.

Rule 20. *Subpoenas.*

(a) *Voluntary cooperation in lieu of subpoena.* Each party is expected to:

(1) Cooperate by making available witnesses and evidence under its control, when requested by the other party, without issuance of a subpoena; and

(2) Secure voluntary attendance of third-party witnesses and production of evidence by third parties, when practicable, without issuance of a subpoena.

(b) *Subpoenas in appeals governed by the Contract Disputes Act of 1978.* (1) *General.* Upon the written request of either party filed with the Office of the Clerk of the Board, or on his or her own initiative, an administrative judge to whom a case is assigned or who is otherwise designated by the chief judge, may issue a subpoena that commands the person to whom it is directed to:

(A) Attend and give testimony at a deposition in a city or county where that person resides or is employed or transacts business in person or at another location covenient to that person that is specifically determined by the Board;

(B) Attend and give testimony at a hearing; and

(C) Produce the books, papers, documents, and other tangible things designated in the subpoena.

(2) *Request for subpoena.* A request for a subpoena shall state the reasonable scope and general relevance to the case of the testimony and of any documentary evidence sought. A request for a subpoena shall be filed at least:

(A) 15 days before a scheduled deposition where the attendance of a witness at a deposition is sought; and

(B) 30 days before a scheduled hearing where the attendance of a witness at a hearing is sought.

The Board may, in its discretion, honor requests for subpoenas not made within these time limitations.

(3) *Form; issuance.* (A) Every subpoena shall be in the form specified in the Appendix to these rules. In issuing a subpoena to a requesting party, the administrative judge shall sign the subpoena and may, in his or her discretion, enter the name of the person to whom it is directed, but shall otherwise leave it blank. The party to whom the subpoena is issued shall complete the subpoena before service.

(B) if the person subpoenaed is located in a foreign country, a letter rogatory or a subpoena may be issued and served under the circumstances and in the manner provided in 28 U.S.C. ¶¶781–784.

(4) *Service.* (A) The party requesting a subpoena shall arrange for service. Service shall be made as soon as practicable after the subpoena has been issued.

(B) A subpoena requiring the attendance of a witness at a deposition or hearing may be served at any place. A subpoena may be served by a United States marshal or deputy marshal, or by any other person who is not a party and not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by personally delivering a copy to that person and tendering the fees for one day's attendance and the mileage allowed by 28 U.S.C. ¶1821 or other applicable law; however, where the subpoena is issued on behalf of the Government, money payments need not be tendered in advance of attendance.

(5) *Proof of service.* The person serving the subpoena shall make proof of service thereof to the Board promptly and in any event before the date on which the person served must respond to the subpoena. Proof of service shall be made by completing and executing and submitting to the Board the "Return on Service" portion of a duplicate copy of the subpoena issued by an administrative judge. If service is made by a person other than a United States marshal or his deputy, that person shall make an affidavit as proof by executing the "Return on Service" in the presence of a notary.

(6) *Motion to quash or to modify.* Upon written motion by the person subpoenaed or by a party, made within 10 days after service, but in any event not later than the time specified in the subpoena for compliance, the Board may (A) quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown, or (B) require the party in whose behalf the subpoena was issued to advance the reasonable cost of producing subpoenaed documentary evidence. Where circumstances require, the Board may act upon such a motion at any time after a copy has been served upon the opposing party.

(7) *Contumacy or refusal to obey a subpoena.* In a case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of a United States district court, the Board shall apply to the court through the Attorney General of the United States for an order requiring the person to appear before the Board to give testimony, produce evidence or both. Any failure by any such person to obey the order of the court may be punished by the court as a contempt thereof.

(c) *Subpoenas in appeals not governed by the Contract Disputes Act of 1978.* (1) Upon written request of either party filed with the Office of the Clerk of the Board in appeals not governed by the provisions of the Contract Disputes Act of 1978, or on his or her own initiative, an administrative judge to whom a case is assigned or who is otherwise designated by the chief administrative judge may obtain a subpoena from an appropriate United States district court through the Department of Justice, in accordance with the provisions of 5 U.S.C. ¶304, and Rule 45 of the Federal Rules of Civil Procedure.

(2) A request for a subpoena under this paragraph shall be filed at least 30 days in advance of a scheduled deposition or hearing. However, the Board may, in its discretion, honor requests for subpoenas not made within this time limitation.

(3) A request for a subpoena under this paragraph shall contain the same information required under paragraph (b)(2) of this rule.

(4) In a case of refusal to obey a subpoena, the Board may apply appropriate sanctions or it may request the Department of Justice to seek enforcement of the subpoena.

Rule 21. *Hearing procedures.*

(a) *Nature and conduct of hearings.* Hearings take the general form of adversary trials similar to those conducted without a jury in courts of general jurisdiction. Subject to the foregoing, hearings will be conducted as informally as is reasonable and appropriate given the nature of the dispute and the representation of the parties. The Board may exclude from the hearing room any or all prospective witnesses or persons other than the parties and counsel, except that a party or counsel may be excluded from the hearing room in case of disruptive conduct. Additionally, at the request of a party, the Board shall order witnesses excluded so that they cannot hear the testimony of other witnesses.

(b) *Continuances; change of location.* Whenever practicable, a hearing will be conducted in one continuous session or a series of consecutive sessions at a single location. However, the Board may at any time continue the hearing to a

future date and may arrange to conduct the hearing in more than one location. The Board may also continue a hearing to permit a party to conduct additional discovery on conditions established by the Board. In exercising its dicretion to continue a hearing or to change its location, the Board will give due consideration to the same elements (set forth in Rule 19(a)) that it considers in scheduling hearings.

(c) *Availability of witnesses, documents, and other tangible things.* It is the responsibility of a party desiring to call any witness, or to use any document or other tangible thing as an exhibit in the course of a hearing, to ensure that whoever it wishes to call and whatever it wishes to use is available at hearing.

(d) *Enlargement of the record.* The Board may at any time during the conduct of a hearing require evidence or argument in addition to that put forth by the parties.

(e) *Examination of witnesses.* Witnesses before the Board will testify under oath or affirmation. Either party or the Board may obtain an answer from any witness to any question that is not the subject of an objection that the Board sustains.

(f) *Refusal to be sworn.* If a person called as a witness refuses to be sworn or to affirm before testifying, the Board may direct that witness to do so, and in the event of continued refusal, the Board may permit the taking of testimony without oath or affirmation. Alternatively, the Board may refuse to permit the examination of that witness, in which event it may state for the record the inferences it draws from the witness's refusal to testify under oath or affirmation. Alternatively, the Board may issue a subpoena to compel that witness to testify under oath or affirmation, and in the event of the witness's continued refusal to swear or affirm, may seek enforcement of that subpoena pursuant to Rule 20.

(g) *Refusal to answer.* If a witness refuses to answer a question put to him in the course of his testimony, the Board may direct that witness to answer, and in the event of continued refusal, the Board may state for the record the inferences it draws from the refusal to answer. Alternatively, the Board may issue a subpoena to compel that witness to testify and, in the event of the witness's continued refusal to testify, may seek enforcement of that subpoena pursuant to Rule 20.

(h) *Issues not raised by pleadings.* If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings, it may nevertheless be admitted by the Board if it is within the proper scope of the appeal. If such evidence is admitted, the Board may grant the objecting party a continuance to enable it to meet such evidence. If such evidence is admitted, the pleadings may be amended to conform to the evidence, as provided by Rule 12(e).

(i) *Delay by parties.* If the Board determines that the hearing is being unreasonably delayed by the failure of either or both of the parties to produce evidence, or by the undue prolongation of the presentation of evidence, it may, by written order or by ruling from the bench, prescribe a time or times within which the presentation of evidence must be concluded, establish time limits on the direct or cross-examination of witnesses, and enforce such order or ruling by appropriate sanctions.

Rule 22. *Admissibility and weight of evidence.*

(a) *Admissibility.* Any relevant evidence may be received. The Board may exclude relevant evidence to avoid unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. Hearsay evidence is admissible unless the Board finds it unreliale or untrustworthy.

(b) *Federal Rules of Evidence.* As a general matter, and subject to the other provisions of this rule, the Board will base its evidentiary rulings on the Federal Rules of Evidence.

(c) *Weight and credibility.* The Board will determine the weight to be given to evidence and the credibility to be accorded witnesses.

(d) *Submission of evidence in camera.* Rule 12(h) governs submissions in camera.

Rule 23. *Exhibits.*

(a) *Marking of exhibits.* (1) Documents and other tangible things offered in evidence by a party will be marked for identification by the Board during the hearing or, if it is convenient for the Board and the parties, prior to the commencement of the hearing. They will be numbered consecutively as the exhibits of the party offering them.

(2) If a party elects to proceed on the record without a hearing pursuant to Rule 11, documentary evidence submitted by that party will be numbered consecutively by the Board as appeal file exhibits.

(b) *Copies as exhibits.* Except upon objection sustained by the Board for good cause shown, copies of documents may be offered and received into evidence as exhibits, and such copies shall have the same force and effect as if they were the originals. If the Board so directs, a party offering a copy of a document as an exhibit shall have the original available at the hearing for examination by the Board and the other party. When the original of a document has been received into evidence as an exhibit, an accurate copy thereof may be substituted in evidence for the original by leave of the Board at any time.

(c) *Withdrawal of documentary exhibits and other papers.* With the permission of the Board, a party may remove an exhibit during the course of a proceeding. Otherwise, no withdrawal of any papers in the Board's file is permitted. Inspection of the file at the Board's offices is permitted by Rule 12(g).

(d) *Disposition of physical exhibits.* Any physical (as opposed to documentary) exhibit may be disposed of by the Board at any time more than 90 days after the expiration of the period for appeal from the decision of the Board, unless it has been earlier withdrawn by the party that submitted it.

Rule 24. *Transcripts of proceedings; corrections.*

(a) *Transcripts.* Except as the Board may otherwise order, all hearings of appeals other than those under the small claims procedure prescribed by Rule 13 will be stenographically or electronically recorded and transcribed. Any other hearing or conference will be recorded or transcribed only by order of the Board. Copies or transcriptions of stenographic or electronic recordings not ordered to be transcribed by the Board will be furnished to the parties or other persons only on conditions prescribed by the Board, which may include the payment of the costs of copying or transcription. Each party is responsible for obtaining its own copy of the transcript if one is prepared.

(b) *Corrections.* Corrections to an official transcript will be made only when they involve errors affecting its substance. The Board may order such corrections on motion or on its own initiative, and only after notice to the parties giving them opportunity to object. Such corrections will ordinarily be made either by hand with pen and ink or by the appending of an errata sheet, but when no other method of correction is practicable the Board may require the reporter to provide substitute or additional pages.

Rule 25. *Briefs and memoranda of law.*

(a) *Form and content of briefs and memoranda of law.* Briefs and memoranda of law shall be typewritten on standard size 8½ by 11-inch paper. Otherwise, no particular form or organization is prescribed. Posthearing

briefs should, at a minimum, succinctly set forth (1) the facts of the case with citations to those places in the record where supporting evidence can be found and (2) argument with citations to supporting legal authorities. Memoranda of law should generally adhere as closely as practicable to the form and content of briefs.

(b) *Submission and service of posthearing briefs.* Except as the Board may otherwise order, posthearing briefs shall be filed 30 days after the Board's receipt of the transcript; reply briefs, if filed, shall be filed 15 days after the parties' receipt of the initial posthearing briefs. The Board will notify the parties of the date of its receipt of the transcript. The Board will serve each party's brief on the other party; this is an exception to the general requirement for service of papers of Rule 3. In the event one party has elected a hearing and the other has elected to submit its case on the record pursuant to Rule 11, the filing of record submissions in the form of briefs shall be governed by this rule.

Rule 26. *Consolidation; separate hearings; separate determination of liability.*

(a) *Consolidation.* Where appeals involving common questions of law or fact are pending, the Board may:

(1) Order a joint hearing of any or all of the matters at issue in the appeals;

(2) Order the appeals consolidated; or

(3) Make such other orders concerning the proceedings therein as are intended to avoid unnecessary costs or delay.

(b) *Separate hearings.* The Board may order a separate hearing of any appeal or appeals or of any claims or issues or number of claims or issues therein. The Board may enter appropriate orders or decisions with respect to any claims or issues that are heard separately.

(c) *Separate determinations of liability.* The Board may:

(1) Limit a hearing to those issues of law and fact relating to the right of a party to recover, reserving the determination of the amount of recovery, if any, for other proceedings; and

(2) In its decision of an appeal, irrespective of whether there is evidence in the record concerning the amount of recovery, and whether or not a stipulation or order has been made, reserve determination of the amount of recovery for other proceedings. In any instance in which the Board has reserved its determination of the amount of recovery for other proceedings, its decision on the question of the right to recover shall be final, subject to the provisions of Rules 31, 32, and 33.

Rule 27. *Stay or suspension of proceedings; dismissals in lieu of stay or suspension.*

(a) *Stay of proceedings to obtain contracting officer's decision.* The Board may in its discretion stay proceedings to permit a contracting officer to issue a decision when an appeal has been taken from the contracting officer's alleged failure to render a timely decision.

(b) *Suspension for other cause.* The Board may suspend proceedings in an appeal for good cause. The order suspending proceedings will prescribe the duration of the suspension or the conditions on which it will expire. The order may also prescribe actions to be taken by the parties during the period of suspension or following its expiration.

(c) *Dismissal in lieu of stay or suspension.* When circumstances beyond the control of the Board prevent the continuation of proceedings in an appeal, the Board may, in lieu of issuing an order suspending proceedings, dismiss the appeal without prejudice to reinstatement. Such a dismissal may require reinstatement by a date certain or within a certain period of time after the occurrence of a specified event. If the order of dismissal does not otherwise provide, it will be subject to the provisions of Rule 28(a).

Rule 28. *Dismissals.*

(a) *Voluntary dismissal.* (1) Upon motion of the appellant or by stipulation of the parties, an appeal may be dismissed by the Board. Unless otherwise stated in the appellant's motion or in the stipulation, the dismissal is without prejudice, except that such a dismissal operates as an adjudication upon the merits when requested by an appellant whose appeal based on or including the same claim has previously been dismissed by the Board.

(2) When an appeal has been dismissed without prejudice and has not been reinstated by the Board upon application of either party within three years of the date of dismissal, or within such shorter period as the Board may prescribe, the appeal shall be deemed to have been dismissed with prejudice as of the expiration of the applicable period.

(b) *Involuntary dismissal.* (1) Upon motion of the respondent or upon its own initiative, the Board may dismiss an appeal for failure of the appellant to prosecute or comply with these rules or any order of the Board.

(2) Unless the Board in its order for dismissal otherwise specifies, a dismissal under this paragraph (b), and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, shall be with prejudice and operate as an adjudication upon the merits.

Rule 29. *Decisions.*

Except as provided in Rule 13 (small claims procedure), decisions of the Board will be made in writing upon the record as prescribed in Rule 12. Each of the parties will be furnished a copy of the decision certified by the Office of the Clerk of the Board, and the date of the receipt thereof by each party will be established in the record.

Rule 30. *Full board consideration.*

A request for full Board consideration is not favored. Ordinarily, full Board consideration will be ordered only when (1) it is necessary to secure or maintain uniformity of Board decisions, or (2) the matter to be referred is one of exceptional importance. The chief administrative judge, on motion of either party, or at the request of any administrative judge of the Board, or on his or her own initiative, may order that a matter be considered by the full Board.

Rule 31. *Clerical mistakes.*

Clerical mistakes in decisions, orders, or other parts of the record, and errors arising therein through oversight or inadvertence, may be corrected by the Board at any time on its own initiative or upon motion of a party on such terms, if any, as the Board may prescribe.

Rule 32. *Reconsideration; amendment of decisions; new hearings.*

(a) *Grounds.* Reconsideration may be granted, a decision or order may be altered or amended, or a new hearing may be granted, for any of the reasons stated in Rule 33(a). Reconsideration, or a new hearing, may be granted on all or any of the issues. On granting a motion for a new hearing, the Board may open the decision if one has been issued, take additional testimony, amend findings of fact and conclusions of law, or make new findings and conclusions and direct the entry of a new decision.

(b) *Procedure.* Any motion under this rule shall comply with the provisions of Rule 8 and shall set forth:

(1) The reason or reasons why the Board should consider the motion; and

(2) The relief sought and the grounds therefor.

If the Board concludes that the reasons asserted for its consideration of the motion are insufficient, it may deny the motion without considering the relief sought and the grounds asserted therefor. If the Board grants the motion, it will issue an appropriate order which may include directions to the parties for further proceedings.

(c) *Time for filing.* A motion for reconsideration, to alter or amend a decision or order, or for a new hearing shall be filed within 30 days after the date of receipt by the moving party of the decision or order. Not later than 30 days after issuance of a decision or order, the Board may, on its own initiative, order reconsideration or a new hearing or alter or amend a decision or order for any reason that would justify such action on motion of a party.

Rule 33. *Relief from decision or order.*

(a) *Grounds.* The Board may relieve a party from the operation of a final decision or order for any of the following reasons:

(1) Newly discovered evidence which could not have been earlier discovered, even through due diligence;

(2) Justifiable or excusable mistake, inadvertence, surprise, or neglect;

(3) Fraud, misrepresentation, or other misconduct of an adverse party;

(4) The decision has been satisfied, released, or discharged, or a prior decision upon which it is based has been reversed or otherwise vacated, and it is no longer equitable that the decision should have prospective application;

(5) The decision is void, whether for lack of jurisdiction or otherwise; or

(6) Any other ground justifying relief from the operation of the decision or order.

(b) *Procedure.* Any motion under this rule shall comply with the provisions of Rules 8 and 32(b), and will be considered and ruled upon by the Board as provided in Rule 32(b).

(c) *Time for filing.* Any motion under this rule shall be filed as soon as practicable after the discovery of the reasons therefor, but in any event no later than 120 days, or, in cases under the small claims procedure of Rule 13, no later than 30 days, after the date of the moving party's receipt of the decision or order from which relief is sought. In considering the timeliness of a motion filed under this rule, the Board may consider when the grounds therefor should reasonably have been known to the moving party.

(d) *Effect of motion.* A motion under this rule does not affect the finality of a decision or suspend its operation.

Rule 34. *Harmless error.*

No error in the admission or exclusion of evidence, and no error or defect in any ruling, order, or decision of the Board, and no other error in anything done or omitted to be done by the Board will be a ground for granting a new hearing or for vacating, reconsidering, modifying, or otherwise disturbing a decision or order of the Board unless refusal to act upon such error will prejudice a party or work a substantial injustice. At every stage of the proceedings the Board will disregard any error or defect that does not affect the substantial rights of the parties.

Rule 35. *Payment of board awards.*

(a) *Generally.* Payment of Board awards in appeals brought under the authority of the Contract Disputes Act of 1978 may be made in accordance with 31 U.S.C. 1304. Payment of Board awards in appeals not brought under the authority of the Contract Disputes Act of 1978 will be made by the respondent agency out of appropriated funds. The remaining provisions of this Rule concern the procedure to obtain payment pursuant to 31 U.S.C. 1304.

(b) *Conditions for payment.* Before an appellant can obtain payment of a board award pursuant to 31 U.S.C. 1304, one of the following must occur:

(1) Both parties must, by execution of a Certificate of Finality, waive their rights to relief under Rules 32 and 33 and also their rights to appeal the decision of the Board to the United States Court of Appeals for the Federal Circuit; or

(2) The time for filing an appeal to the United States Court of Appeals for the Federal Circuit must expire.

(c) *Procedure for filing of certificate of finality.* Whenever the Board issues a decision awarding an appellant any amount of money, it will attach to the copy of the decision sent to each party a form such as that illustrated in the Appendix to these rules. The conditions for payment prescribed in paragraph (b)(1) of this rule are satisfied if each of the parties returns a completed and duly executed copy of this form to the Board. When the form is executed on behalf of an appellant by an attorney or other representative, proof of signatory authority shall also be furnished. Upon receipt of completed and duly executed Certificates of Finality from both parties, the Board will forward a copy of each such Certificate (together with proof of signatory authority, if required) and a certified copy of its decision to the United States General Accounting Office to be certified for payment to the appellant.

(d) *Procedure in absence of certificate of finality.* When one or both of the parties fails to submit a duly executed Certificate of Finality, but the conditions for payment have been satisfied as provided in paragraph (b)(2) of this rule, either party may file a written request that the board forward its decision to the United States General Accounting Office for payment. Thereupon, the board will forward a copy of that request and a certified copy of its decision to the United States General Accounting Office to be certified for payment to the appellant.

(e) *Offer of award.* At any time after the filing of the notice of appeal, the respondent may make an offer of award. If such offer is accepted by the appellant, the parties shall file with the Board a stipulation setting forth the terms of the offer and stating (1) that they will not seek further Board proceedings following the Board's decision and (2) that they will not appeal the decision. The Board will adopt the parties' stipulation by decision. The Board's decision under this paragraph is an adjudication of the appeal on the merits.

Rule 36. *Record on review of a Board decision.*

(a) *Record on review.* When either party has filed a petition for review of a Board decision with the United States Court of Appeals for the Federal Circuit under Section 8(g)(1) of the Contract Disputes Act of 1978, 41 U.S.C. 607(g)(1), the record on review shall consist of the decision sought to be reviewed and the record before the Board as described in Rule 12. When the appellant has filed a notice of appeal of a decision in a pre-Contract Disputes Act case to the United States Claims Court under 41 U.S.C. 321–322, the record on appeal shall consist of the same materials.

(b) *Notice.* At the same time a party seeking review of a Board decision files a petition for review or a notice of appeal, that party shall file a copy of such petition with the Board.

(c) *Filing of certified list of record materials in Contract Disputes Act cases.* Promptly after service upon the Board of a petition for review of a Board decision, the Office of the Clerk of the Board shall file with the Clerk of the United States Court of Appeals for the Federal Circuit a certified list of all documents, transcripts of testimony, exhibits, and other materials constituting the record, or a list of such parts thereof as the parties may designate, adequately describing each. The Board will retain the record and transmit any part thereof to the court upon the court's order during the pendency of the appeal.

(d) *Transmission of record or stipulated record in pre-Contract Disputes Act cases.* Within 40 days from the filing of the notice of appeal, the Office of the Clerk of the Board shall transmit to the Clerk of the United States Claims Court the entire record or such parts thereof as the parties may designate by stipulation filed with the Board, except that the Office of the

Clerk of the Board shall retain documents and physical exhibits of unusual weight or bulk other than those designated by the parties. In lieu of filing the entire record or such parts thereof as the parties may designate, the Office of the Clerk of the Board may file a certified list of all materials constituting the record, or of such parts thereof as the parties may designate. The parties may also stipulate that neither the record nor a certified list be filed with the court. If none of the record or only parts thereof are filed with the court, the Board shall retain the parts not filed. Any stipulation of the parties shall be filed with the Board in sufficient time for the Office of the Clerk of the Board to assemble and file with the Clerk of the United States Claims Court those parts of the record designated by the stipulation, or a certified list of those parts, within the period specified herein. Upon request of the court or a party, the record or any part thereof retained by the Board shall be transmitted to the court notwithstanding any prior stipulation.

Rule 37. *Office of the Clerk of the Board.*

(a) *Open for the filing of papers.* The Office of the Clerk shall receive all papers submitted for filing, and shall be open for this purpose daily, at a time set by the chief administrative judge, except Saturdays, Sundays, and legal holidays.

(b) *Decisions and orders.* The Office of the Clerk shall keep in such form and manner as the Board may prescribe a correct copy of each decision or order of the Board subject to review and any other order or decision which the Board may direct to be kept.

(c) *Docket.* It shall be the duty of the Office of the Clerk to keep a docket on which shall be entered the title and nature of all appeals brought before the Board, the names of the persons filing such appeals, the names of the attorneys or other persons appearing for the parties, and a record of all of the proceedings in an appeal.

(d) *Copies and certification of papers.* Upon the request of any person, copies of papers and documents in an appeal may be provided by the Office of the Clerk. When required, the Office of the Clerk will certify copies of papers and documents as a true record of the Board. Except as provided in Rule 23(c), the Office of the Clerk will not release original records in its possession to any person.

Rule 38. *Seal of the Board.*

The Seal of the Board shall be the Seal of the General Services Administration, engraved in the center of a circular piece of brass or steel, with the words "Board of Contract Appeals" on its outer margin. The Seal shall be the means of authentication of all records, subpoenas, and certificates issued by the Board.

Dated: September 5, 1984.

William B. Ferguson,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 84-24155 Filed 9-12-84; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172 and 173

[Docket No. HM-186; Amdt. 172-93, 173-177]

Shipment of Matches

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

ACTION: Final rule.

SUMMARY: This final rule amends the requirements in 49 CFR 173.176 pertaining to safety matches and strike anywhere matches. The intended effect of this action is to simplify and clarify the requirements on safety matches and strike anywhere matches, and to remove obsolete requirements and certain requirements having no apparent safety justification.

EFFECTIVE DATE: October 15, 1984. However, compliance with the regulations as amended is authorized on September 13, 1984.

FOR FURTHER INFORMATION CONTACT: Hattie L. Mitchell (202) 426-2075, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Office hours are 9:00 a.m. to 5:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: On June 6, 1983, MTB published a notice of proposed rulemaking under Docket No. HM-186, Notice No. 83-3 (48 FR 26650), which proposed to simplify and clarify the requirements in § 173.176 pertaining to safety matches and strike anywhere matches. In the proposed rule, the requirements on safety matches appear in § 173.176 and the requirements on strike anywhere matches appear in a new § 173.176a. Certain requirements that MTB believes are unwarranted were proposed to be removed.

MTB received three comments to the proposed rule. All comments were given full consideration in the development of this final rule. The three commenters expressed their support of MTB's effort to simplify and clarify the requirements on safety matches and strike anywhere matches.

The Air Transport Association (ATA) requested revision of the entry "matches, safety, *book, card, or strike-on-box"* in the Hazardous Materials Table (the Table), 172.101, by specifying "None" in column 4 to indicate that a FLAMMABLE SOLID label is not required. ATA pointed out that this revision would eliminate possible confusion and delay of safety matches while transport personnel verify whether or not labels must be affixed to the packages. MTB agrees and is revising the Table accordingly. Also, MTB is revising the entry for safety matches in the Table to show the word "None" in column (5)(b) since DOT specification packagings are not required. A "2" is added in column 7(b) to allow safety matches to be stowed "under deck," as well as "on deck," on a passenger vessel. The entry for strike anywhere matches is revised to show "1" in column 7(b) to continue authorization to stow strike anywhere matches "on deck". The "1" in column 7(b) was inadvertently omitted in the proposed rule.

A match manufacturer requested that MTB clarify the phrase "* * * are securely closed to prevent accidental ignition" in proposed § 173.176a(c). The match manufacturer maintained that it is impossible to control outside factors that may cause accidental ignition of strike anywhere matches, such as (1) matches stored in a building that catches fire, (2) matches transported on a railcar or motor vehicle which overturns, or (3) a package of matches punctured accidentally by operation of a forklift. The manufacturer suggested that proposed § 173.176a(c) be revised by adding at the end of the paragraph "* * * under conditions normally incident to transportation, or by rubbing against adjoining boxes." MTB stated in the preamble of the proposed rule that the intent of the requirement is to prevent movement of the matches within the package, thereby reducing the possibility of accidental ignition of the matches under normal transportation conditions. It is not MTB's intention to protect all possible transportation accidents. MTB is revising § 173.176a(c), and § 173.176(b) which contains a similar requirement, for clarity.

In the proposed rule, MTB solicited comments on the stability criteria for matches which have not been modified since May 12, 1930. Also, MTB invited comments on any other matter related to the safe transportation of matches,

including any pending petitions for rulemaking or outstanding exemptions. MTB received no comment addressing these concerns.

MTB has determined that this final rule is not a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor requires an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*).

Based on limited information available concerning the size and nature of entities likely to be affected by this final rule, I certify that this final rule will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this rule will be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

List of Subjects

49 CFR Part 172

Hazardous Materials Transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous Materials Transportation, Packaging and containers.

In consideration of the foregoing, Parts 172 and 173 of 49 CFR are amended as follows:

1. Section 172.101 is amended by revising the following entries:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		Other requirements
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo aircraft only	Cargo vessel	Passenger vessel	
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	*	*	*	*	*	*	*	*			
	Matches, safety, *book card, or strike-on box.*	Flammable solid	UN 1944	None	§ 173.176	None	50 pounds	50 pounds	1,2	1,2	
	Matches, strike anywhere	Flammable solid	UN 1331	Flammable solid	None	§ 173.176a	Forbidden	Forbidden	1,2	1	
	*	*	*	*	*	*	*	*			

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. Section 173.176 is revised to read as follows:

§ 173.176 Safety matches.

(a) Safety matches (strike-on-box, book, and card) are matches which are intended to be ignited on a prepared surface. Safety matches, when offered for transportation, must be of a type which will not ignite spontaneously or undergo marked decomposition when subjected for eight consecutive hours to a temperature of 200 °F. (93.3 °C.). As used in this section, the term "safety matches" includes matches combined with or attached to the box, book, or card.

(b) Safety matches must be tightly packed in securely closed inside packagings to prevent accidental ignition under conditions normally incident to transportation, and further packed in outside fiberboard, wooden, or other equivalent-type packagings. Safety matches in outside packagings not exceeding 50 pounds gross weight are not subject to any other requirement (except marking) of this subchapter. Safety matches may be packed in the same outside packaging with materials not subject to this subchapter.

3. Section 173.176a is added to read as follows:

§ 173.176a Strike anywhere matches.

(a) Strike anywhere matches are matches which may be ignited by friction on a solid surface. Strike anywhere matches, when offered for transportation, must be of a type which will not ignite spontaneously or under go marked decomposition when one complete inside package is subjected for eight consecutive hours to a temperature of 200 °F. (93.3 °C.).

(b) Strike anywhere matches may not be packed in the same outside packaging with any material other than safety matches. The safety matches must be packed in separate inside packagings.

(c) *Inside packagings.* Strike anywhere matches must be tightly packed in securely closed chipboard, fiberboard, wooden, or metal inside packagings to prevent accidental ignition under conditions normally incident to transportation. Each inside packaging may contain no more than 700 strike anywhere matches.

(d) *Outside packagings.* Strike anywhere matches must be packed in specification packagings as follows:

(1) Spec. 15A or 19B (§§ 178.191 of this subchapter). Wooden boxes, with inside packages. Gross weight must not exceed 100 pounds.

(2) Spec. 12B or 12C (§§ 178.205, 178.206 of this subchapter). Fiberboard boxes, with inside packages. Gross weight must not exceed 60 pounds. Fill-in pieces specified by § 178.205–14 or § 178.206–14 of this subchapter are not required.

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

Issued in Washington, D.C. on September 7, 1984.

L.D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-24209 Filed 9-12-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Experimental Population Status for an Introduced Population of Delmarva Fox Squirrel

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service will introduce Delmarva Peninsula fox squirrels (*Sciurus niger cinereus*) into Sussex County, Delaware and designate this population as "nonessential experimental" in accordance with section 10(j) of the Endangered Species Act of 1973 (ESA), as amended. Section 10(j) of that Act authorizes "experimental" populations of endangered species to be treated as if

they were threatened for purposes of section 9. The Service has much more discretion in devising a management program for threatened species than for endangered species, especially on matters regarding incidental or regulated taking. Accordingly, a special rule to allow take in accordance with State law has been developed for this nonessential experimental population. Because this experimental population is "nonessential," the formal consultation requirement and prohibitions of section 7(a)(2) will not apply to this population. In the past, this species was more widespread, being found throughout the Delmarva Peninsula. This action is being taken in an effort to reestablish the Delmarva fox squirrel in an area outside its current range but within its historic range.

DATES: This rule takes effect September 13, 1984.

ADDRESSES: Questions concerning this action should be addressed to the Regional Director, U.S. Fish and Wildlife Service, Suite 700, One Gateway Center, Newton Corner, Massachusetts 02158. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours at the Service's Regional Office in Newton Corner, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Parry, Assistant Regional Director, U.S. Fish and Wildlife Service, Newton Corner, Massachusetts 02158 (617/965-5100) or FTS 829-9316.

SUPPLEMENTARY INFORMATION: The Service determines that the 30-day delay in effective date called for under the Administrative Procedure Act for final regulations must be waived for good cause as described below.

Delaware contends that the Delmarva fox squirrels must be released by the week of September 17, 1984, to insure their maximum survivability. Release after that week would greatly reduce the likelihood of a successful transplantation due to lack of food and cover. The animals must be allowed to establish themselves before the advent of cold weather.

The Service concurs with this position and sets the effective date of this regulation on the date of publication.

Background

The Endangered Species Act Amendments of 1982, Pub. L. 97-304, became effective on October 13, 1982. Among the significant changes made by the 1982 Amendments was the creation of a new section 10(j) which established procedures for the designation of specific populations of listed species as "experimental populations." Under conservation authorities present in the Endangered Species Act previous to the 1982 Amendments, the Service was permitted to translocate populations into unoccupied portions of a listed species' historical range when it would foster the conservation and recovery of the species.

Local opposition to translocation efforts, however, severely handicapped the effectiveness of translocation as a management tool. This opposition stemmed from concerns regarding the restrictions and prohibitions on private and Federal activities affecting endangered species under sections 7 and 9 of the Act. Under section 10(j) of the 1982 Amendments, past and future translocated populations established outside the current range may now be designated, at the discretion of the Service, as "experimental." Such a designation will increase the Service's flexibility to manage these translocated populations because the Amendments provide that such experimental populations of species which are otherwise listed as endangered may be treated as threatened. The Service has much more discretion in devising management programs for threatened species than for endangered species, especially on matters regarding incidental or regulated takings. Moreover, experimental populations found to be "nonessential" to the continued existence of the species in question would be treated as if they were only proposed for listing for purposes of section 7 and therefore would not be afforded protection under section 7(a)(2) of the Act, which requires Federal agencies to refrain from activities that are unlikely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat. The individual organisms comprising the designated experimental population will be removed from an existing source or donor population only after it has been determined that the removal itself will not violate section 7(a)(2) of the ESA and complies with the permit requirements in section 10(a) (1) (A) and (d). The species included in this rule is the Delmarva Peninsula fox squirrel (*Sciurus niger cinereus*), which is currently listed as endangered.

The Delmarva fox squirrel was historically found in southeastern Pennsylvania, Delaware, south-cental New Jersey, eastern Maryland, and the Virginia portion of the Delmarva Peninsula. It is believed that the fox squirrel was never as abundant as the gray squirrel. Although little is known about its former distribution, it is likely that it was scattered and discontinuous throughout its range with more specific habitat requirements than those of the gray squirrel.

The fox squirrel was confined to savannah or park-like areas, forests bordering rivers and streams, and small open woodlots with little or no understory. As the forests were cut for agricultural purposes and forest products, they became unsuitable for fox squirrels. As the forest regrew, dense undergrowth developed, at least during the pole and early saw timber stages. Before second-growth forests were old enough to develop the open park-like conditions of mature forests, they were cut again. Thus, environments suitable to Delmarva fox squirrels were not recreated in the cutting cycle, and Delmarva fox squirrels declined and disappeared in many areas. By the turn of the century this animal had disappeared from southern New Jersey, Pennsylvania, and Virginia, but it is thought that it remained in Delaware until possibly the 1930's. It is currently found in eastern Maryland and was reintroduced into eastern Virginia in the 1970's.

Throughout their range, fox squirrels are currently adapted to these park-like conditions. They are often found in savannah areas, oak openings, and in narrow belts of trees along streams and rivers.

Good fox squirrel habitat contains mature trees that produce a dependable annual mast crop with a variety of tree species providing insurance against a food shortage brought about by failure of one or more of the species present. Good habitat for this species is currently located in Sussex County, Delaware. The establishment of an experimental population in this area will greatly enhance the recovery potential of this species by reestablishing a population in its former range. After the effective date of this rule, 6-18 fox squirrels taken from viable populations located in Dorchester and Talbot Counties, Maryland, will be introduced into the Sussex County site. The Dorchester and Talbot county populations have been monitored by the State of Maryland for the past 10 years. These are healthy populations that are naturally expanding their current range. The removal of 6-18 animals over a period of 18 months is not likely to jeopardize the continued existence and viability of these populations and release of this experimental population in Sussex County, Delaware, will further the conservation of the species throughout its range.

Status of Reintroduced Populations

The reintroduced population of Delmarva Peninsula fox squirrels is designated as an experimental population that is "nonessential" to the continued existence of the species according to the provisions of the 1982 Amendments to the Endangered Species Act. Thus, section 7(a)(1), which authorized Federal agencies to establish programs furthering the conservation of the species, and section 7(a)(4), which requires Federal agencies to confer informally with the Secretary regarding actions that are likely to jeopardize the continued existence of the species, would apply to the fox squirrels in the experimental population. The restrictions on Federal agency activity in section 7(a)(2), which pertain to listed species, would not apply.

Justification for the "nonessential" status for the introduced experimental population is as follows: By the early 1970's, the Delmarva fox squirrel was found in portions of four eastern shore counties of Maryland, and one location in Virginia. In Kent County, Maryland, this species is known from the Eastern Neck National Wildlife Refuge (NWR) and in Accomac County, Virginia, from the Chincoteague NWR (a translocated population established in the early 1970's).

Population status has changed since the early 1970's, principally due to translocation efforts by the State of Maryland to restore this species. Additional translocated and reproducing populations now exist within historic range in the Maryland counties of Cecil, Kent (outside of Eastern Neck NWR), Somerset, Worcester, Dorchester, and Talbot, and a summer 1982 translocation to Northampton County, Virginia has been accomplished. These successful transplantations indicate that the likelihood of the success of this effort is vey high.

Techniques for trapping and relocating this species are in place. Relocation efforts have been successful in Maryland for the past 10 years and techniques are continually being improved and refined. Monitoring of 6 release sites in Maryland has shown reproduction in five of six sites within 1 year of release and the Chincoteague site now serves as a donor population for other reintroductions. This suggests that no new procedures need to be developed to proceed with this reintroduction.

The removal of individuals from extant populations in Talbot and Dorchester County is not expected to affect adversely the viability of those populations; therefore, the loss of the reintroduced populations is not likely to appreciably reduce the likelihood of the survival of the species in the wild. In fact, the anticipated success of this reintroduction will enhance the recovery potential of this species by extending its current range and occupying currently unutilized habitat.

Location of Reintroduced Populations

The site for reintroduction of Delmarva Peninsula fox squirrels is totally isolated from existing populations of this species. The fox squirrels will be released into the Assawoman Wildlife Area in Sussex County, Delaware, in the extreme southeast corner of the State between Miller and Dirikson Creeks. This is approximately 50 miles from the nearest extant population located at the Chincoteague NWR.

Previous releases of this species have shown that individuals are not likely to travel more than 2 to 3 miles from the point of release. This assures that the Delaware population will remain geographically isolated and easily identifiable from other extant populations.

Management

This translocation project will be a joint cooperative effort between the Delaware Department of Natural Resources and Environmental Control, the Maryland Department of Natural Resources, and the Fish and Wildlife Service. The Delmarva Fox Squirrel Recovery Plan identifies reintroduction as a viable recovery task for enhancing recovery of the species and has been endorsed by the fox squirrel recovery team. Present plans call for the release of approximately 6 animals (4 females, 2 males) in the fall of the year, followed 6 months later with a spring release of approximately 6 additional animals (4 females, 2 males). A third release of approximately 6 animals the following fall will result in a total reintroduction of approximately 18 animals.

Released animals will be checked periodically to determine movement, reproductive success, and general health. The activities of the introduced population will be continually monitored by the Delaware Department of Natural Resources and Environmental Control and will be reported to the Delmarva Fox Squirrel Recovery Team and the FWS. It will be the responsibility of the Service to compile and disseminate this information to interested parties.

This nonessential experimental population will be treated as a threatened species under all provisions of the Act other than section 7 (except subsection (a)(1) thereof). All of the prohibitions referred to in the special rule apply to this population. Members of this experimental population could be incidentally taken in accordance with applicable State law. Thus, if a squirrel hunter accidentally took a member of this experimental population based upon a misidentification of the species, there would be no violation of the Endangered Species Act, although it would be a violation of State law.

This reintroduction is not expected to conflict with human activities or hinder the utilization of the Assawoman Wildlife Area by the public. The reintroduction site is managed by the State of Delaware for the enhancement of the State's native wildlife resources and the introduction of Delmarva fox squirrel is consistent with this effort.

The Service proposed to adopt rules governing the designation of this Delmarva fox squirrel population as experimental on April 5, 1984 (49 FR 13556).

Summary of Comments and Recommendations

The Service received comments from the following:

Delaware Department of Natural Resources and Environmental Control, Maryland Department of Natural Resources, and the National Wildlife Federation (NWF).

Delaware and Maryland expressed support of this effort as they have throughout the development of this regulation and all the preliminary efforts to identify release sites and to formulate management objectives. Delaware pointed out that the Management section should be amended to reflect the actual reintroduction timetable from spring (stated in the proposed rule) to fall of 1984 for the first release. A second release would occur the following spring and a third release in the fall of 1985. This correction has been made. Delaware also requested that a phrase be added to the last sentence of the Management section clearly expressing that take of Delmarva fox squirrel is in violation of State law. We have complied with the request and amended this section accordingly, as well as having refined the special rule language to carefully tailor the protections afforded to meet the "necessary and advisable" test of section 4(d) of the Act.

NWF stated that allowing incidental take is arbitrary and expresed opposition to the special rule which allows take in accordance with State law. They believe that relaxation of the restrictions imposed by section 7 and 9 of the Act are not justified without the

State having expressed opposition to reintroduction. The Service regrets this misunderstanding. The decisions to designate this population as experimental nonessential and to develop the special rules associated with this designation were based on extensive discussion with Delaware and Maryland and the final position as expressed in this regulation is a consensus of those discussions.

Without the experimental designation and relaxed protections, this action would face opposition from the State of Delaware.

To clarify the take restriction and exemptions in this regulation, the Service has made wording changes in the following sections: The Management section was reworded to indicate that take prohibitions for this population are referred to in the special rule. In addition, the special rule was reworded to incorporate the specific prohibitions and restrictions that apply to this population. The Service believes this is necessary to clarify the incidental take question and to clarify the responsibilities of both Delaware and the Service in this undertaking.

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act.

The U.S. Fish and Wildlife Service has determined that this is not a major rule as defined by Executive Order 12291; that the rule would not have a significant economic effect on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub. L. 96–354). The introduction site occurs within several miles of Atlantic Ocean resorts in a region that can be considered as high use for vacationers and wildlife enthusiasts. However, this site is not in the vicinity of a high concentration of year-round inhabitants. The Assawoman Wildlife Area has been set aside by the State of Delaware for wildlife use. The introduction of a nonessential experimental population into this area is compatible with current utilization of the site and is expected to have no impact on public use days. No private entities will be affected by this action. The rule as proposed does not contain any information collection or recordkeeping requirements as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

National Environmental Policy Act (NEPA)

An Environmental Assessment (EA) under NEPA has been prepared and is available to the public at the Office of Endangered Species, U.S. Fish and Wildlife Service at the address listed above. Based upon the information considered in the EA, a decision has been made that the preparation of an Environmental Impact Statement is not required for this action.

Author

The principal author of this proposal is Peter G. Poulos, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

PART 17—[AMENDED]

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

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

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

2. Amend Section 17.11(h) by adding the following in alphabetical order (following the existing entry for this species) to the list of endangered and threatened mammals:

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
•	•	•	•	•	•	•	
Mammals							
•	•	•	•	•	•	•	
Squirrel, Delmarva Peninsula fox	*Sciurus niger cinereus*	U.S.A. (Delmarva Peninsula to southeast PA).	U.S.A. (De—Sussex County)	XN	161	NA	17.84(a)
•	•	•	•	•	•	•	

3. Part 17 is amended by adding new paragraph (a) to § 17.84 to read as follows:

§ 17.84 Special rules—Vertebrates.

(a) Delmarva Peninsula fox squirrel (*Sciurus niger cinereus*).

(1) The Delmarva Peninsula fox squirrel population identified in paragraph (6) below is a nonessential experimental population.

(2) No person shall take this species, except:

(i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act and in accordance with applicable State fish and wildlife conservation laws and regulations; or

(ii) Incidental to recreational activities.

(3) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species (other than incidental taking as described in paragraph (2)(ii)) will also be a violation of the Endangered Species Act.

(4) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife laws or regulations or the Endangered Species Act.

(5) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraph (2) or (4).

(6) The site for reintroduction of Delmarva Peninsula fox squirrel is totally isolated from existing populations of this species. The nearest extant population is in the Chincoteague National Wildlife Refuge approximately 50 miles from the reintroduction site. The reintroduction site is within the historic range of this species and is located at the Assawoman Wildlife Area, Sussex County, Delaware. Observation of previous releases have shown that fox squirrels have not traveled more than 2 or 3 miles from release sites, therefore, the possibility of this population contacting extant wild populations is unlikely.

(7) The reintroduced population will be checked periodically to determine its condition and the success of the reintroduction. Of special concern will be the establishment of breeding pairs and the reproductive success of the population. The movement patterns of the released individuals and the overall health of the population will also be observed.

(Experimental Population for Delmarva Peninsula Fox Squirrel)

Dated: August 22, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife Parks.

[FR Doc. 84-24198 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 40302-21]

Groundfish of the Gulf of Alaska; Notice of Closure

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

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the optimum yield of sablefish will be achieved in the Central Regulatory Area of the Gulf of Alaska, and that a closure of this area to a directed fishery for sablefish by fishermen of the United States is necessary to prevent overfishing of sablefish. This action is intended to promote the conservation of sablefish.

DATES: This notice is effective at noon, Alaska Daylight Time (ADT), September 11, 1984, until noon, Alaska Standard Time, December 31, 1984. Public comments are invited on this closure until September 26, 1984.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m., weekdays) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Groundfish Fishery of the Gulf of Alaska (FMP), which governs the groundfish fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act), provides for inseason adjustments of fishing seasons and areas. Implementing rules at §§ 672.20 and 672.22 specify that these adjustments will be made by the Secretary of Commerce (Secretary by notice in the **Federal Register.**

Three regulatory areas of the Gulf of Alaska are defined in § 672.2. One of these is the Central Regulatory Area, for which the optimum yield (OY) of sablefish is 3,060 metric tons (mt). Of this amount, 160 mt will be harvested by foreign nations and 290 mt will be harvested by U.S. fishermen in joint ventrues. These amounts will be taken, as operational bycatches in directed fisheries for the other target species, during the remainder of the fishing year. Through August 25, 1984, U.S. fishermen have harvested and landed 2,116 mt of sablefish in the directed sablefish fishery. The balance of the OY available to U.S. fishermen for a directed fishery is 494 mt, which will be harvested by noon on September 11, 1984. The Regional Director has determined that the OY for sablefish will be taken by U.S. and foreign fishermen during the 1984 fishing year and that further fishing for sablefish by U.S. fishermen beyond September 11, 1984, would cause the OY to be exceeded.

Therefore, the Secretary issues this notice prohibiting further fishing for sablefish by U.S. fishermen in a directed fishery in the Central Regulatory Area after noon on September 11, 1984. This closure will be effective when this notice is filed for public inspection with the Office of the Federal Register and after it has been publicized for 48 hours through procedures of the Alaska Department of Fish and Game. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this notice's continued effect, modifying it, or rescinding it.

Other Matters

The sablefish stock in the Central Regulatory Area will be subject to harm unless this order takes effect promptly. The Agency therefore finds for good cause that advance notice and public comment on this order is contrary to the public interest and that the effective date should not be delayed.

This action is taken under the authority of §§ 672.20 and 672.22 and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It requires no collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR 672

Fisheries.

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

Dated: September 10, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84-24297 Filed 9-12-84; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 663

[Docket No. 40453-4053]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of fishing restrictions and request for comments.

SUMMARY: NMFS issues this notice establishing restrictions which further reduce the levels of fishing for widow rockfish taken off the coasts of Washington, Oregon, and California, and seeks public comment on this action. This action is authorized under regulations implementing the Pacific Coast Groundfish Fishery Management Plan and is necessary to help prevent the optimum yield for widow rockfish from being reached before the end of 1984. This action is intended to lower fishing rates, reduce the risk of biological stress, and reduce the probability of fishery closure before the end of the year.

DATE: This notice is effective from 0001 (Pacific Daylight Time) September 9, 1984, until modified, superseded, or rescinded. Comments will be accepted through September 24, 1984.

ADDRESSES: Send comments to Dr. T.E. Kruse, Acting Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115; or to Mr. E.C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731. The aggregate data upon which this notice is based are available for public inspection at the Office of the Director, Northwest Region, at the address above, during business hours until the end of the comment period.

FOR FURTHER INFORMATION CONTACT:
Dr. T.E. Kruse, 206–526–6150, or Mr. E.C. Fullerton, 213–548–2575.

SUPPLEMENTARY INFORMATION:

Background

The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved (47 FR 6043, February 10, 1982) under the Magnuson Fishery Conservation and Management Act, and final implementing regulations were published on October 5, 1982 (47 FR 43964). The regulations at 50 CFR 663.22(a) allow the Secretary of Commerce (Secretary) to impose restrictions to reduce fishing on stocks showing signs of biological stress. Biological stress of widow rockfish was documented shortly after implementation of the FMP in 1982 (47 FR 46287), and this species has been managed by trip limits since that time.

The action announced in this notice supersedes the provisions published in the **Federal Register** on May 10, 1984 (49 FR 19825) which imposed a 40,000-pound, one-landing-per-week trip limit on widow rockfish taken off the coasts of Washington, Oregon, and California. On August 2, 1984, the Secretary announced his concurrence with the Pacific Fishery Management Council's (Council) decision to further reduce the trip limit to 1,000 pounds when 9,200 metric tons (mt) is landed (49 FR 30948). The best scientific data available on August 30, 1984, indicated that 9,200 mt of widow rockfish will be landed by September 9, 1984. Accordingly, the trip limit for widow rockfish is reduced to 1,000 pounds and the trip frequency provision is removed. The States of Oregon and Washington are taking similar action effective September 9, 1984.

This reduction virtually will eliminate the directed fishery for widow rockfish for the remainder of 1984, while allowing incidental catches from other fisheries to be landed. A 1,000-pound trip limit imposed in September 1983 resulted in landings of 1.4 mt per day. If similar rates occur in 1984, complete closure of the fishery may be avoided. However, if the 9,300-mt optimum yield (OY) quota is reached before the end of the calendar year, all further landings will be prohibited as stated at § 663.21(b).

This reduction applies to all U.S. fishing vessels operating seaward of Washinton, Oregon, and California, including U.S. vessels delivering to foreign processors. For U.S. vessels delivering to foreign processors the trip limits are applied on a haul-by-haul basis. Foreign fishing and processing vessels already are subject to incidental catch and retention allowance percentages which are more restrictive than the limits placed on U.S. fisheries.

Secretarial Action

For the reasons stated above, the Secretary announces that:

(1) No more than 1,000 pounds (round weight) of widow rockfish may be taken and retained or landed, per vessel per fishing trip; and

(2) This restriction applies to all widow rockfish taken and retained in ocean waters offshore of, or landed in, Washington, Oregon, and California, regardless of the place of taking.

Classification

The determination to impose these fishing restrictions is based on the most recent data available.

These actions are taken under the authority of 50 CFR 663.22 and 663.23 and are in compliance with Executive Order 12291. The actions are covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

Section 663.23 of the groundfish regulations states that the Secretary will publish a notice of proposed reduction in fishing levels unless he determines that prior notice and public review are impracticable, unnecessary, or contrary to the public interest. Because of the immediate need to limit the harvest of widow rockfish and thereby reduce catch levels which could otherwise result in overharvest and closure of the fishery, further delay of this action is impracticable and contrary to the public interest. If fishing for widow rockfish continues at current rates, OY will be reached in mid-September. Prompt action to reduce those fishing rates is necessary to protect this resource and alleviate the necessity for closure before the end of the year. Consequently, this action is effective September 9, 1984. The States of Oregon and Washington are implementing similar regulations.

These restrictions require no collection of information for purposes of the Paperwork Reduction Act.

The public has had opportunity to comment on these management measures. The public participated in the Groundfish Management Team meeting June 25–27, 1984, and the Task Force/Groundfish Advisory Subpanel and Council meetings July 10–12, 1984, that generated the decision to impose a 1,000-pound trip limit for widow rockfish when 9,200 mt is reached. This decision was announced in the **Federal Register** on August 2, 1984 (49 FR 30948) and public comments were requested but none were received. The public also attended the meeting of the Council's Groundfish Management Team on August 30, 1984, in Seattle, Washington, when the projected catches of widow rockfish were announced and discussed. Further public comments will be accepted for 15 days after publication of this notice in the **Federal Register.** If deemed appropriate, this action may be modified or rescinded on the basis of public comment.

List of Subjects in 50 CFR Part 663

Fisheries.

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

Dated: September 10, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 84–24296 Filed 9–10–84; 5:03 pm]
BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 49, No. 179
Thursday, September 13, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

FCU Ownership of Fixed Assets

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: This proposed rule is a revision of § 701.36 of the National Credit Union Administration Rules and Regulations. It is a threshold rule, the substantive changes to which are being extended to federal credit unions between $1 and $2 million in assets and which have over 5% in fixed assets (as defined by the rule). Approximately 1,570 federal credit unions fall into the size category, and at least 51 have reported fixed assets in excess of 5% of their total assets. These 51 credit unions and others considering such investments would have to seek the written approval of the National Credit Union Administration for any investment in fixed assets exceeding 5% of their total assets. The proposed rule eliminates certain reporting requirements from these credit unions, however, and it eliminates aggregate payments on leases of fixed assets with a year or less maturity from the definition of fixed assets.

The rule retains provisions that require that property needed for future expansion be at least partially utilized within 3 years unless otherwise approved by the Administration. It also continues to prohibit all federal credit unions from acquiring real property for use as premises from directors, members of the supervisory and the credit committee, officials, and employees, their spouses, or members of their immediate families without written approval of the Administration. There are also certain housekeeping changes that clarify or simplify the existing rule.

DATE: Comments must be received on or before November 4, 1984.

ADDRESS: Send comments to Rosemary Brady, Secretary, National Credit Union Administration Board, 1776 G Street, NW., Washington, D.C. 20456. Telephone: (202) 357–1100.

FOR FURTHER INFORMATION CONTACT: Louis P. Acuna, Director, Department of Supervision and Examination. Telephone (202) 357–1065

SUPPLEMENTARY INFORMATION:

Background

Section 107(4) of the Federal Credit Union Act states in part that a federal credit union shall have the power to purchase, hold, and dispose of property necessary or incidental to its operations. On December 8, 1978, the National Credit Union Administration published a final rule (§ 701.36 of the NCUA Rules and Regulations) which requires all federal credit unions having aggregate assets of $2 million or more to seek written approval of NCUA for any investment in fixed assets in excess of 5 percent of total assets or its previously approved investment limit. In support of its request, the rule required a federal credit union to submit specific reports and statements listed therein. The rule also included provisions that apply to all federal credit unions. Those provisions relate to the obtaining of property for future expansion, the disposal of abandoned property, the estimated useful lives of fixed assets, the maximum assigned salvage values, and the obtaining of property from officials, employees, or their relatives. No changes have been made to the rule since it was adopted in 1978.

As a part of its regulatory review process, the National Credit Union Administration issued a request for comments on January 23, 1984, concerning these existing rules. It solicited views on the existing rule and on several questions relating to it. The National Credit Union Administration received 61 letters which addressed these questions. Other issues raised by the commenters zeroed in on the definition of fixed assets—specifically, the inclusion of typewriters, calculators, EDP, security equipment, and also leasehold improvements. These issues are addressed in this proposed rule.

Is a Rule Needed?

We believe that there is still justification for having the rule. Its most substantive provisions affect only those federal credit unions with $1,000,000 or more in assets, over 5% of which is invested in fixed assets. It is in this sense a threshold rule which applies only to larger credit unions with an above-average investment in fixed assets. Investments of this type tend to have a negative impact on both income and expenses and, accordingly, raise the potental for safety and soundness problems. Thus, the rule serves a meaningful purpose and should be continued. The weight of evidence and agency experience clearly support this.

Purchases of fixed assets also have a direct impact on the National Credit Union Share Insurance Fund (NCUSIF), as noted in the 1984 Request for Comments. As of May 1984, the NCUSIF was negotiating the sale of 10 credit unions' fixed assets (land, buildings, and computer equipment) it had acquired from merged or liquidated credit unions. They had a book value of $3.4 million and the losses on their potential sale are estimated to be at least $1.4 million. In addition, the NCUSIF is committed to purchasing $1.9 million in fixed assets from approved mergers and liquidations if the assets are not sold. Potential losses from these commitments are also estimated to be $1.4 million.

Interestingly, over 92 percent of the commenters agreed that the rule should remain. Moreover, five respondents recommended continuance because their credit unions experienced adverse financial problems that resulted from overinvesting in fixed assets. Representative observations include:

- Before a rule was established, a state supervisor reported that of four credit unions who were pressured to build in 1978–1979 on the basis of need 15–20 years into the future, one credit union subsequently experienced 5 consecutive years of losses before reversing the negative trend, while another is still struggling towards salvaging its operations. In the state supervisor's words, "It was disasterous."
- In another instance, the president of an FCU wrote,"I think it would be disasterous to the credit union industry if limitations were totally removed since particularly in the construction of a new building, management and the board find it emotional, as well as an economic experience. The temptation to 'build for eternity' is strong."

• "The current regulation has resulted in some control of purchases of fixed assets but, more importantly, it has drawn attention to the need for proper planning when purchasing fixed . . . ", an NCUA regional director commented.

Accompanying the first question was the issue of what asset size group and ratio of fixed assets to total assets the regulation should apply. Although the commenters provided a variety of responses on this issue, the majority did agree that assets should be the initial selection criteria and that the ratio of fixed assets to total assets should continue to be greater than 5 percent as the second criteria for the applicability of the fixed asset rule.

Support for extending the asset threshold to $1 million came from several commenters. An NCUA regional director commented that he has 45 federal credit unions with assets of $1 million or more which had an investment in fixed assets of over 5 percent. Twenty-nine of those FCU's had operating deficits in 1983. Statistics were provided indicating a contributing relationship between high fixed assets percentages and an inability to operate without a deficit earnings position. The regional director further commented on a study of 11 merged or liquidated credit unions within that region. Of the 11 cases, six revealed that ownership of fixed assets contributed to the credit unions' financial problems. In 10 of those 11 cases, NCUA still either owns the fixed assets or is committed to their future purchase. Problems such as those with excessive investments in fixed assets are rarely encountered in federal credit unions with less than $1 million in assets, but they are increasingly common in larger credit unions. Therefore, in consideration of these comments, we believe it to be in the best interests of federal credit unions and of the Insurance Fund to include those credit unions that have aggregate assets totaling $1 million or more and a ratio of fixed assets to total assets greater than 5 percent.

Should the Rule Be Extended to Federally-Insured State-Chartered Credit Unions?

We believe that the issue of investment in fixed assets involves supervision, and the National Credit Union Administration does not supervise state-chartered credit unions.

However, NCUA conducted a survey of state laws with regard to the fixed assets investment requirement in each state since a majority of commenters expressed that the regulation should apply to FISCUs. We found that 31 states have their own regulations, statutes, or prior approval requirements regarding the purchase of fixed assets or are in the legislative process of establishing a rule. Five states have no state-chartered federally insured credit unions.

Concerning FISCU's, it should be noted that the relationship between state supervisors and NCUA regional directors is a cooperative one; accordingly, a mutual exchange of information in problem investments, when they arise, is immediately communicated. Thus, since the majority of the states have their own fixed asset requirements and since the credit union state supervisory authorities are directly responsible for approving a credit union's activities in the purchase of fixed assets, there appears to be no need for an extension of federal rulemaking in this area. Several commenters did recommend, however, that NCUA's fixed asset rule could be used as a guideline in those states where there are no established rules.

Should There Be Different Requirements for Different Asset Size of Credit Unions?

Our review of comments received on this question as well as losses and other risk data related to the question has led us to the conclusion that a uniformly-applied 5% limit should be continued. The 5% limit has not shown itself to be hardship, and 31 of the 38 commenters agreed. The commenters indicated that using such varying asset criteria to determine whether NCUA approval was needed for investing in fixed assets would be difficult to administer. One commenter also noted that asset size per se would be neither an indicator of financial health, nor an indication of whether an investment should be made.

Federal credit unions with assets of $1,000,000 or more and a ratio of fixed assets to total assets of more than 5% tend to represent a greater risk of loss to the National Credit Union Administration Share Insurance Fund (NCUSIF) than do other federal credit unions. These federal credit unions have a history of lower average net earnings after dividends and statutory reserve transfers. They also experience adverse financial performance trends such as historically lower capital to asset ratios, higher operating expense to asset ratios, and lower average net income to average asset ratios than those federal credit unions that either have no fixed assets or aggregate fixed assets equal to 5 percent or less of total assets.

Should the Rule Specify the Form of Statements and Reports Submitted to NCUA in Support of a Request for an Approval of an Investment in Fixed Assets?

We note that this rule applies only to those larger federal credit unions whose investment in fixed assets exceed 5% of their total assets. We have concluded that it should not be necessary for those credit unions to submit uniform statements and reports since each regional director will continue to approve a request based upon the credit union's past and current financial performance and the merits of the credit union's proposal. Twenty-five of the 39 commenters responding to this issue concurred that the form of statements and reports required to be submitted in support of a request for an approval should be left to the regional director.

Should Specific Regulations Governing the Accounting for the Purchase, Sale, and Disposal of Fixed Assets and Any Sale and Leaseback Transactions, Including Any Resulting Gains, Be Included in the Rule?

The majority of the commenters responding to the last two questions indicated that the NCUA Board should not establish specific rules with regard to such transactions. Rather, reliance should be placed on generally accepted accounting principles as promulgated by the Financial Accounting Standards Board and that accounting instructions and guidance properly belong in NCUA's *Accounting Manual for Federal Credit Unions*. We concur. (The majority of the commenters did agree, however, that NCUA should retain and update its September 1981 Interpretive Ruling and Policy Statement (IRPS 81–7) that deals with sale-and-leaseback arrangements of federally insured credit unions.)

Other Issues

Credit Union Service Corporations

A discussion was included with the January 23, 1984, Request for Comments regarding the use of a Credit Union Service Organization (CUSO) as a means of circumventing the fixed asset rule.

Our review of this area has indicated that this is a supervision issue which can be dealt with on a case-by-case basis. Investments in fixed assets by CUSO's can be made for legitimate purposes to service the needs of the CUSO, its users, and its investors. Abuses are not prevalent, but if patterns should develop, the NCUA Board would consider appropriate action at that time.

Definition of Fixed Assets

Another issue raised by commenters dealth with definition of fixed assets. The definition within the current rule is all-inclusive. The purchase of fixed assets generally consists of transferring income-earning assets to a non-earning status. It is recognized, however that some items, such as typewriters and calculators, are needed for basic credit union operations, and that in purchasing or replacing them, a paperwork burden may be created if the credit union is required to submit a fixed asset investment proposal to NCUA. As one credit union trade association commented, "some credit unions, when faced with declining assets, have had to seek permission from NCUA to buy such routine business items such as calculators and typewriters. We do not believe that this was the intent of the regulation." We concur with that statement; however, we do not believe that this type of situation is prevalent. We also believe that the regional directors will have sufficient flexibility to deal with such situations on a case-by-case basis with the least possible paperwork burden to the credit union.

An issue that has recently arisen was the application of the definition of fixed assets to a lease agreement. It has been opined that, "an FCU may not rent space or pay for renovations in a building that is owned by a director/treasurer without NCUA's written approval." While the language in the current rule supported the stated opinion, the rule was *not* intended to apply to short-term, informal lease agreements with credit union officials, employees, or their spouses where the lease agreement can be terminated at will. The definition of fixed assets was intended to apply to investments in long-term leases that would be recorded on the federal credit union's books as an asset. Accordingly, that portion of the definition of fixed assets that addresses leases (subsection (b)(4)(iii)) has been amended in the proposed rule to specify that it applies to leases with a maturity in excess of one year.

Summary

The proposed rule will continue to regulate a federal credit union's ownership of fixed assets. The proposed rule will not be extended to include federally insured state-chartered credit unions, but those federal credit unions that have assets between $1 and $2 million will need to seek written approval from their respective NCUA regional director when their investment in fixed assets exceeds 5 percent of total assets, unless the credit union has already obtained written approval under the existing rule. Different requirements for different asset sizes of credit unions have not been established. the mandated form of statments and reports submitted to NCUA in support of a request for an approval of an investment in fixed assets has been deleted, leaving the content of a fixed asset investment proposal to the discretion of the federal credit union's respective regional director. The definition of fixed assets has been modified to exclude lease agreements with a maturity of 1 year or less. And finally, specific regulations governing the accounting for the purchase, sale and disposal of fixed assets, and in arranging sale-and-leaseback transactions, are not included in the proposed rule because these subjects are adequately covered in the *Accounting Manual for Federal Credit Unions* and IRPS 81-7.

Regulatory Procedures

The proposed rule will have little or no significant economic impact on a substantial number of small credit unions, primarily those under $1 million in assets. For those credit unions having aggregate assets in excess of $1 million and a ratio of fixed assets to total assets greater than 5 percent, the rule will affect less than 250 federal credit unions. Since the proposed rule is essentially the continuation of a previous rule, only approximately 51 federal credit unions that are between $1 and 2 million in assets will be affected for the first time. Therefore, a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The collection of information contained in this proposed rule has been submitted to the Office of Management and Budget for review under section 3504(h) of the Act. Written comments and recommendations regarding the information collection requirements of this proposed rule should be forwarded directly to the OMB Desk Officer indicated below at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503. Attn: Judith McIntosh.

List of Subjects in 12 CFR Part 701

Credit Unions.

Authority: 1757(4). 12 U.S.C. 1766, 12 U.S.C. 1784, 12 U.S.C.

By the National Credit Union Administration Board on the 5th day of September 1984.

Rosemary Brady,

Secretary of the Board.

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Accordingly, the NCUA Board proposes that § 701.36 of the NCUA Rules and Regulations to be revised to read as follows:

§ 701.36 FCU Ownership of Fixed Assets.

(a) A federal credit union's ownership in fixed assets should be limited as described in this chapter.

(b) Definitions—as used in this section:

(1) Premises includes any office, branch office, suboffice, service center, parking lot, other facility, or real estate where the credit union transacts or will transact business.

(2) Furniture, Fixtures, and Equipment includes all office furnishings, office machines, computer hardware and software, automated terminals, heating and cooling equipment.

(3) Fixed Assets means premises and furniture, fixtures and equipment as these terms are defined above.

(4) Investments in fixed assets means:

(i) Any investment in real property (improved or unimproved) which is being used or is intended to be used as premises;

(ii) Any leasehold improvement on premises;

(iii) The aggregate of the lease payments pursuant to a lease agreement on fixed assets with a maturity in excess of 1 year;

(iv) Any investment in the bonds, stock, debentures, or other obligations of a partnership or corporation holding any fixed assets used by the federal credit union and any loans to such partnership or corporation; or

(v) Any investment in furniture, fixtures and equipment.

(5) Abandoned premises means former federal credit union premises from the date of relocation to new quarters, and property originally acquired for future expansion for which such uses is no longer contemplated.

(c) Investment in Fixed Assets.

(1) No federal credit union with $1,000,000 or more in assets, without the prior approval of the Administration, shall invest in fixed assets if the aggregate of all such investments exceeds 5 percent of assets.

(2) A federal credit union shall submit such statement and reports as the NCUA regional director may require in

support of any investment in fixed assets in excess of the limit specified above.

(3) If the Administration determines that the proposal will not adversely affect the credit union, an aggregate dollar amount or percentage of assets will be approved for investment in fixed assets. Once such a limit has been approved, a federal credit union may make future acquisitions of fixed assets, provided the aggregate of all such future investments in fixed assets does not exceed an additional 1 percent of the assets of the credit union over the amount approved.

(4) Federal credit unions shall submit their requests to the NCUA regional office having jurisdiction over the geographical area in which the credit union's main office is located. The regional office shall inform the requesting credit union, in writing, of the date the request was received. If the credit union does not receive notification of the action taken on its request within 45 calendar days of the date the request was received by the regional office, the credit union may proceed with its proposed investment in fixed assets.

(5) Federal credit unions with assets of between $1,000,000 and $2,000,000 that have investments in fixed assets in excess of 5 percent as of the effective date of this rule may honor existing (firm) commitments to acquire fixed assets without the Administration's approval; however, these Federal credit unions must notify the appropriate NCUA regional office of the existence of such commitments within 30 days of the effective date of this rule.

(d) *Premises.* (1) When real property is acquired for future expansion, at least partial utilization should be accomplished within a reasonable period, which shall not exceed 3 years unless otherwise approved in writing by the Administration. After real property acquired for future expansion has been held for 1 year, a board resolution with definitive plans for utilization must be available for inspection by an NCUA examiner.

(2) A federal credit union shall endeavor to dispose of "abandoned premises" at a price sufficient to reimburse the federal credit union for its investment and costs of acquisition. Current documents must be maintained reflecting the federal credit union's continuing and diligent efforts to dispose of "abandoned premises." After "abandoned premises" have been on the federal credit union's books for 4 years, the property must be publicly advertised for sale. Disposition must occur through public or private sale within 5 years of abandonment, unless otherwise approved in writing by the Administration.

(3) *Prohibited transactions.* (1) Except with the prior written approval of the Administration, no federal credit union may acquire real property by investement in premises from any of the following:

(1) A director, member of the credit committee or supervisory committee, official or employee of the federal credit union, or the spouse of such director, member of the credit committee or supervisory committee, official or employee.

(2) A corporation in which any director, member of the credit committee or supervisory committee, official or employee, or the spouse of such director, member of the credit committee or supervisory committee, official or employee, is an officer or director, or has a stock interest of 10 percent or more;

(3) A partnership in which any director, member of the credit committee or supervisory committee, official or employee, or the spouse of such director, member of the credit committee or supervisory committee, official or employee is a general partner, or a limited partner with an interest of 10 perent or more; or,

(4) A member of the immediate family of a director, member of the credit committee of supervisory committee, official or employee of the federal credit union, living in the same household.

[FR Doc. 84-24049 Filed 9-12-84; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM84-15-000]

Generic Determination of Rate of Return on Common Equity for Public Utilities; Extension of Time for Comments

September 10, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On July 18, 1984, the Commission issued a Notice of Proposed Rulemaking involving the generic determination of rate of return on common equity for public utilities (49 FR 29967, July 25, 1984). The comment period is being extended at the request of the Edison Electric Institute, Florida Power & Light Company, the American Public Power Association, Tampa Electric Company, Associated Utilities Services, Inc., Atlantic City Electric Company, Duquesne Light Company, Public Service Company of Colorado and West Texas Utilities Company.

DATES: Comments must be submitted on or before November 27, 1984. Reply comments must be submitted on or before January 11, 1985.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission 825 North Capitol Street, NE. Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary (202) 357-8400.

SUPPLEMENTARY INFORMATION: On August 23, 1984, August 27, 1984, August 30, 1984, August 31, 1984 and September 4, 1984, Edison Electric Institute (EEI), Florida Power & Light Company (FPL), the American Public Power Association (APPA), Tampa Electric Company (Tampa), Associated Utilities Services, Inc (AUS), Atlantic City Electric Company, Duquesne Light Company, Public Service Company of Colorado (Public Service) and West Texas Utilities Company (West Texas) filed respective motions for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued July 18, 1984, in the above-docketed proceeding. These motions state that additional time is required because of the complexity of the issues which are addressed in the proposed rule and because of the large number of detailed technical questions which are raised in the document. The motions further state that EEI, FPL, the APPA, Tampa Electric, AUS, Public Service and West Texas require additional time in order to coordinate the preparation of their comments with respective member companies and other public utilities, to consult with qualified personnel and to gather and evaluate significant financial and economic data On August 30, 1984, Montaup Electric Company filed an answer supporting EEI's motion for an extension of time.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including November 27, 1984. Reply comments shall be filed on or before January 11, 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24246 Filed 9-12-84; 8:45 am]
BILLING CODE 6717-01-M

18 CFR Part 385

[Docket No. RM83-41-000]

Rules of Discovery for Trial-Type Proceedings; Extension of Time for Comments

September 10, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On July 26, 1984, the Commission issued a Notice of Proposed Rulemaking involving rules of discovery for trial type proceedings (49 FR 30519, July 31, 1984). The comment period is being extended at the request of the Federal Energy Bar Association.

DATE: Comments must be submitted on or before November 1, 1984.

ADDRESS: Submit comments to: Office of the Secretary Federal Energy Regulatory Commission 825 North Capitol Street, NE. Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary (202) 357-8400.

SUPPLEMENTARY INFORMATION: On August 31, 1984, the Federal Energy Bar Association (FEBA) filed a motion for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued July 26, 1984, in the above-docketed proceeding. The motion states that FEBA requires additional time in order to allow its Committee on Practice and Procedure to evaluate the proposed rule and, if appropriate, to prepare draft comments for review by the Association's Executive Committee.

Upon consideration, notice is hereby given that an extension of time for the filing of comments on the proposed rule is granted to and including November 1, 1984.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24247 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Reopening and Extension of Public Comment Period on Proposed Amendment to the Ohio Permanent Regulatory Program

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

ACTION: Reopening and extension of public comment period.

SUMMARY: On July 11, 1984, the Ohio Division of Reclamation (the Division) submitted to OSM a proposed program amendment consisting of proposed rules of procedure for the Ohio Reclamation Board of Review. OSM published a notice in the **Federal Register** on August 9, 1984, announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (49 FR 31912). The public comment period ended September 10, 1984.

On August 24, 1984, the Division submitted revisions to the proposed rules of procedure. Accordingly, OSM is reopening and extending the comment period on Ohio's July 11, 1984 proposed amendment as modified on August 24, 1984. This action is being taken to provide the public an opportunity to reconsider the adequacy of the proposed amendment.

DATE: Written comments, data or other relevant information relating to this rulemaking not received on or before 4:00 p.m. September 28, 1984 will not necessarily be considered in the Director's decision.

ADDRESSES: Written comments should be mailed or hand delivered to: Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227.

Copies of the Ohio program, the proposed modifications to the program, and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters office and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays.

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

Ohio Division of Reclamation, Building B-3, Fountain Square, Columbus, Ohio 43224

FOR FURTHER INFORMATION CONTACT: Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION: The Ohio State program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register.**

By letter dated July 11, 1984, Ohio submitted proposed rules of procedure for the Ohio Reclamation Board of Review, contained in Rules 1513-3-01 through 15-13-22. The rules include provisions for appeals, intervention, temporary relief, discovery, hearings, decisions, and award of costs. OSM announced receipt of the amendment and initiated a public comment period on August 9, 1984 (49 FR 31912). The comment period ended September 10, 1984.

On August 24, 1984, the Division submitted revisions to the proposed rules of procedure. Revisions were made to the following rules: 1513-3-02, 1513-3-03, 1513-3-04, 1513-3-06, 1513-3-08, 1513-3-13, 1513-3-14, 1513-3-16, 1513-3-21, and 1513-3-22. The revisions are primarily editorial, with the exception of the revisions to Rule 1513-3-21, concerning the award of costs and expenses. Paragraph (E) of the rule has been amended to provide that costs may be awarded to a permittee or the Division participating in a proceeding upon a finding that the permittee or Division has made a substantial contribution to a full and fair determination of the issues.

The full text of the proposed program amendment and of the subsequent modifications is available for review at the locations listed above under **"ADDRESSES".** Accordingly, OSM is now seeking public comment on the adequacy of Ohio's July 11, 1984 amendment in light of the State's August 24, 1984 modification.

Authority: Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*

Dated: September 7, 1984.

Carl C. Close,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 84-24127 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Inpatient Mental Health Services

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed amendment to rule.

SUMMARY: This amendment to DoD 6010.8–R would limit CHAMPUS payment for inpatient mental health services to 60 days annually for each patient. It is required in order to implement a provision of Pub. L. 98–94, the Defense Authorization Act for Fiscal Year 1984, which amended title 10, chapter 55, United States Code. This Public law states that, with certain exceptions, no CHAMPUS funds may be expended for inpatient mental health services in excess of 60 days annually for each beneficiary who receives inpatient mental health services. It is similar to a provision that was contained in Pub. L. 97–377, the Defense Appropriation Act for Fiscal year 1983, which restricted the funds available to CHAMPUS to pay inpatient mental health services, beginning January 1, 1983.

DATE: Written public comments must be received on or before October 15, 1984.

ADDRESS: Office of the Civilian Health and Medical Program of the Uniformed Services, (OCHAMPUS), Policy Branch, Aurora, CO 80045.

FOR FURTHER INFORMATION CONTACT: David E. Bennett, Policy Branch, OCHAMPUS, telephone (303) 361–3537.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the **Federal Register** on April 4, 1977, (42 FR 17972), the Office of the Secretary of Defense published DoD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

Section 199.10 establishes the basic benefits of CHAMPUS, including inpatient services. Under the current provisions of the Regulation, CHAMPUS does not limit coverage of inpatient services on the basis of the length of stay. Although the Regulation requires that long-term inpatient stays be reviewed for continued medical necessity, payment may be made for the stay so long as it continues to be medically or psychologically necessary.

Pub. L. 97–377, the Defense Appropriation Act for fiscal year 1983, limited the expenditure of funds appropriated for CHAMPUS. Section 785 of the Public law provided that no payment could be made for inpatient mental health services in excess of 60 days per person per year. Section 785 also provided that this limitation did not apply to: (a) Services provided under the Program for the Handicapped; (b) admissions to residential treatment centers; (c) mental health services provided as partial hospitalization, that is, psychiatric day or night care; (d) mental health services provided to patients admitted to the inpatient facility before January 1, 1983, so long as they remained hospitalized continuously for medically or psychologically necessary reasons; and (e) mental health services provided pursuant to a waiver of the 60-day limit ". . . granted in accordance with the findings of current peer review, as prescribed in guidelines established and promulgated by the Director, Office of the Civilian Health and Medical Program of the Uniformed Services."

Because of the January 1, 1983 mandatory effective date, and because section 785 represented a restriction on the funds appropriated to CHAMPUS, we issued a policy to implement this limitation on December 29, 1982. At the same time, we began developing the regulatory amendment reflecting the limitation.

As required by title 10, chapter 55, United States Code, the Department of Defense consulted with the Department of Health and Human Services concerning this amendment. Section 785 generated some questions as to the criteria to be used in granting the authorized exceptions to the 60-day limit on inpatient psychiatric services. Consequently there were discussions between the Department of Health and Human Services and Department of Defense concerning the implementation of this exception. The criteria initially developed by the Department of Defense were based upon our belief that Congress recognized that there would only be a few patients whose physical or psychological condition was so severe that care in other than an inpatient setting would endanger the patient or the community or both and we thus provided for a waiver of the 60-day limit to cover these extraordinary circumstances.

However, following our discussions with the Department of Health and Human Services, but before publication of the amendment, Congress passed and the President signed Pub. L. 98–94, the Defense Authorization Act for Fiscal Year 1984. This public law contained a provision amending title 10, chapter 55, United States Code—the basic statute governing CHAMPUS—to incorporate the limitation of inpatient mental health services to 60 days annually per beneficiary.

The amendment exempts care under the program for the handicapped, partial hospital care and care in residential treatment centers, as did Pub. L. 97–377. Pub. L. 98–94, however, contains the following provision regarding the waiver of the 60-day limit:

> The limitation . . . does not apply in the case of inpatient mental health services—
>
> (4) provided pursuant to a waiver authorized by the Secretary of Defense because of extraordinary medical or psychological circumstances that are confirmed by review by a non-Federal health professional pursuant to regulations prescribed by the Secretary of Defense.

We interpret this to be an unmistakable expression of Congressional intent that the waiver not be used routinely to approve inpatient mental health care beyond 60 days.

A conference was held in March of 1984 to discuss the 60-day inpatient mental health limit criteria. This meeting was attended by representatives of the American Psychiatric Association, the American Psychological Association, the American Nurses Association, the American Academy of Child Psychiatry, the National Association of Social Workers, the National Association of Private Pyschiatric Hospitals, the Surgeons General of the services and the National Institute of Mental Health.

After a general discussion of the legislation governing the inpatient mental health limit and an examination of the criteria granting waivers, the group essentially concurred that the criteria adequately addressed "extraordinary circumstances."

In order to implement the provisions of Pub. L. 98–94, we propose to amend § 199.10, paragraphs (b)(5), (c)(2)(ix)(b), and (g)(39).

In § 199.10 a new paragraph (b)(5)(xi) would be added which would:

1. Define inpatient mental health services as those institutional and professional services rendered to a CHAMPUS beneficiary admitted to a CHAMPUS-authorized institutional provider for treatment of a nervous and mental disorder, as defined in § 199.8.

2. Provide that CHAMPUS coverage for inpatient mental health services will end when the patient has received 60 days of covered inpatient mental health services in a calendar year. This amendment would not affect benefits for outpatient services or for inpatient services for treatment of conditions other than mental disorders.

3. Provide that benefits will end automatically unless the Director, OCHAMPUS, or a designee, grants a waiver of the 60-day limit. If a request for a waiver is subsequently granted, payment would be made for covered services from the 60th day. If, however, the request for the waiver is not granted, no payment will be made for any service provided after 12:01 A.M. of the 61st day of inpatient mental health services. Since the Director will require a

reasonable period of time to review the request for additional coverage—normally at least 10 working days—beneficiaries can reduce the risk of incurring noncovered expenses by submitting the request for additional coverage as promptly as possible.

4. Set forth the criteria that the director will use in determining when additional coverage will be granted. Requests for additional coverage will be reviewed by psychiatrists nominated by the American Psychiatric Association. The basis for approving additional coverage will be a finding that the patient's mental disorder results in the patient being placed at significant risk to self or of becoming a danger to others or that the patient has, in addition to the mental disorder, a medical condition requiring an inpatient level of care. In any case, additional coverage will not be granted unless the patient requires services that can be provided only in an inpatient setting.

This amendment is being published in the **Federal Register** for proposed rulemaking at the same time it is being coordinated within the Department of Defense, and with other interested agencies so that consideration of both internal and external comments and publication of the final rule can be expedited.

Conforming revisions are also made in paragraphs 199.10(c)(2)(ix)(b) and (g)(39).

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health Insurance, Military Personnel.

Accordingly, it is proposed to amend 32 CFR, Chapter I reading as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

In § 199.10, by adding a new paragraph (b)(5)(xi), and by revising paragraphs (c)(3)(ix)(*b*) and adding (g)(39) to read as follows:

§ 199.10 Basic program benefits.

* * * * *

(b) * * *

(5) * * *

(xi) *Inpatient mental health services.* Inpatient mental health services are those services furnished by institutional and professional providers for treatment of a nervous or mental disorder (as defined in § 199.8(b)) to a patient admitted to a CHAMPUS-authorized acute, general hospital; a psychiatric hospital; or, unless otherwise exempted, a specialized treatment facility.

(a) Benefits limited to 60 days of inpatient care. CHAMPUS benefits for inpatient care are payable only so long as the inpatient level of care is medically or psychologically necessary and otherwise meets the requirements of this Part. In any case in which CHAMPUS benefits are paid for inpatient mental health services, those benefits will end automatically when a beneficiary has received 60 days of covered inpatient mental health services in a calendar year. This benefit limit applies whether the 60 days of inpatient mental health services are continuous or intermittent or involve one or more admissions to the same or different inpatient facilities. This limit on inpatient mental health services does not apply to: services provided under the provisions of § 199.11, "Program for the Handicapped;" services provided on less than a 24-hour-a-day basis; or services provided in an authorized residential treatment center that meets the requirements of § 199.12, (b)(4)(v), "Residential Treatment Centers for Emotionally Disturbed Children."

(b) Director, OCHAMPUS, may grant additional coverage. Upon written request by or on behalf of the beneficiary, the Director, OCHAMPUS, or a designee, may grant coverage of inpatient mental health services in excess of 60 days in a calendar year when such services are found to be required because of extraordinary medical or psychological circumstances. The Director may grant additional coverage if the written request documents that:

(*1*) the patient is suffering from an acute mental disorder or an acute exacerbation of a chronic mental disorder that results in the patient being put at significant risk to self or of becoming a danger to others, *and* the patient requires a type, level, and intensity of otherwise authorized service that can only be provided in an inpatient setting; or

(*2*) the patient has a serious medical condition apart from his or her psychiatric condition that requires a type, level, and intensity of service that can only be provided in an inpatient setting and the person continues to need psychiatric care, but cannot obtain it on an outpatient basis because of his or her inpatient status.

* * * * *

(c) * * *

(3) * * *

(ix) * * *

(b) Psychotherapy: Inpatient. In addition, if individual or group psychotherapy, or a combination of both, is being rendered to an inpatient on an on-going basis (i.e., non-crisis intervention), benefits are limited to no more than five one-hour therapy sessions (in any combination of group and individual therapy sessions) in any seven day period. Benefits for inpatient individual and group psychotherapy will end automatically when the patient has received 60 days of inpatient mental health services in a calendar year, unless additional coverage is granted by the Director, OCHAMPUS, in accordance with § 199.10(b)(5)(xi).

* * * * *

(g) * * *

(39) *Inpatient mental health services.* More than 60 days of inpatient mental health services received by a beneficiary in a calendar year, unless additional coverage is granted by the Director, OCHAMPUS, in accordance with § 199.10(b)(5)(xi). This exclusion does not apply to: services provided under the provisions of § 199.11, "Program for the Handicapped;" services provided on less than a 24-hour-a-day basis; or services provided in a CHAMPUS-authorized residential treatment center that meets the requirements of § 199.12(b)(4)(v), "Residential Treatment Centers for Emotionally Disturbed Children."

* * * * *

(10 U.S.C. 1079, 1086; 5 U.S.C. 301)

Dated: September 6, 1984.

Patricia H. Means,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 84-24001 Filed 9-12-84; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD3 84-51]

Drawbridge Operation Regulations; Reynolds Channel, NY

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Nassau County, New York, the Coast Guard is considering a change to the regulations governing the Long Beach drawbridge between Island Park and Long Beach, New York to revise the times that the bridge will be required to be opened on signal. This proposal is being made because of limited requests for opening of the draw between 7 a.m. and 8 a.m. This action should continue to relieve the bridge owner of the burden of having a person constantly available to open the draw and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before October 29, 1984.

ADDRESSES: Comments should be mailed to Commander (oah-br), Third Coast Guard District, Bldg 135A, Governors Island, NY 10004. The comments and other materials referenced in this notice will be available for inspection and copying at this address. Normal office hours are between 9 a.m. and 3 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212)668–7994.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or for any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Third Coast Guard District will evaluate all communications received and will determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

On April 24, 1984, the Coast Guard published a final rule (49 FR 17450) that reorganized the regulations for drawbridges (Part 117 of Title 33 Code of Federal Regulations) to consolidate common requirements and to organize bridge regulations into a more usable format. This proposed rule follows the revised numbering and format.

Drafting Information

The drafters of this notice are Lucas A. Dlhopolsky, project manager, and Mary Ann Arisman, project attorney.

Discussion of Proposed Regulations

Current regulations allow the bridge to open on four hours notice between midnight and 7 a.m. each day. The County wishes to extend this notice period until 8 a.m. so that the bridge schedule will coincide with existing County work shifts. Bridge opening logs for 1980, 1981 and 1982 show an average of 10 boats requiring openings each year between 7 a.m. and 8 a.m. These few openings do not appear to justify requiring a bridge operator to be present between 7 a.m. and 8 a.m. each day. If regulations are amended as requested, a bridge opening may be obtained between 7 a.m. and 8 a.m. by merely providing four hours notice. Since the bridge presently requires four hours notice between midnight and 7 a.m., only minor inconvenience will result if the period is extended one hour.

The bridge provides a minimum vertical clearance of 20 feet above Mean High Water and 24 feet above Mean Low Water in the closed position. Therefore, only larger motor vessels and sailboats transiting the bridge between 7 a.m. and 8 a.m. would be affected by this regulation change.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This bridge is transited almost exclusively by recreational boaters navigating through Reynolds Channel. Since the closed draw has a vertical clearance sufficient to accommodate passage of most of these vessels, only minimal impact will result from these regulations. Of the openings between 7 a.m. and 8 a.m. from 1980–82, only one was for a commercial vessel. This indicates these regulations will have little or no economic impact on commercial vessels. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising § 117.799(g) to read as follows:

§ 117.799 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal.

* * * * *

(g) The draw of the Long Beach Bridge across Reynolds Channel, mile 4.7, shall open on signal; except that:

(1) From midnight to 8 a.m. year-round, the draw shall open on signal if at least four hours notice is given; and

(2) From 3 p.m. to 8 p.m. on Saturdays, Sundays and holidays from May 15 through September 30, the draw need be opened only on the hour and half hour.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(2); 33 CFR 1.05–1(g)(3))

Dated: August 21, 1984.

R. L. Johanson,

Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.

[FR Doc. 84–24215 Filed 9–12–84; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A–5–FRL–2669–4]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed Rule.

SUMMARY: USEPA proposes to approve a change in the TSP designation status for a portion of Center Township within Marion County, Indiana from primary nonattainment to secondary nonattainment and for the remainder of the primary nonattainment area within Marion County, excepting Perry, Decatur, and Wayne Townships, to attainment. USEPA proposes to disapprove a requested change in the TSP designation to attainment for a portion of Center Township and for all of Perry, Decatur, and Wayne Townships in Marion County. These revisions were initiated by requests from the State of Indiana to redesignate the primary nonattainment area in Marion County and are based on the supporting data the State submitted. Under the Clean Air Act (Act), designations can be changed if sufficient data are available to warrant such a change.

DATE: Comments on the State's redesignation requests and USEPA proposed action are due by November 13, 1984.

ADDRESSES: Copies of the redesignation requests, technical support documents and the supporting air quality data are available at the following addresses:

U.S. Environmental Protection Agency, Air and Radiation Branch, Region V

(5AR-26), 230 S. Dearborn Street, Chicago, Illinois 60604
Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

Comments on this proposed rule should be addressed to: (please submit an original and five copies if possible) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner (312) 886–6036.

SUPPLEMENTARY INFORMATION: Under section 107(d) of the Act, the Administrator of USEPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of every state. See 43 FR 8962 (March 3, 1978). These area designations may be revised whenever the data warrants.

The primary TSP NAAQS is violated when, in a year, either: (1) The geometric mean value of monitored TSP concentrations exceeds 75 micrograms per cubic meter of air (75 $\mu g/m^3$) (the annual primary standard), or (2) the maximum 24-hour concentration of TSP exceeds 260 $\mu g/m^3$ more than once (the 24-hour standard. The secondary TSP is violated when, in a year, the maximum 24-hour concentration exceeds 150 $\mu g/m^3$ more than once.

The current designations for TSP in Marion County, Indiana, as codified at 40 CFR 81.315, are:

Attainment—The area of Washington, Township east of Fall Creek and the area of Franklin Township south of Thompson Road and east of Five Points Road.

Primary Nonattainment—Remainder of Marion County.

On October 14, 1982, the State of Indiana requested USEPA to redesignate all of the primary nonattainment area within Marion County, Indiana, with the execption of Center Township, from primary nonattainment to attainment for the TSP NAAQS. Additionally, on April 14, 1983, the State submitted a separate request to redesignate Center Township from primary nonattainment to secondary nonattainment for TSP.

The State of Indiana submitted supplementary information to support the requests on October 7, 1982, and on April 14, 1983. The City of Indianapolis Air Pollution Control Division submitted supplementary information with letters dated January 19, 1983 and April 15, 1983. The State submitted additional information to supplement the Center Township request on February 16, 1984.

To support the redesignation requests, the State submitted ambient air quality data collected at numerous monitors in Marion County during the period 1980–1983, air quality modeling results, emissions data, as well as other analyses (See February 16, 1984, submittal). A detailed review of this information is available in USEPA's Technical Support Document on this redesignation proposal.

The proposed redesignations were reviewed with respect to USEPA redesignation policy, as summarized in the memoranda "Section 107 Designation Policy Summary", April 21, 1983, and "Section 107 Questions and Answers", December 23, 1983. In summary, all available information relative to the attainment status of the area should be reviewed. These data should include the most recent eight consecutive quarters of quality assured, representative ambient air quality data, puls evidence of an implemented control strategy. Supplemental information, including the available air quality modeling, emissions data, and other relevant information, should be used to determine if the monitoring data accurately characterize the worst case air quality in the area. Information submitted to support attainment redesignations must adequately and accurately reflect long-term operating rates and the effects of applicable economic conditions on emissions.

The most recent eight quarters of TSP data within Marion County show attainment of the primary TSP NAAQS. Four sites (in Center and Wayne Towships) recorded violations of the secondary TSP NAAQS during 1982 and/or 1983. The City provided historical emissions and production data for the major TSP sources in the county and provided a list of real, enforceable emission reductions from the major TSP sources which have occurred due to recent compliance with federally approved RACT regulations or through recent enforcement action. The City also noted recent reductions in TSP emissions from area source categories such as from a restriction on open burning. These data constitute evidence of an implemented control strategy resulting in real, legally enforceable reductions. Therefore, for all of Marion County, except for southeastern Center Township and Perry, Decatur, and Wayne Townships, the proposed redesignation requests are supported by at least eight quarters of representative, quality-assured TSP monitor data which show attainment of the TSP NAAQS and by evidence of an implemented control strategy that USEPA has fully approved.

Center Township

However, for southeastern Center Township, USEPA cannot propose approval of the redesignation to secondary nonattainment for TSP because the existing monitoring network does not accurately characterize the worst case air quality in this area. The monitors are not located such that they can be expected to monitor worst case impacts from certain large TSP source in southeastern Center Township, i.e., Citizen's Gas and Coke Co. coke batteries, Indiana Farm Bureau, and Early and Daniel. For instance, the closest downwind monitor to Citizen's Gas and Coke is over five kilometers to the northeast. A closer site is northwest of Citizen's Gas and Coke, but it is generally upwind of the above facilities in southeastern Center Township. Due to this and other similar source/monitor configurations in southeastern Center Township, USEPA has determined that the monitored data do not reflect the worst case air quality of the area; also, available modeling data are insufficient to accurately characterize TSP air quality in this area. Therefore, this portion of Center Township cannot be redesignated at this time. USEPA is, however, proposing to approve the redesignation from primary nonattainment to secondary nonattainment for the remainder of Center Township, because the ambient data and the evidence of an approved, implemented control strategy allow such a redesignation.

Perry, Decatur, and Wayne Townships

As stated before, USEPA's redesignation policy requires ". . . evidence of an implemented control strategy that USEPA has fully approved". USEPA has approved Indiana's Marion County Part D TSP SIP with the exception of 325 IAC 11–3, Section 2f–h (Indiana's Coke Battery Regulations) and with the condition that Indiana submit acceptable industrial fugitive dust regulations by July 31, 1982. USEPA will, in the near future, propose action on revised emission limits and operating requirements for Citizen's Gas and Coke Company which satisfy the deficiencies noted by USEPA in 325 IAC 11–3 for Marion County. Indiana has submitted its Industrial Fugitive Dust Regulations (325 IAC 6–5). USEPA will propose action on these regulations in the near future.

There are numerous industrial sources within Marion County which emit significant fugitive emissions and which are not now required to have fugitive control plans. Several of those sources

(including American Aggregates, Chrysler Foundry, Indianapolis Power and Light Company's Stout Plant, and Quemetco) are in Perry, Decatur, and Wayne Townships for which the State has requested to be redesignated to full attainment for TSP. Because Indiana has not applied RACT to these significant industrial fugitive dust sources and because the State has not provided sufficient monitor or modeling data representative of worst case air quality in the immediate vicinity of these sources, USEPA must propose to disapprove the redesignation request for Perry, Decatur, and Wayne Townships.

The available data do support a redesignation to secondary nonattainment for portions of Perry, Decatur, and Wayne Townships and full attainment for the remainder of these townships. If, during the public comment period, the State amends its redesignation request to include a secondary nonattainment area within Perry, Decatur, and Wayne Townships which incorporates the area surrounding the monitor in Wayne Township which recorded secondary nonattainment in 1982 and the areas surrounding the significant industrial fugitive dust emission sources in these townships, USEPA will consider this request and, if approvable, will directly approve redesignations for these areas in USEPA's final rulemaking.

Summary

USEPA proposes to approve the following proposed redesignations for Marion County:

(a) The primary TSP nonattainment areas within Franklin, Lawrence, Pike, Warren, and Washington Townships will be designated attainment.

(b) All of Center Township, except the area bounded by Keystone Avenue on the west, Southeastern Avenue on the north, and the Center Township boundaries on the east and south, will be designated as a secondary nonattainment area.

It is proposing to disapprove redesignation for the following areas:

(a) The area bounded by Keystone Avenue on the west, Southeastern Avenue on the north, and the Center Township boundaries on the east and south, will be retained as a primary nonattainment area.

(b) Perry, Decatur, and Wayne Townships will be retained as a primary nonattainment area. For these townships, USEPA will consider a State request to designate portions secondary nonattainment and the remainder attainment.

All interested persons are invited to submit written comments on the proposed redesignation and on USEPA's proposed actions. Written comments received by the date specified above will be considered in determining whether USEPA will approve the redesignation. After review of all comments submitted, the Administrator of USEPA will publish in the **Federal Register** the Agency's final action on the redesignation.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 81

Air pollution control, National Parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: August 7, 1984.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 84-24193 Filed 9-12-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 271

[OSWER-3-FRL 2669-5]

Virginia; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

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

SUMMARY: The Commonwealth of Virginia has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Virginia's application and has made the tentative decision that Virginia's hazardous waste management program satisfies all of the requirements necessary to qualify for Final Authorization. Thus, EPA tentatively intends to grant Final Authorization. Thus, EPA tentatively intends to grant Final Authorization to the State to operate its program in lieu of the Federal program. Virginia'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 October 16, 1984. EPA reserves the right to cancel the public hearing if significant public interest in a hearing is not communicated to EPA by telephone or in writing by October 9, 1984. EPA will determine by October 10, 1984 whether there is significant interest to hold the public hearing. Virginia will participate in the public hearing held by EPA on this subject if a hearing is to be held. All written comments on Virginia's Final Authorization application must be received by the close of business on October 23, 1984.

ADDRESSES: Copies of Virginia's Final Authorization application are available from 8:00 a.m. to 4:30 p.m. at the following addresses for inspection and copying:

Bureau of Hazardous Waste Management, Virginia Department of Health, Monroe Building, 11th Floor, 101 North 14th Street, Richmond, Virginia 23219. Contact: Dr. Wladimir Gulevich, (804) 225-2975.

Environmental Protection Agency, 6th and Walnut Street, Curtis Building, Philadelphia, Pennsylvania 19106. Contact: Diane McCreary, (215) 597-0580.

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 telephoned communication of interest in EPA's holding a public hearing on the Virginia application must be sent to: John A. Armstead, Program Manager, State Programs Section, U.S. EPA Region III, 6th and Walnut Street, Philadelphia, Pennsylvania 19106, (215) 597-7259.

If you wish to find out whether or not EPA will hold a public hearing on the Virginia application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after October 10, 1984 the EPA contact person listed below, or telephone Dr. Wladimir Gulevich, Director, Bureau of Hazardous Waste Management, 101 North 14th Street, Richmond, Virginia 23219 (804) 225-2975.

If significant public interest is expressed, EPA will hold a public hearing on Virginia's application for Final Authorization on Tuesday, October 16, 1984 at 3:00 p.m. at the James Monroe Building, 101 North 14th Street, Conference Room E, Richmond, Virginia.

FOR FURTHER INFORMATION CONTACT: Anthony J. Donatoni, Chief, State

Programs Section, U.S. EPA Region III, 6th and Walnut Street, Philadelpia, Pennsylvania 19106, (215) 597–7937.

SUPPLEMENTARY INFORMATION:

A. Background

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

Phase II, in turn, has three components. Phase II A covers general permitting procedures and technical standards for containers and tanks. Phase II B covers permitting of incinerator facilities, and Phase II C addresses permitting of landfills, surface impoundments, waste piles, and land treatment facilities. By statute, all Interim Authorizations expire on January 26, 1985, unless Congress extends the date. 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 is (1) "equivalent" to the Federal program, (2) 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. Virginia

The State received Interim Authorization for Phase I on November 3, 1981 and Interim Authorization for Phase II, Components A and B, on August 17, 1983. On December 27, 1983, the State submitted a draft application for Final Authorization. The official application for Final Authorization was submitted on June 26, 1984. Prior to submission of the application to EPA, Virginia solicited public comments and held a public hearing on June 22, 1984. The Commonwealth did not receive any written or oral comments. EPA's comments on the official application were forwarded to the State on July 31, 1984. The comments requested Virginia to revise the Memorandum of Agreement to clarify the State's compliance and enforcement management procedures. The State's timely and appropriate enforcement action against program violators was identified by the Region III office as an area of concern. The State agreed, in the Memorandum of Agreement, to maintain a level of effort in compliance and enforcement which ensures an effective program which is consistent with EPA's Compliance/Enforcement Strategy (June 12, 1984). The State has shown significant improvement in this area since the submittal of the draft application.

The State does not seek authority to impose its hazardous waste regulatory program over Indian lands. Therefore, EPA requested the State to identify all Indian lands where EPA will be administering the RCRA program directly. They are:

Mattaponi Indian Reservation Box 178
West Point, Virginia 23181.
Pamunkey Indian Reservation
Pamunkey, Virginia 23086.

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

In making its final decision, 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 Virginia. EPA expects to make a final decision on whether or not to approve Virginia's program by December 26, 1984, and will give notice of it in the **Federal Register**. EPA's final decision whether to approve the State's program will be based, in part, on Virginia's ability to maintain the current level of performance and fulfilling the commitments included in the Memorandum of Agreement. The 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. 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 Executive Order 12291, Section 3.

Lists of Subjects in 40 CFR Part 271

Hazardous materials, Indian 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: August 21, 1984.

Thomas P. Eichler,

Regional Administrator.

[FR Doc. 84–24194 Filed 9–12–84; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 82–105]

Documentation of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of extension of comment period.

SUMMARY: On July 16, 1984, the Coast Guard published a Notice of Proposed rulemaking regarding the problem created when the term "controlling interest" was inserted into the Vessel Documentation Act (49 FR 28744) That NPRM had a comment deadline of September 14, 1984. The Coast Guard has received a request that the comment

period be extended and has decided that a 30 day extension would be appropriate.

DATE: All comments must be received by October 15, 1984.

ADDRESSES: Comments should be submitted to the Commandant (G-CMC/21), (CGD 82-105), U.S. Coast Guard Headquarters, Washington, D.C. 20593. Comments may be delivered and will be available for inspection at the Marine Safety Council, Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, phone (202) 426-1477, between the hours of 7:00 a.m and 4:00 p.m., Monday through Friday except holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Robert Meeks, Office of Merchant Marine Safety, (202) 426-1492, U.S. Coast Guard Headquarters, 2100 Second Street, SW. Washington, D.C. 20593.

Dated: September 10, 1984.

C.M. Holland,

Captain, USCG, Executive Secretary, Marine Safety Council.

[FR Doc. 84-24214 Filed 9-12-84; 8:45 am]

BILLING CODE 4910-14-M

Notices

Federal Register
Vol. 49, No. 179
Thursday, September 13, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Delegations of Authority for Lands Transactions

Correction

In FR Doc. 84–22907 beginning on page 34283 in the issue of Wednesday, August 29, 1984, make the following correction:

On page 34284, first column, tenth line from the bottom, "45 Fr 171169" should have read "45 FR 17169".

BILLING CODE 1505-01-M

Soil Conservation Service

Lost City Road Critical Area Treatment RC&D Measure, Oklahoma

AGENCY: Soil Conservation Service.

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 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 Lost City Road Critical Area Treatment RC&D Measure, Cherokee County, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, USDA Agricultural Center Building, Stillwater, Oklahoma 74074, telephone (405) 624–4360.

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, Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to stabilize the erosion along the country roadsides. The planned works of improvement include the construction of gabions on the slope of the road ditch with backfill behind the gabions. The gabions will stabilize the eroding road ditch banks and control the erosion.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Roland R. Willis, State Conservationist.

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. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 4, 1984.

Donald R. Vandersypen,

Assistant State Conservationist (WR).

[FR Doc. 84–24166 Filed 9–12–84; 8:45 am]

BILLING CODE 3410–16–M

Clear Creek Watershed, Illinois; Intent to Deauthorize Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Intent To Deauthorize Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Clear *Creek Watershed Project, Cass County, Illinois.*

FOR FURTHER INFORMATION CONTACT: John J. Eckes, State Conservationist, Soil Conservation Service, 301 North Randolph Street, Champaign, IL 61820, telephone 217/398–5267.

SUPPLEMENTARY INFORMATION: A determination has been made by *John J. Eckes,* that the proposed works of improvement for the *Clear Creek Watershed* project will not be installed. Information regarding this determination may be obtained from *John J. Eckes, State Conservationist,* at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register.**

Dated: August 27, 1984.

John J. Eckes,

State Conservationist.

[FR Doc. 24258 Filed 9–12–84; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Week ended August 31, 1984.

Subpart Q applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See CFR 302.1701 et seq.)

Date filed	Docket No.	Description
Aug. 30, 1984	42457	El Al Israel Airlines Limited, c/o Robert Reed Gray, Hale Russell & Gray, 1025 Connecticut Avenue, N.W., Suite #400, Washington, D.C. 20036. Application of El Al Israel Airlines Limited pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests an amended foreign air carrier permit to amend paragraph A to conform to the Protocol, as follows: A. Between a terminal point or points in Israel; intermediate points in Cyprus, Turkey, Greece, Romania, Italy, Spain, Portugal, Switzerland, Austria, Federal Republic of Germany, France, Luxembourg, Belgium, The Netherlands, United Kindgom, Eire, and Montreal, Canada (without traffic rights between Montreal and points in the United States); and the coterminal points New York, New York; Chicago, Illinois; Boston, Massachusetts; Maimi, Florida; and Los Angeles, California; and beyond (a) one specified U.S. point to Mexico City and (b) any specified U.S. points to South America and Asia without traffic rights between U.S. points and points beyond the United States. Answers may be filed by September 27, 1984.
Aug. 31, 1984	42461	Federal Express Corporation, c/o Nathaniel P. Breed,, Jr. Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W. Washington, D.C. 20036. Application of Federal Express Corporation pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for a certificate of public convenience and necessity authorizing it to engage in scheduled overseas and foreign air transportation with respect to property and mail, on a permissive basis, over the following route: Between a point or points in the United States, Puerto Rico, the Virgin Islands, and Guam, on the one hand, and a point or points in the following areas or countries, as coterminal points, on the other hand: Japan, Korea, Taiwan, Hong Kong, The Philippines, Vietnam, Thailand, Malaysia, Singapore, Indonesia, Sri Lanka, and India. Conforming Applications, Motions to Modify Scope and Answers may be filed by September 28, 1984.
Do	42324, 42325	TPI International Airways, Inc., c/o Harry A. Bowen, Bowen and Atkin, 2020 K Street, N.W., Suite 350, Washington, D.C. 20006. Application of TPI International Airways, Inc. for a certificate of public convenience and necessity for charter air transportation. (Information Requested by Order 84-7-73) Answers may be filed by September 28, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-24218 Filed 9-12-84; 8:45 am]

BILLING CODE 6320-01-M

Air Charter (SAFA); Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 84-9-22.

SUMMARY: The Board proposes to approve, in part, the following application:

Applicant: Air Charter (SAFA); Docket: 41256.

Date application filed: January 31, 1983.

Authority sought: Air Charter requests authority to engage in passenger charter operations, as follows:

A. Between any point or points in the Republic of France and any point or points in the United States, including intermediate and beyond points;

B. Between a point or points in the United States and a point or points in neither the Republic of France nor the United States, which charters do not stopover in the Republic of France; and

C. Between a point or points in the United States and a point or points in neither the Republic of France nor the United States, which charters stopover in the Republic of France.

Tentative Decision

The Board proposes to issue a five-year permit to Air Charter authorizing passenger charter operations between any point or points in France and any point or points in the United States. To the extent not granted, the remainder of Air Charter's request would be denied.

Objections

All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN October 9, 1984, file a statement of such objections in the docket with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of France. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

Addresses for Objections

Docket 41256, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

V. Michael Straus, Straus & Matthews, P.C., 1001 Connecticut Avenue, NW., Suite 335, Washington, D.C. 20036-5544.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

For further information, CONTACT: Nancy Pitzer Trowbridge, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5134.

By the Civil Aeronautics Board: September 7, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-24220 Filed 9-12-84; 8:45 am]

BILLING CODE 6320-01-M

Fitness Determination of Kenmore Air Harbor, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 84-119, Order to Show Cause, served September 7, 1984.

SUMMARY: The Board is propsoing to find that Kenmore Air Harbor, Inc, is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards.

Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall file their responses with the Special Authorities Division, Room 915, Civil Aeronautices Board, Washington, D.C. 20428, and serve them on all persons listed in Attachment A to the order.

Responses shall be filed no later than 15 days after the service date of the order, on September 24, 1984.

FOR FURTHER INFORMATION CONTACT: Nicholas S. Collins, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673–5216.

SUPPLEMENTARY INFORMATION: The complete text of Order 84–8–119 is available from the Distribution Section, Room 100, 1925 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send postcard request for Order 84–8–119 to that address.

By the Civil Aeronautics Board: August 30, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–24219 Filed 9–12–84: 8:45 am]

BILLING CODE 6320–01–M

[Docket 42458]

Miami-London Competitive Service Case; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on September 26, 1984, at 10:00 a.m. (local time) in Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. before the undersigned administrative law judge.

Order 84–8–120 defines the issues to be considered in this proceeding. In order to facilitate the conduct of the conference, however, parties are instructed to submit one copy to each party and and two copies to the Judge of (1) proposed stipulations; (2) proposed requests for information and evidence; (3) statements of positions; and (4) proposed procedural dates. The Bureau of International Aviation will circulate its material on or before September 18, 1984, and the other parties on or before September 24, 1984. The submissions of the other parties shall be limited to points on which they differ with the Bureau and shall use the marking and lettering used by the Bureau to facilitate cross-referencing. The September 18 and September 24 dates are for actual delivery of material, rather than mailing dates.

Dated at Washington, D.C., September 6, 1984.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 84–24217 Filed 9–12–84: 3:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 273]

Resolution and Order Approving the Application of the Iowa Foreign Trade Zone Corporation for a Foreign-Trade Zone in Polk County, IA, and a Special-Purpose Subzone in Forest City, IA, Adjacent to the Des Moines Customs Port of Entry

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Iowa Foreign Trade Zone Corporation, an Iowa non-profit corporation affiliated with the Greater Des Moines Chamber of Commerce and the Iowa Development Commission, filed with the Foreign-Trade Zones Board (the Board) on November 28, 1983, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Polk County, Iowa, within the Des Moines Customs port of entry, and requesting special-purpose subzone status for the vehicle manufacturing plant of Winnebago Industries, Inc., in Forest City, Iowa, adjacent to the Des Moines Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

GRANT

To Establish, Operate, and Maintain a Foreign-Trade Zone in Polk County, IA, and a Subzone in Forest City, IA, Adjacent to the Des Moines Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Iowa Foreign Trade Zone Corporation, an Iowa non-profit corporation (the Grantee), has made application (filed November 28, 1983, Docket No. 40–83, 48 FR 55600) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Polk County, Iowa, and a special-purpose subzone for the vehicle manufacturing facility of Winnebago Industries, Inc. in Forest City, Iowa, adjacent to the Des Moines Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 107 and Subzone No 107A at the locations mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the foreign-trade zone and subzone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone and subzone sites in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the general-purpose zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone and subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 4th day of September 1984 pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-24291 Filed 9-12-84; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held October 2, 1984, at 9:30 a.m., Herbert C. Hoover Building, Room 5230, 14th Street and Constitution Avenue, NW, Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to computer peripherals, components and related test equipment or technology.

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Presentation of the final report of the MCTL implementation project.
4. Present, review and approve the Computer Peripherals TAC annual report.
5. Membership status report by the Chairman.
6. Update by Department of Commerce on the distribution license rule.
7. Collection and discussion of 1985 agenda items for the Computer Peripherals TAC annual plan.
8. Discussion of subcommittee organization for the Computer Peripherals TAC.
9. Develop agenda for January 1985 meeting.
10. Action items due at next meeting.
11. New Business.

Executive Session

12. Discussions of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meeting of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377-5542.

For further information or copies of the minutes contact Margaret A. Cornejo (202) 377-2583.

Dated: September 7, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc 84-24289 Filed 9-12-84; 8:45 am]

BILLING CODE 3510-25-M

Telecommunications Equipment Technical Advisory Committee; Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held October 2, 1984, at 9:30 a.m., Herbert C. Hoover Building, Room 5230, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to telecommunications equipment or technology.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

A Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: (202) 377-4217.

For further information contact Mrs. Margaret A. Cornejo (202) 377-5542.

Dated: September 10, 1984.

James K. Pont,

Deputy Director, Office of Export Administration.

[FR Doc. 84-24290 Filed 9-12-84; 8:45 am]

BILLING CODE 3510-25-M

Export Trade Certificate of Review; Application

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATES: Comments on these applications must be submitted on or before October 3, 1984.

ADDRESS: Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to this application as "Export Trade Certificate of Review, application number 84-00029."

FOR FURTHER INFORMATION CONTACT: George Muller, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 48 FR 10596-10604 (Mar. 11, 1983) (to be

codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export trade, export trade activities and methods of operation specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,
2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class export by the applicant,
3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and
4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meet these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937–15940 (April 13, 1983).

Request for Public Comments

The Office of Export Trading Company Affairs (OETCA) is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register** identifying the persons submitting the application and summarizing the conduct proposed for certification. The OETCA and the applicant have agreed that this notice fairly represents the conduct proposed for certification. Through this notice, OETCA seeks written comments from interested persons who have information relevant to the Secretary's determination to grant or deny the application below. Information submitted by any person in connection with the application(s) is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

The OETCA will consider the information received in determining whether the proposed conduct is "export trade," "export trade activities," or a "method of operation" as defined in the Act, regulations and guidelines and whether it meets the four certification standards. Based upon the public comments and other information gathered during the analysis period, the Secretary may deny the application or issue the certificate with any terms or conditions necessary to assure compliance with the four standards.

The OETCA has received the following application for an Export Trade Certificate of Review:

Applicant: First Agricultural Manufacturer's Export Trading Co., Inc. (FAMECO), Post Office Box 76141, Birmingham, AL 35264
Telephone: (205) 871–3263
Application No.: 84–00029
Date Received: August 23, 1984
Date Deemed Submitted: August 29, 1984
Members in Addition to Applicant: None

Summary of the Application

A. Export Trade

FAMECO, a newly-formed Alabama corporation, intends to export grain-storage installations. As an export agent, it will handle equipment designed to weigh, clean, dry, convey, store, grade, and process grain, rice, coffee and other cereals. This equipment includes grain bins (SIC number 3444621), feed bins (SIC number 3444625), farm elevators (SIC 3523260), continuous-flow grain driers (SIC number 3523836), crop-drying fans (SIC number 3523837) supplemental heaters (SIC number 3523844), grain cleaners (SIC number 3523820), and conveyors and unloaders (SIC number 3523850).

FAMECO and its members propose to design these grain-storage installations; purchase, consolidate and export component equipment; and oversee actual installation of the facilities for foreign customers. In addition, FAMECO will provide the following export trade services: market feasibility studies, system design and engineering, selection and purchase of compatible equipment, development of financial packages, consolidation and packaging/containerization for export, export documentation and shipping, supervision of equipment installation and start-up, equipment training, selection of spare parts inventories, and establishment of equipment maintenance schedules.

B. Export Markets

While FAMECO has initially concentrated its export efforts in Central America, it intends to conduct its future operations on a worldwide basis.

C. Export Trade Activities and Methods of Operation

FAMECO seeks certification:

(1) To enter into exclusive and non-exclusive agreements with individual U.S. suppliers of grain-storage equipment to act as their export agent for potential overseas customers.

(2) To enter into exclusive and non-exclusive agreements with foreign representatives or customers for delivery of export trade products and services.

(3) To establish, on behalf of competing suppliers, export prices for component equipment offered to foreign customers.

(4) To allocate foreign territories or customers among competing U.S. suppliers and through agreements with foreign representatives or distributors.

(5) To bring together competing U.S. suppliers for the purpose of responding to foreign bid invitations, without discussing confidential business information specific to any one supplier.

(6) To refuse to deal with any particular competitor of FAMECO.

Dated: September 7, 1984.

Irving P. Margulies,

General Counsel.

[FR Doc. 84–24201 Filed 9–12–84; 8:45 am]

BILLING CODE 3510–DR–M

National Oceanic and Atmospheric Administration

Deep Seabed Mining; Issuance of Exploration License

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of issuance of exploration license to Ocean Mining Associates subject to terms, conditions, and restrictions.

SUMMARY: Pursuant to the Deep Seabed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on August 29, 1984 issued to Ocean Mining Associates, Box 2, Glouster Point, Va. 23062 a license to engage in deep seabed mining exploration activities subject to terms, conditions, and restrictions, for a site designated USA–3 which is located in the Clarion-Clipperton Fracture Zone of the Northeastern Equatorial Pacific Ocean. Interested persons are permitted

to examine a copy of the license at the address below.

FOR FURTHER INFORMATION CONTACT: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235 (202) 653–8257.

Dated: September 7, 1984.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 84–24185 Filed 9–12–84; 8:45 am]

BILLING CODE 3510–12–M

Deep Seabed Mining; Issuance of Exploration License

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of issuance of exploration license to Ocean Minerals Company subject to terms, conditions, and restrictions.

Pursuant to the Deep Seabed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on August 29, 1984 issued to Ocean Minerals Company, 465 Bernardo Avenue, Mountain View, California 94043 a license to engage in deep seabed mining exploration activities subject to terms, conditions, and restrictions, for a site designated USA–1 which is located in the Clarion-Clipperton Fracture Zone of the Northeastern Equatorial Pacific Ocean. Interested persons are permitted to examine a copy of the license at the address below.

FOR FURTHER INFORMATION CONTACT: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, (202) 653–8257.

Dated: September 7, 1984.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 84–24186 Filed 9–12–84; 8:45 am]

BILLING CODE 3510–12–M

Deep Seabed Mining; Issuance of Exploration License

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of issuance of exploration license to Ocean Management Inc., subject to terms, conditions, and restrictions.

SUMMARY: Pursuant to the Deep Seabed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration on August 29, 1984 issued to Ocean Management, Inc, One New York Plaza, New York, N.Y. 10004 a license to engage in deep seabed mining exploration activities subject to terms, conditions, and restrictions, for a site designated USA–2 which is located in the Clarion-Clipperton Fracture Zone of the Northeastern Equatorial Pacific Ocean. Interested persons are permitted to examine a copy of the license at the address below.

FOR FURTHER INFORMATION CONTACT: John W. Padan or Laurence J. Aurbach, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, (202) 653–8257.

Dated: September 7, 1984.

Peter L. Tweedt,

Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 84–24187 Filed 9–12–84; 8:45 am]

BILLING CODE 3510–12–M

COMMODITY FUTURES TRADING COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of information collection.

SUMMARY: The Commodity Futures Trading Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511.

ADDRESS: Persons wishing to comment on this information collection should contact Katie Lewin, Office of Management and Budget, Room 3235, NEOB, Washington, D.C. 20503, (202) 395–7231. Copies of the submission are available from Joseph Salazar, Agency Clearance Officer, (202) 254–9735.

Title: Large Trader Reports
Form No.: CFTC 01–60 through 01–69, 01–74, 01–77, 01–78, 204, 304, 504, 604, 102, 40, 103A and 103B
Action: Extension
Respondents: Businesses (excluding small businesses)
Estimated annual burden: 46,270
Estimated number of respondents: 4,157.

Issued in Washington, D.C. on September 7, 1984.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 84–24176 Filed 9–12–84; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Activities To Be Evaluated for Possible Conversion to Contract

AGENCY: Department of the Air Force, DOD.

ACTION: Notice.

SUMMARY: The Air Force recently announced additional activities to be evaluated for possible conversion to contract. Cost studies, where required, will commence no sooner than 30 days after the date of this announcement. A summary of the installations and activities follows: Beale AFB, CA—PAVE PAWS Comm Equip Maint, PAVE PAWS Support; Cape Cod AFS, MA—PAVE PAWS Comm Equip Maint, PAVE PAWS Support; Eglin AFB, FL—Radar Comm Equip Maint-FPS 85, Radar Complex Spt-FPS 85.

FOR FURTHER INFORMATION CONTACT: Major Mel Martocchia, Telephone (202) 697–4935. For information concerning specific activities, contact the installations involved.

Harry C. Waters,

Alternate Air Force Federal Register Liaison Officer.

[FR Doc. 84–24165 Filed 9–12–84; 8:45 am]

BILLING CODE 3910–01–M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement on the Central and Southern Florida Water Supply Study

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The considered project will consist of structural and/or operational means of augmenting, conserving, and conveying water within the Central and Southern Florida Flood Control Project to meet the future needs of agricultural and urban areas and Everglades National Park.

2. The following alternatives or combinations thereof will be considered.

a. Increased storage within Lake Okeechobee and/or the Water Conservation Areas (WCA's).

b. Backpumping from canals into the WCA's.

c. Increased canal conveyance.

d. A flow-through system in the WCA's.

e. Deep-aquifer storage and retrieval.

f. Desalination.

3. a. Public involvement to date has included a Public Meeting on 2 March 1977 and numerous agency technical workshops. Comments on alternatives and environmental concerns have been solicited by letters to Federal and State agencies. Public input on issues has been received in conjunction with several related Corps actions in the area recently. A final Public Meeting is expected in FY 1986. Further participation is invited from any interested parties.

b. Significant issues to be analyzed in depth in the DEIS are as follows:

(1) Impact of hydrologic change on fish and wildlife resources in Everglades National Park, East Everglades, WCA's, and Lake Okeechobee.

(2) Impact of altered hydrology on private land owners and agricultural interests.

(3) Water supply effects on municipal and industrial users.

c. Coordination with appropriate Federal and State agencies is required under provisions of the Endangered Species Act and the National Historic Preservation Act.

4. A Scoping meeting is not contemplated.

5. The DEIS is expected to be available for review in FY 1986.

ADDRESS: Questions about the proposed action and DEIS may be referred to Dr. Jonathan Moulding, Environmental Studies Section, U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232-0019. Telephone 791-2286.

Dated: August 24, 1984.

Charles T. Myers III,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 84-24172 Filed 9-12-84; 8:45 am]

BILLING CODE 3710-AJ-M

DEPARTMENT OF EDUCATION

Advisory Council on Education Statistics; Meeting

AGENCY: Department of Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: October 4 and 5, 1984.

ADDRESS: 1200 19th Street NW, Room 823, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT: John W. Christensen, Executive Director, 1200 19th Street NW (Brown Building), Room 717-C, Washington, DC 20208. Telephone (202) 254-8227.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93-380. The Council is established to review general policies for the operation of the National Center for Education Statistics and is responsible for establishing standards to insure tht statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting of the Council is open to the public. The proposed agenda includes:

A report on the National Assessment of of Education Progress (NAEP).

A review of the clearance process for NCES data collection instruments and publication activities.

A review of recommendations of the *Alliance for Excellence* report—emphases on data quality and measurement needs.

A report on the progress of a study to evaluate and recommend improvements in the quality of NCES data and analyses.

Such old business and new business as the Chairman or membership may put before the Council.

Records are kept of all Council proceedings, and are available for public inspection at the office of the Executive Director, Advisory Council on Education Statistics, 1200 19th Street NW (Brown Building), Room 717-C, Washington, DC 20208.

Dated: September 7, 1984.

Donald J. Senese,

Assistant Secretary for Education Research and Improvement.

[FR Doc. 84-24148 Filed 9-12-84; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education

Application Notice for New Awards for Fiscal Year 1985 Under the Fulbright-Hays Training Grant Programs; Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad Programs

Applications are invited for new awards under the Fulbright-Hays Training Grant Programs for Fiscal Year 1985. The Fulbright-Hays Training Grants Programs include the Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad programs. Authority for these programs is contained in the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2450(b)(6)).

The Faculty Research Abroad Program offers opportunities to faculty members of institutions of higher education for research and study abroad in modern foreign languages and area studies.

The Foreign Curriculum Consultants Program brings specialists from other countries to the United States as resource persons for an academic year to assist selected institutions in planning and developing curricula in modern foreign languages and area studies.

The Group Projects Abroad Program provides grants to educational institutions or nonprofit educational organizations for training, research, and study abroad in modern foreign languages and area studies by groups of individuals engaged in a common endeavor.

The Doctoral Dissertation Research Abroad Program provides opportunities for graduate students to engage in full-time dissertation research abroad in modern foreign languages and area studies.

Closing date for transmittal of applications: An application for a grant must be mailed or hand-delivered by November 16, 1984.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.019, Faculty Research Abroad Program; 84.020, Foreign Curriculum Consultants Program; 84.021, Group Projects Abroad Program; 84.022, Doctoral Dissertation Research Abroad Program; 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 U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept 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 that is hand-delivered will not be accepted by the Application Control Center after 4:30 p.m. on the closing date.

Eligible applicants: For the Faculty Research Abroad and Doctoral Dissertation Research Abroad programs, eligible applicants include institutions of higher education.

For the Foreign Curriculum Consultants Program, eligible applicants include institutions of higher education, State and local educational agencies, private nonprofit educational organizations, and consortia of those institutions and agencies.

For the Group Projects Abroad Program, eligible applicants include insitutions of higher education, State departments of education, private nonprofit educational organizations, and consortia of those institutions, departments, and organizations.

Program information: Applications will be evaluated in accordance with the selection criteria contained in the regulations for these programs published in the **Federal Register** on December 19, 1983 (48 FR 56182–56193). These criteria are found in 34 CFR 663.32, 665.31, 664.31, and 662.32, respectively, for the Faculty Research Abroad, Foreign Curriculum Consultants, Group Projects Abroad, and Doctoral Dissertation Research Abroad programs.

Funding priorities: The regulations for these programs permit the establishment of funding priorities. Under §§ 662.32, 663.32, 664,31, 665.31 of the regulations, projects which address the priorities may receive additional points in the evaluation process. The following priorities have been established by the Secretary for the Faculty Research Abroad and Doctoral Dissertation Research Abroad programs for Fiscal Year 1985 and will receive five additional points in the evaluation process:

(1) Priority will be accorded within the Western Hemisphere to projects that focus upon the Caribbean Basin including Central America and the island nations of the Caribbean Sea, and that are in the disciplines of economics, geography, history of the nineteenth and twentieth centuries (except for Mexico), political science, sociology, and languages and literatures of peoples whose languages are not commonly taught in institutions of higher education in the United States.

(2) For the Faculty Research Abroad Program, the Group Projects Abroad Program, and the Doctoral Dissertation Research Abroad Program, the Secretary has determined that projects focusing on Western Europe will not be funded.

Available funds: The Administration's budget for Fiscal Year 1985 does not request an appropriation of U.S. dollars or special foreign currencies for any of the Fulbright-Hays Training Grant programs. However, it is estimated that up to $1,316,000 from the Fiscal Year 1984 special foreign currency appropriation, which is available until expended, will be available for these programs in Fiscal Year 1985.

These estimates do not bind the U.S. Department of Education to a specific number of grants, or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Since the level of appropriations for these programs has not been established by the Congress and the President, it is not possible to provide data on the amount of funds available. Pending resolution of the final level of appropriations, applications are invited for all programs to allow sufficient time for evalution of the applications and to complete the grants process prior to the end of the fiscal year. The unusually lengthy time required to review applications for these programs in the United States and abroad and to recruit qualified foreign educators for the Foreign Curriculum Consultants Program makes this notice necessary at this time.

Application forms: Application forms and program information packages are available for mailing. They may be obtained by writing to the Center for International Education, Office of Postsecondary Education, U.S. Department of Education (Room 3923, ROB–3), Mail Stop 3225, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that applicants not submit information that is not requested. These forms are approved under the Paperwork Reduction Act of 1980. (Approved OMB Control Numbers 1840–0005 and 1840–0068.)

The program information package is intended to aid applicants in applying for assistance under this competition. Nothing in the program information pacakage is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under statute and regulations governing the competition.

Applicable regulations: Regulations applicable to these programs include the following:

(a) Regulations governing the Higher Education Programs in Modern Foreign Language Training and Area Studies, 34 CFR Parts 662, 663, 664, and 665.

(b) Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, and 78.

Further information: For further information, contact Mrs. Marion Kane (Faculty Research Abroad Program), telephone (202) 245–2761; Mrs. Gwendolyn Lark (Foreign Curriculum Consultants Program), (202) 245–2794; Mr. Ralph Hines (Group Projects Abroad Program), (202) 245–2794; Mr. John Paul (Doctoral Dissertation Research Abroad Program), (202) 245–2761; Department of Education, Mail Stop 3225, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(22 U.S.C. 2452(b)(6))

(Catalog of Federal Domestic Assistance No. 84.019, Faculty Research Abroad Program; No. 84.020, Foreign Curriculum Consultants Program; No. 84.021, Group Projects Abroad Program; No. 84.022, Doctoral Dissertation Research Abroad Program)

Dated: September 4, 1984.

T.H. Bell,

Secretary of Education.

[FR Doc. 24213 Filed 9–12–84; 8:45 am]

BILLING CODE 4000–01–M

Undergraduate International Studies and Foreign Language Program; Application Notice for New and Noncompeting Continuation Projects for Fiscal Year 1985

Applications are invited for new and noncompeting continuation projects under the Undergraduate International Studies and Foreign Language Program.

Authority for this program is contained in Title VI, Section 604, of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1124)

The Undergraduate International Studies and Foreign Language Program issues awards to institutions of higher education, consortia of such institutions, and public and nonprofit private agencies and organizations, including professional and scholarly associations. The purpose of the awards is to—

(a) Assist institutions of higher education and consortia of such institutions, to plan, develop, and carry out a comprehensive program to strengthen and improve undergraduate instruction in international studies and foreign languages; and

(b) Assist associations and organizations to develop projects that will make an especially significant contribution to strengthening and improving undergraduate instruction in international studies and foreign languages.

Closing date for transmittal of applications: (1) An application for a new grant must be mailed or hand delivered by November 16, 1984. (2) An application for a noncompeting continuation grant, to be assured of consideration for funding, should be mailed or hand delivered by January 11, 1985. If the application for a noncompeting continuation grant is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.016 (Undergraduate International Studies and Foreign Language Program), 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 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 for a new grant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered should be taken to the U.S. Department of Education, Application Control Center, (Room 5673, Regional Office Building 3), 7th and D Streets, S.W., Washington, D.C. 20202.

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 grant that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Information regarding this program is contained in the International Education Programs General Provisions Regulations and the Undergraduate International Studies and Foreign Language Program Regulations, 34 CFR Parts 655 and 658. Information regarding the continuation of noncompeting continuation awards is contained in the Education Department General Administrative Regulations, EDGAR, 34 CFR 75.253.

Application topics for new projects: Applications will be accepted in Fiscal Year 1985 for new projects in all categories included in the program regulations. The Secretary encourages applications designed to promote excellence in education and provide leadership in developing more effective learning strategies in international education and modern foreign language training. The Secretary further encourages applications which demonstrate the active involvement of the institution's administration in program design and implementation, and provide evidence that the project will continue without Federal assistance after the grant terminates. More specifically, the Secretary encourages new projects in the following categories:

(1) Projects initiated by institutions of higher education and consortia of such institutions, which can serve as exemplary or model projects for other higher education institutions, particularly in the field of teacher education.

(2) Projects initiated by organizations and associations which will make a significant contribution to strengthening and improving undergraduate instruction in international studies and foreign languages.

(3) Projects that use Federal dollars in partnership with institutional and private sector funding.

(4) Projects that strengthen the acquisition of basic and higher level skills in modern foreign languages, and in disciplines such as history, anthropology, economics, and the geography of the areas where such foreign languages are spoken.

(5) Projects that strengthen the acquistion of knowledge and skills in professional fields with an international component, such as agriculture, business, education, and journalism, or that develop skills for the analysis of critical issues such as economic development, technology utilization, national security, or international trade.

(6) Projects that utilize computers to implement more effective means of teaching modern foreign languages, and for the collection and analysis of information about critical international issues.

Because of the planning time required to develop and implement new curricula in modern foreign languages, and to develop curricula that strengthen skills in international fields of study, the Secretary of Education is accepting applications for new projects of up to two years for a single institution, and up to three years for consortia.

Available funds: The Administration's budget for Fiscal Year 1985 does not include funds for the Undergraduate International Studies and Foreign Language Program. Since the level of appropriations for this program has not been established, it is not possible to provide data on the amount of funds available. However, applications are being invited to allow for sufficient time to evaluate applications and complete the grant process, should Congress appropriate funds for this program.

Application forms: Application forms and program information packages are expected to be ready for mailing by September 19, 1984. They may be obtained by writing to Mrs. Susanna C. Easton, International Studies Branch,

International Education Programs, U.S. Department of Education, (Room 3916, Regional Office Building 3), 7th and D Streets, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary suggests that the narrative portion of the application not exceed 35 pages in length. The Secretary further urges that applicants not submit information that is not requested.

The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competition. These program forms are approved under the Paperwork Reduction Act of 1980. (Approved by the Office of Management and Budget under Control Number 1840–0068)

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Undergraduate International Studies and Foreign Language Program, 34 CFR Parts 655 and 658.

(b) Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77 and 78.

Further information: For further information, contact Mrs. Susanna C. Easton, International Studies Branch, International Education Programs, U.S. Department of Education (Room 3916, Regional Office Building 3), 7th and D Streets., S.W., Washington, D.C. 20202. Telephone: (202) 245–2794.

(20 U.S.C. 1124).

(Catalog of Federal Domestic Assistance Number 84.016—Undergraduate International Studies and Foreign Language Program)

Dated: September 4, 1984.

T.H. Bell,

Secretary of Education.

[FR Doc. 84–24212 Filed 9–12–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of the Secretary

Procurement and Assistance Management Directorate; Restriction of Eligibility for Grant Award

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: Pursuant to 10 CFR 600.7(b), the DOE announces that it intends to award on a restricted eligibility basis a grant providing support to the 1984 conference on "Arctic Engineering in the 21st Century." The emphasis and focus of the conference is on long-term (1995–2010) engineering development the Arctic. The conference will be sponsored by the Marine Technology Society during October 15–17, 1984. The DOE support for this effort is not to exceed $20,000 in 1984.

Procurement request number: 01–84FE60550.

Project scope: The Arctic conference is designed to explore technological aspects of 21st Century operations, encouraging the exchange of data reviews and perspectives on future options for engineering in the Arctic. The broad spectrum of environmental constraints to coastal and offshore arctic operations will be contrasted with innovative engineering design and probable technological developments.

FOR FURTHER INFORMATION CONTACT: Linda S. Sapp, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue, S.W., Washington, D.C. 20585

Issued in Washington, D.C. on August 31, 1984.

Berton J. Roth,

Director, Procurement and Assistance, Management Directorate.

[FR Doc. 84–24177 Filed 9–12–84; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TA85–1–31–000 and TA85–1–31–001]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

September 7, 1984.

Take notice that on August 31, 1984 Arkansas Louisiana Gas Company (Arkla) tendered for filing 37th Revised Sheet No. 4 and 10th Revised Sheet No. 4A to its FERC Gas Tariff First Revised Volume No. 1, Rate Schedule No. G–2, to become effective October 1, 1984.

Arkla states that the purpose of 37th Revised Sheet No. 4 is to reflect the projected cost of purchased gas for the six months period commencing October 1, 1984, recover or refund the accumulated deferred purchased gas costs and transportation costs as of June, 1984 and set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 10th Revised Sheet No. 4A effective October 1, 1984.

Arkla also states that a copy of the revised tariff sheets and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commissions Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–24130 Filed 9–12–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA85–1–31–002]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

September 7, 1984.

Take notice that on August 31, 1984 Arkansas Louisiana Gas Company (Arkla) tendered for filing 36th Revised Sheet No. 185 and 10th Revised Sheet No. 185A to its FERC Gas Tariff First Revised Volume No. 3, Rate Schedule No. X–26, to become effective October 1, 1984.

Arkla states that the purpose of 36th Revised Sheet No. 185 is to (1) reflect the projected cost of purchased gas for the six months period commencing October 1, 1984, (2) recover or refund accumulated deferred purchased gas costs and transportation costs as of June 30, 1984, and (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 10th Revised Sheet No. 185A effective October 1, 1984.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's judisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24131 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-595-000]

Baltimore Gas and Electric Co.; Filing

September 7, 1984.

Take notice that on August 10, 1984, Baltimore Gas and Electric Company (BG&E) submitted for filing a letter agreement dated August 6, 1984, between BG&E and Public Service Electric and Gas Company (PSE&G), with attachments of the existing agreement between PSE&G and BG&E, dated August 10, 1983.

The Letter Agreement extends the term of a one-year period ending August 11, 1985, pursuant to the terms of the agreement dated August 10, 1983 that provided that the term of the agreement was subject to annual renewal by mutual consent.

The agreement of August 19, 1983 provides for PSE&G to purchase BG&E's utilized share of the capability of the 500 kV EHV System in importing energy from systems to the west of the Pennsylvania-New Jersey-Maryland Interconnection. The agreement dated August 10, 1983 was previsously accepted for filing by the Commission.

Any person desiring to be heard or to protest said filing should file a Petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24132 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-34-000 and TA85-1-34-001]

Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

September 7, 1984.

Take notice that on August 31, 1984, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790 tendered for filing the following tariff sheets to its F.E.R.C. Gas Tariff to be effective October 1, 1984.

First Revised Volume No. 1

1st Revised Sheet No. 8
1st Revised Sheet No. 9
1st Revised Sheet No. 10
2nd Revised Sheet No. 43
2nd Revised Sheet No. 44

Original Volume No. 2

24th Revised Sheet No. 128

Reason for Filing

1st Revised Sheet No. 8 and 24th Revised Sheet No. 128 contain revisions to FGT's Rate Schedules G and I and Rate Schedule T-3 respectively to:

(i) Adjust the Primary adjustment to reflect changes in the average cost of gas purchased for sale and company use, net of amounts to be recovered through Incremental Pricing Surcharges; and

(ii) Adjust the Balancing adjustment to amortize over the six-month adjustment period, the balance in the current period Unrecovered Purchase Gas Cost Account as of June 30, 1984.

1st Revised Sheet No. 9 contains the estimated incremental pricing surcharges for the adjustment period.

The above-mentioned changes are being made pursuant to Section 15 (Purchase Gas Adjustment and Incremental Pricing Provision) of the General Terms and Conditions of FGT's FERC Gas Tariff, First Revised Volume No. 1 (as revised below) and § 154.38 *et seq.* of the Commission's Regulations (18 CFR 154.38, *et seq.*)

2nd Revised Sheets Nos. 43 and 44 are being filed to revise Section 15.5 of the General Terms and Conditions to specify that the calculation of the projected cost of gas be based on six month volumes instead of twelve months as currently provided.

In accordance with the Commission's Order No. 380 (Docket No. RM83-71-000) issued on May 25, 1984, 1st Revised Sheet No. 10 is being filed to eliminate from the minimum bill provision for Rate Schedule G "variable costs associated with gas not taken by Buyer".

FGT's filing also reflects a credit to Account 191.1 in the amount of $5,000,000, plus interest, attributable to the settlement in FERC Docket No. 1N78-2.

The net effect of the adjustments being filed for Rate Schedules G and I is to increase the currently effective rate by 1.850¢/therm. Based on estimated G and I sales for the next 12 months, this results in an annual revenue increase of approximately $15,473,000. The net effect on the adjustments being filed for Rate Schedule T-3 is an increase of 1.07¢/Mcf. The annual effect on revenues from Rate Schedule T-3 is an increase of approximately $562,000.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 and interested State Commissions and is being posted.

Any person desiring to be heard or to make any protests with reference to said filing should on or before September 13, 1984, file with the Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties in the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24133 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2124-000]

John J. Maloy, Jr.; Application

September 7, 1984.

Take notice that on August 27, 1984, John J. Maloy, Jr. filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Assistant Treasurer: Kentucky Utilities Company
Assistant Treasurer: Old Dominion Power Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 19, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24134 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-614-000]

Mississippi Power & Light Co.; Filing

September 7, 1984.

The filing Company submits the following:

Take notice that on August 23, 1984, Mississippi Power & Light Company (MP&L) tendered for filing a fully executed agreement for establishment on an additional SMEPA off-system delivery point dated December 23, 1983, between MP&L and South Mississippi Electric Power Association (SMEPA). This Agreement supplements the interchange agreement entered into between MP&L and SMEPA July 18, 1979, and filed with the Commission in FERC Docket No. ER79-529. Under that Interconnection Agreement. MP&L agreed to transmit capacity and energy over MP&L's transmission system from SMEPA facilities to SMEPA off-system delivery points. The December 23, 1983 Agreement establishes an additional off-system delivery point to which SMEPA capacity and energy is to be transmitted over MP&L's transmission system. The proposed change does not affect the present level of billings or service rendered by MP&L to SMEPA under the service schedules of the MP&L-SMEPA International Agreement.

To the extent necessary, MP&L requests waiver of the Commission's notice requirements to permit this Agreement to become effective as of December 23, 1983.

A copy of this filing has been mailed to SMEPA and to the Mississippi Public Service Commission, according to MP&L.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 20, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24135 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-652-001]

Niagara Mohawk Power Corp.; Refund Report

September 7, 1984.

Take notice that on August 15, 1984, Niagara Mohawk Power Corporation (Niagara Mohawk) submitted for filing its compliance refund report pursuant to a Commission's order issued July 3, 1984.

Niagara Mohawk states that it submitted this report of the refund and interest on the refund for the transmission charges to the Power Authority of the State of New York (PASNY) under the approved settlement.

Niagara Mohawk further states that the refund of $510,875.69, which has been tendered to PASNY, was based on the difference in transmission charges between the approved amount of $1.38 per Kw month for transmission service above 50 Kv and $1.78 per Kw per month for transmission service below 50 Kv and the billed rate of $1.45 per Kw for service below 50 Kv for the period beginning April 1, 1984. Also included was the difference in the energy transfer charges between the approved amount of $1.89 per Mwh and the billed rate of $1.99 per Mwh for the period beginning November 2, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions of protests should be filed on or before September 19, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24136 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST84-1210-000]

Oklahoma Natural Gas Co., a Division of ONEOK, Inc. and ONG Western, Inc.; Rate Application

September 7, 1984.

Take notice that on August 31, 1984, Oklahoma Natural Gas Company, a division of ONEOK, Inc. and ONG Western, Inc. (hereinafter referred to as Oklahoma Natural) tendered for filing an "Application For Approval Of Rates." These rates are to be charged by Oklahoma Natural in connection with the transportation of natural gas on behalf of Natural Gas Pipeline Company of America. The daily quantities to be transported will be approximately 20,000 MMBtu with the total quantities anticipated to be delivered during the term of the arrangement of approximately 14,600,000 MMBtu. Oklahoma Natural proposes to charge a transportation fee of ten cents ($.10) per MMBtu.

Oklahoma Natural states that it has filed a copy of this application with the Oklahoma Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions of protests should be filed on or before September 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24137 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-1-39-000 and TA85-1-39-001]

Pacific Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision

September 7, 1984.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on August 31, 1984, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

Twenty-fifth Revised Sheet No. 4
Ninth Revised Sheet No. 4-A
Twenty-first Revised Sheet No. 3

Pacific Interstate states that these tariff sheets are issued pursuant to Pacific Interstate's Purchased Gas Cost Adjustment (PGCA) Provision and Incremental Pricing Provision as set forth in Sections 16 and 17, respectfully, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 2. The proposed effective date of these tendered tariff sheets and the rates thereon is October 1, 1984.

Pacific Interstate also states that the above-tendered tariff sheets reflect a proposed October 1, 1984 Pacific Interstate Rate Schedule S-G-1 commodity rate of 256.22¢ per decatherm, an increase of 36.29¢ per decatherm from 219.93¢ per decatherm rate effective April 1, 1984, the date of the last S-G-1 commodity rate change, and that such increase reflects a current Gas Cost Adjustment and change in the Surcharge Adjustment.

Pacific Interstate states that the Current Gas Cost Adjustment is based on an annualized gas cost decrease of $6,730 and that the Surcharge Adjustment is designed to amortize over a six-month period beginning October 1, 1984 an amount of $11,500.09, which is the amount of Pacific Interstate's Unrecovered Purchased Gas Cost account at June 30, 1984. Furthermore, Pacific Interstate states that there is no incremental pricing surcharge adjustment applicable to this filing, since its only customer has no surcharge absorption capability.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 13, 1984. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24138 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-613-000]

PacifiCorp, Doing Business as Pacific Power & Light Co.; Filing

September 7, 1984.

The filing Company submits the following:

Take notice that on August 23, 1984 PacifiCorp, doing business as Pacific Power & Light Company (Pacific), tendered for filing an Interconnection and Sales Agreement (Agreement), dated July 31, 1984, between Pacific and Pacific Gas and Electric Company (PGandE).

Pacific states that the Agreement provides for the sale of firm energy by Pacific to PGandE, and the installation of certain facilities to accommodate the sale.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24139 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-615-000]

Puget Sound Power & Light Co.; Filing

September 7, 1984.

The filing Company submits the following:

Take notice that on August 23, 1984 Puget Sound Power & Light Company (Puget) tendered for filing an proposed changes in its FPC Electric Tariff Original Volume No. 3. The schedule provides that non-firm energy will be sold at such times and in such amounts as the Company in its sole discretion determines. Therefore, estimates of transactions or revenues under this schedule would not be applicable and would be impossible to make.

Puget states that the proposed change in the rate schedule is to reflect actual costs of Puget's Colstrip Unit #3 thermal resource.

Puget requests an effective date of July 25, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24140 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA-85-1-7-000 and TA85-1-7-001]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

September 7, 1984.

Take notice that Southern Natural Gas Company (Southern) on August 31, 1984, tendered for filing proposed changes to its FERC Gas Tariff, Sixth Revised Volume No. 1, to become effective October 1, 1984. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FERC Gas Tariff, Sixth Revised Volume No. 1. The

proposed changes reflect a net increase in Southern's rates of approximately 17.74¢ per Mcf as a result of the following items:

(1) A current Adjustment pursuant to section 17.3 of the General Terms and Conditions of Southern's tariff, reflecting an annual increase in the cost of purchased gas to jurisdictional customers of $65,851,870 or approximately 14.018¢ per Mcf.

(2) A Surcharge Adjustment for unrecovered purchased gas cost of 8.341¢ per Mcf, which is an increase of 3.709¢ per Mcf from the present Surcharge Adjustment. This Surcharge Adjustment includes a negative rate surcharge to flow through over a twelve-month period beginning April 1, 1984, refunds received from Gulf Oil Corporation and Exxon Company, U.S.A. in accordance with the Commission's order issued February 29, 1984, in *Southern Natural Gas Co.*, Docket No. TA84–1–7–002.

(3) A Surcharge Adjustment for estimated Demand Charge Credits pursuant to Section 9.6(3) of the General Terms and Conditions of Southern's tariff of (.009¢) per Mcf, which reflects an increase of .012¢ per Mcf from the present DCC Surcharge Adjustment.

Pursuant to § 282.602(a)(1)(ii) of the Commission's Regulations, Southern is also filing Tenth Revised Sheet No. 45R with a proposed effective date of October 1, 1984. Such tariff sheet reflects Southern's projected incremental pricing surcharge for the six-month period beginning October 1, 1984, to be zero.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such petitions or protests should be filed on or before September 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–24142 Filed 9–12–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA85–1–42–000 and TA85–1–42–001]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

September 7, 1984.

Take notice that Transwestern Pipeline Company (Transwestern) on August 31, 1984 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Twenty-sixth Revised Sheet No. 5
Twenty-fifth Revised Sheet No. 6
Tenth Revised Sheet No. 6A

The above tariff sheets are issued pursuant to Transwestern's Purchased Gas Cost Adjustment provision set forth in Article 19 of the General Terms and Conditions of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1. The Purchased Gas Cost Adjustment reflected in these sheets is a decrease of $.4043/dth.

The rate change therein consists of:

(1) A decrease in the cost of Gas Adjustment of $.2920/dth based upon decreases in the projected gas costs; and

(2) A decrease in the Surcharge Adjustment of $.1123/dth due to a decrease in the balance in the Gas Cost Adjustment Account as of December 31, 1983.

The Incremental Pricing Surcharges for the months of October, 1984 through March, 1985 are projected to be zero. The maximum surcharge absorption capability on Transwestern's system is and has been insignificant in comparison to Transwestern's incremental acquisition costs. The supplemental analysis of those incremental acquisition costs required by § 282.602(d)(2)(i) of the Regulations is, therefore, of no practical meaning. On the other hand, preparation of the supplemental analysis is extremely burdensome administratively and is exceedingly voluminous because it requires a compilation of purchases from over 1,200 separate contracts. Accordingly, to prevent the unnecessary and substantial expenditure of resources associated with preparation of a report which has no practical significance, Transwestern respectfully submits that good cause has been shown for waiver of § 282.602(d)(2)(i) of the Regulations to permit Transwestern to forgo preparation of the supplemental analysis of incremental acquisition costs.

Also, in accordance with the Commission's Order Nos. 380 and 380A, Transwestern has reflected on the above listed tariff sheets the purchased gas cost separately from all other charges for those rate schedules containing commodity minimum bill provisions.

The proposed effective date of the above tariff sheets is October 1, 1984.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–24143 Filed 9–12–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL84–40–000]

The United Illuminating Co.; Petition for Commission Disclaimer of Jurisdiction

September 7, 1984.

Take notice that on August 23, 1984, the United Illuminating Company (UI) submitted for filing its petition for the Commission's disclaimer of jurisdiction pursuant to Rule 207 of the Commission's Rules of Practice and Procedure.

UI requests that this Commission determine that it (the Commission) does not have jurisdiction over (1) the sale by UI of a generating unit known as the Bridgeport Harbor Unit No. 3 (a fossil-fired generating unit located at UI's Bridgeport Harbor Plant in Bridgeport, Connecticut) to its wholly owned subsidiary, Bridgeport Electric Company ("BRECO") and (2) the lease-back of the Bridgeport Harbor Unit No. 3 by UI from BRECO, and (3) UI's acquisition of securities of BRECO as a portion of the purchase price of the Bridgeport Harbor Unit No. 2. UI also petitions the Commission to determine that, after the completion of the sale, the Commission will not have jurisdiction over BRECO.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211, and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 28, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24141 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL84-612-000]

Virginia Electric and Power Co.; Filing

September 7, 1984.

The filing Company submits the following:

Take notice that on August 20, 1984, Virginia Electric and Power Company (Vepco) filed riders to implement the initial results of its Performance Incentive Provision approved by the Commission in Docket No. ER82-423-000. Vepco states that the riders have been approved by its wholesale customers.

Copies of the riders were served upon all of Vepco's jurisdictional wholesale customers, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24144 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI84-565-000]

Yankee Resources, Inc.; Application for Blanket Limited-Term Certificate of Public Convenience and Necessity, Limited Partial Abandonment Authorization and Declaration of Limited Jurisdiction

September 7, 1984.

Take notice that on August 24, 1984, Yankee Resources, Inc. ("Yankee") 425 Metro Place North, Suite 400, Dublin, Ohio 43017, filed an application pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717c, 717f, and the provisions of 18 CFR Part 157, for a blanket limited-term certificate of public convenience and necessity authorizing Yankee to conduct a short-term spot sales marketing program, hereinafter referred to as Yankee Exchange Service ("YES"), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Approval would: (1) Authorize the sale of natural gas for resale in interstate commerce; (2) permit limited-term, partial abandonment of certain natural gas sales; (3) confer pre-granted abandonment authorization for sales of natural gas made pursuant to the requested certificate; (4) authorize transportation of natural gas by interstate pipeline companies able and willing to participate in YES; and (5) confer pre-granted abandonment authorization for the transportation service allowed under the requested certificate. Yankee also requests the Commission to declare that, with respect to Yankee and its questions, the Commission will only assert Natural Gas Act jurisdiction over sales for resale and the transportation not otherwise exempt from the NGA.

Under YES, Yankee proposes to sell on a spot basis natural gas qualifying for the section 102, 103, 107, and 108 rates under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432. Only contractually committed gas will be sold. Yankee and participating producers will seek temporary releases of gas from the purchasers in order to meet market demand for spot sales. Releasing purchasers will be absolved from take-or-pay liability for any volumes of gas released and sold under the program. Arrangements for transporting the released gas will be made on a case-by-case basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 19, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under this procedure herein provided for, unless Applicant is otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24145 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-623-000]

Centel Corp.; Filing

September 10, 1984

The filing Company submits the following:

Take notice that on August 27, 1984, Southern Colorado Power Division on behalf of Centel Corporation (Centel) tendered for filing Electric Rate Adjustment No. 1 applicable to sales of power and energy to the City of Las Animas. Adjustment No. 1 reflects increased rates charted by Southern Colorado's Power's supplier and results in an increase in revenues from sales to Las Animas of $44,680.

Centel requests an effective date of January 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the City of Las Animas and the Colorado Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 24, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24231 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-624-000]

Centel Corp.; Filing

September 10, 1984.

The filing Company submits the following:

Take notice that on August 27, 1984, Southern Colorado Power Division (Southern Colorado Power) on behalf of Centel Corporation (Centel) tendered for filing Electric Rate Adjustment No. 2 applicable to sales of power and energy to the City of Las Animas. Adjustment No. 2 reflects increased rates charged by Southern Colorado Power's supplier and results in an increase in revenues from sales to Las Animas of $133,200.01.

Centel proposes an effective date of June 18, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the City of Las Animas and the Colorado Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825, North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 24, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24232 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI84-571-000]

Champlin Petroleum Co.; Application for Blanket Limited-Term Certificate of Public Convenience and Necessity and Limited Partial Abandonment Authorization

September 10, 1984

Take notice that on August 27, 1984, Champlin Petroleum Company (Applicant), 801 Cherry Street, Fort Worth, Texas 76102, filed an application, pursuant to sections 4 and 7 of the Natural Gas Act and the Commission's Regulations thereunder, for limited partial abandonment authorization and a Blanket Limited-Term Certificate of Public Convenience and Necessity authorizing Applicant to conduct a short-term spot sales marketing program, hereinafter referred to as the Champlin Special Marketing Program (CSMP), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Approval would (1) authorize the sale of certain natural gas by Applicant for resale in interstate commerce; (2) permit temporary partial abandonment of certain natural gas sales; (3) confer pregranted abandonment authorization for sales of natural gas made pursuant to the requested certificate; (4) authorize transportation of natural gas by interstate pipeline companies able and willing to participate in the CSMP; and (5) confer pregranted abandonment authorization for the transportation service allowed under the requested certificate. This authority is necessary for implementing a short-term experimental spot sales marketing program of gas, or transportation thereof, which is subject to NGA jurisdiction. Under the CSMP, Applicant proposes to sell on a spot basis contractually committed natural gas qualifying for the section 102, 103, 107 or 108 rate under the Natural Gas Policy Act of 1978. Applicant will seek temporary releases of gas from the purchasers to whom it is committed in order to meet market demand for spot sales made under the CSMP. Releasing purchasers will be given relief from take-or-pay liability for any volumes of gas released and sold under the CSMP.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 21, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214), and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under this procedure herein provided for, unless Applicant is otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24233 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-619-000]

Consolidated Edison Company of New York, Inc.; Filing

September 10, 1984.

The filing Company submits the following:

Take notice that on August 24, 1984, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing as an initial rate schedule an agreement to provide interruptible transmission service to Orange & Rockland Utilities, Inc. (O&R). The agreement provides for a change of 2.6 mills per kilowatthour for transmission of power purchased by O&R from Northeast Utilities.

Con Edison requests an effective date of August 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon O&R.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24235 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-625-000]

Consolidated Edison Company of New York, Inc.; Filing

September 10, 1984.

The filing Company submits the following:

Take notice that on August 27, 1984, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a Supplement to its Rate Schedule FERC No. 60, an agreement to provide transmission service to the Power Authority of the State of New York (the "Authority"). The Supplement provides for an increase in the monthly transmission charge of $0.84 to $1.12 per kilowatt for transmission of power and energy sold by the authority to Brookhaven National Laboratory. The Supplement would increase annual revenues from jurisdictional service during Period I by $95,175.36.

Con Edison states that a copy of this filing has been served by mail upon the Authority.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 24, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24236 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-4579-029, et al.]

Cities Service Oil and Gas Corp. et al.; Applications for Certificates, Abandonments of Service and Petitions to Amend Certificates[1]

September 10, 1984.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 20, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-4579-029, D, Aug. 22, 1984	Cities Service Oil & Gas Corporation, P.O. Box 300, Tulsa, OK 74102.	Northern Natural Gas Company, Section 12-4-N-12ECM, Texas County, OK.	(1)	
G-4579-030, D, Aug. 27, 1984	....do	Northern Natural Gas Company, Section 3-31S-32W, Seward County, KS.	(2)	
G-11584-000, July 31, 1984	Sun Exporation and Production Company, P.O. Box 2880, Dallas, TX 75221-2880.	El Paso Natural Gas Company, Jameson Field, Coke, Sterling and Mitchell Counties, TX.	(3)	
CI61-613-001, D, Aug. 22, 1984	Shell Western S&P Inc., P.O. Box 4684, Houston, TX 77210.	Northern Natural Gas Company, Hugoton field, Grant, Kearny and Stevens Counties, KS.	(4)	
CI65-517-000, D, Aug. 20, 1984	Shell Western E&P Inc., P.O. Box 4684, Houston, TX 77210.	Valley Gas Transmission Inc., West Hackberry Field, Cameron Parish, LA.	(5)	
CI65-517-001, D, Aug. 27, 1984	....do	Valley Gas Transmission Inc., Black Bayou Field, Cameron Parish, LA.	(6)	
CI65-739-004, D, Aug 27, 1984	....do	ANR Pipeline Company, Kings Bayou Field, Cameron Parish, LA.	(7)	
CI76-646-004, Aug. 17, 1984	Getty Oil Company, Post Office Box 1404, Houston, TX 77251.	Tennessee Gas Pipeline Company, West Cameron Block 66, Offshore LA.	(8)	
CI77-24-003, D, Aug. 27, 1984	Champlin Petroleum Company, P.O. Box 1257, Englewood, CO 80150.	Panhandle Eastern Pipeline Company, Weld County, CO.	(9)	
CI78-923-001, E, Aug. 20, 1984	Phillips Petroleum Company (Successor In Interest To Phillips Oil Company), 336 HS&L Building, Bartlesville, OK 74004.	Tennessee Gas Pipeline Company, Ship Shoal Block, 167, Offshore LA.	(10)	14.73
CI79-110-000, E, Aug. 22, 1984	....do	Transcontinental Gas Pipe Line Corporation, Vermilion Area Block 320 Field, Gulf of Mexico.	(11)	14.73
CI79-172-001, E, Aug 23, 1984	....do	Transcontinential Gas Pipe Line Corporation, Block A-283, High Island Area, Gulf of Mexico.	(12)	14.73
CI61-53-002, E, Aug. 27, 1984	....do	United Gas Pipe Line Company and Southern Natural Gas Company, West Cameron Area, Offshore Cameron LA.	(13)	14.73
CI81-56-002, E, Aug. 31, 1984	....do	United Gas Pipe Line Company and Southern Natural Gas Company, West Cameron, Block 551, Offshore LA.	(14)	14.73
CI81-61-002, E, Aug. 27, 1984	....do	United Gas Pipe Line Company and Southern Natural Gas Company, West Cameron, Block 560 Field, Cameron LA.	(15)	14.73
CI84-227-000 (G-11918), B, Feb. 27, 1984.	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston TX 77046.	United Gas Pipe Line Company, Iowa Field, Jefferson Davis and Calcasieu Parishes, LA.	(16)	
CI84-554-000, A, Aug. 20, 1984	Sequoia Associates Limited, 5400 Westheimer Court, Houston TX 77056.	Amoco Gas Company, Matagroda Island Block 624, Offshore TX.	(17)	14.73
CI84-558-000, A, Aug. 21, 1984	Samedan Oil Corporation, P.O. Box 909, Ardmore, OK 73402.	Michigan Wisconsin Pipe Line Company, E/2 Eugene Island Block 208, Offshore LA.	(18)	15.025
C-184-559-000, B, Aug. 20, 1984	Estate of Rushton L. Ardrey, 4816 St. Johns Drive, Dallas, TX 75205.	Phillips Petroleum Company, Geraldine Field, Reeves County, TX.	(19)	
CI84-560-000, B, Aug. 20, 1984	South Standard Mining Company, 1114 Walker Building, Salt Lake City, UT 84111.	Phillips Petroleum Company, Geraldine Field, Culberson county, TX.	(19)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI84-561-000 (CI67-222) B Aug. 20, 1984.	Sun Exploration and Production Company, P.O. Box 2880, Dallas, TX 75221-2880.	Panhandle Eastern Pipe Line Company, S.E. Feldman Field, Hemphill County, TX.	([20])	
CI84-562-000 (CI73-750) B Aug. 20, 1984.	....do....	Arkansas Louisiana Gas Company, Ramp Penn Field, Hemphill County, TX.	([20])	
CI84-563-000 (CI73-536), B, Aug. 20, 1984.	Shell Western E&P Inc., P.O. Box 4684, Houston TX 77210.	Montana-Dakota Utilities Co., Stateline Plant Area, Richland County, Montana and McKenzie County, North Dakota.	([21])	
CI84-567-000 (CI66-498), B, Aug. 22, 1984.	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, OK 74004.	Florida Gas Transmission Company, East White Point and Nueces Bay, Nueces and San Patricio County, TX.	([22])	
CI84-568-000, B, Aug. 27, 1984	William Moss Properties, Inc., 3303 Lee Parkway, Dallas TX 79219.	Northern Natural Gas Company, MPF Field, Pecos County, TX.	([23])	
CI84-569-000, F, Aug. 27, 1984	Templeton Energy Income Corporation (Partial Successor In Interest To Forest Oil Corporation), 850 the Main Building, 1212 Main Street, Houston, TX 77002.	El Paso Natural Gas Company, Clear Lake Field, Beaver County, OK.	([24])	
CI84-570-000, F, Aug. 27, 1984	....do....	Panhandle Eastern Pipe Line Company, N.W. Avard Field, Woods County, OK.	([25])	
CI84-572-000, B, Aug. 13, 1984	Gulf Oil Corporation, P.O. Box 2100 Houston, TX 77252.	Transcontinental Gas Pipe Line Corporation, Bayou Field, St. Charles Parish, LA.	([26])	
CI75-78-001, CI73-639-004, CI76-586-005, D, Aug. 3, 1984.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, TX 75221.	Southern Natural Gas Company, South Pass Block 67 Field, Offshore LA.	[27]	0
CI69-57-000, D, Aug. 21, 1984	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa OK 74102.	Tennessee Gas Pipeline Company, OCS Lease No. G-1087 (NW/4 East Cameron Block 83), Offshore LA.	([28])	
G-11046-002, D, Aug. 13, 1984	....do....	Tennessee Gas Pipeline Company, OCS Lease No. G-0187 (NW/4 East Cameron Block 83), Offshore LA.	([28])	

[1] Royalty owner in the Shaffer "B" No. 1 well has requested that Applicant furnish natural gas for the purpose of fueling water pumping units in order to irrigate agriculture corps growing on lands encompassed in the Shaffer "B" No. 1 well proration unit. Gas purchaser has agreed to release gas for this high priority purpose subject to Commission approval.
[2] Royalty owner in the Burr "B" No. 1 Well has requested that Applicant furnish natural gas for the purpose of fueling water pumping units in order to irrigate agricultural crops growing on lands encompassed in the Burr "B" No. 1 Well proration unit. Gas purchaser has agreed to release gas for this high priority purpose subject to Commission approval.
[3] Applicant is filing to add acreage.
[4] Leases have been assigned to Tenneco Oil Company, which has filed to continue service.
[5] Lease was assigned to Taylor Energy Company, effective October 1, 1983.
[6] Lease was partially released to the lessor, the State of Louisiana, on January 26, 1984.
[7] Leases have been released to lessors effective May 24, 1983.
[8] Applicant is filing for additional delivery point.
[9] Panhandle has released from the gas sales contract gas production from the #1 Burkhardt 32-3 and #4 Burkhardt 41-3 wells, Spindle Field, Weld County, Colorado.
[10] Effective September 1, 1983, Phillips Oil Company assigned to Applicant its interest in the Ship Shoal Block 167, Offshore Louisiana.
[11] Effective December 1, 1983, Phillips Oil Company assigned to Applicant its interest in OCS-G-2089, Block 325, Vermilion Area Block 320 Field, Gulf of Mexico.
[12] Effective December 1, 1983, Phillips Oil Company assigned to Applicant, its working interest in OCS-G-2404, Block A-283, East Addition, South Extension, High Island Area, Gulf of Mexico.
[13] Effective December 31, 1983, Phillips Oil Company assigned to Applicant its working interest in the West Cameron Area, Block 115 Field, Offshore, Cameron Parish, Louisiana.
[14] Effective December 31, 1983, Phillips Oil Company assigned to Applicant, its working interest in the West Cameron Area, Block 551, Offshore, Louisiana.
[15] Effective December 31, 1983, Phillips Oil Company assigned to Applicant, its working interest in OCS-G-3283, and produced from "A" Platform in Block 360, West Cameron Area, Offshore, Cameron Parish, Louisiana.
[16] The last wells were plugged and abandoned between December 23, 1980 and April 2, 1981 and the contract expired in accordance with its term provisions effective June 1, 1983.
[17] Applicant is filing under Gas Purchase Contract dated August 7, 1984.
[18] Applicant is filing under Gas Purchase Contract dated October 7, 1968, via a Farmout Agreement dated April 17, 1983.
[19] Purchaser (Phillips Petroleum Company) has discountinued operation of the Gathering System due to unprofitability.
[20] Due to depletion of gas reserves, the unit well was plugged and abandoned and the leases expired.
[21] Plant has been sold to Utex Oil Company.
[22] All leases have either been assigned or released.
[23] Gas sales declined drastically and Lovaca could not profitably operate their system.
[24] Applicant, by Assignment and Bill of Sale dated June 13, 1984, effective March 1, 1984, acquired from Forest Oil Corporation the interest in the Barby Ranch Unit No. 1-11, Clear Lake Field, Beaver County, Oklahoma.
[25] Applicant, by Assignment and Bill of Sale dated June 13, 1984, effective March 1, 1984, acquired from Forest Oil Corporation the interest in the Fred O. Brinkley Lease situated in Section 29, T-27-N, R-15-W, Woods County, Oklahoma.
[26] By assigned dated April 17, 1984, Gulf conveyed to Traillour Oil Company, March Engineering, Inc., and Rocky Mountain Resources, Ltd., its interest in the Bayou Couba Field, St. Charles Parish, Louisiana.
[27] To permit the initiation of a new Enhanced Oil Recovery Project.
[28] OCS Lease No. G-1087 (NW/4 East Cameron Block 83), Offshore Louisiana expired April 2, 1984.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 84-24234 Filed 9-12-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA82-2-33-026]

El Paso Natural Gas Co.; Payment of Cash Settlement

September 7, 1984.

Take notice that on August 31, 1984, El Paso Natural Gas Company ("El Paso") tendered for filing, in compliance with paragraph 5.5 of Article V, *Cash Settlement*, of El Paso's Settlement Agreement filed January 16, 1984 at Docket Nos. TA82-2-33-000 and TA83-1-33-000 (Affiliated Entities) which was approved by the Federal Energy Regulatory Commission ("Commission") order issued May 4, 1984, a Report of Cash Settlement Made on August 1, 1984 to its affected interstate system gas customers entitled thereto.

El Paso states that a cash settlement, aggregating $8,000,000, exclusive of interest, was distributed in accordance with Article V of said Settlement Agreement.

EL Paso also states that copies of the applicable documents were served upon all of El Paso's affected interstate transmission system customers, all parties of record at Docket Nos. TA82-2-33-000 and TA83-1-33-000 (Affiliated Entities) and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 385.214 and 385.211 of this chapter. All such motions or protests should be filed on or before September 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24237 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP 84-50-003]

Granite State Gas Transmission, Inc., Tariff Filing

September 7, 1984.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, on August 31, 1984, tendered for filing in its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets containing changes in rates and other tariff provisions for effectiveness on November 1, 1984:

First Revised Sheet No. 4
Eighth Revised Sheet No. 7
Original Sheet No. 7-A
First Revised Sheet No. 11
First Revised Sheet No. 12
First Revised Sheet No. 15
First Revised Sheet No. 51
First Revised Sheet No. 55
First Revised Sheet No. 61
First Revised Sheet No. 67
Second Revised Sheet No. 68
First Revised Sheet No. 69
First Revised Sheet No. 70
First Revised Sheet No. 71
First Revised Sheet No. 72
First Revised Sheet No. 73
First Revised Sheet No. 74
First Revised Sheet No. 75
Original Sheet No. 75-A
Original Sheet No. 75-B
First Revised Sheet No. 76
Original Sheet No. 81
Original Sheet No. 82
Original Sheet No. 83
First Revised Sheet No. 112

Granite State also filed a revised Gas Sales Contract with Bay State Gas Company (Bay State) providing for an increase in firm daily deliveries from 64,141 Mcf a day to 83,640 Mcf a day, beginning November 1, 1984.

According to Granite State, the foregoing revised tariff sheets and the Gas Sales Contract are submitted in compliance with Article VI of the Stipulation and Agreement in settlement of Phase 1 of the proceedings in Boundary Gas, Inc., *et al.*, Docket Nos. CP81-107-000, *et al.*, approved by the Commission on February 2, 1984. (26 FERC ¶61,114) Granite State further states that the Phase 1 settlement approved the purchase of up to 40,000 Mcf a day of Canadian gas by Boundary Gas, Inc. from TransCanada PipeLines Limited and the resale at the border to four Firm Initial Service (FIS) customers, including Granite State which is allocated 9,814 Mcf a day. According to Granite State, the settlement also provided for firm transportation services by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) to deliver the imported gas to the Boundary Gas repurchasers and Granite State's gas supplies purchased from Boundary Gas will be delivered at an off-system delivery point for its account at Agawam, Massachusetts, where Tennessee's facilities connect with those of Bay State.

Granite State further states that the settlement in Phase 1 of the Boundary Gas, Inc. proceedings, *supra*, also authorized a long-term sale of up to 40,000 dt a day to the four FIS customers by Consolidated Gas Transmission Corporation (Consolidated) and that Granite State's allocated share in 9,814 dt a day and that this supply will be delivered to Granite State's market area in Massachusetts for resale to Bay State by firm connecting transportation services rendered by Texas Eastern Transmission Corporation and Algonquin Gas Transmission Company which services were also authorized in the order approving the Phase 1 stipulation and Agreement.

Further, it is stated that Granite State's application in Docket No. CP84-50-000 was consolidated with the applications for certificates of public convenience and necessity in Phase 1 of the Boundary Gas proceedings and the order approving the settlement included authorization for Granite State to increase its firm sales to Bay State from 64,141 Mcf a day to 83,640 Mcf a day coincident with the commencement of the deliveries of the additional gas supplies from Boundary Gas and Consolidated and to file revised tariff provisions for its sales to Bay State in accordance with Article VI of the Stipulation and Agreement.

According to Granite State, the filing proposes increased rates for firm service to Bay State, effective November 1, 1984 reflecting the increased costs that Granite State will incur for the purchases of gas from Boundary Gas and Consolidated, for the transportation services for the delivery of the new gas supplies to its market area in Massachusetts and for recovery of precertification costs related to the Boundary Gas, Inc. project. Granite State further states that the revised rates for sales to Bay State result in an annual increase of $19,886,631, compared to existing rates, for the costs of the additional gas supplies and transportation services increased by Granite State beginning November 1, 1984 to provide expanded firm daily service to Bay State. Revised Rates are also included for sales to Northern Utilities, Inc., Granite State's other jurisdictional customer and, according to Granite State, the revision is for the purpose of restating its rates for sales to Northern Utilities to comply with the requirements of Order No. 380. (Docket No. RM83-71-000).

According to Granite State, copies of the filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inpection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24238 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3344-002, et al.]

Hydroelectric Applications (the Town of Gassaway, WV, et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1 a. Type of Application: License (Over 5 MW).

b. Project No: 3344-002.

c. Date Filed: January 10, 1983, amended June 20, 1983, and resubmitted May 7, 1984.

d. Applicant: The Town of Gassaway, West Virginia.

e. Name of Project: Sutton.

f. Location: On the Elk River in Braxton County, West Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Robert R. Sousa, 193 Main Street, Sutton, West Virginia 26601 and James B. Price, President,

Noah Corporation, P.O. Drawer 640, Aiken, South Carolina 29801.

i. Comment Date: November 7, 1984.

j. Description of Project: The proposed run-of-river project would utilize the U.S. Army Corps of Engineers' Sutton Dam and would consist of: (1) A new 11-foot-diameter steel penstock about 190 feet long connected to 2 existing outlet sluices; (2) a new powerhouse with a 2 turbine-generator units with a total installed capacity of 8,000 kW; (3) a new tailrace; (4) a new switchyard; (5 a new 138)-kV, 1,400-foot-long transmission line; and (6) other appurtenances. Applicant estimates an average annual generation of 32,200,000 kWh.

k. Purpose of Project: Project energy would be sold to the Monongahela Power Company.

l. This notice also consists of the following standard paragraphs: B and C.

2 a. Type of Application: Exemption from Licensing.

b. Project No: 3492–003.

c. Date Filed: February 29, 1984.

d. Applicant: City of Haines, Oregon.

e. Name of Project: Spence-Young Hydroelectric Project.

f. Location: At the existing Rock Creek Reservoir, on Rock Creek, in Baker County, Oregon.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 *as amended*).

h. Contact Person: Mr. Richard H. Camp, Mayor of the City of Haines, Haines City Hall, P.O. Box 208, Haines, Oregon 97833.

i. Comment Date: October 15, 1984.

j. Description of Project: The proposed project would consist of: (1) A submerged 10-foot by 6-foot by 5-foot concrete intake in the existing Rock Creek Reservoir, at elevation 4,962 feet; (2) a 2,850-foot-long, 30-inch-diameter steel penstock; (3) a powerhouse containing two generators with a combined capacity of 2,800 kW and an annual energy production of 6.5 GWh at elevation 4,022 feet; (4) a switchyard; and (5) a 250-foot-long, 25-kV transmission line to an existing CP National line. Water will be returned to Rock Creek.

Purpose of Exemption—An exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C and D3a.

3 a. Type of Application: License (5 MW or Less).

b. Project No: 4060–003.

c. Date Filed: November 21, 1983.

d. Applicant: Willwood Irrigation District.

e. Name of Project: Willwood Diversion Dam.

f. Location: On the Shoshone River in Park County, Wyoming.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. G. Grinnell, Stone and Webster Engineering Corporation, P.O. Box 5406, Denver, Colorado 80217.

i. Comment Date: November 2, 1984.

j. Description of Project: The Applicant would utilize an existing dam and lands under the jurisdiction of the Bureau of Reclamation. The proposed project would consist of: (1) proposed penstock that is 7 feet in diameter and 46 feet long; (2) a proposed reinforced concrete powerhouse containing 1 generating unit rated at 1,870 kW; (3) a proposed 90-foot-wide and 2,000-foot-long sedimentation pond; (4) a proposed 2.3 mile, 69 kV transmission line; (5) proposed 271-foot-long and 5-inches high, removable flashboards that would be used during the peak irrigation season of mid July to mid August; and (6) appurtenant facilities. The estimated average annual energy output for the project is 10,900 MWh.

k. Purpose of Project: Power generated at the project would be sold to Western Area Power Administration or to Garland Power and Light Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

4 a. Type of Application: Major License.

b. Project No: 4628–001.

c. Date Filed: November 25, 1983.

d. Applicant: McGrew and Associates.

e. Name of Project: Wells Creek Water Power Project.

f. Location: On Wells Creek, within Mt. Baker-Snoqualmie. National Forest, near Glacier, Whatcom County, Washington.

g. Filed Pursuant to: Water Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Thomas R. Childs, McGrew and Associates c/o Western Power, Inc., 2300 James Street, Suite 2–E, P.O. Box 5663, Bellingham, Washington 98227.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) A 22-foot-high, 310-foot-long earthen dam at streambed elevation 2,390 feet, forming a 7.6-acre reservoir with a storage capacity of 49.5 acre-feet at maximum water surface elevation 2,412 feet; (2) a 19-foot-high, 55-foot-long concrete intake structure; (3) a 150-foot-long overflow concrete spillway structure adjacent to the dam; (4) a 900-foot-long, 8-foot by 8-foot horseshoe shaped tunnel; (5) a 11,100-foot-long, 60-inch-diameter steel penstock; (6) a 50-foot-high, 64-foot-long underground powerhouse containing a single generating unit with an installed capacity of 15,300 kW; (7) a 60-foot-long tailrace; (8) a switchyard; and (9) a 200-foot-long, 55-kV transmission line connecting to the proposed Swan Creek Project transmission line. The Applicant estimates the average annual energy production to be 63 million kWh. The total cost to construct the project is estimated to be 26 million dollars in 1985 dollars.

k. Purpose of Project: The project power would be sold to Puget Sound Power and Light Company or Seattle City Light Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

5 a. Type of Application: Preliminary Permit.

b. Project No: 4866–001.

c. Date Filed: May 1, 1984.

d. Applicant: Allegheny County.

e. Name of Project: Monongahela Lock and Dam #3.

f. Location: On the Monongahela River in Allegheny County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: James W. Knox, Director, Allegheny County Hydro Power Programs, 429 Forbes Avenue, Room 1307, Pittsburg, Pennsylvania, 15219.

i. Comment Date: October 15, 1984.

j. Competing Application: Project No. 8086–000.

Date Filed: February 15, 1984.

Due Date: September 4, 1984.

k. Description of Project: The proposed run-of-river project would utilize the U.S. Army Corps of Engineers' Lock and Dam Number 3 on the Monongahela River and would consist of: (1) A new powerhouse at the east end of the dam with three 750-kW turbine-generator units; (2) a new 150-foot-long tailrace; (3) a new 1.25-mile-long transmission line; and (4) other appurtenances. Applicant estimates an average annual generation of 13,140,000 kWh.

l. Purpose of Project: Project energy would be sold to Duquesne Light Company.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a

preliminary permit for a period of 24 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of these studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $40,000.

6 a. Type of Application: Major License.

b. Project No: 5137–001.

c. Date Filed: October 31, 1983.

d. Applicant: Twin River Resources.

e. Name of Project: Owl Creek Water Power.

f. Location: On Owl Creek a tributary to the Hoh River, near Forks, Jefferson County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. William L. Devine, President W.L.D Glacier Energy Company, P.O. Box 68, Mapple Falls, Washington 98266.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) An 8-foot-high, 58-foot-long diversion weir at elevation 900 feet; (2) a 12-foot-long inlet structure including a fish screen; (3) a 6,000-foot-long, 36-inch-diameter low pressure pipeline; (4) a 5,000-foot-long, 36-inch-diameter penstock; (5) a 36-foot-long, 25-foot-high powerhouse containing a single generating unit with an installed capacity of 1,600 kW at an operating head of 400 feet; (6) a 60-foot-long tailrace; (7) aa switchyard; and (8) a 1,500-foot-long, 25-kV transmission line connecting to an existing Clallam County PUD transmission line. The Applicant estimates the average annual energy production to be 10 million KWh. The total cost to construct the project is estimated to be $5.3 million, in 1986 dollars.

k. Purpose of Project: The project power would be sold to a nearby public utility, municipal entity or industry.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, & D1.

7 a. Type of Application: Major License.

b. Project No: 5305–001.

c. Date Filed: December 19, 1983.

d. Applicant: Western Power, Inc.

e. Name of Project: Storm Ridge.

f. Location: On the North Fork Skykomish River, within Mt. Baker-Snoqualmie National Forest in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. Neil H. Macdonald, Western Power, Inc., P.O. Box 31359, Seattle, Washington 98103.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) A 17-foot-high, 126-foot-long concrete diversion dam with a 40-foot-long overflow crest at elevation 2,455 feet; (2) a 68-foot-long, 22-foot-high, 17-foot-wide concrete and steel intake structure; (3) a 78-inch-diameter, 7,475-foot-long steel penstock; (4) a 67-foot-long, 51-foot-wide, 32-foot-high reinforced concrete powerhouse at elevation 1,855 feet containing a generating unit rated at 15.5 MW, producing an average annual output of 63.0 GWh; (5) a 100-foot-long tailrace, concrete-lined for the first 20 feet and the remainder rip-rap-lined; (6) a 15-mile-long, 155-kV transmission line from the switchyard adjacent to the powerhouse to Puget Sound Power and Light Company distribution lines near the town of Skykomish; and (7) a 290-foot-long access road. The proposed recreational plan includes improvement of one backcountry and several riverside hiking trails and completion of a parking area adjacent to the trailhead access road at Quartz Junction. The total estimated project capital cost as of February 1985 is $24,000,000.

k. Purpose of Project: To generate power for distribution to potential power purchasers such as the Puget Sound Power and Light Company and Seattle City Light.

l. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

8 a. Type of Application: License (5MW or Less).

b. Project No: 6156–003.

c. Date Filed: June 22, 1984.

d. Applicant: Morris M. Zack and Milton M. Zack.

e. Name of Project: Zack Brothers.

f. Location: On Pellisier Creek, near Bishop, in Mono County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Morris M. Zack, Route 4, Box 16, Bishop, California 93514; Mr. Milton M. Zack, 3530 Brookside Drive, Bishop, California 93514.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 5-foot-high, 12-foot-long concrete diversion dam located at elevation 6,000 feet msl; (2) a 10-inch-diameter, 3.25-mile-long pipeline/penstock; (3) a powerhouse located at elevation 4,700 feet msl, containing a single turbine-generator unit with an installed capacity of 500 kW and producing an estimated average annual generation of 4.04 GWh; (4) a 14-inch-diameter, 2,450-foot-long, tailrace pipe returning flows to Cinnamon Ranch; and (5) a 1.25-mile-long tap line to interconnect the project with an existing 12-kV Southern California Edison Company (SCE) line. Project power would be sold to SCE and Applicant estimates construction cost at $700,000. The project would be located on Inyo National Forest, Bureau of Land Management, and Applicant lands. The Applicant does not propose to develop any recreational facilities.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

9 a. Type of Application: License (Under 5 MW).

b. Project No: 7048–001.

c. Date Filed: June 15, 1984.

d. Applicant: The Metropolitan District.

e. Name of Project: The Collinsville Project.

f. Location: On the Farmington River in Hartford County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Bernard A. Batycki, District Manager, The Metropolitan District, 555 Main Street, Hartford, Connecticut 06103.

i. Comment Date: October 15, 1984.

j. Competing Application: Project No. 7277–000.

Date Filed: May 16, 1983.

k. Description of Project: The proposed run-of-river project would consist of the Upper Collins Dam Development and the Lower Collins Dam Development.

The Upper Collins Dam Development would consist of: (1) An existing 325-foot-long and 18-foot-high stone masonry dam with a spillway crest elevation of 286.2 feet NGVD; (2) new 3-foot-high flashboards; (3) a small reservoir with a surface area of 55 acres; (4) an existing 200-foot-long canal at the west side of the dam; (5) a new powerhouse with 2 turbine-generator units with a total installed capacity of 1,500 kW; (6) an existing tailrace; (7) a new 23-kV and 100-foot-long tranmission line; (8) new fish ladders; and (9) other appurtenances.

The Lower Collins Dam Development would consist of: (1) an existing 350-foot-long and 20-foot-high concrete gravity dam with a spillway crest elevation of 264.7 feet NGVD; (2) new 5-foot-high flashboards; (3) a small reservoir with a surface area of 32 acres; (4) an existing 650-foot-long canal at the east side of the dam; (5) a new powerhouse with 2 turbine-generator units with a total installed capacity of

1,500 kW; (6) an existing tailrace; (7) a new 23-kV and 100-foot-long transmission line; (8) new fish ladders; and (9) other appurtenances.

Applicant estimates an average annual generation of 11,400,000 kWh. Existing facilities are owned by the Connecticut Department of Environmental Protection.

l. Purpose of Project: Project energy would be sold to Northeast Utilities.

m. This notice also consists of the following standard paragraphs: A4, B, C & D1.

10 a. Type of Application; preliminary report.

b. Project No: 7255–001.

c. Date Filed: February 24, 1984.

d. Applicant: Stanton Creek Power.

e. Name of Project: Stanton Creek Hydropower Project.

f. Location: Stanton Creek, Flathead County, Montana.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Henry Broers, 826 Kelly Road, Columbia Falls, Montana 59912.

i. Comment Date: November 1, 1984.

j. Description of Project: The proposed project would consist of all new facilities, would be located on State of Montana land, part of which is leased by the Applicant, and would consist of: (1) A 20-foot-long and 2-foot-high earth embankment diversion structure; (2) a 3,000-foot-long and 12-inch-diameter polyvinyl chloride penstock; (3) an 18-foot by 20-foot powerhouse with the installation of one turbine/generator unit, operating at a hydraulic head of 180 feet for a total installed capacity of 100 kW; (4) a 2,000-foot-long, 12.5–kV transmission line; and (5) appurtenant facilities. The Applicant estimates the average annual energy production to be 700,000 kilowatt-hours per year.

k. Purpose of Project: The Applicant intends to use the power generated at the proposed facility to serve the Applicant's Stanton Creek Lodge with any excess being sold to the Flathead Electric Cooperative, Inc.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies Under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if findings are positive, the Applicant intends to submit a license application. The Applicant's estimated total cost for performing these studies is $5,000.

11 a. Type of Application: Exemption (5 MW or Less).

b. Project No: 7477–000.

c. Date Filed: August 1, 1983.

d. Applicant: Burt Dam Associates.

e. Name of Project: Burt Dam Project.

f. Location: On the Eighteenmile Creek in Niagara County, New York.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408, 16 U.S.C. §§ 2705 and 2708 *as amended.*

h. Contact Person: Jeffrey W. Moon, President, J.W. Corporation, 334 Black Lane, Weathersfield, Connecticut 06109 and Thomas P. Callahan, 32 Cherry Street, Lockport, New York 14094.

i. Comment Date: October 15, 1984.

j. Description of Project: The proposed project would consist of; (1) The 328-foot-long and 56-foot-high Burt Dam; (2) a reservoir with a storage capacity of 2,447 acre-feet; (3) existing intake structures; (4) an existing powerhouse at the downstream face of the east abutment, which contains an old 1,250-kW turbine-generator unit to be restored, or replaced with a new unit with similar capacity; (5) an existing 350-foot-long transmission line; and (6) other appurtenances. For purposes of increasing the flow available to the project, additional water would be diverted from the Erie Canal into the West Branch of the Eighteenmile Creek through the Halls' Sluice Gate at Lockport, New York and into the East Branch from the Maybe's Sluice Gate at Royalton, New York, which are 12 and 24 miles upstream of Burt Dam, respectively. Applicants executed an option to least project facilities from the Olcott Harbor Board of Trade. It is estimated that the project would produce an average annual generation of 8,745,000 kWh.

k. Purpose of Project: Project energy would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

12 a. Type of Application: Exemption (5 MW or less).

b. Project No: 7809–001.

c. Date Filed: June 6, 1984.

d. Applicant: Emerson Falls Hydro Associates.

e. Name of Project: Emerson Falls Project.

f. Location: On the Sleepers River in Caledonia County, Vermont.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended.*

h. Contact Person: Robert F. Desrochers, Emerson Falls Hydro Associates, North Danville Village, RFD 2, St. Johnsbury, Vermont 05819.

i. Comment Date: October 15, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 200-foot-long concrete dam varying in height from 0 to 6 feet; (2) a reservoir having a surface area of 0.05 acre, a negligible storage capacity, and a normal water surface elevation of 639.5 m.s.l.; (3) an existing 80-foot-long intake channel; (4) a proposed 3.5-foot-diameter, 390-foot-long steel penstock; (5) a proposed powerhouse containing one generating unit with a capacity of 230 kW; (6) a proposed 50-foot-long tailrace; (7) a proposed 100-foot-long, 12.5 kV transmission line; and (8) appurtenant facilities. The Applicant estimates the annual generation would be 800,000 kWh.

k. Purpose of Project: All project energy generated would be sold to the Central Vermont Public Service Corporation.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, D3A.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicant that would seek to take or develop the project.

13 a. Type of Application: Preliminary Permit.

b. Project No: 8133–000.

c. Date Filed: February 28, 1984.

d. Applicant: B. S. Incorporated.

e. Name of Project: East Fork Ditch.

f. Location: In Payette National Forest, on the East Fork of the Weiser River, near the town of Council, In Adams County, Idaho.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r)

h. Contact Person: Carl L. Meyers, 750 Warm Springs Avenue, Boise, Idaho 83702.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing diversion at elevation 4,900 feet; (2) a 4.5-mile-long, 36-inch-diameter conduit; (3) a forebay or standpipe; (4) an 8,500-

foot-long, 24-inch-diameter penstock; (5) a concrete powerhouse with a single generating unit with a capacity of 4,076 kW and an average annual generation of 15,000 Mwh; and (6) a 1.25-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $45,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: The project power would be sold to Idaho River Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

14 a. Type of Application: Exemption Under 5 MW.

b. Project No: 8153–000.

c. Date Filed: March 6, 1984.

d. Applicant: Clarke N. Moore.

e. Name of Project: Boulder Creek.

f. Location: On Boulder Creek, near Crescent City, in Del Norte County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2750 and 2708 *as amended.*

h. Contact Person: Mr. Clarke N. Moore, P.O. Box 633, Crescent City, California 95531.

i. Comment Date: October 12, 1984.

j. Description of Project: The run-of-river project consists of: (1) A 2-foot-high by 10-foot-long concrete diversion structure located on Boulder Creek approximately 0.5-mile from its confluence with the South Fork Smith River; (2) a 4-inch-diameter, 300-foot-long pipeline; (3) a 1,250-gallon surge tank; (4) a 4-inch-diameter, 600-foot-long penstock; (5) a powerhouse containing a single turbine-generator unit with an installed capacity of 550 watts and an average annual generation of 3,744 kWh; and (6) a short tap line. Project power is utilized to supply Applicant's single family home. There is no commercially available power in the project area.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

15 a. Type of Application: Preliminary Permit.

b. Project No: 8165–000.

c. Date Filed: March 9, 1984.

d. Applicant: Glass River Power Company.

e. Name of Project: Pachaug River No. 1 Project.

f. Location: On the Pachaug River in New London County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Richard D. Ely, Glass River Power Company, P.O. Box 474, Storrs, Connecticut 06268.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) The existing 5-foot-high, 185-foot-long rack earth filled Beachdale Dam which will only be used to control part of the downstream flow; (2) a reservior having a surface area of 25 acres, a storage capacity of 50 acre-feet, and a normal water surface elevation of 265.1 feet m.s.l.; (3) the existing 100-foot-long McGuire Dam varying in height from 3 to 13 feet; (4) a reservior having a surface area of 7 acres, a storage capacity of 35 acre-feet and normal water surface elevation of 238.5 feet USGS; (5) two proposed concrete penstocks, the lower one 32 inches in diameter and 80 feet long, the upper one 24 inches in diameter and 25 feet long; (6) two proposed powerhouses, the lower containing one generating unit with an installed capacity of 60 kW, and the upper containing one generating unit with an installed capacity of 50 kW; (7) two proposed tailraces; (8) two new transmission lines; and (9) appurtenant facilities. The Applicant estimates the annual generation would be 341 MWh. The Beachdale Dam is owned by the State of Connecticut and the McGuire Dam is owned by Paul E. McGuire.

k. Purpose of Project: All project energy generated would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $25,000.

16a. Type of Application: Preliminary Permit.

b. Project No: 8166–000.

c. Date Filed: March 9, 1984.

d. Applicant: Glass River Power Company.

e. Name of Project: Pachuag River No. 2 Project.

f. Location: On the Pachuag River in New London County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Richard D. Ely, Glass River Power Company, P.O. Box 474, Storrs, Connecticut 06268.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 7-foot-high, 150-foot-long earth filled rock dam; (2) an impoundment with a surface area of 1.5-acres, a storage capacity of 1 acre-foot, and normal water surface elevation of 202 feet USGS; (3) an existing 30-foot-long headrace; (4) a proposed 35-foot-long, 2.5-foot-diameter fiberglass reinforced PVC penstock; (5) a proposed powerhouse containing one generating unit with a capacity of 40 kW; (6) an existing 350-foot-long tailrace; (7) existing transmission lines; and (8) appurtenant facilities. The Applicant estimates the annual generation would be 260 MWh. The existing dam is owned by Bob Blanchette and the other existing project facilities are owned by Rodney Robillard.

k. Purpose of Project: All project energy generated would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $32,000.

17a. Type of Application: Preliminary Permit.

b. Project No: 8181–000.

c. Date Filed: March 19, 1984.

d. Applicant: Harrisonburg Associates.

e. Name of Project: McGaheysville.

f. Location: South Fork of the Shenandoah River in Rockingham County, Virginia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Joel Kirk Rector, Harrisonburg Associates, #CFS

Financial Services, 324 South State Street, Salt Lake City, Utah 84111.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 15-foot-high, 750-foot-long concrete dam owned by the City of Harrisonburg; (2) an existing 28-acre reservoir at 1,000 feet M.S.L.; (3) an existing 1,000-foot-long, 200-foot-wide power channel; (4) two existing 15-foot-long, 10-foot-diameter penstocks; (5) a proposed 100-foot by 50-foot powerhouse containing two turbine/generator units, each rated at 750 kW for a total installed capacity of 1.5 MW; (6) an existing 10-foot-long, 50-foot-wide tailrace; (7) a proposed 0.25-mile-long, 14.4-kV transmission line; and (8) appurtenant facilities. The estimated average annual energy would be 6,300 MWh.

k. Purpose of Project: Project power would be sold to either local municipalities or to the local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $150,000.

18 a. Type of Application: Preliminary Permit.

b. Project No: 8189–000.

c. Date Filed: March 21, 1984.

d. Applicant: Glass River Power Company.

e. Name of Project: Glasgo Project.

f. Location: On the Pachaug River in New London County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Richard D. Ely, Glass River Power Company, P.O. Box 474, Storrs, Connecticut 06268.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 200-foot-long, 20-foot-high rock faced earth dam; (2) a reservoir having a surface area of 180-acres, a storage capacity of 165 acre-feet, and a normal water surface elevation of 183.8 feet USGS; (3) an existing 4-foot-diameter, 80-foot-long concrete penstock; (4) a proposed powerhouse containing two generating units having a total installed capacity of 86 kW; (5) an existing transmission line; and (6) appurtenant facilities. The Applicant estimates the annual generation would be 410 MWh. The dam is owned by the State of Connecticut.

k. Purpose of Project: All project energy generated would be sold to Northeast Utilities.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $15,000.

19 a. Type of Application: Preliminary Permit.

b. Project No: 8190–000.

c. Date Filed: March 21, 1984.

d. Applicant: Glass River Power Company.

e. Name of Project: Hopeville Project.

f. Location: On the Pachuag River in New London County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Richard D. Ely, Glass River Power Company, P.O. Box 474, Storrs, Connecticut 06268.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 13-foot-high, 493-foot-long rock filled earth dam; (2) reservoir having a surface area of 122-acres, a storage capacity of 1,000 acre-feet, and normal water surface elevation of 146.7 feet NGVD; (3) an existing 24-foot-long, 12-foot-diameter steel penstock; (4) a proposed powerhouse containing two generating units having a total installed capacity of 71 kW; (5) existing 12-kV transmission lines; and (6) appurtenant facilities. The Applicant estimates the annual generation would be 460 MWh. The dam is owned by the State of Connecticut.

k. Purpose of Project: All project energy generated would be sold to Northeast Utilities.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $15,000.

20 a. Type of Application: Preliminary Premit.

b. Project No: 8195–000.

c. Date Filed: March 23, 1984.

d. Applicant: Northampton Associates.

e. Name of Project: Mill River.

f. Location: Mill River in Hampshire County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Joel Kirk Rector, CFS Financial Center, 324 South State Street, Salt Lake City, Utah 84111.

i. Comment Date: November 5, 1984.

j. Description of Project: The Applicant proposes two alternative developments utilizing seven existing gravity/masonry dams owned by the city of Northampton.

Alternative A would consist of: (1) The 150-foot-long, 28-foot-high Chartpak Dam; (2) the 80-foot-long, 10-foot-high East Button Shop Dam; (3) the 80-foot-long, 10-foot-high South Button Shop Dam; (4) the 80-foot-long, 20-foot-high Cookes Left Dam; (5) the 30-foot-long, 8-foot-high Cookes Right Dam; (6) existing reservoirs behind each dam of negligible area and storage capacity; (7) a proposed 2,890-foot-long, 12-foot-diameter penstock; (8) a proposed 50-foot by 75-foot powerhouse containing one turbine generator with an installed capacity of 380 kW operating under a head of 67 feet; (9) a proposed 50-foot-long, 10-foot-wide tailrace; (10) a proposed 175-foot-long, 13.8-kV transmission line; and (11) appurtenant facilities. The estimated average annual generation would be 2,080 MWh.

Alternative B would consist of the following five hydroelectric developments:

(1) The Chartpak development would consist of: (a) The 150-foot-long, 28-foot-high Chartpak Dam; (b) the Chartpak reservoir with negligible area and storage capacity; (c) a proposed intake structure; (d) a proposed 25-foot-long, 10-foot-diameter penstock; (e) a proposed 50-foot by 75-foot powerhouse containing one turbine/generating unit with an installed capacity of 235 kW operating under a head of 26 feet; (f) a proposed 50-foot-long, 10-foot-wide tailrace; (g) a proposed 25-foot-long, 13.8-kV transmission line; and (h) appurtenant facilities. The estimated

average annual generation would be 850 MWh.

(2) The Button Shop development would consist of: (a) Two 80-foot-long, 10-foot-high Button Shop Dams; (b) the Button Shop reservoir with negligible area and storage capacity; (c) a proposed intake structure; (d) a proposed 200-foot-long, 10-foot-diameter penstock; (e) a proposed 50-foot by 75-foot powerhouse containing one turbine/generating unit with an installed capacity of 85 kW operating under a head of 10 feet; (f) a proposed 50-foot-long, 10-foot-wide tailrace; (g) a proposed 110-foot-long, 13.8-kV transmision line; and (h) appurtenant facilities. The estimated average annual generation would be 320 MWh.

(3) The Cookes development would consist of: (a) The 80-foot-long, 20-foot-high Cookes Left Dam; (b) the 30-foot-long, 8-foot-high Cookes Right Dam; (c) the Cookes reservoir with negligible area and storage capacity; (c) a proposed intake structure; (d) a proposed 50-foot-long, 10-foot-diameter penstock; (e) a proposed 50-foot by 75-foot powerhouse containing one turbine/generating unit with an installed capacity of 165 kW operating under a head of 19 feet; (f) a proposed 50-foot-long, 10-foot-wide tailrace; (g) a proposed 50-foot-long, 13.8-kV transmission line; and (h) appurtenant facilities. The estimated average annual generation would be 680 MWh.

(4) The Pro Brush development would consist of: (a) The 120-foot-long, 15-foot-high Pro Brush Dam; (b) Pro Brush reservoir with negligible area and storage capacity; (c) a proposed intake structure; (d) a proposed 35-foot-long, 10-foot-diameter penstock; (e) a proposed 50-foot by 75-foot powerhouse containing one turbine/generating unit with an installed capacity of 200 kW operating under a head of 22 feet; (f) a proposed 50-foot-long, 10-foot-wide tailrace; (g) a proposed 150-foot-long, 13.8-kV transmission line; and (h) appurtenant facilities. The estimated average annual generation would be 845 MWh.

(5) The Smith College development would consist of: (a) The 120-foot-long, 15-foot-high Smith College Dam; (b) the 15-acre Smith College reservoir with 400 acre-feet storage capacity; (c) a proposed intake structure; (d) a proposed 35-foot-long, 10-foot-diameter penstock; (e) a proposed 50-foot by 75-foot powerhouse containing one turbine/generating unit with an installed capacity of 120 kW operating under a head of 15 feet; (f) a proposed 50-foot-long, 10-foot-wide tailrace; (g) a proposed 600-foot/long, 13.8-kV transmission line; and (h) appurtenant facilities. The estimated average annual generation would be 570 MWh.

k. Purpose of Project: Project power would be sold to either the City of Northampton or to the local utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope of Studies under Permit; A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $150,000.

21 a. Type of Application: Preliminary Permit.

b. Project No: 8254–000.

c. Date Filed: April 20, 1984.

d. Applicant: Burnt Ranch Stables.

e. Name of Project: Burnt Ranch Stables.

f. Location: On Hennesey Creek, near Burnt Ranch, in Trinity National Forest in Trinity County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Aran Collier, 913 A Street, Arcata, California 95521.

i. Comment Date: October 29, 1984.

j. Description of Project: The proposed project would consist of: (1) A 3-foot-high, 12-foot-long diversion dam on Hennesey Creek at elevation 2,000 feet msl; (2) a 1-foot-diameter, 2,500-foot-long diversion conduit; (3) a 10-inch-diameter, 650-foot-long penstock; (4) a powerhouse with a total installed capacity of 100 kW operating under a head of 375 feet; and (5) a 300-foot-long, 12–kV transmission line to connect to an existing Pacific Gas and Electric Company (PG&E) line. The Applicant estimates the average annual energy generation at 0.36 million kWh to be sold to PG&E.

A preliminary permit if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $15,000.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

22 a. Type of Application: Preliminary Permit.

b. Project No: 8274–001.

c. Date Filed: June 28, 1984.

d. Applicant: American Hydro Power Company.

e. Name of Project: Alvin R. Bush.

f. Location: Kettle Creek in Clinton County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Peter A. McGrath, 4026 Chestnut Street, Philadephia, Pennsylvania 19104.

i. Comment Date: November 2, 1984.

j. Description of Project: The proposed run-of-river project would utilize the U.S. Army Corps of Engineers' Alvin R. Bush Dam and outlet works and would consist of: (1) A new wood-frame powerhouse with 4 turbine-generator units with a total installed capacity of 975 kW at the downstream west side of the existing outlet tunnel; (2) an existing single phase 7.2 kV and 5-mile-long transmission line to be upgraded to 3-phase 12 kV; and (3) other appurtenances. Applicant estimates an average annual generation of 3,058,000 kWh.

k. Purpose of Project: Project energy would be sold to the Tri-County Rural Electric Cooperative.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $50,000.

23 a. Type of Application: Major License (< 5 MW).

b. Project No: 8278–000

c. Date Filed: May 1, 1984.

d. Applicant: Crystal Springs Hydroelectric Company.

e. Name of Project: Cedar Draw Creek.

f. Location: On Cedar Draw Creek, near Twin Falls, in Twin Falls County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Steven Krous, Halliwell Associates, Inc., 865 Waterman Avenue, East Providence, Rhode Island 02914.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) A seven-foot-high concrete diversion dam across Cedar Draw Creek at elevation 3,340 feet; (2) a concrete box intake with a fish screen, movable boards for flow control, and a sonic metered outlet to ensure downstream minimum flows; (3) a small pond behind the diversion; (4) a 5,750-foot-long, 60-inch-diameter steel penstock; (5) a 10-foot-diameter steel surge tank; (6) a 1,350-foot-long, 54-inch-diameter penstock; (7) an automatic powerhouse containing three generators with a combined capacity of 2,249 kW, producing an estimated 9.38 GWh of energy annually; (8) a tailrace at elevation 3,067 feet discharging water into Cedar Draw Creek; (9) a substation with a 2,500 kVA transformer; (10) a 0.25-mile-long, 46-kV transmission line to a proposed Idaho Power Company line.

Access to project facilities will be along a proposed road parallel to the penstock route. The estimated project cost as of May 1984, is $1,900,000.

k. Purpose of Project: The Applicant proposes to market power to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, D1.

24 a. Type of Application: Preliminary Permit.

b. Project No: 8280–000

c. Date Filed: May 1, 1984.

d. Applicant: F. Alan Sever.

e. Name of Project: Jeddo Tunnel.

f. Location: On a drainage tunnel in Luzerne County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: F. Alan Sever, 516 Sand Hill Road, Montoursville, Pennsylvania 17754.

i. Comment Date: November 1, 1984.

j. Description of Project: The proposed project would utilize an existing drainage tunnel, constructed almost 100 years ago, to generate power. The tunnel presently drains water from anthracite coal deep mines which have not been operated in the last 20 years. The Applicant proposed that the project will consist of: (1) Sealing the end of the drainage tunnel; (2) a proposed 500-foot-long, 6-foot-diameter penstock; (3) the tunnel will be used as a reservoir, and if it were projected to the surface, it would have an approximate surface area of 8.5 arces (the storage capacity is estimated at 125 acre-feet); (4) a proposed powerhouse with an installed generating capacity of 2 MW; (5) a proposed 1,000-foot-long, 12.5 kV transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy generation will be 17 GWh. The owner of the project site and the tunnel is The Jeddo Tunnel Company. The Applicant proposed to sell the power generated to the Pennsylvania Power and Light Company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $130,000.

25 a. Type of Application: Preliminary Permit.

b. Project No: 8290–000.

c. Date Filed: May 7, 1984.

d. Applicant: Valatie Falls Hydro Company.

e. Name of Project: Valatie Falls.

f. Location: Kinderhook Creek in the Village of Valatie, Columbia County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Paul S. Eckhoff, Box 158, Stuyvesant Falls, New York 12174.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 250-foot-long, 6-foot-high concrete dam owned by the Village of Valatie; (2) an existing 3-acre reservoir at an elevation of 228.3 feet m.s.l.; (3) existing headgates; (4) a proposed 104-foot-long, 7-foot-diameter penstock; (5) a proposed 400-kW turbine/generator unit; (6) a proposed 20-foot-long transmission line; and (7) appurtenant facilities. The average annual generation would be 1,750 MWh.

k. Purpose of Project: Project energy would be sold to Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $15,000.

26 a. Type of Application: Preliminary Permit.

b. Project No: 8311–000.

c. Date Filed: May 16, 1984.

d. Applicant: George E. Smith.

e. Name of Project: Sugar River Project.

f. Location: On the Sugar River, in the Towns of Sunapee and Newport, Sullivan County, New Hampshire.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: George E. Smith, Box 27, Guild, New Hampshire 03754.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) A proposed 7-foot-high, 100-foot-long dam; (2) a reservoir with negligible storage, a surface area of 3 acres, and a normal water surface elevation of 954.00 m.s.l.; (3) a proposed 1700-foot-long, 7.5-foot-diameter steel penstock; (4) a proposed powerhouse containing two generating units with a total installed capacity of 1,000 kW; (5) a proposed tailrace; (6) a proposed transmission line; and (7) appurtenant facilities. The Applicant estimates the average annual generation would be 4,000,000 kWh. The land in which the proposed facilities would be placed is owned by the Applicant.

k. Purpose of Project: All project power generated would be utilized by the Applicant or sold to a local utility.

l. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $28,000.

27 a. Type of Application: Preliminary Permit.

b. Project No: 8325–000.

c. Date Filed: May 29, 1984.

d. Applicant: Charles R. Pepe, Associates.

e. Name of Project: Riegelsville.

f. Location: On the Paulins Kill River in Knowlton Township, Warren County, New Jersey.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Charles R. Pepe, 120 North Pascack Road, Spring Valley, New York 10977.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) The existing 15-foot-wide canal inlet structure; (2) the approximately twenty-five-foot-wide and 5000-foot-long intake canal; (3) the existing powerhouse to contain an installed generating capacity 300 kW; and (4) appurtenant facilities. The project would generate up to 1,000,000 kWh annually.

k. Purpose of Project: The Applicant proposes to sell the power to and directly connect with the New Jersy Power and Light Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $15,000.

28 a. Type of Application: Perliminary Permit.

b. Project No: 8336–000.

c. Date Filed: June 1, 1984.

d. Applicant: Easton Associates.

e. Name of Project: Cle-Elum.

f. Location: At the Bureau of Reclamations Cle-Elum Dam on the Cle-Elum River, near the town of Easton, in Kittitas County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Joel Kirk Rector 4832 Colony Circle Salt Lake City, Utah 84117.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would utilize the Bureau of Reclamation's Cle-Elum Dam and Reservoir and would consist of : (1) A 450-foot-long, 10-foot-diameter steel penstock, lining the existing outlet tunnel; (2) a powerhouse at the toe of the dam at the end of the outlet tunnel, housing a single generating unit with a capacity of 5,000 kW and an average annual generation of 18.4 GWh; and (3) a 700-foot-long transmission line that would connect to an existing power line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $125,000. No new roads would be constructed during the feasibility study. Soil borings would be conducted as part of the site investigations.

k. Purpose of Project: Project power would be sold to Kittitas County PUD #1.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

29 a. Type of Application: Preliminary Permit.

b. Project No: 8367–000.

c. Date Filed: June 15, 1984.

d. Applicant: Spruce Run HydroPower Associates.

e. Name of Project: Spruce Run.

f. Location: On Black Brook, Mulhockaway Creek and Spruce Run in Hunterdon County, New Jersey.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Robert E. Hedden, 410 Seven Avenue, Suite 409, Annapolis, MD 21403.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) The existing 93-foot-high, 5,400-foot-long dam; (2) the existing 1,290-acre reservoir with a storage capacity of 33,670 acre-feet at the normal maximum surface elevation of 273 feet M.S.L.; (3) a proposed powerhouse to contain an installed generating capacity of 300 kW; and (4) appurtenant facilities. The existing dam is owned by the New Jersey Water Supply Authority. The Applicant estimates the average annual energy generation will be 1.30 GWh. The proposed purchaser of the power produced is Central Jersey Power and Light Company.

k. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for FERC license. Applicant estimates the cost of the studies under the permit would be 30,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

30 a. Type of Application: Preliminary Permit.

b. Project No: 8380–000.

c. Date Filed: June 21, 1984.

d. Applicant: The Barton Village Electric Department.

e. Name of Project: Crystal Lake Falls Project.

f. Location: On the Barton River and Crystal Lake in Orleans County, Vermont.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Robert F. Desrochers, Fairbank Mill Contracting, North Danville Village, RFD 2, St. Johnsbury, Vermont 05819.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed project would consist of: (1) An existing 14-foot-high, 65-foot-long concrete dam; (2) a reservoir with a surface area of 712 acres, a storage capacity of 712 acre-feet, and a normal water surface elevation of 946.0 feet m.s.l.; (3) a proposed 3-foot-diameter, 550-foot-long steel penstock; (4) a proposed powerhouse containing two generating units having a total installed capacity of 200 kW; (4) a proposed 250-foot-long transmission line; and (5) appurtenant facilities. The Applicant estimates the averge annual generation would be 1,000,000 kWh. The existing project dam is owned by the State of Vermont.

k. Purpose of Project: All project energy generated would be used for distribution by the Applicant.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

m. Proposed Scope and Cost of Studies under Permit: A Preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an applicant for FERC license. Applicant estimates the cost of the studies under permit would be $10,000.

31 a. Type of Application: Exemption.

b. Project No: 8385–000.

c. Date Filed: June 22, 1984.

d. Applicant: S. D. Warren Company.

e. Name of Project: Cumberland Mills.

f. Location: On the Presumpscot River in Cumberland County, Maine.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708.

h. Contact Person: Nicholas J. DeBenedictis, Esq., Senior Counsel, Scott Paper Company, Scott Plaza Two, Philadelphia, Pennyslvania 19113.

i. Comment Date: October 19, 1984.

j. Description of Project: The proposed project would consist of: (1) The existing Cumberland Mills dam, comprised of three segments (the 140-foot-long, 12-foot-high main dam with the top elevation of the existing 3.4-foot-high flashboards at 41.62 feet m.s.l/; the 150-foot-long, 20-foot-high wing dam with a crest elevation of 43.5 feet m.s.l.; and the 120-foot-long, "flashboard section", composed of 5.92-foot-high flashboards with a crest elevation of 41.62 feet m.s.l.); (2) the existing 26-acre reservoir with a gross storage capacity of 312 acre-feet; (3) a proposed powerhouse which will contain two generating units with a total installed capacity of 1.8 MW; (4) a 35-foot-long intake channel; (5) the existing freshet channel will be modified; (6) the proposed 200-foot-long, 12.47-kV transmission line; and (7) appurtenant facilities.

The Applicant estimates that the average annual energy generation will be 10.0 GWh.

k. Purpose of Project: The Applicant intends to either sell the project energy to Central Maine Power or to use the energy at its own facilities.

l. This notice also consists of the following standard paragraphs: Al, A9, B, C & D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

32 a. Type of Applicant: Preliminary Permit.

b. Project No: 8406–000.

c. Date Filed: July 2, 1984.

d. Applicant: Turlock Irrigation District and Modesto Irrigation District.

e. Name of Project: South Fork.

f. Location: On South and Middle Forks Tuolumne River, near Groveland, within the Stanislaus National Forest, in Tuolumne County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Lloyd Starn, P.O. Box 949, Turlock, California 95381.

i. Comment Date: November 5, 1984.

j. Description of Project: The proposed would consist of: (1) 170-foot-high, 380-foot-long dam with crest elevation at 2580 feet msl on South Fork Tuolumne River creating a reservoir by impounding waters from South Fork and Middle Fork Tuolumne River with a surface area of 17 acres and a gross storage capacity of 700 acre-feet at normal maximum water elevation of 2570 feet msl; (2) an 8-foot-diameter, 5,800-foot-long power tunnel; (3) a 5-foot-diameter, 1,900-foot-long penstock; (4) a powerhouse with a total installed capacity of 21 MW operating under a head of 1,050 feet; and (5) a 1.5-mile-long, 13.2-kV transmission line to connect to an existing 230-kV Hetch-Hetchy line. The Applicant estimates the average annual energy generation at 74 GWh to be sold to the local utilities.

A prelimary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $1,000,000.

k. This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.

33 a. Type of Application: Conduit Exemption.

b. Project No: 8434–000.

c. Date Filed: July 13, 1984.

d. Applicant: Los Angeles County Flood Control District (LACFCD).

e. Name of Project: West Coast Basin Barrier.

f. Location: Pressure Reduction Station, in the City of El Segundo, Los Angeles County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act, 16 U.S.C. 823(a).

h. Contact Person: Mr. James L. Easton, Acting Chief Engineer, LACFCD P.O. Box 2418, Terminal Annex, Los Angeles, California 90051. Mr. W. R. Peterson, Parsons, Brinckerhoff, Quade, and Douglas, Inc., 1510 Arden Way, Suite 301, Sacramento, California 95815.

i. Comment Date: October 22, 1984.

j. Description of Project: The proposed project would consist of: (1) A single Francis turbine-generator unit with an installed capcity of 930 kW, producing an estimated average annual generation of 7.74 GWh, and located at the West Coast Basin Service Connection No. 28, an underground pressure reducing station vault used for the distribution of potable water; (2) enlargement of a 16-inch diameter pipe to 24-inch-diameter upstream of the turbine and to 22-inch-diameter downstream to accommodate inlet and outlet flow requirements; and (3) a 20-foot by 30-foot switchyard substation. A 250-foot-long 12-kV transmission line would connect the project to an existing Southern California Edison (SCE) line. Project power would be sold to SCE.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3b.

34 a. Type of Application: Preliminary Permit.

b. Project No: 8444–000.

c. Date Filed: July 17, 1984.

d. Applicant: City of Vernon.

e. Name of Project: Bear Butte Hydroelectric.

f. Location: On Big Creek within the Sierra National Forest in Fresno County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Bruce V. Malkenhorst, City Administrator, City of Vernon, 4305 Santa Fe Avenue, Vernon, California 90058.

i. Comment Date: October 25, 1984.

j. Competing Application: Project No. 7795, Date Filed: November 2, 1983.

k. Description of Project: The proposed project would consist of: (1) A 212-foot-high gravity type dam at elevation 8,132 feet, forming; (2) a reservoir with gross storage capacity of 12,000 acre-feet; (3) a 72-inch-diameter, 12,500-foot-long pipeline; (4) a 48 to 60-inch-diameter, 4,000-foot-long penstock; (5) a powerhouse, to be located on the east shore of Huntington Lake, containing a single generating unit with a rated capacity of 20,000 kW, operating under a head of 1,182 feet; and (6) a 4½-mile-long, 33-kV transmission line connecting the project with the Southern California Edison Company's existing Siphon Substation, west of the project.

l. Purpose of Project: The project's estimated annual generation of 61 million kWh will be used by the Applicant to meet the power demands of its customers within the City of Vernon.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C and D2.

Competing Applications

A1. Exemption for Small Hydroelectirc Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydrolectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the

particular application. Applications for preliminary permit will not be accepted in response to this notice.

A2. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric exemption will to be accepted in response to this notice.

A3. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectirc exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interesed person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A4. License or Conduit Exemption—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydorelectric exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption applicaton. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit: Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 CFR 4.33(a) and (d).

A6. Preliminary Permit: No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or where there are proposed major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33(a) and(d).

A7. Preliminary Permit—Except as provided in the following paragraph, any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33(a) and (d).

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33(a) and (d).

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the

requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: September 10, 1984.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–24226 Filed 9–12–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–620–000]

Iowa-Illinois Gas and Electric Co.; Filing

September 10, 1984.

The filing Company submits the following:

Take notice that on August 24, 1984, Iowa-Illinois Gas and Electric Company (Iowa-Illinois) tendered for filing an Interconnection Agreement (Agreement) with Iowa Electric Light and Power Company, Cedar Rapids, (Iowa Electric) dated June 15, 1984, with schedules reflecting facilities and points of connection, metering, facilities furnished one party for the other (to which separate facilities schedules may be appended), and transmission service schedules (to which separate transmission service schedules may be appended.

Iowa-Illinois states the Agreement is proposed effective as of its execution date. Included as addenda to the facilities service schedule are Facilities Schedule Nos. 1 and 2, dated June 15, 1984, each proposed effective as of that date, perpetuating, under current circumstances, certain existing arrangements and facilitating and providing for certain additional facilities at Iowa-Illinois' Hills Substation near Hills, Iowa. Included as an addendum to the transmission service schedule is Transmission Service Schedule No. 1, also dated June 15, 1984, proposed effective the first of the month next following the in-service condition of related additional facilities. Waiver of the Commission's notice and filing requirements has been requested by the parties accordingly.

Iowa-Illinois states that the Agreement and its service schedules do not provide for power and energy transactions, but that the Agreement provides a useful vehicle for the perpetuation of facilities and transmission arrangements as may be mutually agreeable.

Iowa-Illinois states a complete copy of the filing has been mailed to Iowa Electric, the Iowa State Commerce Commission, and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24239 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-627-000]

Iowa Public Service Co.; Filing

September 10, 1984.

The filing Company submits the following:

Take notice that on August 27, 1984, Iowa Public Service Company (Iowa) tendered for filing an executed Limited Term Firm Service Interchange Agreement dated August 3, 1984, whereby Iowa Public Service Company will supply Union Electric with firm electric capacity, commencing July 1, 1984 and ending on September 1, 1984.

Iowa requests an effective date of July 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 24, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24240 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-616-000]

Mid-Continent Area Power Pool; Filing

September 10, 1984.

The filing Company submits the following:

Take notice that on August 23, 1984, Mid-Continent Area Power Pool (MAPP) tendered for filing Amendment No. 17 to the Mid-Continent Area Power Pool Agreement. MAPP states that the Amendment is the result of activities undertaken by the MAPP Joint Service Schedule and Rates Subcommittee, the MAPP Engineering Committee, the MAPP Operating Committee and the MAPP Management Committee.

MAPP proposes an effective date of November 1, 1984.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24241 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-585-00]

Mississippi Power Co.; Amendment to Filing

September 10, 1984.

Take notice that on August 6, 1984, Mississippi Power Company (Mississippi) tendered for filing an amendment to the Interconnection Agreement between Mississippi and South Mississippi Electric Power Association (SMEPA). Mississippi states that the amendment provides for the discontinuance of one of the two existing interconnection points between the facilities of Mississippi and SMEPA. Continued existence and operation of the second point of interconnection is unaffected by this amendment.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24242 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-626-000]

Otter Tail Power Co.; Filing

September 10, 1984.

The filing Company submits the following:

Take notice that on August 27, 1984, Otter Tail Power Company (Otter Tail) tendered for filing Supplement No. 2 to the Agreement between Otter Tail and East River Electric Power Cooperative, Inc., Madison South Dakota (East River).

Otter Tail states that Supplement No. 2 allows for the addition of a communication microwave tower at the Blair Substation and also an additional point of delivery to serve the Dumont Substation.

Otter Tail requests that the amended agreement (Supplement No. 2 to FERC No. 168) be permitted to be effective as soon as possible.

Copies of the filing were served upon East River Electric Power Cooperative, Inc., Traverse Electric Cooperative and the Minnesota Public Utilities Commission, State of Minnesota.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 24, 1984. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24243 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA85-1-62-000 and TA85-1-62-001]

Pacific Offshore Pipeline Co.; Proposed Changes in FERC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision

September 7, 1984.

Take Notice that Pacific Offshore Pipeline Company (Pacific Offshore) on August 31, 1984, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following sheets:

Second Revised Sheet No. 4

Pacific Offshore states that this tariff sheet is issued pursuant to Pacific Offshore's Purchase Gas Cost Adjustment (PGCA) Provision as set forth in Section 14 of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1. The proposed effective date of this tendered tariff sheet and the rates thereon is October 1, 1984.

Pacific Offshore also states that the above-tendered tariff sheet reflects a proposed October 1, 1984 Pacific Offshore Rate Schedule G-1 commodity rate of $2.081 per decatherm, an increase of $.146 per decatherm from the $1.935 per decatherm rate effective April 1, 1984, the date of the revised commodity rate, and that such increase reflects a current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Offshore states that the Current Gas Cost Adjustment is based on an annualized gas cost increase of $343,587 and that the Surcharge Adjustment is designed to recover over a six-month period beginning October 1, 1984 an amount of $2,930.16, which is the amount of Pacific Offshore's Unrecovered Purchased Gas account at June 30, 1984. Due to the absence of actual historical data, Pacific Offshore has requested a waiver of the terms and conditions of its FERC Gas Tariff and request authority to use estimates of annualized volumes and by-product revenues for this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before September 14, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24244 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-622-000]

Pacific Power & Light Co.; Filing

September 10, 1984.

The filing Company submits the following:

Take notice that on August 27, 1984, PacifiCorp, doing business as Pacific Power & Light Company (Pacific) tendered for filing Pacific's Revised Appendix 1 for the state of Washington. The Revised Appendix 1 calculates for the average system cost for the state of Washington applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific requests an effective date of February 22, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Bonneville, the Washington Utilities and Transportation Commission, and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 24, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24245 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2126-000]

Roland F. Hoch; Application

September 10, 1984.

Take notice that on August 30, 1984, Roland F. Hoch filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President and General Counsel, Tucson Electric Power Company

(1) Senior Vice President, General Counsel and Secretary, Alamito Company

(2) Member of the Board of Directors, Alamito Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 27, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24251 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-618-000]

Portland General Electric Co.; Filing

September 10, 1984.

The filing Company submits the following:

Take notice that on August 24, 1984, Portland General Electric Company (PGE) tendered for filing its revised Average System Cost (ASC) which reflects PGE's base rate change effective with meter readings on and after April 1, 1984. The filing includes a revised Appendix 1, Exhibit C, to the Residential Purchase and Sale Agreement along with the authorization for this rate

change from the Public Utility Commissioner of Oregon.

PGE states that the filing shows PGE's base ASC as determined by the Bonneville Power Administration to be 39.02 mills/kWh.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24250 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL84-35-000]

Public Service Company of New Mexico; Petition for Declaratory Order

September 10, 1984.

Take notice that on August 10, 1984, the Public Service Company of New Mexico (PNM) submitted for filing its petition for a declaratory order pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure.

PNM requests that this Commission issue a declaratory order to decide whether its proposed method for refunding to its wholesale customers monies received as a result of a settlement of an antitrust lawsuit is in the public interest and should be approved.

PNM proposes that the total net proceeds of the settlement fund, including interest income, be refunded to electric customers in the form of monthly billing credits based on future usage, at a rate of 3.5 mills per kWh until the settlement funds, plus interest, shall have been paid.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 28, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24248 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-621-000]

Public Service Company of New Mexico; Filing

September 10, 1984.

The filing Company submits the following:

Take notice that on August 24, 1984, Public Service Company of New Mexico (PNM) tendered for filing Service Schedule D (Block Energy Sale) to the Interconnection Agreement (Rate Schedule FERC No. 37) between PNM and Nevada Power Company (NPC).

PNM states that the service to be provided to NPC under Service Schedule D is for the sale of approximately 15,180 megawatt hours of interruptible block energy at a rate of delivery of 33 megawatts per hour. The proposed service commenced on July 21, 1984, and terminates at midnight on September 15, 1984. The rates are specifically negotiated rates based upon peak hour deliveries only, and taking into consideration present competitive market factors.

PNM requests an effective date of July 21, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 21, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24249 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-502-013]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Producer-Suppliers of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Petition To Amend

September 10, 1984.

Take notice that on September 4, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, on its own behalf and on behalf of producer-suppliers currently selling gas to Petitioner filed in Docket No. CP83-502-013 a petition to amend the order issued December 20, 1983, in Docket No. CP83-502-000 pursuant to section 7(b) and 7(c) of the Natural Gas Act so as to extend to December 31, 1985, the term of the certificate and abandonment authorizations and to modify the terms and conditions of the extended authorizations, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on September 8, 1983, Petitioner filed an application pursuant to section 7(b) and 7(c) of the Natural Gas Act on its own behalf and on behalf of its producer-suppliers and third-party transporters for certificate and abandonment authorizations necessary to implement its Temporary Special Marketing Program (TEMPRO) under which Petitioner acts as agent to arrange short-term spot market purchases and sales of natural gas supplies which are released from Petitioner's system supply in exchange for the producer's agreement to grant Petitioner take-or-pay relief. It is said further that Petitioner and other interstate, intrastate and Hinshaw pipelines provide the necessary transportation services.

Petitioner states that pursuant to orders issued December 20, 1983, March 23, 1984, July 3, 1984, and August 21, 1984, it is now ready to commence implementation of the program effective September 1, 1984, and that the authorization issued by the Commission expires on October 31, 1984. Petitioner states further that absent the extension requested herein, Petitioner would have only two months in which to operate under the program.

It is asserted that there are substantial benefits to be gained from the implementation of special marketing programs by interstate pipelines and producers. Petitioner contends that these substantial benefits include (1) lower cost gas supplies to consumers, (2) increased sales by producers, and (3) take-or-pay relief for interstate pipelines and their customers. It is said that two months is an insufficient period of time in which to realize the benefits of a special marketing program. It is said further that under its current authorization, Petitioner would have insufficient time to "gear up" TEMPRO to the point at which it could begin to realize substantial benefits from the implementation of the program. Petitioner, therefore, requests that the TEMPRO authorization be extended to December 31, 1985, so that Petitioner, its customers and its producers may realize the benefits which are available from special marketing programs.

Petitioner states that although extension of the TEMPRO program as currently authorized would serve the public interest, Petitioner requests that the Commission modify the TEMPRO authorization as follows.

A. *Reporting Requirements*—Petitioner asserts that as with other companies implementing special marketing programs, actual data for the preceding month's transactions under TEMPRO would not be available to Petitioner by the 15th day of the following month. Petitioner, therefore, requests that its program receive the same treatment as other special marketing programs and that its authorization be amended to permit the filing of estimated data by the 15th day of the month for the preceding month's activities and actual data by the 15th day of the month following the month in which the estimated data are filed. Absent this modification, it is said, Petitioner may not be able to comply with the reporting requirements of its authorization.

Petitioner believes that the reporting requirements for TEMPRO should be no more onerous than the reporting requirements applicable to other special marketing programs and that it would not impair the Commission's ability to monitor TEMPRO transactions. Petitioner accordingly requests that the TEMPRO reporting requirements be amended.

B. *Transportation Rate*—It is said that the TEMPRO order require Petitioner to charge its Rate Schedule IT or ITEU rates, which are fully allocated-cost rates, for TEMPRO transportation services. It is said further that these rates (including Gas Research Institute (GRI) surcharges) range from 8.27¢ to 65.66¢ per Mcf as follows:

Miles	Cents
0 to 150	8.27
151 to 450	18.39
451 to 750	31.90
751 to 1,050	45.40
1,051 to 1,350	58.91
Over to 1,350	65.66

Petitioner states that when fuel charges are added to these rates, TEMPRO customers could be required to pay in excess of 90¢ per Mcf for transportation of TEMPRO gas. Petitioner states further that these transportation add-one would require such a low wellhead price to the producers in order for the gas to be marketable that it jeopardizes the success of the program.

In the interests of promoting the success of the program, Petitioner requests that the Commission reconsider its decision to require Petitioner to charge a fully-allocated cost transportation rate under TEMPRO. Petitioner requests that its TEMPRO authorization be amended to permit Petitioner to charge its originally proposed TEMPRO transportation rate of 25¢ per Mcf plus fuel and GRI surcharges. Petitioner believes that this 25¢ rate is vital to the success of the TEMPRO program.

It is said that TEMPRO transactions would reduce Petitioner's take-or-pay exposure and would result in lower costs to all of Petitioner's customers by virtue of transportation revenue credits to Account No. 191. It is said further that in addition, some customers may receive more benefits from TEMPRO than others, but all customers would benefit from the program through take-or-pay relief and transportation revenue credits. Petitioner states further that its purchased gas costs can only go down as a result of TEMPRO because the weighted average cost of the gas released for sale under TEMPRO must be greater than Petitioner's weighted average cost of gas. Petitioner contends that it would thus be unduly discriminatory to deny Petitioner the opportunity to use a discounted transportation rate to achieve the same benefits for which others have been permitted to use discounted rates.

It is stated that the Commission has insisted on fully-allocated cost transportation rates under TEMPRO in order "to prevent any possible subsidization of TEMPRO transportation services by noneligible customers who would not utilize and who under no circumstances should be required to subsidize such services." However, Petitioner does not believe that the proposed 25¢ rate would result in subsidization of TEMPRO transportation services by non-eligible customers. Petitioner states that, as previously noted, there would be significant cost benefits to the entire system as a result of the TEMPRO transaction which would not be realized if the transportation rates were set unrealistically high.

Petitioner states that the IT transportation rates are too high to ensure the success of the program. Petitioner, it is said, has lost a substantial share of its historical markets to competing pipelines in the Chicago market area and would like to regain a portion of those markets through TEMPRO transactions. It is said that in order to transport TEMPRO gas produced in the Gulf Coast area to Chicago, Petitioner would be required to charge an IT transportation rate of 45.40¢ per Mcf. It is said further that this compares with Petitioner's current commodity charge of 19¢ to Midwestern Gas Transmission Company (Midwestern) for resales in the Chicago area. Petitioner states that any marginal market served directly or indirectly by Midwestern that is not currently purchasing gas from Midwestern is not likely to purchase TEMPRO gas at an even higher total cost. TEMPRO, it is said, has little chance of success in regaining the markets Petitioner has lost in the Chicago area.

For these reasons, Petitioner urges the Commission to depart from its decision to require fully-allocated cost transportation rates under TEMPRO. To ensure the success of TEMPRO, Petitioner renews its request that the Commission permit it to charge a transportation rate of 25¢ per Mcf plus fuel and GRI surcharges.

C. *Undedicated Gas Reserves*—It is said that ordering Paragraph (I) of the December 20, 1983, order prohibits the sale of gas under TEMPRO from reserves not contractually committed to Petitioner on or before December 20, 1983. This prohibition, it is said, is designed to ensure that Petitioner and its customers would receive some take-or-pay relief from each TEMPRO transaction. However, Petitioner believes that both its producers and its customers would benefit from the inclusion in TEMPRO of gas from reserves that are contractually committed to Petitioner after December 20, 1983. It is said that in this way, Petitioner would be able to negotiate for dedications of gas reserves now, but delay takes until a future date by attempting to market through TEMPRO any deliverability that becomes

available from the reserves between now and the future date when Petitioner commences takes. TEMPRO, it is said, would be used in conjunction with any other available short-term markets for the gas, so that the producer would not be harmed by its agreement to dedicate the reserves to Petitioner now with no obligation for immediate takes by Petitioner. It is further said that due to the substantial benefits of being able to obtain present commitments of reserves with no present obligation to take available deliverability, Petitioner requests that Ordering Paragraph (I) of the December 20, 1983, order be deleted so that TEMPRO may become a tool for short-term marketing of newly dedicated reserves.

D. *Transportation Imbalances*—It is alleged that imbalances can arise under the TEMPRO transportation agreements because the volumes the producer delivers into the transporter's system on any give day for delivery to the TEMPRO purchaser may be either greater or less than the volumes the TEMPRO purchaser requests the transporter to redeliver for the purchaser's account on that day. It is alleged further that there is thus the possibility of the program's expiring before the transporter has redelivered to the purchaser all gas delivered into its system by the producer for the account of the TEMPRO purchaser or has received from the producer all gas which the transporter has redelivered upon request to the TEMPRO purchaser.

Petitioner states that, to avoid a situation in which the transporter is left with no authorization to redeliver to the purchaser the TEMPRO gas which has been delivered into its system by the producer, Petitioner requests the Commission amend the TEMPRO authorization to extend for a period of 180 days after the expiration of the authorized term solely for the purpose of eliminating any outstanding imbalances in deliveries. It is said that a period of 180 days is necessary because approximately 90 days would be required to obtain actual data from which to determine the amount of imbalance in deliveries and an additional 90 days of operations will be required to clear the imbalance. It is further said that this extension for elimination of imbalances is necessary whether or not the Commission extends the primary term of TEMPRO to December 31, 1985.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Sept. 24, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with teh Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24252 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL84-36-000]

Texas-New Mexico Power Company v. Public Service Company of New Mexico; Complaint, Petition for Order and Request to Institute Expedited Proceeding and to Consolidate

September 10, 1984.

Take notice that on August 16, 1984, Texas-New Mexico Power Company (TNP) submitted for filing its complaint, petition for an order and request to institute an expedited proceeding and to consolidate proceedings.

TNP requests that this Commission issue an order requiring Public Service Company of New Mexico to file a plan that would refund immediately monies received from the past four settlements and would propose a refund for monies yet to be received from these settlements.

TNP further requests that this Commission enter upon an expedited hearing to determine the appropriate basis for calculating all refund monies and method of payment to TNP as well as consolidate these proceedings with Docket Nos. EL84-32-000 and EL84-35-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 10, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24253 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2125-000]

Theodore W. Welp; Application

September 10, 1984.

Take notice that on August 30, 1984, Theodore W. Welp filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

(1) President, Chief, Executive Officer, Tucson Electric Power Company.

(2) Member of Board of Directors, Tucson Electric Power Company.

(1) Chairman, Chief Executive Officer, Alamito Company.

(2) Member of Board of Directors, Alamito Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 27, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24254 Filed 9-12-84; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Floodplain/Wetlands Involvement Determination for the Archer-Stegall 115-KV Transmission Line in Laramie and Goshen Counties, Wyoming, and Scotts Bluff County, NE

AGENCY: Western Area Power Administration, DOE.

ACTION: Floodplain/wetlands involvement and opportunity for comment.

SUMMARY: Western Area Power Administration (Western) proposes to

remove the existing 87-mile-long Archer-Gering 115-kV transmission line and construct a new 70-mile-long 115-KV line from Archer Substation to Stegall Substation. The 70 miles of line would include new construction on 55 miles of the Archer-Gering right-of-way and paralleling an existing line from Archer to Stegall for 15 miles. Existing H-frame wood structures would be replaced. The existing conductor would be replaced with a larger conductor.

This action is proposed because the existing line has reached the end of its useful life due to its deteriorated condition. The line cannot be safely maintained in a reliable manner. Replacing the existing line will reduce the number of outages caused by structure failure and eliminate hazards to maintenance crews and the general public. Annual maintenance costs will be reduced. Replacement of the conductor will increase capacity to transmit power to future loads and reduce power losses.

Pursuant to the Department of Energy's "Compliance with Floodplain-Wetlands Environmental Review Requirements" (10 CFR Part 1022), Western has determined that this project would involve activities within a floodplain/wetland area. Western will prepare a floodplain assessment as part of its environmental assessment.

The line crosses the following floodplains in Laramie County, Wyoming: Ninemile Draw and Lodgepole Creek (T 15 N., R. 65 W.), an unnamed draw and Antelope Draw (T 16 N., R. 65 W.), Chivington Draw (T 16 N., R. 64 W.), an unnamed draw, Bull Springs Creek (T. 17 No, R. 63 W.), and Bull Springs Creek (T 17 N., R. 62 W.). In Goshen County, Wyoming, the following floodplains would be involved: Fourmile Draw and Horse Creek (T 19 N., R. 61 W.). Lodgepole Creek, Antelope Draw, and Fourmile Draw also have riparian vegetation associated with them.

Activities in the floodplain/wetlands areas include the possible placement of transmission line structures and vehicular traffic during construction.

Maps and further information are available from Western at the addresses provided below. Public comments or suggestions on Western's project activities in the floodplain/wetlands areas are invited.

DATE: Comments are due 15 business days from the date of publication of this notice in the **Federal Register.**

Comments: Send written comments or suggestions to: William Melander, Environmental Specialist, Loveland-Fort Collins Area Office, Western area Power Administration, Department of Energy, P.O. Box 3700, Loveland, CO 80539 (303) 224-7231 or FTS 330-7231.

FOR FURTHER INFORMATION CONTACT: Gary W. Frey, Director of Environmental Affairs, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401, (303) 231-1527 or FTS 327-1527.

Issued at Golden, Colorado, August 31, 1984

Robert L. McPhail,

Administrator.

[FR Doc. 84-24178 Filed 9-12-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51530 FRL-2645-5]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 84-20422 beginning on page 31136 in the issue of Friday, August 3, 1984, make the following correction in the middle column on page 31137:

1. Under the heading **PMN 84-988**, in the second line of the second paragraph, ">" should read "-".

2. Under the heading **PMN 84-990**, in the fifth line of the second paragraph, "(5-1)" should read (5-)".

3. Under the heading **PMN 84-991**, the first word in the first paragraph reading "*Importer*" should read "*Manufacturer*".

BILLING CODE 1505-01-M

[FRL-2669-7]

Establishment of the Pesticide Emergency Exemption Negotiated Rulemaking Committee

As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), we are giving notice of the establishment of an Advisory Committee To Negotiate Pesticide Emergency Exemptions. We have determined that this is in the public interest, and will assist the Agency in performing its duties under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Copies of the Committee charter will be filed with appropriate committees of the Congress and the Library of Congress.

The Committee's initial meeting will be held on September 28, 1984 in the offices of the National Institute for Dispute Resolution, Suite 600, 1901 "L" Street NW., Washington, D.C. The meeting will start at 9:00 a.m. and is scheduled to end no later than 3:30 p.m. If interested in attending or receiving more information, please contact Chris Kirtz at (202) 382-7565.

Dated: September 8, 1984.

Milton Russell,

Assistant Administrator for Policy, Planning and Evaluation.

[FR Doc. 84-24195 Filed 9-12-84; 8:45 am]

BILLING CODE 6560-50-M

[FRL-2669-2]

Protest Appeals of Grantee Procurement Actions Under Grants for Construction of Publicly Owned Treatment Works; Subject Index List of Regional Administrator Protest Appeal Determinations Issued During 1981 and 1982

This notice publishes the subject index list of bid protest appeal decisions issued by EPA Regional Administrators during 1981 and 1982. These determinations were made pursuant to the EPA protest procedures set forth at 40 CFR 35.939.

This is the fifth EPA subject index and lists only the decisions for the two years stated. The first index, listing Regional Administrator protest appeal determinations issued during the period 1974 through 1977, was published at 43 FR 29086-29095 (July 5, 1978). This was supplemented by the index of 1978 determinations published at 44 FR 25812-25818 (May 2, 1979), the index of 1979 determinations published at 45 FR 58770-58774 (September 4, 1980), and the index of 1980 determinations published at 46 FR 30476-30480 (June 8, 1981).

There were 107 appeal determinations issued in 1981 and 72 issued in 1982. The determinations are cited informally with the names of the assistance recipients and protestors shortened and abbreviated for administrative convenience. Each entry begins by identifying the year the appeal was decided and the sequential determination number for that year. This number is not part of the preferred citation which should state the following: Grantee, State, [EPA Region ——, date of determination] [Protest of ————].

Copies of specific protest appeal determinations may be examined at or obtained from the EPA Offices of Regional Counsel or from the EPA headquarters office identified below.

Interested parties are invited to submit comments concerning recommended improvements or corrections to the subject index list to Allan E. Brown, Assistant General Counsel, Grants (LE-132-G), Office of General Counsel, United States

Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: J. Kent Holland Jr., Esquire; Grants, Contracts, and General Law Division (LE–132–G), Office of General Counsel, United States Environmental Protection Agency, Washington, D.C. 20460; (202) 382–5313.

Dated: August 31, 1984.

A. James Barnes,

General Counsel (LE–130).

Ambiguity

81:03 Pierce County, WA (X, 1–14–81) (Frank Coluccio Const.) (MBE requirements).

81:20 Tupelo, MS (IV, 4–7–81) (Jesco, Inc.) (equipment listing requirement).

81:22 Corvallis, OR (X, 4–10–81) (Environmental Pollution Control, Inc.) (reject all bids and readvertise).

81:30 Portage, IN (V, 4–28–81) (Associated Mechanical Services) (MBE requirements).

81:50 Kalida, OH (V, 7–2–81) (Sherburn Co.) (alternate pipe materials not prejudicial).

81:51 Lynchberg, OH (V, 7–21–81) (Dow Construction Corp.) (bid clarified after opening).

81:73 Valparaiso, IN (V, 8–28–81) (H. DeWulf Mechanical Contractor) (MBE requirements).

81:76 Chicago MSD, IL (V, 10–27–81) (S.A. Healy) (MBE requirements).

81:82 Batesville, IN (V, 10–7–81) (Bowen Engineering) (MBE requirements).

81:90 Chicago MSD, IL (V, 10–27–81) (S.A. Healy, *et al.*) (MBE requirements) (reconsideration see 81:76).

81:97 Elmhurst, IL (V, 11–12–81) (Miller-Davis) (MBE requirements).

82:15 Philadelphia, PA (III, 3–16–82) (Williard, Inc.) (prejudice to bidders justifies rejection of all bids).

A/E Procurement

81:17 McHenry County, IL (V, 3–16–81) (Pio Lombardo & Assoc.) (evaluation criteria).

81:39 Guam PUA (IX, 5–29–81) (John Carollo Engineers—George Chen & Sons) (failure to list evaluation criteria and procedures).

Award—Prime Contract

81:63 Honolulu, HI (IX, 8–12–81) (Nichols Engineering & Research) (equipment procurement by subcontract instead of separate direct prime contracts).

82:14 Atlanta, GA (IV, 3–15–82) (Ruby-Collins and John D. Stephens) (no award to reconstituted joint venture with sub-entities different from bidder).

Bid Evaluation

81:31 Gildford County, MI (VIII, 4–28–81) (Baltrusch Const.) (separate bid schedules erroneously combined to determine low bidder).

82:66 Smyrna, TN (IV, 11–29–82) (Charles Finch Co. and Waterman Industries) (bid rejection must be based on performance not just physical differences).

82:67 Cullman, AL (IV, 11–30–82) (Cal Corp.; Encore Corp.; and Drew and Assoc.) ("performance" refers to minimum needs, not best facilities but adequate ones).

Bid Shopping

81:20 Tupelo, MS (IV, 4–7–81) (Jesco, Inc.) (ambiguous equipment listing requirement).

82:02 Rush-Ryan Sewer Authority, PA (III, 1–22–82) (R&M Assoc.) (listing prequalified subcontractors was not to prevent bid shopping) (reversed 81:83).

82:16 Ottawa County, OH (V, 3–16–82) (Munitech) (substantial deviation).

82:21 Fallbrook Sanitary District, CA (IX, 4–6–82) (Metro-Young/Lopez Const., A Joint Venture) (controlling state statute).

82:23 Passaic Valley, NJ (II, 4–20–82) (Rochester Pump and Machine, Inc.) (not limited by EPA).

Bids

Alternate

82:59 Rochester Pure Waters District, NY (II, 11–3–82) (Schiavone Const./Cotton Dean Underground Excavation Co., Joint Venture) (award to low bidder on highest cost alternate).

Extension of Bids

81:32 Black Diamond, WA (X, 4–21–81) (Bowen Const.) (bidder intent to hold bid open although not formally extended).

Qualified

81:22 Corvallis, OR (X, 4–10–81) (Environmental Pollution Control, Inc.) (bid reserved right to substitute equipment).

Unbalanced

81:53 Timmonsville, SC (IV, 7–17–81) (Quality Sanitary Services) (not automatically nonresponsive—depends whether award will result in lowest cost).

Bidders

82:14 Atlanta, GA (IV, 3–15–82) (Ruby-Collins and John D. Stephens) (no award to reconstituted joint venture with sub-entities different from bidder).

Bonds

81:49 Los Angeles County, CA (IX, 7–1–81) (Dresser Industries) (performance bond demonstrates responsibility).

81:56 New Castle, IN (V, 7–22–81) (Ralph Reed and Sons) (single vs. incremental performance bonds).

81:87 Cridersville, OH (V, 10–16–81) (Miami Valley Contractors) (no appeal bond required to protest).

82:02 Rush-Ryan Sewer Authority, PA (III, 1–22–82) (R&M Assoc.) (submission of bond in lieu of experience) (reversed 81:83).

82:15 Philadelphia, PA (III, 3–16–82) (Willard, Inc.) (two bonds if bid on separate contracts, one if bid covers both) (performance bond guaranteeing lowest energy costs).

82:43 Brockton, MA (I, 8–16–82) (Tenco Hydro) (experience bond must be accepted in lieu of specified experience) (bond language generally unacceptable to sureties unduly restricts competition).

82:57 Cape May County MUA, NJ (II, 11–1–82) (American Bioreactor Corp. and Fairfield Service Co.) (bond not acceptable alternative in lieu of construction meeting specifications).

82:63 Elk Pinch, WV (III, 11–18–82) (Kappe Assoc.) (nondiscriminatory performance bond requirement, standing of subcontractor).

Burden of Proof

81:22 Corvallis, OR (X, 4–10–81) (Environmental Pollution Control, Inc.) (shifting burden when grantee awards to apparent nonresponsive bidder).

81:24 El Dorado Irrigation District, CA (IX, 4–13–81) (Lotus Const.) (protestor's, where award to apparent low bidder).

81:33 Lynchburg, OH (V, 4–30–81) (Dow Const.) (failure to rebut sworn statements).

81:45 Pasadena, TX (VI, 8–17–82) (Parkson) (shifting throughout restrictive specification protest).

81:69 Houma, LA (VI, 8–19–81) (Hydromatic Pump) (shifting).

81:80 Sacramento County, CA (IX, 10–2–81) (Westates Carbon Co.) (sole source procurement—shifting burden).

81:85 Sacramento, CA (IX, 10–14–81) (Dredge Masters International) (grantee's, for determining apparent low bid nonresponsive).

81:106 Gower, MO (VII, 12–29–81) (Empire Generator) (protestant must show restrictive specification excluded it).

82:20 Baltimore, MD (III, 4–1–82) (J. Vinton Schafer & Sons) (grantee's, if rejects apparent low bidder).

82:27 Eveleth, MN (V, 5–3–82) (Gridor Const.) (protestor's, if award to apparent low bidder).

82:37 Cullman, AL (IV, 7–6–82) (Cal Corp.; Encore Corp.; and Drew and Assoc.) (grantee's, if award not to low bidder).

82:41 Abilene, TX (VI, 7–27–82) (R&S Engineering) (shifting on restrictive specifications).

82:43 Brockton, MA (I, 8–16–82) (Tenco Hydro) (grantee must show minimum performance needs) (grantee must prove untimely appeal).

82:45 Pasadena, TX (VI, 8–17–82) (Parkson) (protestor must show product excluded).

82:49 Dumas, AR (VI, 9–7–82) (Hinde Engineering) (shifting throughout restrictive specification protest).

82:61 El Dorado, KS (VII, 11–16–82) (Oursler Brothers Const.) (grantee must show rational basis for exclusionary design requirements).

82:66 Smyrna, TN (IV, 11–29–82) (Charles Finch Co. and Waterman Industries) (grantee's, where protestor proves restrictive specification).

Buy American

81:49 Los Angeles County, CA (IX, 7–1–81) (Dresser Industries) (preference depending upon delivered price).

81:58 Ashland, KY (IV, 7–27–81) (Fairbanks Morse Pump) (domestic preference) (reversed by reconsideration 81:79).

81:79 Ashland, KY (IV, 10–1–81) (Fairbanks Morse Pump) (domestic preference mandatory).

82:23 Passaic Valley, NJ (II, 4–20–82) (Rochester Pump and Machine) (price comparison by informal negotiation after bid opening).

82:38 Fulton, NY (II, 7–16–82) (LOC Pump and Equipment) (refers to place of manufacture not to design features).

Choice of Law

State Law

81:09 Wilmington, DE (III, 2–12–81) (Ashbrook-Simon-Hartley) (grantee may make price cap matter of responsiveness).

81:67 Wanaque Sewerage Authority, NJ (II, 8–18–81) (A. Cestone Co.) (correcting bid and displacing low bidder).

81:78 Lake County, CA (IX, 9–24–81) (Rickel Manufacturing Corp.) (grantee's attorney's opinion interpreting state law supports award).

82:21 Fallbrook Sanitary District, CA (IX, 4–6–82) (Metro-Young/Lopez Const., A Joint Venture) (grantee's interpretation).

82:22 Goldendale, WA (X, 4–16–82) (IMCO General Const.) (state law requiring bid rejection where irregularity).

82:69 Globe, AZ (IX, 12–8–82) (Mercury Const., Inc.) (protest proceedings governed by local law).

Competition

A. General

81:92 Hallandale, FL (IV, 11–3–81) (Municipal & Industrial Pipe Services, Interstate Pipe Maintenance; and Polymer Chemical Corp.) (sufficient competition on single material distributed by independent sources).

B. Free and open

81:02 Little Blue Valley, MO (VII, 1–8–81) (Eby Const.) (award to low responsive responsible bidder).

81:17 McHenry County, IL (V, 3–16–81) (Pio Lombardo & Assoc.) (local preference impermissible A/E evaluation criterion).

81:19 Phoenix, AZ (IX, 3–27–81) (TGK Const. and M.M. Sundt Const.) (no unfair advantage from supplier substitution).

81:43 Honolulu, HI (IX, 6–11–81) (Hawaii Concrete Products) (disguised sole source).

81:80 Sacramento County, CA (IX, 10–2–81) (Westates Carbon Co.) (unduly restrictive experience requirement).

82:17 Lummi Indian, WA (X, 3–26–82) (Walker Processing Corp.) (approval of only one supplier not proof of violation).

C. De Facto ,

82:34 Monterey, CA (IX, 6–24–82) (Frank M. Booth, Inc.) (competition where one manufacturer exists but others can meet specifications).

Conflict of Interest

81:01 N.Y. State DEC, NY (II, 1–7–81) (Sweda Enterprises) (firms representing other clients, not protestable).

Descriptive Literature Requirement (Test Data, etc.)

81:47 Jasonville, IN (V, 6–30–81) (Hinde Engineering) (incorrect information submitted late).

82:12 Channelview, TX (VI, 3–8–82) (Euramca Ecosystems) (must allow 30 days for submitting data).

E.E.O.

81:59 Metropolitan Wastewater Management Commission, OR (X, 4–29–81) (Hyland Brothers Const. and Assoc.) (responsibility, not responsiveness).

81:95 Fowlerville, MI (V, 11–9–81) (Normco Const.) (responsiveness, not responsibility).

81:101 Chicago MSD, IL (V, 12–16–81) (Walsh Const.) (responsibility, not responsiveness).

82:04 Westport, SD (VIII, 2–3–82) (H.F. Jacobs and Sons) (responsibility, not responsiveness).

Engineering Judgment

81:08 Morgantown,WV (III, 2–1–81) (Clow Co.) (sole sourcing must be based on minimum needs).

81:58 Ashland, KY (IV, 7–27–81) (Fairbanks Morse Pump) (spectulative maintenance problems).

81:61 Southington, CT (I, 8–7–81) (Chemcon) (pump design).

81:69 Houma, LA (VI, 8–18–81) (Hydromatic Pump) (conclusory representations).

81:74 Tifton, GA (IV, 9–1–81) (Municipal & Industrial Pipe Services) (deference to engineer's judgment).

81:83 Rush-Ryan Sewer Authority, PA (III, 10–13–81) (R&M Assoc.) (ability to develop test data).

81:86 Huntsville, AL (IV, 10–15–81) (Municipal & Industrial Pipe Services, and Astor Bolden Enterprises) (selection of single material grout).

81:89 Harford County, MD (III, 10–19–81) (Schuylkill Products) (exclusion of a specific manufacturing process).

81:92 Hallandale, FL (IV, 11–3–81) (Municipal & Industrial Pipe Services; Interstate Pipe Maintenance; and Polymer Chemical Corp.) (use of single material grout).

81:100 Harriman, TN (IV, 12–9–81) (Municipal & Industrial Pipe Services) (best able to restore technical matters and evaluate specific project requirements).

82:02 Rush-Ryan Sewer Authority, PA (III, 1–22–82) (R&M Assoc.) (bond submittal in lieu of experience).

82:06 Tangier, VA (III, 2–11–82) (Ultraviolet Purification Systems) (excess capacity requirement is rational where design is experimental).

82:07 Chattanooga, TN (IV, 2–18–82) (Spencer Turbine Co.) (cast iron to insure reliability and performance).

82:10 Sauget, IL (V, 2–19–82) (GHA Lock Co.) (deference to technical judgment of grantee).

82:18 Miami-Dade Water & Sewer Authority, FL (IV, 3–31–81) (Worthington Group) (requiring heavy duty pump).

82:44 Memphis, TN (IV, 8–16–82) (B.F. Goodrich Co.) (exclusion of plastic media bio filter not rational).

82:45 Dumas, AR (VI, 9–7–82) (Hinde Engineering) (deference to engineer is not absolute).

82:57 Cape May MUA, NJ (II, 11–1–82) (American Bioreactor Co. and Fairfield Service) (baic project design).

82:61 El Dorado, KS (VII, 11–16–82) (Oursler Brothers Const.) (must be rationally based).

82:67 Cullman,AL (IV, 11–30–82) (Cal Corp.; Encore Corp.; and Drew and Assoc.) (deference to engineer's action not absolute).

Evaluation of Bids

81:02 Little Blue Valley, MO (VII, 1–8–81) (Eby Const.) (evaluation factors not in IFB).

81:17 McHenry County Board, IL (V, 3–16–81) (Pio Lombardo & Assoc.) (A/E evaluation to be based on performance criteria not local preference).

81:39 Guam PUA (IX, 5–29–81) (John Carollo Engineers—George Chen & Sons) (failure to list evaluation criteria and procedures).

81:62 Cobb County, GA (IV, 8–11–81) (American Bioreactor Corp./BAV) (single base method of evaluation prohibited).

82:47 Bedford Heights, OH (V, 8–20–82) (Suburban Power Piping, *et al.*) (subcontractor listing errors not basis for rejection unless IFB clear).

82:59 Rochester Pure Water District, NY (II, 11–3–82) (Schiavone Const./ Cotton Dean Underground Excavation Co., Joint Venture) (award to low bidder on highest cost alternate).

Experience Requirements

81:77 Carrboro, NC (IV, 9–23–81) (Clevepak Corp.) (award to newly formed corporation—experience requirements discouraged).

81:80 Sacramento County,CA (IX, 10–2–81) (Westates Carbon Co.) (unduly restrictive).

81:83 Rush-Ryan Sewer Authority, PA (III, 10–13–81) (R&M Assoc.) (test results or installation listing).

82:02 Rush-Ryan Sewer Authority, PA (III, 1–22–82) (R&M Assoc.) (bond submittal in lieu of experience) (reconsideration).

82:83 Brockton, MA (I, 8–16–82) (Tenco Hydro) (may be justified during protest—must permit bond in lieu).

Formal Advertising

81:38 Indianapolis, IN (V, 5–27–81) (American Digital Systems) (may be used to procure SSES contractor).

82:08 Santa Fe, NM, (VI, 2–18–82) (Mesa Grande) (verbal IFB amendment).

82:63 Elk Pinch PSD, WV (III, 1–18–82) (Kappe Assoc., Inc.) (communicate addenda in time for bid preparation).

82:68 Atwood, OH (V, 12–1–82) (Munitech) (bidders on equal footing).

Grantee Responsibility

81:33 Lynchburg, OH (V, 4–30–81) (Dow Const.) (state/local legal determination).

81:46 San Francisco, CA (IX, 3–27–81) (Alliance of Minority Contractors and Suppliers) (contract administration to maximize MBE).

81:68 Warren County MUA, NJ (II, 8–19–81) (Schuylkill Products) (evaluation of other materials where two materials specified).

82:12 Channelview, TX (VI, 3–8–82) (Euramca Ecosystems) (when prequalifying equipment, must allow 30 days for submitting data).

82:22 Goldendale, WAS (X, 4–16–82) (IMCO General Const.) (give parties notice of protest procedure and opportunity to express views).

8:41 Abilene, TX (VI, 7–27–82) (R&M Engineering) (allow contractor rebuttal before finding nonresponsible for prior inadequate performance).

82:45 Pasadena, TX (VI, 8–17–82) (Parkson) (pre-rejection notice of reasons for rejection not necessary).

82:49 Dumas, AR (VI, 9–7–82) (Hinde Engineering) (rebuttal opportunity).

82:70 Metropolitan Wastewater Management Commission, OR (X, 12–22–82) (Robert Dougan Const.) (rejection of all bids if specifications unduly restrictive).

Harmless Error

81:87 Cridersville, OH (V, 10–16–81) (Miami Valley Contractors) (omission of MBE guidance from IFB).

81:90 Chicago MSD, IL (V, 10–27–81) (S.A. Healy, *et al.*) (reconsideration of 81:76) (ambiguous MBE requirements).

82:45 Pasadena, TX (VI, 8–17–82) (Parkson) (actual notice of reason for rejection not given).

Jurisdiction

81:01 N.Y. State DEC, NY (II, 1–7–81) (Sweda Enterprises) (firms representing other clients not protestable).

81:05 Puerto Rico Aqueduct and Sewer Authority, PR (II, 1–29–81) (Redondo Const.) (bid withdrawn because of mistake not subject to EPA review).

81:08 Morgantown, WV (III, 2–1–81) (Clow Co.) (prior EPA approval does not bar review)

81:26 Loganville, GA (IV, 4–14–81) (Miller, Stevenson & Steininchen) (contract termination dispute).

81:41 Grand Haven, MI (V, 6–5–81) (Equipment & Gravel) (procurement of services beyond grant scope).

81:49 Los Angeles County, CA (IX, 7–1–81) (Dresser Industries) (competitor subcontractor's compliance with equipment specifications not protestable)

81:59 Metropolitan Wastewater Management Commission, OR (X, 7–30–81) (Hyland Brothers Const. and Assoc.) (whether competing bidder will meet MBE goal not protestable).

81:64 Loganville, GA (IV, 8–14–81) (Flygt Corp.) (personal financial loss not matter of contract award propriety).

81:66 Ewing-Lawrence Sewerage Authority, NJ (II, 8–18–81) (Standard Engineers and Const.) (equitable adjustment claim not protestable).

81:84 Russian River County Sanitation District, CA (IX, 10–14–81) (Dan Caputo & Wagner Const.) (withholding payment not protestable).

81:91 Western Monmouth Utilities Authority, NJ (II, 10–29–81) (Parcoa) (failure to pay contractor not protestable).

81:98 Atlanta, GA (IV, 11–13–81) (Fisher & Porter Co.) (contract performance and administration are post-award matters not protestable).

81:101 Ewing Lawrence Sewerage Authority, NJ (II, 12–14–81) (Neshaminy Const.) (substitution of subcontractor not protestable).

82:02 Rysh-Ryan Sewer Authority, PA (III, 1–22–82) (R & M Assoc.) (state approval of similar facilities not protestable).

82:07 Chattanooga, TN (IV, 2–18–82) (Spencer Turbine Co.) (basic design decision to use existing structure not protestable).

82:23 Passaic Valley, NJ (II, 4–20–82) (Rochester Pump and Machine) (subcontractors selection of supplier not protestable).

82:24 El Dorado, KS (VII, 4–20–82) (Oursler Brothers Const.) (equipment rejection matter of contract administration).

82:29 Syracuse, NY (II, 5–18–82) (Bat-Con, Inc.) (withholding payments to contractors not protestable).

82:39 Russian River, CA (IX, 7–20–82) (Dan Caputo Co. and Wagner Co., A Joint Venture) (contract administration dispute not protestable).

82:42 Philadelphia, PA (III, 7–28–82) (Carr & Duff) (failure to negotiate change order not protestable).

82:57 Cape May County MUA, NJ (II, 11–1–82) (American Bioreactor Corp. and Fairfield Service Co.) (basic project designs not protestable).

82:61 El Dorado, KS (VII, 11–16–82) (Oursler Brothers Const.) (jurisdiction to consider reconsideration request).

82:64 Shady Spring PSD, WV (III, 11–22–82) (Davis Water & Waste Industries, Inc.) (subcontractor substitution not protestable).

Local Preference

License Requirement

82:33 Henderson, NV (IX, 6–22–82) (Nielson, Vasko & Earl, Inc.) (state law requiring license before bidding).

Minority Business Enterprises (see also Responsibility and Responsiveness

81:04 Central Contra Costa Sanitary District, CA (IX, 1–27–81) (D.W. Young Const.) (MBE share in joint venture).

81:12 California SWRCB, CA (IX 2–26–81) (Navas Pipe Supply and Hydro Conduit Co.) (middleman MBE, no commercially useful function).

81:27 Black Diamond, WA (X, 4–21–81) (Bowen Const.) (failure to meet goal or show positive efforts) (remanded for bidder to show efforts).

81:32 Black Diamond, WA (X, 4–29–81) (Bowen Const.) (need not segregate supply and construction components to determine compliance with twin MBE goals).

81:37 Crescenta Valley County, CA (IX, 5–18–81) (J.C. Plumbing Co.) (failure to demonstrate positive efforts).

81:45 San Francisco, CA (IX, 6–15–81) (Hydro Conduit Co.) (MBE firms not required to demonstrate social or economic disadvantage resulting from discrimination).

81:46 San Francisco, CA (IX, 6–15–81) (Alliance of Minority Contractors and Suppliers) (must be clearly defined role for MBE in joint venture).

81:55 Centerville, IA (VII, 7–21–81) (Grady Unlimited) (policy establishes no right to subcontract) (maximum positive efforts not required).

81:59 Metropolitan Wastewater Management Commission, OR (X, 7–30–81) (Hyland Brothers Const. and Assoc.) (MBE subcontractors listing, curable after bid opening).

81:72 Sun Valley, NV (IX, 8–21–81) (Hydro Conduit Co.) (protest premature because contractor not yet designated MBE).

81:76 Chicago MSD, IL (V, 9–18–81) (S.A. Healy Co., *et al.*) (commercially useful function) (minority control).

81:87 Cridersville, OH (V, 10–16–81) (Miami Valley Contractors) (omission of MBE guidance from IFB).

81:90 Chicago MSD, IL (V, 10–27–81) (S.A. Healy, *et al.*) (reconsideration of 81:76) (ambiguous MBE requirements).

81:93 Marengo, IN (V, 11–3–810) (E.H. Hughes Co.) (lack of State assistance no excuse for lack of positive efforts).

81:96 Tallahassee, FL (IV, 11–10–81) (GS&L Mechanical Const. and Assoc. Minority Contractors) (MBE association may challenge MBE compliance on behalf of members) (failure to meet MBE goal requires examination of positive efforts).

82:29 Syracuse, NY (II, 5–18–82) (Bat-Con, Inc.) (withholding payments to contractor for failure to meet MBE requirements not protestable).

82:36 Williamstown, MI (V, 6–28–82) (Barnhart & Son) (pre-bid positive efforts documentation).

82:52 Gwynn Falls, MD (III, 9–14–82) (R.J. Longo Const.) (meet goal or demonstrate positive efforts).

82:68 Atwood, OH (V, 12–1–82) (Munitech) (failure to provide MBE documentation).

Mistake

81:05 Puerto Rico Aqueduct and Sewer Authority, PR (II, 1–29–81) (Redondo Const.) (withdrawal of mistaken bid not protestable).

81:48 Cleveland, MS (IV, 7–1–81) (Roland Pugh Const.) (corrected bid displaced bidder, intent ascertainable from bid).

81:67 Wanaque Sewerage Authority, NJ (II, 8–19–81) (A. Cestone Co.) (corrected unit price bid displaced low bidder).

82:30 Panorama Village, TX (VI, 5–21–82) (Ranger Const.) (unit price extensions may be corrected if intent clear from face of bid).

Negotiated Procurement

81:38 Indianapolis, IN (V, 5–27–81) (American Digital Systems) (not required in procurement of SSES contractor).

Prequalification

81:13 Atlanta, GA (IV, 3–5–81) (R.J. Longo Const.) (bidder's responsibility for assuring receipt of prequalification package) (general contractor) (one year between prequalification and bidding not *per se* restrictive).

81:22 Corvallis, OR (X, 4–10–81) (Environmental Pollution Control, Inc.) (bid must conform to all elements of specifications even if lists prequalified equipment).

81:23 Tifton, GA (IV, 4–13–81) (Astor Bolden Enterprises and Municipal & Industrial Pipe Serv.) (only permissible for selection of major equipment items in situations of public exigency).

81:47 Jasonville, IN (V, 6–30–81) (Hinde Engineering Co.) (grantee representation created de facto prequalification, not conclusive responsiveness determination).

81:62 Cobb County, GA (IV, 8–11–81) (American Bioreactor Corp./BAV) (must conform to PRM 79–10 and requirement must be justified).

81:83 Rush-Ryan Sewer Authority, PA (III, 10–13–81) (R&M Assoc.) (single manufacturer prequalified on open specifications is not sole source procurement) (reversed by reconsideration 82:02).

81:106 Gower, MO (VII, 12–29–81) (Empire Generator) (clarification of submittals).

82:02 Rush-Ryan Sewer Authority, PA (III. 1–22–82) (R&M Assoc.) (grantee cannot reject bid as nonresponsive for failure to list prequalified supplier unless IFB so clearly states) (reconsideration of 81:83).

82:12 Channelview, TX (VI, 3–8–82) (Euramca Ecosystems) (must allow 30 days for submitting data).

82:14 Atlanta, GA (IV, 3–15–82) (Ruby Collins, Inc. and John D. Stephens) (prequalified joint venture cannot change its component entities and be awarded the contract).

82:19 Mount Pleasant, SC (IV, 3–31–82) (Bird Machine Co.) (description of major item sufficient without describing ancillary items).

82:37 Cullman, AL (IV, 7–6–82) (Cal Co.; Encore Co.; and Drew and Assoc.) (30 days for submitting equipment data).

82:49 Dumas, AR (VI, 9–7–82) (Hinde Engineering) (notification procedures).

82:56 Macon-Bibb County, GA (IV, 10–26–82) (Charles Finch Co.) (time for submitting presubmittals).

82:57 Cape May County MUA, NJ (II, 11–1–82) (American Bioreactor Co. And Fairfield Service Co.) (decision not to pre-qualify processes as "or equal").

Procedure

81:10 N.Y. State DEC, NY (II, 2–13–81) (Sweda Enterprises) (protest not stating bases or referring to EPA regulations).

81:17 McHenry, IL (V, 3–16–81) (Pio Lombardo & Assoc.) failure to notify interested parties having actual knowledge).

81:32 Black Diamond, WA (X, 4–29–81) (Bowen Const.) (bidder intent to hold bid open although not formally extended).

81:34 San Diego, CA (IX, 5–1–81) (Westates Carbon) (small size and lack of counsel no excuse for not knowing and following procedures).

81:44 Tuolumme County, CA (IX, 6–11–81) (Chaudhury & Assoc.) (appeal filed with Regional Counsel not mailed to interested parties).

81:46 San Francisco, CA (IX, 3–27–81) (Alliance of Minority Contractors and Suppliers) (failure to notify interested parties or cite regulations) (time limit for filing not waived).

81:58 Ashland, KY (IV, 7–27–81) (Fairbanks Morse Pump) (suppliers appeal period not started by notice to prime that equipment rejected) (failure to notify interested parties).

81:59 Metropolitan Wastewater Management Commission, OR (X, 7–30–81) (Hyland Brothers Const. and Assoc.) (no prejudice from failure to transmit protest to other parties).

81:60 East Troy, WI (V, 7–31–81) (Joseph Lorenz, Inc.) (failure to send copy of initial protest did not require dismissal).

81:69 Houma, LA (VI, 8–19–81) (Hydromatic Pump) (detailed initial protest telegram did not require additional written protest).

81:81 Columbus, OH (V, 10–5–81) (Cantwell Machinery) (omission of legal report from grantee decision).

81:87 Cridersville, OH (V, 10–16–81) (Miami Valley Contractors) (appeal bond unnecessary).

81:100 Harriman, TN (IV, 12–9–81) (Municipal & Industrial Pipe Services) (failure to file detailed protest after telegraphic notice).

82:09 Cobden, IL (V, 2–19–82) (R–J Equipment Sales) (elements of protest appeal).

82:10 Sauget, IL (V, 2–19–82) (GHA Locks Joint Co.) (appeal not made moot by addendum).

82:15 Philadelphia, PA (III, 3–16–82) (Williard, Inc.) (request for review need not contain word "protest").

82:20 Baltimore, MD (III, 4–1–82) (J. Vinton Shafer & Sons) (no reference to regulation).

82:24 El Dorado, KS (VII, 4–20–82) (Oursler Brothers Const.) (protest appeal must allege regulatory violation) (reversed by reconsideration 82:61).

82:48 Claremont, CA (IX, 8–26–82) (Peter Gavrilis) (summary dismissal of nonmeritorious protest).

82:61 El Dorado, KS (VII, 11–16–82) (Oursler Brothers Const.) (reconsideration reversed 82:24 concerning necessity of citing regulatory violation in appeal).

Rational Basis Test

81:16 Clermont County, IL (V, 3–16–81) (Glenn Rhoades Const.) (EPA reliance on grantee determination of state/local law unless no rational basis).

81:39 Guam PAU (IX, 5–29–81) (John Carollo Engineers—George Chen & Sons) (re-ranking A/E firms).

81:43 Honolulu, HI (IX, 6–11–81) (Hawaii Concrete Products) (vertical cast pipe vs. centrifugal cast pipe).

81:58 Ashland, KY (IV, 7–27–81) (Fairbanks Morse Pump) (design decision).

81:61 Southington, CT (I, 8–7–81) (Chemcon) (pump design).

81:68 Warren County MUA, NJ (II, 8–19–81) (Schuykill Products) (materials limited without test results).

81:69 Houma, LA (VI, 8–19–81) (Hydromatic Pump) (minimum performance needs of pumps) (speculation of maintenance problems not sufficient).

81:83 Rush-Ryan Sewer Authority, PA (III 10–13–81) (R&M Assoc.) (failure to submit test data) (reversed by reconsideration 82:02).

81:85 Sacramento, CA (IX, 10–14–81) (Dredge Masters International) (bid evaluation).

81:89 Harford County, MD (III, 10–19–81) (Schuylkill Products) (exclusion of specific manufacturing process).

81:100 Harriman, TN (IV, 12–9–81) (Municipal & Industrial Pipe Services) (single material grout required by soil conditions).

82:01 Bowling Green, OH (V, 1–12–82) (DCK Contracting) (limited EPA review).

82:06 Tangier, Va (III, 2–11–82) (Ultraviolet Purification Systems) (experimental design).

82:07 Chattanooga, TN (IV, 2–18–82) (Spencer Turbine Co.) (grantee reliance on engineer).

82:10 Sauget, IL (V, 2–19–82) (GHA Lock Joint Co.) (sustain grantee where rational basis).

82:12 Channelview, TX (VI, 3–8–82) (Euramca Ecosystems) (erroneous legal premise not rational).

82:17 Lummi Indian, WA (X, 3–26–82) (Walker Processing Corp.) (deference to engineering judgment).

82:18 Miami-Dade water & Sewer Authority, FL (IV, 3–31–82 (Worthington Group) (engineer's basis for specification).

82:21 Fallbrook Sanitary District, CA (IX, 4–6–82) (Metro—Young/Lopez Const., A Joint Venture) (grantee's interpretation and application of state law).

82:22 Goldendale, WA (X, 4–16–82) (IMCO General Const.) (determination that ambiguity did not give substantial advantage to others).

82:26 Akron, OH (V, 5–3–82) (Environmental Elements) (deference to technical judgment).

82:27 Eveleth, MN (V, 5–3–82) (Gridor Const.) (waiving irregularities in bid).

82:31 Menominee, MI (V, 6–8–82) (Krygoski Const.) (finding bid to be nonconditional in spite of alternative proposal).

82:34 Monterey, CA (IX, 6–24–82) (Frank M. Booth, Inc.) (specification requiring use of nickel, minimum performance needs).

82:38 Fulton, NY (II, 7–16–82) (LOC Pump and Equipment) (specification based on minimum needs).

82:41 Abilene, TX (VI, 7–27–82) (R&S Engineering) (minimum performance needs stated as manufacturers only).

82:43 Brockton, MA (I, 8–16–82) (Tenco Hydro) (minimum needs justification).

82:44 Memphis, TN (IV, 8–16–82) (B.F. Goodrich Co.) (exclusion of plastic media bio filter not rational).

82:46 Spearfish, SD (VIII, 8–19–82) (Sheesley Plumbing and Heating Co.) (minimum performance needs).

82:49 Dumas, AR (VI, 9–7–82) (Hinde Engineering) (minimum performance needs).

82:53 Monterey, CA (IX, 9–29–82) (Frank M. Booth, Inc.) (longevity in service).

82:59 Rochester Pure Waters District, NY (II, 11–3–82) (Schiavone Const./Cotton Dean Underground Excavation Co., Joint Venture) (award to low bidder on highest cost alternate).

82:66 Smyrna, TN (IV, 11–29–82) (Waterman Industries, and Charles Finch Co.) (equipment rejection to be for performance reasons not physical differences).

82:70 Metropolitan Wastewater Management Commission, OR (X, 12–22–82) (Robert Dougan Const.) (rejection of all bids because equipment not meeting specifications did satisfy performance requirements).

Reconsideration

81:03 Pierce County, WA (X, 1–14–81) (Frank Culuccio Const.) (substantial error of law alleged) (affirmed 12–23–80 decision).

81:10 N.Y. State DEC, NY (II, 2–13–81) (Sweda Enterprises) (affirmed 81:01).

81:28 Corvallis, OR (X, 4–22–81) (Environmental Pollution Control, Inc.) (cannot reargue points previously discussed and decided or make new contentions based on same facts (affirmed 81:22).

81:32 Black Diamond, WA (X, 4–29–81) (Bowen Const.) (affirmed 81:27).

81:52 Buncome County, NC (IV, 7–17–81) (Carlon, Division of Indian Head) (no new facts) (affirmed 81:36).

81:79 Ashland, KY (IV, 10/1/81) (Fairbanks Morse Pump) (affirmed 81:58).

81:90 Chicago MSD, IL (V, 10–27–81) (S.A. Healy Co., *et al.*) (affirmed 81:76).

82:02 Rush-Ryan Sewer Authority, PA (III, 1–22–82) (R&M Associates) (clearly erroneous law or fact) (reversed 81:83).

82:03 Fort Wayne, IN (V, 1–25–82) (Bates & Rogers Const.) (affirmed 81:88).

82:13 Santa Fe, NM (VI, 3–9–82) (Ranger Const.) (renewal of same arguments) (affirmed 82:08).

82:53 Monterey, CA (IX, 9–29–82) (Frank M. Booth, Inc.) (evidence available but not offered) (affirmed 82:34).

82:58 Russian River, CA (IX, 11–1–82) (Dan Caputo Co., and Wagner Const. Co., A joint Venture) (denied where no mistakes, new evidence or error of law) (affirmed 82:39).

82:61 El Dorado, KS (VII, 11–1–82) (Oursler Brothers Const.) (legal error in not permitting protest of restrictive specifications) (reversed 82:24).

82:65 Spearfish, SD (VIII, 11–23–82) (Sheesley Plumbing and Heating Co.) (affirmed 82:46).

82:67 Cullman, AL (IV, 11–30–82) (Cal Corp.; Encore Corp.; and Drew and Assoc.) (no mistake, new evidence or legal error) (affirmed 82:37).

Rejection of All Bids

81:14 Puerto Rico Aqueduct and Sewer Authority, PR (II, 3–6–81) (Spearin, Preston & Burrows, and Conduit and Foundation Corp., Joint Venture) (work divided into two contracts and readvertised).

81:22 Corvallis, OR (X, 4–10–81) (Environmental Pollution Control, Inc.) (ambiguous specification).

81:30 Portage, IN (V, 4–28–81) (Associated Mechanical Services) (MBE requirements ambiguous).

81:53 Timmonsville, SC (IV, 7–17–81) (Quality Sanitary Services) (inaccurate quantity estimates).

81:71 Central Contra Costa Sanitary District, CA (IX, 8–21–81) (D.W. Young Const.) (litigation not good cause).

81:73 Valparaiso, IN (V, 8–28–81) (H. DeWulf Mechanical Contractor) (MBE requirements ambiguous).

81:82 Batesville, IN (V, 10–7–81) (Bowen Engineering) (MBE requirements ambigous).

81:95 Fowlerville, MI (V, 11–9–81) (Normco Const.) (no evidence of good cause).

82:01 Bowling Green, OH (V, 1–12–82) (DCK Contracting) (good cause defined).

82:11 Carmel, IN (V, 3–3–82) (E.H. Hughes Co.) (rejection where bids unreasonable in light of cost estimates).

82:15 Philadelphia, PA (III, 3–16–82) (Williard, Inc.) (justified if ambiguity prejudiced bidders).

82:22 Goldendale, WA (X, 4–16–81) (IMCO General Const.) (justified by inconsistencies in bidding documents).

82:40 Whitestone, NY (II, 7–26–82) (F.G. Compagni Const.) (IFB stating inaccurate quantities).

82:70 Metropolitan Wastewater Management Commission, OR (X, 12–22–82) (Robert Dougan Const.) (rejection of all bids because equipment not meeting specifications did satisfy performance requiements).

Responsibility

81:03 Pierce County, WA (X, 1–14–81) (Frank Coluccio Const.) (MBE requirements).

81:04 Central Contra Costa Sanitary District, CA (IX, 1–27–81) (D.W. Young Const.) (MBE requirements—failure to demonstrate positive efforts).

81:19 Phoenix, AZ (IX, 3–27–81) (TGK Const. & M.M. Sundt Const.) (unacceptable subcontractor did not make prime non-responsible).

81:20 Tupelo, MS (IV, 4–7–81) (Jesco, Inc.) (equipment listing requirement) (substitute more expensive equipment if listed equipment unsatisfactory).

81:27 Black Diamond, WA (X, 4–21–81) (Bowen Const.) MBE goals not met, requires examination of positive efforts).

81:31 Gildford County Sewer District, MI (VIII, 4–28–81) (Baltrush Const.) (MBE requirements).

81:32 Black Diamond, WA (X, 4–29–81) (Bowen Cosnt.) MBE responsibility shown by positive efforts).

81:37 Crescenta Valley County, CA (IX, 5–18–81) (J.C. Plumbing Co., & Channel Const.) (MBE requirements—failure to demonstrate positive efforts).

81:38 Indianapolis, IN (V, 5–27–81) (American Digital Systems) (deference to grantee responsibility determination).

81:49 Los Angeles County, CA (IX, 7–1–81) (Dresser Industries) (performance shows capability to meet obligations).

81:50 Kalida, OH (V, 7–2–81) (Sherburn Co.) (submission of catalog cuts and equipment guarantee).

81:59 Metropolitan Wastewater Management Commission, OR (X, 7–20–81) (Hyland Brothers Const.) (failure to list MBE subcontractors).

81:60 East Troy, WI (V, 7–31–81) (Joseph Lorenz) (MBE requirements).

81:71 Central Contra Costa Sanitary District, CA (IX, 8–21–81) D.W. Young Const.) (failure to comply with (MBE requirements).

81:75 New Castle, IN (V, 9–9–81) (Joe R. Norman Contractor) (financial standing, performance bond).

81:76 Chicago MSD, IL (V, 9–18–81) (S.A. Healy, *et al.*) (MBE requirements remain a matter of responsibility despite IFB's attempt to make it responsiveness).

81:77 Carrboro, NC (IV, 9–23–81) (Clevepak Corp.) (deference to affirmative determination of responsibility unless fraud, bad faith or evidence that specific objective standards violated).

81:82 Batesville, IN (V, 10–7–81) (Bowen Engineering) (subcontractor listing).

81:90 Chicago MSD, IL (V, 10–27–81) (S.A. Healy, *et al*) (MBE requirements).

81:95 Fowlerville, MI (V, 11–9–81) (Normco Const.) (MBE requirements).

81:96 Tallahassee, FL (IV, 11–10–81) (GS&L Mechanical Const.; Assoc. of Minority Contractors) (MBE requirements).

81:101 Chicago MSD, IL (V, 12–16–81) (Walsh Const.) (EEO forms).

81:103 Atlanta, GA (IV, 12–18—81) (Rocco Ferrera & Co.) (MBE requirements).

82:03 Fort Wayne, IN (V, 1–25–82) (Bates & Rogers Const.) (fiscal integrity requirements).

82:04 Westport, SD (VIII, 2–3–82) (H.F. Jacobs and Sons) (MBE requirements, EEO Certification, nonsegregated facilities certificate).

82:08 Santa Fe, NM (VI, 2–18–82) (Mesa Grande) (MBE documentation).

82:21 Fallbrook Sanitary District, CA (IX, 4–6–82) (Metro—Young/Lopez Const., A Joint Venture) (MBE requirements).

82:25 Perryville, MD (III, 4–28–82) (J. Vinton Schafer & Sons) (MBE requirements).

82:28 Gwynn Falls Relief Interceptors (III, 5–7–82) (R.J. Longo and B&B Tunnelling Contractors) (MBE requirements).

82:33 Henderson, NV (IX, 6–22–82) (Nielson, Vasko & Earl, Inc.) (MBE requirements and possession of work license).

82:41 Abilene, TX (VI, 7–27–82) (R&S Engineering) (contractors right to rebut allegations of prior inadequate performance).

82:49 Dumas, AR (VI, 9–7–82) (Hinde Engineering) (supplier's right to rebut allegations of prior inadequate performance).

82:52 Gwynn Falls, MD (III, 9–14–82) (R.J. Longo Const.) (MBE requirements).

82:61 El Dorado, KS (VII, 11–16–82) (Oursler Brothers Const.) (rebuttal opportunity).

82:62 Statesville, NC (IV, 11–17–82) (DPS Contractors) (contrasted responsiveness) (bid documentation and certifications submittal).

82:64 Shady Spring PSD, WV (III, 11–22–82) (Davis Water & Waste Industries (MBE requirements).

Responsiveness

81:06 Oceanside, CA (IX, 1–30–81) (Bird Machine Co.) (unacceptable subcontractor listed).

81:15 Myrtle Beach, SC (IV, 3–13–81) (Paul N. Howard Co.) (omission of unit prices) (oral questions and answers concerning IFB unreliable).

81:16 Clermont County Sewer District, IL (V, 3–16–81) (Glenn Rhoades Const.) (MBE requirements).

81:19 Phoenix, AZ (IX, 3–27–81) (TGK Const. & M.M. Sundt Const.) (unacceptable supplier listing).

81:20 Tupelo, MS (IV, 4–7–81) (Jesco, Inc.) (failure to satisfy IFB listing requirements did not affect responsiveness).

81:22 Corvallis, OR (X, 4–10–81) (Environmental Pollution Control, Inc.)

(grantee's right to require equipment substitution does not permit waiver of nonresponsive equipment offer).

81:24 El Dorado Irrigation District, CA (IX, 4–13–81) (Lotus Const.) (failure to acknowledge addenda waived as minor defect).

81:30 Tomah, WI (V, 4–10–81) (W.G. Jaques) (MBE requirements).

81:38 Indianapolis, IN (V, 5–27–81) (American Digital Systems) (deference to technical judgment of grantee).

81:46 San Francisco, CA (IX, 6–15–81) (Alliance of Minority Contractors and Suppliers) (MBE requirements).

81:50 Kalida, OH (V, 7–2–81) (Sherburn Co.) (failure to list unit prices).

81:51 Lynchburg, OH (V, 7–2–81) (Dow Const.) (failure to list unit prices).

81:65 South Lyon, MI (V, 8–27–81) (DCK Contracting (MBE requirements).

81:76 Chicago MSD, IL (V, 9–18–81) (S.A. Healy, *et al.*) (MBE requirements).

81:85 Sacramento, CA (IX, 10–14–81) (Dredge Masters International) (failure to submit equipment description) (exception to payment terms).

81:90 Chicago MSD, IL (V, 10–27–81) (S.A. Healy, *et al.*) (MBE requirements).

81:93 Marengo, IN (V, 11–3–81) (E.H. Hughes) (MBE requirements).

81:95 Fowlerville, MI (V, 11–9–81) (Normco Const.) (EEO requirements).

81:97 Elmhurst, IL (V, 11–12–81) (Miller-Davis) (MBE requirements).

81:106 Gower, MO (VII, 12–29–81) (Empire Generator) (deviation from warranty requirement).

81:107 Colchester, CT (I, 12–31–81) (Clark Sewer Const.) (failure to bid on alternate).

82:01 Bowling Green OH (V, 1–12–82) (DCK Contracting) (MBE requirements).

82:22 Goldendale, WA (X, 4–16–82) (IMCO General Const.) (failure to list subcontractors or suppliers).

82:27 Eveleth, MN (V, 5–3–82) (Gridor Const.) (MBE requirements).

82:31 Menominee, MI (V, 6–8–82) (Krygoski Const.) (conditional bid).

82:35 Van Buren County, MI (V, 6–28–82) (Union Const.) (bid responsive despite failure to acknowledge addendum).

82:36 Williamstown, MI (V, 6–28–82) (Barnhart & Son) (MBE requirements).

82:45 Pasadena, TX (VI, 9–17–82) (Parkson) ("better" equipment than specified must meet design specifications).

82:67 Cullman, AL (IV, 11–30–82) (Cal Corp.; Encore Corp. and Drew and Assoc.) (bidder able to comply with solicitation requirements need not offer equipment listed in solicitation).

82:68 Atwood, OH (V, 12–1–82) (Munitech).

82:69 Globe, AZ (IX, 12–8–82) (Mercury Const.) (addendum must be included with bid).

Review

81:12 California SWRCB, CA (IX, 2–26–81) (Navas Pipe Supply and Hydro Conduit Co.) (review of delegated state decision).

81:31 Gildford County Sewer District, MI (VIII, 4–28–81) (Baltrusch Const.) (role of EPA Regional Administrator).

81:39 Guam PUA (IX, 5–29–81) (John Carollo Engineers—George Chen & Sons, Inc.) (A/E procurement) (review of A/E procurement to insure maximum competition and compliance with regulations).

81:74 Tifton, GA (IV, 9–1–81) (Municipal & Industrial Pipe Services) (EPA review of determination by state delegated authority).

81:87 Cridersville, OH (V, 10–16–81) (Miami Valley Contractors) (issues raised before grantee only).

82:04 Westport, SD (VIII, 2–3–82) (H.P. Jacobs and Sons) (role of EPA Regional Administrator).

Salient Requirements

81:43 Honolulu, HI (IX, 6–11–81) (Hawaii Concrete Products) (vertical cast pipe vs. centrifugal cast pipe).

81:58 Ashland, KY (IV, 7–27–81) (Fairbanks Mores Pump) (speculative maintenance problem not salient).

81:69 Houma, LA (VI, 8–19–81) (Hydromatic Pump) (recirculation port size) (speculative maintenance problems not salient).

81:79 Ashland, KY (IV, 10–1–81) (Fairbanks Morse Pump) (maintenance cost).

82:06 Tangier, VA (III, 2–11–82) (Ultraviolet Purification Systems) (minimum performance needs).

82:34 Monterey, CA (IX, 6–24–82) (Frank M. Booth, Inc.) (minimum performance needs for brand names).

82:37 Cullman, AL (IV, 7–6–82) (Cal Corp.; Encore Corp. and Drew and Assoc.) (based on mechanical reliability and maintenance considerations) (design features enhancing safety and efficiency).

82:41 Abilene, TX (VI, 7–27–82) (R&S Engineering) (manufacturers only—unrelated to performance).

82:46 Spearfish, SD (VIII, 8–19–82) (Sheesley Plumbing and Heating Co.) (drawn around single named brand).

82:49 Dumas, AR (VI, 9–7–82) (Hinde Engineering) (unidentified).

82:50 Eaton, OH (V, 9–14–82) (Wagner Machinery) (unidentified).

82:53 Monterey, CA (IX, 9–29–82) (Frank M. Booth, Inc.) (longevity in service).

82:55 Haysville, KS (VII, 10–13–82) (Walker Process) (on-site maintenance).

82:16 El Dorado, KS (VII, 11–16–82) (Oursler Brothers Const.) (chain vs. cable).

Sole Source

81:08 Morgantown, WV (III, 2–1–81) (Clow Co.) (not justified by cost effectiveness analysis).

81:43 Honolulu, HI (IX, 6–11–81) (Hawaii Concrete Products, Inc.) (disguised).

81:47 Jasonville, IN (V, 6–30–81) (Hinde Engineering Co.) (catalog specifications not sole source).

81:62 Cobb County, GA (IV, 8–11–81) (American Bioreactor Corp./BAV) (single manufacturers "or equals").

81:80 Sacramento County, CA (IX, 10–2–81) (Westates Carbon Co.) (inadequate justification).

81:83 Rush-Ryan Sewer Authority, PA (III, 10–13–81) (R&M Associates) (single manufacturer prequalified).

81:86 Huntsville, AL (IV, 10–15–81) (Municipal & Industrial Pipe Services and Astor Bolden Enterprises) (must justify naming single grout material whether sole source or single material).

81:92 Hallandale, FL (IV, 11–3–81) (Municipal & Industrial Pipe Services; Interstate Pipe Maintenance; and Polymer Chemical Corp.) (single material distinguished) (competition among suppliers).

81:100 Harriman, TN (IV, 12–9–81) (Municipal & Industrial Pipe Services) (distinguished from single material with several available suppliers).

82:02 Rush-Ryan Sewer Authority, PA (III, 1–22–82) (R&M Assoc.) (prequalification procedures) (reversed 81:83).

82:10 Sauget, IL (V, 2–19–82) (GHA Lock Joint Co.) (specifications allowing only one product is not sole source since available from more than one source).

82:17 Lummi Indian, WA (X, 3–26–82) (Walker Processing Corp.) (type RBC available from sole source but other brands could be modified).

82:18 Miami-Dade Water & Sewerage Authority, FL (IV, 3–31–82) (Worthington Group) (not sole source if two or more manufactures can meet specification).

82:19 Mount Pleasant, SC (IV, 3–31–82) (Bird Machine Co.) (justification for sole sourcing inadequate).

82:37 Cullman, AL (IV, 7–6–82) (Cal Corp.; Encore Corp.; and Drew Assoc.) (equipment available from more than one source not sole source).

82:44 Memphis, TN (IV, 8–16–82) (B.F. Goodrich Co.) (inadequate justification for single material activated filtration process).

82:68 Atwood, OH (V, 12–1–82) (Munitech) (deviation from specifications).

Specifications

A. General

81:08 Morgantown, WV (III, 2–1–81) (Clow Co.) (prior EPA approval does not bar review).

81:53 Timmonsville, SC (IV, 7–17–81) (Quality Sanitary Services) (bidder reliance on quantities approximated in IFB).

82:06 Tangier, VA (III, 2–11–82) (Ultraviolet Purification Systems) (brand name or equal-identify salient requirement and how related to minimum needs).

82:07 Chattanooga, TN (IV, 2–18–82) (Spencer Turbine Co.) (basic design decision to utilize existing structure not protestable).

82:37 Cullman, AL (IV, 7–6–82) (Cal Corp.; Encore Corp.; and Drew and Assoc.) (IFB must clearly explain information to be submitted and method of award).

82:57 Cape May County MUA, NJ (II, 11–1–82) (American Bioreactor Co. and Fairfield Service Co.) (basic project design not met when "or equal" proposal fails to meet key features).

B. Unduly Restrictive

81:02 Little Blue Valley, MO (VII, 1–8–81) (Eby Const.) (restrictive as applied; local preference).

81:09 Wilmington, DE (III, 2–12–81) (Ashbrook-Simon-Hartley) (maximum unit price).

81:29 North Plainfield, NJ (II, 4–24–81) (Schuylkill Products) (two pipe materials specified).

81:43 Honolulu, HI (IX, 6–11–81) (Hawaii Concrete Products) (vertical cast pipe lacked performance basis).

81:47 Jasonville, IN (V, 6–30–81) (Hinde Engineering Co.) (catalog specifications that competitors capable of copying).

81:50 Kalida, OH (V, 7–2–81) (Sherburn Co.) (single base bid pipe procurement prohibited).

81:58 Ashland, KY (IV, 7–27–81) (Fairbanks Morse Pump) (EPA funds minimum performance not ideal or best design).

81:61 Southington, CT (I, 8–7–81) (Chemcon) (pump design).

81:62 Cobb County, GA (IV, 8–11–81) (American Bioreactor Corp./BAV) (single base bidding prohibited) (no sole source violation where contract permitted use of "equal").

81:68 Warren County MUA, NJ (II, 8–19–81) (Schuylkill Products) (design criteria permitted only two types pipe—other processes not evaluated).

81:69 Houma, LA (VI, 8–19–81) (Hydromatic Pump) (catalog design specifications).

81:74 Tifton, GA (IV, 9–1–81) (Municipal & Industrial Pipe Services) (single material).

81:79 Ashland, KY (IV, 10–1–81) (Fairbanks Morse Pump) (documented maintenance costs as performance requirements).

81:86 Huntsville, AL (IV, 10–15–81) (Municipal & Industrial Pipe Services, and Astor Bolden Enterprises) (single material grout).

81:85 Sacramento, CA (IX, 10–14–81) (Dredge Masters International) (performance testing of equipment).

81:89 Harford County, MD (III, 10–19–81) (Schuylkill Products) (nationally accepted concrete pipe standard; exclusion of Packerhead pipe).

81:92 Hallandale, FL (IV, 11–3–81) (Municipal & Industrial Pipe Services, Interstate Pipe Maintenance; and Polymer Chemical Corp.) (single material grout).

82:06 Tangier, VA (III, 2–11–82) (Ultraviolet Purification Systems) (excess capacity justified by experimental design).

82:07 Chattanooga, TN (IV, 2–18–82) (Spencer Turbine Co.) (requiring cast iron for reliability, and performance).

82:18 Miami-Dade Water & Sewer Authority, FL (IV, 3–31–82) (Worthington Group) (design features requiring heavy duty pump justified on past experience and performance needs).

82:19 Mount Pleasant, SC (IV, 3–31–82) (Bird Machine Co., Inc.) (specifications must be performance based, not require duplication of competitors design) (exclusionary requirements not based on performance resulted in unjustified sole source).

82:34 Monterey, CA (IX, 6–24–82) (Frank M. Booth, Inc.) (not unduly restrictive where only one manufacturer supplies equipment but others are capable).

82:37 Cullman, AL (IV, 7–6–82) (Cal Corp.; Encore Corp.; and Drew and Assoc.) (performance requirements may include safety, efficiency, reliability and maintenance factors) (requiring single brand "or equal" does not require resoliciting because substitute equipment permitted in alternate bid).

82:38 Fulton, NY (II, 7–16–82) (LOC Pump and Equipment) (minimum needs).

82:41 Abilene, TX (VI, 7–27–82) (R&S Engineering) (manufacturers only) (performance refers to minimum not best).

82:43 Brockton, MA (I, 8–16–82) (Tenco Hydro) (may be unduly restrictive even with two acceptable materials).

82:44 Memphis, TN (IV, 8–16–82) (B.F. Goodrich Co.) (inadequate justification for single material activated filtration process).

82:45 Pasadena, TX (VI, 8–17–82) (Parkson) (protestor must show product excluded).

82:46 Spearfish, SD (VIII, 8–19–82) (Sheesley Plumbing and Heating Co.) (restrictive applications drawn around single name brand).

82:49 Dumas, AR (VI, 9–7–82) (Hinde Engineering) (detailed catalog specifications related to design more than performance unduly restrictive) (minimum performance not necessarily "best").

82:50 Eaton, OH (V, 9–14–82) (Wagoner Machinery) (catalog specifications) (same as one manufacturer's machine) (salient requirements not identified).

82:53 Monterey, CA (IX, 9–29–82) (Frank M. Booth, Inc.) (only one supplier, not proof of undue restriction).

82:55 Haysville, KS (VII, 10–13–82) (Walker Process) (on-site maintenance as minimum performance need for major equipment).

82:57 Cape May County MUA, NJ (II, 11–1–82) (American Bioreactor Co. and Fairfield Service Co.) ("or equal" alternatives).

82:61 El Dorado, KS (VII, 11–16–82) (Oursler Brothers Const.) (catalog specifications) (failure to state minimum performance needs).

82:66 Smyrna, TN (IV, 11–29–82) (Charles Finch Co. and Waterman Industries) (rejection of "equal" must be performance based).

82:68 Atwood, OH (V, 12–1–82) (Munitech, Inc.) (sole source/deviation from specifications).

82:70 Metropolitan Wastewater Management Commission, OR (X, 12–22–82) (Robert Dougan Const.) (rejection of all bids if grantee finds its specifications unduly restrictive).

Standing

82:06 Oceanside, CA (IX, 1–30–81) (Bird Machine Co., Inc.) (subcontractor cannot protest a prime's use of nonresponsible subcontractor).

81:07 Albert Lea, MN (V, 2–3–81) (Pennwalt Corp.) (summary disposition).

81:19 Phoenix, AZ (IX, 3–27–81) (TGK Const. and M.M. Sundt Const.) (second low bidder).

81:45 San Francisco, CA (IX, 10–2–81) (Hydro Conduit Co.) (supplier/offeror with ability to compete has affected financial interest).

81:46 San Francisco, CA (IX, 6–15–81) (Alliance of Minority Contractors and Suppliers) (association representing minority subcontractors).

81:47 Jasonville, IN (V, 6–30–81) (Hinde Engineering) (equipment supplier may protest restrictive application of specifications, may not protest specifications with which it complies).

81:49 Los Angeles County, CA (IX, 7–1–81) (Dresser Industries) (subcontractor lacks standing to protest competitor's equipment compliance with specifications).

81:58 Ashland, KY (IV, 7–27–81) (Fairbanks Morse Pump) (subcontractor protesting restrictive specifications).

81:59 Metropolitan Wastewater Management Commission, OR (X, 7–30–81) (Hyland Brothers Const. and Assoc.) (entitlement to contract award as responsive, responsible bidder not required for filing protest).

81:64 Loganville, GA (IV, 8–14–81) (Flygt Corp.) (subcontractors/suppliers lack standing to protest equipment order cancellation).

81:72 Albert Lea, MN (V, 2–3–81) (Bird Machine Co.) (subcontractors may not protest substitution by prime).

81:75 New Castle, IN (V, 9–9–81) (Joe R. Norman Contractor) (bidder may not challenge acceptance of performance bond absent effect on competition).

81:77 Carrboro, NC (IV, 9–23–81) (Clevepak Corp.) (suppliers protesting procurement from nonresponsible supplier).

81:92 Hallandale, FL (IV, 11–3–81) (Municipal & Industrial Pipe Services; Interstate Pipe Maintenance; and Polymer Chemical Corp.) (supplier challenging single material requirement).

81:96 Tallahassee, FL (IV, 11–10–81) (GS&L Mechanical Const. and Assoc. of Minority Contractors) (association representing minority contractors).

82:03 Fort Wayne, IN (V, 1–25–82) (Bates & Rogers Const.) (equipment supplier lacked standing).

82:09 Cobden, IL (V, 2–19–82) (R–J Equipment Sales) (standing of equipment suppliers limited).

82:29 Syracuse, NY (II, 5–18–82) (Bat-Con, Inc.) (withholding payments to contractor for failure to meet MBE requirements not protestable).

82:46 Spearfish, SD (VIII, 8–19–82) (Sheesley Plumbing and Heating Co.) (subcontractor protest of restrictive application of specifications).

82:48 Claremont, CA (IX, 8–26–82) (Peter Gavrilis) (city employee allegedly fired for questioning subagreement award lacks standing).

82:49 Dumas, AR (VI, 9–7–82) (Hinde Engineering) (potential subcontractor may protest restrictive specifications).

82:51 Moline, IL (V, 9–21–82) (Walker Process) (subcontractor/supplier lacks standing to challenge evaluation of prime bid responsiveness).

82:58 Russian River, CA (IX, 11–1–82) (Dan Caputo Co., and Wagner Const., A Joint Venture) (terminated contractor not bidding on corrective work contract lacks standing).

82:60 Rochester Pure Waters District, NY (II, 11–3–82) (Schiavone Const. Co./Cotton Dean Underground Excavation Co., Joint Venture) ("public interest" provides no standing).

82:63 Elk Pinch, WV (III, 11–18–82) (Kappe Assoc.) (subcontractor lacks standing to protest nondiscriminatory performance bond requirement).

82:64 Shady Spring PSD, WV (III, 11–22–82) (Davis Water & Waste Industries, Inc.) (subcontractor substitution not protestable).

82:71 Columbus, OH (V, 12–29–82) (Zimpro) (adversely affected direct financial interest).

82:72 Alliance, OH (V, 9–10–82) (R&S Engineering) (no standing where subcontractor failed to attempt prequalification).

Sua Sponte Review

81:08 Morgantown, WV (III, 2–11–81) (Clow Co.) (untimely protest, disguised sole source specifications).

81:31 Gildford County Sewer District, MI (VIII, 4–28–81) (Baltrusch) Const. (unstated rejection rationale reviewed).

81:38 Indianapolis, IN (V, 5–27–81) (American Digital Systems) (denied, no fundamental principles at issue).

81:55 Centerville, IA (VII, 7–21–81) (Grady Unlimited) (discretionary).

81:62 Cobb County, GA (IV, 8–11–81) (American Bioreactor Corp./BAV) (importance of prospective procurement).

81:69 Houma, LA (VI, 8–19–81) (Hydromatic Pump) (untimely protest, exclusionary specifications).

81:87 Cridersville, OH (V, 10–16–81) (Miami Valley Contractors) (issues not raised to grantee).

82:25 Perryville, MD (III, 4–28–82) (J. Vinton Schafter & Sons, Inc.) (MBE responsiveness issues).

82:44 Memphis, TN (IV, 8–16–82) (B.F. Goodrich Co.) (review of single material specification).

82:52 Gwynns Falls Relief Interceptors (III, 9–14–82) (R.J. Longo Const.) (before grantee decision).

Subcontract—Award

81:06 Oceanside, CA (IX, 1–30–81) (Bird Machine Co.) (prime bid responsive though listed nonresponsible subcontractor).

81:23 Passaic Valley, NJ (II, 4–20–82) (Rochester Pump and Machine, Inc.) (no EPA regulation for subcontractor procuring supplies) (competitive negotiation principles do not apply to subcontractor selection).

81:55 Centerville, IA (VII, 7–21–81) (Grady Unlimited) (MBE policy establishes no right to award).

81:63 Honolulu, HI (IX, 8–12–81) (Nichols Engineering & Research Co.) (equipment procurement by subcontract instead of separate direct contracts).

81:101 Ewing Lawrence Sewerage Authority, NJ (II, 12–14–81) (Neshaminy Const.) (substitution of subcontractors not protestable).

82:22 Goldendale, WA (X, 4–16–82) (IMCO General Const.) (failure to list subcontractors made of responsiveness).

82:64 Shady Spring PSD, WV (III, 11–22–82) (Davis Water & Waste Industries) (subcontractor substitution not protestable).

82:71 Columbus, OH (V, 12–29–82) (Zimpro) (grounds for subcontractor protest).

82:72 Alliance, OH (V, 9–10–82) (R&S Engineering) (no standing where subcontractor failed to attempt prequalification).

Summary Disposition

81:07 Albert Lea, MN (V, 2–3–81) (Pennwalt Corp.) (untimely, no standing).

81:41 Grand Haven, MI (V, 6–5–81) (Equipment & Gravel) (work beyond scope of project).

81:63 Honolulu, HI (IX, 8–12–81) (Nichols Engineering & Research Co.) (frivolous).

81:100 Harriman, TN (IV, 12–9–81) (Municipal & Industrial Pipe Services) (failure to file written protest after telegram).

81:104 Elizabethtown, KY (IV, 12–18–81) (Autorol Corp.) (protest used to preserve restrictive specification for protestor's benefit).

82:03 Fort Wayne, IN (V, 1–25–82) (Bates & Rogers Const.) (appeal procedurally defective).

82:39 Russian River, CA (IX, 7–20–82) (Dan Caputo, Co. and Wagner Co., A Joint Venture) (contractor claim).

82:51 Moline, IL (V, 9–21–82) (Walker Process) (supplier lacks standing to challenge bid evaluation/responsiveness).

82:57 Cape May County MUA, NJ (II, 11–1–82) (American Bioreactor Co. and Fairfield Service Co.) (protest not frivolous where basic project design not clear from IFB).

82:71 Columbus, OH (V, 12–29–82) (Zimpro) (no adversely affected financial interest).

Time Limitations

81:01 N.Y. State DEC, NY (II, 1–7–81) (Sweda Enterprises) (7 days from IFB).

81:08 Morgantown, WV (III, 2–11–81) (Clow Co.) (protest 10 days after receipt of IFB) (sua sponte review granted).

81:09 Wilmington, DE (III, 2–12–81) (Ashbrook-Simon-Hartley) (knowledge of restrictive specification requires protest before bid opening).

81:23 Tifton, TA (IV, 4–13–81) (Astor Bolden Enterprises, Inc. and Municipal & Industrial Pipe Services, Ltd.) (protest to be within week of factual event giving notice of basis).

81:25 Hopkinsville, KY (IV, 4–14–81) (Price, Inc. and Neal Inc., Joint Venture) (protest within week of constructive knowledge).

81:33 Lynchburg, OH (V, 4–30–81) (Dow Const.) (clock starts on bid evaluation issue when access to bid content allowed).

81:34 San Diego, CA (IX, 5–1–81) (Westates Carbon) (time limits protect public interest).

81:36 Buncombe County, NC (IV, 5–7–81) (Carlon, Division of Indian Head) (advance knowledge of restrictive specifications before bid opening made protest late).

81:38 Indianapolis, IN (V, 5–27–81) (American Digital Systems) (clock starts on procurement method issue on receipt of IFB).

81:40 Memphis, TN (IV, 6–2–81) (American Digital Systems) (where RFP not in conformity with request for qualifications must protest week after proposal meeting).

81:44 Tuolumme County, CA (IX, 6–11–81) (Chaudhury & Assoc., Inc.) (protest 6 days late, appeal 1 day late).

81:46 San Francisco, CA (IX, 6–15–81) (Alliance of Minority Contractors and Suppliers) (5 days late).

81:47 Jasonville, IN (V, 6–30–81) (Hydro Conduit) (each issue's timeliness considered separately).

81:49 Los Angeles County, CA (IX, 7–1–81) (Dresser Industries) (timely filed three months post bid opening).

81:54 Monmouth County, NJ (II, 7–21–81) (Fellows, Read & Assoc.) (for protesting short proposal preparation period).

81:55 Centerville, IA (VII, 7–21–81) (Grady Unlimited) (understandable but inexcusable delay).

81:57 Newaygo County Board of Public Works, MI (V, 7–24–81) (D.J. Domas) (one day late).

81:58 Ashland, KY (IV, 7–27–81) (Fairbanks Morse Pump) (notice to prime that supplier's equipment rejected does not start clock on supplier) (failure to notify interested parties does not affect dismissal).

81:62 Cobb County, GA (IV, 8–11–81) (American Bioreactor Corp./BAC) (*sua sponte* review after time for protest appeal) (one week means seven consecutive calendar days).

81:64 Loganville, GA (IV, 8–14–81) (Flygt Corp.) (Supplier's protest due week after letter advising equipment would not be used).

81:69 Houma, LA (VI, 8–19–81) (Hydromatic Pump) (untimely appeal, *sua sponte* review of exclusionary specifications).

81:70 Tuscaloosa, AL (IV, 8–20–81) (Naylor Supply Co.) (receipt of determination by law firm, not individual attorney, starts clock).

81:80 Sacramento County, CA (IX, 10–2–81) (Westates Carbon Co.) (restrictive specification protest filed after bid opening).

81:81 Columbus, OH (V, 10–5–81) (Cantwell Machinery) (receipt by counsel is receipt by protestor).

81:86 Huntsville, AL (IV, 10–5–81) (Municipal, & Industrial Pipe Services and Astor Bolden Enterprises) (unduly restrictive specification exception to time limitation).

81:88 Fort Wayne, IN (V, 10–16–81) (Bates and Rogers Const.) (53 days late).

81:94 Oneida County Sewer District, NY (II, 11–4–81) (C.O. Falter Const.) (grantee letter interpreting specifications starts clock).

81:95 Fowlerville, MI (V, 11–9–81) (Normco Const.) (verbal notice does not start appeal clock).

81:96 Tallahassee, FL (IV, 11–10–81) (GS&L Mechanical Const.; Assoc. of Minority Contractors) (timely protest after termination of post bid-opening negotiations).

81:99 South Seminole and North Orange County, FL (IV, 11–20–81) (DeZurik Valve Manufacturing (where bidder knew specifications were ambiguous, protest must be filed prior to bid opening).

81:104 Elizabethtown, KY (IV, 12–18–81) Autorol Corp.) (one week means seven days).

81:105 South Seminole and North Orange County Wastewater Transmission Authority, FL (IV, 12–22–81) (Terra Video) (seven days to protest to grantee).

81:107 Colchester, CT (I, 12–31–81) (Clark Sewer Const.) (clock begins on responsiveness issue at bid opening).

82:03 Fort Wayne, IN (V, 1–25–82) (Bates & Rogers Const.) (knew or should have know test for timeliness).

82:05 Wawarsing, NY (II, 2–8–82) (A. Ceston Co.) (time not tolled by further discussions).

82:07 Chattanooga, TN (IV, 2–18–82) (Spencer Turbine Co.) (protestor should have known specification restrictive before bid opening).

82:09 Cobden, IL (V, 2–19–82) (R–I Equipment Sales) (one week time limitation).

82:10 Sauget, IL (V, 2–19–82) (GHA Lock Joint) (protest of specifications after bid opening).

82:12 Channelview, TX (VI, 3–8–82) (Euramca Ecosystems) (interlocutory grantee decision resolved initial protest but created grounds for second protest).

82:19 Mt. Pleasant, SC (IV, 3–31–82) (Bird Machine Co.) (letter denying prequalification starts clock).

82:25 Perryville, MD (III, 4–28–82) (J. Vinton Schafer & Sons) (constructive knowledge) (*sua sponte* review granted).

82:26 Akron, OH (V, 5–3–82) (Environmental Elements) (grantee dismissal as untimely).

82:27 Eveleth, MN (V, 5–3–82) (Gridor Const.) (knew or should have known).

82:31 Menominee, MI (V, 6–8–82) (Krygoski Const.) (knew or should have known).

82:39 Russian River, CA (IX, 7–20–82) (Dan Caputo Co. and Wagner Co., A Joint Venture) (supplemental protest raising new issues).

82:43 Brockton, MA (I, 8–16–82) (Tenco Hydro) (grantee has burden of demonstrating untimeliness).

82:44 Memphis, TN (IV, 8–16–82) (B.F. Goodrich Co.) (protest late) (*sua sponte* review granted).

82:46 Spearfish, SD (VIII, 8–19–82) (Sheesley Plumbing and Heating Co.) (restrictive application starts clock).

82:47 Bedford Heights, OH (V, 8–20–82) (Suburban Power Piping, *et al.*) (knew or should have known).

82:54 Palm Beach, FL (IV, 10–7–82) (Polymer Chemical Co.).

82:60 Rochester Pure Waters District, NY (II, 11–3–82) (Schiavone Const. Co./Cotton Dean Underground Excavation Co., Joint Venture) (clear manifestation starts clock).

82:64 Shady Spring PSD, WV (III, 11–22–82) (Davis Water & Waste Industries) (where negotiation letters and requests for clarification, grantee reply needed before protestable).

82:68 Atwood, OH (V, 12–1–82) (Munitech) (waiver of deviation from specifications) (appeal filed with EPA 5 days late).

Waiver

81:20 Tomah, WI (V, 4–10–81) (W.G. Jaques) (MBE requirement designated responsiveness not waivable).

81:24 El Dorado Irrigation District, CA (IX, 4–13–81) (Lotus Const.) (failure to acknowledge addenda).

81:48 Cleveland, MS (IV, 7–1–81) (Roland Pugh Const.) (wavier of minor deviation not giving bidder advantage).

81:50 Kalida, OH (V, 7–2–81) (Sherburn Co.) (failure to list unit prices not waivable).

81:107 Colchester, CT (I, 12–31–81) (Clark Sewer Const.) (failure to bid on alternate waivable).

82:03 Fort Wayne, IN (V, 1–25–82) (Bates & Rogers Const.) (waiver of fiscal integrity requirements).

82:21 Fallbrook Sanitary District, CA (IX, 4–6–82) (Metro-Young/Lopez Const., A Joint Venture) (demonstration of positive MBE requirements).

82:27 Eveleth, MN (V, 5–3–82) (Gridor Const.) (may waive dib defect where immaterial).

82:35 Van Buren County, MI (V, 6–28–82) (Union Const.) (omission waivable as minor where no competitive edge results).

82:68 Atwood, OH (V, 12–1–82) (Munitech) (Waiver of deviation from specifications) (appeal filed with EPA 5 days late).

82:69 Globe, AZ (IX, 12–8–82) (Mercury Const.) (failure to acknowledge addenda).

[FR Doc. 84-24192 Filed 9-12-84; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240048; FRL-22639-2]

Special Local Need Registrations; Voluntary Cancellations

Correction

In FR Doc. 84–19874 beginning on page 30784 in the issue of Wednesday, August 1, 1984, make the following corrections:

1. On page 30784, in the fourth column of the table, the entries on the third and fourth lines should be transposed.

2. On page 30785:

a. Under New Jersey, in the last line of the second column, add the word "Concentrate" at the end of the line.

b. Under New Mexico, in the fourth line of the second column, add "& Repellant" at the end of the line.

c. Under New York, the entry "NY 78 0028", in the second column, add "Dibrom" following "ortho".

d. Under the same state, same entry, third column, "Orotho" should read "Ortho".

3. On page 30787:

a. Under Texas, the entry "TX 78 0040", second column, "Nudring" should read "Nudrin".

b. Under the same state, the entry "TX 79 0033", second column, "colloidall" should read "Colloidal".

c. Under the same state, the entry "TX 80 0026", second column, "Solubel Power" should read "Soluble Powder".

d. Under the same state, the entry "TX 81 0018", "Mitcite...do..." should read "Miticide.".

e. Under the same state, same entry, third column, "3" should read "do".

4. On page 30788, the heading **Wisconsin** should be added above the entry "WI 77 0001".

BILLING CODE 1505-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 84-31]

Arctic Gulf Marine, Inc., Peninsula Shippers Association, Inc., Southbound Shippers, Inc.; Order of Investigation and Hearing

Arctic Gulf Marine, Inc. (AGM) was a tariffed common carrier by water operating a barge service in the Seattle, Washington/Alaska trade prior to the cancellation of its tarriff on December 3, 1982. Information before the Commission indicates that AGM:

1. Charged a different compensation for the transportation of property than the rates specified in its tariff on file with the Commission and duly published and in effect on 13 or more shipments during the period April 23, 1982–October 29, 1982.

2. Absorbed drayage charges without a provision in its tariff authorizing such absorptions during the period July 7, 1982–October 14, 1982.

3. Carried out unfiled and unapproved preferential and cooperative working arrangements, and agreements granting special rates and accommodations, with Peninsula Shippers Association, Inc., and Southbound Shippers, Inc., during the period March 15, 1982–November 10, 1982.

Information before the Commission indicates that Peninsula Shippers Association, Inc. (PSA) has been operating as a common carrier by water in the Seattle, Washington/Alaska trade since March 20, 1982, without a tariff on file with the Commission, and has entered into and carried out unfiled and unapproved preferential cooperative working arrangements, and agreements providing for special rates and accommodations with AGM.

Information before the Commission indicates that Southbound Shippers, Inc. (SSI) has been operating as a common carrier by water in the Seattle, Washington/Alaska trade since November 10, 1982, without a tariff on file with the Commission, and has entered into and carried out unfiled and unapproved preferential cooperative working arrangements, and agreements providing for special rates and accommodations with PSA and/or AGM.

Section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. app. 844) provides in pertinent part:

> That every common carrier by water in intercoastal commerce shall file with the Federal Maritime Commission and keep open to public inspection schedules showing all rates, fares, and charges for or in connection with transportation. . . . nor shall any common carrier by water in intercoastal commerce charge or demand or collect or receive a greater or less or different compensation for the transportation of passengers or property or for any service in connection therewith than the rates, fares, and/or charges which are specified in its schedules filed with the Commission and duly posted and in effect at the time. . . .

By charging different compensation for transportation of property than the rates specified in its filed tariff, and by absorbing drayage charges without a provisioin authorizing such practice in its tariff, it appears that AGM violated this section. It also appears that PSA and SSI violated this section by operating as common carriers without a schedule of their rates having been filed with the Commission.

Section 15 of the Shipping Act, 1916 (46 U.S.C. app. 814), which, at the time of the activities discussed above, provided in pertinent part:

> Every common carrier by water . . . shall file immediately with the Commission a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier . . . giving or receiving special rates, accommodations, or other special privileges or advantages; . . . or in any manner providing for an exclusive, preferential, or cooperative working arrangement. . . .
>
> Any agreement and any modification or cancellation of any agreement not approved, or disapproved, by the Commission shall be unlawful, and agreements, modifications, and cancellations shall be lawful only when and as long as approved by the Commission . . .

By entering into and carrying out preferential working arrangements and agreements providing for special rates and accommodations, it also appears that AGM, PSA, and SSI have violated this section.

Therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. app. 821), a formal investigation and hearing is hereby instituted to determine:

1. Whether AGM violated section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. app. 844) by charging a different compensation for the transportation of property than the rates filed with the Commission in its tariff and in effect at the time.

2. Whether AGM violated section 2 of the Intercoastal Shipping Act, 1933 (46

U.S.C. app. 844) by absorbing drayage charges without a provision in its tariff filed with the Commission and in effect at the time providing for such absorptions.

3. Whether AGM, PSA, and/or SSI entered into and carried out unfiled and unapproved preferential and cooperative working arrangements, and agreements granting special rates and accommodations, in violation of section 15 of the Shipping Act, 1916 (46 U.S.C. app. 814).

4. Whether PSA violated section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. app. 844) by operating as a common carrier by water in the Seattle, Washington/Alaska trade without a tariff on file with the Commission containing a schedule of its rates and charges.

5. Whether SSI violated section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. app. 844) by operating as a common carrier by water in the Seattle, Washington/Alaska trade without a tariff on file with the Commission containing a schedule of its rates and charges.

6. Whether, in the event AGM, PSA, and/or SSI are found to have violated any provisions of the Intercoastal Shipping Act, 1933 (46 U.S.C. app. 843, *et seq.*), or the Shipping Act, 1916 (46 U.S.C. app. 801, *et seq.*,) civil penalties should be assessed, and, if so, the amount of such penalties;

It is further ordered, That Arctic Gulf Marine, Inc., Peninsula Shippers Association, Inc., and Southbound Shippers, Inc. be named Respondents in this proceeding;

It is further ordered, That this matter be assigned to an Administrative Law Judge for public hearing and decision at a date and place to be hereafter determined by the Presiding Administrative Law Judge. This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue otherwise requires an oral hearing and cross-examination for the development of an adequate record;

It is further ordered, That pursuant to the terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by January 10, 1986, and the final decision of the Commission shall be issued by May 10, 1986;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy thereof be served upon the Respondents and the Commission's Bureau of Hearing Counsel;

It is further ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, or decisions issued in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record; and

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

Francis C. Hurney,

Secretary.

[FR Doc. 84-24149 Filed 9-12-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

The Conifer/Essex Group, 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 Governor. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight 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 October 5, 1984.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *The Conifer/Essex Group, Inc.*, Worcester, Massachusetts: to continue to engage through its subsidiary, Conifer Computer Services, Inc., Worcester, Massachusetts, in data processing activities from an office located in Peabody, Massachusetts and to expand the service area for such activities to include the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhade Island, and Vermont, prior approval having been obtained for Massachusetts only.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Herring Bancorp, Inc.*, Vernon, Texas; to engage *de novo* through its subsidiary, Herring Trust Company, Vernon, Texas, in all 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 state or federal law.

Board of Governors of the Federal Reserve System, September 7, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-24295 Filed 9-12-84; 8:45 am]

BILLING CODE 6210-01-M

First Virginia Banks, Inc.; Application To Engage de Novo in Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(3) of the Board's Regulation Y (32 CFR 225.23(a)(3)) 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 engage *de novo*

through a national bank subsidiary in deposit-taking, including the taking of demand deposits, and other activities specified below. The proposed subsidiary will not engage in commercial lending transactions as defined in Regulation Y. The Board has determined by order that such activities are closely related to banking. *U.S. Trust Company* (70 Federal Reserve Bulletin 371 (1984)). Although the Board is publishing notice of this application, under established Board policy the record of the application will not be regarded as complete and the Board will not act on the application unless and until a preliminary charter for the proposed national bank subsidiary has been submitted to the Board.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Federal Reserve Bank or the offices of the Board of Governors not later than October 5, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Virginia Banks, Inc.*, Falls Church, Virginia; to engage through a national bank subsidiary, First Virginia Bank, N.A., Gaithersburg, Maryland, in deposit-taking, consumer and mortgage (1–4 family dwellings only) lending, trust, investment advisory and other banking services, but not in making commercial loans, in Montgomery County, Prince Georges County, and Baltimore County, Maryland.

Board of Governors of the Federal Reserve System, September 7, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-24292 Filed 9-12-84; 8:45 am]

BILLING CODE 6210-01-M

Florida National Banks of Florida, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The Company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (49 Federal Register 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 28, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Florida National Banks of Florida, Inc.*, Jacksonville, Florida; to merge with Beacon Financial Corporation, Inc., Jupiter, Florida, thereby indirectly acquiring Lighthouse National Bank, Jupiter, Florida. Florida National Banks of Florida, Inc., has also applied to acquire Beacon Leasing Corporation, Jupiter, Florida, thereby engaging in leasing activities in the State of Florida; and to acquire LNB Mortgage Corporation, Jupiter, Florida, thereby engaging in the origination, sales, servicing and brokerage of mortgage loans in the States of Florida.

Board of Governors of the Federal Reserve System, September 7, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-24293 Filed 9-12-84; 8:45 am]

BILLING CODE 6210-01-M

Sebastian Bankshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 5, 1984.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Sebastian Bankshares, Inc.*, Barling, Arkansas; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank of Lavaca, Arkansas.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Allied Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of Allied Bank Northwest, N.A., San Antonio, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, September 7, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-24294 Filed 9-12-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Longitudinal Study of Human Semen Characteristics; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Date: October 11, 1984

Time: 8:00 a.m.–4:30 p.m.

Place: Auditorium, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226

Purpose: To review and discuss the reproductive and semen parameters and characteristics that should be studied in a longitudinal study design. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: Steven M. Schrader, Ph.D., Division of Biomedical and Behavioral Science, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226; Telephones: FTS: 684–8357; Commercial: 513/684–8357.

Dated: September 4, 1984.

Jeffrey P. Koplan, M.D.,

Acting Director, Centers for Disease Control.

[FR Doc. 84-24154 Filed 9-12-84; 8:45 am]

BILLING CODE 4160-19-M

Health Care Financing Administration

Medicaid Program; Hearing: Reconsideration of the Disapproval of an Ohio State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on October 16, 1984, in Chicago, Illinois, to reconsider our decision to disapprove Ohio State Plan Amendment 84–2.

Closing Date: Requests to participate in the hearing as a party must be received by September 28, 1984.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Hearings Staff, Bureau of Eligibility, Reimbursement and Coverage, 365 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594–8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Ohio State Plan Amendment 84–2. .

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether Ohio's request to revise the State's provisions for determining the cost of care liability for an institutionalized Medicaid recipient violates Federal regulations at 42 CFR 435.733.

Federal regulations at 42 CFR 435.733 require that the State reduce its payment to the institution when the Medicaid recipient has income to contribute to the cost of his or her care. They also require the State agency to deduct certain amounts from that income based on needs the patient is determined to have. One of the deductions required is an amount for the maintenance needs of a spouse at home (the MNA). In a State which uses a more restrictive income eligibility standard for Medicaid eligibility of the aged, blind, or disabled than is used to determine SSI eligibility, and which does not have a program for the medically needy, the amount to be deducted must not exceed the Medicaid eligibility standard for an individual. (That standard adopted pursuant to section 1902(f) of the Act, will be more restrictive than the SSI income eligibility standard.)

Ohio's current Medicaid plan allows for an MNA of $222.00 while Ohio's income eligibility standard for an individual is $258.00. The MNA therefore conforms to Federal regulation.

The proposed amendment would raise the maximum MNA to $258.00 and would, in addition, disregard the spouse's first $324.00 of personal income in determining how much MNA to allow. This effectively sets the maintenance needs level of the spouse at $528.00.

In addition, the December 1, 1983 effective date requested by the State was not approved because we believe that 45 CFR 201.3 precludes approving any State plan amendment which has an effective date which precedes the first day of the quarter in which the amendment was submitted, if it involves increases in Medicaid spending over the currently approved plan.

The notice to Ohio announcing an administrative hearing to reconsider our disapproval of the State Plan Amendment reads as follows:

Ms. Patricia K. Barry,
Director, Ohio Department of Human Services, 30 East Broad Street, Columbus, Ohio 43215

Dear Ms. Barry: This is to advise you that your request for reconsideration of the decision to disapprove the Ohio State Plan Amendment 84–2 was received on August 8, 1984. You have requested a reconsideration of the disapproval of whether this plan amendment, which would revise the maximum allowance for the maintenance needs of the noninstitutionalized spouse of an institutionalized Medicaid recipient, conforms to the requirements for approval under the Social Security Act and pertinent Federal requirements.

I am scheduling a hearing on your request to be held on October 16, 1984, at 10 a.m., in the 8th Floor Conference Room, 175 West Jackson Boulevard, Chicago, Illinois. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Albert Miller as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 594–8261.

Sincerely yours,

Carolyne K. Davis, Ph.D

(Sec. 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 12.714, Medical Assistance Program)

Dated: September 6, 1984.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 84-24298 Filed 9-12-84; 8:45 am]

BILLING CODE 4120-03-M

National Institutes of Health

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Diabetes Advisory Board on September 24, 1984, 8:45 a.m. to adjournment, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20814. The meeting which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the Implementation of the long-range plan to combat diabetes mellitus. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20205, (301) 496–6045, will provide an agenda and rosters of the members. Summaries of the meeting may also be obtained by contacting his office.

Dated: August 27, 1984.

Betty J. Beveridge,

NIH, Committee Management Officer.

[FR Doc. 84-24151 Filed 9-12-84; 8:45 am]

BILLING CODE 4140-01-M

Recombinant DNA Advisory Committee Working Group on Human Gene Therapy; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee working Group on Human Gene Therapy at the National Institutes of Health, Building 31C, Conference Room 9, 9000 Rockville Pike, Bethesda, Maryland 20205, on October 12, 1984, from approximately 9:00 a.m. to adjournment at approximately 5:00 p.m. to discuss submission guidelines for proposals involving human gene therapy and review procedures. This meeting will be open to the public. Attendance by the public will be limited to space available.

Further information may be obtained from Dr. William J. Gartland, Executive Secretary, Recombinant DNA Advisory Committeee Working Group on Human Gene Therapy, National Institutes of Health, Building 31, Room 3B10, Bethesda, Maryland, telephone 301–496–6051.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH Lists in its announcements the number and title of affected individual programs for the guidance of the public. Because of guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which NDA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual program listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: August 27, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-24150 Filed 9-12-84; 8:45 am]

BILLING CODE 4140-01-M

Recombinant DNA Advisory Committee, Working Group on Release Into Environment; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee Working Group on Release into Environment at the National Institutes of Health, Building 31A, Conference Room 4, 9000 Rockville Pike, Bethesda, Maryland 20205, on October 5, 1984, from approximately 9:00 a.m. to adjournment at approximately 5:00 p.m. to discuss submission guidelines for proposals involving microorganisms, and other issues involving release into the environment of recombinant organisms. This meeting will be open to the public. Attendance by the public will be limited to space available.

Further information may be obtained from Dr. Elizabeth Milewski, Executive Secretary, Recombinant DNA Advisory Committee Working Group on Release into Environment, National Institutes of Health, Building 31, Room 3B10, Bethesda, Maryland, telephone 301–496–6051.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: August 27, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-24152 Filed 9-12-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Permit; Milwaukee County 200 et al.

Notice is hereby given that two applicants have applied in due form for permits under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations governing the taking and importing of marine mammals (50 CFR Part 18).

1. Applicant:

a. Name: Milwaukee County Zoo—APP# 2575 BM

b. Address: 10001 West Bluemound Road, Milwaukee, WI 53226

2. Type of permit: import

3. Name and number of animals: polar bear (*Ursus maritmus*) one

4. Type of Activity: Public display

5. Location of Activity: Milwaukee County Zoo, Milwaukee, WI

6. Period of Activity: Permanent public display.

The purpose of this application is to import one captive-born female polar bear cub from the Ruhr Zoo, Gelsenkirchen, West Germany for public display and captive propagation.

1. Applicant:

a. Name: Dr. Donald B. Siniff—APP# 3713BM

b. Address: University of Minnesota, Minneapolis, MN

2. Type of permit: take

3. Name and number of animals: California sea otters (*Enhydra lutris*), one hundred

4. Type of activity: Research—all otters will be drugged, tagged, receive transmitters (surgical and/or temple) and undergo blood and premolar extraction

5. Location of activity: coastal California

6. Period of activity: 3 years.

The purpose of the research is to acquire data on certain population parameters of the California sea otter. The data will be used to develop a population model to be used in predicting the potential impact of oil spills on otters and in alleviating potential problems that may be associated with oil spills, such as the translocation of otters to safer regions.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies these applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views or requests for copies of the complete applications, or requests for a public hearing on these applications, should be submitted to the Director, U.S. Fish and Wildlife Service (FWPO), P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. Please refer to the appropriate APP # when submitting comments. Individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements contained in this notice are summaries of those of the applicants and do not necessarily reflect the views of the U.S. Fish and Wildlife Service.

Documents submitted in connection with the above applications are available for review during normal business hours (7:45 am–4:15 pm) in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: September 7, 1984.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 84-24128 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Cyril M. Schneider et al.; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Cyril M.Schneider, New York, NY—APP# 559707.

The applicant requests a permit to import a bontebok (*Damaliscus dorcas dorcas*) trophy, taken from the captive herd of Mr. L. de Bruin, Somerset East, Republic of South Africa, for enhancement of the survival and propagation of the herd.

Applicant: Joseph C. Witt, Dorchester, MA—APP# 3472BM.

The applicant requests a permit to purchase one male and one female red siskin (*Carduelis cuculatus*) for enhancement of propagation.

Applicant: USFWS/National Fisheries Research Center, La Crosse, WI—APP# 2729BM.

The applicants request a permit to take (sacrifice) 30 Higgin's eye pearly mussels (*Lampsilis higginsi*) from the Mississippi River system for scientific research.

Applicant: Dr. Michael F. Baad, CA State University, Sacramento, CA—APP# 3632BM.

The applicant requests a permit to take (collect) seeds of *Arabis macdonaldiana* from BLM lands in Red Mountain, Mendocino County, CA, for scientific research and enhancement of propagation.

Applicant: Burnet Park Zoo, Liverpool, NY—APP# 3735BM.

The applicant requests a permit to purchase in interstate commerce one 7-year old captive born female gibbon (*Hylobates lar*) from the Philadelphia Zoological Gardens for enhancement of propagation. This gibbon will be on breeding loan at the Utica Zoo, Utica, NY until such time as the Burnet facilities have been completed.

Applicant: University of WI Zoological Museum, Madison, WI—APP# 2422BM.

The applicant requests a permit to import and reexport salvaged specimens of the following species in the course of a cooperative project with the Government of Ecuador: Galapagos tortoise (*Geochelone elephantopus*), land iguana (*Conolophus pallidus*), leatherback turtle, (*Dermochelys coriacea*), hawsbill turtle (*Eretmochelys imbricata*), Galapagos penguin (*Spheniscus mendiculus*), brown pelican (*Pelicanus occidentalis*), Galapagos hawk (*Buteo galapagoensis*), peregrine falcon (*Falco peregrinus anatum*) for scientific research.

Applicant: Woodlanders, Inc., Aiken, SC—APP# 3300BM.

The applicant requests a permit to sell in interstate commerce and export artificially propagated specimens of Virginia round-leaf birch (*Betula uber*), Chapman rhododendron (*Rhododendron chapmanii*) and Florida torreya (*Torreyea taxifolia*) for enhancement of propagation.

Applicant: Waimea Arboretum & Botanical Garden, Haleiwa, HI—APP# 2043BM.

The applicant requests a permit to export and import propagation material of listed Hawaiian plants to other scientific institutions for enhancement of propagation.

Applicant: Tom Mantzel, Fort Worth, TX—APP# 4364BM.

The applicant requests a permit to import 12 cheetahs (*Acinonyx jubatus*) from Dr. Hymie Ebedes, Pretoria, South Africa for enhancement of the propagation of the species. The animals were captive-bred by Helga Delf, Windhook, Namibia.

Applicant: Oak Ridge Associated Universities, Oak Ridge, TN—PRT 2-11147.

The applicant requests a permit to take (=harm, harass) a maximum of 78 captive-born cotton-top marmosets (*Saguinus oedipus*) for the purpose of scientific research. Animals would be subjected to protocols for developing viral vaccines that could result in death.

Applicant: Lagoon Corporation, Farmington, UT—APP# 4454BM.

The applicant requests a permit to import a pair of captive-born Siberian tigers (*Panthera tigris*) from Onkanagan Game Farm, Tenticton, Canada, for enhancement of survival.

Applicant: Department of Agriculture, Division of Aquatic & Wildlife Resources, Agana, Guam—PRT 2-11325.

The applicant requests a permit to take (band, sample for disease, monitor by use of radio telemetry) specimens of the following species: Mariana gallinule (*Gallinula chloropus guami*), Vanikoro swiftlet (*Aerodramus vanikorensis bartschi*), Mariana crow (*Corvus kubaryi*), Guam broadbill (*Miagra freycineti*), bridled white-eye (*Zosterops c. conspicillata*), Micronesian kingfisher (*Halcyon c. cinnamomina*), Mariana

fruit bat (*Pteropus m. mariannus*), and the little Marianas fruit bat (*Pteropus tokudae*), for scientific research and enhancement of propagation and survival.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 North Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, of data to the Director at the above address. Please refer to the appropriate PRT 2 # or APP # when submitting comments.

Dated: September 7, 1984.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 84-24129 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[U-54760]

Utah; Public Lands Held in Trust for Paiute Indian Tribe of Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that, pursuant to Public Law 98-219 (98 Stat. 11; 25 U.S.C. 766) dated February 17, 1984, certain public lands as depicted on maps contained in the draft document entitled "Proposed Paiute Indian Tribe of Utah Reservation Plan" (Bureau of Indian Affairs, January 24, 1982) are held in trust by the United States for the benefit of bands of the Paiute Indian Tribe of Utah and are part of the reservation of that tribe.

FOR FURTHER INFORMATION CONTACT: Milt Rupp, Utah State Office, Bureau of Land Management, 136 East South, Temple, Salt Lake City, Utah 84111, 801-524-3142.

1. The public lands are described as follows:

For the Koosharem Band

T. 25 S., R 1 E., SLM
Sec. 19, lots 2, 3, 4, SW¼NE¼, SE¼NW¼, E½SW¼, NW¼SE¼;
Sec. 30, lots 1, 2, 3, NE¼NW¼.
T. 25 S., R 1 W., SLM
Sec. 24, SE¼NE¼, E½SE¼;
Sec. 25, E½E½.
T. 25 S., R. 4 W., SLM
Sec. 10, SW¼;
Sec. 15, NW¼, W½SW¼;
Sec. 22, W½NW¼, NW¼SW¼.

The areas described aggregate 1,273.54 acres in Sevier County.

For the Kanosh Band

T. 25 S., R. 6 W., SLM
Sec. 30, lots 1, 2, 3, 5, 6, S½NE¼, NW¼NE¼, E½SW¼, SE¼.
T. 25 S., R 7 W., SLM
Sec. 22, SE¼;
Sec. 23, SW¼, W½SE¼;
Sec. 27, NE¼.

The areas described aggregate 1,101.54 acres in Millard County.

For the Cedar City Band

T. 37 S., R. 11 W., SLM
Sec. 6, lots 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 18, lot 1, N½NE¼, NE¼,NW¼.
T. 37 S., R. 12 W., SLM
Sec. 1, lots 1, 2, 5, 7, 8, 9, 10, SE¼NW¼, SW¼;
Sec. 12, lots 1, 2, 3, NW¼NW¼.

The areas described aggregate 2,043.78 acres in Iron County.

For the Indian Peaks Band

T. 37 S., R. 12 W., SLM
Sec. 12, lots 4, 5, 6, 7, 8, 9, 11, 12, 13, SW¼NW¼.

The areas described aggregates 425.05 acres in Iron County.

All four areas described aggregate 4,843.91 acres in Utah.

Dated: September 4, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-24159 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-84-M

Notice of Intent to Hold Scoping Meetings

AGENCY: Interior.

ACTION: Notice of intent to hold scoping meetings.

SUMMARY: This notice announces the intent of the Department of the Interior to hold scoping meetings for the preparation of the supplement to the *Federal Coal Management Program Environmental Statement* (EIS). The notice of intent to prepare this supplement appeared in the **Federal Register** (Vol. 49, page 34976) on September 4, 1984. Scoping meetings will be held in Denver, Colorado, on September 25, 1984.

DATES: September 25, 1984, at 8:00 a.m. and 1:00 p.m. The afternoon session will continue until all persons who wish to speak have had an opportunity to do so.

ADDRESS: The meetings will be held at The Clarion, 3203 Quebec Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: In Washington, DC, Andrew Strasfogel, (202) 343-4537; in Denver, Jack Edwards, (303) 234-6737.

SUPPLEMENTARY INFORMATION: On August 30, 1984, the Department of the Interior announced its intent to prepare a supplement to the *Federal Coal Management Program Environmental Statement* (April 1979). The supplement will analyze as its proposed action the potential impacts on the human environment of continuing the coal program identified in the 1979 EIS as the Preferred Program and revised to reflect rule changes promulgated in 1982 and 1983, changes in policies and procedures resulting from recent program reviews, and current projections of national and regional needs for coal. Proposed alternatives are emergency and preference right leasing only, lease by application, and no Federal leasing. The draft is expected to be available for public comment in February 1985.

Preliminary concerns identified by the Department to date include the demand and production projections and their role in the coal program, the role of preference right lease applications in the program, and environmental protection provisions of the preferred program.

Public involvement is invited to determine the scope and significant issues to be analyzed in this supplement. Public participation has been invited in requests for written comments on the range of issues to be addressed and the significant issues relating to the proposed action. These comments were invited by October 4, 1984, and are to be addressed to Director (650), Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20240. Comments may be hand-delivered to Room 3610 in the Main Interior Building at that address.

The Department is also soliciting oral comments through scoping meetings to be held in Denver, Colorado, on September 25, 1984, at the address and times noted above. Members of the public, special interest groups, State and local government representatives, and representatives of other Federal agencies are invited.

The following procedures are requested:

Individuals who wish to speak are to sign in the witness register in person prior to the start of the meeting at which they wish to speak.

Each person may speak only once.

Speakers are to limit comments to 10 minutes.

Speakers are asked to provide a written text of their comments, either at the meeting or by October 4, 1984.

Dated: September 11, 1984.

Robert F. Burford,

Director, Bureau of Land Management.

[FR Doc. 84-24461 Filed 9-12-84; 10:08 am]

BILLING CODE 4310-84-M

Ukiah District, California, Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR 1780 that a meeting of the Ukiah District Advisory Council will occur on October 15, 1984.

The meeting will begin at 10:00 a.m. in the Bureau of Land Management's Arcata Resource Area Office, 1125 16th Street, Arcata, California. The agenda will include a recommendation from the Advisory Council to the District Manager on the suitability of the King Range and Chemise Mountain wilderness study areas for inclusion in the National Wilderness Preservation System. A draft environmental impact statement will be released for a 90-day public comment period in December 1984.

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. Opportunity for public comment will be provided at 10:30 a.m., October 15, 1984.

Summary minutes of the meeting will be maintained in the District Office and will be available for inspection and reproduction within 30 days following the meeting.

For additional information contact: Barbara Gibbons, Bureau of Land Management, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482-0940, telephone (707) 462-3873.

Dated: September 7, 1984.

Van W. Manning,

District Manager.

[FR Doc. 84-24197 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-84-M

Bureau Forms Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contracting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, at 202-395-7340.

Title: Free Use Application and Permit
Bureau form number 5510-1
Frequency: once for each permit
Description of respondents: settlers, residents, miners and nonprofit groups
Annual responses: 100
Annual burden hours: 8
Bureau clearance office (alternate): Linda Gibbs 202-653-8853.

Dated: August 28, 1984.

James M. Parker,

Acting Director.

[FR Doc. 84-24167 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-84-M

[A-18411]

Arizona; Conveyance of Public Land; Reconveyed Land Opened to Entry

September 5, 1984.

Notice is hereby given that pursuant to Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, the following described lands were transferred out of Federal ownership in exchange for privately-owned land. The lands transferred into private ownership are described as follows:

Gila and Salt River Meridian, Arizona

T. 25 N., R. 19W.,
Sec. 16, W½SW¼SW¼NW¼.

Compromising 5.00 acres in Mohave County.

Lands acquired by the United States are described as:

Gila and Salt River Meridian, Arizona

T. 18 N., R. 16 W.,
Sec. 11, N½NW¼SW¼.

Compromising 20.00 acres in Mohave County.

The exchange was made based on approximately equal values.

The purpose of this notice is to inform the public and interested State and local government officials of the transfer of public land and the acquisition of private land by the Federal Government.

The surface of the land acquired by the Federal Government in this exchange will be open to entry under the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, at 10:00 a.m. on October 19, 1984. The mineral estate is owned by the Santa Fe Railroad Company and, therefore, will not be subject to entry under the United States Mining or Mineral Leasing Laws.

Mario L. Lopez,

Chief, Branch of Lands and Mineral Operations.

[FR Doc. 84-24161 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-32-M

Colorado; Filing of Plat of Survey

September 5, 1984.

The plat of survey of the following described lands will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., September 5, 1984.

The plat representing the dependent resurvey of a portion of the south and north boundaries, a portion of the subdivisional lines, portions of certain tracts, and the survey of the subdivision of section 23, 24, 26, and 32, T. 38 N., R. 19 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted August 27, 1984.

This survey was executed to meet certain administrative needs of the Bureau of Reclamation.

All inquiries about these lands should be sent to the Colorado State Office, Bureau of Land Management, 1037—20th Street, Denver, Colorado 80202.

Jack A. Eaves,

Acting Chief, Cadastral Surveyor for Colorado.

[FR Doc. 84-24156 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-84-M

[M-54382]

Conveyance and Order Providing for Opening of Public Lands, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Conveyance and Order Providing for Opening of Public Lands in Lewis and Clark, Powell and Missoula Counties, Montana.

SUMMARY: This order will open the lands reconveyed in an exchange under the Act of October 21, 1976, et seq., to the operation of the public land laws. All minerals in the lands conveyed to the United States were reserved to the grantor, its successors or assigns, or to its predecessors. All of the mineral rights, except rock and gravel, were reserved to the United States on the public lands transferred.

DATE: At 9 a.m. on October 31, 1984, the lands reconveyed to the United States shall be open to the operation of the public land laws, subject to valid existing rights, the provision of existing withdrawals and the requirements of

applicable law. The segregation of the public land that was subsequently transferred to the private party, which was created by the Notice of Realty Action published in the **Federal Register** on September 10, 1982 (47 FR 39898), terminated on issuance of the patent and deed on April 25, 1984.

FOR FURTHER INFORMATION CONTACT: Edward H. Croteau, Chief, Lands Adjudication Section, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, Phone: (406) 657–6082.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716 (1976)), the flowing described surface estate was transferred by patent to Champion International Corporation of Bonner, Montana.

Principal Meridian, Montana

T. 11 N., R. 10 W.,
Sec. 30, SE¼SE¼.
T. 14 N., R. 10 W.,
Sec. 6, SE¼NE¼.
T. 14 N., R. 11 W.,
Sec. 2, SE¼NE¼.
T. 14 N., R. 12 W.,
Sec. 20, SW¼NE¼.
T. 12 N., R. 14 W.,
Sec. 8, S½
T. 12 N., R. 15 W.,
Sec. 34, SE¼SE¼.
T. 14 E., R. 15 W.,
Sec. 17, NE¼SE¼.
T. 12 N., R. 16 W.,
Sec. 7, NE¼SE¼.
T. 13 N., R. 16 W.,
Sec. 4, SE¼SE¼;
Sec. 20, NE¼SW¼;
Sec. 29, NE¼SW¼.
Sec. 30, lots 2 and 4;
Sec. 31, lot 4, E½NE¼, SW¼NE¼, and SE¼SE¼.
T. 14 N., R. 16 W.,
Sec. 26, SE¼DE¼.
T. 11 N., R. 17 W.,
Sec. 2, lots 1, and 2.
T. 13 N., R. 17 W.,
Sec. 2, lot 1;
Sec. 4, lot 4, NE¼SW¼, W½SW¼, and NW¼SE¼;
Sec. 10, SW¼SW¼, E½SE¼, and NW¼SE¼;
Sec. 14, NW¼NW¼.
T. 13 N., R. 18W.,
Sec. 26, NW¼NW¼;
Sec. 35, NW¼NE¼.

Aggregating 1,617.65 acres.

2. The following described lands were conveyed to the same party by quitclaim deed:

Principal Meridian, Montana

T. 12 N., R. 16 W.,
Sec. 11, NE¼NE¼.
T. 13 N., R. 18 W.,
Sec. 24, SW¼NW¼ and N½SW¼;
Sec. 25, lot 1.

Aggregating 204.05 acres.

3. In exchange for the above land, the United States acquired the surface estate of the following described land in Lewis and Clark, Powell and Missoula counties, Montana:

Principal Meridian, Montana

T. 14 N., R. 8 W.,
Sec. 19, SE¼SW¼.
T. 11 N., R. 10 W.,
Sec. 15, All.
T. 14 N., R. 10 W.,
Sec. 19, lots 1, 2, 3, 4, E½, E½W½;
Sec. 30, All that portion of the N½NE¼ and NE¼NW¼ lying north of the northerly right-of-way line of Montana State Highway No. 200, excepting that portion of the NE¼NE¼NE¼ lying north of Arasta Creek, which was deeded to the State of Montana Highway Commission by Roy Neil Spieker and recorded on the 26th day of August 1954, in Book 44 of Deeds at Pages 179–180, Powell County records.
T. 12 N., R. 10W.,
Sec. 25, N½, N½SW¼, SE¼SW¼, SE¼.
T. 12, N., R. 15 W.,
Sec. 30, SW¼SE¼.

Aggregating 1,975.60 acres.

At 9 a.m. on October 31, 1984, the above described lands that were conveyed to the United States will be open to the operation of the public land laws.

John A. Kwiatkowski,

Deputy State Director, Division of Lands & Renewable Resources.

[FR Doc. 84-24157 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-DN-M

[M-60093]

Realty Action, Exchange of Public and Private Lands in Garfield County, MT

September 7, 1984.

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice.

SUMMARY: The following described public lands have been determined to be suitable for exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian, Montana

T. 17 N., R. 32 E.,
Sec. 2, SW¼SW¼;
Sec. 3, E½SW¼, W½SE¼SE¼SE¼;
Sec. 4, S½SW¼;
Sec. 8, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 9, W½, S½SE¼;
Sec. 10, N½SW¼;
Sec. 11, W½;
Sec. 14, N½NW¼, SE¼NW¼;
Sec. 17, NE¼NE¼.
T. 18 N., R. 31 E.,
Sec. 14, SE¼SE¼;
Sec. 24, NW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, NE¼NE¼.
T. 18 N., R. 32 E.,
Sec. 18, SE¼SE¼;
Sec. 19, lots 1–4, NE¼NE¼, E½W½;
Sec. 20, NW¼SW¼.

Aggregating 2,073.52 acres of public land.

In exchange for these public lands, the United States Government will acquire the surface estate in the following described lands from D.K., Inc. of Sand Springs, Montana:

Principal Meridian, Montana

T. 19 N., R. 32 E.,
Sec. 31, lot 4, SE¼SW¼, S½SE¼.

Principal Meridian, Montana

T. 18 N., R. 31 E.,
Sec. 1, lots 1, 2, S½NE¼, N½SE¼;
Sec. 2, E½SW¼, W½SE¼;
Sec. 12, all.
T. 18 N., R. 32 E.,
Sec. 6, lots 3–6, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 7, lot 1, NE¼, NE¼NW¼, N½NE¼SE¼.

Aggregating 1,926.86 acres of private land.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. Any adverse comments will be evaluated by the BLM, Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of this department.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange is available at the Miles City District Office, Garryowen Road, Miles City, Montana.

SUPPLEMENTARY INFORMATION: The purpose of this proposal is to provide management enhancement and legal access to approximately 2,000 acres of public land, which are presently without legal access. The exchange is consistent with the Bureau's planning for the lands involved and has been discussed with State and county officials. The Garfield County Commissioners were consulted on January 31, 1984, and concurred there is no need to hold a public meeting. The public interest will be well served by making the exchange.

The publication of this notice segregates the public land described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945, for lands being transferred out of Federal ownership.

2. The reservation to the United States of all minerals on the public lands being exchanged. The present mineral status of the private lands being exchanged will remain status quo also.

3. All valid existing rights of record.

4. The exchange will be based on an equal value basis as determined by a formal appraisal on both the public and private lands involved.

5. The exchange must meet the requirements of the applicable parts of the Code of Federal Regulations.

Dated: September 6, 1984.

Robert A. Teegarden,

Acting District Manager.

[FR Doc. 84-24158 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-DN-M

Land Resource Management; Filing of Plats of Survey

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice.

SUMMARY: Plats of survey of the lands described below accepted August 3, 1984, will be officially filed in the Montana State Office effective 8 a.m. on November 2, 1984.

Principal Meridian, Montana

T 13 N., R. 24 E.

The plat represents the dependent resurvey of a portion of the south boundary of Township 14 North, Range 24 East, and a portion of the subdivisional lines; and the survey of the subdivision of sections 1, 2, and 12, Township 13 North, Range 24 East, Principal Meridian, Montana. The area described is in Fergus County.

Principal Meridian, Montana

T. 13 N., R. 25 E.

The plat, in four sheets, represents the dependent resurvey of a portion of the Third Standard Parallel North, the Coulson Guide Meridian, a portion of the west and north boundaries, and a portion of the subdivisional ines; and the survey of the subdivision of sections 1, 2, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 17, 18, 22, 26, 27, 28, 29, 31, 32, 33, 34, and 35, Township 13 North, Range 25 East, Principal Meridian, Montana. The area is in Petroleum County.

These surveys were requested by the Lewistown District Office to facilitate their administrative needs.

EFFECTIVE DATE: November 2, 1984.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107.

Dated: August 31, 1984.

Linda M. Wagner,

Chief, Branch of Records.

[FR Doc. 84-24163 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-DN-M

[Designation Order NV-040-8401]

Nevada Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Off-Road Vehicle Designation Decisions.

Decision: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designated as open to off-road motorized vehicle use.

The 4,239,352 acre area area affected by the open designation is known as the Schell Resource Area, located in the BLM's Ely District and encompassing lands in White Pine, Lincoln, and Nye Counties Nevada. This designation is a result of a resource management decision made in the 1983 Schell Management Framework Plan. Open designation was determined to be appropriate for the entire Resource Area because of the extremely light off-road vehicle use which the area receives, and because of the high importance attached to such use by local residents.

This designation is published as final today. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

This designation becomes effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of these designations is available for inspection at the Ely District Office, listed below.

ADDRESS: For further information, contact either the Ely District Manager or the Schell Area Manager at the following address: Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301, 702-289-4865.

Dated: August 24, 1984.

Merill DeSpain,

District Manager.

[FR Doc. 84-24175 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-HC-M

Off-Road Vehicle Designation; Roseburg, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice given relating to the use of off-road vehicles on public lands.

SUMMARY: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirement of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340.

The following lands under administration of the Bureau of Land Management are designated as open, limited or closed to off-road motor vehicle use.

The area affected by the designations is the Roseburg District, which includes 423,900 acres of public lands in the Dillard, Drain, North and South Umpqua Resource Areas in Douglas County, Oregon. These designations are a result of resource management decisions made in the 1983 Management Framework Plan and analyzed in the Roseburg Timber Management Environmental Impact Statement. These designations are published as final today. Under 43 CFR 4.21, an appeal may be filed within 30 days to the Interior Board of Land Appeals.

A. *Open Designation.* Areas which are designated open to off-road motor vehicles comprise 414,245 acres. The steep topography and forest vegetation which occur on BLM lands in the Roseburg District, preclude significant ORV use on much of this area.

B. *Limited Designation.* None.

C. *Closed Designation.* Areas which are designated closed to off-road motor vehicles comprise 9,655 acres. These are generally small parcels of land scattered throughout the District. They include the following special features:

—Recreation Sites
—Research Natural Areas (RNAs)
—Outstanding Natural Areas (ONAs)
—Areas of Critical Environmental Concern (ACECs)
—Cultural Resource Sites
—Habitat Areas of Threatened or Endangered Species
—Progeny Test Sites

Maps of the closed areas are available for review at the Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, OR 97470, Tel: (503) 672-4491.

These designations become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer.

Dated: September 7, 1984.

Melvin D. Berg,

Associate District Manager.

[FR Doc. 84-24171 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-84-M

Filing of Plat of Survey: Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands have been officially filed in the Oregon State Office, Portland, Oregon on the dates hereinafter stated:

Willamette Meridian

Oregon

T. 7 S., R. 19 E., Accepted July 20, 1984
T. 40 S., R. 10 E., Accepted August 3, 1984
T. 2 S., R. 4 E., Accepted August 17, 1984
T. 37 S., R. 1 E., Accepted July 20, 1984
T. 37 S., R. 3 W., Accepted August 17, 1984
T. 23 S., R. 4 W., Accepted August 3, 1984
T. 25 S., R. 4 W., Accepted August 3, 1984
T. 33 S., R. 6 W., Accepted July 20, 1984
T. 31 S., R. 7 W., Accepted August 3, 1984
T. 32 S., R. 7 W., Accepted August 3, 1984
T. 9 S., R. 9 W., Accepted July 20, 1984

All of the above-listed plats were officially filed August 20, 1984.

T. 7 S., R. 10 W., Accepted August 24, 1984
T. 19 S., R. 9 W., Accepted August 24, 1984
T. 20 S., R. 9 W., Accepted August 21, 1984

Washington

T. 7 N., R. 11 E., Accepted August 24, 1984
T. 7 N., R. 12 E., Accepted August 24, 1984

All of the above-listed plats were officially filed August 27, 1984.

The above-listed plats represent dependent resurveys, subdivisions, corrective dependent resurveys, and a supplemental plat.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 825 NE Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 7, 1984.

Robert E. Mollohan

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-24256 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-33-M

[W-74970]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Dated: August 31, 1984.

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, Section 3108.2-1(c), and Pub. L. 97-451, a petition for reinstatement of oil and gas lease W-74970 for lands in Western County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination. The lessees have agreed to the new lease terms for rentals and royalties at rates of $5.00 per acre, and 16⅔ percent, respectively. The lessees have paid the required $500.00 administrative fee and will reimburse the Department for the cost of this **Federal Register** notice.

The lessees having met all the requirements for reinstatement of the leases as set out in section 31 (d) and (e) of the Mineral Lands Act of 1920 (30 U.S.C. 188), the Bureau of Land Management if proposing to reinstate lease W-74970 effective April 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Harold G. Stinchcomb,

Chief, Branch of Fluid Minerals.

[FR Doc. 84-24259 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-22-M

[W-83613]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Dated: August 31, 1984.

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, Section 3108.2-1(c), and Pub. L. 97-451, a petition for reinstatement of oil and gas lease W-83613 for lands in Natrona County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessees have agreed to the new lease terms for rentals and royalties at rates of $5.00 per acre, and 16⅔ percent, respectively. The lessees have paid the required $500.00 administrative fee and will reimburse the Department for the cost of this **Federal Register** notice.

The lessess having met all the requirements for reinstatement of the leases as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease W-83613 effective April 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Harold G. Stinchcomb,

Chief, Branch of Fluid Minerals.

[FR Doc. 84-24260 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-22-M

[84070]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Dated: August 31, 1984.

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, Section 3108.2-1(c), and Pub. L. 97451, a petition for reinstatement of oil and gas lease W-84070 for lands in Niobrara County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessees have agreed to the new lease terms for rentals and royalties at rates of $5.00 per acre, and 16⅔ percent, respectively. The lessees have paid the required $500.00 administrative fee and will reimburse the Department for the cost of this **Federal Register** notice.

The lessess having met all the requirements for reinstatement of the leases as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease W-84070 effective May 1, 1984, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Harold G. Stinchcomb,

Chief, Branch of Fluid Minerals.

[FR Doc. 84-24257 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-22-M

Minerals Management Service

Development Operations Coordination Document; ARCO Oil and Gas Co.

AGENCY: Mineral Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 4826, 5576, 5582 and 5583, Blocks 332, 333, 354, and 355, Ship Shoal 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 Amelia, Louisiana.

DATE: The subject DOCD was deemed submitted on September 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 Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: 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. 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: September 6, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-24221 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the Grand Isle/CATCO Federal Unit Agreement No. 14-08-0001-2021, submitted on August 31, 1984, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Grand Isle/CATCO Federal unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 7, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-24224 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-MR-M

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 0759, Block 173, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Sabine Pass, Texas.

DATE: The subject DOCD was deemed submitted on September 6, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives or 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: September 6, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-24222 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Texaco U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Texaco U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0310, Block 219, South Marsh Island 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 Louisa and Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on September 4, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing 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: September 4, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-24223 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulfur Operations on the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: Minerals Management Service; Interior.

ACTION: Notice of receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California, has submitted a Development and Production Plan describing the activities it proposes to conduct as operator of Lease OCS–P 0441, offshore California. The purpose of this Notice is to inform the public that the Minerals Management Service (MMS) is considering approval of the plan and that it is available for public review and comment.

DATES: The plan may be reviewed weekdays, 8:00 a.m. to 3:00 p.m. Written comments must be received or postmarked by November 9, 1984.

ADDRESSES: The plan is available for public review at the Office of the Regional Manager, Pacific OCS Region, Minerals Management Service, Room 160, 1340 West Sixth Street, Los Angeles, California 90017. Written comments may be mailed or hand-delivered to the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Dunaway, Regional Supervisor, Office of Field Operations, Pacific OCS Region, (213) 688–2083).

SUPPLEMENTARY INFORMATION: Section 25 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1351, requires the MMS to make any development and production plans available for public review. Regulation 30 CFR 250.34 provides for the publication of a Notice that such a plan is available for review.

William E. Grant,

Regional Manager, Pacific OCS Region.

[FR Doc. 84-24162 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Intention To Negotiate Concession Contract; Amfac Hotels and Resorts, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Amfrac Hotels and Resorts, Inc. dba Fred Harvey, authorizing it to continue to provide food, beverage, merchandising and automobile service station facilities and services for the public at Petrified Forest National Park for a period of ten (10) years from January 1, 1985, through December 31, 1994. It is the intention of the National Park Service to combine two existing concessions contracts into one document.

This contract(s) renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under the two existing contracts which expire by limitation of time on December 31, 1984, and December 31, 1986, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Fred Harvey, the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Fred Harvey. If Fred Harvey amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Fred Harvey.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Western Region, 450 Golden Gate Avenue, San Francisco, California 94102, for information as to the requirements of the proposed contract.

Dated: August 28, 1984.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 84-24207 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Contract; Jackglo, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965. (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Jackglo, Inc., authorizing it to continue to provide curio, gift shop, snack and fast food facilities and services for the public at Nuir Woods National Monument for a period of Ten (10) years from January 1, 1985, through December 31, 1994.

This proposed contract requires a construction and improvement program. The construction and improvement program required was previously addressed in the Environmental Analysis of September 1980 that was prepared in conjunction with the General Management Plan for Muir Woods National Monument.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1984, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given perference in the renewal of the contract and in the negotiation of a new contract. This provision, in effect, grants Jackglo, Inc., the opportunity to meet the terms and conditions of any other proposal

submitted in response to this notice which the Secretary may consider better than the proposal submitted by Jackglo, Inc. If Jackglo, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Jackglo, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Western Region, 450 Golden Gate Avenue, San Francisco, California 94102, for information as to the requirements of the proposed contract.

Dated: August 28, 1984.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 84-24206 Filed 9-12-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-165 [Final]]

Certain Valves, Nozzles, and Connectors of Brass From Italy for Use in Fire Protection Systems

AGENCY: International Trade Commission.

ACTION: In conformance with the determination of the International Trade Administration of the Department of Commerce to amend its schedule for the conduct of the referenced investigation, the Commission hereby revises its schedule as follows: The prehearing conference will be held on November 27, 1984; the hearing will be held on December 7, 1984; and the Commission's final determination shall be issued on or before January 7, 1985.

EFFECTIVE DATE: September 7, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. George L. Deyman, (202-523-0481), Office of Investigations, International Trade Commission, Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: The Commission instituted this final antidumping investigation effective July 10, 1984, and scheduled a hearing to be held in connection therewith for October 2, 1984 (49 FR 30029, July 25, 1984). However, the Department of Commerce extended its investigation in response to a request from counsel for respondents in its investigation. The effect of the extension was to change the scheduled date for Commerce to make its final determination from September 17, 1984 to no later than November 23, 1984. Accordingly, the Commission is revising its schedule in the investigation to conform with Commerce's new schedule.

The Commission's hearing, which was to have been held on October 2, 1984, has been rescheduled to begin at 10 a.m. on December 7, 1984, in the Hearing Room, International Trade Commission Building, 701 E Street NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on November 20, 1984. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10 a.m. on November 27, 1984, in room 117 of the International Trade Commission Building. The deadline for filing prehearing briefs is November 30, 1984. A public version of the prehearing staff report containing preliminary findings of fact in this investigation will be placed in the public records on November 20, 1984. The deadline for filing posthearing briefs is December 14, 1984.

Issued: September 7, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-24199 Filed 9-12-84; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 16-84]

Privacy Act of 1974; Modified Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the INTERPOL-United States National Central Bureau (INTERPOL-USNCB) proposes to modify a system of records to include two new routine uses.

The system being modified is entitled "The INTERPOL-United States National Central Bureau (INTERPOL-USNCB) (Department of Justice) INTERPOL-USNCB Records System, JUSTICE/INTERPOL-001," and was last published on February 4, 1983, in the **Federal Register** Volume 48, beginning on page 5351.

The first new routine use permits access to these records by student volunteers working under 5 U.S.C. 3111, and by students working under the college work-study program pursuant to 42 U.S.C. 2751 *et seq.* who have a need for the records in the performance of their duties. The second routine use provides for the disclosure of records to the INTERPOL Supervisory Board * where such disclosure is considered reasonably necessary to obtain information to further investigative efforts or to apprehend criminal offenders. The section entitled "Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Users" is revised to reflect these new uses which have been italicized for public convenience.

Title 5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30-day period in which to comment. Comments should be addressed to Thomas F. O'Leary, Assistant Director, Administrative Service Staff, Justice Management Division, Department of Justice, Room 6314, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

The amended system is reprinted below in its entirety.

Dated: August 24, 1984.

William D. Van Stavoren,

Deputy Assistant Attorney General for Administration.

JUSTICE/INTERPOL-001

SYSTEM NAME:

The INTERPOL-United States National Central Bureau (INTERPOL-USNCB) (Department of Justice) *INTERPOL-USNCB Records System.*

SYSTEM LOCATION:

INTERPOL-U.S. National Central Bureau, Department of Justice, Room 6649, 9th and Pennsylvania Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been convicted or are subjects of a criminal investigation with internationl aspects; specific deceased persons in connection with death notices; individuals who may be associated with certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in a crime; victims of criminal violations in the United States or abroad; and *INTERPOL-USNCB* personnel involved in litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The program records of the INTERPOL-USNCB consists of criminal

* The INTERPOL Supervisory Board is an international board comprised of three judges having oversight responsibilities regarding the purpose and scope of personal information maintained in the internal archives of INTERPOL.

and non-criminal case files. The files contain fingerprint records, photographs, criminal investigative reports, radio messages (international), teletype messages (internal U.S.), log sheets, computer printouts, letters, memoranda, and statements of witnesses and parties to litigation.

These record relate to fugitives, wanted persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes names, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, and details and circumstances surrounding the actual or suspected violation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 263a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event of record(s) in this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use to the appropriate law enforcement and criminal justice agencies whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations or order issued pursuant thereto. A record may be disclosed to federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant or other benefit; to federal agencies in response to their request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. A record may be disclosed to appropriate parties engaged in litigation or in preparation of possible litigation, e.g., to potential witnesses for the purpose of securing their testimony when necessary before courts, magistrates or administrative tribunals; to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings; to foreign governments in accordance with formal or informal international agreements; to local, state, federal and foreign agents; to the Treasury Enforcement Communications System (TECS) (Treasury/CS 00.244); to the International Criminal Police Organization (INTERPOL) General Secretariat and National Central Bureaus in member countries; *to the INTERPOL Supervisory Board, an international board comprised of three judges having oversight responsibilities regarding the purpose and scope of personal information maintained in the international archives of INTERPOL;* to employees and officials of financial and commercial business firms and private individuals where such release is considered reasonably necessary to obtain information to further investigative efforts or to apprehend criminal offenders; to other third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and to translators of foreign languages as necessary. *In addition, records are accessed by INTERPOL–USNCB employees and by volunteer students and students working under a college work-study program who have a need for the records in the performance of their duties.*

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 GFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service [NARS] in records management inspections conducted under the authority of 44 U.S.C 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file folders *in the INTERPOL—United States National Central Bureau, and in file folders, in microfilm records* and on magnetic disks *in the INTERPOL Case Tracking System (ICTS) at the INTERPOL—* United States National Central Bureau, and certain limited data, *e.g.*, that which concerns fugitives and wanted persons, is stored in the Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244, a system published by the U.S. Department of the Treasury.

RETRIEVABILITY:

Information is retrieved primarily by name, file name, system identification number, personal identification number, and by weapon or motor vehicle number or by other identifying data. *Prior to 1975, case files were arranged by name of subject. Since 1975, files have been arranged by year, month and sequential number.*

SAFEGUARDS:

Information maintained on magnetic disks is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Only those individuals specifically authorized and assigned an identification code by the system manager will have access to the computer. Identification codes will be assigned only to those *INTERPOL–USNCB* employees who require access to the information to perform their official duties. In addition, access to the information must be accomplished through a terminal which is located in the *INTERPOL–USNCB* office that is occupied during the day and locked at night. Information in file folders *and in microfilm records* is stored in file cabinets in the same secured area.

RETENTION AND DISPOSAL:

Case files opened after April 5, 1982 have been stored on microfilm (41 CFR

Sec. 101–11.506). In addition, records that were closed prior to April 5, 1982 but are recalled from the Federal Archives and Records Center (FARC) are also microfilmed.

Case files that were closed prior to April 5, 1982 are transferred to the FARC five years from the date the case is closed and are destroyed ten years thereafter, if there has been no recall from the FARC and no case activity.

Case files closed as of April 5, 1982 and thereafter are disposed of as follows: The hard copy (paper record) of the case file may be destroyed when the microfilm records have been verified for clearness, completeness and accuracy. The microfilm record of the case file is destroyed ten years after closing of the case, if there has been no case activity.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, INTERPOL–United States National Central Bureau, Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiries regarding whether the system contains a record pertaining to an individual may be addressed to the Chief, INTERPOL-United States National Central Bureau, Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. To enable INTERPOL–USNCB personnel to determine whether the system contains a record relating to him or her, the requester must submit a written request identifying the record system, identifying the category and type of records, sought, and providing the individual's full name and at least two items of secondary information (data of birth, social security number, employee identification number, or similar identifying information).

RECORD ACCESS PROCEDURES:

Although the Attorney General has exempted the system from the access, contest and amendment provisions of the Privacy Act, some records may be available under the Freedom of Information Act. Inquiries should be addressed to the official designated under "Notification procedure" above. The letter and envelope should be clearly marked "Freedom of Information Request" and a return address provided for transmitting any information to the requester.

CONTESTING RECORD PROCEDURES:

See "Access procedures" above.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include investigative reports of federal, state, local, and foreign law enforcement agencies (including investigative reports from a system of records published by Department of the Treasury entitled Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244); other non-Department of Justice investigative agencies; client agencies of the Department of Justice; statements of witnesses and parties; and the work product of the staff of the United States National Central Bureau working on particular cases. Although the organization uses the name INTERPOL–USNCB for purposes of public recognition, the INTERPOL–USNCB is not synonymous with the International Criminal Police Organization (ICPO–INTERPOL), which is a private, intergovernmental organization headquartered in St. Cloud, France. The Department of Justice INTERPOL–USNCB serves as the United States liaison with the INTERPOL General Secretariat and works in cooperation with the National Central Bureaus of other member countries, but is not an agent, legal representative, nor organizational subunit of the International Criminal Police Organization. The records maintained by the INTERPOL–USNCB are separate and distinct from records maintained by the International Criminal Police Organization, and INTERPOL–USNCB does not have custody of, access to, nor control over the records of the International Criminal Police Organization.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has *exempted* this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and *(8)*, (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2) and (k)(5). *Rules have been* promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and *have been* published in the **Federal Register.**

[FR Doc. 84–24169 Filed 9–12–84; 8:45 am]
BILLING CODE 4410–01–M

Lodging of Consent Decrees Pursuant to Clean Water Act and Electroplating Pretreatment Regulations

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on August 27, 1984, eight proposed consent decrees in *United States* v. *General Motors Corporation* were lodged with United States District Courts for the: Northern District of Georgia; District of New Jersey; District of Kansas; Central District of California; Southern District of Ohio; Northern District of Texas; and the Western District of Missouri. The Complaints, which were simultaneously filed by the United States, allege violations of Section 307 of the Clean Water Act resulting from the failure of eight of General Motor's automobile assembly plants to meet the electroplating pretreatment standards on and after the June 30, 1984 compliance date. The eight plants are: the Linden Plant in Linden, New Jersey; the Norwood Plant in Norwood, Ohio; the Van Nuys Plant in Van Nuys, California; the Fairfax Plant in Kansas City, Kansas; the Leeds Plant in Kansas City, Missouri; the Arlington Plant in Arlington, Texas; the Doraville Plant in Doraville, Georgia; and the Lakewood Plant in Atlanta, Georgia.

The complaints all seek injunctive relief to require General Motors to comply immediately with the applicable pretreatment standards and to pay civil penalties for any violations of those standards.

The consent decrees require General Motors to undertake long-term construction projects at each of the eight plants involving major modifications to existing wastewater treatment systems. In the period prior to completion of that construction in September 1985, General Motors will employ interim measures (such as the installation of portable treatment facilities) in an effort to meet the standards. The consent decrees further provide for a schedule of penalties if there are compliance failures after June 30, 1984.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *General Motors Corporation*, D.J. Ref. 90–5–1–1–2177.

The proposed consent decrees may be examined at the offices of the United States Attorneys or the regional offices of the Environmental Protection Agency as follows:

Consent decree	U.S. attorney	EPA
The Linden Decree.	Federal Bldg., 970 Broad St., Newark, NJ 07102.	Region II, 26 Federal Plaza, New York, NY 10278

Consent decree	U.S. attorney	EPA
The Arlington Decree.	310 U.S. Courthouse, 10th & Lamar Streets, Ft. Worth, TX 76106.	Region VI, 1201 Elm Street, Dallas, TX 75270
The Fairfax Decree.	412 Federal Bldg., 812 North Seventh St., Kansas City, KS 66601.	Region VII, 324 East 11th St., Kansas City, MO 64106
The Leeds Decree.	549 U.S. Courthouse, 811 Grand Avenue, Kansas City, MO 64106.	Region VII, 324 East 11th St., Kansas City, MO 64106
The Van Nuys Decree.	312 North Spring St., Los Angeles, CA 90012.	Region IX, 215 Fremont Street, San Francisco, CA 94105
The Norwood Decree.	220 USPO & Courthouse, 5th & Walnut St., Cincinnati, OH 45202.	Region V, 230 South Dearborn St., Chicago, Ill 60604
The Doraville Decree, The Lakewood Decree.	Suite 1800, Richard Russell Bldg., 75 Spring St., S.W., Atlanta, GA 30335.	Region IV, 345 Courtland St., Atlanta, GA 30365

Copies of the consent decrees may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Ave., NW., Washington, D.C. 20530. A copy of a proposed consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of a decree, please identify which decree is being requested and enclose a check in the amount of $4.10 payable to Treasurer of the United States. If all eight decrees are requested, enclose a check in the amount of $32.80.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-24170 Filed 9-12-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[ORPS Application No. P-6333V]

Employee Benefit Plans; Alternative Method of Compliance for the Texas Commerce Trust Co. Short-Term Trust for Qualified Employee Benefit Plans

AGENCY: Office of Pension and Welfare Programs, Department of Labor.

ACTION: Grant of alternative method of compliance.

SUMMARY: The Department of Labor (the Department) hereby grants an alternative method of compliance with annual reporting requirements of the Employee Retirement Income Security Act of 1974 (ERISA) for all employee benefit plans with units of participation in the Texas Commerce Trust Co. Short-Term Trust for Qualified Employee Benefit Plans (the Trust).

EFFECTIVE DATE: October 15, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. John Christensen, Office of Reporting and Plan Standards, Office of Pension and Welfare Benefit Programs, (202) 523-8684 [this is not a toll free number].

SUPPLEMENTARY INFORMATION: On May 2, 1984 notice was published in the **Federal Register** (49 FR 18795) of the pendency before the Department of an alternative method of compliance with the annual reporting requirements of the Employee Retirement Income Security Act of 1974 (ERISA) for all employee benefit plans with units of participation (Participating Plans) in the Texas Commerce Trust Co. Short-Term Trust for Qualified Employee Benefit Plans (the Trust). The alternative method of compliance was requested in a petition filed by Gardere & Wynne, Attorneys and Counselors, Dallas, Texas, for the Trustees of the Trust, on behalf of all Participating Plans, pursuant to section 110(a) of the Act.

The notice set forth a summary of the facts and representations contained in the petition for an alternative method of compliance and referred interested persons to the petition on file with the Department for a complete statement of the facts and representations. The petition has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested alternative method of compliance to the Department and the petitioner has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency.

No public comments were received by the Department on the notice, and the Department has decided to grant the proposed alternative method of compliance.

Alternative Method of Compliance

In accordance with section 110(a) of the Act and based upon the entire record, the Department makes the following determinations:

(1) The use of the alternative method of compliance prescribed herein is consistent with the purposes of Title I of the Act and provides adequate disclosure to the Plans' participants and beneficiaries and adequate reporting to the Department,

(2) The application of the annual reporting requirements would increase the costs to the Plans or impose unreasonable administrative burdens with respect to the operation of the Plans, and

(3) The application of the annual reporting requirements of the Act would be adverse to the interests of the Plans' participants in the aggregate.

Accordingly, subject to the express condition that the material facts and representation contained in the petition are true and complete and the petition accurately describes all factors material to the granting of the alternative method of compliance, the Department hereby grants the following alternative method of compliance for plans participating in the Texas Commerce Trust Co. Short-Term Trust for Qualified Employee Benefit Plans:

(a) *General.* Under the authority of section 110 of the Act, a plan whose assets are held in whole or in part in the Texas Commerce Trust Co. Short-Term Trust for Qualified Employee Benefit Plans (hereinafter a "Participating Plan") shall include in the annual return report (Form 5500 series) and in the separate statements and schedules of the annual report, for plan years beginning on or after January 1, 1983, the information described in paragraph (b) of this alternative; provided that the trustees of the Texas Commerce Trust Co. Short-Term Trust for Qualified Employee Benefit Plans (hereinafter the "Trust") file directly with the Department and provide each administrator of a Participating Plan the information described in paragraph (c) of this alternative no later than the date on which the plan's annual report is due. The information described in paragraph (c), however, shall be considered as part of the annual report for purposes of the requirements of § 104(a)(1)(A) of the Act and § 2520.104a-5. This alternative method of compliance has no application to assets not held in the Trust.

(b) *Reporting Information Relating to Participating Plans to be Filed with the Internal Revenue Service.* A Participating Plan utilizing this alternative method of compliance shall include in the annual return/report (Form 5500 series) and in the separate statements and schedules of the annual report: The current value of units participating in the Trust held by the plan; transactions involving the acquisition and disposition by the plan of units of participation in the Trust; and, as an attachment to the annual report, a certification by the administrator of the Participating Plan that the plan has received a copy of the information, described in paragraph (c),

filed with the Department by the Trust. Such plan is not required to include in the annual report any information concerning individual transactions of the Trust.

(c) *Reporting Information Relating to the Trust to be Filed with the Department of Labor.* The following information regarding the Trust must be reported for the fiscal year of the Trust ending with or within the plan year for which a Participating Plan's annual report is made:

(1) Name, address and employer identification number (EIN) of the Trust;

(2) A list of all Participating Plans investing in the Trust identified by plan name, plan number, and name and EIN of the plan sponsor as they appear on the annual return/report, and each plan's percentage interest in the Trust as of the beginning and ending of the fiscal year of the Trust;

(3) A statement of assets and liabilities of the Trust;

(4) A statement of income and expenses of the Trust;

(5) The assets held for investment (including the acquisitions and dispositions during the fiscal year of the Trust), leases and obligations in default, and compensation paid by the Trust for services in the manner required by the instructions to the annual return/report Form 5500;

(6) A report of an independent qualified public accountant regarding the statements and schedules described in subparagraphs (2) through (5) above which meets the requirements of 29 CFR 2520.103–1(b)(5).

The Trust shall file the information described in this paragraph (c) with the Department by mailing it to: Office of Reports and Disclosure, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor, 200 Constitution Avenue, NW. Washington, D.C. 20210, Attention: Texas Commerce Trust Co. Alternative Method of Compliance.

Signed at Washington, D.C., this 8th day of September.

Robert A.G. Monks,

Administrator, Office of Pension and Welfare Benefit Programs.

[FR Doc. 84–24200 Filed 9–12–84; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

Statement of Policy; Investigations, Inspections, and Adjudicatory Proceedings

On August 5, 1983, the Commission set forth interim procedures for handling conflicts between the NRC's responsibility to disclose information to adjudicatory boards and parties, and the NRC's need to protect investigative material from premature public disclosure. "Statement of Policy—Investigations and Adjudicatory Proceedings," 48 FR 36358 (August 10, 1983).

Those interim procedures called for the NRC staff or Office of Investigations (OI), when it felt disclosure of information to an adjudicatory board was required but that unrestricted disclosure could compromise an inspection or investigation, to present the information and its concerns about disclosure to the board *in camera*, without disclosure of the substance of the information to the other parties. A board decision to disclose the information to the parties was appealable to the Commission, and the board was not to order disclosure until the Commission addressed the matter.

That Statement of Policy was to remain in effect until the Commission received and took action on the recommendations of an internal NRC task force established to develop guidelines for reconciling these conflicts in individual cases. The Commission in that Statement also requested public comments on the propriety and desirability of *ex parte in camera* presentation of information to a board, and suggestions for any better alternatives.

The Task Force submitted its report to the Commission on December 30, 1983. A copy of that report will be placed in the Commission's Public Document Room. The Task Force approved the principles discussed in the Commission's earlier Statement of Policy, and made several recommendations intended to define specifically the responsibilities of the boards, the staff, and OI in presenting disclosure issues for resolution.

The Task Force recommended that the final Policy Statement explain that full disclosure of material information to adjudicatory boards and the parties is the general rule, but that some conflicts between the duty to disclose and the need to protect information will be inevitable. The Task Force further recommended that issues regarding disclosure to the parties be initially determined by the adjudicatory boards with provision for expedited appellate review, and that procedures for the resolution of such conflicts be established by rule. Finally, the Task Force suggested that existing board notification procedures should remain unaffected by the Policy Statement, and that those procedures and Commission guidelines for disclosure of information concerning investigations and inspections should apply to all NRC offices. Those recommendations have been incorporated in this Statement.

In addition, two comments were submitted by members of the public.

One commenter stated that the withholding of information from public disclosure should be confined to the minimum essential to avoid compromising enforcement actions, and that appropriate representatives of each party should be allowed to participate under suitable protective orders in any *in camera* proceeding except in the most exceptional cases.

The other commenter maintained that an *in camera* presentation to the board with only one party present is undesirable and violates the *ex parte* rule. That commenter suggested an alternative of having the attorneys or authorized representatives of parties who have signed a protective agreement present at any *in camera* presentation, with appropriate sanctions for violating the protective agreement.[1]

The Commission, after considering these comments and the report of the Task Force, has decided that it would be appropriate, in order to better explain the Commission's policy in this area, to provide the following explanation of the conflict between the duty to disclose investigation or inspection information to the boards and parties and the need to protect that information:

All parties in NRC adjudicatory proceedings, including the NRC staff, have a duty to disclose to the boards and other parties all new information they acquire which is considered material and relevant to any issue in controversy in the proceeding. Such disclosure is required to allow full resolution of all issues in the proceeding. The Commission expects all NRC offices to utilize procedures which will assure prompt and appropriate action to fulfill this responsibility.

However, the Commission recognizes that there may be conflicts between this responsibility to provide the boards and parties with information and an investigating or inspecting office's need to avoid public disclosure for either or both of two reasons: (1) To avoid

[1] Both comments also included suggestions regarding matters beyond the scope of this Policy Statement, which is concerned only with establishing a procedure to handle conflicts between the duty to disclose information to the boards and parties and the need to protect that information. For instance, one suggestion was that the NRC impose a more stringent standard in deciding whether information warrants a board notification. Another recommended that the NRC improve the quality of its investigations.

compromising an ongoing investigation or inspection; and (2) to protect confidential sources. The importance of protecting information for either of these reasons can in appropriate circumstances be as great as the importance of disclosing the information to the boards and parties.

With regard to the first reason, avoiding compromise of an investigation or inspection, it is important to informed licensing decisions that NRC inspections and investigations are conducted so that all relevant information is gathered for appropriate evaluation. Release of investigative material to the subject of an investigation before the completion of the investigation could adversely affect the NRC's ability to complete that investigation fully and adequately. The subject, upon discoving what evidence the NRC had already acquired and the direction being taken by the NRC investigation, might attempt to alter or limit the direction or the nature or availability of further statements or evidence, and prevent NRC from learning the facts. The failure to ascertain all relevant facts could itself result in the NRC making an uninformed licensing decision. However, the need to protect information developed in investigations or inspections usually ends once the investigation or inspection is completed and evaluated for possible enforcement action.

The second reason for not disclosing investigative material—to protect confidential sources—has a different basis. Individuals sometimes present safety concerns to the NRC only after being assured that their individual identity will be kept confidential. This desire for confidentially may arise for a number of reasons, including the possibility of harassment and retaliation. Confidential sources are a valuable asset to NRC inspections and investigations. Releasing names to the parties in an adjudication after promising confidentially to sources would be detrimental to the NRC's overall inspection and investigation activities because other individuals may be reluctant to bring information to the NRC. However, the need to protect confidential sources does not end when the investigation or inspection is completed and evaluated for possible enforcement action.

By this Policy Statement, the Commission is not attempting to resolve the conflict that may arise in each case between the duty to disclose information to the boards and parties and the need to protect that information or its source. The resolution of actual conflicts must be decided on the merits of each individual case. However, the Commission does note that as a general rule it favors full disclosure to the boards and parties, that information should be protected only when necessary, and that any limits on disclosure to the parties should be limited in both scope and duration to the minimum necessary to achieve the purposes of the non-disclosure policy.

The purpose of this Policy Statement is to establish a procedure by which the conflicts can be resolved. The Policy Statement takes over once a determination has been made, under established board notification procedures, that information should be disclosed to the boards and public, but OI or staff believes that the information should be protected. In those cases the Commission has decided that the only workable solution to protect both interests is to provide for an *in camera* presentation to the board by the NRC staff or OI, with no party present. Any other procedure could defeat the purpose of non-disclosure and might actually inhibit the acquisition of information critical to decisions. Allowing the other parties or their representatives to be present in all cases, even under a protective order, could breach promises of confidentiality or allow the subject of an investigation to prematurely acquire information about the investigation. We note in this regard the difficulties of attempting to prevent a party's representative from talking to his client about the relevance of the information and how to respond to it, even under a protective order.

The Commission believes that the boards, using the procedures established in this Policy Statement, can resolve most potential disclosure conflicts once they have been advised of the nature of the information involved, the status of the inspection or investigation, and the projected time for its completion. In many of the cases when the procedures in this Policy Statement are triggered by a concern for premature public disclosure, it may be possible for boards to provide for the timely consideration of relevant matters derived from investigations and inspections through the deferral or rescheduling of issues for hearing. In other instances, the boards may be able to resolve the conflict by placing limitations on the scope of disclosure to the parties, or by using protective orders.

The Commission wishes to emphasize that these procedures do not abrogate the well-established principle of administrative law that a board *may not* use *ex parte* information presented *in camera* in making licensing decisions. These procedures are designed to allow the boards to determine the relevance of material to the adjudication, and whether that information must be disclosed to the parties, and, if disclosure is required, to provide a mechanism for case management both to protect investigations and inspections and to allow for the timely provision of material and relevant information to the parties. As such these procedures are analogous to the procedures for resolving disputes regarding discovery, *see, e.g.*, 10 CFR 2.740(c), and do not violate the prohibition in 10 CFR 2.780 against *ex parte* discussion of substantive matters at issue.

In accord with the above discussion, the Commission has decided that the procedures to be followed, where there is a conflict between the need for disclosure to the board and parties and the need to protect an investigation or inspection, will include *in camera* presentations by the staff or OI. However, because this procedure represents a departure from normal Commission procedure, it is the Commission's view that the decision should be implemented by rulemaking. Accordingly, the Commission directs the NRC staff to commence a rulemaking on the matter.

Until completion of the rulemaking, the following will control the procedures to be followed in resolving conflicts between the duty to disclose to boards and the need to protect information developed in investigation or inspection:

1. Established board notification procedures should be used by staff or OI to determine whether information in their possession is potentially relevant and material to a pending adjudicatory proceeding.[2] The general rule is that all information warranting disclosure to the boards and parties, including information that is the subject of ongoing investigations or inspections, should be disclosed, except as provided herein.

2. When staff or OI believes that it has a duty in a particular case to provide an adjudicatory board with information concerning an inspection or investigation, or when a board requests such information, staff or OI should provide the information to the board and parities unless it believes that unrestricted disclosure would prejudice an ongoing inspection or investigation, or reveal confidential sources. If staff or OI believes unrestricted disclosure

[2] While this Statement refers only to staff and OI who are the organizations principally involved, the statement will apply to any other offices of the Commission which may have the problem.

would have these adverse results, it should propose to the board and parties that the information be disclosed under suitable protective orders and other restrictions, unless such restricted disclosure would also defeat the purpose behind non-disclosure. If staff or OI believes that any disclosure, however restricted, would defeat the purpose behind non-disclosure, it shall provide the board with an explanation of the basis of its concern about disclosure and present the information to the board, *in camera*, without other parties present. A verbatim transcript of the *in camera* proceeding will be made.[3]

All parties should be advised by the board of the conduct and purpose of the *in camera* proceeding but should not be informed of the substance of the information presented. If, after such *in camera* presentation, a board finds that disclosure to other parties under protective order or otherwise is required (*e.g.*, withholding information may prejudice one or more parties or jeopardize timely completion of the proceedings, or the board disagrees that release will prejudice the investigation), it shall notify staff or OI of its intent to order disclosure, specifying the information to be provided, the terms of any protective order proposed, and the basis for its conclusion that prompt disclosure is required. The staff or OI shall provide the board within a reasonable period of time, to be set by the board, a statement of objections or concurrence. If the board disagrees with any objection and the disagreement cannot be resolved, the board shall promptly certify the record of the *in camera* proceeding to the Commission for resolution of the disclosure dispute, and so inform the other parties. Any licensing board decision to order disclosure of the identify of a confidential source shall be certified to the Commission for review regardless of whether OI and staff concur in the disclosure.[4] The board's decision shall be stayed pending a Commission decision. The record before the Commission shall consist of the transcript, the board's Notice of Intent to require disclosure and the objections of Staff or OI. Staff or OI may file a brief with the Commission within ten days of filing a statement of objections with the board. The record before the Commission, including staff or OI's brief, shall be kept *in camera* to the extent necessary to protect the purposes of non-disclosure.

The Commission recognizes that no other party may be in a position effectively to respond to staff or OI's brief because the proceedings have been conducted *in camera*. However, in those cases where another party feels that it is in a position to file a brief, it may do so within seven days after staff or OI files its brief with the Commission.

3. Staff or OI shall notify the board and, as appropriate, the Commission, if the objection to disclosure to the parties of previously withheld information, or any portion of it, is withdrawn. Unless the Commission has directed otherwise, such information—with the exception of the identities of confidential sources—may then be disclosed without further Commission order.

4. When a board or the Commission determines that information concerning a pending investigation or inspection should not be disclosed to the parties, the record of any *in camera* proceeding conducted shall be deemed sealed pending further order. That record will be ordered included in the public record of the adjudicatory proceeding upon completion of the inspection or investigation, or upon public disclosure of the information involved, whichever is earlier, subject to any privileges that may validly be claimed under the Commission's regulations, including protection of the identify of a confidential source. Only the Commission can order release of the identify of a confidential source.

Dated at Washington, D.C. this 7th day of September, 1984.

Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 84-24261 Filed 9-12-84; 8:45 am]

BILLING CODE 7590-01-M

[3] Nothing in this Statement prohibits staff on OI from sharing information.

[4] The Commission has decided to review any licensing board decision ordering disclosure of the identify of a confidential source because of the importance to the Commission's inspection and investigation program of protecting the identity of confidential sources.

[Docket No. 50-334]

Duquesne Light Co., et al. (Beaver Valley Power Station Unit No. 1); Exemption

I

The Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees), are the holder of Facility Operating License No. DPR-66 which authorizes operation of the Beaver Valley Power Station, Unit No. 1 (the facility) at steady-state power levels not in excess of 2652 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Beaver County, Pennsylvania. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect.

II

On November 19, 1980, the Commission published a revised section 10 CFR 50.48 and a new Appendix R to 10 CFR 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised section 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of those fifteen subsections, III.G, is the subject of this exemption.

Subsection III.G specifies detailed requirements for fire protection of the equipment used for safe shutdown by means of separation and barriers (III.G.2). If the requirements for separation and barriers cannot be met in an area, alternative safe shutdown capability, independent of that area and equipment in that area is required (III.G.3).

In response to previous requests from the licensee, the Commission granted an exemption to requirements of subsection III.G and III.L on March 14, 1983. By letter dated December 16, 1983 and supplemented by letter dated May 30, 1984, Duquesne Light Company requested additional exemptions from the requirements of Subsection III.G of Appendix R.

III

We have reviewed the licensee's exemption requests and evaluation of these requests is as follows:

1. Fixed Suppression and Detection Systems

For the following areas, an exemption is requested from Section III.G.3 to the extent it requires fixed suppression and detection to be provided throughout a fire area for which alternative shutdown has been provided:

Primary Auxiliary Building (PA-1A), Elev. 768

Control Room HVAC Equipment Room (CR-2), Elev. 713

Emergency Switchgear Rooms (ES-1 & 2), Elev. 713

Process Instrument Room (CR-4), Elev. 713

Communications Equipment & Relay Panel Room (CR-3), Elev. 713

Normal Switchgear Room (NS–1), Elev. 713
Carbon Dioxide Storage/PG Pump Room (CO–2)
Pipe Tunnel (Sub-area QP–1), Elev. 735

With the exception of the Carbon Dioxide Storage/PG Pump Room (CO–2), all of these areas are provided with either partial or complete fire detection systems. The carbon dioxide storage area is in a separate building adjacent to the diesel generator buildings. A fire in this area would not threaten safe-shutdown equipment.

All of the fire areas for which exemptions have been requested represent a similar configuration, i.e., combustible loading is light, there is alternate shutdown capability, detection (except CO_2 storage area) and manual fire suppression equipment is available. (The CO_2 storage area contains only equipment valves and cables in conduit. It is in a separate building and a fire here would not threaten adjacent safety related areas.) The low combustible loading in these areas ensures that safety-related equipment in adjacent areas will not be threatened. The installation of a fixed fire suppression system would not significantly increase the level of fire protection in these areas.

Based on our evaluation, we find that the existing fire protection in conjunction with alternate shutdown capability in the eight areas for which an exemption has been requested provides a level of fire protection equivalent to the technical requirements of section III.G.3 of Appendix R and, therefore, the exemptions should be granted.

2. Control Room HVAC Equipment Room (CR–2) Elev. 713

An exemption is requested from section III.G.2 to the extent it requires the separation of adjacent fire areas by 3-hour rated fire barriers.

The control room HVAC equipment room is separated from other areas by 3-hour rated fire barriers with the exception of a 1½-hour rated fire door which leads to the Relay Room (CR–3). The combustible loading in both areas (CR–3 and CR–2), if totally consumed, would correspond to an equivalent fire severity of approximately 40–50 minutes on the ASTM E–119 Standard Time-Temperature Curve. Smoke detection and manual fire suppression equipment is provided in each area. Alternate shutdown capability is provided independent of the fire area.

The 1½-hour rated fire door which leads to the relay room exceeds the combustible loading in both the HVAC equipment room and the delay room with considerable margin. In the event a fire occurred in either room, there is reasonable assurance that the installed smoke detection system would alarm and alert the fire brigade before the door's integrity is challenged. Replacing the existing door with a 3-hour rated assembly would not significantly enhance fire protection safety.

Based on our evaluation, we find that the existing fire door in the HVAC equipment room (CR–2) provides a level of fire protection equivalent to the technical requirements of section III.G. The exemption should, therefore, be granted.

3. Emergency Switchgear Rooms (ES–1 and ES–2) Elev. 713

An exemption is requested from section III.G.2 to the extent it requires the separation of adjacent fire areas by 3-hour rated fire barriers.

The Emergency Switchgear Rooms are located on the 713 elev. beneath the cable spreading room. The ceiling which forms a boundary between the two areas constitutes a 1½-hour fire barrier. All other adjacent boundaries are 3-hour rated. The combustible loading in the emergency switchgear room, if totally consumed, would correspond to an equivalent fire severity of approximately 25 minutes on the ASTM E–119 Standard Time-Temperature Curve.

Smoke detection and manual fire suppression equipment are provided in the area. The 1½-hour rated ceiling exceeds the combustible loading in the switchgear room with considerable margin. In the event a fire occurred, there is reasonable assurance that the installed smoke detection system would alarm and alert the fire brigade before the ceiling's integrity is challenged. Replacing the existing ceiling with a 3-hour rated assemblies would not significantly enhance fire protection safety.

Based on our evaluation, we find that the protection provided for the emergency switchgear room ceiling provides a level of fire protection equivalent to the technical requirements of section III.G. The exemption should, therefore, be granted.

4. Process Instrument Room (CR–4), Elev. 713

An exemption is requested from section III.G.2 to the extent it requires the separation of adjacent fire areas by 3-hour rated fire barriers.

The process instrument room is located on the 713 elev. beneath the cable spreading room. The ceiling which forms a barrier between the process instrument room and the cable spreading room is a 1½-hour rated fire barrier. In addition, three doors which communicate to the adjacent relay room (CR–3) are 1½-hour rated fire doors. All other boundaries are 3-hour rated.

The combustible loading in the area, if totally consumed, would correspond to an equivalent fire severity of approximately 45 minutes on the ASTM E–119 Standard Time-Temperature Curve. Smoke detection and manual fire suppression equipment are provided in the area. Alternate shutdown capability independent of the area is also provided.

The 1½-hour rated fire doors which lead to the relay room and 1½-hour rated ceiling exceed the combustible loading in both the process instrument room and the relay room with considerable margin. In the event a fire occurred in either room, there is reasonable assurance that the installed smoke detection system would alarm and alert the fire brigade before the door's or ceiling's integrity is challenged. Replacing the existing doors and ceiling with 3-hour rated assemblies would not significantly enhance fire protection safety.

Based on our evaluation, we conclude that the protection provided for the process instrument room provides a level of fire protection equivalent to the technical requirements of section III.G. The exemption should, therefore, be granted.

5. Communication Equipment and Relay Panel Room (CR–3) Elev. 173

An exemption is requested from section III.G.2 to the extent it requires the separation of adjacent fire areas by complete 3-hour rated barriers.

The communications equipment and relay panel room is located on the 713' elev. beneath the cable spreading room. The ceiling that separates the relay room from the cable spreading room is a 1½-hour rated fire barrier. In addition, two doors that communicate with the adjacent process instrument room (CR–4) carry a 1½-hour rating.

Smoke detection and manual fire suppression equipment are provided in the area. The combustion loading in the area, if totally consumed, would correspond to an equivalent fire severity of approximately fifty minutes on the ASTM E–119 Standard Time-Temperature Curve. Alternate shutdown capability independent of the area is provided.

The 1½-hour rated fire doors which lead to the process instrument room and the 1½-hour rated ceiling exceed the combustible loading in both the process instrument room and the relay room with considerable margin. In the event a

fire occurred in either room, there is reasonable assurance that the installed smoke detection system would alarm and alert the fire brigade before the door's integrity is challenged. Replacing the existing doors and ceiling with 3-hour rated assemblies would not significantly enhance fire protection safety.

Based on our evaluation, we conclude that the protection provided for the Communications Equipment & Relay Panel Room provides a level of fire protection equivalent to the technical requirements of section III.G. The exemption should, therefore, be granted.

6. Normal Switchgear Room NS–1 Elev. 713

An exemption is requested from section III.G.2 to the extent it requires the separation of adjacent fire areas by 3-hour rated barriers.

The normal switchgear room is located on the 713 elev. of the service building, one floor below the cable spreading room. The normal switchgear room is surrounded by 3-hour rated barriers with the exception of 1½-hour rated fire dampers installed in the ductwork that penetrates the cable spreading room.

Smoke detection and manual fire suppression equipment are provided in the area. The combustible loading in the area, if totally consumed, would correspond to an equivalent fire severity of approximately 50 minutes on the ASTM E–119 Standard Time-Temperature Curve. Alternate shutdown capability independent of the area is provided.

The 1½-hour rated fire dampers which lead to the cable spreading room exceed the combustible loading in the normal switchgear room with considerable margin. In the event a fire occurred in the switchgear room, there is reasonable assurance that the installed smoke detection system would alarm and alert the fire brigade before the dampers' integrity is challenged. Replacing the existing dampers with 3-hour rated assemblies would not significantly enhance fire protection safety.

Based on our evaluation, we conclude that the protection provided for the normal switchgear room provides a level of fire protection equivalent to the technical requirements of section III.G. The exemption should, therefore, be granted.

7. Cable Spreading Room

An exemption is requested from section III.G.2 to the extent it requires the separation of adjacent fire areas by complete 3-hour rated barriers.

The cable spreading room is located on the 725'6" elev. of the service building. The walls and ceilings constitute 3-hour rated barriers. The floor is a 1½-hour rated floor. Ductwork is provided with 3-hour rated dampers except those ducts which penetrate the floor and the west wall which separates the cable spreading room from the normal switchgear room. These ducts are provided with 1½-hour rated dampers. All cables and equipment needed for safe-shutdown will be removed from the normal switchgear room and relocated at the next refueling outage. The cable spreading room doors are 3-hour rated except for the 1½-hour rated door that opens to the east stairtower.

The combustible loading in the cable spreading room, if totally consumed, would correspond to an equivalent fire severity of approximately 1-hour and twenty minutes on the ASTM E–119 Standard Time-Temperature Curve.

To approve fire area boundaries of less than a 3-hour rating, we need reasonable assurance that the proposed boundaries will exceed the in-situ fuel load with margin. In the cable spreading room, the margin proposed is not considered adequate for the general case. However, in the three specific cases cited, we have evaluated the location and configuration of the 1½-hour rated components and consider them acceptable for the following reasons:

- 1½-hour rated stairtower door—section C.5.a of our guidelines recommends the use of 2-hour rated concrete stairtower enclosures with self-closing Class B (1½-hour) fire doors. The licensee has provided this level of protection. We, therefore, find the 1½-hour rated fire doors acceptable.
- 1½-hour rated floor and 1½-hour rated fire dampers in the floor. In the event of a fire in the cable spreading room, the heat from the fire would rise and challenge the ceiling and upper wall areas of the cable spreading room. Only after a considerable time period will the heat transfer down through the floor become significant. With the added benefit of the installed smoke detection system, automatic suppression system and response of the fire brigade, there is reasonable assurance that the 1½-hour rated floor and dampers will remain functional.
- 1½-hour rated dampers penetrating the wall to the normal switchgear room. The licensee has committed to remove all cables and equipment from the normal switchgear room needed for safe-shutdown. Therefore, if a fire propagated to this area, by the failure of the 1½-hour rated damper, no safe-shutdown equipment would be damaged. The walls of the normal switchgear room that separate it from the remainder of the plant are 3-hour rated barriers. Therefore, a cable spreading room fire which spreads to the switchgear room by failure of the 1½-hour rated dampers will not spread beyond the normal switchgear room.

Based on our evaluation, we conclude that the protection provided for the cable spreading room provides a level of fire protection equivalent to the technical requirements of section III.G. The exemption should, therefore, be granted.

8. Reactor Containment RC–1

An exemption is requested from section III.G. to the extent it requires the separation of redundant trains of the source range monitor within containment by greater than 20 feet.

This fire area includes the entire area inside containment. The redundant trains of safe shutdown components in this area include the containment ventilation, pressurizer pressure controls, pressurizer power operated relief valves, pressurizer relief blocking valves, pressurizer heaters, steam generator level transmitters, pressurizer level transmitters, reactor coolant hot and cold leg temperature instrumentation, and associated cables.

The combustible loading in this area consists of approximately 48,000 pounds of cable insulation, 265 gallons of lubricating oil for each of three reactor coolant pumps, and 200 pounds of charcoal in the containment air filter cubicles.

All cable insulation is qualified to a test comparable to IEEE Standard 383. The reactor coolant pumps are fitted with an oil collection system. Smoke detection systems and water deluge systems are provided only in the cable penetration area and in the residual heat removal pump area. Portable fire extinguishers and manual hose stations are provided throughout the fire area.

We had previously approved an exemption for the separation of redundant equipment and cables inside containment. At our request, the licensee has added an additional channel of source range neutron detection. Due to the physical arrangement inside containment, separation of the redundant cables by more than 20-feet is not possible. A minimim separation of approximately five feet is maintained. Each channel of neutron detection is in a separate conduit.

The protection for redundant trains of safe shutdown equipment inside

containment does not meet the technical requirements of Section III.G because redundant power cables are not separated by at least 20 feet free of combustibles. Due to the configuration and location of the cables within the containment and to the restricted access of these sub-areas during plant operation, an exposure fire involving the accumulation of significant quantities of transient combustible materials is unlikely. Because there are only a few cables in these sub-areas and all cables inside containment are qualified to a test comparable to that of IEEE Standard 383 and routed in conduit, a fire of sufficient magnitude to damage redundant cables or components is also unlikely.

Based on the above evaluation, the existing protection for the containment area provides a level of fire protection equivalent to the technical requirements of section III.G of Appendix R. Therefore, the exemption should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property of common defense and security and is otherwise in the public interest and hereby grants an exemption from the requirements of Subsections III.G of Appendix R to 10 CFR 50 to the extent that it requires fixed suppression and detection systems, 3-hour rated fire barriers or 20-foot separation of redundant equipment for the areas/equipment described above.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment (49 FR 32135).

Dated at Bethesda, Maryland this 30th day of August 1984.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Acting Director, Division of Licensing.

[FR Doc. 84-24264 Filed 9-12-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Exemption From Appendix R to 10 CFR Part 50 Fire Protection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted an Exemption from certain requirements of Appendix R to 10 CFR Part 50 to Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees). The Exemption relates to the Fire Protection Program for the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The Exemption is effective as of

The Exemption waives certain requirements of Subsection III.G for this facility, to the extent that fixed fire suppression and detection systems need not be provided for certain fire areas, 3-hour rated fire barriers need not be installed between certain fire areas, and 20-feet separation is not required between certain pieces of equipment. The Exemption is granted mainly on the basis that the combustible loading in all these areas are light. Details are provided in the Exemption.

The request for Exemption complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR which are set forth in the Exemption.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment (49 FR 32135).

For further details with respect to this action, see (1) the application for Exemption dated December 16, 1983 and supplemented by letter dated May 30, 1984, (2) the Commission's letter dated August 30, 1984 and (3) the Exemption. All of these items are available for public inspection at the Commission's Public Document Room 1717 H. Street, NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washaington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this August 30, 1984.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Acting Director, Division of Licensing.

[FR Doc. 84-24300 Filed 9-12-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-498 OL, STN 50-499 OL; ASLBP No. 79-421-07 OL]

Houston Lighting and Power Co., et al. (South Texas Project Units 1 and 2); Order Scheduling Prehearing Conference)

September 7, 1984.

In accordance with the provisions of the Atomic Safety and Licensing Board's Memorandum and Orders dated May 22, 1984 (at p. 13) and July 10, 1984 (at pp. 9-10), a prehearing conference will be held on Monday, October 15, 1984 and (to the extent necessary) on Tuesday, October 16, 1984. The conference will commence at 9:30 a.m., on October 15, 1984, at the Astro Village Hotel, Forum Room No. 5, 2350 South Loop W (I-610 at Kirdy), Houston, Texas. If a session of the conference is needed on October 16, it will be held at the same location beginning at 9:00 a.m.

At the conference, the Licensing Board will consider, *inter alia*, the specification of issues to be heard in Phase II of the operating license proceeding, the legal aspects of the reportability of the Quadrex Report, any further discovery requests (to the extent consistent with our earlier orders on this subject), and the scheduling of Phase II hearings. We remind parties that, as provided in our May 22, 1984 Memorandum and Order, a list of particular matters which CCANP (and other parties or participants, as applicable) believe should be litigated in the Phase II hearings should submitted by October 5, 1984.

All parties (or their counsel or representatives) who wish to participate in Phase II hearings are directed to attend the prehearing conference. The public is also invited to attend, but no oral limited appearance statements will be received.

It is so ordered.

Dated at Bethesda, Maryland this 7th day of September 1984.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 84-24265 Filed 9-12-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-19532; License No. 11-19921-01; EA 84-18]

Inspection & Testing, Inc.; Attn.: T.L. Finkenbinder, President; Order To Show Cause and Order Suspending License Effective Immediately

I

Inspection & Testing, Inc., 4990 Valenty Road, Chubbuck, Idaho 83202,

(Licensee) is the holder of License No. 11–19921–01 (license) issued by the Nuclear Regulatory Commission (NRC). License No. 11–19921–01 authorizes the possession and use of byproduct materials for industrial radiography and is due to expire February 28, 1987.

II

On April 14, 1984, the Commission issued a Notice of Violation and Proposed Imposition of Civil Penalties in the amount of $4800.00 to the licensee for violations of NRC requirements in the conduct or radiographic field operations which resulted in a personnel overexposure.

The licensee responded on April 23, 1984 to the Notice of Violation and Proposed Imposition of Civil Penalties requesting that the civil penalty be mitigated due to the severe financial impact it would have on the state of its business and its ability to survive. The licensee indicated that it was seriously considering bankruptcy. As a result, the proposed civil penalty was reduced to $1000.00 and an Order imposing the penalty was issued on July 6, 1984. In further conversations with members of the NRC staff, the most recent of which was on August 30, 1984, the licensee indicated that bankruptcy proceedings would be commenced shortly and that he expected repossession of his assets to begin within a few days.

These developments raise substantial questions as to whether the licensee has sufficient resources to properly safeguard the licensed material in its possession and assure that it is used in a manner appropriate for adequate protection of the public health and safety. Accordingly, I find that the public health, safety, and interest require that this Order be made immediately effective.

III

In view of the above, it is hereby ordered, effective immediately, pursuant to Sections 81 and 161(b) of the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2 and 30, that:

(A) License No. 11–19921–01 is suspended pending further order, and the licensee shall cease and desist from any use of byproduct material in its possession and shall immediately place all such material in locked storage;

(B) Within 7 days of the issuance of this Order, the licensee shall transfer all licensed material within its possession to a person authorized by the Commission to possess such material as set forth in 10 CFR 30.41 and shall notify in writing the NRC Region IV Office within 7 days when such transfer has taken place; and

(C) The licensee shall show cause, as provided in Section IV below, why License No. 11–19921–01 should not be revoked.

IV

Within 25 days of the date of this Order, the licensee may show cause why the license should not be revoked, as required in section III.C above, by filing a written answer under oath or affirmation that sets forth the matters of fact and law on which the licensee relies. The licensee may answer, as provided in 10 CFR 2.202(d), by consenting to the entry of an Order in substantially the form proposed in this Order to Show Cause. Upon failure of the licensee to file an answer within the specified time, the Director of the Office of Inspection and Enforcement may issue without further notice an Order Revoking License No. 11–19921–01.

V

The licensee may request a hearing on this Order within 25 days after the issuance of this Order. Any answer to the Order or requerst for a hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy shall also be sent to the Executive Legal Director at the same address. A request for hearing shall not stay the immediate effectiveness of section III.A and III.B of this Order.

If the licensee requests a hearing on this Order, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be consiered at such hearing shall be whether, on the basis of the matters set forth in Section II of this Order, License No. 11–19921–01 should be revoked.

Dated at Bethesda, Maryland this 31st day of August 1984.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 84–24283– Filed 9–12–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–263]

Northern States Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–22, issued to Northern States Power Company (licensee) for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota.

In accordance with the licensee's application for amendment dated May 30, 1984, as supplemented September 6, 1984, the proposed amendment would modify the Technical Specifications as follows:

1. Change the slope of the flow-biased average power range monitor (APRM) scram and rod block trip setpoint curves from 0.65 to 0.58 and change their intercept values such that, at rated core flow, the setpoints are unchanged from their current values.

2. Delete the requirement for setdown of the APRM flow-biased scram and rod block setpoints when core maximum fraction of limiting power density (MFLPD) exceeds the fraction of core rated thermal power (core total peaking factor exceeding design peaking factor). In order to maintain function and margins, replace the setdown requirement with new multiplier to the minimum critical power ratio (MCPR) and average planar linear heat generation rate (APLHGR) operating limits when core power or flow conditions are less than the licensed conditions.

3. Replace the Rod Block Monitor (RBM) flow-biased trip equation with power-dependent setpoint definitions, incorporate RBM filter and time delay setpoints, and change the RBM downscale trip setpoint. Add appropriate RBM operability and surveillance requirements, including the definition of Limiting Rod Pattern for Rod Withdrawal Error (RWE).

4. Eliminate the APRM Rod Block as limiting safety system setting. This function is not used in safety analyses for Monticello and should not be a limiting safety system setting.

5. Add new limiting conditions for operation operability requirements for the RBM, including setpoints.

6. a. Make various format changes and changes to the Table of Contents and lists of Tables and Figures.

b. Add a definition of limiting control rod pattern, and delete a definition of maximum fraction of limiting power density, so that definitions correspond to present usage.

c. Change the Technical Specification bases to make them consistent with the above-described changes in requirements.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the

Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By Oct. 15, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (20 the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Domenic B. Vassallo: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 30, 1984, as supplemented September 6, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Dated at Bethesda, Maryland this 7th day of September, 1984.

For the Nuclear Regulatory Commission.

Robert A. Hermann,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 84-24262 Filed 9-12-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.; 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 E to 10 CFR Part 50 to the Virginia Electric and Power Company (the licensee) for the North Anna Power Station, Unit Nos. 1 and 2 at the licensee's site in Louisa County, Virginia.

Environmental Assessment

Identification of Proposed Action

The exemption would permit the extension of the emergency preparedness exercise at the North Anna Power Station, Unit Nos. 1 and 2, from June to November 1984. The proposed exemption is in accordance with the licensee's request for exemption dated February 17, 1984.

The Need for the Proposed Action

10 CFR 50.54(q) requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of § 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F of Appendix E requires each licensee to conduct emergency preparedness exercises at each site at least annually.

At a Federal Emergency Management Agency (FEMA) meeting on January 10, 1984, the Commonwealth of Virginia requested that a date of November 15, 1984 be established for the 1984 North Anna exercise to allow time for installation of a computer network system within all local jurisdictions within the 10-mile EPZ. A schedule of exercises was developed to accommodate the request of the Commonwealth of Virginia. The last exercise held at North Anna was in June 1983.

Environmental Impact of the Proposed Action

The proposed exemption affects only the scheduling of the annual emergency preparedness exercise and does not affect the risk of facility accidents. Thus, postaccident radiological releases will not differ from those determined previously, and the proposed relief does not otherwise affect facility radiological effluents, or any significant occupational exposures. Likewise, the relief does not affect facility non-radiologicial effluents and has no other environmental impact. Therefore, the Commission concludes there are no measureable radiological or non-radiological environmental impacts associated with the proposed exemption.

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives either will have no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to require literal compliance with Section IV.F of Appendix E to 10 CFR Part 50. Such an action would not enhance the protection of the environment and would result in an unnecessary exercise prior to the better exercise which can take place once the computer network system is installed and all participants are involved.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in connection with the Final Environmental Statement relating to this facility, "Final Environmental Statement related to the Continuation of Construction and Operation Of Units 1 and 2 and the Construction of Units 3 and 4, North Anna Power Station," April 1973; and "Addendum to the Final Environmental Statement Related to Operation of The North Anna Power Station, Units 1 and 2, "NUREG–0134, November 1976.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request, the FEMA Final report of the 1983 exercise at the North Anna Power Station, and a memorandum from FEMA to the NRC dated January 9, 1984, transmitting the Final Report of the exercise held in 1983 and which states that the Commonwealth of Virginia and Caroline, Hanover, Louisa, Orange and Spotsylvania Counties have demonstrated and overall capability to protect the health and safety of the public. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed relief.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for relief dated February 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 Board of Supervisors Office, Louisa County Courthouse, Louisa , Virginia and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia.

Dated at Bethesda, Maryland this 7th day of September 1984.

For the Nuclear Regulatory Commission.

Darrett G. Eisenhut,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 84–24286 Filed 9–12–84; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

State Agency Advisory Committee; Regular Meeting Notice

AGENCY: State Agency Advisory Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Plan of Action for Council/PUC Inertie Access, California Sales, Transmission Upgrades, and New Transmission Ownership;
- Power Plan Revision Workplan and PUC involvement in key issues; and

Status: Open.

- New business.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its State Agency Advisory Committee.

DATE: Monday, September 10, 1984. 9:00 a.m.

ADDRESS: The meeting will be held at the Council Conference Room at 700 SW. Taylor; Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Jim Litchfield, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 84–24173 Filed 9–12–84; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21295; SR–NASD–84–16]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

September 7, 1984.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, NW., Washington, D.C. 20006, submitted on June 29, 1984, a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder to amend the NASD Code of Arbitration to conform to recent amendments to the uniform arbitration code developed by the Securities Industry Conference on Arbitration. The Municipal Securities Rulemaking Board already has adopted the amendments to the uniform code.[1] The New York Stock Exchange has submitted a proposed rule change with the amendments,[2] and the other self-regulatory organizations are expected to submit rule filings with those changes shortly.

The proposed rule change would: (1) extend the time limitation on arbitration of claims to allow arbitration of claims over six years old if a court with jurisdiction over the claim directs that the claim be resolved by arbitration; (2) increase the dollar limit on simplified arbitration for small claims from $2,500 to $5,000; (3) lower the arbitration fees and deposits for claims under $2,500 and raise them for claims over $10,000; (4) allow arbitrators the discretion to bar respondent's presentation of facts or defenses that were not disclosed to the claimant prior to the hearing; (5) allow arbitrators to consolidate arbitrations where there are multiple claimants; (6) specify the rights of parties to challenge peremptorily appointments of arbitrators to the panel and provide unlimited challenges for causes; (7) allow arbitrators to assess costs in a dispute that was settled or withdrawn

[1] *See*, SR–MSRB–84–5 which amends MSRB Rule G–35 and Rule A–16, approved in Securities Exchange Act Release No. 21047 (June 14, 1984), 49 FR 25332 (June 20, 1984).

[2] See, SR–NYSE–84–20, noticed in Securities Exchange Act Release No. 20979 (May 18, 1984), 49 FR 25554 (May 21, 1984).

subsequent to the first hearing; and (8) permit a party to file amendments to its pleadings before a panel has been appointed if the amendment is filed in writing with the director of arbitration.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 21188, August 2, 1984) and by publication in the Federal Register (49 FR 31791, August 8, 1984). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-24182 Filed 9-12-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21293; File No. SR-NASD-84-13]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc.; Proposed Amendments to Sections 1(c) and 59(j) of the Association's Uniform Practice Code

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 20, 1984, National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change provides a statement relating to the fact that in the case of non-delivery of securities the defaulting party will be liable for damages arising therefrom. In addition the rule change creates a procedure under the Association's Uniform Practice Code for sending liability notices similar to those now in use for transactions cleared through the facilities of National Securities Clearing Corporation.

II. Self-Regulatory Organization's Statement Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed amendments, is as follows: Section 1(c)—The purpose of the addition to this section which sets forth the fact that, in the case of nondelivery of securities the defaulting party shall be liable is to provide uniformity among members of the securities industry. Rule 180 of the New York Stock Exchange currently contains this language and the Board determined that it was appropriate for the Association's Code to contain a similar statement. While the conclusion with respect to liability has been implied under the Uniform Practice Code, the Board was of the view that this statement should be included to eliminate the possible conclusion that the omission of such a statement calls for a contrary implication under the UPC.

Section 59(j)—This section, relating to liability notice procedures, adds a new procedure which may be utilized by members with respect to contracts calling for the delivery of securities upon which a call or expiration date is imminent. The purpose of this section is to create a procedure for transactions which are subject to the Uniform Practice Code which is similar to that used by the National Securities Clearing Corporation (NSCC). The proposal will allow NASD members to utilize the same procedures with respect to their ex-clearing transactions as they do with respect to those transactions cleared through NSCC thereby simplifying members firms' back office procedures.

The statutory basis for the proposed rule changes is found in section 15(A)(b)(6) of the Securities Exchange Act of 1934 in that the proposed amendments will foster cooperation and coordination in clearing and settling transactions in securities by clarifying the fact that a defaulting party to a transaction shall be liable for damages arising from such default and by establishing a procedure for notification of a member failing to delivery securities of the existence of a claim for damages as a result of such failure.

B. Self-Regulatory Organization's Statement on Burden on Competition

It is the Association's view that any burden on competition will be outweighed by the improved efficiency in its members' operating procedures which is provided by the proposed amendments.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others

The Association did not solicit nor did it receive comments on the proposed amendments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are on file with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for

inspection and copying at the principal office of the above-mentioned self-regulatory organization located at 1735 K Street, NW., Washington, D.C. 20006. All submissions should refer to the file number in the caption above and should be submitted by October 4, 1984.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 6, 1984.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-24181 Filed 9-12-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23414; (170-7009)]

Columbus and Southern Ohio Electric Co.; Proposal To Issue First Mortgage Bonds at Competitive Bidding or, in the Alternative, To Enter Into Term Loan Agreements

September 7, 1984.

Columbus and Southern Ohio Electric Company ("CSO") 215 North Front Street, Columbus, Ohio 43215, a subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has proposed a transaction with this Commission subject to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

CSO proposes to issue and sell prior to November 1, 1984, up to $60,000,000 aggregate principal amount of its First Mortgage Bonds ("Bonds"), in one or more new series, each such series having a maturity of not less than 5 years and not more than 30 years. The interest rate and the price to be paid to CSO for the Bonds (which shall not be less than 99 percent, and not more than 102.75 percent of the principal amount) will be determined at the time of the sale or sales by competitive bidding in accordance with Rule 50 of the Act. CSO may employ alternative competitive bidding procedures in accordance with the Commission's statement of policy set forth in HCAR No. 22623, September 2, 1982.

If market conditions should not be propitious for the sale of the Bonds on a competitive bidding basis, CSO proposes, subject to further authorization by the Commission, either to place the Bonds privately with institutional investors or to negotiate with underwriters for the sale of the Bonds. The interest rate and price, if authorized by the Commission, would be determined by negotiation in each such instance with institutional investors or with underwriters for the sale of the Bonds. If CSO determines to issue the Bonds in more than one series, CSO may wish to sell one or more series on a competitive bidding basis and one or more series on a negotiated basis, with variable maturity dates to be determined at that time.

It is expected that the terms of the Bonds will preclude CSO from redeeming any such Bond at a regular redemption price prior to five years subsequent to the first day of the month in which the Bonds of that series are first authenticated and delivered, if such redemption is for the purpose of refunding such Bond through the use, directly or indirectly, of borrowed funds at an effective interest cost of less than the effective interest cost to the Company of such Bonds.

The Bonds will be issued under and secured by the Indenture of Mortgage and Deed of Trust ("Mortgage"), dated as of September 1, 1940, as supplemented and amended and as to be further supplemented and amended by one or more new Supplemental Indentures.

The proceeds from the sale of the Bond will be deposited with the Trustee under the Mortgage, to be used to repay, on November 1, 1984, CSO's maturity $60,000,000 principal amount of First Mortgage Bonds, 9½% Series. The proposed sale of the Bonds is part of an overall financing program of the Company, which also contemplates that additional cash capital contributions of up to $80,000,000 will be made by AEP, as authorized by prior Commission Order (HCAR No. 23164).

As an alternative to issuing the Bonds, CSO requests authorization, if market conditions appear to be propitious, to enter into one or more Term Loan Agreements whereby CSO would borrow a principal amount of up to $60,000,000 from one or more major commercial banks. Such Term Loan Agreement would provide for the delivery by CSO of one or more promissory notes with terms of from one to seven years, bearing interest at a rate of no more than sixteen percent (16%) per year. The proceeds of any such borrowing would be used for the same purposes, as above.

The proposal and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 17, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the proposal, as filed or as it may be amended, may be authorized.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-24179 Filed 9-12-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14136; (812-5874)]

Western Builders Mortgage Finance Co.; Filing of Application for an Order Exempting Applicant

September 7, 1984.

Notice is hereby given that Western Builders Mortgage Finance Company, 828 Seventheenth Street, Denver, Colorado ("Applicant"), filed an application on June 18, 1984, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below, and to the Act for the text of all applicable provisions thereof.

According to the application, Applicant is a newly-formed limited purpose finance corporation organized to facilitate the financing of long-term residential mortgages secured by single family residences and will not engage in any other unrelated business or investment activities. Applicant represents that it will issue securities and enter into funding agreements as described below with certain limited purpose finance companies (the "Finance Companies"). Applicant represents that, in general, each Finance Company participating in a series of bonds issued by Applicant is or will be organized and principally owned or otherwise controlled by a separate concern involved in the home bulding or mortgage finance business. Applicant states that its Class A and Class B Common Stock will be issued to participating Finance Companies or the respective controlling concern of such a Finance Company, and its Class C Common Stock will be issued to a nominee of Boettcher & Company, Inc., the representative of the Underwriters.

The Class C Common Stock has limited voting rights and no dividend rights; the Class B Common Stock has limited dividend rights except upon dissolution of the Company.

Applicant proposes to issue in series Mortgage Collateralized Bonds ("Bonds"), each series to be separately secured principally by the pledge by the Finance Companies to the Applicant and by the Applicant to a trustee of collateral consisting primarily of conventional mortgage loans, mortgage loans insured by the Federal Housing Administration or guaranteed by the Veterans' Administration (collectively "Mortgage Loans"), Mortgage Participation Certificates issued by the Federal Home Loan Mortgage Corporation, Guaranteed Mortgage Pass-through Certificates issued by the Federal National Mortgage Association, mortgage collateralized obligations issued by any person or entity or other interests in mortgages, and "fully-modified pass-through" mortgage-backed certificates fully guaranteed as to principal and interest by the Government National Mortgage Association (collectively "Mortgage Certificates"; together with Mortgage Loans, "Mortgage Collateral"). Applicant states that each series of Bonds may also be secured by certain proceeds accounts, debt service funds, reserve funds and insurance policies. Applicant further states that each Mortgage Loan will be secured by a first mortgage or deed of trust on a single family residence. Applicant also states that each Mortgage Certificate will evidence an undivided interest in a pool of mortgage loans. Each series of Bonds will be issued pursuant to an indenture between Applicant and an independent trustee (the "Trustee") and as supplemented by one or more supplemental indentures. Applicant contemplates that certain series of the Bonds will be registered under the Securities Act of 1933 and others will be sold in private placements.

The Applicant and each Finance Company participating in a series of Bonds will enter into a funding agreement with respect to such series of Bonds (collectively the "Funding Agreements") pursuant to which (i) the Applicant will issue each series of Bonds; (ii) the Applicant will lend the proceeds of the sale of such series of Bonds to such Finance Companies individually in amounts to be used primarily to repay indebtness to lenders or others incurred in connection with the funding or acquisition of mortgage loans secured by single-family residences in most cases constructed by the homebuilders (the "Builders") affiliated or otherwise doing business with such Finance Companies; (iii) each Finance Company will repay the loan made to it by the Applicant by causing payments to be made directly to the Trustee on behalf of the Applicant in such amounts as are necessary to pay a proportionate share of the principal of and interest on such series of Bonds as the same become due; and (iv) each Finance Company will pledge the corresponding Mortgage Collateral to the Applicant as security for its loan. The Applicant will assign to the Trustee its right, title and interest in such Funding Agreements and the Mortgage Collateral pledged thereunder as security for such series of Bonds. Applicant represents that each series of Bonds will be secured by collateral consisting primarily of Mortgage Loans and Mortgage Certificates with an aggregate principal amount at least equal to the initial principal amount of such Bonds. Scheduled available principal and interest payments on the Mortgage Collateral securing such Bonds (together with any required payments from the debt service and reserve funds with respect to such Bonds) plus income received thereon will be sufficient to make the interest payments on and amortize the principal of such Bonds by their stated maturity.

Applicant asserts that the activities proposed could be conducted directly by each individual Finance Company without the requirement of registration, since each of the Finance Companies is exempt under various provisions of the Act, including Section 3(c)(5)(C) thereof. Applicant further asserts that there is no public policy reason to require it to register as an investment company merely because it is facilitating the financing efforts of a number of smaller builders to achieve economics of size the same as the larger builders or builder-owned entities achieve. While Applicant believes that it does not fall within the definition of an investment company as set forth in the Act, its principal asset will be evidences of indebtdeness of the Finance Companies. Applicant believes that such evidences of indebtness are not securities within the purview of Section 3 of the Act. Applicant states that its primary activity will be facilitating the sale of single-family residential property through the financing of whole residential mortgages rather than investing, reinvesting, owning, holding or trading in securities. However, Applicant states that this application has been filed to eliminate any possible ambiguity concerning the applicability of the Act to the Applicant.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 1, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of sevice (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Acting Secretary.

[FR Doc. 84-24180 Filed 9-12-84; 8:45 am]

BILLING CODE 8010-01-M

[Public Notice CM-8/765]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on International Data Flows of the Advisory Committee on International Investment, Technology, and Development on October 2, 1984 from 10:00 a.m. to noon. The meeting will be in Room 1912 of the Department of State, 2201, C Street, NW., Washington D.C. 20520.

The meeting will be held to discuss the results of the July 2–3 session of the OECD Working Party on Transborder Data Flows (TBDFs), the upcoming (October 9–11) meeting of the full Information, Computer and Communications Policy Committee of the OECD, and to update the status of the report on TBDFs related to the UN Centre on Transnational Corporations.

Members of the public wishing to attend the meeting must contact the Office of Investment Affairs Department of State, 2201 C Street, NW., Washington D.C. 20520, ([202]632-2738) in order to arrange admittance to the State Department. Please use the C Street entrance.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public at the meeting.

Dated: August 31, 1984.

Walter B. Lockwood, Jr.,

Executive Secretary.

[FR Doc. 84-24202 Filed 9-12-84; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/764]

Study Group 9 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 9 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on October 2, 1984, in Room 330, Brown Building, 1229 20th Street NW., Washington, D.C. (Federal Communications Commission) at 10:00 a.m.

Study Group 9 deals with questions relating to line-of-sight and trans-horizon radio-relay systems operating via terrestrial stations at frequencies above about 30 MHz. The purpose of the meeting will be to review, plan and initiate preparations for the Final Meeting of international Study Group 9 in the Fall of 1985.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20250; telephone (202) 632-2592.

Dated: August 24, 1984.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 84-24203 Filed 9-12-84; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/763]

Soviet and Eastern European Studies Advisory Committee; Meeting

The Department of State announces that the Soviet and Eastern European Studies Advisory Committee will meet on October 1-2, 1984 starting at 10:00 a.m. in Room 1107, Department of State, 2201 C Street, NW., Washington, D.C.

The Advisory Committee recommends grant policies for the advancement of the objectives of the Soviet-Eastern European Research and Training Act of 1983. The agenda will include: opening statements by the Chairman of the Committee and its members; oral statements by interested members of the public and receipt of written statements; and discussion, approval, and recommendation for a public call for proposals from "national organizations with an interest and expertise in conducting research and training concerning Soviet and Eastern European countries and in disseminating the results of such research" based on guidelines amplifying the purposes set forth in the 1983 Act.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry wil be facilitated if arrangements are made in advance of the meeting. It is requested that prior to the meeting, persons who plan to attend, so advise Paul K. Cook, Executive Director, Soviet-Eastern European Studies Advisory Committee, INR, Department of State, Room 4643, Washington D.C., 20520, (202) 653-5144.

All attendees must use the C Street entrance to the building.

Dated: September 4, 1984.

Paul K. Cook,

Executive Director, Soviet-Eastern European Studies Advisory Committee.

[FR Doc. 84-24202 Filed 9-12-84; 8:45 am]

BILLING CODE 4710-32-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Vegetation Maintenance Management Program for the Alaska Railroad

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. The proposed action is to develop a program to manage vegetation on the Alaska Railroad (ARR) roadbeds and rights-of-way to provide for the safety of employees and the public and to allow the economical operation of the railroad. The ARR maintains approximately 600 miles of track, including mainline between Seward and Fairbanks and Whittier and Portage, Alaska: Whittier, Palmer, Suntrana, and Eielson branch lines; Fairbanks and Anchorage International Airport Spurs and other auxiliary tracks.

2. Alternatives to be considered include herbicide application, mechanical and manual removal of vegetation, increased roadbed reballasting frequency, integrated pest management programs, various combinations of these methods, and any other alternatives identified by agencies and the public during the scoping process.

3. Principal concerns to be addressed are associated with the potential adverse effects of herbicides on humans, animals, non-target plants, and biological community processes. Other concerns may be identified during the scoping process. An environmental assessment of the proposed action was circulated for public review in May and June of 1984. Public and agency comments regarding the environmental assessment will be considered in defining the scope of the DEIS.

4. Notice that ARR will prepare a DEIS and a request for additional scoping comments will be sent to recipients of the Environmental Assessment. Public meetings will be scheduled at various locations along the ARR to invite scoping comments and identify public concerns. Coordination meetings will be held with interested government agencies.

5. Completion of the DEIS has not been scheduled pending receipt and evaluation of scoping comments.

ADDRESS: Questions about the proposed action and DEIS should be addressed to Chief Engineer, The Alaska Railroad, Pouch 7-2111, Anchorage, Alaska 99510-7069.

A.T. Polanchek,

Assistant General Manager.

[FR Doc. 84-24164 Filed 9-12-84; 8:45 am]

BILLING CODE 4910-06-M

Research and Special Programs Administration

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processsing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to

expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application has been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes September 27, 1984.

ADDRESS: *Comments to:* Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, D.C.

Application No.	Applicant	Renewal of Exemption
3004-X	Big Three Industries, Inc., Houston, TX	3004
3330-X	Western Zirconium, Inc., Ogden, UT	3330
3768-X	Essex Industrial Chemicals, Inc., Baltimore, MD.	3768
4453-X	Gulf Oil Products Co., Houston, TX	4453
5038-X	Synthatron Corp., Parsippany, NJ	5038
5248-X	U.S. Department of Energy, Washington, DC.	5248
5820-X	ICI Americas, Inc., Wilmington, DE	5820
6071-X	The Boeing Co., Seattle, WA	6071
6205-X	Beech Aircraft Corp., Boulder, CO	6205
6293-X	Hercules, Inc., Wilmington, DE	6293
6296-X	American Cyanamid Co., Wayne, NJ	6296
6434-X	Rhone-Poulenc Inc., Monmouth Junction, NJ.	6434
6518-X	Syntex Chemicals Inc., Boulder, CO	6518
6530-X	Big Three Industries, Inc., Houston, TX	6530
6543-X	Synthatron Corp., Parsippany, NJ	6543
6694-X	Eurotainer S.A., Paris France	6694
6762-X	DuBois Chemical Co., Cincinnati, OH	6762
6932-X	Eurotainer, S.A., Paris, France	6932
6971-X	Chem Service, Inc., West Chester, PA	6971
6984-X	Ireco Chemicals, Salt Lake City, UT	6984
7024-X	Avondale Mills, Sylacauga, AL	7024
7046-X	J.T. Baker Chemical Co., Phillipsburg, NJ.	7046
7206-X	Ruan Transport Corp., Des Moines, IA	7206
7220-X	Greif Brothers Corp., Springfield, NJ	7220
7247-X	U.S. Department of Defense, Washington, DC.	7247
7259-X	Exxon Chemical Americas, Houston, TX	7259
7285-X	Parlefer S.A.R.L., Paris, France	7285
7517-X	Trinity Industries, Inc. Dallas, TX	7517
7574-X	Remmers-Tomkins Flight Service, Inc. Burlington, IA.	7574
7650-X	ICI Americas, Inc., Wilmington, DE	7650
7677-X	San Diego Gas & Electric Co., San Diego, CA.	7677
7694-X	Borg-Warner Corp., Van Nuys, CA	7694
7777-X	Lang Engineering Co., Inc., Rochester, WI.	7777
7778-X	Schenley Industries, Inc., New York, NY	7778
7808-X	Whitmire Research Laboratories, Inc., St. Louis, MO.	7808
7835-X	Synthatron Corp., Parsippany, NJ	7835
7840-X	General Dynamic Corp., Fort Worth, TX	7840
7840-X	Douglas Aircraft Co., Long Beach, CA	7840
7951-X	Avoset Food Corp., Pleasanton, CA	7951
8060-X	Parlefer, Paris, France	8060
8063-X	Union Carbide Corp., Danbury, CT[1]	8063
8080-X	Diamond Shamrock Corp., Deer Park, TX.	8080
8080-X	American Chrome & Chemicals Inc., Corpus Christi, TX.	8080
8080-X	Allied Chemical, Morristown, NJ	8080
8084-X	E.I. duPont de Nemours & Co., Inc., Wilmington, DE.	8024
8111-X	U.S. Department of Energy, Washington, DC.	8111
8125-X	Compagnie des Containers Reservoris, Paris, France.	8125
8378-X	Cooper Biomedical, Inc., Malvern, PA	8378
8445-X	Union Carbide Corp., Danbury, CT	8445
8450-X	The LTV Aerospace and Defense Co., Dallas, TX[2].	8450
8477-X	Mobay Chemical Corp., Pittsburgh, PA	8477
8478-X	West-Mark, Ceres, CA	8478
8495-X	Walter Kidde, Wilson, NC[3]	8495
8528-X	Beech Aircraft Corp., Boulder, CO	8528
8554-X	E.I. duPont de Nemours & Co., Inc., Wilmington, DE[4].	8554
8674-X	Gulf Oil Chemicals Co., Houston, TX	8674
8723-X	Ireco Inc., Salt Lake City, UT	8723
8760-X	Barton Solvents, Inc., Des Moines, IA[5]	8760
8793-X	American Chemical & Refining Co., Inc. Waterbury, CT[6].	8793
8867-X	3M Co., St. Paul, MN	8867
8878-X	Amalgamet Canada—Division of Premetalco Inc., Toronto, Ontario, Canada.	8878
8878-X	Corning Glass Works, Corning, NY	8878
8878-X	Preussag AG Metall, Boslar, West Germany.	8878
8891-X	BIC Corp., Milford, CT	8891
8913-X	Eurotainer, S.A., Paris, France	8913
8923-X	Union Carbide Corp., Danbury, CT	8923
8927-X	HTL Industries, Inc., Duarte, CA	8927
8931-X	C-I-L Inc., North York, Ontario	8931
8939-X	Hollice Clark Truck Fabrication, Inc., Odessa, TX.	8939

[1] To renew and to modify paragraph 4, proper shipping name to coincide with HM-115.
[2] To authorize use of a modified DOT Specification 15A wooden box for shipment of rocket motors.
[3] To increase the volumetric water capacity to not exceed 100 lbs. and the design service pressure to not exceed 1,400 psi.
[4] To authorize an additional design cargo tank motor vehicle.
[5] To renew and to authorize other combustible and flammable materials to be identified under UN1993.
[6] To authorize a DOT specification 2E one quart capacity polyethylene bottle with minimum wall thickness of .006 inch for shipment of potassium cyanide solution.

Application No.	Applicant	Parties to exemption
4803-P	Southeastern Industrial Cleaning Services, Inc., Ensley, AL.	4803
6126-P	Aceto Chemical Co., Inc., Flushing, NY	6126
6418-P	Wilbur-Ellis Co., Fresno, CA	6418
6762-P	Carlin Laboratories, Jacksonville, FL	6762
6984-P	Gulf Oil Products Co., Houston, TX	6984
7811-P	U.S. Department of Energy, Washington, DC.	7811
7891-P	J.T. Baker Chemical Co., Phillipsburg, NJ.	7891
7929-P	Trojan Corp., Salt Lake City, UT	7929
7951-P	Swift & Co., Oak Brook, IL	7951
8129-P	Bryson Industrial Services, Inc., Lexington, SC.	8129
8129-P	Acurex Corp., Mountain View, CA	8129
8129-P	University of Colorado, Boulder, Boulder, CO.	8129
8129-P	The University of New Mexico, Albuquerque, NM.	8129
8129-P	The University of Arizona, Tucson, AZ	8129
8129-P	McKesson Corp., Dublin, CA	8129
8129-P	Aqua-Tech, Inc., Port Washington, WI	8129
8445-P	Hopkins Agricultural Chemical Co., Madison, WI.	8445
8445-P	The University of New Mexico, Albuquerque, NM.	8445
8445-P	Bryson Industrial Services, Inc., Lexington, SC.	8445
8445-P	The University of Iowa, Iowa City, IA	8445
8509-P	Chemtech Industries, Inc., St. Louis, MO	8509
8511-P	Pennwalt Corp., Philadelphia, PA	8511
8908-P	Allied Corp., Morristown, NJ	8908
9229-P	Capilano Plastics Co., Ltd., Westminster, BC.	9229
9233-P	Allied Corp., Morristown, NJ	9233

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53 (e)).

Issued in Washington, DC, on September 5, 1984.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-24210 Filed 9-12-84; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes October 16, 1984.

ADDRESS COMMENTS TO: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the application are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application	Applicant	Regulation(s) affected	Nature of exemption thereof
9304-N	Metz Metallurgical Corp., South Plainfield, NJ	49 CFR 173.182	To authorize shipment of silver nitrate, classed as an oxidizer, not to exceed 66 pounds in DOT Specification 35 containers with a rated capacity of 45 pounds. (Modes 1 and 2.)
9305-N	ARCO Pipe Line Co., Independence, KS	49 CFR 173.119, 173.304, 173.315	To authorize shipment of flammable liquid and gases, (hydrocarbon products) in non-DOT specification containers (meter provers). (Mode 1.)
9306-N	R.M.B. Products, Inc., Simi Valley, CA	49 CFR Part 173, Subpart F	To manufacture, mark and sell a teflon liner similar to DOT Specification 2SL; for use in DOT Specification 6D, for shipment of those corrosive liquids presently authorized in DOT 6D/2S or 2SL. (Modes 1 and 2.)
9307-N	Better Methods, Inc., Secaucus, NJ	49 CFR 173.119(b)(4)	To authorize shipment of methyl alcohol, flammable liquid, in three two gallon capacity metal containers overpacked in a DOT Specification 12B fiberboard box. (Mode 1.)
9308-N	Pennwalt Corp., Buffalo, NY	49 CFR 173.243	To authorize shipment of a corrosive liquid, n.o.s., in DOT Specification 2E polyethylene bottles equipped with vented closures to be overpacked in DOT Specification 12B fiberboard boxes. (Mode 1.)
9309-N	Sky Lines International, Inc., Mobile, AL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of various Class A, B and C explosives not permitted for air shipment or in quantities greater than those presecribed for air shipment. (Mode 4.)
9311-N	Aero-Structures Co., Tarzana, CA	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), Part 107, Appendix B, y.	To authorize carriage of various Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
9312-N	The National Aeronautics and Space Administration, Washington, DC.	49 CFR 173.102, 173.302(a), 173.88(i), 173.95	To authorize shipment of space shuttle orbiters each containing as intergral parts residual hypergolic fluids, nonflammable gas pressurized vessel and variety of Class C explosive devices. (Mode 1.)
9313-N	Corco Chemical Corp., Fairless Hills, PA	49 CFR 173.245, 173.248, 173.263, 173.268	To authorize shipment of various corrosive material and an oxidizer in used DOT Specification 1-D glass carboys overpacked in 1-M styrofoam overpacks. (Mode 1.)
9314-N	Lely Corp., Wilson, NC	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks similar to DOT Specification MC-307/312 except for bottom outlet valve variations, for shipment of various flammable, corrosive, or poison waste liquids or semi-solids. (Mode 1.)
9315-N	Chromasco, Toronto, ON	49 CFR 173.178	To authorize shipment of magnesium salt-coated granules, flammable solid, in non-DOT specification woven polypropylene bags of up to two ton capacity. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e).

Issued in Washington, DC, on September 5, 1984.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-24211 Filed 9-12-84; 8:45 am]

BILLING CODE 4910-60-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Amendment of System Notice and New Routine Use Statement

Notice is hereby given that the VA (Veterans Administration) is considering adding a new routine use statement for the system of VA records entitled "Compensation, Pension, Education and Rehabilitation Record-VA" (58VA21/22/28) as set forth on page 372 of the **Federal Register** of January 5, 1982.

The VA Office Of Inspector General under the authority of the Inspector General's Act (Pub. L. 95-452, section 4(a)) and the Department of Veterans Benefits under the authority of Title 38, United States Code, sections 210(c)(1) and 3006 plan to conduct a series of computer matches to validate entitlement to benefits granted under Title 38, United States Code and prevent fraud and abuse. The matches will compare Federal, State, County and Municipal records with VA compensation, pension, education and rehabilitation records to determine if the eligibility of the recipients has changed.

In order to disclose identifying information, e.g., social security number and date of birth, to a Federal, State, County or Municipal agency and to use the information generated by the matches to detect unwarranted VA benefit payments and meet the requirements of due process, a new routine use must be added.

The proposed new routine use No. 46 permits the disclosure of identifying information regarding veterans and the dependents of veterans, except for their names and addresses, to a Federal, State, County or Municipal agency. The new routine use will also permit the disclosure of the name and address of veterans and dependents of veterans to a Federal agency when required by the Federal agency in order to provide information.

The VA has determined that release of information for these purposes is necessary and proper use of information in this system of records and that a specific routine use for transfer of this information is appropriate.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed routine use of the system of records to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before October 15, 1984 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until October 29, 1984. Any person visiting Central Office for the purpose of inspecting any such comments will be received by Central Office Veterans Service Unit in room 132. Visitors to any field station will be informed that the records are available only in Central Office and furnished the above address and room number.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the new routine use statement included herein is effective October 15, 1984.

Approved: September 7, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Notice of System of Records

In the system identified as 58VA21–22–28, "Compensation, Pension, Education and Rehabilitation Records-VA," appearing at 47FR372, the following changes are made:

58VA21–22–28

SYSTEM NAME:

Compensation, Pension, Education and Rehabilitation Records-VA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

46. Identifying information, including social security number, concerning veterans and the dependents of veterans, except for the name and address, may be disclosed to a Federal, State, County or Municipal agency for the purpose of conducting computer matches to obtain information to validate the entitlement of a veteran or a dependent of a disabled or deceased veteran, who is receiving or has received veterans benefits under Title 38, United States Code. The name and address of veterans and of dependents of veterans may also be disclosed to a Federal agency under this routine use if required by the Federal agency in order to provide information.

[FR Doc. 84–24205 Filed 9–12–84; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 179
Thursday, September 13, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:35 p.m. on Friday, September 7, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Oakland Savings Bank, Oakland, Iowa, which was closed by the Superintendent of Banking for the State of Iowa on Friday, September 7, 1984; (2) accept the bid for the transaction submitted by Oakland State Bank, Oakland, Iowa; a newly-chartered State nonmember bank subsidiary of Panhandle Aviation, Inc., Clarinda, Iowa, (3) adopt an order approving the applications of Oakland State Bank, Oakland, Iowa, for Federal deposit insurance, for consent to purchase certain assets of and to assume the liability to pay deposits made in Oakland Savings Bank, Oakland, Iowa, and for consent to establish the sole branch of Oakland Savings Bank as a branch of Oakland State Bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

At that same meeting, the Board also considered a personnel matter.

In calling the meeting, the Board determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: September 10, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-24348 Filed 9-11-84; 11:57 am]

BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, September 17, 1984, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance for a United States branch of a foreign bank:

Hongkong and Shanghai Banking Corporation, Hong Kong, for Federal deposit insurance of deposits received at and recorded for the account of its proposed United States branch to be located at 29 South LaSalle Street, Chicago, Illinois.

Request for reconsideration of a previous denial of an application for consent to establish a branch:

Mitsui Manufacturers Bank, Los Angeles, California, for reconsideration of a previous denial of an application for consent to establish a branch at 150 Almaden Boulevard, San Jose, California.

Request for reconsideration of a previous denial of a request for relief from reimbursement for violations under Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Appeal from a denial of a request for access to records under the Privacy Act.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: September 10, 1984.

Federal Deposit Insurance Corporation.

Hoyle D. Robinson,

Executive Secretary.

[FR Doc. 84-24349 Filed 9-11-84; 11:57 am]

BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m., on Monday, September 17, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to purchase assets and assume liabilities:

The Farmers National Bank of Madison, Nebraska, for consent to purchase the assets of and assume the liability to pay deposits made in Creston Cooperative Credit Association, Creston, Nebraska, an operating noninsured institution.

Application for consent to merge and establish two branches:

Lynn Five Cents Savings Bank, Lynn, Massachusetts, an insured mutual savings bank, for consent to merge, under its charter and title, with Lincoln Co-operative Bank, Lynn, Massachusetts, and for consent to establish the two offices of Lincon Co-operative Bank as branches of the resultant bank.

Application for consent to establish a remote service facility:

The Binghamton Savings Bank, Binghamton, New York, for consent to establish a remote service facility at Boscov's Department Store, Binghamton, New York.

Application for consent to purchase indirectly 100-percent ownerhip in another financial entity:

Savings Bank of Puget Sound, Seattle, Washington, for consent to acquire indirectly 100 percent of Puget Sound International Finance, N.V., Netherlands Antilles.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,100-L: Girod Trust Company, San Juan, Puerto Rico.

Memorandum and resolution re: Compilation and Publication of Legal Division Staff Opinions.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Divisions of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Office of Corporate Audits and Internal Investigations:

Summary Audit Report re: Bank of Red Oak, Red Oak, Oklahoma, AP-368 (Memo dated August 23, 1984)

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: September 10, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-24350 Filed 9-11-84; 11:57 am]

BILLING CODE 6714-01-M

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FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, September 18, 1984, 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, September 20, 1984, 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for Candidates to receive Presidential Primary Matching Funds
Draft Advisory Opinion #1984-37: Michael A. Nemeroff on behalf of American Medical Association
Request by Carter-Mondale Committee to reconsider Commission's repayment determination
Plans for Tenth Anniversary Activities of the Federal Election Commission
Finance Committee Report 1985 Management Plan
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 84-24399 Filed 9-11-84; 3:26 pm]

BILLING CODE 6715-01-M

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FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: September 10, 1984 (49 FR 35574).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., September 12, 1984.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CAG-45—Docket No. CP84-474-000, American Distribution Company (Alabama Division)

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-24400 Filed 9-11-84; 3:33 pm]

BILLING CODE 6717-02-M

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FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10.00 a.m., Wednesday, September 19, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 11, 1984.

James McAfee,

Associate Secretary of the Board

[FR Doc. 84-24383 Filed 9-11-84; 3:03 pm]

BILLING CODE 6210-01-M

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INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 9:30 a.m., Thursday, September 20, 1984

PLACE: Hearing Room A, Interstate Commerce Commission Building, 12th & Constitution Ave., NW., Washington, D.C. 20423

STATUS: Open Special Conference

MATTERS TO BE DISCUSSED:

Ex Parte No. 55 (Sub-No. 57), Exemption of Certain Transactions Under 49 U.S.C. 11343 (49 CFR Part 1181, Subpart A and Part 1186)

Ex Parte No. 230 (Sub-No. 6), Improvement of TOFC/COFC Regulations (Railroad—Affiliated Motor Carriers and Other Motor Carriers)

CONTACT PERSON FOR MORE INFORMATION: Robert R. Dahlgren, Office of Public Affairs, Telephone: (202) 275-7252.

James H. Bayne,

Secretary.

[FR Doc. 84-24462 Filed 9-12-84; 10:12 am]

BILLING CODE 7035-01-M

federal register

Thursday
September 13, 1984

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of actions under NIH guidelines for research involving recombinant DNA Molecules.

SUMMARY: This notice sets forth actions taken by the Director, National Institutes of Health (NIH), under the June 1983 NIH Guidelines for Research Involving Recombinant DNA Molecules (48 FR 24556).

EFFECTIVE DATE: September 13, 1984.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Dr. William J. Gartland, Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205, (301) 469–6051.

SUPPLEMENTARY INFORMATION: Two major actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules are being promulgated today. These proposed actions were published for comment in the **Federal Register** of April 24, 1984 (49 FR 17674), and reviewed and recommended for approval by the Recombinant DNA Advisory Committee (RAC) at its meeting on June 1, 1984. In accordance with section IV–C–1–b of the NIH Guidelines, these actions have been found to comply with the Guidelines and to present no significant risk to health or the environment

Part I of this announcement provides background information on the actions. Part II provides a summary of the actions of the Director, NIH.

Action on other items reviewed and recommended for approval at the June 1, 1984, RAC meeting will be announced at a later date.

I. Decision on Actions Under Guidelines

I–A. Proposal To Clone Shiga-Like Toxin Gene From E. coli

Dr. Alison O'Brien of the Uniformed Services University of the Health Sciences (USUHS) in collaboration with Dr. Randall Holmes (USUHS) proposed to clone in *Escherichia coli* K–12 the structural gene of the Shiga-like toxin of *E. coli*. Shiga-like toxin has activity similar to the activity of *Shigella dysenteriae* toxin.

The description of the review resulting in this decision is organized as follows:

I–A–1. History of the Proposal

In a first submission in September 1982, the investigators proposed to clone the Shiga-like toxin gene in *E. coli* EK1 host-vector systems using plasmid, cosmid, or lambda cloning vectors. In support of their proposals, Drs. O'Brien and Holmes offered the following arguments:

a. Clinical isolates of *E. coli* have already been demonstrated to elaborate large amounts of toxin indistinguishable from that produced by *Shigella dysenteriae 1* (Shiga). Therefore, the genes for Shiga-like toxin production are present in the *E. coli* gene pool found in nature.

b. Human volunteers fed large numbers of *Shigella dysenteriae 1* organisms that produced Shiga toxin but could not colonize the bowel did not become ill. Therefore, any accidental ingestion of the organism to be manufactured, a toxin-producing *E. coli* K–12 strain that cannot colonize the human intestinal tract, would pose little hazard to man.

c. Purification of Shiga toxin in several laboratories and *E. coli* Shiga-like toxin in the investigator's laboratory has not identified any excessive risk from the aerosolization of toxin that probably occurs during the process of toxin preparation. In one laboratory, toxin was isolated from 500 liters of culture with only P1 physical containment.

d. Shiga toxin is a potent cytotoxin for a subline of HeLa cells (a human cervical carcinoma tissue culture cell line), but the toxin has no effect on many other human, monkey, or rodent tissue culture cells. Therefore, the toxin is quite cell-type specific; and this limited spectrum of activity suggests that it would be non-toxic for most cells in the human body.

e. Contrary to the old literature, Shiga toxin is not a neurotoxin. By 1955, it was established that the paralysis observed in rabbits and mice (but not monkeys, guinea pigs, hamsters, or rats) when toxin is given intravenously is a reflection of the effect of toxin on the endothelium of small blood vessels, not a direct effect on nerve cells.

This first submission was summarized in the **Federal Register** of September 22, 1982 (47 FR 41924).

One comment on a related issue was received during the comment period. Dr. K. N. Timmis of the Universite de Geneve suggested that the NIH Guidelines for Research Involving Recombinant DNA Molecules as they relate to the cloning of the Shiga toxin gene be revised. Dr. Timmis argued that *Shigella* and *Escherichia* are closely related, and that the NIH recognizes the high degree of relatedness by including these two genera in Sublist A, Appendix A, of the Guidelines. Dr. Timmis argued, therefore, that no NIH review should be required when the Shiga toxin gene is to be cloned in *E. coli* K–12.

The RAC discussed the request submitted by Drs. O'Brien and Holmes at the October 25, 1982, meeting. The committee by a vote of twelve in favor, none opposed, and one abstention, recommended that the initial experiments be performed under P4 + EK1 containment conditions. The NIH accepted the RAC recommendation that P4 + EK1 containment is adequate to contain safety the exeriments proposed by Drs. O'Brien and Holmes and appropriate language was added to the Guidelines at Appendix F–IV–H.

In December 1983, Drs. O'Brien and Holmes requested reconsideration of containment levels in view of information which had recently become available. They requested approval at the P2 level of physical containment for the following reasons:

a. Epidemiology studies have been performed on over 150 *E. coli* strains isolated from human and animals stools. These studies have shown that the majority (80%) of the strains made detectable levels of Shiga-like toxin. Moreover, four of four substrains of the well-characterized bacterium *E. coli* K–12 were shown to make low levels of the toxin. Thus, cloning of the Shiga-like toxin gene from clinical isolates of *E. coli* into laboratory strains of *E. coli* K–12 will not involve the introduction of a "foreign" toxin into the organism.

b. Production of low levels of Shiga-like toxin was observed in 2 of 15 normal human gut flora *E. coli* strains from asymptomatic infants.

c. Strains of *Vibrio cholerae* and *Vibrio parahaemolyticus* were tested and shown to produce the Shiga-like toxin. Thus, the gene(s) for Shiga-like toxin are present in naturally occurring isolates of the family *Vibrionaceae* and not restricted to the *Enterobacteriaceae*. In volunteer studies, some of the strains of *V. cholerae* that produce Shiga-like toxin did not cause disease. Therefore, the ability to produce Shiga-like toxin is not equivalent with virulence in humans challenged by the oral route.

d. Phages for two clinical isolates of *E. coli* have been shown to control high-level production of Shiga-like toxin in *E. coli* K–12 host strains by phage conversion. Thus, either the structural gene(s) for the Shiga-like toxin or regulatory genes that control high-level production of the toxin are present on wild-type phages from clinical isolates of *E. coli*. In this sense, "cloning" of genes that affect production of Shiga-like toxin onto phage genomes has already occurred in nature.

In addition, the U.S. Cholera Panel of the National Institute of Allergy and Infectious Diseases (NIAID) recommended that NIH reconsider the ban:

> . . . on Shiga toxin cloning experiments in containment facilities other than P4. This strict requirement will prevent most laboratories from deleting the Shiga gene from candidate *V. cholerae* and ETEC vaccine strains. Shiga toxin is now found in many nonpathogenic *E. coli*, including the common vector host, *E. coli* K–12.

The request for reconsideration was published in the January 5, 1984, **Federal Register** (49 FR 696). During the comment period, a letter was received from Dr. Werner Arber, the chairman of the Swiss Commission for Experimental Genetics, which is in charge of questions related to research involving recombinant DNA molecules. Dr. Arber wrote that a Swiss *ad hoc* committee of experts requested by the Commission for Experimental Genetics had reviewed proposed research involving cloning of the Shiga toxin gene in an *E. coli* host-vector system. Dr. Arber wrote this committee had concluded that:

> Work with recombinant DNA could not be expected to present a more severe biohazard than work with the natural pathogens . . . recent investigations had shown that a number of bacterial strains related to *Shigella*, in particular *E. coli* strains, carried genes homologous to the gene for Shiga toxin . . . although Shigellosis is a serious disease, it does not represent a serious danger for an epidemic.

A letter from Dr. Kenneth Timmis of the Universite de Geneve said:

> An *ad hoc* committee of medical microbiologists specifically constituted in Switzerland to evaluate the possible danger of cloning in *E. coli* K–12 the gene for Shiga toxin, concluded that the experiment represented no greater danger than did work on *Shigella* itself and, as a result, recommended P2/EK1 containment conditions. . . . A different committee of medical microbiologists set up for the same purpose in Western Germany arrived at precisely the same conclusion.

The RAC reviewed the proposal of Drs. O'Brien and Holmes at the February 6, 1984, meeting. A full account of the RAC discussion, including the request by Mr. Jeremy Rifkin for an arms control impact statement, is found in the Minutes of the meeting available from ORDA. By a vote of nine in favor, five opposed, and four abstensions, the RAC recommended that Drs. O'Brien and Holmes and coworkers be allowed to proceed with cloning the gene for Shiga-like toxin under P2 physical containment conditions in *E. coli* K–12, restricted to using EK2 plasmid vectors, commencing first with the use of pBR325 and pBR322 and proceeding to other EK2 plasmid vectors only is those are unsatisfactory.

By a vote of eight in favor, four opposed, and five abstensions, the RAC passed the same motion but with the names of the investigators deleted from the motion.

It has been the practice of NIH not to accept RAC recommendations that do not indicate a clear consensus. Accordingly, it was announced in the **Federal Register** of April 25, 1984 (49 FR 17846), that NIH did not accept the RAC recommendations offered at the February 6, 1984, meeting relating to the cloning of the Shiga-like toxin gene. The investigators had approval, however, to conduct these experiments at the P4 level of containment under their previous permission which appears in the Guidelines (48 FR 24569) under Appendix F–IV–H.

In a letter dated April 4, 1984, Drs. O'Brien and Holmes asked the RAC to address the following specific issues:

a. That the containment conditions required for cloning of the intact structural gene(s) for Shiga-like toxin of *E. coli* into *E. coli* K–12 be reduced from P4+EK1 to P3+EK1.

b. If the investigators are successful in cloning the structural gene(s) for Shiga-like toxin and if they can document that the amount of toxin produced by the clones is no greater than the amount made by highly toxinogenic clinical isolates of *E. coli* (i.e., approximately 10^7 50% cytotoxic doses/mg protein in cell lysates and 10^6 50% cytotoxic doses/ml in culture supernatants when bacteria are grown in iron-depleted glucose syncase media), they request permission to remove such clones from the original containment conditions and to perform subsequent work with them under P1+EK1 conditions.

c. If they can identify nontoxinogenic fragments of the structural gene(s) for Shiga-like toxin, the investigators request permission to:

(1) Remove any such cloned nontoxic fragments (generated during the search for clones that contain intact toxin structural genes) from the original containment conditions to work with them under P1 + EK1 conditions; and

(2) Directly clone any such nontoxic fragments into *E. coli* K–12 under P1 + EK1 conditions.

d. If the structural gene for Shiga-like toxin is shown to be present in a specific bacteriophage gename and its physical location is determined, they request permission to:

(1) Remove from the original containment conditions any clones of fragments of phage genome (generated during the process of obtaining cloned toxin structural genes) that do not correspond to toxin structural genes and to work with them under P1 + EK1 conditions; and

(2) Directly clone any fragments of the phage genome that do not correspond to toxin structural genes into *E. coli* K–12 under P1 + EK1 conditions.

e. If in future experiments the investigators can isolate nontoxinogenic alleles of the structural gene(s) for Shiga-like toxin by transposon mediated mutagenesis (insertional inactivation) or by chemical mutagenesis, they request permission to clone these nontoxinogenic alleles of the toxin structural gene(s) into *E. coli* K–12 under P1 + EK1 conditions.

Dr. O'Brien and coworkers supplied additional data in support of these requests.

I–A–2. Comments on the Proposal in Response to the April 24, 1984, Federal Register Notice

This proposal containing the five specific issues raised by Drs. O'Brien and Holmes in their April 4, 1984, letter appeared in the **Federal Register** of April 24, 1984 (49 FR 17672). During the public comment period, three communications were received concerning this proposal. These communications were from Mr. Jeremy Rifkin of the Foundation on Economic Trends, Dr. Jay P. Sanford, President, Uniformed Services University of the Health Services (USUHS), and Ms. Patricia Campbell, Public Affairs Officer, USUHS.

Mr. Jeremy Rifkin in a letter dated May 15, 1984, proposed that:

> . . . the RAC postpone its consideration of the Shiga-like toxin experiment to be conducted by the Uniformed Services University of the Health Sciences until an adequate mechanism is developed and applied that will enable RAC to determine the potential military applications of this and certain other types of recombinant DNA research. I am particularly concerned about the relationship between the development of vaccines and other prophylactic and defensive uses of recombinant DNA technology and the potential convertibility of this research for military purposes.
>
> Once again, I am asking that the RAC send a formal request to the Department of

Defense (DOD) and the Arms Control and Disarmament Agency (ACDA) asking for an Arms Control Impact Statement (ACIS) for the Shiga-like toxin experiment and all other recombinant DNA related research presently being conducted by the DOD and agencies and institutions related to the DOD.

Mr. Rifkin contended that:

. . . experiments like the proposed Shiga experiment being considered today are technologies 'with potential military application or weapons systems applications' and therefore are subject to section 36(a)(3) of the Arms Control and Disarmament Act. It is my understanding that the DOD and the Arms Control and Disarmament Agency are in non-compliance with this act in regard to the Shiga experiment and other biological experiments involving recombinant DNA technology. Therefore, it would be improper for the RAC to consider this proposed experiment to clone a Shiga toxin until such time as a weapons impact statement covering this experiment and or the category of experiments it is part of, is forthcoming from the Arms Control and Disarmament Agency.

He further stated that:

. . . I urge this committee to place a moratorium on all further authorizations of DOD related toxin experiments until such time as this committee engages in a full dialogue with all other interested agencies in the Executive and Congressional branches relative to the potential uses of this technology for biological warfare purposes.

Dr. Jay P. Sanford, President, USUHS, in a letter dated May 15, 1984, wrote that:

At the RAC meeting on 6 February 1984, Mr. Jeremy Rifkin, President, Foundation on Economic Trends, submitted a press release, 'Arms Control Impact Statement requested for DoD Toxin Experiment.' The statute from which he quoted is as follows: 22 U.S.C. 2576, '(a) In order to assist the Director in the performance of his duties with respect to arms control and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for —' '(3) any other programs involving technology with potential military application or weapon systems which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures established pursuant to section 2575 of this title, with respect to the nature, scope and purpose of such proposal.'

The Department of Defense does not believe that the O'Brien-Holmes proposal (program) has (would have) a significant impact on arms control and disarmament policy or negotiations.

As a technical point, the current O'Brien-Holmes request to RAC was neither a legislative nor budgetary proposal. Their original budgetary proposal was reviewed and approved by the National Institute of Allergy and Infectious Diseases (AI 20148).

A fact sheet concerning the Shiga-like toxin proposal was distributed by Ms. Patricia Campbell, Public Affairs Officer, USUHS, at the June 1, 1984, RAC meeting. The fact sheet offered the following information:

Randall Holmes, Ph.D., M.D., Chairman and Professor, and Alison O'Brien, Ph.D., Associate Professor, Department of Microbiology, Uniformed Services University of the Health Sciences (USUHS), are studying a substance (toxin) produced by a bacterium (Escherichia coli). This bacterium is one of many bacteria that can cause diarrhea in humans and animals. Diarrheal diseases are the number one killer of children in third world countries.

The purpose of the O'Brien/Holmes research is to determine whether the toxin (called Shiga-like toxin) has a role in diarrhea due to *E. coli*. Such information may help in the development of vaccines against such diarrheas.

I–A–3. Excerpts From the Minutes of the May 11, 1984, Meeting of the RAC Working Group on Toxins.

The NIH convened a meeting of the RAC Working Group on Toxins on May 11, 1984, to review available scientific data with regard to Drs. O'Brien's and Holmes' April 4, 1984, request. The following excerpts from the minutes of that meeting indicate the basis for the recommendations made by the working group to the RAC at the June 1, 1984, RAC meeting.

In regard to the first request in the April 4, 1984, letter from Drs. O'Brien and Holmes, the following discussion ensued:

Dr. Levine said he had participated in formulating Appendix F [to the Guidelines]. In his opinion, cloning of the Shiga toxin gene was paced under Section F–1 which requires NIH review and approval because the working group at that time did not possess sufficient data to evaluate pertinent questions. Dr. Levine thought pertinent data were now available. He cited the data generated through feeding experiments with 140 human volunteers. These volunteers were fed Shiga toxin-producing *Shigella* which lacked invasive characteristics. No disease symptoms were observed in 139 individuals; in one individual the strain reverted to an invasive form and the volunteer developed shigellosis. He also cited the evidence generated by Branham, Dack, and Riggs which shows that large amounts of Shiga toxin instilled directly into monkey intestinal pouches has no effect. Dr. Levine said the containment specified for cloning Shiga toxin in *E. coli* K–12 should be lowered on the basis of these data.

Dr. Gottesman calculated that in a worst case scenario, 10^9 engineered *E. coli* with the Shiga toxin gene on a high expression, high copy number plasmid might produce one milligram of toxin in the human gut. Dr. Gill calculated that this amount is roughly equivalent to approximately 14,000 lethal doses for humans when the toxin is administered parenterally. He said that 100,000 times more tetanus toxin is required enterally to kill animals than is required parenterally. Dr. Gottesman noted that Branham, Dack, and Riggs had administered 20,000 lethal doses to monkey intestinal pouches with no observed effect.

Dr. Levine moved that the working group recommend to RAC that cloning of the Shiga toxin gene in *E. coli* be permitted at P3 containment. Dr. Gill seconded the motion. By a vote of five in favor, none opposed, and no abstentions, the working group accepted the motion.

In regard to the second item in the request in the April 4, 1984, letter from Drs. O'Brien and Holmes, the following discussion ensued:

Dr. Levine suggested that under the conditions specified by Dr. O'Brien, P2 containment would be acceptable. He felt highly toxigenic isolates should be handled under conditions equivalent to P2 in the clinical laboratory.

Dr. Gill said some novel considerations arise when a gene is cloned in a new genetic background. These include: (1) Has the potential for genetic transfer of the gene to other organisms been increased; and (2) how does the cloning affect the amount of gene product expressed? He felt these issues should be considered in evaluating the second item in the proposal.

Dr. Gill said he would like Dr. Levine's motion to require the investigators to select organisms with lower levels of toxin expression than 10^7 50% cytotoxic doses/mg protein in cell lysates and 10^6 50% cytotoxic doses/ml in culture supernatants.

Dr. Levine pointed out that use of poorly mobilizable plasmid vectors such as pBR322 add an additional measure of safety; language specifying use of this type of plasmid vector might meet Dr. Gill's concerns.

After some discussion as to appropriate language the following motion was developed:

The Working Group recommends to RAC that *E. coli* host-vector systems expressing the Shiga toxin gene may be removed from P3 to P2 containment conditions under the following conditions:

(1) that the amount of toxin produced by the modified host-vector systems be no greater than that produced by the positive control strain 933 *E. coli* 0157H7, grown and measured under optimal conditions; and

(2) the cloning vehicle is to be an EK1 vector preferrably belonging to the class of poorly mobilizable plasmids such as pBR322, pBR328, and pBR325.

By a vote of five in favor, none opposed, and no abstentions, the working group accepted this motion.

In regard to the third item in the request of the April 4, 1984, letter, the following discussion ensued:

Dr. Gill suggested the working group approve the third item of the request with the added clarification that under p1+EK1 conditions the modified organism will not

contain overlapping fragments which together would encompass the structural gene(s). This specification will eliminate the possibility that the structural gene might be regenerated through recombinational events.

By a vote of five in favor, none opposed, and no abstentions, the working group approved the motion to offer this recommendation to RAC.

In regard to the fourth item in the April 4, 1984, proposal:

It was the consensus of the group that these experiments would not fall under Appendix F of the Guidelines, and no action need be taken.

In regard to the fifth item in the April 4, 1984, letter from Drs. O'Brien and Holmes:

It was the consensus of the group that because no working group could predict all potential scenarios each specific nontoxinogenic allele should be considered individually on a case-by-case basis. A system is in place within the NIH to perform this type of evaluation.

I-A-4. Excerpts of Draft Minutes of the June 1, 1984, RAC Discussion of the Proposal

At its June 1, 1984, meeting, the RAC discussed the requests in the April 4, 1984, letter from Drs. O'Brien and Holmes and the recommendations made by the RAC Working Group on Toxins at its May 11, 1984, meeting. The following draft minutes from the June 1, 1984, RAC meeting summarize the pertinent points raised during the discussion:

Dr. Gottesman introduced the proposal (tabs 1153, 1165, 1162, 1156/II, 1168, 1170) of Drs. Alison O'Brien and Randall Holmes of the Uniformed Services University of the Health Sciences (USUHS) to clone at P3 containment the Shiga-like toxin gene of *E. coli* in *E. coli* K–12 host-vector systems. Shiga-like toxin has activity similar to the activity of *Shigella dysenteriae* toxin.

Dr. Gottesman said that at the February 6, 1984, RAC meeting, she had voted against the motion to lower containment from P4 to P2 because she felt certain questions had not been fully addressed. Her preception of the sentiment of the committee at that meeting, however, was that RAC overwhelmingly favored the motion in spite of the split vote. She felt the split vote partially reflected a disagreement over whether the motion should provide an exclusive approval for Dr. O'Brien's group.

Dr. Gottesman said subsequent to the February 6 RAC meeting, Dr. O'Brien had submitted a revised proposal on April 4 and that NIH had convened the RAC Working Group on Toxins on May 11, 1984, to review the new proposal in the light of available scientific data on Shiga toxin. Dr. Gottesman said a great deal of discussion occurred at the working group meeting. This discussion clarified the scientific issues and resulted in working group recommendations to RAC on Dr. O'Brien's April 4, 1984, proposal.

Dr. Gottesman said these recommendations were unanimously approved by the working group and represent a consensus between individuals holding very different points of view. She strongly urged the RAC to accept the working group recommendations.

Dr. Gottesman said the first request of Dr. O'Brien's April 4 proposal was to lower containment conditions for cloning the intact structural gene(s) for Shiga-like toxin of *E. coli* into *E. coli* K–12 from P4 + EKl to P3 + EKl. Dr. Gottesman said this proposal was accepted by the Working Group on Toxins on the basis of two sets of data:

a. The data generated through experiments with 140 human volunteers fed Shiga toxin-producing *Shigella* lacking invasive characteristics. No disease symptoms were observed in 139 individuals; in one individual, the strain reverted to an invasive form and the volunteer developed shigellosis. Since *E. coli* K–12 neither adheres nor is invasive, no disease should be caused by *E. coli* K–12 containing the Shiga toxin gene.

b. The evidence generated by Branham, Dack, and Riggs which shows that large amounts of Shiga toxin instilled directly into monkey intestinal pouches has no effect.

Dr. Gottesman said that in the worst case scenario, in which all the *E. coli* in the human intestine (estimated to be 10^9) were expressing the Shiga toxin gene on a high expression, high copy number plasmid, one milligram of toxin might be produced in the human gut. This amount is roughly equivalent to approximately 14,000 lethal does for humans if the toxin were to be administered parenterally. However, Branham, Dack, and Riggs had administered 20,000 lethal doses enterally to monkey intestinal pouches with no observed effect.

In regard to the second item of Dr. O'Brien's April 4 letter requesting lowering of certain characterized clones to Pl +EKl conditions, Dr. Gottesman said the working group recommends modifications in the request. The working group recommends that host-vector systems expressing the Shiga toxin gene may be removed from P3 to P2 containment conditions under the following conditions:

a. That the amount of toxin produced by the modified host-vector systems be no greater than that produced by the positive control strain 933 *E. coli* 0157H7, grown and measured under optimal conditions; and

b. The cloning vehicle is to be an EK1 vector preferably belonging to the class of poorly mobilizable plasmids such pBR322, pBR328, and pBR325.

Dr. Landy asked if the working group recommendation specified that both the host-vector system and strain 933 *E. coli* 0157H7 were to be grown under optimal conditions. Dr. Gottesman replied that both strains should be grown under optimal toxin producing conditions.

Dr. Gottesman said the working group recommended approval of the third item of the Apirl 4 request with the clarification that the modified organism will not contain overlapping fragments which together would encompass the structural gene(s). This specification will eliminate the possibility that the structural gene might be regenerated through recombinational events.

In regard to the fourth item in the April 4, 1984, proposal Dr. Gottesman said it was the consensus of the working group that these experiments would not fall under Appendix F of the Guidelines, and no action need be taken by the RAC.

In regard to the fifth item in the April 4, 1984, letter from Drs. O'Brien and Holmes, Dr. Gottesman said it was the consensus of the group that no working group could predict all potential scenarios; thus, each specific nontoxinogenic allele should be considered individually on a case-by-case basis. A system is in place within the NIH to perform this type of evaluation, so no specific action need be taken by the RAC.

Dr. King Holmes said the proposed research is extremely important and should be pursued. He had, however, several concerns which he felt should be addressed: (1) He noted that only four individual animals of one primate species had been tested by Branham, Dack, and Riggs. He asked whether primate species might differ in their response to the toxin. (2) He also questioned the calculations developed by the working group in a worst case scenario; he wondered whether this scenario would correspond to the *in vivo* situation. (3) He noted that data presented at an earlier RAC meeting by Dr. O'Brien suggested a toxin dose-effect; i.e., *E. coli* isolates from patients who have hemorrhagic colitis produced more toxin *in vitro* than did *E. coli* isolates from patients who did not have hemorrhagic colitis. (4) He questioned what would be the effect of feeding "non-healthy" individuals *E. coli* K–12 producing Shiga toxin.

Dr. Holmes felt the apparent lack of toxicity for intestinal epithelial cells is not entirely reassuring in terms of toxicities for other epithelial cell types such as HeLa cells. He pointed out that the toxin is presumed to be toxic for endothelial vascular cells. He asked what would be the effect on humans if toxin producing *E. coli* is inhaled? What if toxin producing *E. coli* colonizes the skin or urogenital tract?

Dr. Holmes questioned the effect the toxin might have on corneal or conjunctival cells in neonates born vaginally of women vaginally colonized by *E. coli* producing Shiga toxin. What might be the effect on the endocervix or endometrium of women vaginally colonized by *E. coli* producing the toxin? What would be the effect on the male whose prostate might be colonized?

Dr Holmes questioned the language of the third recommendation which specifies that the modified host-sector system will not contain overlapping fragments which together would encompass the structural gene(s); he noted that *E. coli* K–12 host-vector systems may contain a chromosomal gene encoding Shiga toxin.

Dr. Holmes said he was not persuaded that the proposed experiments require an Arms Control Impact Statement (ACIS) as argued by Mr. Rifkin in his May 15, 1984, letter. Dr. O'Brien's proposed experiments are NIF funded and will be performed by civilian investigators associated with the USUHS medical school. He said he was not persuaded that the affiliation of the

investigators with USUHs constitutes a reason *per se* for requiring an ACIS.

Dr Holmes suggested the issue as he saw it is not whether an ACIS is necessary for this particular experiment but whether any ACIS might be needed for toxin related recombinant DNA experiments in general.

Dr. Levine pointed out that when the Working Group on Toxins was constituted in the spring of 1981 to evaluate the cloning of toxin genes, it was clear that experiments involving the cloning of the gene encoding botulinum toxin pesented a real concern. Botulinum toxin is an exoxinosis; i.e., the pure toxin if imbibed or ingested orally causes illness. Tetanus toxin also presents a real concern. Shiga toxin, on the other hand, is a very potent toxin when administered parenterally; however, there is no evidence epidemiologically or pathophysiologically that Shiga toxin is an exotoxinosis. In 1981 in discussing the appropriate category for experiments involving cloning of the Shiga toxin gene, the Working Group on Toxins was divided. Some individuals said these experiments should be in the same category as experiments involving the gene for tetanus toxin; this position was based on consideration of Shiga toxin's pharmacological potency. Others felt Shiga toxin should be in a separate category on the basis of epidemiological evidence. As the hour was late, Shiga toxin was assigned to the same category as botulinum and tetanus toxin pending further information. Dr Levine said most of the Working Group on Toxin members who participated in the May 11, 1984, meeting were members of the working group which in the spring of 1981 drew up Appendix F to the Guidelines. These individuals, thus, had the opportunity at the May 11, 1984, meeting to review additional data concerning Shiga toxin and to offer recommendations. Dr. Levine, pointed out that Swiss and West German committees of experts have suggested experiments involving cloning of the Shiga toxin gene be permitted at no higher than P2 + EK1 containment. He said the recommendations of the RAC Working Group on Toxins in contrast represent a very conservative attitude towards the cloning of the Shiga toxin gene. He urged the RAC to accept the working group recommendations.

In response to Dr. King Holmes' stated concerns, Dr. Levine said the Working Group on Toxins, in devising its guidelines for Appendix F, had considered toxicity to primates to be of paramount importance and more relevant than data generated with 40 guinea pigs or 40 mice. He emphasized that the primate data of Braham, Dack, and Riggs show that 20,000 monkey parenteral lethal doses will not cause adverse effect when administered by means of an intestinal pouch.

Dr. Levine said he did not believe *E. coli* would present a problem by colonizing the skin or peritoneal areas; if *E. coli* is going to present a problem, it will present a problem in the gut as the numers of *E. coli* in the gut are orders of magnitude greater than in other areas of the body.

Dr. Levine said that *E. coli* strains which cause hemorrhagic colitis, such as 933 *E. coli* 0157H7, are smooth *E. coli* strains capable of colonizing the human gut. These strains also have other virulence factors. Nevertheless, these strains are not widespread pathogens. He argued that if strains such as 0157H7 which possess so many virulence characteristics are not widespread pathogens, it is inconceivable that a rough *E. coli* strain, such as *E. coli* K–12 which does not colonize or possess virulence factors, would become a widespread pathogen.

Dr. Levine said the infinitesimal risks perceived to be associated with cloning the Shiga toxin gene in *E. coli* K–12 must be weighed against the actual benefits. He said research with the Shiga toxin gene is very important to the development of a cholera vaccine. He explained that live attenuated cholera vaccines which lack cholera toxin are a major step forward in controlling cholera by immunoprophylaxis. These vaccines, however, still cause a mild diarrhea in perhaps a third of the recipients. Thus, this vaccine is not sufficiently attenuated for public health use. Dr. Levine said the mild diarrhea may be explained in two ways: (1) The diarrhea is a response to the intestine to colonization by the live bacterial strain, or (2) other diarrhea-causing toxins may be produced by the live attenuated strain. Dr. O'Brien and her coworkers have shown that some cholera vaccine strains do produce Shiga toxin. Shiga toxin thus may play a role in causing the mild diarrhea associated with the live attenauted cholera vaccine strains. This possibility must be tested by cloning the Shiga toxin gene and deleting it from the vaccine strains. Delaying this research will adversely affect public health.

Dr. Holmes asked Dr. Levine to explain why if non-invasive *V. cholerae* vaccine strains may cause Shiga toxin induced diarrhea, would there not be similar concerns about an *E. coli* strain producing Shiga toxin? Dr. Levine replied that to be a concern the bacterium must possess accessory virulence properties. These virulence properties need not include invasiveness; the organisms must, however, possess characteristics that maintain the bacteria in a special proximity to the intestinal cells. Dr. Levine said the *V. cholerae* vaccine strains colonize the small bowel in contrast to *E. coli* K–12 strains which will not colonize the small bowel.

Dr. Clowes said at the February 6 RAC meeting he had supported the motion to lower containment requirements to P2 because: (1) *E. coli* and *Shigella* exchange genetic information in nature, and (2) other virulence factors in addition to toxin production are necessary for pathogenicity. He said he had abstained during the vote, however, because he felt the language of the motion was vague. Dr. Clowes said he supported the current recommendations of the Working Group on Toxins. However, as *E. coli* K–12 probably possesses a chromosomal Shiga toxin gene, he would like to suggest that the working group recommendation on item three of Dr. O'Brien's April 4 request be modified to require P2 containment conditions.

Dr. Fedoroff felt P2 containment was not necessary. She pointed out that two recombinational events would have to occur to generate a plasmid vector carrying the full structural gene for Shiga toxin: one recombinational event to integrate the plasmid into the chromosome, and a second to return the plasmid to the extrachromosomal state.

Dr. McKinney said Dr. Clowes' suggestion satisfied Dr. Holmes' concern regarding inhalation exposure to Shiga toxin-producing *E. coli*, since P2 reduces the probability of exposure by aerosol. He supported Dr. Clowes' suggestion.

Dr. Gottesman said she wished to respond to certain of Dr. Holmes' concerns. She reminded the committee the proposed research with the Shiga toxin structural gene is to be performed under P3 containment with *E. coli* K–12 host vector systems. P3 containment conditions severely limit the possibility of the organism escaping. In addition, the host in this case would be *E. coli* K–12 which is a debilitated strain. In addition, Dr. Gottesman argued that Shiga toxin exists in *E. coli* strains in nature; thus, the only way in which a novel organism might be produced by recombinant DNA techniques is if the plasmid construct produces higher levels of toxin than strains in nature. Dr. Gottesman felt these considerations and the primate data indicating that Shiga toxin is not toxic when delivered in the gut, address most of the concerns.

Dr. Gottesman moved that RAC recommend experiments involving the cloning in *E. coli* K–12 of the intact structural gene(s) of Shigalike toxin of *E. coli* be permitted at P3 + EKl containment. This is the first request in Dr. O'Brien's April 4 proposal. Dr. Federoff seconded the motion. Dr. King Holmes noted that he would support the motion as he felt the benefits greatly outweigh the risks. By a vote of twenty-one in favor, none opposed, and one abstention, the RAC recommended the motion.

Dr. Gottesman then moved RAC approve the working group recommendation that *E. coli* host-vector systems expressing the Shiga toxin gene may be removed from P3 to P2 containment under the following conditions:

a. That the amount of toxin produced by the modified host-vector systems be no greater than that produced by the positive control strain, 933 *E. coli* 0157H7, grown and measured under optimal conditions; and

b. The cloning vehicle is to be an EKl vector, preferably belonging to the class of poorly mobilized plasmids, such as pBR322, pBR328, and pBR325.

Dr. Fedoroff seconded the motion.

Mr. Jeremy Rifkin was recognized and said he felt that a critical turning point has been reached with this technology. He thought this turning point similar to the running point in the nuclear technology discussions where it became very obvious there was a convertibility between the peaceful use of nuclear technology and its possible military applications. Mr. Rifkin felt this convertibility was especially obvious in relation to the use of plutonium in the nuclear energy industry and its use in military weapons.

Mr. Rifkin said that in the last few months several disturbing events occurred: (1) The Wall Street Journal published a seven part series on possible military applications of genetic engineering in the Soviet Union; (2)

the American Associations for the Advancement of Science (AAAS) held a panel on biological warfare at their annual meeting at which a spokesperson from the Defense Information Agency pointed out the convertibility between peaceful uses of this technology and military applications; and (3) Environmental Action and the Foundation on Economic Trends joined in releasing to the public a mathematical model from the leading Soviet mathematical modeler of epidemiological studies. This scientist is concerned that the mathematical model he developed for tracing and tracking viruses could be used for military purposes.

Mr. Rifkin said he was curious about the interest in Shiga toxin because it was his understanding that this particular form of dysentery is not found in any significant way in the United States but is pandemic to the five countries of Central America. He said:

". . . it doesn't take much intelligence to understand that it would be very helpful to have such a vaccine, if for no other reason, to inoculate U.S. ground troops."

He added that:

"U.S. ground troops having that kind of vaccine would be able to be in a position to be deployed in those five Central American countries with the protection of that vaccine."

Mr. Rifkin suggested that RAC:

". . . postpone consideration of this experiment and similar experiments by DOD or DOD-related institutions until such time as another agency, the Arms Control and Disarmament Agency, complies with the ACIS requirements."

Mr. Rifkin called the attention of the committee to the letter from Dr. Jay Sanford, President of the Uniformed Services University of the Health Sciences, which states that the Department of Defense (DOD) does not believe these experiments will have a significant impact on arms control and disarmament. Mr. Rifkin said that the Arms Control and Disarmament Agency is the agency which has to deal with it, not the DOD.

Mr. Rifkin suggested that RAC discuss setting up a RAC subgroup to:

". . . take a look at this whole area of convertibility of toxins from peaceful uses to military uses and to initiate a very exhaustive study, complete with recommendations and findings, to bring back to this committee for discussion at a future date."

Mr. Rifkin also suggested that the subgroup:

". . . look at all of the ways that we might deal with controls, regulations, protocols, and procedures dealing with this whole question of toxins used for domestic purposes versus military."

Dr. Levine said he wished to offer a few clarifications. He explained that:

"Shiga toxin was originally isolated from a serotype of *Shigella* called *Shigella dysenteriae-1*, or Shiga. That particular organism caused pandemic dysentery in Central America from 1968–1970. There no longer is a pandemic in Central America. There hasn't been for many years. In fact, it's an uncommon endemic organism in Central America. *Shigella Dysenteriae–1*, amongst all *Shigella*, amongst all bacteria, is one of only a handful of organisms that are capable of exhibiting pandemic spread, and that occurs every couple of generations interspersed widely throughout the world. One does not really know why it turns up. There was a similar large epidemic in Bangladesh in the 1970s, for example; there was one 15 years earlier in East Africa. There is no Shiga dysentery pandemic in Central America now. . . .

The genes, however, that *Shigella dysenteriae-1* have, we now recognize are in all *Shigella*, or apparently all *Shigella*, because all *Shigella* serotypes that have been looked at are now found to produce this toxin. And what's much more important, *E. coli* can produce lots of Shiga toxin. . . .

The last point I would make, Mr. Chairman, is that it bothers me, as a health worker and health professional interested in geographic medicine and tropical pediatrics, to have such great emphasis put on one aspect of warfare when there's another war out there and it's a war that I'm involved in fighting in a different way and that is a war against disease, and that's also a real war, and that's taking place now, that's not hypothetical. Shiga dysentery does cause disease, cholera causes disease. There are many, many—there are millions of children—that die of these diseases throughout the world. That's war, and we need every armament we have against that war. Without question, nefarious individuals in many countries can take not only guns and arms and such explosive armaments, but nefarious individuals can use biological means and chemical means and apply them in warfare without question. But they don't need to clone Shiga toxin to do this. My lord, there are so many nasty agents that exist for the potential for warfare that we know about. But there's another war out there and I think it's our primary responsibility to come up with the best armaments to fight that other war.

Mr. Rifkin said he totally agreed that:

". . . we have a responsibility to develop vaccines that are going to be helpful in dealing with some of these dreaded diseases. All I'm suggesting at this point is that we're at a stage where there is a convertibility with toxins for military purposes, and just as we're interested in solving the problem of diseases, shouldn't we be interested in setting down some guidelines, and protocols, and procedures for the potential convertibility of this technology . . . ."

Mr. Rifkin asked if there was:

". . . any room for discussion at this committee of the NIH for taking a look at how toxin-related experiments might be somehow used for military purposes? If not, I won't bring it up again if you think that there is no room for this committee, or the NIH, to look into this matter in any way, shape, or form about the convertibility. I will not bring it up again if you so decide that that's your—the NIH's—position."

Dr. McKinney said he:

". . . would make the observation, Mr. Chairman, that if indeed our concern would be predicated on convertibility of any technology to ultimate use in warfare that we should have started with the invention of the wheel and that we would, in fact, cease to do any and all research in the world, in fact, cease to do any and all research in the world because of the potential for converting any new technology to ultimate warfare use."

Dr. McKinney said he wished to comment on the materials which accompanied Mr. Rifki's letter of May 15, 1984. He said he had found a number of gross technical errors in this material. He cited Mr. Rifkin's statement that RAC is authorizing experiments. Dr. McKinney said RAC does not 'authorize' experiments, rather it is an advisory body to the NIH. It is the prerogative of the NIH to accept or reject RAC's recommendations. Dr. McKinney felt the inappropriate use of the word 'authorize' conveys to the public a false impression of RAC's function.

Dr. McKinney said he could not accept Mr. Rifking's position that RAC is a participant in the potential convertibility of a technology to military applications. He said such a potential exists with any technology. The primary role of RAC, however, is to serve the public interest. In this service, concrete measures to control disease have precedence over hypothetical considerations which might be raised over what somebody might do someday.

Dr. Landy said he was personally offended by Mr. Rifkin's implication that American researchers would not feel compelled to research diseases that are not endemic to the United States.

Dr. Miller of the FDA underscored the public health importance of the research proposed by Dr. O'Brien. He urged RAC to recommend conditions which would permit this research to proceed. Dr. Miller felt the:

". . . issue of convertibility to biological warfare is really . . . not an issue at all, but rather . . . a manifestation of what the British journal *Nature* in the May 24th issue alluded to in describing Mr. Rifkin as someone whose nuisance to substance ratio is high."

Dr. Rapp said a toxin is one type of virulence factor. If instead of using the word "toxin," the words "virulence factors" were used, many experiments with important health problem applications would be part of the convertibility discussion.

Dr. Rapp strongly supported Dr. Landy's comments. He offered as an example the research being conducted in the U.S. on malaria. He did not think the U.S. was going to invade West Africa because U.S. researchers are studying malaria. Malaria is an important international health problems and most U.S. researchers consider themselves international scientists attempting to solve world health problems. Dr. Walter's agreed.

Dr. McGarrity pointed to Appendix F as evidence that RAC and the Working Group on Toxins have deliberated long and hard in considering recombinant DNA experiments involving toxin genes.

Dr. Gottesman said the concern that this research might be converted to uses scientists would not approve is one reason scientists began the process of evaluating applications of the recombinant DNA technique. This concern was discussed at Asilomar. The RAC meets in open session to keep the public aware of the issues.

Dr. Gottesman said she was bothered a great deal by Mr. Rifkin's implication that these experiments are more likely to be

misused because the investigators are associated with USUHS. The said this is "guilt by association." She rejected this implication and urged RAC to approve the working group recommendations concerning Dr. O'Brien's April 4, proposal.

Mr. Rifkin said:

"* * * it's rather disingenuous for the committee to suggest that I'm only interested in diseases that affect the United States of America and, therefore, don't care about diseases that affect the world. I think if anybody is familiar with my writings of books over the years you know that's just not true."

Mr. Rifkin said:

"* * * the real question here that I think that we have to deal with is a question that's been raised not just by me; it's been raised in several forums. If you get a chance to read, for example, the Bulletin of Atomic Scientists, which is rather a distinguished journal of science, you'll find there was a long article in the November issue by Dr. Sinsheimer of the University of California and another historian where they raised some problems about convertibility and raise some very specific suggestions about what might be done by various Government agencies to try and address this issue, yet it still has not been addressed in this committee as of today."

Mr. Rifkin added that:

"In terms of a nuisance factor * * *. We are all American taxpayers. We are citizens. We come in front of this committee both as professionals and lay people to lay out our concerns. I have legitimate concerns. You might totally disagree with them. You might have a totally different perspective. But we owe it to each other to discuss these and in each case when you have decided and voted I have not said another thing on that particular area. But I will continue to be here if I think that the perspectives that I want covered are not covered by this committee, including this one, and I hope at some point you discuss the convertibility of this technology for military purposes."

It has previously been moved and seconded that the RAC approve the recommendation of the Working Group on Toxins that *E. coli* host-vector systems expressing the Shiga toxin gene may be removed from P3 to P2 containment under the following conditions:

a. That the amount of toxin produced by the modified host-vector system be no greater than that produced by the positive control strains 933 *E. coli* 0157H7 grown and measured under optimal conditions; and

b. The cloning vehicle is to be an EK1 vector, preferably belonging to the class of poorly mobilizable plasmids such as pBR322, pBR328, and pBR325.

By a vote of twenty-one in favor, one opposed, and one abstention, the RAC accepted the motion.

Dr. Gottesman then moved acceptance of the third item of the April 4 request, i.e., to remove nontoxinogenic fragments of the structural gene(s) from P3 to lower physical containment at EK1 biological containment with the stipulation that the modified organism will not contain overlapping fragments which together would encompass the structural gene(s). In response to concerns expressed earlier in the meeting, Dr. Gottesman moved that physical containment be set at P2, higher than the requested P1 physical containment level. Dr. Fedoroff seconded the motion. By a vote of twenty-one in favor, none opposed, and one abstention, the RAC accepted the motion.

Dr. Gottesman felt a motion concerning items four and five was not required, but moved that RAC indicate that items four and five of Dr. O'Brien's April 4 request do not require RAC action. Dr. Holmes seconded the motion. By a vote of twenty-one in favor, none opposed, and one abstention, the RAC approved the motion.

I–A–5. Decision

I have reviewed the extensive deliberations of the RAC Working Group on Toxins and of the full RAC concerning the April 4, 1984, requests of Drs. Alison O'Brien and Randall Holmes. I believe the containment conditions recommended by the RAC at its June 1, 1984, meeting are adequate to contain safely the experiment. I accept the RAC recommendations and the language of Appendix F–IV–H will be modified to indicate this.

I–B. Proposed Amendment of Procedures for Scale-Up of Organisms Listed in Appendix C

In May 1983, Dr. Irving S. Johnson of Eli Lilly and Company proposed that procedures be modified for experiments involving more than 10 liters of culture of "exempt" organisms listed in Appendix C of the NIH Guidelines for Research Involving Recombinant DNA Molecules. In September 1983, Dr. Max Marsh of Lilly Research Laboratories offered an alternate modification of Appendix C and requested it be referred to the RAC Large-Scale Review Working Group. The proposals were reviewed by the RAC at its September 19, 1983, meeting and referred to the Large-Scale Review Working Group. The RAC Large-Scale Review Working Group met on February 7, 1984. After evaluating data and discussing the issues (the Minutes of the meeting are available from ORDA), the Large-Scale Review Working Group proposed the following modifications to the Guidelines:

1. In Appendix K–II–D of Appendix K–II, *P1–LS Level*, the work "minimize" would be substituted for the word "prevent." Appendix K–II–D would read as follows:

Appendix K–II–D. Exhaust gases removed from a closed system or other primary containment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to minimize the release of viable organisms containing recombinant DNA molecules to the environment.

2. The second paragraph of Appendix C–II, *Experiments Involving E. coli K–12 Host-Vector Systems;* Appendix C–III, *Experiments Involving Saccharomyces cerevisiae Host-Vector Systems;* and Appendix C–IV, *Experiments Involving Bacillus subtilis Host-Vector Systems;* would be modified to read as follows:

For these exempt laboratory experiments, P1 physical containment conditions are recommended.

3. A paragraph would be added following the second paragraph of Appendix C–II, Appendix C–III, and Appendix C–IV. The paragraph would read as follows:

For large-scale fermentation experiments P1–LS physical containment conditions are recommended. However, following review by the IBC of appropriate data for a particular host-vector system, some latitude in the application of P1–LS requirements as outlined in Appendix K–II–A through K–II–F is permitted.

4. A reference to Appendix C would be added to the fourth sentence of Appendix K–I, *Selection of Physical Containment Levels.* The sentence would read as follows:

The P1–LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P1 containment at the laboratory scale (see Appendix C).

As a possible substitute, NIH staff proposed the following alternate modification of Appendix K–1, *Selection of Physical Containment Levels.* The following sentence would be added following the fourth sentence of Appendix K–1, *Selection of Physical Containment Levels:*

(The P1–LS level of physical containment is recommended for large-scale research or production of viable organisms for which P1 is recommended at the laboratory scale such as those described in Appendix C).

An announcement of these recommendations of the Large-Scale Review Working Group and the substitute proposed by NIH staff appeared in the April 24, 1984, **Federal Register** (49 FR 17672). During the thirty day comment period three comments were received. These comments were from Mr. C. Searle Wadley and Dr. John H. Keene of Abbott Laboratories, Dr. Judith A. Hautala of Genex Corporation, and Dr. J. Allan Waitz of Schering Corporation.

Mr. C. Searle Wadley and Dr. John H. Keene of Abbott Laboratories, North Chicago, Illinois wrote:

The risk assessments have been done with the exempt organisms for which the proposed amendments apply. There is no evidence we are aware of to indicate that there is any increased risk to personnel or public health

by experimentation with these organisms at low volumes and no reason that the production of large volumes will lead to any greater risk to personnel or the environment. . . . We believe that the proposed amendments are well conceived and recommend their acceptance by NIH for incorporation into the guidelines. We suggest, however, that the placement of the paragraph under modification #3 . . . be reconsidered. Adding the proposed paragraph after the second paragraph would, in effect, place this paragraph dealing with large-scale fermentation experiments under the exemption experiments. Since large scale experiments are not exempted but rather are listed as exceptions to the exemptions, we recommend the proposed paragraph be added to the third paragraph under the "Exceptions" section of Appendix C–II, Appendix C–III, and Appendix C–IV.

Dr. Judith A. Hautala of Genex Corporation, Gaithersburg, Maryland wrote:

The proposed modification of Appendix K–II–D to require that exhaust gases be treated so as to "minimize" rather than "prevent" the release of viable organisms is necessary in order to make the requirement realistic. Even HEPA filters, which are specifically recommended in Appendix K–II–D, are rated as removing only 99.97% of the particles larger than 0.2 microns. Thus, the term "prevent" is too restrictive to be operationally useful. . . . Part 3 of the proposed amendment, which explicitly grants to the Institutional Biosafety Committee (IBC) the right to exercise some latitude in the application of P1–LS containment requirements to organisms covered by Appendix C, is appropriate for several reasons. These organisms are exempt from the NIH Guidelines at the laboratory level because they have been shown to present no significant risk to health or the environment. Therefore, it would seem reasonable to allow the IBC to relax certain aspects of the P1–LS requirements after careful review of the host-vector system, the large-scale process description, the equipment to be utilized, and the emergency spill procedures. For example, in order to accommodate process and equipment realities, it may in some instances be appropriate for the IBC to allow certain large-scale transfer or processing operations involving viable organisms to be carried out without absolute containment. Providing that worker exposure and environmental losses are minimized, this type of latitude should present no significant risk.

Dr. J. Allan Waitz of Schering Corporation, Bloomfield, New Jersey, wrote:

HEPA filters are only 99.97% efficient for particles of 0.3 u diameter, so to say that HEPA filtration 'prevents' release of recombinant organisms is incorrect. Use of the word 'minimize' would more accurately reflect the removal properties of a HEPA filter. If this is the intent of the proposed change, we support it. . . .

The P1–LS recommendations should be the *minimum* requirements for handling volumes of recombinant organisms. While we agree that the IBCs should have the flexibility necessary to carry out their responsibilities, we are opposed to the IBC having so much flexibility that the Guidelines could be ignored completely. Accordingly, we urge the RAC to reject this proposed change. This includes rejection of the change proposed in Item I–2, since the current wording in Appendix C–II, C–III, and C–IV is adequate.

The RAC discussed this proposal at the June 1, 1984, meeting. Drs. McKinney, McGarrity, and Wensink spoke in favor of the proposal. Alternative wording to that which appeared in the April 24 **Federal Register** was considered but rejected. By a vote of twenty in favor, none opposed, and no abstentions, the RAC adopted the recommendation of the Large-Scale Review Working Group to substitute the word "minimize" for the word "prevent" in the Appendix K–II–D.

By a vote of twenty-one in favor, none opposed, and no absentions, the RAC adopted the recommendation of the Large-Scale Review Working Group that the second paragraph of Appendices C–II, C–III, and C–IV be modified to read:

For these exempt laboratory experiments P1 physical containment conditions are recommended.

In the same motion, RAC adopted the recommendation of the Large-Scale Review Working Group that a paragraph be added following the second paragraph of Appendix C–II, Appendix C–III, and Appendix C–IV. The paragraph would read as follows:

For large-scale fermentation experiments P1–LS physical containment conditions are recommended. However, following review by the IBC of appropriate data for a particular host-vector system, some latitude in the application of P1–LS requirements as outlined in Appendix K–II–A through K–II–F is permitted.

By a vote of twenty in favor, none opposed, and no abstentions, the RAC recommended the NIH staff proposal to add the following language to Appendix K–I:

(The P1–LS level of physical containment is recommended for large-scale research or production of viable organisms for which P1 is recommended at the laboratory scale such as those described in Appendix C.)

I accept these recommendations and Appendix C–II, *Experiments Involving E. coli K–12 Host-Vector Systems,* Appendix C–III, *Experiments Involving Saccharomyces cerevisiae Host-Vector Systems,* Appendix C–IV, *Experiments Involving Bacillus subtilis Host-Vector Systems,* Appendix K–I, *Selection of Physical Containment Levels,* and Appendix K–II–D of Appendix K–II, *P1–LS Level,* will be modified as recommended.

II. Summary of Actions

II–A. Proposal to Clone Shiga-Like Toxin Gene From E. coli

Appendix F–IV–H of the Guidelines is modified to read as follows:

Appendix F–IV–H. The intact structural gene(s) of the Shiga-like toxin from *E. coli* may be cloned in *E. coli* K–12 under P3+EK1 containment conditions.

E. coli host-vector systems expressing the Shiga-like toxin gene may be moved from P3 to P2 containment conditions provided that (1) the amount of toxin produced by the modified host-vector systems is no greater than that produced by the positive control strain 933 *E. coli* 0157H7, grown and measured under optimal conditions; and (2) the cloning vehicle is to be an EK1 vector preferably belonging to the class of poorly mobilizable plasmids such as pBR322, pBR328, and pBR325.

"Nontoxinogenic fragments of the Shiga-like toxin structural gene(s) may be moved from P3 + EK1 to P2 + EK1 containment conditions or such nontoxic fragments may be directly cloned in *E. coli* K–12 under P2 + EK1 conditions provided that the *E. coli* host-vector systems containing the fragments do not contain overlapping fragments which together would encompass the Shiga-like toxin structural gene(s).

II–B. Proposed Amendment of Procedures for Scale-Up of Organisms Listed in Appendix C

1. In Appendix K–II–D of Appendix K–II, *P1–LS Level,* the word "minimize" is substituted for the word "prevent." Appendix K–II–D reads as follows:

Appendix K–II–D. Exhaust gases removed from a closed system or other primary containment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to minimize the release of viable organisms containing recombinant DNA molecules to the environment.

2. The second paragraph of Appendix C–II, *Experiments Involving E. coli K–12 Host-Vector Systems;* Appendix C–III, *Experiments Involving Saccharomyces cerevisiae Host-Vector Systems;* and Appendix C–IV, *Experiments Involving Bacillus subtilis Host-Vector System* is modified to read as follows:

For these exempt laboratory experiments, P1 physical containment conditions are recommended.

3. A paragraph is added following the second paragraph of Appendix C–II, Appendix C–III, and Appendix C–IV. That paragraph reads as follows:

For large-scale fermentation experiments P1–LS physical containment conditions are recommended. However, following review by the IBC of appropriate data for a particular host-vector system, some latitude in the application of P1–LS requirements as outlined

in Appendix K–II–A through K–II–F is permitted.

4. A reference to Appendix C is added after the fourth sentence of Appendix K–I, *Selection of Physical Containment Levels.* The new sentence reads as follows:

(The P1–LS level of physical containment is recommended for large-scale research or production of viable organisms for which P1 is recommended at the laboratory scale such as those described in Appendix C.)

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: September 3, 1984.

James B. Wyngaarden, M.D.,

Director, National Institutes of Health.

[FR Doc. 84–23914 Filed 9–12–84; 8:45 am]

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federal register

Thursday
September 13, 1984

Part III

Office of Management and Budget

Budget Deferral; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferral

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority which now totals $331,964,058. The deferral affects the Department of Energy.

The details of the deferral are contained in the attached report.

Ronald Reagan.

The White House,
September 6, 1984.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
D84-8A	Department of Energy Energy Programs Uranium supply and enrichment activities...	331,964
	Total, deferrals.....	331,964

****

SUMMARY OF SPECIAL MESSAGES
FOR FY 1984
(in thousands of dollars)

	Rescissions	Deferrals
Thirteenth special message:		
New items.....	---	---
Revisions to previous special messages.....	---	201,964
Effects of thirteenth special message.....	---	201,964
Amounts from previous special messages that are changed by this message (changes noted above).....	---	130,000
Subtotal, rescissions and deferrals.....	---	331,964
Amounts from previous special messages that are not changed by this message.....	636,411	7,304,509
Total amount proposed to date in all special messages.....	636,411	7,636,473

D84-8A

Supplementary Report

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D84-8 transmitted to Congress on October 3, 1983.

This is an increase of $201,964,058 to a previous deferral of $130,000,000 in the Department of Energy's Uranium supply and enrichment activities, resulting in a total of $331,964,058 deferred. The additional deferral includes: $26,000,000 for TVA power rate reductions; $41,900,000 in unused power contingency; $32,000,000 in reduced contract costs; $87,000,000 in reduced TVA power purchases; $15,000,000 from construction; and $64,058 in recoveries of prior year obligations for the months of February, March and April 1984. The reduction to construction is being made to allow time to determine where efficiency savings can be made and will actually result in cost reductions. The other deferred amounts are the result of excess funding in 1984. None of these deferrals will have an impact on program accomplishments for 1984.

While these funds are not needed in 1984, they are required, in part, in 1985 to fund the Uranium enrichment program as well as other DOE appropriations as reflected in the 1985 Appropriations Bill.

Deferral No: D84-8A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy	**New budget authority**..... $2,235,000,000 (P.L. 98-50)
Bureau: Energy Programs	**Other budgetary resources** 40,230,099*
Appropriation title and symbol: Uranium Supply and Enrichment Activities 89X0226	**Total budgetary resources** 2,275,230,099*
	Amount to be deferred: Part of year $ ____
	Entire year 331,964,058*
OMB identification code: 89-0226-0-1-271	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multiple-year ____ (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other ____

Justification: *The Department's total 1984 electric bill is expected to be $124 million lower than originally budgeted and current estimates of capital equipment requirements for the gaseous diffusion complex indicate that $6 million of 1984 appropriations for capital equipment are no longer needed. The funds will be placed in a contingency fund to be used in 1985. The contingency fund is necessary because uncertainties in the marketplace may lead to higher-than-estimated costs and capital requirements in 1985. An additional $201,964,058 is being deferred as a result of TVA power rate reductions ($26,000,000), unused power contingency ($41,900,000), reduced contract costs ($32,000,000), reduced TVA power purchases ($87,000,000), construction ($15,000,000) and recoveries of prior year obligations ($64,058).

Estimated Program Effect: None.

Outlay Effect: *These deferrals will reduce outlays by a total of $332 million in 1984.

* Revised from previous report.

[FR Doc. 84-24379 Filed 10-12-84; 8:45 am]

BILLING CODE 3110-01-C

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Thursday, September 13, 1984

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