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federal register

Wednesday
February 1, 1984

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Communications Equipment
Federal Communications Commission

Crop Insurance
Federal Crop Insurance Corporation

Food Ingredients
Food and Drug Administration

Marketing Agreements
Agricultural Marketing Service

Milk Marketing Orders
Agricultural Marketing Service

Oil Pollution
Customs Service

Quarantine
Animal and Plant Health Inspection Service

Radio
Federal Communications Commission

Space Transportation and Exploration
National Aeronautics and Space Administration

Statistics
Census Bureau

Trade Practices
Federal Trade Commission

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 421

[Amdt. No. 1]

Cotton Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This action makes final an extension of cancellation dates contained in these regulations effective for the 1983 crop year only. The extension of cancellation dates was implemented by the Federal Crop Insurance Corporation (FCIC) on an interim basis to provide sufficient time for insured policyholders to consider changes in the cotton crop insurance regulations for the 1983 crop year. The intended effect of this action is to confirm the interim rule as published.

EFFECTIVE DATE: February 1, 1984.

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

SUPPLEMENTARY INFORMATION: On Friday, September 2, 1983, FCIC published an interim rule in the **Federal Register** at 48 FR 39911, amending the Cotton Crop Insurance Regulations (7 CFR Part 421), effective for the 1983 crop year only by extending the cancellation dates in certain counties in South Texas in order to provide sufficient time for insured policyholders to consider changes in the regulations for insuring cotton. In accordance with the regulations for insuring cotton, any amendments must be placed on file in the service office by a date 15 days prior to the cancellation date. The earliest cancellation date for the cotton crop insurance program was September 30 in these South Texas counties. There would not have been sufficient time for notice and public comment prior to the implementation of this rule and still comply with the regulations with respect to placing this rule on file by the required date in order to be effective for the 1983 crop year. However, comments were requested for 60 days after publication but none were received.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance program to which this rule applies are: Title-Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as determined by Executive Order No. 12372 (July 14, 1982), was not used to assure that units of local government are informed of this action.

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

It has also been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Departmental Regulation 1512–1 (June 11, 1981).

The sunset review date established for these regulations is October 1, 1987.

List of Subjects in 7 CFR Part 421

Crop insurance, Cotton.

Final rule

Accordingly, the Interim Rule, published in the **Federal Register** of Friday, September 2, 1983, on page 39911, is hereby adopted as final.

Done in Washington, D.C. on December 16, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: January 23, 1984.

Approved by:

Michael Bronson,

Acting Manager.

[FR Doc. 84–2611 Filed 1–31–84; 8:45 am]
BILLING CODE 3410–01–M

7 CFR Part 423

[Amdt. No. 3]

Flax Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Flax Crop Insurance Regulations (7 CFR Part 423), effective for the 1984 and succeeding crop years by: (1) Changing the policy to make it easier to read; (2) eliminating the substitute crop provision; (3) eliminating the reduction in production guarantee for unharvested acreage provision and its related provisions; (4) adding a provision which permits the determination of indemnities based on the acreage report rather than at loss adjustment time; (5) adding of a provision to provide a coverage level if the insured does not select one; (6) adding a 60-day claim for indemnity provision; (7) adding a section regarding appraisals following the end of the insurance period of unharvested acreage; (8) adding a hail/fire provision for appraisals of uninsured causes; (9) changing the cancellation/termination dates to conform with farming practices; (10) providing that any change in the policy will be available in the service office by a certain date; (11) adding a definition for "service office;" (12) providing for unit definition when the acreage report is filed, and (13) adding three sections concerning "descriptive headings," "determinations," and "notices."

In addition, FCIC issues a new subsection in the flax crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring flax in accordance with Departmental Regulation 1512–1, requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB

regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

EFFECTIVE DATE: March 2, 1984.

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

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

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

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

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

On Thursday, August 4, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 35439, amending the policy for insuring flax in accordance with the provisions of Departmental Regulation 1512–1, and issuing a subsection to contain control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The public was given 60 days in which to submit written comments, data, and opinions of the proposed rule, but none were received. Therefore, with the exception of minor and non-substantive changes in language, the proposed rule as published is hereby issued as a final rule to be effective with the 1984 crop year.

List of Subjects in 7 CFR Part 423

Crop insurance, Flax.

PART 423—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Flax Crop Insurance Regulations (7 CFR Part 423), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 423 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR Part 423 is amended by adding § 423.3 to read as follows:

§ 423.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 423) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

3. 7 CFR 423.7(d) is amended by revising the Flax Crop Insurance Policy therein to read as follows:

§ 423.7 The application and policy.

* * * * *

(d) * * *

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Flax—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.) AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;
(2) Fire;
(3) Insects;
(4) Plant disease;
(5) Wildlife;
(6) Earthquake; or
(7) Volcanic eruption;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(5).

b. We shall not insure against any loss of production due to:

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good flax farming practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured shall be flaxseed ("flax") which is planted for harvest as seed; which is grown on insured acreage; and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be flax planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured flax at the time of planting.

d. We do not insure any acreage:

(1) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) Which is irrigated and an irrigated practice is not provided for by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(3) Which is destroyed and it is practical to replant to flax and such acreage is not replanted;

(4) Initially planted after the final planting date contained in the actuarial table, unless you agree in writing on our form to coverage reduction;

(5) Of volunteer flax;

(6) Planted to a type or variety of flax not established as adapted to the area or excluded by the actuarial table; or

(7) Planted with another crop except perennial grasses or legumes other than vetch.

e. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good flax irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good flax irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

f. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

g. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of acreage, share, and practice.

You shall report on our form:

a. All the acreage of flax in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any flax planted in the county. This report shall be submitted annually on or before the reporting date established by the actuarial table. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches when the flax is planted and ends at the earliest of:

(a) Total destruction of the flax;

(b) Combining, threshing or removal from the field;

(c) Final adjustment of a loss; or

(d) October 31 following planting.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) During the period before harvest, the flax on any unit is damaged and you decide not to further care for or harvest any part of it;

(b) You want our consent to put the acreage to another use; or

(c) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the flax and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice shall be given and a representative sample of the unharvested flax (at least 10 feet wide and the entire length of the field) shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the flax on the unit;

(b) Harvest of the unit; or

(c) October 31 following planting.

b. You must obtain written consent from us before you destroy any of the flax which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the flax on the unit;

(2) Harvest of the unit; or

(3) October 31 following planting.

b. We shall not pay any indemnity unless you:

(1) Establish the total production of flax on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of flax to be counted (see section 9e);

(3) Mutiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The total production to be counted for a unit shall include all harvested and appraised production.

(1) Mature flax which, due to insurable causes, does not grade No. 2 or better, in accordance with the Official United States Grain Standards, shall be adjusted by:

(a) Dividing the value per bushel of such flax by the price per bushel of U.S. No. 2 flax; and

(b) Multiplying the result by the number of bushels of such flax. The applicable price for No. 2 flax shall be the local market price on the earlier of the day the loss is adjusted or the day such flax was sold.

(2) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good flax farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Any appraised production on unharvested acreage.

(3) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:

(a) Is not put to another use before harvest of flax becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(4) We may determine the amount of production of any unharvested flax on the basis of field appraisals conducted after the end of the insurance period.

(5) When you have elected to exclude hail and fire as insured causes of loss and the flax is damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire".

(6) The commingled production of units shall be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. You shall not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no instance shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the flax is planted for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance and fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may only assign to another party your right to an indemnity for the crop year on our form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall at our option belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and access to farm.

You shall keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all flax produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity shall be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are April 15.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of flax crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding flax insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the flax is normally grown and shall be designated by the calendar year in which the flax is normally harvested.

d. "Harvest" means the completion of combining or threshing of flax on the unit.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

i. "Tenant" means a person who rents land from another person for a share of the flax or a share of the proceeds therefrom.

j. "Unit" means all insurable acreage of flax in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the flax on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between you and us. Units will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy shall be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with our Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

4. Part 423 is further amended by removing "Appendix To 423.7—Additional Terms and Conditions".

5. Appendix A to Part 423 is revised to read as set forth below:

Appendix A—Counties Designated for Flax Crop Insurance

The following counties are designated for Flax Crop Insurance under the provisions of 7 CFR 423.1.

Crop: Flax, State: Minnesota

Becker	Lyon	Pope
Big Stone	Mahnomen	Red Lake
Chippewa	Marshall	Redwood
Clay	Murray	Roseau
Clearwater	Nobles	Stevens
Douglas	Norman	Swift
Grant	East Otter Tail	Traverse
Kittson	West Otter Tail	Wilkin
Lac qui Parle	Pennington	Yellow Medicine
Lake of the Woods	Pipestone	
Lincoln	East Polk	
	West Polk	

Crop: Flax, State: North Dakota

Barnes	Kidder	Ransom
Benson	La Moure	Renville
Bottineau	Logan	Richland
Burke	McHenry	Rolette
Burleigh	McIntosh	Sargent
Cass	McLean	Sheridan
Cavalier	Mercer	Steele
Dickey	Morton	Stutsman
Eddy	Mountrail	Towner
Emmons	Nelson	Traill
Foster	Oliver	Walsh
Grand Forks	Pembina	Ward
Griggs	Pierce	Wells
Hettinger	Ramsey	

Crop: Flax, State: South Dakota

Brookings	Faulk	Moody
Brown	Grant	Potter
Campbell	Haakon	Roberts
Clark	Hamlin	Spink
Codington	Kingsbury	Stanley
Corson	Lake	Sully
Day	McPherson	Walworth
Deuel	Marshall	
Edmunds	Miner	

Approved by the Board of Directors on April 26, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: January 23, 1984.

Approved by:

Michael Bronson,

Acting Manager.

[FR Doc. 84-2607 Filed 1-31-84; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 439

[Amdt. No. 2]

Almond Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Almond Crop Insurance Regulations (7 CFR Part 439), effective for the 1984 and succeeding crop years, by: (1) Changing the policy to make it easier to read; (2) adding volcanic eruption as an insured cause of loss; (3) addition of a provision permitting the determination of indemnities based on the acreage report rather than at loss adjustment time; (4) adding a provision to provide a coverage level if the insured does not select one; (5) adding a 60-day claim for indemnity provision; (6) adding a hail/fire provision for appraisals on uninsured causes; (7) changing the cancellation and termination dates to conform with farming practices; (8) providing that any change in the policy will be available in the service office by a certain date; (9) adding of a definition of "service official;" (10) providing for unit determination when the acreage report is filed; and, (11) adding of a section on "descriptive headings."

In addition, FCIC deletes a section in the almond crop insurance regulations requiring the posting of indemnities paid that is no longer required by the Federal Crop Insurance Act and issues a new section to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring almonds in accordance with Departmental Regulation 1512-1, requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

EFFECTIVE DATE: March 2, 1984.

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

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determiend that: (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981); (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons; and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

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

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

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

On Thursday, July 28, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 34282, amending the policy for insuring almonds in accordance with the provisions of Departmental Regulation 1512–1, and issuing a new subsection to contain control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule but none were received. Therefore, except for minor and non-substantive corrections to language, the proposed rule is hereby issued as a final rule to be effective with the 1984 crop year.

List of Subjects in 7 CFR Part 439

Crop insurance, Almonds.

Final Rule

PART 439—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Almond Crop Insurance Regulations (7 CFR Part 439), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 439 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR 439.3 is revised to read as follows:

§ 439.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 439) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 439.7 [Amended]

3. 7 CFR 439.7 is amended by revising the Almond Crop Insurance Policy in paragraph (c) and by removing the appendix to § 439.7.

* * * * *

(c) * * *

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Almond Crop Insurance Policy

(This is a continuous contract. Refer to Section 15)

Agreement to insure: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;
(2) Fire;
(3) Wildlife;
(4) Earthquake;
(5) Volcanic eruption; or
(6) Direct Mediterranean Fruit Fly damage;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(4). Direct Mediterranean Fruit Fly damage shall be actual physical damage to the almonds which causes such almonds to be considered unmarketable and shall not include unmarketability of such almonds as a direct result of a quarantine, boycott or refusal to accept the almonds by any entity without regard to actual physical damage to such almonds.

b. We shall not insure against any loss of production due to:

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good almond farming practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project;

(4) Any cause not specified in section 1a as an insured loss;

(5) The failure to carry out a good almond irrigation practice, except failure of the water supply after insurance attaches due to an unavoidable cause; or

(6) The breakdown of irrigation equipment or facilities.

2. Crop, acreage, and share insured.

a. The crop insured shall be almonds which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be almonds grown on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured almonds at the time insurance attaches.

d. We do not insure any acreage:

(1) which is not irrigated; or

(2) on which the trees have not reached the seventh growing season after being set out.

e. Insurance may attach only by written agreement with us on any acreage with less than 90 percent of a stand, based on he original planting pattern.

f. We may limit the insured acreage to any acreage limitation established uder any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage, share, yield, and practice.

You shall report on our form:

a. All the acreage of almonds in the county in which you have a share;

b. The practice;

c. Your share at the time insurance attaches; and

d. The total production from the preceding crop year's insurance acreage on each unit.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any almonds grown in the county. This report shall be submitted annually on or before December 31. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities shall be contained in the actuarial table.

b. Coverage level 2 will apply if you have not elected a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting application for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The

amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share on the date insurance attaches, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the orchard operation; or

(3) Your contract if you stop orchard operations in one county and start orchard operations in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance on insured acreage attaches for each crop year on December 11 and ends at the earliest of:

a. Total destruction of the almonds;

b. Harvest of the almonds;

c. Final adjustment of a loss; or

d. November 30.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if during the period before harvest, the almonds on any unit are damaged and you decide not to further care for or harvest any part of them.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined or if damage occurs during harvest, immediate notice shall be given.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the almonds on the unit;

(b) Harvest of the unit; or

(c) November 30.

b. You must obtain written consent from us before you destroy any of the almonds which are not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the almonds on the unit;

(2) Harvest of the unit; or

(3) November 30.

b. We shall not pay any indemnity unless you:

(1) Establish the total production of almonds on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of almonds to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The total production to be counted for a unit shall include all harvested and appraised production.

(1) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good almond farming practices;

(b) Not less than the guarantee for any acreage which is abandoned, or damaged solely by an uninsured cause or destroyed by you without our consent; and

(c) Any appraised production on unharvested acreage.

(2) Any appraisal we have made on insured acreage shall be considered production to count unless such appraised production:

(a) Is marketed; or

(b) Is further damaged by an insured cause.

(3) Almonds which cannot be marketed due to insurable causes shall not be considered production.

(4) When you have elected to exclude hail and fire as insured causes of loss and the almonds are damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire."

(5) The commingled production of units shall be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. You shall not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance and fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may only assign to another party your right to an indemnity for the crop year on our form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall at our option belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and access to farm.

You shall keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all almonds produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are December 10.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissovle the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by August 31 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of almond crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices insurable and uninsurable acreage, and related information regarding almond insurance in the county.

b. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

d. "Crop year" means the period beginning with the date insurance attaches and extending through the normal harvest time and shall be designated by the calendar year in which the almonds are normally harvested.

e. "Harvest" means picking up the almonds for the purpose of removal from the orchard.

f. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

g. "Insured" means the person who submitted the application accepted by us.

h. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

i. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

j. "Tenant" means a person who rents land from another person for a share of the almonds or a share of the proceeds therefrom.

k. "Total meat pounds" means the total pounds of good almond meats (loose whole and chipped meats, and inshell meats) and rejects which do not result from insurable causes. Unshelled almonds shall be converted to meat pounds.

l. "Unit" means all insurable acreage of almonds in the county located on contiguous land on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the almonds on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between you and us. Units will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy shall be made by us. If you disagree with our determinations you may obtain reconsideration of or appeal those determinations in accordance with FCIC Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Appendix B to Part 439 is redesignated as Appendix A and revised to read as follows:

Appendix A—Counties Designated for Almond Crop Insurance—7 CFR Part 439

The following counties are designated for Almond Crop Insurance under the provisions of 7 CFR 439.1.

California

Butte	San Joaquin
Colusa	San Luis Obispo
Contra Costa	Solano
Fresno	Stanislaus
Glenn	Sutter
Kern	Tehama
Kings	Tulare
Madera	Yolo
Merced	Yuba

Approved by the Board of Directors on April 26, 1983.

Dated: January 23, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation

Approved by:

Michael Bronson,

Acting Manager.

[FR Doc. 84-2609 Filed 1-31-84; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 444

Fresh Tomato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby issues a new Part 444 in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring fresh market tomatoes. The intended effect of this rule is to be responsive to producers growing tomatoes for fresh market consumption who have expressed a desire for crop insurance protection. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: March 2, 1984.

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

The Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option are available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 (June 11, 1981). This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of that Memorandum. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this proposed rule applies is: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982), was not used to assure that units of local government are informed of this action.

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

In the past, crop insurance protection has not been available to growers producing tomatoes for fresh market consumption. Such crops are exposed to similar hazards as other crops insured by FCIC. Following several meetings with producers, FCIC determined that a program of crop insurance protection was needed. On February 23, 1983, the Board of Directors of FCIC, responding to requests for such an insurance program, authorized the Manager of FCIC to develop a fresh tomato crop insurance program. The regulations contained in this rule become effective for the 1984 and succeeding crop years in certain counties in Florida where tomatoes are grown. The fresh tomato insurance program offers protection against crop damage or loss due to adverse weather conditions, fire, or wildlife.

On Thursday, July 7, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 31227, to issue a new Part 444 in Chapter IV of Title 7 of the Code of Federal Regulations prescribing procedures for insuring fresh market tomatoes, effective for the 1984 and succeeding crop years. The public was given 60 days in which to submit written comments, data, and opinions on the rule, but none were received.

Therefore, with the exception of minor and non-substantive language, the proposed rule was published is hereby issued as a final rule to be effective with the 1984 crop year.

List of Subjects in 7 CFR Part 444

Crop insurance, Fresh tomatoes.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new Part 444 in Chapter IV of Title 7 of the Code of Federal Regulations to be known as 7 CFR Part 444—Fresh Tomato Crop Insurance Regulations, effective for the 1984 and succeeding crop years, to read as follows:

PART 444—FRESH TOMATO CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.

444.1 Availability of fresh tomato crop insurance.
444.2 Premium rates, coverage levels, and amounts of insurance.
444.3 OMB control numbers.
444.4 Creditors.

Sec.
444.5 Good faith reliance on misrepresentation.
444.6 The contract.
444.7 The application and policy.
Appendix A—Counties Designated for Fresh Tomato Crop Insurance

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1984 and Succeeding Crop Years

§ 444.1 Availability of fresh tomato crop insurance.

Insurance shall be offered under the provisions of this subpart on fresh tomatoes in counties within limits prescribed by, and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which fresh tomato insurance shall be offered.

§ 444.2 Premium rates, coverage levels, and amounts of insurance.

(a) The Manager shall establish premium rates, coverage levels, and amounts of insurance for fresh tomatoes which will be included in the actuarial table on file in the applicable service offices and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect an amount of insurance per acre and a coverage level from among those levels and amounts contained in the actuarial table for the crop year.

§ 444.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 444) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 444.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, an involuntary transfer, or similar interest shall not entitle the holder of the interest to any benefit under the contract except as provided by the policy.

§ 444.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the fresh tomato insurance contract, whenever

(a) An insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and

(b) The Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 444.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the fresh tomato crop as provided in the policy. The contract shall consist of the application, the policy, the appendix, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the service office.

§ 444.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the fresh tomato crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1984 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a fresh tomato contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1983 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37 and 400.38, first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Fresh Tomato Insurance Policy are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Fresh Market Tomato—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.) AGREEMENT TO INSURE: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;
(2) Fire; or
(3) Wildlife

unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(7).

b. We shall not insure against any loss of production due to:

(1) Damage resulting from insects or disease;

(2) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(3) The failure to follow recognized good tomato farming practices;

(4) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project;

(5) Any cause not specified in section 1a as an insured loss;

(6) The failure to carry out a good tomato irrigation practice, except failure of the water supply after planting due to an unavoidable cause; or

(7) The breakdown of irrigation equipment or facilities.

2. Crop, acreage, and share insured.

a. The crop insured shall be tomatoes (excluding cherry type tomatoes) which are planted for harvest as fresh market tomatoes in which you have a share as reported by you or as determined by us, whichever we shall elect, which are grown on insured acreage and for which an amount of insurance and premium rate provided by the actuarial table.

b. The acreage insured for each crop year shall be irrigated acreage designated as insurable by the actuarial table.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured tomatoes at the time of each planting period.

d. We shall not insure any acreage of tomatoes grown by any person if:

(1) The person had not grown tomatoes for commercial sales the previous crop year; or

(2) The person had not participated in the management of a tomato farming operation the previous crop year.

e. We do not insure any acreage:

(1) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) Which is not irrigated;

(3) On which tomatoes are not grown on plastic mulch;

(4) On which tomatoes, peppers, eggplants or tobacco have been grown and the soil was not fumigated before the planting of the tomatoes sought to be insured;

(5) Which was planted to tomatoes the preceding planting period, unless the tomato plants of the preceding planting period were destroyed less than 30 days after the date of planting;

(6) Which is destroyed and which we determine it is practical to replant to tomatoes and such acreage was not replanted;

(7) Initially planted after February 15 of the crop year;

(8) Of volunteer tomatoes;

(9) Planted to a type or variety of tomatoes not established as adapted to the area or excluded by the actuarial table;

(10) Planted for experimental purposes; or

(11) Planted with a crop other than tomatoes.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of acreage, share, and practice.

You shall report at the time of each planting period on our form:

a. All the acreage of fall, winter and spring planted tomatoes in the county in which you have a share;

b. The practice, including the bed size; and

c. Your share.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any tomato plantings in the county. This report shall be submitted for each planting period on or before the reporting date established by the actuarial table for each planting period. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit for each planting period the insured acreage, share, and practice or we may deny liability on any unit for any planting. Any report submitted by you may be revised only upon our approval.

4. Coverage levels and amounts of insurance.

a. The coverage levels and amounts of insurance shall be contained in the actuarial table.

b. Coverage level 2 will apply if you have not elected a coverage level.

c. You may change the coverage level and amount of insurance before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the amount of insurance, times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches when the tomatoes are planted in each planting period and ends at the earliest of:

a. Total destruction of the tomatoes on the unit;

b. Discontinuance of harvest on the unit;

c. The date harvest should have started on the unit, on any acreage which will not be harvested;

d. Final harvest; or

e. Final adjustment of a loss.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant tomatoes damaged due to any insured cause. (To qualify for a replanting payment, the acreage replanted shall have sustained a loss in excess of 50 percent of the plant stand on the unit and shall be at least the lesser of 10 acres or 10 percent of the insured acreage.);

(b) During the period before harvest, the tomatoes on any unit are damaged and you decide not to further care for or harvest any part of the tomatoes;

(c) You want our consent to put the acreage to another use; or

(d) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the tomatoes and given written consent. We will not consent to another use until it is too late to replant. You must notify us when such acreage is replanted or put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined and you are going to claim an indemnity on any unit, notice shall be given not later than 48 hours:

(a) After total destruction of the tomatoes on the unit;

(b) After discontinuance of harvest on the unit; or

(c) Before harvest would normally start if any acreage on the unit is not to be harvested.

b. You may not destroy or replant any of the tomatoes on which a replanting payment will be claimed until we give consent.

c. You must obtain written consent from us before you destroy any of the tomatoes which are not to be harvested.

d. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit shall be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the tomatoes on the unit;

(2) Discontinuance of harvesting on the unit; or

(3) The date harvest should have started on the unit on any acreage which will not be harvested.

b. We shall not pay any indemnity unless you:

(1) Establish the total production and the value received for all tomatoes on the unit and that any loss of production or value has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the amount of insurance times the percentage for the stage of production defined by the actuarial table;

(2) Subtracting from the product the total value of production to be counted (see section 9f);

(3) Multiplying this difference by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The indemnity shall be reduced by the amount of any replanting payment.

f. The total value of production to be counted for a unit shall include all harvested and appraised production.

(1) The total value shall include any amount received for tomatoes on the unit minus the allowable cost as designated by the actuarial table;

(2) The value of production to count shall be the amount of insurance per acre for any acreage:

(a) On which production was lost due to uninsured causes;

(b) On which recognized good tomato farming practices were not carried out;

(c) Which is abandoned without our prior written consent; or

(d) Put to other use without our prior written consent.

(3) The value of appraised production to be counted shall include:

(a) The value in excess of the amount of insurance per acre for potential production lost due to uninsured causes and failure to follow recognized good tomato farming practices; and

(b) Unharvested production of mature green tomatoes with classification size of 7 x 7 (2$^{3}/_{32}$ inch Minimum diameter) or larger on harvested or unharvested acreage;

(4) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:

(a) Is not put to another use before harvest of tomatoes becomes general in the county for the planting period;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(5) We may determine the amount and value of production of any unharvested tomatoes on the basis of field appraisals conducted after the end of the insurance period.

(6) The value of unsold harvested or appraised production shall be determined by multiplying such production by the simple average F.O.B. shipping point price per 25-pound carton (minus allowable cost as shown by the actuarial table), as reported by the Federal-State Market News Service, for the classification size, for the seven consecutive market days commencing the earlier of:

(a) The date harvest starts; or

(b) The date harvest could have started, on any acreage which will not be harvested.

The price for such tomatoes shall not be less than $6.00 per 25-pound carton minus allowable cost shown by the actuarial table.

(7) When you have elected to exclude hail and fire as insured causes of loss and the tomatoes are damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with form FCI–78–A, "Request to Exclude Hail and Fire".

(8) The value of commingled production of units shall be allocated to such units in proportion to our liability on the harvested acreage of each unit.

g. A replanting payment may be made on any insured tomatoes replanted after we have given consent. To qualify for replanting payment the acreage replanted must have sustained a loss in excess of 50 percent of the plant stand for the unit and must be at least the lesser of 10 acres or 10 percent of the insured acreage.

(1) No replanting payment shall be made on acreage on which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre shall be your actual cost per acre for replanting, but shall not exceed the product obtained by multiplying $175.00 per acre by your share.

h. If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment and the indemnity shall be reduced proportionately.

i. You shall not abandon any acreage to us.

j. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

k. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no instance shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

l. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the tomatoes are planted for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

m. If you have other fire insurance and fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year only on our form and with our approval. The assignee shall have your right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall at our option belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. Records and access to farm.

You shall keep for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all tomatoes produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity shall be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are July 31.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However*, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table shall provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by April 30 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of tomato crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amount of insurance, coverage levels, premium rates, practices, insurable and uninsurable acreage, and related information regarding tomato insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the tomatoes are normally grown beginning August 1 and continuing through the harvesting of the spring planted tomatoes and shall be designated by the calendar year in which the spring planted tomatoes are normally harvested.

d. "Harvest" means the final picking of marketable tomatoes on the unit.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Mature green tomato" means a tomato which:

(1) Has heightened gloss because of the waxy skin that cannot be torn by scraping;

(2) Has well formed jelly-like substance in the locules;

(3) Has seeds that are sufficiently hard so they are pushed aside and not cut by a sharp knife in slicing; and

(4) Show no red color.

h. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

i. "Planting" means transplanting the tomato plants into the field or direct seeding in the field.

j. "Planting Period," unless other dates are specified by the actuarial table, means tomatoes planted:

(1) From August 1 through October 15 (fall planted);

(2) From October 16 through December 15 (winter planted); or

(3) From December 16 through February 15 (spring planted).

k. "Plant Stand" means the number of live plants per acre before the plants were damaged due to insurable causes.

l. "Replanting" means performing the cultural practices necessary to replant insured acreage to tomatoes.

m. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

n. "Tenant" means a person who rents land from another person for a share of the tomatoes or a share of the proceeds therefrom.

o. "Unit" means all insurable acreage of tomatoes for each planting period in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the tomatoes on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to

affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy shall be made by us. If you disagree with our determinations you may obtain reconsideration of or appeal those determinations in accordance with our Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Appendix A.—Counties Designated for Fresh Tomato Crop Insurance

The following counties are designated for Fresh Tomato Crop Insurance under the provisions of 7 CFR 444.1.

Florida

Collier	Hendry
Glades	Lee

Done in Washington, D.C., on November 15, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Michael Bronson,

Acting Manager.

January 23, 1984.

[FR Doc. 84-2608 Filed 1-31-84, 8:45 am]

BILLING CODE 3410-08-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 83-145]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the States of Massachusetts and Pennsylvania and parts of Montana and Wyoming from Class A to Class Free. This action is necessary because it has been determined that these States and parts of States meet the standards for Class Free status. This document also makes a change concerning the classifications for Texas by including Cooke County, Texas, in the portion of the State designated as Class B rather than in the portion of the State designated as Class C. This action is necessary because it has been determined that Cooke County meets the requirements for Class B. The effect of these actions is to relieve certain restrictions on the interstate movement of cattle from these States and parts of States.

DATES: Effective date of the interim rule is February 1, 1984. Written comments must be received on or before April 2, 1984.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations (contained in 9 CFR Part 78 and referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of brucellosis infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or Areas which do not meet the minimum standards for Class C are required to be placed under Federal quarantine. This document changes the classification of the States of Massachusetts and Pennsylvania and parts of Montana and Wyoming from Class A to Class Free, and also changes the classification of Cooke County, Texas, from Class C to Class B.

With respect to brucellosis infection, the Class Free classification is based on a finding of no known brucellosis infection in cattle for the period of 12 months preceding classification as Class Free. The Class C classification is for States or Areas with the highest rate of brucellosis, with Classes A and B in between. Restrictions on the movement of cattle are more stringent for movements from Class A States or Areas compared to movements from Free States or Areas, and are more stringent for movements from Class B States or Areas compared to movements from Class A States or Areas, and so on. The restrictions include various testing for movement of certain cattle from other than Class Free States or Areas.

The basic standards for the different classifications of States or Areas concern maintenance of: (1) a State or Area-wide accumulated 12 consecutive month herd infection rate not to exceed a stated level; (2) a Market Cattle Identification (MCI) program reactor rate not to exceed a stated rate (this concerns the testing of cattle for movement through auction markets, stockyards, and slaughtering establishments); (3) a surveillance system which includes a testing program for dairy herds and slaughtering establishments, and provisions for identifying and monitoring herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received under approved action plans; and (4) minimum procedural standards for administering the program.

Prior to the effective date of this document, the entire States of Massachusetts, Montana, Pennsylvania and Wyoming were classified as Class A States. It had been necessary to classify these States as Class A rather than Class Free because of the herd infection rates or MCI program reactor rates, or both. To attain and maintain Class Free status, a State or Area must, among other things, remain free from brucellosis in cattle for the preceding 12 month period and the adjusted MCI reactor prevalence rate for such 12 month period must not exceed one reactor per 2,000 cattle tested (0.050 percent). A reveiw of brucellosis program records establishes that the following States and parts of States should be changed to Class Free since they now meet the criteria for classification as Class Free:

(1) The entire State of Massachusetts,

(2) The entire State of Pennsylvania,

(3) That part of Montana consisting of the following counties: Beaver Head, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lewis & Clark, Liberty, Madison, McCone, Meagher, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone, and

(4) That part of Wyoming consisting of the following counties: Albany, Big Horn, Campbell, Carbon, Converse, Crook, Goshen, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sweetwater, Teton, Uinta, and

Weston, Fremont, Hot Springs, Washakie, and that part of Lincoln County south of a line beginning at the northwest quadrant of Sec. 1, T. 28 N., R. 121 W. extending east to the northeast quadrant of Sec. 1, T. 28 N., R. 116 W.

From Class C to Class B

The State of Texas is divided into a Class B Area and a Class C Area. Prior to the effective date of this document, the Area of Texas classified as Class C included Cooke County. The State of Texas has requested that the boundary line for the portion of Texas classified as Class B be changed to include Cooke County. A portion of Texas was classified as Class C rather than a higher classification because of the herd infection rate and the MCI program reactor rate. To attain and maintain Class B status, a State or Area must, among other things, maintain a 12 consecutive month adjusted MCI reactor prevalence rate not to exceed three reactors per 1,000 cattle tested (0.30 percent), and must maintain an accumulated 12-month herd infection rate for brucellosis in cattle not to exceed 15 herds per 1,000 (1.5 percent). A review of brucellosis program records establishes that Cooke County meets the criteria for classification as Class B.

Criteria for Dividing States into Two Classification Areas

In a docment published in the **Federal Register** on December 13, 1982, (47 FR 55636–55656), the Department set forth a basis for dividing States into two brucellosis classification areas. In this connection the document at 47 FR 55638–55639 provided that:

> Some large States have distinctly different rates of infections in different parts of the State. Two classification areas would enable animals moving between such areas to be controlled, and thereby keep brucellosis from spreading from the areas of high infection rate to areas of low infection.
>
> The individual States will have to control such intrastate movements as the Department does not have such authority. This State control will be provided for in cooperative agreements between each State and the Department. If a State with 2 Areas within its boundaries failed to control movements between those areas the higher classified area would be reclassified to be the same as the lower area.

This division of Montana, Wyoming and Texas into two classification Areas as explained above is in compliance with this criteria.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Changing the status of the States and parts of States affected by this document reduces testing requirements on the interstate movement of certain cattle. Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Testing requirements for cattle moved interstate for immediate slaughter, or to quarantined feedlots are not affected by the changes in status. Also, cattle from Certified Brucellosis-free herds moving interstate are not affected by this change in status. It has been determined that the changes in brucellosis status made by this document will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to delete unnecessary restrictions on the interstate movement of certain cattle from affected States and Areas.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellois, Cattle, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, § 78.20 of the Brucellosis regulations in 9 CFR Part 78 is amended as follows:

§78.20 [Amended]

1. Section 78.20(a) is revised to read as follows:

(a) *Class Free.*—Alaska; Connecticut; Delaware; Hawaii; Maine; Maryland; Massachusetts; Michigan; Montana (Counties of Beaver Head, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lewis & Clark, Liberty, Madison, McCone, Meagher, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Powell, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone); New Hampshire; New York; North Dakota; Pennsylvania; Rhode Island; Utah; Vermont; Virgin Islands; and Wyoming (Counties of Albany, Big Horn, Campbell, Carbon, Converse, Crook, Goshen, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sweetwater, Teton, Unita, Weston, Fremont, Hot Springs, and Washakie, and that portion of Lincoln County south of a line beginning at the northwest quadrant of Sec. 1, T. 28 N., R. 121 W. extending east to the northeast quadrant of Sec. 1, T. 28 N., 116 W.).

2. Section 78.20(b) is revised to read as follows:

(b) *Class A.* Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana (Counties of Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders), Nebraska, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Puerto Rico, South Carolina, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming (Sublette County and that portion of Lincoln County not included as Class Free).

3. Section 78.20(c) is amended by adding "Cooke," after "Choncho," in the list of Texas counties.

4. Section 78.20(d) is amended by removing "Cooke" from the list of Texas counties.

Authority: Secs. 4, 5, and 6, 23 Stat. 32, as amended,; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132, (21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f); 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C. this 26th day of January, 1984.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84–2716 Filed 1–31–84; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 50

Special Services and Studies by the Bureau of the Census

AGENCY: Bureau of the Census, Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce is authorized to conduct special statistical surveys and studies and to perform other specified services upon payment of the cost thereof. This rule amends the regulation to remove those special services and studies that are no longer available, revises the cost of conducting a preliminary investigation, provides the final report for foreign trade and shipping statistics, and deletes references to unpublished data from the 1960 Population and Housing Census.

EFFECTIVE DATE: February 1, 1984.

FOR FURTHER INFORMATION CONTACT: Sherry Courtland, Program and Policy Development Office, Room 2419, Federal Building 3, Bureau of the Census, Washington, D.C. 20233. (301) 763–2758.

SUPPLEMENTARY INFORMATION: The Bureau of the Census announced the review of 15 CFR Part 50, Special Services and Studies by the Census Bureau, in the Department of Commerce's Semi-Annual Agenda of Regulations, published on October 28, 1982, at 47 FR 48314. Based on the review, it was determined that various services under Part 50 were no longer available from the Census Bureau.

A notice of proposed rulemaking concerning these changes was published in the **Federal Register** on May 6, 1983 (48 FR 20432), and comments were invited for 30 days ending June 6, 1983. The Bureau has received no comments concerning the proposed rulemaking.

The Director, Bureau of the Census, has determined that this is not a "major rule" under the requirements of Executive Order 12291. It will not have an annual effect on the economy of $100 million or more and will not have a significant economic effect on a substantial number of small entities, pursuant to the Regulatory Flexibility Act.

The provisions of this Part 50 are issued under 15 U.S.C. 1526 and 13 U.S.C. 8.

List of Subjects in 15 CFR Part 50

Special census services and studies, Statistical and personal census data, Census data.

PART 50—[AMENDED]

Based on the review of 15 CFR Part 50 and the reasons set out in the preamble, 15 CFR Part 50 is amended as follows:

1. Section 50.1—*General.* This section is amended by revising paragraph (a) to read as follows:

§ 50.1 General.

(a) Fee structure for age search and citizenship service, special population censuses, and for foreign trade and shipping statistics.

* * * * *

§ 50.15 [Removed]

2. Section 50.15—*Fee structure for unpublished data from the 1960 Population and Housing Census* is removed.

§ 50.20 [Removed]

3. Section 50.20—*Fee structure for enumeration district maps* is removed.

§ 50.25 [Removed]

4. Section 50.25—*Fee structure for housing data from the 1960 Census of Housing* is removed.

5. Section 50.30—*Fee structure for foreign trade and shipping statistics.* This section is amended by revising paragraph (b) to read as follows:

50.30 Fee structure for foreign trade and shipping statistics.

* * * * *

(b) In instances where information requested is not shown separately or not summarized in the form desired, it is necessary to conduct a prelimary investigation at the requestor's expense to determine whether the information can be compiled from the basic records and what the total cost will be. The preliminary investigation normally costs $250 but may be more depending on the circumstances. The total cost of the final report generally ranges from $500 to several thousand dollars for data covering a 12-month period.

* * * * *

§ 50.35 [Removed]

6. Section 50.35—*Fee structure for seasonal adjustments time series* is removed.

Dated: January 24, 1984.

C. L. Kincannon,

Acting Director, Bureau of the Census.

[FR Doc. 84–2305 Filed 1–31–84; 8:45 am]

BILLING CODE 3510-07-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3129]

American Express Company; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a New York City credit card company, among other things, to cease failing to prevent computerized collection letters from being sent to cardholders who have written the company of a billing error and who are withholding payment pending resolution of the dispute. The company is required to forfeit the amount in dispute, up to $50, should it fail to comply with the Fair Credit Billing Act's billing error resolution procedures and maintain for at least two years, records evidencing compliance with the Act's provisions. The order additionally requires the company to resolve billing errors involving foreign merchants within the lesser of 90 days or 2 complete billing cycles from the date of receiving a billing error notice.

DATES: Complaint and Order issued Jan. 9, 1984.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PD, Anne P. Fortney, Washington, D.C. 20580. (202) 724–1119.

SUPPLEMENTARY INFORMATION: On Tuesday, Oct. 25, 1983, there was published in the **Federal Register**, 48 FR 49299, a proposed consent agreement with analysis In the Matter of American Express Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–37 Formal regulatory and/or statutory requirements; 13.533–45 Maintain records; 13.533–55 Refunds, rebates and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing To Comply With Affirmative Statutory Requirements: § 13.1048 Failing to comply with affirmative statutory requirements; 13.1048–05 Fair Credit Billing Act; 13.1048–45 Truth In Lending Act.

List of Subjects in 16 CFR Part 13

Credit cards, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, *et seq.*)

Emily H. Rock,

Secretary.

[FR Doc. 84–2687 Filed 1–31–84; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 13

[Docket 5655]

Dictograph Products, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Order to set aside.

SUMMARY: The Federal Trade Commission has set aside the Sept. 24, 1953 order issued against Dictograph Products, Inc. (18 FR 6771), in light of its actions in *Beltone Electronics Corp.*, Dkt. 8928 (47 FR 31681) and *Dahlberg Electronics Corp.*, Dkt. 8229 (48 FR 20046), which set aside prohibitions on the companies' use of exclusive dealing arrangements.

DATES: Order issued Sept. 24, 1953. Order To Set Aside issued Jan. 17, 1984.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: In the Matter of Dictograph Products, Inc., a corporation. Codification appearing at 18 FR 6771 is deleted.

List of Subjects in 16 CFR Part 13

Hearing aids, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Order To Set Aside Order To Cease and Desist

In the Matter of Dictograph Products, Inc., a corporation. Docket No. 5655.

On September 24, 1953, the Federal Trade Commission issued an order against Dictograph Products, Inc. in Docket No. 5655 prohibiting Dictograph, in the sale of its own brand name hearing aids, from imposing exclusive dealing arrangements upon its dealers.

Two of Dictograph's larger competitors are now permitted by recent Commission actions to engage in the same exclusive dealing practices contained in the order against Dictograph. On July 26, 1982, the Commission dismissed the complaint in *Beltone Electronics Corp.*, Docket No. 8928, challenging, among other things, the same practices prohibited by the order against Dictograph. On April 11, 1983, the Commission in *Dahlberg Electronics, Inc.*, Docket No. 8929, set aside prohibitions on Dahlberg's use of exclusive dealing arrangements, which were similar to those contained in the order against Dictograph.

On December 7, 1983, the Commission, pursuant to § 3.72(b) of the Commission's Rules of Practice, 16 CFR § 3.72(b), issued an order to show cause why the proceeding herein should not be reopened to set aside the final cease and desist order in Docket No. 5655, prohibiting Respondent's use of exclusive dealing arrangements. Respondent was provided an opportunity to object to the proposed set aside of the order against it, and having failed to do so, is now deemed to have consented to such action. In view of the Commission's actions in *Beltone* and *Dahlberg*, the Commission believes that this modification is in the public interest.

Accordingly,

It is hereby ordered that this matter be, and it hereby is, reopened and that the order herein shall be set aside as of the effective date of this order.

By the Commission.

Issued: January 17, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84–2682 Filed 1–31–84; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 13

[Docket 9138]

Hughes Tool Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits Hughes Tool Company from having on its board of directors, any person who is a board member of a competing company whose revenues derived from the relevant product or service exceeds 5 million dollars. The company is required, among other things, to institute an annual monitoring program designed to detect unlawful interlocks; permit only those persons who have submitted the information required by Paragraph III(a) of the order to serve as board members; and provide present and future directors and prospective directors, including those of its subsidiaries, with a copy of the order. The company is bound by the terms of the order for a period of ten years.

DATES: Complaint issued June 17, 1980. Decision issued Jan. 16, 1984.[1]

FOR FURTHER INFORMATION CONTACT: Steven E. Weart, 5R, Dallas Regional Office, Federal Trade Commission, 8303 Elmbrook Dr., Dallas, TX 75247. (214) 767–7050.

SUPPLEMENTARY INFORMATION: On Friday, Oct. 28, 1983, there was published in the **Federal Register**, 48 FR 49865, a proposed consent agreement with analysis In the Matter of Hughes Tool Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements. Subpart—Interlocking Directorates Unlawfully:

[1] Copies of the Complaint and the Decision and Order filed with the original document.

§ 13.1106 Interlocking directorates unlawfully.

List of Subjects in 16 CFR Part 13

Interlocking directorates, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

Emily H. Rock,

Secretary.

[FR Doc. 84-2688 Filed 1-31-84; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. 8927]

Maico Hearing Instruments, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: The Federal Trade Commission has modified the order issued against Maico Hearing Instruments, Inc. on Aug. 4, 1976 (41 FR 38162). The modified order permits the company to suggest resale prices to its dealers and impose standards on the kinds of customers and territories its dealers can serve. The modification leaves intact the prohibition against resale price maintenance.

DATES: Consent Order issued Aug. 4, 1976. Modifying Order issued Jan. 13, 1984.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580. (202) 634-4604.

SUPPLEMENTARY INFORMATION: In the Matter of Maico Hearing Instruments, Inc., a corporation. Codification appearing at 41 FR 38162 is rescinded and replaced with the following: Subpart—Maintaining Resale Prices: § 13.1130 Contracts and agreements; § 13.1150 Penalties; § 13.1160 Refusal to sell.

List of Subjects in 16 CFR Part 13

Hearing aids, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Order Modifying Order To Cease and Desist

In the Matter of Maico Hearing Instruments, Inc., a corporation. Docket No. 8927.

On August 4, 1976, the Federal Trade Commission issued an order against Maico Hearing Instruments, Inc. in Docket No. 8927 prohibiting Maico, in the sale of its own brand name hearing aids, from imposing exclusive dealing arrangements and customer and territorial restraints upon its dealers.

Two of Maico's larger competitors are now permitted by recent Commission actions to engage in the same non-price vertical restraints contained in the order against Maico. On July 26, 1982, the Commission dismissed the complaint in *Beltone Electronics Corp.*, Docket No. 8928, challenging the same practices prohibited by the order against Maico. On April 11, 1983, the Commission modified the order in *Dahlberg Electronics, Inc.*, Docket No. 8929, which is also similar to the order against Maico, to set aside prohibitions on Dahlberg's use of certain non-price vertical restraints. Further, it modified that order's ban on resale price maintenance to permit Dahlberg to suggest retail prices to its dealers.

On December 7, 1983, the Commission, pursuant to § 3.72(b) of the Commission's Rules of Practice, 16 CFR § 3.72(b), issued to Maico an order to show cause why the proceeding herein should not be reopened to set aside provisions of the final cease and desist order in Docket No. 8927, prohibiting Respondent's use of exclusive dealing arrangements and customer and territorial restrictions. Respondent was provided an opportunity to object to the proposed modification of the order against it, but has instead consented to such modification. In view of the Commission's actions in *Beltone* and *Dahlberg*, the Commission believes that this modification is in the public interest.

Accordingly,

It is hereby ordered that this matter be, and it hereby is, reopened and that Paragraphs No. 1, 2, 3, 4, 6, 7, 8 and 9 of Part I shall be set aside as of the effective date of this order.

It is further ordered that Paragraph No. 5 of Part I be modified as of the effective date of this order by striking "5" and "or suggesting" and inserting "or" after "stabilizing,".

By the Commission.

Issued: January 13, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84-2685 Filed 1-31-84; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket C-2419]

Radioear Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: The Federal Trade Commission has modified the order issued against Radioear Corp. on June 26, 1973 (38 FR 19119). The modified order permits the company to suggest resale prices to its dealers, and impose standards on the kinds of customers and territories its dealers can serve. The modification leaves intact the prohibition against resale price maintenance.

DATES: Consent Order issued June 26, 1973. Modifying Order issued January 13, 1984.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580 (202) 634-4604.

SUPPLEMENTARY INFORMATION: In the Matter of Radioear Corporation, a corporation. Codification appearing at 38 FR 19119 is rescinded and replaced with the following: Subpart—Maintaining Resale Prices: § 13.1130 Contracts and agreements; § 13.1150 Penalties; § 13.1160 Refusal to sell.

List of Subjects in 16 CFR Part 13

Hearing aids, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Radioear Corporation, a corporation. Docket No. C-2419.

Order Modifying Order To Cease and Desist

On June 26, 1973, the Federal Trade Commission issued an order against Radioear Corporation in Docket No. C-2419 prohibiting Radioear, in the sale of its own brand name hearing aids, from imposing exclusive dealing arrangements and customer and territorial restraints upon its dealers.

Two of Radioear's larger competitors are now permitted by recent Commission actions to engage in the same non-price vertical restraints contained in the order against Radioear. On July 26, 1982, the Commission dismissed the complaint in *Beltone Electronics Corp.*, Docket No. 8928, challenging the same practices prohibited by the order against Radioear. On April 11, 1983, the Commission modified the order in *Dahlberg Electronics, Inc.*, Docket No.

8929, which is also similar to the order against Radioear, to set aside prohibitions on Dahlberg's use of certain non-price vertical restraints. Further, it modified that order's ban on resale price maintenance to permit Dahlberg to suggest retail prices to its dealers.

On December 7, 1983, the Commission, pursuant to § 3.72(b) of the Commission's Rules of Practice, 16 CFR 3.72(b), issued to Radioear an order to show cause why the proceeding herein should not be reopened to set aside provisions of the final cease and desist order in Docket No. C–2419, prohibiting Respondent's use of exclusive dealing arrangements and customer and territorial restrictions. Respondent was provided an opportunity to object to the proposed modification of the order against it, and having failed to do so, is now deemed to have consented to such modification. In view of the Commission's actions in *Beltone* and *Dahlberg*, the Commission believes that this modification is in the public interest.

Accordingly,

It is hereby ordered that this matter be, and it hereby is, reopened and that Paragraphs No. 1, 2, 3, 4, 6, 7, 8 and 9 of Part I shall be set aside as of the effective date of this order.

It is further ordered that Paragraph No. 5 of Part I be modified as of the effective date of this order by striking "5" and "or suggesting" and inserting "or" after "stabilizing,".

By the Commission.

Issued: January 13, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84–2681 Filed 1–31–84; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 13

[Docket No. C–2414]

Sonotone Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: The Federal Trade Commission has modified the order issued against Sonotone Corp. on June 19, 1973 (38 FR 18651). The modified order permits the company to suggest resale prices to its dealers, and impose standards on the kinds of customers and territories its dealers can serve. The modification leaves intact the prohibition against resale price maintenance.

DATES: Consent Order issued June 19, 1973. Modifying Order issued Jan. 13, 1984.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580. (202) 634–4604.

SUPPLEMENTARY INFORMATION: In the Matter of Sonotone Corporation, a corporation. Codification appearing at 38 FR 18651 is rescinded and replaced with the following: Subpart—Maintaining Resale Prices: § 13.1130 Contracts and agreements; § 13.1150 Penalties; § 13.1160 Refusal to sell.

List of Subjects in 16 CFR Part 13

Hearing aids, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Order Modifying Order To Cease and Desist

In the Matter of Sonotone Corporation, a corporation. Docket No. C–2414.

On June 19, 1973, the Federal Trade Commission issued an order against Sonotone Corporation in Docket No. C–2414 prohibiting Sonotone, in the sale of its own brand name hearing aids, from imposing exclusive dealing arrangements and customer and territorial restraints upon its dealers.

Two of Sonotone's larger competitors are now permitted by recent Commission actions to engage in the same non-price vertical restraints contained in the order against Sonotone. On July 26, 1982, the Commission dismissed the complaint in *Beltone Electronics Corp.*, Docket No. 8928 challenging the same practices prohibited by the order against Sonotone. On April 11, 1983, the Commission modified the order in *Dahlberg Electronics, Inc.*, Docket No. 8929, which is also similar to the order against Sonotone, to set aside prohibitions on Dahlberg's use of certain non-price vertical restraints. Further, it modified that order's ban on resale price maintenance to permit Dahlberg to suggest retail prices to its dealers.

On December 7, 1983, the Commission, pursuant to § 3.72(b) of the Commission's Rules of Practice, 16 CFR 3.72(b), issued to Sonotone an order to show cause why the proceeding herein should not be reopened to set aside provisions of the final cease and desist order in Docket No. C–2414, prohibiting Respondent's use of exclusive dealing arrangements and customer and territorial restrictions. Respondent was provided an opportunity to object to the proposed modification of the order against it, and having failed to do so, is now deemed to have consented to such modification. In view of the Commission's actions in *Beltone* and *Dahlberg*, the Commission believes that this modification is in the public interest.

Accordingly,

It is hereby ordered that this matter be, and it hereby is, reopened and that Paragraphs No. 1, 2, 3, 4, 6, 7, 8 and 9 of Part I shall be set aside as of the effective date of this order.

It is further ordered that Paragraph No. 5 of Part I be modified as of the effective date of this order by striking "5" and "or suggesting" and inserting "or" after "stabilizing,".

By the Commission.

Issued: January 13, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84–2686 Filed 1–31–84; 8:45 am]

BILLING CODE 6750–01–M

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16 CFR Part 13

[Docket 5822]

The Maico Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Order to set aside.

SUMMARY: On Jan. 13, 1984, the Federal Trade Commission set aside the May 22, 1955 order issued against The Maico Co. (20 FR 4885), in light of its actions in *Beltone Electronic Corp.*, Dkt. 8928 (47 FR 31681) and *Dahlberg Electronics Corp.*, Dkt. 8229 (48 FR 20046), which set aside prohibitions on the companies' use of exclusive dealing arrangements.

DATES: Consent Order issued May 22, 1955. Order To Set Aside issued Jan. 13, 1984.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinberg, Washington, D.C. 20580. (202) 634–4604.

SUPPLEMENTARY INFORMATION: In the Matter of The Maico Company, a corporation. Codification appearing at 20 FR 4885 is deleted.

List of Subjects in 16 CFR Part 13

Hearing aids, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Order To Set Aside Order To Cease and Desist

In the Matter of The Maico Company, a corporation. Docket No. 5822.

On May 22, 1955, the Federal Trade Commission issued an order against The

Maico Company in Docket No. 5822 prohibiting Maico, in the sale of its own brand name hearing aids, from imposing exclusive dealing arrangements upon its dealers.

Two of Maico's larger competitors are now permitted by recent Commission actions to engage in the same exclusive dealing practices contained in the order against Maico. On July 26, 1982, the Commission dismissed the complaint in *Beltone Electronics Corp.*, Docket No. 8928, challenging, among other things, the same practices prohibited by the order against Maico. On April 11, 1983, the Commission in *Dahlberg Electronics, Inc.*, Docket No. 8929, set aside prohibitions on Dahlberg's use of exclusive dealing arrangements, which were similar to those contained in the order against Maico.

On December 7, 1983, the Commission, pursuant to § 3.72(b) of the Commission's Rules of Practice, 16 CFR § 3.72(b), issued to Maico an order to show cause why the proceeding herein should not be reopened to set aside the final cease and desist order in Docket No. 5822, prohibiting Respondent's use of exclusive dealing arrangements. Respondent was provided an opportunity to object to the proposed set aside of the order against it, and having failed to do so, is now deemed to have consented to such action. In view of the Commission's actions in *Beltone* and *Dahlberg*, the Commission believes that this modification is in the public interest.

Accordingly,

It is hereby ordered that this matter be, and it hereby is, reopened and that the order herein shall be set aside as of the effective date of this order.

By the Commission.

Issued: January 13, 1984.

Emily H. Rock,

Secretary.

[FR Doc. 84-2683 Filed 1-31-84; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket C-2403]

Benton & Bowles, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Vacating order.

SUMMARY: In response to a request to reopen and vacate on Dec. 28, 1983, the Federal Trade Commission vacated the Decision and Order issued against Benton & Bowles on May 22, 1973 (38 FR 16849).

DATES: Consent Order issued May 22, 1973. Vacating Order issued Dec. 28, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/PC, William S. Sanger, Washington, D.C. 20580. (202) 376-3475.

SUPPLEMENTARY INFORMATION: In the Matter of Benton & Bowles, Inc., a corporation. Codification appearing at 38 FR 16849 is deleted.

List of Subjects in 16 CFR Part 13

Drugs, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Order Granting Request To Reopen the Proceeding and Vacate the Decision and Order

Respondent, Benton & Bowles, Inc., requested on August 30, 1983, that the Commission reopen the proceeding in Docket No. C-2403 and vacate the Decision and Order entered in that matter on May 22, 1973.

The Commission placed this request upon the public record, for a period of thirty days, pursuant to § 2.51 of its Rules of Practice.

The Commission is of the opinion that the public interest would be served by reopening the proceeding and vacating the Decision and Order. The charges against Benton & Bowles in this proceeding were based upon certain advertisements for Vanquish, a non-prescription internal analgesic product manufactured by Sterling Drug, Inc. In its decision in the matter of *Sterling Drug, Inc.*, Docket No. 8919 (July 5, 1983), the Commission dismissed similar charges against Sterling Drug and Lois Holland Callaway, Inc., that were based on advertisements for Vanquish nearly identical to those that were the subject of the complaint against Benton & Bowles. Thus, the Commission's decision in *Sterling Drug, Inc.*, constitutes a change in law which requires that the Order against Benton & Bowles be vacated.

Now therefore, it is ordered, That the proceeding in Docket No. C-2403 is hereby reopened, and the Decision and Order issued on May 22, 1973, is hereby vacated.

By the Commission.

Issued: December 28, 1983.

Emily H. Rock,

Secretary.

[FR Doc. 84-2684 Filed 1-31-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 84-36]

Prevention of Pollution by Oceangoing Vessels

AGENCY: Customs Service, Treasury.

ACTION: Interim regulations.

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

EFFECTIVE DATE: February 1, 1984.

Comments: The amendment is being published as an interim regulation, effective on February 1, 1984. However, written comments received on or before April 2, 1984 will be considered in determining whether any changes to the regulation are required before a permanent rule is published.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

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

SUPPLEMENTARY INFORMATION:

Background

The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol) was established to protect the marine environment from pollution caused by the discharge of oil from "oceangoing" vessels. The term "oceangoing" refers to those vessels not operating exclusively on the Great Lakes which are certified for oceans or coastwise service beyond 3 miles from

land. The MARPOL Protocol has already been ratified by the United States and entered into force on October 2, 1983. It requires oceangoing ships of the United States, and those of foreign countries within the navigable waters of the United States, to comply with the preventive provisions contained in the Protocol. The provisions include requirements for the installation of oily-water separating equipment for ships over 400 gross tons, the carrying on board of an International Oil Pollution Prevention [IOPP] Certificate, maintaining a MARPOL Oil Record Book, and observing the limitations on the operational discharge of oil.

The Secretary of Transportation, acting through the U.S. Coast Guard, will administer and enforce the provisions of the MARPOL Protocol. Pursuant to the Act to Prevent Pollution from Ships, 1980 (Pub. L. 96–478, 33 U.S.C. 1901–1911), the Secretary of Transportation may prescribe any necessary or desired regulations to implement the provisions of the MARPOR Protocol.

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

So that Customs may directly and efficiently implement the provisions of the MARPOL Protocol, Part 4, Customs Regulations, is being amended by adding a new § 4.66c. The new section provides that if a district director of Customs receives a notification from a Coast Guard officer that an order has been issued to detain a vessel required to have an IOPP Certificate, either because the vessel does not have a valid certificate on board, or because the condition of the ship's equipment does not agree with the particulars of the certificate on board, the district director shall refuse or revoke the clearance or permit to proceed to the vessel if requested to do so by the Coast Guard officer. The district director shall not grant clearance or issue a permit to proceed to the vessel until notified by a Coast Guard officer that detention of the vessel is no longer required.

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

Comments

Before adopting the regulation as a permanent rule, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Customs Service Headquarters, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Inapplicability of Notice and Delayed Effective Date Requirements

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

Executive Order 12291

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

Regulatory Flexibility Act

Although Customs does not believe that this amendment will have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601–612), we will continue to review this matter and will consider any comments submitted thereon before issuing a final rule.

Drafting Information

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

List of Subjects in 19 CFR Part 4

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

Amendment to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended by adding a new § 4.66c to read as follows:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.66c Oil pollution by oceangoing vessels.

(a) If a district director receives a notification from a Coast Guard officer that an order has been issued to detain a vessel required to have an International Oil Pollution Prevention (IOPP) Certificate (1) which does not have a valid certificate on board or (2) whose condition or whose equipment's condition does not substantially agree with the particulars of the certificate on board, the district director shall refuse or revoke the clearance or permit to proceed of the vessel if requested to do so by a Coast Guard officer. The district director shall not grant clearance or issue a permit to proceed to the vessel until notified by a Coast Guard officer that detention of the vessel is no longer required.

(b) If a district director receives a request from a Coast Guard officer to refuse or revoke the clearance or permit to proceed of a vessel because the vessel, its owner, operator or person in charge is liable for a fine, or reasonable cause exists to believe that they may be subject to a fine under the provisions of (1) 33 U.S.C. 1908 for violating the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol), (2) the Act to Prevent Pollution from Ships, 1980 (33 U.S.C. 1901–1911), or (3) regulations issued thereunder, such clearance or a permit to proceed shall be refused or revoked. Clearance or a permit to proceed may be granted when the district director is informed that a bond or other security satisfactory to the Coast Guard has been filed.

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

William von Raab,

Commissioner of Customs.

Approved: January 12, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84–2746 Filed 1–31–84; 8:45 am]

BILLING CODE 4820–02–M

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19 CFR Parts 134, 148, 162, 171, and 172

[T.D. 84–18]

Penalties and Penalties Procedures

Correction

In FR Doc. 84–829 beginning on page 1672 in the issue of Friday, January 13, 1984, make the following corrections:

1. On page 1675, in the first column, the twelfth line from the bottom, the word "had" should read "has".

2. On page 1677, in the third column, in the second paragraph, the fourth line from the bottom, the word "guideline" should read "guidelines".

3. On page 1678, in the middle column, in § 148.19, the eleventh line from the top, the word "It" should read "If".

4. On the same page, in the third column, in § 162.71(e)(4), the first line, the word "and" should read "an".

5. In the same column, in § 162.74(a)(2), the third line from the bottom, the citation to "§ 1621.71(e)" should read "§ 162.71(e)".

6. On page 1682, in Appendix B, in the first column, the eighth line from the bottom, the phrase "of eight times" should read "or eight times".

7. On page 1683, in Appendix B, in the first column, the eighteenth and twenty-third lines from the bottom, the term "non-revenue-loss" should read "revenue-loss".

BILLING CODE 1505–01–M

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19 CFR Parts 134, 148, 162, 171, and 172

[T.D. 84–18]

Penalties and Penalties Procedures; Correction

AGENCY: Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in a document which amended the Customs Regulations relating to penalties and penalties procedures for violations of title 19, United States Code, section 1592. The document was published in the **Federal Register** on Friday, January 13, 1984 (49 FR 1672).

FOR FURTHER INFORMATION CONTACT: Edward T. Rosse, Chief, Commercial Fraud and Negligence Penalties Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8317).

SUPPLEMENTARY INFORMATION:

Background

In FR Doc. 84–829, appearing at page 1672 in the issue of Friday, January 13, 1984, on page 1683, in the first column, under the heading "(I) Customhouse Brokers," the first paragraph was incorrectly worded. Specifically, the words "or grossly negligent" should be deleted from the third and fourth lines of the paragraph so that it should read as follows:

PART 171—[CORRECTED]

Appendix B—[Corrected]

* * * * *

(I) *Customhouse Brokers*

A customhouse broker shall be subject to the above guidelines only if he is determined to have (1) committed a fraudulent violation; or (2) committed a grossly negligent or negligent violation and shared in the financial benefits of the violation to an extent over and above the prevailing brokerage fees.

* * * * *

Dated: January 27, 1984.

B. James Fritz,

Director, Regulations Control and Disclosure Law Division.

[FR Doc. 84–2759 Filed 1–31–84; 8:45 am]

BILLING CODE 4820–02–M

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19 CFR Part 177

[T.D. 84–35]

Change of Practice Relating to Tariff Classification of Thread Seal Tape Made of "Teflon"

AGENCY: Customs Service, Treasury.

ACTION: Change of practice.

SUMMARY: This document gives notice of a change in the current uniform and established practice in the tariff classification of merchandise which is a nonfibrous, nonlaminated, nonreinforced, continuous form plastic tape made of polytetrafluoroethylene ("teflon" fluorocarbon resin). The merchandise is also known as thread seal tape made of "teflon", and is currently classified under the tariff provision for articles not specially provided for, of rubber or plastics, other. This change of practice will result in the classification of future importations of the subject merchandise under the provision for strips (in continuous form), whether known as artificial straw, yarns, or by any other name, not laminated, at a higher rate of duty than was previously assessed.

EFFECTIVE DATE: May 1, 1984..

FOR FURTHER INFORMATION CONTACT: Phil Robins, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8181)..

SUPPLEMENTARY INFORMATION:

Background

This document pertains to the tariff classification of merchandise which is a nonfibrous, nonlaminated, nonreinforced, continuous form plastic tape made of polytetrafluoroethylene ("teflon" fluorocarbon resin). The merchandise is also known as thread seal tape made of "teflon".

On June 6, 1983, a notice was published in the **Federal Register** (48 FR 25224) advising that Customs was reviewing its practice of classifying thread seal tape made of "teflon" under the provision for articles not specially provided for, of rubber or plastics, other, in item 774.55, Tariff Schedules of the United States (TSUS; 19 U.S.C. 1202). As part of its review, Customs requested comments on its proposal to classify future importations of the subject merchandise under the provision for strips (in continuous form), whether known as artificial straw, yarns, or by any other name, not laminated, in item 309.20 and item 309.21, TSUS, depending on its value per pound. Comments were to have been received on or before August 5, 1983.

Discussion of Comment

The writer of the only comment received in response to the notice, an importer of "teflon" thread seal tape, did not believe the subject merchandise "should be considered as a fibrous material." Customs notes that Headnote 2(a), Subpart 1E, Schedule 3, TSUS, states that the term "Man-made fibers" refers to, among other things, strips, and Headnote 2(b) of that subpart provides that strips may be formed by extrusion or other processes. Since the term "strips" is defined in Headnote 3(d) of Subpart 1E in terms of dimensional requirements and the court has stated in *Le Jeune, Inc. v. United States*, 67 Cust. Ct. 301, C.D. 4289 (1971), that Congress intended form rather than use should govern the classification of man-made fibers, it does not appear that whether or not the subject merchandise is a fibrous material is a valid consideration

in determining its classification as man-made fibers strips.

Change of Practice

After consideration of the comment and further review of the matter, Customs has determined that the established and uniform practice of classifying thread seal tape made of "teflon" as articles not specially provided for, or rubber or plastics, other, in item 774.55, TSUS, at a current Column 1 rate of duty of 6.9 percent ad valorem, is clearly wrong and should be changed. It is Customs position that if the merchandise meets the dimensional requirements set out in Headnote 3(d), Subpart 1E, Schedule 3, TSUS, it should be classified under the provision for strips (in continuous form), whether known as artificial straw, yarns, or by any other name, not laminated, in item 309.20 and item 309.21, TSUS, depending on its value per pound. Item 309.20, TSUS, which applies to strips valued not over $1 per pound, currently provides a Column 1 rate of duty of 10¢ per pound, while item 309.21, TSUS, which applies to strips valued over $1 per pound, currently provides a Column 1 rate of duty of 10.5 percent ad valorem. Accordingly, the change of practice is adopted as proposed.

Drafting Information

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

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: January 12, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84-2747 Filed 1-31-84; 8:45 am]

BILLING CODE 4820-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2516-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: Today's notice takes final action to approve revisions to rules of several air pollution control districts. These revisions were submitted by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). These revisions generally are administrative and retain the previous emission control requirements. EPA reviewed these rules with respect to the Clean Air Act and determined that they should be approved.

EFFECTIVE DATE: This action is effective April 2, 1984.

ADDRESSES: A copy of the revisions is available for public inspection during normal business hours at the EPA Region 9 office and at the following locations.

Public Information Reference Unit, Environmental Protection Agency, Library, 401 M Street, SW., Room 2404; Washington, D.C. 20460

Library, Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Acting Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7641

SUPPLEMENTARY INFORMATION: The ARB submitted as SIP revisions the following rules on the indicated dates:

July 19, 1983

Kern County

Rule 301.1 Banking Certificate Fees
Rule 302 Permit Fee Schedules

Merced County

Rule 104 Enforcement
Rule 108 Stack Monitoring
Rule 113 Arrests and Notices to Appear
Rule 202 Exemptions
Rule 209.1 Permit Conditions
Rule 301 Permit Fees
Rule 305 Hearing Board Fees
Rule 407 Sulfur Compounds
Rule 519 Emergency Variance

Sacramento County

Rule 7 Ringleman Chart

San Diego County

Rule 10 Permits Required
Rule 40 Permit Fees

San Luis Obispo County

Rule 212 Annual Inspection of Equipment

Shasta County

Rule 2:18 Application Deemed Denied
Rule 3:4 Industrial Use of Organic Solvents
Rule 3:15 Cutback Asphalt Paving Materials

South Coast AQMD

Rule 301.1 (Delete) Emission Reduction Credit
Rule 502 Filing Petitions
Rule 1207 Service and Filing

Ventura County

Rule 41 Hearing Board Fees

January 2, 1979

San Luis Obispo County

Rule 201 Permits

November 10, 1976

San Luis Obispo County

Rule 202 Applications
Rule 205 Conditional Approval
Rule 206 Denial of Applications
Rule 207 Action on Applications—Time Limits
Rule 208 Appeals
Rule 209 Transfer
Rule 210 Cancellation of Applications
Rule 211 Provisions for Sampling and Testing Facilities

These rule revisions are administrative and do not significantly impact current emission control requirements. The above mentioned rules include increased permit and hearing board fees, deleted and added exemptions, established fees for banking certificate, and clarification.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, EPA is required to approve or disapprove these regulations as SIP revisions. All rules submitted have been evaluated and found to be in accordance with EPA policy and 40 CFR Part 51. EPA's detailed evaluation of the submitted rules is available at the EPA Library in Washington, D.C., and the Region 9 office.

It is the purpose of this notice to approve all the rule revisions listed above and to incorporate them into the California SIP. This is being done without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, the approval will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Under 5 U.S.C. 605(b), I have certified that SIP approvals 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.

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

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

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

Authority Sections 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601(a)).

Dated: January 26, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(35)(xii)(E), (c)(47)(vii)(B) and (c)(137) (i)–(viii) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(35) * * *

(xii) * * *

(E) New or amended Rules 202, 205, 206, 207, 208, 209, 210, and 211.

* * * * *

(47) * * *

(vii) * * *

(B) New or amended Rule 201.

* * * * *

(137) Revised regulations for the following APCDs was submitted on July 19, 1983 by the Governor's designee.

(i) Kern County APCD.

(A) New or amended Rules 301.1 and 302.

(ii) Merced County APCD.

(A) New or amended Rules 104, 108, 113, 202, 209.1, 301, 305, 407 and 519.

(iii) Sacramento County APCD.

(A) New or amended Rule 7.

(iv) San Diego County APCD.

(A) New or amended Rules 10 and 40.

(v) San Luis Obispo County APCD.

(A) New or amended Rule 212.

(vi) Shasta County APCD.

(A) New or amended Rules 2.18, 3.4, and 3.15.

(vii) South Coast AQMD.

(A) New or amended Rules 502, 1207 and deletion of 301.1.

(viii) Ventura County APCD.

(A) Amended Rule 41.

* * * * *

[FR Doc. 84-2727 Filed 1-31-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-1-FRL 2516-8]

Approval and Promulgation of Implementation Plans; Connecticut; Revisions Controlling VOC Emissions From Solvent Metal Cleaners and Rescission of the Moratorium on Construction and Modification of Major Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan revisions submitted by the State of Connecticut. The intended effect of these actions is to control emissions of volatile organic compounds from solvent metal cleaners as one element in Connecticut's plan to attain the National Ambient Air Quality Standards for ozone, required under Part D of the Clean Air Act.

EFFECTIVE DATE: March 2, 1984.

ADDRESSES: Copies of the submittal are available for public inspection at Room 2111, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street, SW, Washington, DC 20460; Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, DC 20408; and the Connecticut Department of Environmental Protection, Air Compliance Unit, 165 Capitol Avenue, Hartford, CT 06115.

FOR FURTHER INFORMATION CONTACT: Susan S. Hager, (617) 223–5131.

SUPPLEMENTARY INFORMATION: On April 12, 1983 (48 FR 15658) EPA published a Notice of Proposed Rulemaking (NPR) for the Connecticut 1982 Ozone and Carbon Monoxide State Implementation Plan (SIP) revisions. One element of these revisions was a regulation and supporting narrative limiting emissions of volatile organic compounds (VOCs) from metal cleaners submitted on December 10, 1982 and May 19, 1983 by Stanley J. Pac, Commissioner of the Connecticut Department of Environmental Protection (DEP). These submittals correct the remaining deficiency of Connecticut's 1979 plan revisions and allow EPA to rescind the moratorium on construction and modification of major stationary sources of VOCs which has been in effect statewide in Connecticut since October, 1982. In order to take final action as quickly as possible and thus rescind the moratorium, EPA has chosen to separate these revisions from other actions discussed in the NPR. No comments were received on this portion of the NPR and today EPA is approving Connecticut's SIP revisions controlling VOC emissions from solvent metal cleaners.

Background

Part D of the Clean Air Act requires states which could not attain ozone standards by 1982 to apply "Reasonable Available Control Technology" (RACT) to sources of volatile organic compounds. EPA has defined RACT for various categories in a series of publications called "Control Technique Guidelines" (CTGs). One such category published with the first group of CTGs covered solvent metal cleaners. Based on Connecticut's failure to adopt RACT for this category in its 1979 plan revisions, the Second Circuit Court of Appeals ordered EPA to impose a moratorium on the construction and modification of major stationary sources of VOCs in Connecticut (*Connecticut Fund for the Environment, Inc.* vs. *Environmental Protection Agency*, 672 F. 2d 998 (2nd Cir. 1982)). EPA complied on October 12, 1982 with a Notice published in the **Federal Register** at 47 FR 44729.

As part of the 1982 plan revisions, Connecticut proposed regulations controlling emissions from solvent metal cleaners. Exempted from these regulations were cold cleaners at automobile repair facilities. After reviewing source data in Connecticut, EPA determined that as an alternative to regulating this subgroup of sources, adequate control could be achieved through an educational program to teach automobile repair facility workers the proper operation and maintenance of solvent metal cleaning equipment. EPA requested the Connecticut DEP, and DEP has committed, to develop and implement an educational program aimed at these facilities.

The program will consist of a package of material mailed to 8,000 automobile dealers, repair facilities, and vocational education schools. Each package will

include an explanation of why the program is necessary and what the benefits will be; an instruction sheet to be posted on the equipment outlining how the equipment is to be operated; and a graphic illustration showing that the cover should be kept closed. DEP plans to test the package by sending it to a few facilities and checking the facility a week later to see that the material has been read, understood and posted. The full mailing will be sent to facilities in April, 1984, at the beginning of the ozone season.

Regulation 19–508–20(*1*) controlling solvent metal cleaners was submitted to EPA on December 10, 1982 and the supporting narrative committing DEP to an educational program for automobile repair facilities was submitted on May 19, 1983. Approval of these revisions allows EPA to rescind the construction moratorium in Connecticut.

Final Action

(1) EPA is approving Regulation 19–508–20(*1*) controlling solvent metal cleaners and the supporting narrative which describes an educational program for automobile repair facilities.

(2) EPA is rescinding the moratorium on construction and modification of major stationary VOC sources in Connecticut.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Note.—Incorporation by Reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 26, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart H—Connecticut

1. Section 52.370 is amended by adding paragraph (c)(29) as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(29) Attainment plan revisions to meet the requirements of Part D for ozone were submitted by the Department of Environmental Protection on December 10, 1982 and May 19, 1983. These revisions control volatile organic compound (VOC) emissions from solvent metal cleaners through emission limitations contained in Regulation 19–508–20(*1*) and supporting narrative committing the DEP to implement an educational program for automobile repair facilities. Approval of these revisions allowed EPA to rescind the moratorium on construction and modification of major sources of VOCs which had been in effect since October, 1982.

[FR Doc. 84–2729 Filed 1–31–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[Docket No. NH 1419; A–1–FRL 2517–1]

Approval and Promulgation of Implementation Plans; New Hampshire; Volatile Organic Compound Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan revisions submitted by the State of New Hampshire. The intended effect of this action is to approve the State list of negligibly reactive volatile organic compounds (VOCs), which is the same as EPA's list, to exempt these VOCs from State air pollution control regulation, and also to revise the State definition of "Process weight". This action is being taken under Section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will be effective April 2, 1984 unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2312, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C., Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. and the Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, NH 03301.

FOR FURTHER INFORMATION CONTACT: Betsy Horne (617) 223–4869.

SUPPLEMENTARY INFORMATION: On November 10, 1983, the New Hampshire Air Resources Agency (ARA) submitted revisions to its State Implementation Plan (SIP). These revisions include two changes. The first exempts certain VOCs which have negligible photochemical reactivity, from control under the State's regulations. The State currently exempts methane; ethane; 1, 1, 1 Trichloroethane; Methylene Chloride and Trichlorotrifluoroethane. The revised regulation adds to the exemptions in Air 1204.01 the following fluorocarbons: Trichlorofluoromethane; Dichlorodifluoromethane; Chlorodifluoromethane; Trifluoromethane; Dichlorotetrafluoroethane; and Chloropentafluoroethane. EPA has determined that these compounds are of such low reactivity that they do not appreciably contribute to the formation of ambient ozone (smog) levels. New Hampshire's list of negligibly reactive VOCs will be identical to the list EPA published on July 22, 1980 (45 FR 48941)

The second revision amends the definition of "Process weight". In 1982, the ARA submitted revisions to recodify the State's air pollution control regulations. EPA published an Immediate Final Rulemaking approving this action on March 15, 1983 (48 FR 10830). In the recodification process, the phrase "except uncombined water" was inadvertently omitted from the definition of process weight. The exclusion of uncombined water from the total weight of materials introduced into a source operation had been previously federally approved. Today's action simply restores the definition to its original meaning. The revised definition now reads: " 'Process weight' means the total weight of all materials *except uncombined water* introduced into any source operation. Solid fuel charged shall be considered as part of the process weight but liquid and gaseous fuels and combustion air shall not."

EPA is approving these SIP revisions without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective April 2, 1984 unless, within 30 days of its publication, notice is received that

adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective (60 days from today).

Final Action

EPA is approving the list of VOCs exempted from regulation under Air 1204 and the redefinition of "Process weight" submitted on November 10, 1983.

Under 5 U.S.C. 605(b), the Administrator has certified that this action will 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.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Note.—Incorporation by Reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 26, 1984.

William D. Ruckelshaus,

Administrator.

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

Subpart EE—New Hampshire

1. Section 52.1520, is amended by adding paragraph (c)(28) as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(28) Revisions to Air 1204.01, updating the list of volatile organic compounds exempted from PART Air 1204, and a revision to Air 101.74, 'Process weight' were submitted on November 10, 1983.

[FR Doc. 84-2730 Filed 1-31-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 145

[WH-FRL-2512-1]

Illinois Department of Mines and Minerals, Underground Injection Control; Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The State of Illinois has submitted an application under section 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Class II oil and natural gas related injection wells. After careful review of the application and comments received from the public, the Agency has determined that the State's injection well program for Class II wells meets the requirements of section 1425 of the Act. Therefore, this application covering Class II injections is approved.

EFFECTIVE DATE: This approval is effective February 1, 1984.

FOR FURTHER INFORMATION CONTACT: Robert J. Hilton, Chief, Ground Water Section (5WD-12), Environmental Protection Agency, Region V, 230 Dearborn Street, Chicago, Illinois 60604, (312) 886-6184.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The SDWA was amended on December 5, 1980, to include section 1425, which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the Federal Regulations (40 CFR Parts 124, 144, and 145) and related Technical Criteria and Standards (40 CFR Part 146), a State may demonstrate that its program meets the more general statutory requirements of section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of Illinois was listed as needing a UIC program on September 25, 1978 (43 FR 43420). The State submitted an application under section 1425 on January 14, 1982, for the approval of a UIC program governing Class II injection wells to be administered by the Illinois Department of Mines and Minerals (IDMM). EPA published notice on February 12, 1982, of its receipt of the application, requested public comments, and scheduled a public hearing on the UIC program submitted by the IDMM (47 FR 6455). Neither requests for public hearing nor requests to offer testimony at such hearing were received by EPA. Therefore, pursuant to the provisions of 40 CFR 145.31 (c), the public hearing was cancelled because of lack of sufficient public interest. After careful review of this application, I have determined that the Illinois UIC program submitted by the IDMM for Class II injection wells meets the requirements of section 1425 of the SDWA, and hereby approve it. The effect of this approval is to establish this program as the applicable underground injection control program under the SDWA for the State of Illinios. The requirements of this program include State statutes and regulations set forth at: Conservation of Oil and Gas, Etc. Act, *Ill. Rev. Stat.* Ch. 96½, Par. 5401-5457 (1981), as amended by P. A. 83-1074 (1983); Illinois Environmental Protection Act, *Ill. Rev. Stat.* Ch 111½, §§ 1001-1051 (1981), as amended by P. A. 82-380, and by P. A. 83-431; Rules and Regulations of the Department of Mines and Minerals for the Oil and Gas Division, Rules I-XIV.

Since this action simply adopts as the Federal program the State laws and regulations already in effect, EPA is publishing this approval effective

immediately. This will enable Illinois to begin immediately issuing UIC permits for Class II injection wells under the Federally approved program.

List of Subjects in 40 CFR Part 145

Indians—lands, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply.

OMB Review

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under section 1425 of the Safe Drinking Water Act of the application by the Illinois Department of Mines and Minerals will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

(42 U.S.C. 300)

Dated: January 26, 1984.

William D. Ruckelshaus,

Administrator.

[FR Doc. 84-2726 Filed 1-31-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 145

[WH-FRL-2511-8]

Illinois Environmental Protection Agency, Underground Injection Control; Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The State of Illinois has submitted an application under Section 1422 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Classes I, III, IV, and V injection wells. After careful review of the application and comments received from the public, the Agency has determined that the State's program to regulate Classes I, III, IV, and V injection wells meets the requirements of section 1422 of the Act. Therefore, this application is approved.

EFFECTIVE DATE: This approval is effective February 1, 1984.

FOR FURTHER INFORMATION CONTACT: Robert J. Hilton, Chief, Ground Water Section (5WD-12), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. PH (312) 886-6184.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The State of Illinois was listed as needing a UIC program on September 25, 1978 (43 FR 43420). The State submitted an application under section 1422 on August 5, 1983, for the approval of a UIC program governing Classes I, III, IV, and V injection wells. The program would be administered by the Illinois Environmental Protection Agency (IEPA).

On August 19, 1983, EPA published notice of its receipt of the application, requested public comments, and scheduled a public hearing on the Illinois UIC program submitted by the IEPA (48 FR 37673). A public hearing was held on September 21, 1983, in Springfield, Illinois. After careful review of this application, I have determined that the Illinois UIC program submitted by the IEPA to regulate Classes I, III, IV, and V injection wells meets the requirements of section 1422 of the SDWA, and hereby approve it. The effect of this approval is to establish this program as the applicable Underground Injection Control program under the SDWA for the State of Illinois. The requirements of this program include State statutes and regulations set forth at: *Illinois Revised Statute*, Chapter 111 1/2, §§ 1001-1051 (1979), as amended by P.A. 82-380, and by P.A. 83-431; *Illinois Administrative Regulations*, Title 35, Chapter 1, Parts 702, 704, 705, and 730.

Since this action simply adopts as the Federal program, the State laws and regulations already in effect, EPA is publishing this approval effective immediately. This will enable Illinois to begin issuing UIC permits for Classes I, III, IV, and V injection wells under the Federally approved program.

OMB Review

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under section 1422 of the Safe Drinking Water Act of the application by the Illinois Environmental Protection Agency will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

List of Subjects in 40 CFR Part 145

Indians—lands, Water supply, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information.

(42 USC 300)

Dated: January 26, 1984.

William D. Ruckelshaus,

Administrator.

[FR Doc. 84-2725 Filed 1-31-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 5, 15, 21, 73, 74, 78, and 94

[Gen. Docket No. 83-10; FCC 84-21]

Amendment of the Regulations To Expand the Notification and Verification Equipment Authorization Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document changes the type of equipment authorization required for a number of categories of radio frequency equipment by applicants in obtaining approval for this equipment. The rule changes will place equipment under the recently instituted notification equipment authorization procedure and under the existing verification procedure. The objective is

to reduce the amount of time needed for an applicant to obtain an equipment authorization while, at the same time, allowing the Commission some flexibility with its staff resources. A sampling program will also be instituted to strengthen the equipment authorization program.

EFFECTIVE DATE: March 5, 1984.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Science and Technology (202) 653–6288.

List of Subjects

47 CFR Part 2

Communications equipment, Imports, Radio.

47 CFR Part 5

Research.

47 CFR Part 15

Communications equipment, Labeling, Radio, Reporting requirements.

47 CFR Part 21

Communications common carriers, Point-to-point microwave, Transmissions.

47 CFR Part 73

Communications equipment, Radio broadcast.

47 CFR Part 74

Communications equipment, Television.

47 CFR Part 78

Cable television, Communications equipment, Radio, Reporting requirements.

47 CFR Part 94

Communications equipment, Radio.

Report and Order

In the matter of amendment of the regulations to expand the notification and verification equipment authorization procedures; Gen. Docket No. 83–10; FCC–84–21.

Adopted: January 19, 1984.

Released: January 26, 1984.

By the Commission: Commissioner Quello dissenting in part and issuing a statement.

1. On January 13, 1983, the Commission adopted a Report and Order in Gen. Docket 82–242, instituting a new form of equipment authorization known as notification.[1] That authorization procedure, along with the other forms of equipment authorization, is used to determine if equipment is capable of complying with the appropriate technical regulations. Such a determination must be made and a grant of authorization must be issued before the equipment can be marketed to the public, in accordance with § 2.803 of the regulations (47 CFR 2.803). Notification differs from the other forms of equipment authorization in that the detailed measurement data and other information normally supplied with the application for authorization are not required unless specifically requested. However, the question of which types of equipment should be placed under notification was not addressed in Gen. Docket 82–242. It was stated that the inclusion of equipment under notification, along with an expansion of the application of the verification procedure, would be considered in separate rule making proceedings. The proposal for changing the applicable types of equipment authorization was the subject of the Notice of Proposed Rule Making in this proceeding.[2] A list of the affected equipment is included as Appendix A.

2. Since notification and verification do not normally require the submission of measurement data and the subsequent technical review, a number of the commenters have expressed their concern that some manufacturers, either through error or through intentional manipulation of the equipment design, would begin to produce equipment failing to comply with the regulations. This would increase the probability of the marketing of interference-causing equipment. Naturally, we are concerned at such a prospect. It is clear that the present system of carefully checking test data, circuit diagrams, and equipment capabilities is one designed to minimize the chance that interference-causing devices will be marketed. To the extent we move away from this detailed review, we are obviously taking a risk. Therefore, in addition to the exercise of caution in selecting equipment to be placed under verification and notification, we announced that the changes in authorization would be accompanied by a major increase in the sampling and testing of equipment. Thus, we believe that we have struck a proper balance between relieving the manufacturer's regulatory burden and protecting the public from harmful interference.

3. Equipment sampling, both before and after a grant of authorization, would have one important advantage over the testing of prototype equipment normally submitted for our scrutiny. Our sampling would test marketed equipment, in most cases, thereby obtaining a more accurate assessment of the performance of equipment actually used by the public. Further, the sampling program could be applied flexibility to the equipment types most prone to causing interference.

Comment and Discussion

4. In general, the commenters agreed with the specific proposals made in the NPRM, given the establishment of an effective sampling program.[3] To the extent that questions or concerns were raised regarding specific proposals, these matters are discussed below.

I. Verification

5. The NPRM proposed to expand the use of verification for equipment which seldom undergoes complete or major design changes, which has already demonstrated that it does not cause harmful interference problems, and for which no major changes are expected in the type of radio service being offered. Accordingly, we proposed that, initially, television and FM broadcast receivers be included under verification.

A. Television Broadcast Receivers

6. MST, while not directly opposing verification of television broadcast receivers, expressed its concern that such action would "* * * signal a weakening of the Commission's commitment to enforcement of its rules relating to receiver performance." Similarly, NAB stated that there is a need for continued vigilance in the area of UHF noise figure compliance. These concerns were expressed by the Commission in the NPRM. As stated in the NPRM, we will continue to enforce the all-channel regulations, the peak picture sensitivity standards and the UHF tuner noise figure requirement as well as the other requirements. We will continue to require the reporting to this Commission of the annual UHF noise figure performance report. Our expanded sampling program is one way we will determine if these rules are being violated. In addition, it is likely that a vigilant and highly competitive industry will be quick to bring violations to our attention. Thus, we can assure manufacturers and consumers that the

[1] Gen. Docket 82–242, Report and Order, released January 21, 1983, FCC 83–3, 48 FR 3614 published January 26, 1983.

[2] Gen. Docket 83–10, Notice of Proposed Rule Making, released January 21, 1983, FCC 83–4, 48 FR 4298 published January 31, 1983.

[3] A list of those filing comments and reply comments is included as Appendix B, attached, along with the abbreviations used in this Order for discussion.

receiver performance standards will continue to be enforced.

B. FM Broadcast Receivers

7. Mura suggested that certification be retained in the case of "personal" FM receivers—defined by Mura as receivers designed for personal, portable use and that include a headphone and a DC battery power source of three volts or less. Mura based its comment on its evaluation of imported FM receivers. They claim they have found that some of these receivers produced spurious emissions falling on frequencies throughout the 80 to 300 MHz region that are as great as ten times the levels permitted under § 15.63 of the regulations. It is argued that the difficulty of complying with this regulation increases as the size of the receiver decreases and, further, that there is a motivation to market noncomplying receivers due to the cost of meeting the specified emission limitations. Mura also points out that interference problems have not resulted in the past because the technical review associated with certification has provided a reasonably high degree of assurance that the manufacturers of noncomplying receivers would not be successful in their attempts to obtain approval for their equipment. Under verification, by the time a sample of a particular model could be obtained and tested, mass market distribution could be well underway. Thus, Mura concludes that there appears to be a need for pre-marketing equipment review for these receivers.

8. While we are sympathetic to the concerns of Mura, our experience is that these receivers do not generate a high level of interference. There are hundreds of thousands of the type of receiver defined by Mura as well as other types of small, inexpensive FM receivers already in use by the public without significant interference problems. We are not convinced that the requirement for certification, by itself, has prevented the marketing and use of noncomplying receivers. As we have had a very limited sampling program for this equipment in the past, relying on the submitted measurement data for evaluation, a manufacturer who wished to market a cheaper, noncomplying receiver could easily have done so. Further, we feel that it is not the size of the receiver that relates to its ability to comply with our regulations but rather the cost of that equipment. Thus, any attempt to add an additional evaluation of FM broadcast receivers should concentrate on the lower cost receivers as opposed to receivers of a specific design style. An extremely large number of these lower cost receivers are already in use by consumers without a significant number of harmful interference problems.[4] Should interference problems develop in the future, our sampling efforts would be increased for this equipment and we would rely on the enforcement process to control the marketing of noncomplying equipment.

II. Notification

9. The equipment proposed for inclusion under notification was limited to low power transmitters which have generated little or no interference problems, certain receivers, fixed point-to-point transmitters, and most broadcast transmitters. Our proposal for the type of equipment to be included under notification was very selective in order to minimize any interference potential which could be caused by a decrease in the technical review of the equipment.

A. Radio Receivers

10. Under Part 15 of the rules (Radio Frequency Devices), we proposed notification for radio receivers in the frequency range of 30 to 890 MHz, excluding receivers associated with garage door openers and security alarm systems, all superregenerative receivers, and "scanners".[5] Comments were requested as to how "scanners" could be differentiated from receivers which scan a priority channel or FM broadcast receivers with "seek and scan" tuning capability. While no comments were received on this latter point, we have attempted to incorporate an appropriate definition in Part 15, retaining "scanners" under certification.

11. Only one comment was received on the inclusion of receivers under notification. OKI urged us to reconsider this portion of our proposal, suggesting the potential of interference to land mobile communications. However, we have not experienced any substantial interference problems from receivers with the exception of superregenerative receivers, scanners and receivers in the Citizens Band (CB) Radio Service. Those specific categories of receivers will be retained under certification. While OKI has not submitted any evidence to indicate that the remaining receiver types present a potential interference problem, we will increase our level of pre-grant and post-grant sampling as well as requiring, in some instances, the submission of measurement data before a grant of notification is issued for those receiver types which are discovered to cause interference. This action should suffice in continuing to keep interference from receivers to a minimum level. Therefore, we will place the specified receivers under notification, as proposed in the NPRM.

B. Fixed Point-to-Point Microwave Transmitters

12. Fixed point-to-point microwave transmitters operated under rule Parts 21, 74, 78 and 94[6] were proposed for inclusion under notification because they are operated at specific locations, and therefore, any interference would be confined to a relatively small area.[7] Thus, it would be a simple matter to locate the source of the interference problems. Harris has requested that notification also be applied to mobile point-to-point microwave transmitters operated under Subpart F of Part 74 because some of the equipment used under that subpart is designed for both mobile and fixed operations. Harris was concerned that should the Commission approve a transmitter under notification, the user would be precluded from using that equipment for mobile operations. The user would have to determine the type of authorization under which the transmitter was approved to see if it could be used for mobile operation. Harris felt that this would require some equipment to obtain two forms of authorization: notification for fixed use and type acceptance for mobile use. However, this is not the case. We desire to retain mobile microwave transmitters under type acceptance, at least in the introductory stages of implementing notification, because of the difficulty in locating this equipment should interference result. However, transmitters designed for both mobile and fixed operation will not be required to obtain two types of equipment authorizations. As shown in Section 2.904(d) in Appendix C, equipment authorized under type acceptance, certification or type approval is also considered to be authorized under

[4] Usually, when an FM receiver fails to comply with the regulations it is due to a single frequency emission that does not substantially exceed our emission limitations. This may account for the lack of major interference problems. We would welcome any technical information from Mura explaining their concerns.

[5] "Scanners" were retained under certification because their emissions sweep through a broad range of frequencies increasing the likelihood of interfering with another radio service.

[6] Part 21—Domestic Public Fixed Radio Services; Part 74—Experimental Auxiliary, and Special Broadcast and Other Program Distributional Services; Part 78—Cable Television Relay Service; Part 94—Private Operational-Fixed Microwave Service.

[7] Part 74 television pickup stations and other mobile microwave operations were not considered for notification.

notification. Therefore, the manufacturer of a transmitter designed for mobile or for both mobile and fixed operation need only obtain a grant of type acceptance.

13. At this point we would like to note that the recent Second Report and Order in General Docket 79–188 [8] authorized the use of 18 GHz for aural broadcast STLs operated under Subpart E of Part 74. That Order required that a grant of type acceptance be obtained for the equipment. While the proposed rule changes in the NPRM to this proceeding did not mention this equipment as it had not yet been approved for operation, the NPRM did propose that fixed point-to-point microwave transmitting equipment under Part 74 be included under notification. We therefore feel that our earlier proposal also encompassed this fixed point-to-point 18 GHz equipment and have amended the regulations to allow approval under notification.

14. Harris has requested that further clarification be given to the proposed § 2.975(a)(2)(v) which requires that the modulated emission utilized for microwave transmissions be described whenever an application for notification was filed.[9] Harris apparently felt that the wording of this rule section did not make it clear as to whether an emission designator was sufficient or if some additional explanation was needed. To avoid any possible confusion, we have changed the wording of that regulation to show that an explanation of the method of modulation is needed.

15. Harris also requested that the Commission require the filing of certain measurement data with an application for notification of a microwave transmitter in order to facilitate radio frequency coordination. Specifically, Harris has requested the filing of the transmitter frequency stability, power output limit, and the emission spectrum data in power density per unit bandwidth. It is argued that this information could be used in the process of new station licensing and could improve the ease of our sampling process. It should be noted immediately that the Commission already requires the submission of frequency stability and rated power output on the application for equipment authorization. We therefore assume that Harris is requesting merely the addition of the emission spectrum data. This request is rejected for a number of reasons. First, the concept of requiring, as a matter of routine, an applicant to submit measurement data whenever a "first time" application is made for a radio service was considered and dismissed an unnecessary in Gen. Docket 82–242.[10] Second, there is no need, on a routine basis, to compare this data with the data obtained from a sample. The sample would only be required to comply with the applicable regulations and would not have to meet or exceed the data obtained by the manufacturer prior to application for notification. Third, a potential licensee can certainly obtain this information from the equipment manufacturer. Thus, the additional paperwork and recordkeeping on the part of both the applicant and the Commission does not appear to be warranted.

III. Other Equipment Categories

16. Some comments to the NPRM requested that verification or notification be extended to cover additional equipment. We are not inclined to adopt those suggestions at this time. We have, as noted above, carefully selected the equipment proposed. Our reasons for selecting the equipment proposed are not applicable to the additional equipment suggested by the commenters. Until we have an opportunity to study our new procedures in practice, we do not believe further relaxation of our equipment authorization requirements is warranted. Nevertheless, this proceeding does not represent our final consideration of equipment to be placed under either notification or verification. As we stated in paragraph 19 of the NPRM, "[o]nce both notification and the sampling program have become firmly established, it is possible that we would reconsider changing the required level of authorization for additional categories of equipment." We will therefore take into account any proposals made by the commenters in such future considerations.

IV. Equipment Sampling

17. The greatest number of comments expressed concern that the equipment sampling program be expanded as indicated in the NPRM. Indeed, most of those supporting the placement of certain equipment under notification or verification did so on the sole condition that the Commission increase its sampling of equipment. As stated by EIA/CEG and reiterated in the reply comment from Harris:

> Consumers expect manufacturer compliance with existing FCC regulations. Manufacturers also depend upon the compliance of their competitors to assure fair product competition in the marketplace. FCC sampling may provide a cost-effective method of assuring compliance.

Harris, MST and NAB have urged us to make a commitment to allocate the necessary resources to institute and maintain a well-designed sampling program. Rockwell states that the sampling program must be strengthened to consider notification and that sampling of equipment actually marketed to the public (as opposed to laboratory prototypes) will improve our ability to determine effective equipment compliance. OKI urges us to increase our sampling for all radio equipment regardless of the type of equipment authorization. MST urges us to describe and give the public an opportunity to comment on the resources that would be devoted to the expanded sampling program and the enforcement sanctions we proposed to utilize. This request has been made only to determine if a sufficient effort would be applied to sampling. MST has stated that (1) "the Commission's commitment to expand its sampling * * * must not be simply an 'initial' commitment, but an ongoing one"; (2) " The Commission must make a public commitment that adequate resources will be provided for the sampling program to make it effective"; (3) "in order to make the sampling program effective as a deterrent, the Commission should make a stronger commitment to enforcement of appropriate sanctions for violations of the regulations."

18. As noted earlier, to minimize the risk of harmful interference the actions taken today are premised on an expanded sampling program. Indeed, these actions have already taken personnel resources into account. It is neither appropriate nor helpful to submit for comment the question of precisely what level of resources we should apply. We intend to increase our level of sampling for all types of radio frequency equipment, regardless of the type of equipment authorization. Sampling will consist of both pre-grant and post-grant testing of equipment and may, in the case of equipment subject to notification

[8] Gen. Docket 79–188, Second Report and Order, released September 30, 1983, FCC 83–392, 48 FR 50322 published November 1, 1983.

[9] At the present time, an applicant for an equipment authorization is required to submit an emission designator for the equipment. In many cases, that designator is not sufficient to accurately describe the type of modulation (for example, F9 relates to FM modulation of a type not described in the table of emission designators). When this happens, it is necessary for the Commission to contact the applicant and have him submit additional information to fully describe the type of emission employed. This is a common practice with microwave transmitters. In order to avoid the delay that would be caused by having to contact the applicant to submit additional information, this requirement is being placed in the regulations so that the applicant can be alerted before the application for notification is filed.

[10] Gen. Docket 82–242, *op. cit.*, ¶ 14.

or vertification, also consist of requesting and reviewing the measurement data demonstrating compliance with the regulations. The type of equipment to be sampled will be based on interference reports and data on equipment technical violations received from the Field Operations Bureau as well as other information obtained from trade shows, complaints from the public, and any other source of reliable information that may demonstrate a need to test specific equipment. We feel that our commitment will satisfy the concerns of those commenting.

V. Enforcement

19. Our marketing regulations require, with a few exceptions, that radio frequency devices subject to the technical standards in our rules comply with those standards when the devices are marketed.[11] In addition, if the rules require the device to have a grant of equipment authorization, our marketing rules require the manufacturer/vendor to obtain the appropriate equipment authorization as a prerequisite to marketing. The sampling program will be used to ensure that compliance with the appropriate regulations continues. The Communications Act of 1934, as amended (47 U.S.C. 501–503), allows us some flexibility in prosecuting violations of the regulations. We intend to use this authority, especially the direct forfeiture authority contained in Section 503 and implemented in Section 1.80 *et seq.* of the Rules, to the greatest extent possible when noncompliance is found by our sampling program. This action, in combination with the ability to revoke a grant of authorization, should deter the entry into the markeplace of noncomplying equipment.

20. While NAB believes that the probability of a revocation of an equipment authorization encourages manufacturers to comply with our regulations, NAB, along with Harris and MST, also feels that once equipment has been purchased by consumers, there is no effective method of recalling these devices. We share this concern but point out that we are relaxing the type of equipment authorization only for those devices that would cause few interference problems. This, of necessity, has prevented a large number of consumer devices, other than certain receivers, from being included in this proceeding. In addition, should noncomplying devices be marketed, we have the authority to take forfeiture action not only against the manufacturer but against every party in the marketing chain down to the retail level. The threat of such action combined with attendant publicity has proved efficacious in the past. Thus, the degree of proliferation of noncomplying equipment can be minimized. Fortunately, the majority of equipment suppliers attempt to follow our regulations making these enforcement actions unnecessary in most cases.

[11] Subpart I, Part 2 of the Rules (47 CFR 2.801 *et seq.*)

VI. Implementation

21. As stated in the NPRM, we intend to make these regulations effective at the earliest possible date. These rules will accelerate the issuance of an equipment authorization, will reduce the amount of paperwork required to be submitted to us, and will reduce our processing time for equipment authorizations. These rules will not affect the marketing or operational status of equipment approved under any earlier, more stringent equipment authorization. Applications already on file will be treated in the following manner: equipment subject to verification may be marketed as soon as the applicant is satisfied that the equipment complies with our regulations without waiting for further Commision response; equipment subject to notification must still obtain a grant of authorization prior to marketing but the application on file with the Commission will suffice as the application for notification if the original application is for the procedure required at the time of its filing, i.e., for type acceptance, certification or type approval.

22. *Final Regulatory Analysis*

I. Need for and objective of rules

The rule changes shown in Appendix C will place equipment under the recently instituted notification equipment authorization procedure and under the existing verification procedure. The objective is to reduce the amount of time needed for an applicant to obtain an equipment authorization while, at the same time, allowing the Commission some flexibility with its staff resources. A sampling program will also be instituted to strengthen the equipment authorization program.

II. Summary of Issues Praised in Comments on Initial Analysis

No issues were raised in public comment or in the agency assessment.

III. Significant Alternatives

None.

Rule Amendments

23. The rules being adopted in this proceeding are shown in the attached Appendix C. These regulations are almost identical to those proposed in the earlier notice in this docket with the exception of some changes for clarification and to clear up some ambiguities discovered since the release of the NPRM. A number of benefits to the manufacturer, and ultimately the consumer, include the ability to market equipment at an earlier date and the savings produced from this earlier marketing, the ability to plan more effectively a marketing penetration date, and the deletion of the submission of a measurement data report to the Commission. At the same time, the Commission will be able to concentrate its resources in the areas of the equipment authorization program where they are most needed, i.e., equipment sampling and reduction of equipment authorization application backlog.

Conclusion

24. In view of the foregoing, we find that the amended rules as shown in the attached Appendix C are in the public interest, convenience and necessity. The authority for these amendments is contained in Sections 4(i), 302, 303(e), 303(f) and 303(r) of the Communications Act of 1934, as amended. Accordingly, it is ordered, effective March 5, 1984, that Parts 2, 5, 15, 21, 73, 74, 78 and 94 are amended as set out in Appendix C and that all other requests for amendments, as detailed above, are denied. It is further ordered that the proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

The following is a summary of the changes in equipment authorization:

Rule part	Category of equipment	Former authorization	New authorization
5	Wildlife tracking transmitters	Type acceptance	Notification.
	Ocean buoy tracking and telemetry transmitters	Type acceptance	Notification.
15	Receivers from 30 to 890 MHz *excluding* superregenerative receivers, TV and FM broadcast receivers and scanners.	Certification	Notification.
	TV and FM broadcast receivers	Certification	Verification.
21	Fixed point-to-point microwave transmitters	Type acceptance	Notification.
73[1]	AM antenna phase monitors	Type approval	Notification.
	Broadcast transmitters	Type acceptance	Notification.
74	Fixed point-to-point microwave transmitters	Type acceptance	Notification.
78	Fixed point-to-point microwave transmitters	Type acceptance	Notification.

Rule part	Category of equipment	Former authorization	New authorization
94	All microwave transmitters	Type acceptance	Notification

[1] AM stereophonic exciter-generators and encoders for the Emergency Broadcast System (EBS) are retained under type acceptance. Decoders for the EBS are retained under certification.

Appendix B

Comments in this proceeding were filed by:

1. Association of Maximum Service Telecasters, Inc. (MST).
2. Broadcast Microwave Operations and Farinon Divisions of the Harris Corporation (Harris).
3. Collins Transmission Systems Division; Rockwell International Corporation (Rockwell).
4. Colormax Electronic Corporation (Colormax).
5. Computer and Business Equipment Manufacturers Association (CBEMA).
6. Comsumer Electronics Group of the Electronic Industries Association (EIA/CEG).
7. Electrohome, Ltd. (Electrohome).
8. Mura Corporation (Mura).
9. National Association of Broadcasters (NAB).
10. OKI Advanced Communications (OKI).

Reply Comments were filed by:

1. Broadcast Microwave Operations and Farinon Divisions of the Harris Corporation (Harris).

Appendix C

PART 2—[AMENDED]

A. Title 47 of the Code of Federal Regulations, Part 2, is amended as follows:

1. Section 2.904 is amended by adding a new paragraph (d) to read as follows:

§ 2.904 Notification.

* * * * *

(d) For equipment which requires a grant of notification, authorization under type acceptance, type approval, or certification shall be deemed to constitute authorization of the equipment under notification.

§§ 2.911, 2.912, and 2.913 Removed.

2. Sections 2.911, 2,912 and 2.913 are removed.

3. Section 2.975 is amended by adding a new paragraph (a)(2)(v) and by revising paragraphs (a)(2)(iii) and (a)(2)(iv), to read as follows:

§ 2.975 Application for notification.

(a) * * *
(1) * * *
(2) * * *
(i) * * *
(ii) * * *
(iii) Rated frequency tolerance (if applicable);
(iv) Rated radio frequency power output, if applicable (if variable, give the range) and
(v) If the equipment is a microwave transmitter, an explanation of the type of modulation employed and of the resulting emission.

* * * * *

4. Section 2.977 is amended by adding a new paragraph (c) to read as follows:

§ 2.977 Changes in notified equipment

* * * * *

(c) Notwithstanding the provisions of paragraph (b) of this Section, permissive changes to tansmitters notified for operation under Part 73 of this Chapter include the following:

(1) The interfacing of a type accepted AM broadcast stereophonic exciter-generator with a notified AM broadcast transmitter in accordance with the manufacturer's instructions and upon completion of equipment performance measurements showing that the modified transmitter meets the minimum performance requirements applicable thereto.

(2) The interconnection of a utility load management exciter with a notified AM broadcast transmitter in accordance with the manufacturer's instructions and completion of equipment performance measurements showing the transmitter meets the minimum performance requirements applicable thereto.

(3) The addition of FM broadcast subcarrier generators under the provisions of §§ 73.293, 73.319 and 73.1690 of Part 73 of the Rules to a notified FM broadcast transmitter provided the transmitter exciter is designed for subcarrier operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(4) The addition of FM stereophonic sound generators under the provisions of §§ 73.297, 73.597 and 73.1690 of Part 73 of the Rules to a FM broadcast transmitter notified for stereophonic operation provided the transmitter exciter is designed for stereophonic sound operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(5) The addition of subscription TV encoding equipment for which the FCC has granted advance approval under the provisions of § 2.1400 in Subpart M and § 73.644(c) of Part 73 of this Chapter to a notified transmitter.

PART 5—[AMENDED]

B. Title 47 of the Code of Federal Regulations, Part 5, is amended as follows:

1. Section 5.109 is revised to read as follows:

§ 5.109 Acceptability of transmitters for licensing.

All transmitters used at stations licensed for wildlife and ocean buoy tracking and telemetering operations pursuant to § 5.108 shall be type accepted or notified pursuant to Subpart J of Part 2 of this Chapter. After March 5, 1984, only grants of notification will be issued for equipment authorized for use in this service.

PART 15—[AMENDED]

C. Title 47 of the Code of Federal Regulations, Part 15, is amended as follows:

1. Section 15.4 is amended by adding a new paragraph (t) to read as follows:

§ 15.4 General definitions.

* * * * *

(t) *Scanning receiver.* For the purpose of this rule part, this is a receiver which automatically switches between four or more frequencies in the range of 30 to 890 MHz and which is capable of stopping at and receiving a radio signal detected on the frequency. Receivers designed solely for the reception of the broadcast services under Part 73 of the regulations are exempted from this definition.

2. A new § 15.36 is added to read as follows:

§ 15.36 Notification.

When the rules in this Part require a device to be notified, application therefor shall be filed on FCC Form 731 pursuant to the procedures set out in Subpart J of Part 2 of this Chapter.

3. Section 15.41 is amended by revising paragraph (a) to read as follows:

§ 15.41 Identification of an authorized device.

(a) Each device authorized under a grant of equipment authorization issued by the Commission under this Part shall be labeled pursuant to Subpart J of Part 2 of this Chapter.

* * * * *

4. Section 15.46 is amended by adding a new paragraph (d) to read as follows:

§ 15.46 Photographs required.

* * * * *

(d) Photographs are not required for equipment subject to notification or verification, unless specifically requested.

5. Section 15.49 is amended by adding a new paragraph (c) to read as follows:

§ 15.49 Changes in an authorized device.

* * * * *

(c) Changes in a notified device may be made pursuant to § 2.977 of Part 2 of this Chapter.

6. Section 15.66 is amended by revising paragraphs (b) and (c), to read as follows:

§ 15.66 All-channel television broadcast reception: Noise figure.

* * * * *

(b) *Noise figure to be compiled by the manufacturer.*

(1) The manufacturer shall measure the noise figure of a number of UHF channels of the test sample to give reasonable assurance that the UHF noise figure for each channel complies with the limits in paragraph (a) of this section.

(2) The manufacturer shall insert in his files a statement explaining the basis on which he will rely to insure that at least 97.5 percent of all production units of the test sample that are manufactured have a noise figure within the limits in paragraph (a) of this section.

(c) *Followup proof of performance for a TV receiver certificated or verified after October 1, 1979.* Within one year after a specific TV receiver model has been certificated or verified, the manufacturer shall file a report giving the actual UHF noise figure performance of units of that model actually measured during that year. In the case of verified equipment, the report may be filed by the manufacturer or, alternatively, by the party responsible for the marketing of that model in this country.

* * * * *

7. Section 15.69 is amended by revising the title and text to read as follows:

§ 15.69 Equipment authorization for a receiver.

(a) Each radio receiver that tunes (operates) on a frequency between 30 to 890 MHz and each CB receiver, as defined in Section 15.59, shall have the necessary equipment authorization as listed in paragraph (b) below to show compliance with the technical specifications of this Part. The equipment authorization is a prerequisite of marketing, pursuant to Subpart I of Part 2 of this Chapter.

(b) The necessary form of equipment authorization is listed below:

Type of receiver	Equipment authorization required
1. TV broadcast receiver	Verification.
2. FM broadcast receiver	Verification.
3. CB receiver	Certification.
4. Receiver using superregenerative circuitry.	Certification.
5. Receiver, regardless of the type of circuitry, associated with a garage door opener or a security alarm system.	Certification.
6. Scanning receiver	Certification.
7. All other receivers subject to Part 15, Subpart C.	Notification.

(c) For details concerning the several types of equipment authorizations, see Part 2, Subpart J of this Chapter.

8. Section 15.70 is amended by revising the introductory text to read as follows:

§ 15.70 Comparability of tuning information to be submitted pursuant to § 15.45(b).

In the case of a television receiver designed to meet the requirements of § 15.68, the information required by § 15.45(b) shall include the material listed below. For a television receiver subject to verification, this information need not be reported to the Commission unless specifically requested.

* * * * *

9. Section 15.71 is amended by revising the title and text to read as follows:

§ 15.71 Identification of a receiver.

(a) A receiver subject to notification or certification in accordance with § 15.69 shall be identified pursuant to §§ 2.925, 2.926, 2.979, and 2.1045 of this Chapter.

(b) Receivers subject to verification must be uniquely identified but do not need to follow a format specified by the Commission. The FCC identifier, as defined in § 2.926 of this Chapter, shall not be used on verified receivers.

10. Section 15.72 is amended by revising the title and by adding new paragraphs (a)(4) and (b)(3), to read as follows:

(a) * * *

(1) * * *

(2) * * *

(3) * * *

(4) A television receiver manufactured after March 5, 1984 shall continue to comply with the requirements of this Section except that receiver shall be subject to verification instead of certification.

(b) * * *

(1) * * *

(2) * * *

(3) A receiver manufactured after March 5, 1984 shall be subject to the form of equipment authorization specified in § 15.69.

11. Section 15.75 is amended by revising the introductory text in paragraph (b) to read as follows:

§ 15.75 Measurement procedure.

* * * * *

(b) The following methods of measurement are considered acceptable procedures for testing receivers to demonstrate compliance with the requirements of this subpart:

* * * * *

12. Section 15.76 is amended by revising the introductory text and paragraph (a), to read as follows:

§ 15.76 Report of measurements: FM broadcast receiver.

When specifically requested by the Commission to submit a report of measurements for a FM broadcast receiver or the FM broadcast band in a multiband broadcast receiver, that report shall include the following:

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the company responsible for ensuring compliance under verification (if different), the trade name (if any), the model number and the serial number (if any).

* * * * *

13. Section 15.77 is amended by revising the introductory text and paragraph (a), to read as follows:

§ 15.77 Report of measurements: TV receiver.

When specifically requested by the Commission to submit a report of radiated and conducted emission measurements for a TV broadcast receiver or the TV band in a multiband broadcast receiver, that report shall include the following:

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the name or the company responsible for ensuring compliance under verification (if different), the trade name (if any), the model number, and the serial number (if any).

* * * * *

14. Section 15.78 is amended by revising the introductory text to read as follows:

§ 15.78 Report of measurements: Multiband broadcast receiver.

When specifically requested by the Commission to submit a report of measurements for a multiband broadcast receiver, i.e., a receiver that includes reception capability in communications bands as well as in one

or more broadcast bands, that report shall include the following:

* * * * *

15. Section 15.79 is amended by revising the introductory text and paragraph (a), to read as follows:

§ 15.79 Report of measurements: Receivers other than FM or TV.

The report of measurements for a receiver other than a FM or TV broadcast receiver and for each band in the range 30–890 MHz in a multiband broadcast receiver shall include the information listed below if the receiver is subject to certification pursuant to § 15.69. If the receiver is subject to notification or verification, that report of measurements, including the information listed below, shall be submitted to the Commission only if it is specifically requested.

(a) Specific identification of the receiver that was measured including the name and address of the manufacturer, the name of the applicant for an equipment authorization or, in the case of verification, the name of the company responsible for ensuring compliance of the equipment (if different from the manufacturer), the trade name (if any), the model number and the serial number (if any).

* * * * *

§ 15.81 Removed.

16. Section 15.81 is removed.

17. Section 15.82 is revised to read as follows:

§ 15.82 Interference from a radio receiver.

The operator of a radio receiver, regardless of tuning range, date of manufacture, or equipment authorization, which causes harmful interference shall promptly take steps to eliminate the harmful interference.

18. Section 15.177 is amended by revising paragraph (d) to read as follows:

§ 15.177 Equipment authorization required.

* * * * *

(d) The receiver associated with a radio telemetering device must be certificated or notified, as shown in § 15.69, pursuant to Subpart B to show compliance with Subpart C of this Part.

19. Section 15.235 is amended by revising the title and text to read as follows:

§15.235 Equipment authorization requirement.

Both the base station and portable handset of a cordless telephone shall be authorized by the Commission pursuant to the procedures in Subpart J of Part 2. Authorization is prerequisite for legal marketing and use. The transmitter portion of the cordless telephone shall be certificated to show compliance with the requirements in §§ 15.231–15.237, inclusive. The receiver portion shall be notified to show compliance with the requirements in Subpart C of this Part. A single application for certification and notification *(FCC Form 731)* may be filed for a cordless telephone system provided it clearly identifies and provides data for all parts of the system to show compliance with the applicable technical requirements.

Note.—A cordless telephone, which is intended to be connected to a public telephone network shall also comply with regulations in Part 68 of this Chapter. A separate application for registration under Part 68 is required.

20. Section 15.236 is revised to read as follows:

§ 15.236 Labelling and identification requirements for a cordless telephone.

Both the base station and portable handset of a cordless telephone system shall be identified and labelling pursuant to §§ 2.925, 2.926, 2.979 and 2.1045 of the Part 2 of this Chapter. In addition, the label attached to the cordless telephone base station shall contain the following statement:

This cordless telephone system operates under Part 15 of FCC Rules. Privacy of communications may not be ensured when using this phone. Operation is subject to two conditions: (1) It may not interfere with radio communications; and (2) it must accept any interference received, including that which may cause undesirable operation.

When a single application for certification and notification of a cordless telephone system is submitted in accordance with § 15.236, both the base station and portable handset may carry the same FCC Identifier.

21. Section 15.333 is amended by revising paragraph (b) to read as follows:

§ 15.333 Operation in the band 72–76 MHz.

* * * * *

(b) A receiver may be operated as part of an auditory assistance system provided it meets the technical specifications in §§ 15.361–15.367 inclusive and is approved pursuant to § 15.345.

22. Section 15.335 is amended by revising paragraph (a) to read as follows:

§ 15.335 Operation in the band 88–108 MHz.

(a) An auditory assistance system may be operated in the band 88–108 MHz provided the transmitter meets the technical specifications in § 15.162 (a), (b), (c) and (d), the receiver meets the technical specifications in § 15.63, the transmitter is certificated, and the receiver is certificated or notified pursuant to the provisions of § 15.69.

* * * * *

23. Section 15.337 is revised to read as follows:

§ 15.337 Operation on other frequencies.

(a) An auditory assistance system may be operated on any frequency available under this part: *Provided,* The transmitter and receiver parts of the system meet the applicable technical specifications of this Part and have obtained the necessary equipment authorizations.

(b) An auditory assistance system may be operated as a licensed station in an authorized radio service: *Provided,* The transmitter meets the applicable regulations of such service and is type accepted and the receiver is approved pursuant to § 15.345.

24. The title and text of § 15.345 are revised to read as follows:

§ 15.345 Authorization of a receiver.

A receiver operating in the range 30–890 MHz as part of an auditory assistance system shall be certificated or notified as shown in § 15.69 pursuant to Subpart B of this Part to show compliance with the technical specifications of this subpart.

25. The text of § 15.375 is revised to read as follows:

§ 15.375 Identification of auditory assistance equipment (72–76 MHz).

Each transmitter and each receiver operated as part of an auditory assistance system in the band 72–76 MHz for which applications for an equipment authorization are filed on or after May 1, 1981 shall be individually identified pursuant to §§ 2.925, 2.926, 2.979 and 2.1045 of this Chapter. The FCC Identifier for such equipment will be validated by the grant of equipment authorization issued by the Commission. The nameplate or label of the transmitter and receiver shall contain the following statement:

This device complies with FCC Rules Part 15. Operation is subject to the following two conditions: (1) This device may not cause harmful interference and (2) this device must accept any interference that may be received including interference that may cause undesired operation.

PART 21—[AMENDED]

D. Title 47 of the Code of Federal Regulations, Part 21, is amended as follows:

1. Section 21.120 is amended by revising the title and paragraphs (a), (b) and (c), to read as follows:

§ 21.120 Authorization of transmitters.

(a) Except for transmitters used at developmental stations or for fixed point-to-point operation pursuant to Subpart I, each transmitter shall be a type which has been type accepted by the Commission for use under the applicable rules of this Part. Transmitters used in the point-to-point microwave service under Subpart I for fixed operation shall be of a type which has been either notified or type accepted by the Commission [see § 2.904(d) of this Chapter]. Effective March 5, 1984, only grants of notification will be issued for transmitters used exclusively for fixed point-to-point operation.

(b) Any manufacturer of a transmitter to be produced for use under the rules of this Part may request type acceptance or notification by following the applicable procedures set forth in Part 2 of this Chapter. Type accepted and notified transmitters are included in the Commission's Radio Equipment List. Copies of this list are available for inspection at the Commission's office in Washington, D.C. and at each of its field offices.

(c) Type acceptance or notification for an individual transmitter may also be requested by an applicant for a station authorization, pursuant to the procedures set forth in Part 2 of this Chapter. An individual transmitter will not normally be included in the Radio Equipment List but will be enumerated on the station authorization.

* * * * *

PART 73—[AMENDED]

E. Title 47 of the Code of Federal Regulations, Part 73, is amended as follows:

1. Section 73.44 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 73.44 AM transmission system emission limitations.

(a) Stations using main transmitters type accepted or notified after January 1, 1960 must meet the following emission limitations:

* * * * *

2. Section 73.51 is amended by revising the introductory text of paragraph (c)(2) to read as follows:

§ 73.51 Determining operating power.

* * * * *

(c) * * *

(1) * * *

(2) A showing that the transmitter has been type accepted or notified for operation at the proposed power output level, or, in lieu thereof:

* * * * *

3. Section 73.53 is amended by removing paragraph (b), designating it as [Reserved], and by revising the title, the introductory text of paragraph (c) and paragraphs (a)(1), (a)(2), (c)(9) and (c)(11), to read as follows:

§ 73.53 Requirements for authorization of antenna monitors.

(a) General requirements:

(1) Antenna monitors shall be type approved or notified by the FCC. Effective March 5, 1984, only grants of notification will be issued for antenna monitors.

(2) Notification can be obtained by following the procedures specified in Subpart J of Part 2 of the FCC's Rules.

(b) [Reserved]

(c) An antenna monitor eligible for authorization by the FCC shall meet the following specifications:

* * * * *

(9) The monitor, if intended for use by stations operating directional antenna systems by remote control or using extension meters to observe the monitor indications, shall be designed so that the switching functions required by subparagraph (c)(7) of this Section may be performed from a point external to the monitor and phase and amplitude indications be provided by external meters. The indications of external meters furnished by the manufacturer shall meet the specifications for accuracy and repeatability of the monitor itself, and the connection of these meters to the monitor, or of other indicating instruments with electrical characteristics meeting the specifications of the monitor manufacturer shall not affect adversely the performance of the monitor in any respect. The type approval or notification designations and the instruction manuals for monitors not designated for external switching of the indications as specified in this Paragraph shall clearly show that the monitors are not acceptable for use at stations using remote control for the operation of directional antennas or extension meters to read and log the monitor indications.

(10) * * *

(11) The monitor must be accompanied by complete and correct schematic diagrams and operating instructions when submitted for type approval. When approved under notification, these materials shall be retained by the applicant and not submitted unless otherwise requested by the FCC. For the purpose of the equipment authorization, these diagrams and instructions shall be considered as part of the monitor.

* * * * *

4. Section 73.68 is amended by revising the introductory text of paragraph (b) to read as follows:

§ 73.68 Sampling systems for antenna monitors.

* * * * *

(b) Each license or modified license issued pursuant to an application containing a satifactory showing that a sampling system has been constructed complying with the requirements set forth in Paragraph (a) (1) and (2) of this Section, and that an antenna monitor of a make and type approved or notified by the FCC has been installed, will be conditioned to exempt the licensee from compliance with the rules which require:

* * * * *

5. Section 73.69 is amended by revising the introductory text of paragraph (a) and paragraph (a)(2), to read as follows:

§ 73.69 Antenna monitors.

(a) Each station using a directional antenna must have in operation at the transmitter site an FCC authorized antenna monitor. However, if the station authorization sets specific tolerances within which the phase and amplitude relationships must be maintained, or requires the use of a monitor of specified repeatability, resolution or accuracy, the antenna monitor used will be authorized on an individual basis.

(1) * * *

(2) The antenna monitor installed at a station operating a directional antenna by remote control, using extension meters to read and log the monitor indications, or when the monitor is installed in the antenna field at a distance from the transmitter, must be designed and authorized for such use in accordance with the provisions of § 73.53(c)(9).

* * * * *

6. Section 73.317 is amended by revising paragraph (f)(2) to read as follows:

§ 73.317 Transmission system requirements.

* * * * *

(f) * * *

(1) * * *

(2) The station equipment must be operated, tuned, and adjusted so that any emissions outside of the authorized channel do not cause harmful interference to the reception of other radio stations. FM broadcast stations employing transmitters authorized after January 1, 1960, shall maintain the

bandwidth occupied by their emissions in accordance with the specifications set forth in paragraph (a) of this Section. Stations using transmitters installed or type accepted prior to January 1, 1960 must achieve the highest degree of compliance practicable with their existing equipment. In either case, should harmful interference to the reception of other radio stations occur, the licensee will be required to take such further steps as may be necessary to eliminate the interference.

* * * * *

7. Section 73.1660 is amended by revising the title and paragraphs (a), (b), (d) and (e), to read as follows:

§ 73.1660 Acceptability of broadcast transmitters.

(a) A transmitter may be type accepted or notified upon the request of any manufacturer of transmitters following the procedures described in Part 2 of the FCC Rules. If acceptable, the transmitter will be included in the FCC's "Radio Equipment List, Equipment Acceptable for Licensing". After March 5, 1984, these transmitters shall be authorized under notification. Transmitters authorized under type acceptance or notification are acceptable for use in this service.

(b) A permittee or licensee planning to install and use as a main transmitter one not included on the FCC's "Radio Equipment List" must obtain authority to use such a transmitter by filing an application for a construction permit on FCC Form 301 (FCC Form 340 for noncommercial educational stations). The application must include a complete description and circuit diagram of the transmitter, description of the carrier frequency determining circuits, complete operating parameters, and measurement data as would be required for a grant of type acceptance.

(c) * * *

(d) AM stereophonic exciter-generators for interfacing with type accepted or notified AM transmitters may be type accepted upon request from any manufacturer by the procedures described in Part 2 of the FCC Rules. AM station licensees will not be authorized to use composite or non-type accepted or non-notified AM stereophonic transmitting equipment under the provisions of paragraphs (b) and (c) of this section.

(e) Additional rules covering type acceptance and notification, modification of authorized transmitters, and withdrawal of a grant of authorization are contained in Part 2 of the FCC Rules.

8. Section 73.1665 is amended by revising paragraph (c) to read as follows:

§ 73.1665 Main transmitters.

* * * * *

(c) A licensee may, without further authority or notification to the FCC, replace an existing main transmitter or install additional main transmitter(s) for use with the authorized antenna if the replacement or additional transmitter(s) is type accepted or notified as shown in the FCC's "Radio Equipment List". Within 10 days after commencement of regular use of the replacement or additional transmitter(s), equipment performance measurements, as prescribed for the type of station are to be completed.

9. Section 73.1690 is amended by revising paragraphs (b)(1), (e)(1), (e)(3), (e)(4) and (e)(6), to read as follows:

§ 73.1690 Modification of transmission systems.

* * * * *

(b) * * *

(1) Installation of a main transmitter which is not included on the FCC's "Radio Equipment List" as type accepted or notified for broadcast use.

* * * * *

(e) * * *

(1) Installation of a new transmitter which is included on the FCC's "Radio Equipment List" as type accepted or notified for broadcast use.

(2) * * *

(3) Replacement of the modulator exciter unit of the FM or TV aural transmitter with one that has been authorized for broadcast service through the FCC's type acceptance or notification procedures and that has been demonstrated compatible with the transmitter in use.

(4) Modification of the AM transmitter for stereophonic broadcasting with a stereophonic exciter unit which has been type accepted and designed for interfacing with the type accepted or notified transmitter with which it is to be used.

(5) * * *

(6) Modification of the transmitter for utility load management operations with an exciter unit that has been designed for interfacing with the type accepted or notified transmitter with which it is to be used in accordance with the following:

* * * * *

10. Section 73.3538 is amended by revising paragraph (a)(3) tp read as follows:

§ 73.3538 Application to make changes in an existing station.

* * * * *

(a) * * *

(1) * * *

(2) * * *

(3) The installation of a transmitter which has not been authorized by the FCC for use by licensed broadcast stations.

* * * * *

11. The alphabetical index to Part 73 is amended by making the following deletions and additions in alphabetical sequence:

Remove the following:

Antenna monitors. Requirements for type approval of (AM)	73.53
Transmitters, broadcast, Type acceptance of	73.1660
Type acceptance of broadcast transmitters	73.1660
Type approval of antenna monitors, Requirements for (AM)	73.53

Add the following:

Antenna monitors, Requirements for notification of (AM)	73.53
Authorization of broadcast transmitters	73.1660
Notification of antenna monitors, Requirements for	73.53
Transmitters, broadcast, Authorization of	73.1660

PART 74—[AMENDED]

F. Title 47 of the Code of Federal Regulations, Part 74, is amended as follows:

1. Section 74.550 is amended by revising the title and text to read as follows:

§ 74.550 Equipment authorization.

Type acceptance or notification is required by the FCC for all aural broadcast STL and intercity station transmitters employed in the 18 GHz band. Requirements for obtaining an equipment authorization are contained in Subpart J of Part 2 of this Chapter. As of March 5, 1984 all equipment designed exclusively for fixed operation shall be approved under the notification procedure (see § 2.904(d) of this Chapter).

2. Section 74.655 is amended by revising the title and paragraphs (a) through (g) and by adding a new paragraph (h), to read as follows:

§ 74.655 Authorization of equipment.

(a) Type acceptance or notification is not required for transmitters used in conjunction with TV pickup stations operating with a peak output power not greater than 250 mW. Pickup stations operating in excess of 250 mW licensed pursuant to applications accepted for filing prior to October 1, 1980 may continue operation subject to periodic renewal. If operation of such equipment causes harmful interference the FCC may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference.

(b) The license of a TV auxiliary station may replace transmitting equipment with type accepted or notified equipment, as detailed under Paragraph (h) of this Section, without prior FCC approval, provided the proposed changes will not depart from any of the terms of the station or system authorization or the Commission's technical rules governing this service, and also provided that any changes made to type accepted or notified transmitting equipment is in compliance with the provisions of Part 2 of the FCC Rules concerning modifications to authorized equipment.

(c) Any manufacturer of a transmitter to be used in this service may apply for type acceptance or notification following the procedures set forth in Part 2 of the FCC Rules.

(d) An applicant for a TV broadcast auxiliary station may also apply for type acceptance or notification, as specified in Paragraph (h) of this Section, for an individual transmitter by following the procedures set forth in Subpart J of Part 2 of the FCC Rules and Regulations. Individual transmitters which are authorized will not normally be included in the FCC's Radio Equipment List.

(e) Type acceptance or notification, as detailed in Paragraph (h) of this Section, by the FCC is required for all transmitters first licensed, or marketed as specified in § 2.803 of the FCC Rules, except as provided for in Paragraph (a) (Refer to Subpart I of Part 2 of the FCC's Rules). This paragraph is effective October 1, 1981.

(f) All transmitters marketed for use under this subpart must be type accepted or notified by the FCC, as detailed in paragraph (h). TV broadcast auxiliary station transmitting equipment authorized to be used pursuant to an application accepted for filing prior to October 1, 1985 may continue to be used by the licensee or its successors or assignees, provided, that if operation of such equipment causes harmful interference due to its failure to comply with the technical standards set forth in this subpart, the FCC may, at its discretion, require the licensee to take such corrective action as is necessary to eliminate the interference. However, such equipment may not be further marketed for reuse under Parts 74 or 78. This paragraph is effective October 1, 1985.

(g) Each instrument of authority which permits operation of a TV broadcast auxiliary station or system using equipment which has not been type accepted or notified will specify the particular transmitting equipment which the licensee is authorized to use.

(h) As of March 5, 1984, transmitters designed to be used exclusively for a television STL station, a television intercity relay station or a television translator relay station shall be authorized under the notification procedure. All other transmitters will be authorized under the type acceptance procedure. Transmitters authorized under type acceptance are acceptable for use in all television broadcast auxiliary stations (see § 2.904(d) of this Chapter).

3. The alphabetical index to Part 74 is amended by making the following addition in alphabetical sequence:

Notification of equipment:

Aural STL/Relays	74.550
TV Auxiliaries	74.655

PART 78—[AMENDED]

G. Title 47 of the Code of Federal Regulations, Part 78, is amended as follows:

1. Section 78.107 is amended by revising paragraphs (a) and (b) and (b)(2), to read as follows:

§ 78.107 Equipment and installation.

(a) From time to time the Commission publishes a revised list of type approved, type accepted and certain notified equipment entitled "Radio Equipment List". Copies of this list are available for inspection at the Commission's office in Washington, D.C. and at each of its field offices.

(b) Applications for new cable television relay stations, other than fixed stations, will not be accepted unless the equipment specified therein has been type accepted. In the case of fixed stations, the equipment must be either type accepted or notified for use pursuant to the provisions of this subpart. As of March 5, 1984, transmitters designed to be used exclusively with fixed stations shall be approved under notification (see § 2.904(d) of this Chapter).

(1) * * *

(2) Neither type acceptance nor notification is required for the following transmitters:

(i) Those which have an output power not greater than 250 mW and which are used in a CARS pickup station operating in the 12.7–13.2 GHz band; and

(ii) Those used under a developmental authorization.

* * * * *

PART 94—[AMENDED]

H. Title 47 of the Code of Federal Regulations, Part 94, is amended as follows:

1. Section 94.81 is amended by revising the title and text to read as follows:

§ 94.81 Authorization of microwave equipment.

Except for equipment used under a developmental authorization, all transmitters employed in this service must be either type accepted or notified pursuant to the requirements contained in Subpart J of Part 2 of this Chapter. As of March 5, 1984, all equipment designed exclusively for fixed operation shall be approved under the notification procedure (see § 2.904(d) of this Chapter).

Appendix D

Dissenting Statement of FCC Commissioner James H. Quello

In re: Amendment of the regulations to expand the notification and verification equipment authorization procedures

I generally support the majority's move toward use of the notification procedure to reduce the burden of more onerous equipment authorization requirements. Of the kinds of equipment selected in this first attempt to use the notification procedures, an effort has been made to avoid equipment likely to require close scrutiny because of the way it is used and because of the technical sophistication of those likely to be using it. In most instances, the equipment selected is produced in relatively small numbers and, thus, any problems resulting from poorly designed devices could be resolved quickly and with relatively little effort.

My concern is not with notification. It is with verification. And, it is not with interference so much as it is with performance. The Commission has made a commitment to ensure that television receivers meet certain minimum performance criteria, including mimimum UHF noise figure performance. We also have a responsibility under the all-channel statute. It is unclear to me how we are to discharge these commitments and responsibilities without any information about who is marketing television receivers and whether those sets make any pretense of complying with the statute and with our policies. Under the verification procedure, no information is to be submitted to the Commission and, of course, no grant of authorization is issued.

Given the Commission's concerns about minimum performance standards for television receivers, I do not believe that the present certification requirement is unduly burdensome. Perhaps notification would enable us to at least keep track of the sets being marketed. But, verification offers no hope of catching any problem before it threatens to overwhelm us.

Therefore, I dissent to that portion of the order which moves television receivers from the certification program to verification.

[FR Doc. 84-2021 Filed 1-31-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 95

[PR Docket No. 82-84, RM-2943, RM-2972, FCC 84-9]

Update and Codification of the General Mobile Radio Service (GMRS) Rules

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order; final rules.

SUMMARY: This Memorandum Opinion and Order partially grants Petitions for Reconstruction of the Report and Order in this proceeding, and: (1) Grandfathers existing stations in violation of the new 40 mile separation rule in order to avoid hardship; (2) makes FCC Form 574–B optional for stations near U.S. borders; and (3) modifies the requirement of power tests for remotely controlled stations to permit comparative signal strength measurement instead of absolute signal strength measurement. The rule amendments involving Form 574–B and the power tests have been changed in order to reflect prior FCC policy and practice.

DATE: Effective March 8, 1984.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Washington, D.C. 20554; (202) 632–4964.

List of Subjects in 47 CFR Part 95

Radio.

Memorandum Opinion and Order

In the matter of update and codification of the General Mobile Radio Service (GMRS) Rules (PR Docket No. 82–84, RM–2943, RM–2972).

Adopted: January 12, 1984.
Released: January 24, 1984.

By the Commission.

1. On July 14, 1983, we adopted a Report and Order in this proceeding, 48 FR 35234 (August 3, 1983). The new GMRS rules became effective October 16, 1983. The American Telephone and Telegraph Company (AT&T) and the Personal Radio Steering Group (PRSG) have filed petitions for partial reconsideration of this Report and Order. The issues raised by these petitions are discussed below.

2. *Forty mile limit.* Our old rules limited GMRS applicants to one frequency in a "given area." In the Report and Order we adopted a new rule which says that an "entity may not have a base station or a mobile relay station for that entity's GMRS system within 64.4 kilometers (40 miles) of a base station or a mobile relay station for another GMRS system licensed to the same entity." 47 CFR 95.31. AT&T said that this is a substantive change outside the scope of this proceeding and requested removal of this rule or a grandfathering of existing systems that would otherwise violate the rule. We agree that new Section 95.31 is a substantive change. It was one of the few substantive changes proposed in this proceeding. See Notice of Proposed Rule Making, PR Docket No. 82–84, 46 FR 14178 (April 2, 1982), at paragraph 8. The rule uses a 20-mile radius as an approximation of a 40 dBu field intensity contour to define "given area." See Report and Order, PR Docket No. 81–878, 48 FR 44558 (September 29, 1983). Nonetheless, we recognize that the rule change could work a hardship on existing stations that were the beneficiaries of a more ambiguous rule. Therefore, we will grant AT&T the relief it sought in the alternative—grandfathering of existing stations which would otherwise be in violation of this rule.

3. *Paging.* AT&T stated that paragraphs (g) and (h) in new § 95.181 are not sufficiently clear regarding the propriety of the use of a selective calling tone or tone operated squelch for one-way paging. In the GMRS, we have considered a selective calling tone or tone operated squelch as permissible only with voice communication for all purposes, including one-way paging. We do not allow tone-only paging. We will amend Section 95.181 to clarify this point.

4. *Power test.* PRSG contended the power test required by new Section 95.135 and Appendix A imposed an additional burden. Specifically, PRSG maintained that Appendix A now requires determination of absolute signal levels whereas under the old rules one needed only to measure relative signal levels. PRSG is correct; the imposition of this new burden was not intended and we will remove the reference in paragraph (b) of Appendix A to a measurement in microvolts. This will permit measurement of relative signal levels, instead of requiring measurement of absolute signal levels.

5. *Reciprocal sharing of GMRS repeaters.* PRSG requested that we modify new § 95.33 to permit cooperative use of GMRS repeaters on a reciprocal sharing basis without requiring a written agreement, provided that the users operate according to a national protocol. The requirement that cooperative use arrangements include a written agreement was explicit in old § 95.65(b)(6)(iii). No change was proposed in this proceeding and we will not modify the requirement at this late stage.

6. *Form 400.* PRSG pointed out that while new § 95.71(b) requires a GMRS applicant to use Form 574, GMRS applicants were still using Form 400 in 1983. As indicated in our Public Notice of September 15, 1983 (Mimeo No. 6502), Form 400 may no longer be used after December 31, 1983.

7. *System licensing.* PRSG requested the Commission to permit continuance of non-system licensing in the GMRS rules. As we explained in the Report and Order at paragraph 11, use of the words "system licensing" in the GMRS rules is not synonymous with the term as it applies to the Part 90 private land mobile radio services. In the GMRS, "system licensing" does not preclude inter-licensee communications nor relegate them to secondary status. "System licensing" as used in the new GMRS rules merely minimizes the number of licenses issued and the number of call signs assigned to a given entity for various radio transmitting facilities. It does not constitute imposition of "system licensing" as it is known in the Part 90 private land mobile radio services. Thus a rule change is not necessary to grant PRSG the relief it seeks.

8. *FCC Form 574–B.* PRSG contested new Section 95.85 which requires the filing of Form 574–B by stations near the U.S. borders as a substantive change having no basis in the former GMRS rules. Under various international treaties and agreements technical details of GMRS stations may be reported to the International Telecommunication Union (ITU), Geneva, Switzerland, or to countries which border on or are near the United States. This information, along with data reported by other nations, is used to protect reported stations and to aid in resolution of interference disputes between licensees in different countries. Unless otherwise notified by applicants on FCC Form 574–B, we make certain assumptions about each GMRS station for purposes of international coordination. An applicant who did not notify us of any variation from these assumptions would have a GMRS station protected only to the limit of our assumptions if an interference problem arose involving another country's station. However, we agree with PRSG that this is a risk previously assumed by the applicant and that this information was not previously mandated. Therefore, we will amend § 95.85 to

advise submission of Form 574–B for stations in border regions rather than requiring it. Also with regard to § 95.85 we have reconsidered, *sua sponte*, our previous inclusion of a requirement for additional data on FCC Form 574–B if a land station operates for less than a full twenty-four hour period. This information is not necessary, since our standard coordination with other countries on these frequencies absent additional information presumes twenty-four hour operation, thus assuring maximum interference protection.

9. *Mobile Stations.* Paragraph (b) of § 95.23 states that a mobile station unit may transmit from any point within or over any areas where radio services are regulated by the FCC except where additional restrictions apply. Recently filed applications and telephone inquiries from applicants indicate there is confusion about the reference to "additional restrictions." This reference was intended to incorporate the additional considerations applicable in §§ 95.37 through 95.49. We have reconsidered the wording of paragraph (b) of Section 95.23 *sua sponte* to clarify this intended cross-reference.

10. Accordingly, it is ordered, effective March 8, 1984, that 47 CFR Part 95, Subpart A, is amended as shown in the Appendix attached hereto. The authority for this action is found in Sections 4(i) and 303 of the Communications Act of 1934, as amended 47 U.S.C. 154(i) and 303.

11. It is further ordered that to the extent stated above, the Petition for Partial Reconsideration of the American Telephone and Telegraph Company is granted.

12. It is further ordered that the Petition for Reconsideration of the Personal Radio Steering Group is granted in part and denied in part.

13. It is further ordered that the Secretary shall cause a copy of this Memorandum Opinion and Order to be published in the **Federal Register**.

14. It is further ordered that this proceeding is terminated.

15. For further information concerning this document, contact John J. Borkowski, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554; (202) 632–4964.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Subpart A of Part 95 of the Commission's Rules (47 CFR Part 95, Subpart A) is amended as follows:

1. Paragraph (b) of § 95.23 is revised to read:

§ 95.23 Mobile station description.

* * * * *

(b) A mobile station unit may transmit from any point within or over any areas where radio services are regulated by the FCC *except* where additional considerations apply (see §§ 95.37–95.49).

* * * * *

§ 95.3 [Amended]

2. The following sentence is added to § 95.31: "Base stations and mobile relay stations licensed to the same entity in two different GMRS systems less than 64.4 kilometers (40 miles) apart which were authorized prior to October 16, 1983 are not subject to the provisions of this rule."

3. Paragraph (n) of § 95.75 is revised to read:

§ 95.75 Basic information.

* * * * *

(n) Emission designator. For purposes of applications in the GMRS, F3 will be considered to include use of a *selective calling tone* or *tone operated squelch* (a tone message to call a particular station) in conjunction with voice communications;

* * * * *

4. Section 95.85 is revised to read:

§ 95.85 Additional information for stations near United States borders.

For a new or modified GMRS system having a land station at a point north of line A, east of line C, or at any point close to any United States border where interference to a station in another country could occur, an applicant may include additional data on FCC Form 574–B if the land station:

(a) Does not have vertical polarization;

(b) Does not have an omnidirectional azimuth;

(c) Has an associated control station with other than a directional antenna having its azimuth of maximum radiation directed towards the land station;

(d) Has an associated control station with other than 20 degrees beamwidth; or

(e) Is part of a GMRS system that includes stations or units intended for communication with stations or units in other GMRS systems or in other radio services.

Provision of this information will enable the Commission to seek greater interference protection for the station from foreign stations.

5. Paragraphs (g) and (h) of § 95.181 are revised to read:

§ 95.181 Permissible communications.

* * * * *

(g) A station operator may communicate a selective calling tone or tone operated squelch only in conjunction with a voice communication. If the tone is *subaudible* (300 Hertz or less) it may be communicated during the entire voice message. If the tone is *audible* (more than 300 Hertz) it may be communicated for no more than 15 seconds at a time.

(h) A station operator may communicate a one-way voice page to a paging receiver. A selective calling tone or tone operated squelch may be used in conjunction with a voice page, as prescribed in paragraph (g). A station operator may not communicate a *tone-only page* (tones communicated in order to find, summon or notify someone).

* * * * *

6. Paragraph (b) of Appendix A to Subpart A of Part 95 is amended by removing the parentheses and the words contained therein from the paragraph.

[FR Doc. 84–2542 Filed 1–31–84; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 49, No. 22
Wednesday, February 1, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Docket No. AO-144-A-14-RO1]

Lemons Grown in California and Arizona: Continuation of Formal Rulemaking Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of an additional hearing session.

SUMMARY: A public hearing was held at Oak View, California, during the period February 14–18, 1983. The purpose of the hearing was to consider proposals to amend the marketing order covering California-Arizona lemons (7 CFR Part 910). The U.S. Department of Agriculture reopened the hearing and hearing sessions were convened at Ventura, California, on January 10, 1984; Yuma, Arizona, on January 18, 1984; and Bakersfield, California, on January 23, 1984.

This notice is to advise interested persons that an additional hearing session has been scheduled.

DATES: The additional hearing session will convene at 9:00 a.m. on February 13, 1984, in Ventura, California.

ADDRESS: Holiday Inn, 450 East Harbor Boulevard, Ventura, California.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, Washington, D.C., 20250, telephone, 202–447–5975.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing published January 13, 1983 (48 FR 1508); Amended Notice of Hearing published January 26, 1983 (48 FR 3624); Notice of Opportunity to Comment on Proposed Rulemaking published October 6, 1983 (48 FR 45585); and Notice of Reopened Hearing published December 13, 1983 (48 FR 55472).

List of Subjects in 7 CFR Part 910

Marketing order, California, Arizona, Lemons.

Signed at Washington, D.C. on January 27, 1984.

William T. Manley,

Deputy Administrator, Market Program Operations.

[FR Doc. 84-2719 Filed 1-31-84; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1040

Milk in the Southern Michigan Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend the base and excess plan for paying producers for their milk under the Southern Michigan order. The suspension was requested by Michigan Milk Producers Association a cooperative association of dairy farmers that represents about 70 percent of the producers supplying the market. If the base-excess plan is suspended, the minimum federal order price to producers would be the uniform price during the suspension period. The association believes that the base-excess plan will not result in equitable apportionment of returns among producers because of the new federal program designed to reduce total milk marketings.

DATE: Comments are due on or before March 2, 1984.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building; U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250; (202) 447–4829.

SUPPLEMENTARY INFORMATION: William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on dairy farmers and would not affect milk handlers.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Southern Michigan marketing area is being considered as follows:

A. From August 1, 1984, through January 31, 1986:

1. Section 1040.32(a).

2. In § 1040.61, paragraphs (c), (d), and (e).

3. In § 1040.61(b), the words "the adjusted uniform price, the price for base milk, and the price for excees milk."

4. In § 1040.71(a)(1)(ii) and 1040.73(c), the words "for base milk."

5. In § 1040.75(a)(1), the words "base milk and," and the words "or adjusted unifrom price."

B. From August 1, 1984 through July 31, 1985:

Sections 104.90 through 104.95.

All persons who want to send written data, views or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 30th day after publication of this notice in the **Federal Register.**

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative the order's 12-month base and excess plan for paying producers for their milk.

Suspension of the base-excess plan for an indefinite period of time was requested by Michigan Milk Producers Association (MMPA), which represents about 70 percent of the producers who supply milk for the market. The cooperative experssed its view that continuance of the base-excess plan will unduly affect the equitable distribution of the value of milk among producers because of another federal program designed to reduce total marketings. Namely, the Dairy and Tobacco Adjustment Act of 1983, which provides for incentive payments to dairy farmers who reduce their marketings between

January 1, 1984, and March 31, 1985, below an established history.

MMPA also stated that allowing the base-paying provisions to operate until August 1, 1984, would further reward those producers who reduce their marketings because they would receive the higher base price for a greater proporting of their milk. Suspension of the program at the start of the base-forming months, MMPA claims, would further support the marketing reduction program by removing any necessity to produce milk in order to establish base. Indpendent Cooperative Milk Producers Association, Inc., has indicated to the Department its support for making the base-excess plan inoperative.

Suspension of order provisions for an indefinite period of time should not be considered. Absent a specific date for expiration of a suspension based on marketing conditions that are expected to be temporary, the more appropriate action would be to terminate the provisions. If a suspension is appropriate and is favored by producers, it should be for a specified period of time.

The program under which producers may choose to reduce their marketings of milk in return for incentive payments will expire on March 31, 1985. Accordingly, the end of a minimum feasible suspension period would appear to coincide with the expiration of the program to obtain reduced milk marketings. Following that date, each producer would establish a new base during the months of August through December 1985. Payments for milk under the base-excess provisions would resume with respect to milk produced on and after February 1, 1986.

In view of the particular circumstances under which the request for a suspension was made, interested parties should have an opportunity to express their views on whether the base plan should be suspended, and if so, what period of time should be covered by the suspension. Commentors also are invited to express their views on whether the base-excess plan will effectuate the policy of the Agricultural Marketing Agreement Act of 1937, as amended, in light of the program to reduce marketings, and the basis for those views.

List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C. on: January 27, 1984.

William T. Manley,

Deputy Administrator Marketing Program Operations.

[FR Doc. 84–2718 Filed 1–31–84; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1124

Milk in the Oregon-Washington Marketing Area; Proposed Termination of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed termination of rule.

SUMMARY: This notice invites written comments on a proposal to terminate the provisions of the base-excess plan used in distributing returns to producers whose milk is priced under the Oregon-Washington milk order. The action was requested on behalf of Northwest Dairymen's Association, a cooperative association representing a large portion of the producers who supply milk for the Oregon-Washingon market. The cooperative states that operation of the base-excess plan would adversely affect producers because of the impact of the milk diversion program. In the absence of the base-excess plan, producers would be paid on a uniform price basis throughout the year. The proposed action would terminate the plan for milk marketed after January 31, 1984.

DATE: Comments are due on or before February 16, 1984.

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

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

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the termination of certain provisions of the order regulating the handling of milk in the Oregon-Washington marketing area is being considered.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would result in reduced reporting requirements for regulated handlers. With respect to producers the action affects only the manner in which the total proceeds from milk sales are distributed among producers.

All persons who want to file written data, views, or arguments in connection with the proposed termination should send two copies of them to the hearing Clerk, Room 1077, South Buidling, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this notice in the **Federal Register.**

Any comments that are received will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

The provisions proposed to be terminated are as follows:

§ 1124.19 [Removed]

1. Remove § 1124.19 in its entirety.

§ 1124.30 [Amended]

2. In § 1124.30, *Reports of receipts and utilization,* remove the phrase "including the total quantitie of base milk and excess milk" in paragraph (a)(1).

§ 1124.31 [Amended]

3. In § 1124.31, *Payroll reports,* remove paragraph (a)(4) in its entirety.

§§ 1124.65 and 1124.66 [Removed]

4. Remove §§ 1124.65 and 1124.66 in their entirety and the center heading *"Determination of Base"* immediately preceding § 1124.65.

§ 1124.71 [Amended]

5. In § 1124.71, *Computation of uniform and weighted average prices,* remove in paragraph (a)(6) the words "prior to February 1970" and the word "and" at the end of the paragraph; and remove paragraph (b) in its entirety.

§ 1124.82 [Amended]

6. In § 1124.82, *Payments from the producer-settlement fund,* remove in paragraph (a) the words "or (b), whichever is applicable,".

§ 1124.83 [Amended]

7. In § 1124.83, *"Location differentials to producers and on nonpool milk,"* remove in paragraph (a) the words "and the uniform price for base milk computed pursuant to § 1124.71(b)(2)."

Statement of consideration

The proposed action would terminate the base and excess plan for milk marketed after January 31, 1984. The base-excess plan is a method of

apportioning the total value of milk in the market among producers on the basis of their marketings of milk during a representative period.

The plan now provides that for milk delivered during the 12-month period beginning February 1 each year, producers are paid according to the amount of "base" they earn through deliveries during the market's four lowest months of production of the preceding calendar year. Deliveries of producers in excess of their "base" are paid for at a lower price than for base milk.

In the absence of the base-excess plan, a single uniform price would be paid directly to producers or, in the case of producers participating in the Oregon State base plan, to the Director of the Milk Stabilization Division, Oregon State Department of Agriculture, for subsequent payment to the participating producers.

Termination of the base-excess plan was requested on behalf of Northwest Dairymen's Association, a cooperative association representing a large portion of the producers on the market. The request states that the base-excess provisions of the Oregon-Washington milk order may not result in equitable apportionment of returns among producers because of the milk diversion program that is designed to encourage dairy farmers to reduce milk production in order to alleviate the dairy surplus problem. The request expresses concern that the milk diversion program will provide an incentive for dairy farmers to reduce production in a manner not contemplated when the base-excess plan was adopted under the order, and will create inequity between producers participating in the diversion program and producers who do not contract to reduce production.

In view of the potential conflicts and inequities arising from operation of the base-excess plan in conjunction with the diversion program mandated by the Dairy and Tobacco Adjustment Act of 1983, it is questionable whether the base-excess plan should be retained. Accordingly, consideration is being given to termination of the producer payment plan.

List of Subjects in 7 CFR Part 1124

Milk marketing orders, Milk, Dairy products.

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

Signed at Washington, D.C., on: January 27, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84–2720 Filed 1–31–84; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1126

[Docket No. A0–231–A51]

Milk in the Texas Marketing Area; Extension of Time for Filing Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of Time for filing exceptions to proposed rule.

SUMMARY: This notice extends the time for filing exceptions to a partial recommended decision issued December 6, 1983, concerning proposed amendments to the Texas milk marketing order. The partial recommended decision concerns proposals Nos. 1 and 2 that were considered on the record of a public hearing held October 4–7, 1983, at Irving, Texas. The request for additional time was made by representatives of proprietary milk plants and a cooperative association.

DATE: Exceptions are now due on or before February 17, 1984.

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

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing: Issued, August 29, 1983; published, September 1, 1983 (48 FR 39643).

Correction to Notice of Hearing: Published, September 12, 1983 (48 FR 40894).

Extension of time for Filing Briefs: Issued November 25, 1983; Published December 1, 1983 (48 FR 54243).

Recommended Decision: Issued December 6, 1983; Published December 12, 1983 (48 FR 55290).

Correction to Recommended Decision: Published December 19, 1983 (48 FR 56060).

Extension of Time for Filing Briefs and Exceptions: Issued December 22, 1983; Published December 29, 1983 (48 FR 57310).

Notice is hereby given that the time for filing exceptions to the partial recommended decision issued December 6, 1983 concerning proposals Nos. 1 and 2 pursuant to notice issued August 29, 1983 (48 FR 39643) is hereby extended to February 17, 1984. The decision is based on the record of a public hearing held October 4–7, 1983 at Irving, Texas to consider proposed amendments to the tentative marketing agreement to the order regulating the handling of milk in the Texas marketing area.

This notice is issued pursuant to the provision 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).

List of Subjects in 7 CFR Part 1126

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C. on: January 27, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84–2717 Filed 1–31–84; 8:45 am]

BILLING CODE 3410–02–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1214

Space Transportation System

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: NASA is amending 14 CFR Part 1214 Subpart 1214.6, "Mementos Aboard Space Shuttle Flights," to clarify policy on carrying mementos aboard Space Shuttle flights and use of both official flight kits and personal preference kits. The provisions for both the official flight kit and the personal preference kit have been modified so that they are more nearly parallel, where appropriate. This revision streamlines procedures and establishes civil penalties for violations.

EFFECTIVE DATE: Comments on the proposed rule must be received in writing by March 2, 1984.

ADDRESS: Management Support Division, Office of External Relations, Code LB, National Aeronautics and Space Administration, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Nathaniel B. Cohen, 202–453–8335.

SUPPLEMENTARY INFORMATION: This revised subpart 1214.6 authorizes mementos to be flown aboard Space Shuttle flights. The mementos will be carried only in official flight kits or personal preference kits aboard flights of the Space Shuttle. Official flight kits carry mementos of specific flights for distribution by NASA. Personal preference kits are assigned to individuals accompanying Space Shuttle flights and carry mementos for their personal disposition. The items carried in both kits are restricted as to their kind, number, weight, and post-flight disposition. The commercialization of items flown in either kit is prohibited. These restrictions apply to all organizations and persons whose mementos are flown aboard the Space Shuttle.

List of Subjects in 14 CFR Part 1214

Payload Specialist, Mission, Mission Manager, NASA-related payload, Mission Specialist, Investigator Working Group, Government employees, Government procurement, Security measures, Space transportation and exploration, Space Shuttle.

PART 1214—SPACE TRANSPORTATION SYSTEM

For reasons set out in the Preamble, 14 CFR Part 1214 is amended by revising subpart 1214.6 to read as follows:

Subpart 1214.6—Mementos Aboard Space Shuttle Flights

Sec.

1214.600 Scope.
1214.601 Definitions.
1214.602 Policy.
1214.603 Official flight kit.
1214.604 Personal preference kit.
1214.605 Preflight packing and storing.
1214.606 Postflight disposition.
1214.607 Media and public inquiries.
1214.608 Safety requirements.
1214.609 Loss or theft.
1214.610 Violations.

Authority: Pub. L. 85–568, 72 Stat. 426, 42 U.S.C. 2473(c).

Subpart 1214.6—Mementos Aboard Space Shuttle Flights

§ 1214.600 Scope.

This subpart establishes policy, procedures, and responsibilities for selecting, approving, packing, storing, and disposing of mementos carried on Space Shuttle flights.

§ 1214.601 Definitions.

(a) *Mementos.* Flags, patches, insignia, medallions, minor graphics, and similar items of little commercial value, especially suited for display by the individuals or groups to whom they have been presented.

(b) *Official flight kit (OFK).* A container reserved for carrying official mementos of NASA and other organizations aboard Space Shuttle flights. No personal items will be carried in the OFK.

(c) *Personal preference kit (PPK).* A container separately assigned to each person accompanying a Space Shuttle flight for carrying personal mementos during the flight.

§ 1214.602 Policy.

(a) *Premise.* Mementos are welcome aboard Space Shuttle flights. However, they are flown as a courtesy—not as an entitlement. The Administrator is free to make exceptions to this accommodation without explanation. Moreover, mementos are ballast not payload. They can be reduced or eliminated by the Manager, National Space Transportation Systems Program, Johnson Space Center, for weight, volume, or other technical reasons without reference to higher authority.

(b) *Constraints.* Mementos to be carried on Space Shuttle flights must be approved by the Administrator and stowed only in an OFK or a PPK. Mementos will not be carried within payload containers, including get-away specials.

(c) *Economic gain.* Items carried in an OFK or a PPK will not be sold, transferred for sale, used or transferred for personal gain, or used or transferred for any commercial or fund-raising purpose. Items will not be approved for flight that have a known or suspected commercial value, such as philatelic covers and coins, or that by their nature lend themselves to exploitation by the recipients, or create problems with respect to good taste.

§ 1214.603 Official flight kit.

(a) *Purpose.* The OFK enables NASA and other organizations (representing launch service customers, researchers, and schools) to utilize mementos as awards and commendations, or to preserve them in museums or archives. "Other organizations," as used in this paragraph, includes the aerospace industry, the academic community, and the counterpart institutions of friendly foreign countries.

(b) *Limitations.* U.S. national flags will not be flown as mementos except for U.S. Government sponsors.

(c) *Approval of Contents.* At least 60 days before the launch of a Space Shuttle flight, a representative of each organization desiring mementos to be carried on the flight must submit an Official Flight Kit and Personal Preference Kit Request, NASA Form 1614, Official Flight Kit and Personal Preference Kit Request through the cognizant NASA Headquarters Program or desiring mementos to be carried on the flight must submit an Official Flight Kit and Personal Preference Kit Request, NASA Form 1614, Officials Flight Kit and Personal Preference Kit Request through the cognizant NASA Headquarters Program or Staff Office (e.g., foreign requests through the International Affairs Division, military requests through the DOD Affairs Division, payload requests through the NASA sponsor, and commercial launch service customer requests through the Associate Administrator for Space Flight) to the Associate Director, Johnson Space Center. The Director, Johnson Space Center, will compile the requests and forward them to the Associate Administrator for Space Flight with advice as to whether they can be accommodated within the weight and volume limitations of the specific mission. The Association Administrator for Space Flight will recommend to the Administrator a final list of items to be included in the OFK.

§ 1214.604 Personal preference kit.

(a) *Purpose.* The PPK enables persons accompanying Space Shuttle flights to carry personal items for use as mementos. Only those individuals actually accompanying such flights may request authorization to carry personal items. These items must be carried in individually assigned PPK's.

(b) *Limitations.* The contents of a PPK must be limited to 20 separate items weighing a combined total of 1.5 pounds (680 grams). No more than one article may be given to any one individual. Increases in these limitations will be authorized only by the Administrator.

(c) *Approval of Contents.* At least 60 days before the scheduled launch of a Space Shuttle flight, each person assigned to the flight who desires to carry items in a PPK must submit an Official Flight Kit and Personal Preference Kit Request, NASA Form 1614, to the Associate Director, Johnson Space Center. The Associate Director, Johnson Space Center, will review the requests for compliance with this subpart and submit them with weight data through supervisory channels to the Associate Administrator for Space Flight who will similarly review the requests and forward them with recommendations to the Administrator for final approval. In conducting this review, the Associate Administrator for Space Flight will staff the requests of

payload specialists with the Program Associate Administrators responsible for payload management during the mission, and the requests of passengers (everyone who is not a commander, pilot, mission specialist, or payload specialist) with the Associcate Administrator for External Relations. Upon receipt of the Administrator's action, the Associate Administrator for Space Flight will provide a copy of each approved request to the requestor, the General Counsel, and the Director, Johnson Space Center.

§ 1214.605 Preflight packing and storing.

Items intended for inclusion in OFK's or PPK's must arrive at the Johnson Space Center at least 30 days prior to the flights on which they are scheduled in order for them to be listed on the cargo manifest, packaged, weighed, and stowed aboard the orbiter. Items which do not arrive within the 30-day limit will not be carried on the flight; therefore, they must arrive at the Johnson Space Center even if the Administrator's approval is still pending. Items which do not receive the Administrator's approval will be returned to the persons who submitted them.

The Associate Director, Johnson Space Center, will:

(a) Pack, seal, and weigh the OFK's PPk's according to the requests approved by the Administrator.

(b) Secure the kits while awaiting the launches on which they are manifested.

§ 1214.606 Postflight disposition.

The Associate Director, Johnson Space Center will:

(a) Remove and safeguard all the kits following flight;

(b) Return the contents ofthe PPK's to the persons who submitted them, and

(c) Forward the contents of the OFK to the Administrator through supervisory channels for disposition.

§ 1214.607 Media and public inquiries.

(a) *Routine release.* Information concerning the contents of OFK's and PPK's will be routinely released to the media and public, upon their request, but only after the contents have undergone postflight inventory. The Director of Public Affairs, Johnson Space Center, will respond to all requests for routine release.

(b) *Early release.* Information concerning the contents of PPK's may be released to the media and public, upon their request, prior to postflight inventory. However, before such information is released, the contents must be approved by the Administrator and the release approved or requested by the persons to whom the contents belong. The Associate Administrator, Johnson Space Center, will respond to all requests for early release.

§ 1214.608 Safety requirements.

The contents of OFK's and PPK's must meet the requirements set forth in NASA Handbook 1700.7, "Safety Policy and Requirements for Payloads Using the Space Transportation System (STS)."

§ 1214.609 Loss or theft.

(a) *Responsibility.* The National Aeronautics and Space Administration will not be responsible for the loss or theft of, or damage to, items carried in OFK's or PPK's.

(b) *Report of loss or theft.* Any person who learns that an item contained in an OFK or a PPK is missing shall immediately report the loss to the Johnson Space Center Security Officer and the NASA Inspector General.

§ 1214.610 Violations.

Any item carried in violation of the requirements of this subpart shall become the property of the U.S. Government, subject to applicable Federal laws and regulations, and the violator may be subject to disciplinary action which could include being permanently prohibited from flying aboard the Space Shuttle or any other manned spacecraft of the National Aeronautics and Space Administration.

[FR Doc. 84-2748 Filed 1-31-84; 8:45 am]
BILLING CODE 7510-012-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 100, 182, and 184

[Docket No. 83N-0211]

Copper Gluconate, Copper Sulfate, Cuprous Iodide, and Peptonized Copper; Proposed Actions on GRAS Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: -The Food and Drug Administration (FDA) is proposing to affirm that copper (cupric) gluconate and copper (cupric) sulfate are generally recognized as safe (GRAS) as direct human food ingredients, and that cuprous iodide is GRAS, with specific limitations, when used as a source of dietary iodine in table salt. In addition, FDA is also proposing to find that peptonized copper is not GRAS. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency. The proposal would take no action on the listing of these ingredients as GRAS substances for use in dietary supplements.

DATE: Comments by April 2, 1984.

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

FOR FURTHER INFORMATION CONTACT: Robert L. Martin, Bureau of Foods (HFF-3355), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of copper gluconate, copper sulfate, cuprous iodide, and peptonized copper has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of copper gluconate and copper sulfate for use as nutrients in conventional food,[1] infant formula, and special dietary foods. The agency also proposes to affirm the GRAS status of cuprous iodide, with specific limitations, for use as a source of dietary iodine in table salt. Finally, in the absence of adequate biological studies and food use information, FDA is proposing to find that peptonized copper is not GRAS.

The GRAS status of the use of copper gluconate and copper sulfate in dietary supplements (i.e., over-the-counter vitamin preparations informs such as capsules, tablets, liquids, wafers, etc.) is not affected by this proposal. The agency did not request consumer exposure data on dietary supplement uses when it initiated this review. Without exposure data, the agency cannot evaluate the safety of using these ingredients in dietary supplements. The use of copper gluconate in dietary supplements will continue to be authorized under Subpart F of Part 182 (21 CFR Part 182).

Copper is a reddish, lustrous, ductile, malleable metal. It occurs in the free state and is ubiquitous, being found in the soil, atmosphere, water, plants, and animals. It is present in many enzymes

[1] FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

and other biologically important proteins, making it an essential nutrient for most plants and animals.

Copper gluconate (cupric gluconate) is prepared from gluconic acid and basic cupric carbonate. The food-grade product is described in the Food Chemicals Codex, 3d Ed., as light blue to bluish-green crystals or as a fine, light blue powder. It has an astringent taste. It is very soluble in water, slightly soluble in alcohol, and practically insoluble in other organic solvents.

Copper sulfate (cupric sulfate) occurs in nature as the mineral hydrocyanite. The commercial preparation and usual natural form of this substance is the pentahydrate, which occurs as large, deep blue or ultramarine, triclinic crystals; as blue granules; or as a light blue powder. It slowly effloresces in air. It is very soluble in water, soluble in methanol and glycerol, and slightly soluble in ethanol.

Cuprous iodide is prepared by reacting a solution of copper sulfate with potassium iodide at a slightly acid pH. Cuprous iodide is a pure-white crystalline powder. It occurs in nature as the rare mineral marshite. It is insoluble in water but soluble in aqueous solutions of ammonia, alkali cyanides, thiosulfates, and iodides. It decomposes in solutions of oxidizing acids.

Copper (cupric) gluconate was listed as a GRAS nutrient in a regulation published in the **Federal Register** of November 20, 1959 (24 FR 9368), at levels not exceeding 0.005 percent. Subsequently, it was listed as a GRAS nutrient and dietary supplement in a regulation published in the **Federal Register** of January 31, 1961 (26 FR 938), at levels not exceeding 0.005 percent. Under a final rule published in the **Federal Register** of September 5, 1980 (45 FR 58837), FDA divided the nutrient and dietary supplement category into separate listings for GRAS dietary supplements and GRAS nutrients. Therefore, copper gluconate currently is listed as GRAS in § 182.5260 (21 CFR 182.5260) for use in dietary supplements at levels not exceeding 0.005 percent and in § 182.8260 (21 CFR 182.8260) for use in food as a nutrient at levels not exceeding 0.005 percent. However, in 1960, FDA issued a letter that stated that cupric gluconate may be used in deitary supplements at levels of up to 2 milligrams of copper per day.

Cuprous iodide was listed as GRAS as a nutrient for use in table salt in a regulation published in the **Federal Register** of November 20, 1959 (24 FR 9368). Cuprous iodide was listed as an ingredient to be added to table salt, at a level of 0.01 percent, specifically to provide a source of dietary iodide. Subsequently, cuprous iodide was reclassified and recodified as a nutrient and dietary supplement in a regulation published in the **Federal Register** of January 31, 1961 (26 FR 938). Finally, in a regulation published in the **Federal Register** of September 5, 1980 (45 FR 58837), FDA divided the nutrient and dietary supplement category into separate listings for GRAS dietary supplements and GRAS nutrients. Therefore, cuprous iodide is currently listed as GRAS in § 182.5265 (21 CFR 182.5265) for use as a dietary supplement when used as a source of dietary iodine in table salt at levels of 0.01 percent and in § 182.8265 (21 CFR 182.8265) for use in food as a nutrient when used as a source of dietary iodine in table salt at levels of 0.01 percent. Cuprous iodide is also listed under § 100.155 (21 CFR 100.155) for use in table salt as a source of dietary iodine.

Copper (cupric) sulfate was listed as GRAS when used in paper and paperboard products intended for use in food packaging under a final rule published in the **Federal Register** of June 17, 1961 (26 FR 5421). FDA issued a letter in 1960 stating that the use of cupric sulfate in dietary supplements at levels of up to 2 milligrams of copper per day is GRAS. Additionally, the agency stated in an opinion letter in 1961 that copper sulfate is GRAS for use as a nutrient in food. FDA also issued a letter in 1961 stating that peptonized copper may be used as a nutrient in food to the same extent as other copper salts.

In addition to the GRAS approvals listed above, copper sulfate is listed in 27 CFR 240.1051 as a processing aid to clarify and stabilize wine; cuprous iodide is listed in 21 CFR 178.2010 as a stabilizer in polymers contacting food; and a tolerance of 1 part per million residual copper is permitted in potable water (21 CFR 193.90) when copper algicides or herbicides are used to control aquatic plants in potable water sources. Various copper salts are also considered GRAS when used as sources of trace minerals added to animal feed in accordance with 21 CFR 582.80. These regulations are not affected by this proposal.

Section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) lists copper as a required nutrient in infant formula, subject to level restrictions. FDA is reviewing all nutrient levels in infant formulas under a contract with the American Academy of Pediatrics. Any necessary modifications in the nutrient levels of copper in infant formula will be proposed in a separate rulemaking under section 412(a)(2) of the act. Copper also may be used to fortify foods as described in Part 104 (21 CFR Part 104).

In 1971, National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which copper (cupric) gluconate, copper (cupric) sulfate, peptonized copper, and cuprous iodide were used and the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obtain an estimate of consumer exposure to these substances. FDA estimates from the NAS/NRC survey that the total amount of copper (cupric) gluconate used by the U.S. food industry in 1970 was 4,800 pounds, and from a later NAS/NRC survey, FDA estimates that, in 1975, the use was 9,900 pounds. The total amount of copper (cupric) sulfate available for food use and dietary supplement use was reported in the 1975 NAS/NRC survey to be 1,800 pounds. However, the agency has no information on the total amount of copper sulfate actually added to conventional food as compared to the total amount of copper sulfate used in dietary supplements. Copper gluconate and copper sulfate were reported to be used as nutrients in milk products, processed fruit juices and drinks, soft candy, snack foods, beverages, chewing gum, and baby and infant formula. In addition, copper sulfate was reported to be used as a processing aid in alcoholic beverages, and copper gluconate was reported to be used as a synergist in soft candy and chewing gum. The survey did not contain any information on the use of cuprous iodide or of peptonized copper in foods.

Copper salts have been the subjects of a search of the scientific literature from 1920 to 1974. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embrylogy, (11) behavorial effects, (12) detection, and (13) processing. A total of 756 abstracts was reviewed, and 75 particularly pertinent reports have been summarized in two scientific literature reviews.

Information from the scientific literature review was updated to 1979 and has been summarized in the report of the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences

Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have carefully evaluated all the available information on cupric gluconate, cupric sulfate, and cuprous iodide.[2] In the Select Committee's opinion:

Copper is an essential trace element for most plant and animal species, including man. Its deficiency is characterized by specific biochemical and pathological lesions. The customary adult daily diet provides adequate cooper to prevent signs of deficiency. Both copper deficiency and chronic copper intoxication are relatively rare.

The absorption of copper is limited to about one-third to one-half of that ingested under usual circumstances. When large amounts of copper are ingested, the absorptive mechanism becomes ssturated and much of the copper remains unabsorbed. Further limitations are imposed by competition for absorption with cadmium and zinc, by organic complexing with ascorbic acid, and by the alkalinity of intestinal contents.

Much of the copper that is absorbed is later excreted in the bile so that more than 90 percent of ingested copper is found in feces. Cupric gluconate, cyupric sulfate and cuprous iodide are GRAS in foods for specified purposes: Cupric gluconate as a nutrient and/or dietary supplement; cupric sulfate in paper and paperboard products used in food packaging; and cuprous iodide as a source of dietary iodine in table salt.

About 2 mg copper per day is required by the average adult with an acceptable daily intake of 0.5 mg per kg body weight or about 30 mg recommended by international authorities. About 2 to 4 mg copper per day are supplied as natural ingredients in the normal diet. Copper added to food in the form of cupric gluconate is estimated to be about 0.005 mg per capita daily. The amounts added as cupric sulfate or cuprous iodide are unknown but are believed to be less than that from cupric gluconate. Thus, the normal diet supplies several hundred times the amount of copper added to foods. The amount of anions ingested from copper salts added to foods is negiligible compared with that produced physiologically or found in normal diets.

Animal toxicity with copper salts was observed only with quantities several orders of magnitude greater than that used as food supplements.

Cupric gluconate, cupric sulfate and cuprous iodide were all non-mutagenic in various microbial tests.

Cuprc gluconate and sulfate, as well as other copper salts tested, were noncarcinogenic when given by mouth or parenterally. No reports of carcinogenicity studies on cuprous iodide were available to the Select Committee.

Cupric gluconate produced teratogenic effects in the chick embryo, but not in mice or rats. Cupric sulfate was embryotoxic and teratogenic when injected in large amounts into pregnant hamsters.[2]

The Select Committee concludes that no evidence in the available information on copper (cupric) gluconate or copper (cupric) sulfate demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels that are now current or that might reasonably be expected in the future. It also concludes that there is no evidence that creates concern about a hazard from the use of cuprous iodide when it is used in the manner now authorized. The Select Committee further concludes that no evidence in the available information on copper (cupric) sulfate demonstrates, or suggests reasonable grounds to suspect, a hazard when it is used as an ingredient of paper and paperboard materials in food packaging at levels that are now current or that might reasonably be expected in the future.[2]

FDA has undertaken its own evaluation of all available information on cuprous iodide, copper gluconate, and copper sulfate and concurs with the conclusions of the Select Committee. The agency concludes that no change in the current GRAS status of these ingredients is justified. Therefore, the agency proposes to affirm the GRAS status of cuprous iodide, copper gluconate, and copper sulfate as nutrients for direct addition to conventional human foods. However, because the NAS/NRC survey did not specifically request data on dietary supplement use, FDA does not have adequate data upon which to judge the exposure from use of copper gluconate and copper sulfate as dietary supplements. Without such exposure data, the agency cannot evaluate the safety of their use in dietary supplements and therefore can take no action on the GRAS status of copper gluconate and copper sulfate for this use. Therefore, FDA is taking no action on the listing of copper gluconate in § 182.5260 for use as a dietary supplement. However, when Part 182 was recodified (45 FR 58837; September 5, 1980) to separate the listing of substances used in dietary supplements and those used as nutrients in conventional foods, the limitation of 0.005 percent for copper gluconate was included in both listings. FDA erred in including this limitation in the dietary supplement listing. The limitation of 0.005 percent copper gluconate in a dietary supplement would provide only about 0.007 milligram copper in a typical 1 gram tablet. To correct this error, and to make this regulation consistent with the other regulations in 21 CFR Part 182, Subpart F, the agency is proposing to amend § 182.5260 to permit the use of copper gluconate in dietary supplements in accordance with current good manufacturing practice. By this action, the agency is not affirming as GRAS the use of copper gluconate in dietary supplements but is modifying Part 182 to reflect more accurately the conditions of use that the agency considered in its original GRAS determination.

Additionally, FDA is proposing not to include in the GRAS affirmation regulations for copper gluconate and copper sulfate the food categories or levels of use reported in the 1971 NAS/NRC survey for these ingredients. Both FASEB and the agency have concluded that the amount of copper added to food is small as compared to the amount that naturally occurs in food and water, and that a reasonably foreseeable increase in the level of addition of copper gluconate and copper sulfate to food will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of these ingredients when they are used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.(b)(1)). To make clear, however, that the affirmation of the GRAS status of these substances is based on the evaluation of currently known uses, the proposed regulations set forth the technical effects that FDA evaluated.

FDA is not proposing to affirm as GRAS one use that was reported for copper gluconate in the 1971 NAS/NRC survey of the food industry. The survey revealed that cupric gluconate was being used to color processed fruit. FDA advises that substances used in food to provide color are color additives and must conform to the color additive provisions of the act and to any color additive regulations issued under the authority of the act. No copper salts are currently approved for use in food as color additives (21 CFR Parts 70–82). Therefore, FDA concludes that the use of copper gluconate as a color additive in food requires approval through a color additive petition. In the absence of

[2] "Evaluation of the Health Aspects of Copper Gluconate, Copper Sulfate, and Cuprous Iodine as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1979, pp. 9–16. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preamble to proposals that affirm GRAS status in accordance with current good manufacturing practice.

[2] *Ibid.*, p. 17.

[2] *Ibid.*, p. 18.

such an approval, this use is in violation of sections 402(c) and 706(c) of the act (21 U.S.C. 342(c) and 376(a)).

No use data were available to FDA concerning the food use of cuprous iodide. Because the use of cuprous iodide in §§ 100.155 and 182.8265 is specifically limited to 0.01 percent in table salt, however, the agency finds that it can evaluate the safety of this limited use. In accord with the Select Committee's evaluation, FDA concludes that this use is safe and may be affirmed as GRAS. To make clear, however, that this evaluation is based upon only this use, FDA has specifically limited the proposed GRAS affirmation regulation for cuprous iodide. Additionally, in the reorganization of Part 182 (45 FR 58837; September 5, 1980), the agency listed the use of cuprous iodide (as a source of iodine in salt) under both the nutrient heading and under the dietary supplement heading. However, because coprous iodide is used as a nutrient supplement in conventional food and not in dietary supplements, its listing for use as a dietary supplement was in error. Therefore, FDA is proposing to delete the listing of this substance in 21 CFR 182.5265. To reflect this change, FDA is also proposing to delete the reference to § 182.5265 in § 100.155 and to replace it with a reference to § 184.1265.

FDA has insufficient biological studies and use information to evaluate the safety of peptonized copper. The agency cannot undertake such an evaluation without use and consumer exposure data and relevant biological studies. The agency advises that unless food use information and biological data are submitted as comments on this proposal, it will no longer consider peptonized copper to be GRAS for use as nutrient supplement in food. In order for the agency to make a determination on the GRAS status of the use of peptonized copper, it will be necessary to have a description of the technical effects, the food categories, and the levels for which the use of peptonized copper is claimed to be GRAS.

The Joint Expert Committee on Food Additives (JECFA) of the Food and Agricultural Organization/World Health Organization (FAO/WHO) has proposed a provisional value for maximum tolerable intake of copper from all sources of 0.5 milligram per kilogram body weight (Refs. 1 and 2) (30 milligrams per day for a 60 kilogram person). JECFA proposed this level because it recognized that, for certain segments of the world's population, the normal daily intake of copper from the diet is likely to exceed significantly normal daily requirements, and that that inake could lead to copper toxicity. The agency emphasized that the JECFA proposed value of 0.5 milligram per kilogram is not to be interpreted as being a safe level of consumption for copper in the United States. In accord with its previous opinion letters, the agency concludes that U.S. consumption of copper, from addition to food and from dietary supplement use, should not exceed current daily requirements (2 milligrams) for this essential nutrient.

Because no food-grade specifications exist for copper sulfate or cuprous iodide at the present time, the agency will work with the Committee on Food Chemicals Codex of the National Academy of Sciences to develop specifications for these substances. If acceptable specifications are developed, the agency will incorporate them into the regulations at a later date. Until specifications are developed, FDA has determined that the public health will be adequately protected if commercial copper sulfate and cuprous iodide comply with the description in the proposed regulation and are of food-grade purity (21 CFR 182.1(b)(3) and 170.30(h)(l)).

In the past, when a substance has been listed in Part 182 (21 CFR Part 182) as GRAS for both direct and indirect uses, FDA has proposed separate GRAS affirmation regulations in Parts 184 and 186 (21 Parts and 186) to govern its direct and indirect GRAS uses, respectively. Under § 184.1(a) (21 CFR 184.1(a)), however, ingredients affirmed as GRAS for direct food use in Part 184 are considered to be GRAS for indirect uses without a separate listing in Part 186. Based on § 184.1(a), FDA has reconsidered its traditional practice and has concluded that the duplicative listing in Part 186 is unnecessary, as a general rule, and may cause confusion. Thus, unless safety considerations make it necessary to impose specific purity specifications or other restrictions on the indirect use of a GRAS substance, FDA will no longer list in Part 186 substances that are affirmed as GRAS for direct use in Part 184. In keeping with this change in policy, FDA is not proposing a separate listing in Part 186 for the indirect uses of copper sulfate. The indirect uses of copper sulfate are authorized under § 184.1261 and § 184.1(a).

In the case of copper sulfate, FDA believes that the general requirements that indirect GRAS ingredients be of a purity suitable for their intended use in accordance with § 170.30(h)(l) and used in accordance with current good manufacturing practice are sufficient to ensure the safe use of this ingredient. Therefore, the agency has not proposed any specific purity specifications for its indirect use.

FDA recently amended its procedural regulations in Parts 184 and 186 to reflect clearly these policies (48 FR 48456, October 19, 1983).

Copies of the scientific literature reviews on copper salts, reports of a mutagenic screening test for copper (cupric) gluconate, and the report of the Select Committee are available for review at the Dockets Management Branch (address above) and may be purchased from the National Technical Information Service, 5285 Port Royal RD., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price*
Copper salts (scientific literature review)	PB 241-961	A05	$10.50
Copper salts (scientific literature review, 1972-1976)	PB 275-749/AS	A03	7.50
Copper gluconate (mutagenic evaluation)	PB 245-490/AS	A03	7.50
Copper gluconate, copper sulfate, and cuprous iodide (Select Committee report)	PB 301-400/AS	A03	7.50

* Price subject to change.

This proposed action does not affect the current use of copper salts in pet food or animal feed.

The format of the proposed regulations is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of §§ 184.1260 and 184.1261 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use including the technical efffects listed. Additionally, the agency has modified the form of paragraph (c) of § 184.1265 in which the specific limitations on the use of this ingredient are presented. These changes have no substantive effect but are made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has

considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substances covered by this proposal by large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

References

The following information has been placed on display at the Dockets Management Branch (address above) and may be reviewed in that office between 9 a.m. and 4 p.m., Monday through Friday.

1. Tenth Report of the Joint Expert Committee on Food Additives, FAO/WHO Technical Report Series No. 532, 1973.

2. Twenty-sixth Report of the Joint Expert Committee on Food Additives, FAO/WHO Technical Report Series No. 683, 1982.

List of Subjects

21 CFR Part 100

Administrative practice and procedure, Food labeling, Foods.

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 100, 182, and 184 be amended as follows:

PART 100—GENERAL

§ 100.155 [Amended]

1. Part 100 is amended in § 100.155 *Salt and iodized salt* by changing in paragraph (a) the reference "§§ 182.5265" to read "§§ 184.1265".

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

2. Part 182 is amended:

§ 182.90 [Amended]

(a) In § 182.90 *Substances migrating to food from paper and paperboard products* by removing "copper sulfate" from the list of substances.

b. By revising § 182.5260, to read as follows:

§ 182.5260 Copper gluconate.

(a) *Product.* Copper gluconate.

(b) *Conditions of use.* This substance is generally recognized as safe when used in accordance with good manufacturing practice.

§§ 182.5265, 182.8260, 182.8265 [Removed]

c. By removing § 182.5265 *Cuprous iodide*, § 182.8260 *Copper gluconate*, and § 182.8265 *Cuprous iodide*.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. Part 184 is amended:

a. By adding new § 184.1260, to read as follows:

§ 184.1260 Copper gluconate.

(a) Copper gluconate (cupric gluconate, $(CH_2OH(CHOH)_4COO)_2Cu$, CAS Reg. No. 527–09–3) is a substance that occurs as light blue to bluish-green, odorless crystals, or as a fine, light blue powder. It is prepared by the reaction of gluconic acid solutions with cupric oxide or basic cupric carbonate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 90, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter and as a synergist as defined § 170.3(o)(31) of this chapter.

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice. Copper gluconate may be used in infant formula in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulgated under section 412(a)(2) of the act.

b. By adding new § 184.1261, to read as follows:

§ 184.1261 Copper sulfate.

(a) Copper sulfate (cupric sulfate, $CuSO_4 \cdot 15H_2O$, CAS Reg. No. 7758–98–7) usually is used in the pentahydrate form. This form occurs as large, deep blue or ultramarine, triclinic crystals; as blue granules; or as a light blue powder. The ingredient is prepared by the reaction of sulfuric acid with cupric oxide or with copper metal.

(b) FDA is developing food-grade specifications for copper sulfate in cooperation with the National Academy of Sciences. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter and as a processing aid as defined in § 170.3(o)(24) of this chapter.

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice. Copper sulfate may be used in infant formula in accordance with section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) or with regulations promulated under section 412(a)(2) of the act.

c. By adding new § 184.1265, to read as follows:

§ 184.1265 Cuprous iodide.

(a) Cuprous iodide (Copper (I) iodide, CuI, CAS Reg. No. 7681–65–4) is a pure white crystalline powder. It is prepared by the reaction of copper sulfate with potassium iodide under slightly acidic conditions.

(b) FDA is developing food-grade specifications for cuprous iodide in cooperation with the National Academy of Sciences. In the interim, this ingredient must be of a purity suitable for its intended use.

(c) In accordance with § 184.1(b)(2), the ingredient is used in food only within the following specific limitations:

Category of food	Maximum treatment level in food	Functional use
Table salt	0.01 percent	Source of dietary iodine

The agency is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before April 2, 1984, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. to 4 p.m., Monday through Friday.

Dated: January 16, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-2695 Filed 1-31-84; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR parts 156 and 162

[OPP-250043; PH-FRL 2514-6]

Pesticides; Notification to the Secretary of Agriculture of Proposed Regulations on Registration Procedures and Labeling Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Transmittal of proposed rule.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture proposed regulations on registration procedures and labeling requirements. The proposals would extensively revise and reorganize the Agency's procedural regulations on pesticide registration and would also establish comprehensive regulations for the labeling of pesticide products and devices. This action is required by section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Jean Frane, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1114C CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-0592).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall issue for publication in the **Federal Register,** with the proposed regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 30-day period.

As required by FIFRA section 25(a)(3), a copy of this proposed regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(Sec. 25, Pub. L. 92-516, 86 Stat. 973 as amended; (7 U.S.C. 136 et seq.))

Dated: January 20, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 84-2321 Filed 1-31-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81, and 83

[Gen Docket No. 84-18; RM-4560; FCC 84-8]

Add the Gulf of Mexico to the Authorized Service Areas of Maritime Mobile Systems Operating in the 216-220 MHz Band

AGENCY: Federal Communication Commission.

ACTION: Proposed rule.

SUMMARY: This notice proposes to add the Gulf of Mexico to the authorized service area of maritime mobile systems operating in the 216-220 MHz band. The existing restrictions limit the use of this band beyond the Mississippi River System and Gulf Intracoastal Waterway. This action was requested by the licensee of a maritime communications system utilizing the 216-220 MHz band. The proposed amendments are intended to provide a broader diversity and generally improve maritime communications in the Gulf of Mexico.

DATE: Comments must be received on or before March 1, 1984, and reply comments must be received on or before March 16, 1984.

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

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau (202) 632-7175.

List of Subjects.

47 CFR Part 2

Radio, Treaties.

47 CFR Part 81

Radio, Coast station.

47 CFR Part 83

Radio, Ship station.

Notice of Proposed Rulemaking

In the matter of amendment of Parts 2, 81 and 83 of the rules to add the Gulf of Mexico to the authorized service areas of maritime mobile systems operating in the 216-220 MHz band; Gen. Docket No. 84-18, RM 4560.

Adopted: January 12, 1984.

Released: January 24, 1984.

By the Commission.

1. In this Notice we propose to expand the authorized service area of maritime communications systems operating in the 216-220 MHz band to include the offshore waters of the Gulf of Mexico.

Background

2. In Gen. Docket No. 80–1 [1] the Commission, among other things, allocated the 216.220 MHz band to fulfill a need for automated, integrated maritime communications service on the Mississippi River and connecting waterways. Certain technical requirements were prescribed to prevent potential interference with reception on television channels 10 and 13, and to provide a framework under which development could commence. This allocation was extended to include the Gulf Intracoastal Waterway in Gen. Docket No. 81–822.[2]

3. This allocation of the 216–220 MHz band was consistent with both the international Radio Regulations and Part 2 of the Commission rules, both of which made the band available for mobile use. Further, at the World Adminstrative Radio Conference, Geneva, 1979 (1979 WARC), a primary allocation of the 216–220 MHz band for use in the maritime mobile service in Region 2 was adopted with the support of the United States. The Final Acts of the 1979 WARC were implemented in the proceeding in Gen. Docket No. 80–739.[3]

4. In the Notice of Proposed Rule Making in Gen. Docket No. 80–739, the Commission stated that domestic use of the 216–220 MHz band by the maritime mobile service beyond the Mississippi River System and Gulf Intracoastal Waterway, as provided in footnote NG 121 to the Table of Frequency Allocations, should be considered in a separate rulemaking proceeding.[4] This conclusion was in agreement with comments filed by Fairfield Industries, Inc., and Manufacturer Radio Frequency Advisory Committee (MRFAC) in response to the Second Notice of Inquiry in that docket. In essence, Fairfield and MRFAC expressed concern that expansion of maritime communications beyond the Mississippi River System could pose potential interference problems for certain telemetry operations which are authorized on a secondary basis in the band. A separate rulemaking proceeding was seen to afford all interested parties notice and an opportunity to comment.[5]

Petition

5. Waterway Communications System, Inc. (Watercom) has filed a petition (RM 4560) requesting that the Commission initiate a separate rulemaking proceeding, as envisaged in Gen. Dockets 80–739, to fully implement a primary maritime mobile allocation in the 216–220 MHz band on a nationwide basis. Watercom argues that the need for such an allocation was supported by the United States at the 1979 WARC, and that the Commission has confirmed the need for the allocation for improved, automated maritime communications in the rulemaking proceeding in Gen. Docket No. 80–1. As further evidence of the need for the expanded maritime allocation, Watercom points to the application filed by Petroleum Communications, Inc., seeking authority to construct a development "cellular system" in offshore waters of the Gulf of Mexico.[6]

6. The National Ocean Industries Association (NOIA) representing approximately 450 offshore and ocean-oriented industries, supported Watercom's petition. Viacom International, Inc. (Viacom) the licensee of television station WNYT, Channel 13, Albany, New York,[7] and the Association of Maximum Service Telecasters, Inc. (MST) representing about 250 television braodcast stations opposed the petition. Viacom believes the use of the band should not be extended beyond the presently authorized areas because of a potential for interference with the reception of TV channel 13. Viacom also argues that the use of the 216–220 MHz band is no longer required because equipment for the 806–890 MHz range has been developed and is now available. MST asks that action on Watercom's petition be deferred until data on whether interference to television reception actually occurs in the currently authorized areas can be gathered. MST also points to the possibility that cellular systems may offer an alternative to maritime service in the 216–220 MHz band.

7. In reply to Viacom and MST, Watercom states that in Gen. Docket 80–1 the Commission fully considered the basic allocation issues raised by both Viacom and MST. Reconsideration of these issues in this proceeding, argues Watercom, would be inappropriate. Watercom argues that, in any event, maritime system licensees are required by rule to engineer their systems to avoid potential interference with television reception and, if harmful interference does develop, to eliminate the problem or discontinue operation of the offending transmitter.[8]

Discussion

8. Although the Commission's rules clearly place the responsibility for avoiding interference with television reception on the licensees of maritime systems, we concur with MST's view that it is premature to make the 216–220 MHz band available on a nationwide basis. Such a maritime system has been authorized to serve the Mississippi River System and the Gulf Intracoastal Waterway, but service has not yet been initiated. We believe that prudence requires an evaluation of an operating maritime system before the band is made available nationwide for such systems. Additionally, the Commission is investigating the possibility of employing new technologies in the 216–220 MHz band, among others, for other needed services in various regions of the United States.[9]

9. However, we feel that the authorized service area of maritime systems operating in the 216–220 MHz band can be expanded at this time to include the offshore waters of the Gulf of Mexico. Since maritime use of the band is authorized along the Gulf Intracoastal Waterway, expansion of service into the offshore waters of the Gulf will not present potential interference problems with television reception and represents a logical

[1] Released March 11, 1981, 84 FCC 2d 875, 46 FR 15690; Errata, released April 29, 1981, mimeo 29348, 46 FR 26485. Reconsidered, *Memorandum Opinion and Order*, released December 4, 1981, 88 FCC 2d 678, 46 FR 61879; *Aff'd. sub nom. WJG Telephone Company, Inc. v. FCC*, No. 81–1461 (D.C. Cir., April 9, 1982).

[2] *Report and Order*, Gen. Docket No. 81–822, released April 22, 47 FR 18881.

[3] See *Second Report and Order*, Gen. Docket No. 80–739, released December 8, 1983.

[4] *Notice of Proposed Rule Making*, released December 30, 1982, 48 FR 3790, at paragraph 57.

[5] The comments filed by Fairfield and MRFAC were filed in response to a petition for reconsideration in Gen. Docket No. 80–1, which requested that the Gulf Intracoastal Waterway (GIWW) be included in the service are authorized in that proceeding. In consideration of these comments, the Commission denied the request and initiated Gen. Docket No. 81–822 to specifically address the expansion of the 216–220 MHz allocation to the GIWW. Neither Fairfield or MRFAC filed comments in that proceeding.

[6] File No. 29000– CL–P–83.

[7] Viacom also notes that it has pending before the Commission an application to become the licensee of WHEC–TV, channel 10, Rochester, New York.

[8] See Section 81.134(j) of the rules, 47 CFR 81.134(j), which among other things requires that when a maritime station is proposed to be located less than 105 miles from a channel 13 TV station or 80 miles from a channel 10 TV station, or when the antenna height will be more than 200 feet, it will only be authorized pursuant to an engineering plan for suitably limiting the interference contour. If harmful interference is in fact caused within the TV station's Grade B contour, the licensee must eliminate the interference or discontinue operation of the station within 90 days of being notified by the Commission.

[9] For example, see Federal Commissions Commission, Private Radio Bureau Planning Staff, *Future Private Land Mobile Telecommunications Requirements*, Washington D.C., August 1983, p. 7–16.

extension of the existing service area. The need for expanded communications in the Gulf of Mexico is well-documented before the Commission.[10] The availability of the 216–220 MHz band in the Gulf would broaden the diversity of services, generally improve maritime communications, and enhance the economic viability of equipment procured for maritime use in this band. Further, if the band is not used by the maritime mobile servic in the offshore waters of the Gulf it will essentially remain unused.

10. We believe that in general the secondary telemetry used in the band will be compatible with automated maritime system operations.[11] Telemetry operations are typically low power and itinerant in nature. Frequency coodination with any existing maritime system operator should be straighforward and relatively easy to accomplish. Nonetheless, because operations are being conducted over a wide area for a multiplicity of purposes by both the Government and civil sectors, a separate review of the potential spectrum impact on such operations should be completed before nationwide expansion of maritime mobile operations in the band is undertaken. However, since telemetry is a secondary service in the band and few telemetry operations are now being conducted in the Gulf of Mexico, the limited expansion proposed herein should not be unduly disruptive.

11. It should be noted that any stations authorized in the maritime mobile service must insure that no harmful interference is caused to the Navy SPASUR system which is currently operating in the southern United States in the frequency band 216.88–217.08 MHz.[12] Additionally, under current circumstances no airborne use of the 216–220 MHz band will be permitted.

12. Further, we are proposing to amend Parts 81 and 83 (Maritime Services) of the rules where necessary to accommodate the operation of automated communications systems in the band in the offshore waters of the Gulf of Mexico. Because the rules require such automated systems to provide coverage over at least 69% of the waterway served,[13] the proposed definitions of the additional service area is important. We propose to define the ofshore waters of the Gulf of Mexico as the area within the 100 fathom line or 40 miles offshore, whichever is greater. This would include the major area of activity along the Continental shelf where offshore petroleum operations are conducted. Such a definition includes the area expected to generate the greatest interest and demand for maritime communications services and is readily determinable. We further propose to delete from the rules the long list of rivers which comprise the Mississippi River System. These rivers are generally recognized and defined navigational waterways. There appears to be no need to list each river in our rules.

13. We are also proposing a number of editorial changes in Parts 81 and 83 of the rules to conform with our primary purpose in this proceeding. Most significant of these changes is the re-titling the subparts governing these automated maritime communications systems. Since the expansion of the frequency allocation to offshore waters would render obsolete the present terminology "Inland Waterways Communications System", we propose to substitute the name "Automated Maritime Telecommunications Service" (abbreviated AMTS).

14. The proposed amendments to the Commission's rules as set forth in the attached Appendix are issued under the authority contained in Sections 4(i) and 303 (c), and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303 (c) and (r).

15. Under procedures set out in § 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before March 1, 1984, and reply comments on or before March 16, 1984. All relevant and timely comments will be considered by the Commission before final action is taken into consideration information and ideas not contained in the comments provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the report and order.

16. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an orginal and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All commments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

17. For purposes of this non-restricted notice and comment rule-making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of propose rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written, or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

18. Pursuant to Section 605 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), we certify that the proposed rules will not have a significant economic impact on a substantial number of small entities. These rules propose to make 80 channels in the 216–220 MHz band available for assignment to automated maritime communications systems for ship-shore communications beyond the current service area limitations of the Mississippi River System and the Gulf Intracoastal Waterway. There is no proposed requirement for any vessel or maritime station to purchase equipment or otherwise participate in such a system.

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[10] See *Memorandum Opinion and Order*, In re Application of Petroleum Comunications, Inc., File No. 29000–CL–P–83, FCC 83–434, released October 7, 1983.

[11] Footnote US210 to § 2.106 of the rules (Table of Frequency Allocations) permits the authorization of stations on a secondary basis for the tracking of and telemetering of scientific data from ocean buoys and wildlife.

[12] see footnote US 229 to § 2.106 of the rules (Table of Frequency Allocations).

[13] See Section 81.913(b), 47 CFR 81.913(b).

19. Regarding questions on matters covered in this document contact Robert H. McNamara (202) 632–7175.

20. It is ordered, That a copy of this Notice of Proposed Rule Making shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 2, 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

In § 2.106 footnote NG 121 is revised to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

NG 121 The maritime mobile use of this band is limited to operation along the Mississippi River and connecting waterways, the Gulf Intracoastal Waterway, and the offshore waters of the Gulf of Mexico.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In § 81.3, paragraph (m) is revised to read as follows:

§ 81.3 Maritime mobile serivce.

* * * * *

(m) Automated maritime Telecommunications System (AMTS). An automated, integrated and interconnected maritime communications system serving ship stations along some portion of the Mississippi River and connecting waterways, the Gulf Intracoastal Waterway, and the offshore waters of the Gulf of Mexico.

* * * * *

§ 81.131 [Amended]

2. In § 81.131, subparagraph (c)(3) is amended by removing the letters "IWCS" and inserting in their place "AMTS."

§ 81.132 [Amended]

3. In § 81.132, subparagraph (a)(7) is amended by removing the letters "IWCS" and inserting in their place "AMTS."

§ 81.134 [Amended]

4. In § 81.134, subparagraph (j) is amended by removing the letters "IWCS" and inserting in their place "AMTS."

5. Subpart T is amended by revising the heading revising paragraphs (a), (b) introductory text and (c) of § 81.913; revising § 81.915; and revising the introductory text of §81.917 as follows:

Subpart T—Automated Maritime Telecommunications System (AMTS)

§ 81.913 Service authorized.

(a) An Automated Maritime Telecommunications System (AMTS) will provide vessels with an automated, integrated communication system along some portion of the Mississippi River and conecting waterways, the Gulf Intracoastal Waterway, and the offshore waters of the Gulf of Mexico. an AMTS serving offshore waters of the Gulf of Mexico shall provide service to the 100 fathom line or 40 miles offshore, whichever is greater. Vessels on waters adjacent to any of the above described waterways may communicate with any AMTS station within its service area.

(b) Applicants may us FCC Form 503 (Application For Land Radio Station in the Maritime Services) when seeking authorization to operate an AMTS system, supplemented with a showing consisting of a detailed plan demonstrating that the proposed system will provide continuity of service along a major portion (more than 60%) of each of one or more navigable waterways encompassing the Mississippi River System, the Gulf Intracoastal Waterway, or the offshore waters of the Gulf of Mexico to be served by the applicant. Waterways less than 150 miles (240 kilometers) long must be served in their entirety. A separate form is not required for each station in a system, however, the applicable technical particulars for each proposed station, including transmitter type and location, frequencies, emissions, power, antenna arrangement and location, must be provided.

* * * * *

(c) An applicant desiring to provide a limited corespondence service may seek authorization to operate an AMTS system to provide only operational communications (communications relating to the safe efficient and economical operation of vessels, such as fuel, weather, position reports, essential supplies and service, and the like). However, service shall be provided to any ship station licensee who makes cooperative arrangements for the operation of the stations which are to provide AMTS service. In emergency or distress situations service shall be provided without prior arrangements.

§ 81.915 Points of communication.

(a) Subject of conditions and limitations imposed by the terms of the particular coast station license or by the applicable provisions of this part with respect to the use or particular radio channels, AMTS coast stations are authorized to communicate with ship stations which are authorized to operate in the AMTS.

(b) Licensees authorized to operate in the offshore waters of the Gulf of Mexico may employ frequencies designated for coast station and mobile use in fixed service for operation of the offshore service on a secondary basis to shore station and mobile use. Fixed use of those frequencies will not give rise to or support need for additional channels for rendition of AMTS service.

§ 81.917 Frequencies available.

The following carrier frequencies, paired by transmit and receive frequencies for duplex operation, designated by separate channel numbers, and distributed into Groups A, B, C and D, are available for assignment to coast stations on a station by station basis for communication by means of voice, facsimile and radioteletypewriter with ship stations authorized to operate in the AMTS. Coast stations within 105 miles (169 kilometers) of a TV Channel 13 station will be licensed only for the frequencies of Group A and Group B.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.3, paragraph (s) is revised, to read as follows:

§ 83.3 Maritime mobile service.

* * * * *

(s) Automated Maritime Telecommunications System (AMTS). An automated, integrated and interconnected maritime communications system serving ship stations along the Mississippi River and connecting waterways, the Gulf Intracoastal Waterway, and the offshore waters of the Gulf of Mexico.

§ 83.315 [Amended]

2. In § 83.315, paragraph (f) is amended by removing the words "Inland Waterways Communications System" and inserting in their place the words "Automated Maritime Telecommunications System."

§ 83.341 [Amended]

3. Section 83.341 is amended by removing the letters "IWCS" and inserting in their place "AMTS."

§ 83.351 [Amended]

4. In § 83.351, paragraph (b)(11) is amended by removing the words "Inland Waterways Communications System" and inserting in their place the words "Automated Maritime Telecommunications System."

§ 83.373 [Amended]

5. Section 83.373 is amended by removing "§ 83.905" and "IWCS" and inserting in their place "§ 83.1105" and "AMTS", respectively.

Subpart DD is amended by revising the heading; revising §§ 83.1100 and 83.1103, and revising the introductory text of § 83.1105, as follows:

Subpart DD—Automated Maritime Telecommunications System (AMTS)

§ 83.1100 Service authorized.

An Automated Maritime Telecommunications System (AMTS) will provide vessels with an automated, integrated communication system along some portion of the Mississippi River and connecting waterways, the Gulf Intracoastal Waterway, or the offshore waters of the Gulf of Mexico. An AMTS serving offshore waters of the Gulf of Mexico shall provide service to the 100 fathom line or 40 miles offshore, whichever is greater. Vessels on waters adjacent to any of the above described waterways may communicate with any AMTS station within its service area.

§ 83.1103 Supplemental eligibility requirements.

Each application for a ship station or fleet license to operate in the AMTS shall be accompanied by a letter from the AMTS licensee attesting that business arrangements have been completed for the provision of service.

§ 83.1105 Frequencies available.

The following carrier frequencies, paired by transmit and receive frequencies for duplex operation, designated by separate channel numbers, and distributed into Groups A, B, C, and D, are available for communication by means of voice, facsimile and radioteletypewriter by ship stations which are authorized to communicate with coast stations providing AMTS service. However, only Group A and Group B frequencies will be of service within 70 miles of a Channel 13 TV station since coast stations there will not be licensed on other channel groups.

* * * * *

[FR Doc. 84-2544 Filed 1-31-84; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 49, No. 22
Wednesday, February 1, 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

Forms Under Review by Office of Management and Budget

January 27, 1984.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collecton; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report: (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub L. 96–511 applies; (9) Name and telepone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 108–W Admin. Bldg., Washington, D.C. 20250, (292) 447–4414.

Comments on any of the items listed should be submitted to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

New

- Forest Service

Certified Bidder Statement of the Relationship to Other Bidders or Operators
On Occasion
Businesses or Other For-Profit: 200 responses; 20 hours; not applicable under 3504(h)
Rex Baumback (202) 475–3757

- Forest Service

Commercial Use of "Woodsy Owl" Symbol
Quarterly
Businesses or Other For-Profit: 56 responses; 84 hours; not applicable under 3504(h)
Arthur Morrison (202) 447–5060
Reinstatement

- Foreign Agricultural Service

Regulations Covering Export Financing of Sales of Agricultural Commodities Under the Commodity Credit Corporation (CCC)—Export Credit Sales Program (GSM–5)
On Occasion
Businesses or Other For-Profit: 750 responses; 937 hours; not applicable under 3504(h)
L. T. McElvain (202) 447–6225

- Agricultural Research Service

Biological Shipment Record-Beneficial Organisms
AD–941, 942, 943
On Occasion
State or Local Governments, Businesses or Other For-Profit, Federal Agencies or Employees: 800 responses; 400 hours; not applicable under 3504(h)
Jack Coulson (301) 344–3185

- Food and Nutrition Service

Work Registration Forms-Job Search Reporting
Annually
Individuals or Households plus State or Local Governments; 3,902,175 responses; 380,524 hours; not applicable under 3504(h)
Ellen Henigan (703) 756–3429

Susan B. Hess,
Acting Department Clearance Officer.

[FR Doc. 84–2774 Filed 1–31–84 8:45 am]
BILLING CODE 3410–01–M

Federal Grain Inspection Service

Designation Renewal of Columbus Grain Inspection, Inc. (OH)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Columbus Grain Inspection, Inc., as an official agency responsible for providing official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act).

EFFECTIVE DATE: March 1, 1984.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's memorandum do not apply to this action.

The September 1, 1983, issue of the **Federal Register** (48 FR 39669) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Columbus' designation terminates on February 28, 1984 (this date should have read February 29), and requesting applications for designation as the agency to provide official services within each specified geographic area. Applications were to be postmarked by October 3, 1983.

Columbus was the only applicant for this designation.

FGIS announced the name of this applicant and requested comments on same in the October 28, 1983, issue of the **Federal Register** (48 FR 49895). Comments were to be postmarked by December 12, 1983.

Five comments were received, all recommending the designation renewal of Columbus.

FGIS has evaluated all available information, regarding the designation criteria in Section 7(f)(1)(A) of the Act

and in accordance with Section 7(f)(1)(B), and has determined that Columbus is able to provide official services in the geographic area for which its designation is being renewed. The assigned area is the entire geographic area, as previously described in the September 1 **Federal Register** issue.

Effective March 1, 1984, and terminating February 28, 1987, the responsibility for providing official inspection services in its specified geographic area is assigned to Columbus.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency to conduct official inspection services and where the agency and one or more of its licensed inspectors are located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring a licensed inspector to all locations within its geographic area.

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of the specified service points. Interested persons also may obtain a list of the specified service points by contacting the agency at the following address: Columbus Grain Inspection, Inc., P.O. Box 167, Circleville, OH 43113.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: January 23, 1984.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 84–2556 Filed 1–31–84; 8:45 am]

BILLING CODE 3410–EN–M

Request for Comments on Designation Applicants in the Areas Currently Assigned to Bloomington Grain Inspection Department (IL), Lubbock Grain Inspection and Weighing (TX), and Plainview Grain Inspection and Weighing Service, Inc. (TX)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the areas currently assigned to Bloomington Grain Inspection Department, Lubbock Grain Inspection and Weighing, and Plainview Grain Inspection and Weighing Service, Inc.

DATE: Comments to be postmarked on or before March 19, 1984.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Information Resources Management Branch, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667 South Building, 1400 Independence Avenue SW., Washington, DC 20250. All comments received will be made available for public inspection at the avove address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

The December 1, 1983, issue of the **Federal Register** (48 FR 54258) contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to the official agencies. Applications were to be postmarked by January 3, 1984.

Bloomington Grain Inspection Department, Lubbock Grain Inspection and Weighing, and Plainview Grain Inspection and Weighing Service, Inc., the only applicants for each respective designation, requested designation for the entire geographic area currently assigned to each of those agencies.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their comments concerning the applicants for designation. All comments must be submitted to the Information Resources Management Branch, Resources Management Division, specified in the address section of this notice, and postmarked not later than March 19, 1984.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79)).

Dated: January 23, 1984.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 84–2558 Filed 1–31–84; 8:45 am]

BILLING CODE 3410–EN–M

Request for Designation Applicants To Perform Official Services in the Geographic Areas Currently Assigned to Georgia Department of Agriculture (GA) and Schneider Inspection Service, Inc. (IN)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), official agency designations shall terminate not later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act. This notice announces that the designation of two agencies will terminate, in accordance with the Act, and request applications from parties, including the agencies currently designated, interested in being designated as the official agency to conduct official services in the geographic area currently assigned to each specified agency. The official agencies are Georgia Department of Agriculture and Schneider Inspection Service, Inc.

DATE: Applications to be postmarked on or before March 2, 1984.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Room 1647 South Building, Washington, D.C. 20250. All applications received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the Act (7 U.S.C. 71 *et seq.*, at 79(f)(1) specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorized, upon application by any qualified agency or person, to designate such

agency or person to perform official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Georgia Department of Agriculture (Georgia), Agriculture Building, Capitol Square, Atlanta, GA 30334, was designated under the Act as an official agency for the performance of inspection functions on October 20, 1978; weighing functions on May 14, 1981. Schneider Inspection Service, Inc. (Schneider), 15406 White Oak, Lowell, IN 46356, was designated under the Act as an official agency for the performance of inspection functions on October 25, 1978.

The agencies' designations will terminate on July 31, 1984. This date reflects administrative extensions of official agency designations, as discussed in the July 16, 1979, issue of the **Federal Register** (44 FR 41275). Section 7(g)(1) of the Act states generally that official agencies' designations shall terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Georgia, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation, is the entire State of Georgia, except those export port locations within the State.

The geographic area presently assigned to Schneider, in the States of Illinois and Indiana, pursuant to section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation, is the following:

Bounded on the North by the northern Will County line from Interstate 57 east to the Illinois-Indiana State line; the Illinois-Indiana State line north to Interstate 94; Interstate 94 east-northeast to the northern Laporte County line; the northern St. Joseph and Elkhart County lines;

Bounded on the East by the eastern and southern Elkhart County lines; the eastern Marshall County line;

Bounded on the South by the southern Marshall and Starke County lines; the eastern Jasper County line south-southwest to U.S. Route 24; U.S. Route 24 west to Indiana State Route 55; Indiana State Route 55 south to the Newton County line; the southern Newton County line west to U.S. Route 41; U.S. Route 41 north to U.S. Route 24; U.S. Route 24 west across the Indiana-Illinois State line to Illinois State Route 1; and

Bounded on the West by Illinois State Route 1 north to Kankakee County; the southern Kankakee County line west to U.S. Route 52; U.S. Route 52 north to Interstate 57; Interstate 57 north to the northern Will County line.

The following locations, outside of the foregoing contiguous geographic area, are presently assigned to Schneider and are part of this geographic area assignment:

1. Central Soya and Farmers Grain, Winamac, Pulaski County, Indiana; and
2. Tidewater Grain Company, Ford Iroquois Supply and Service, and Summer Elevator, Sheldon, Iroquois County, Indiana.

An exception to the described geographic area is the following location situated inside Schneider's area which has been and will continue to be serviced by Champaign-Danville Grain Inspection Departments, Inc.: Gillespie Grain Company, Pittwood, Iroquois County, Illinois.

Interested parties, including Georgia and Schneider, are hereby given opportunity to apply for designation as the official agency to perform the official services in the geographic areas, as specified above, under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Designations in the specified geographic areas are for the period beginning August 1, 1984, and ending June 30, 1987. Parties wishing to apply for designation should contact the Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications submitted and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Sec. 8, Sec. 9, Pub. L. 94-582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Dated: January 23, 1984.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 84-2555 Filed 1-31-84; 8:45 am]

BILLING CODE 3410-EN-M

CIVIL AERONAUTICS BOARD

[Docket 41171; Order 84-1-111]

Application for Certificate Authority; Aeronaves de Puerto Rico; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Application of Aeronaves de Puerto Rico in Docket 41171 for certificate authority to provide scheduled foreign air transportation of persons, property and mail between New York, New York, and points in Puerto Rico, on the other hand, and points in the Dominican Republic, on the other. Order 84-1-111.

SUMMARY: The Board has tentatively found and concluded that Aeronaves' application should be dismissed, because the carrier has not demonstrated its continued fitness as required by section 401(r) of the Act. The board will consider the application further if the carrier supplies data required by § 204.5. The complete text of Order 84-1-111 is available as noted below.

DATES: Objections to the Board's tentative findings and conclusions shall be filed by February 22, 1984.

ADDRESSES: All pleadings should be filed in the Docket section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 41171.

FOR FURTHER INFORMATION CONTACT: Nicholas Lowry, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5203.

SUPPLEMENTARY INFORMATION: The complete test of Order 84-1-111 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-1-111 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: January 26, 1984

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-2758 Filed 1-31-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-1-107]

Fitness Investigation of Jet Fleet International Airlines, Inc., Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice.

SUMMARY: The Board is proposing to find Jet Fleet International Airlines, Inc., fit, willing and able to engage in interstate and overseas scheduled air transportation of persons, property and mail.

DATES: Objections: All interested persons having objections to the Board's tentative fitness determination shall file, and serve upon all persons listed below, no later than February 16, 1984, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Responses shall be filed in Docket 41804 and should be addressed to Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon the governors of Texas and Colorado, the mayors of Dallas, Texas and Gunnison and Hayden Colorado, the airport managers of Dallas-Fort Worth International Airport, Gunnison Airport and Yampa Valley Airport, and the Federal Aviation Administration.

FOR FURTHER INFORMATION CONTACT: Paul W. Wallig, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-1-107 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-1-107 to that address.

By the Civil Aeronautics Board: January 26, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-2757 Filed 1-31-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Automated Manufacturing Equipment Technical Advisory Committee; Open Meeting

A meeting of the Automated Manufacturing Equipment Technical Advisory Committee (formerly the Numerically Controlled Machine Tool Technical Advisory Committee) will be held February 16, 1984, at 10:00 a.m., Herbert C. Hoover Building, Room B841, 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 automated manufacturing equipment or technology.

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of the work plan for 1984.
4. Discussion for establishing subcommittees.
5. Discussion of possible export control of automated industrial control systems.
6. Discussion of possible export control of robots.
7. Discussion of possible export control of process controllers.
8. Discussion of critical technical data.
9. New Business.
10. Action items underway.
11. Action items due at next meeting.

The general session will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Margaret Cornejo (202) 377-2583.

Dated: January 27, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-2763 Filed 1-31-84; 8:45 am]

BILLING CODE 3510-DT-M

[A-588-088]

Lightweight Polyester Filament Fabrics From Japan; Termination of Antidumping Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On January 24 counsel on behalf of the U.S. industry producing lightweight polyester filament fabrics withdrew their antidumping petition, filed on January 4, 1983, on lightweight polyester filament fabrics from Japan. Based on that withdrawal, we are terminating the antidumping investigation (see counsel's letter below).

EFFECTIVE DATE: January 24, 1984.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377-5288.

SUPPLEMENTARY INFORMATION:

Case History

On January 4, 1983, we received a petition filed by counsel for Burlington Industries, Inc., Milliken & Co., J. P. Stevens & Co., Inc., Dan River, Inc., Texfi Industries, Frank Ix & Sons, Inc., and Bloomsburg Mills, Inc. on behalf of the U.S. industry producing lightweight polyester filament fabrics (LPFF). In accordance with the filing requirements of § 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioner alleged that LPFF fom Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry. The allegations of sales at less than fair value include an allegation that home market sales are being made at less than the cost of production in Japan.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the U.S. International Trade Commission (ITC) of our action and initiated such an investigation on January 24, 1983 (48 FR 3797). The ITC subsequently found, on February 18, 1983, that there is a reasonable indication that imports of LPFF are materially injuring, or are threatening to materially injure, a U.S. industry.

On May 20, 1983, we found this case to be extraordinarily complicated because of the large number of complex transactions and the large number of firms whose activities had to be investigated. We postponed our preliminary determination until August 2, 1983 (48 FR 23471).

On August 2, 1983, we preliminarily determined that LPFF from Japan were being sold in the United States at less than fair value (48 FR 35976). We held a hearing on November 1, 1983, to allow the parties an opportunity to address the issues.

During the period August 4 to September 1, 1983, we received letters from eight of the respondents requesting that the final determination be extended until December 21, 1983. We extended our final determination until that date.

On December 21, 1983, we determined that LPFF from Japan were being sold in the U.S. at less than fair value. (49 FR 472).

Scope of Investigation

The products covered by this investigation are lightweight polyester filament fabrics, currently provided for in items 338.5009, 338.5011, 338.5012, 338.5013, and 338.5015 of the *Tariff Schedules of the United States Annotated (TSUSA).*

Withdrawal of Petition

On January 24, 1984, petitioners notified us that they were withdrawing their petition and requested that the investigation be terminated. Under section 734(a) of the Act, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. We have notified all parties to this investigation of petitioners' withdrawal and our intention to terminate, and we have consulted with the International Trade Commission. We have determined that

termination of this case is in the public interest.

For these reasons, we are terminating our investigation of lightweight polyester filament fabrics from Japan.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

January 24, 1984.

Wilmer, Cutler & Pickering,
1666 K Street, N.W.,
Washington, D.C.
January 24, 1984.

The Honorable Alan F. Holmer,
Deputy Assistant Secretary for Import Administration, International Trade Administration, U.S. Department of Commerce, Room 3099B, 14th & Constitution Avenue, N.W., Washington, D.C.

Re: *Lightweight Polyester Filament Fabric from Japan*

Dear Mr. Holmer: In light of the decision by the Government of Japan to limit licenses for exports of lightweight polyester filament fabric ("LPFF") to the United States to 150 million square yards in 1984 and 151.5 million square yards in 1985, the American Textile Manufacturers Institute, Inc., together with its member companies listed in Appendix 1 to the petition ("Petitioners"), withdraw the antidumping petition they filed on January 3, 1983 against imports of LPFF from Japan.

Sincerely,

John D. Greenwald,

Counsel for Petitioners.

[FR Doc. 84-2785 Filed 1-31-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-588-040]

Certain Fasteners From Japan; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

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

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain fasteners from Japan. The review covers the period January 1, 1982 through December 31, 1982.

As a result of the review, the Department has preliminarily determined the aggregate net subsidy to be 0.09 percent *ad valorem*, a rate the Department considers to be *de minimis*. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 1, 1984.

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

SUPPLEMENTARY INFORMATION:

Background

On May 26, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 23682) the final results of its last administrative review of the countervailing duty order on certain fasteners from Japan (42 FR 23147, May 6, 1977; amended by 44 FR 31972, June 4, 1979) and announced its intent to conduct the next administrative review. As required by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of all Japanese fasteners currently classifiable under items 646.5400 and 646.5600, and non-metric Japanese fasteners currently classifiable under items 646.1700, 646.4000, 646.4100, 646.4920, 646.4940, 646.5100, 646.5300, 646.5800, 646.6020, 646.6040, 646.6320, 646.6340, 646.6500, 646.7200, 646.7400, 646.7500, 646.7600, and 646.7800 of the Tariff Schedules of the United States Annotated. The review covers the period january 1, 1982 through December 31, 1982 and the following programs: (1) Benefits received under the "Temporary Measures Act for Small and Midsized Businesses with regard to the High Yen Exchange Market" (High Yen law"); (2) the deferral of income taxes on export earnings under the Overseas Market Development Reserve ("OMDR"); and (3) other loans given at preferential rates by the People's Finance Corporation, the Bank of Commerce and Industrial Cooperatives, the Small Business Finance Corporation, and the Japan Development Bank.

Analysis of Programs

(1) High Yen Law

The two methods of assistance available under the High Yen Law and previously used by the fasteners industry, loans at preferrential rates and deferment of payment of interest on these loans, were terminated prior to the period of this review. Loans were for a period of six years and their benefits continued during 1982. The third method of assistance, special government credit guarantees, was not used by the fasteners industry. We have calculated the aggregate benefit from this program to be 0.01 percent *ad valorem*.

(2) OMDR

The OMDR program is offered by the Japanese government to firms with a total capitalization of 500 million yen or less. The program allows a firm the opportunity to set aside a portion of income earned on overseas operations. The amount set aside escapes taxation for up to 5 years. Twenty percent of the amount set aside must be returned to taxable income each year, and the total amount must be returned by the end of the fifth year. We have considered the taxes owed on these amounts set aside to be zero interest loans made by the government. We used as the benchmark, the average short term interest rate charged to small and medium sized enterprises as reported by the Japanese government. We have calculated the benefit under the OMDR program to be 0.08 percent *ad valorem*.

(3) Other Preferential Loan Programs

From information received from the Government of Japan, we conclude that no preferential loans were given to the fasteners industry during the period of review by the People's Finance Corporation, the Small Business Finance Corporation, the Bank of Commerce and Industrial Cooperatives, or the Japan Development Bank.

Preliminary Results of the Review

As a result of the review, we preliminarily determine the aggregate net subsidy to be 0.09 percent *ad valorem* for the period of review. The Department considers any rate less than 0.5 percent *ad valorem* to be *de minimis*. Therefore, the Department intends to instruct the Customs Service not to assess countervailing duties on any shipments of this merchandise exported on or after January 1, 1982 and on or before December 31, 1982.

Further, the Department intends to instruct the Customs Service to continue to waive the collection of a cash deposit of estimated countervailing duties, as provided for by section 751(a)(1) of the Tariff Act, on all shipments of such Japanese fasteners entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must

be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

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

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-2750 Filed 1-31-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-016]

Certain Fresh Cut Flowers From Mexico; Preliminary Negative Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary Negative Countervailing Duty Determination.

SUMMARY: We preliminarily determine that no benefits which constitute bounties or gants within the meaning of the countervailing duty law are being provided to producers or exporters in Mexico of fresh cut flowers, as described in the "Scope of Investigation" section of this notice. If this investigation proceeds normally, we will make our final determination by April 10, 1984.

EFFECTIVE DATE: February 1, 1984.

FOR FURTHER INFORMATION CONTACT: Rick Herring, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-0187.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is no reason to believe that benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to producers or exporters in Mexico of fresh cut flowers, as described in the "Scope of Investigation" section of this notice.

Case History

On September 30, 1983, we received a petition from counsel for the California Floral Council, Floral Trade Council, and Roses, Inc., filed on behalf of the United States industry producing fresh cut flowers. The petition alleges that the government of Mexico bestows bounties or grants upon the production or exportation of fresh cut flowers within the meaning of section 303 of the Act.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation and on October 20, 1983, we initiated a countervailing duty investigation (48 FR 49531). We stated that we would make our prliminary determination by December 27, 1983.

On December 5, 1983, we received a request by petitioners' counsel to extend the preliminary determination for 30 days. On December 7, 1983, the investigation was extended for the requested period of time (48 FR 55492). We stated we would make our preliminary determination by January 26, 1984.

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. Under this section, since certain of the merchandise being investigated is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry. Similarly, with respect to the merchandise which is nondutiable, no injury dermination is required by the ITC because there are no "international obligations" within the meaning of section 303(a)(2) of the Act which require such a determination for nondutiable merchandise from Mexico.

On November 2, 1983, we presented a questionnaire concerning the allegations in the petition to the government of Mexico in Washington, D.C. On December 20, 1983, we received the response to our questionnaire from the government of Mexico.

Scope of Investigation

The products covered by this investigation are fresh cut flowers which are currently imported under items numbers 192.1700, 192.2130, 192.2110, 192.2120, 192.1810, and 192.1890 of the *Tariff Schedules of the United States Annotated (TSUSA).* This investigation covers miniature carnations, standard carnations, pompon crysanthemums, standard crysanthemums, sweetheart roses, and hybrid tea and intermediate roses.

The period for which we are measuring bounties or grants is January 1, 1982 to September 30, 1983. For the preliminary determination we are measuring bounties or grants on the basis of benefits received by those companies which exported to the United States.

Analysis of Programs

In its response, the government of Mexico provided data for the applicable periods. Based upon our analysis of the petition and the response to our questionnaire, we determine the following:

I. Program Preliminarily Determined To Be Used but for Which More Information Is Needed

We preliminarily determine that the following programs has been used by a flower exporter, but that more infromation is needed to determine whether the program is countervailable.

A. The Funds Established With Relationship to Agriculture (FIRA)

Petitioners allege that the cut flower industry received benefits under this program. FIRA is a series of trusts administered by the Bank of Mexico. The main objective of FIRA is to develop Mexico's agricultural sector. To meet this objective FIRA provides short- and long-term financing, loan guarantees, and technical support to firms involved in agricultural production. The Fund for Agricultural Finance (FEFA) and the Fund for Technical Assistance and Guarantee for Agriculture Credit (FEGA) are two of the principal funds which operate under FIRA. FEFA was created in August of 1965 and provides investment funding to producers. FEGA was created in December of 1972 and guarantees credits granted to low income growers. FEGA also reimburses banks for technical services provided through the banks to growers.

The government of Mexico stated that only one flower company received a loan through FIRA. The loan was granted to Florex S.P.R. in 1983 to enable it to purchase the assets of another company, Flores de Occidente. In order to determine whether benefits received under FIRA are countervailable, we need to determine whether FIRA benefits may be contingent upon exports and/or whether FIRA is targeted to a "specific enterprise or industry, or group of enterprises or industries" within Mexico as specified in section 771(5)(B) of the Act.

In our "Final Negative Countevailing Duty Determination: Fresh Asparagus From Mexico" (48 F.R. 21618), we stated that the agricultural sector constitutes more than a single group of industries within the meaning of the Act. According to information from the Mexican government, it appears that

FIRA is available to a broad range of agricultural products, and possibly even for some non-agricultural enterprises. If this is the case, FIRA would not be countervailable based on our reasoning in *Fresh Asparagus*. Further, it does not appear that the Florex loan is targeted for exports. However, more information is needed on this program, because it is not clear from the response exactly what types of products are eligible to receive FIRA financing.

In any case, if we determine FIRA to be countervailable, the potential benefit from the Florex loan appears to be *de minimis*. However, petitioners have submitted information which petitioners claim evidences that FIRA has been more widely used by flower companies. Additional information regarding petitioners' claims will be sought, and information verified.

II. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the following programs have not been used by producers or exporters of cut flowers. Unless otherwise indicated, the basis for this preliminary determination is the Mexican government's statement that flower producers and exporters did not receive benefits under these programs.

A. Import Duty Reduction or Exemption

Petitioners allege that the cut flower industry may receive benefits under a law published on March 25, 1983 in the *Diario Oficial de la Federeacion (Diario Oficial)*. Under this law, duties owed on imported machinery and equipment used in producing fresh cut flowers may be reduced by up to 100 percent of the amount due. In its response to our questionnaire, the government of Mexico stated that none of the companies imported machinery or equipment during the period of investigation.

B. The Mexican Institute of Foreign Trade (IMCE)

IMCE was created by a law published December 31, 1979, in the *Diario Oficial*. IMCE promotes the foreign trade of Mexican products and coordinates efforts to stimulate foreign trade. IMCE performs a number of functions including organizing and directing trade fairs abroad, promoting the visits of foreign trade missions to Mexico, carrying out investigation to identify national products or services which might be in demand abroad, and providing exporters with technical assistance.

Petitioners allege that IMCE has provided assistance to the Mexican flower industry by: (1) Providing it with marketing research;l (2) reimbursing the industry for the transportation cost of samples flown to potential U.S. customers; and (3) initiating a special project in 1980 to boost exports of flowers. According to the government of Mexico, the only service provided to the flower industry was a market study conducted in 1975.

C. Grant to the University of Floriculture

Petitioners allege that a grant was given to an institution that services the flower industry by conducting research and development on its behalf and by providing it with manpower training. According to the Mexican government, there is no University of Floriculture. The State University of Morelos offers a degree in ornamental agriculture, but the government of Mexico stated that no grant or special funding was given for this program.

D. Certificates of Fiscal Promotion (CEPROFI's)

In 1979 the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which sets forth broad economic goals for the country. Tax credits, called CEPROFI's are used to promote the NIDP goals, which include increased employment, encouragement of regional decentralization, and industrial development, particularly of small and medium-sized firms.

CEPROFI certificates are tax certificates of fixed value which may be used for a five-year period to pay federal taxes. Certain CEPROFI certificates are granted for carrying out investments in "priority" industrial activities including investment credits for new machinery; others are available to all industries on equal terms.

E. Guarantee and Development Fund for Medium and Small Industries (FOGAIN)

FOGAIN provides financing at interest rates below prevailing commercial rates to small and medium-sized firms in Mexico.

F. Trust for Industrial Parks, Cities, and Commercial Centers (FIDEIN)

This program is aimed at developing industrial parks and cities.

G. National Preinvestment Fund for Studies and Projects (FONEP)

The primary objective of FONEP is to assist firms to invest in economic feasibility studies.

H. Fondo Nacional de Fomento Industrial (FOMIN)

FOMIN operates as a trust fund, providing funding to certain small and medium-sized companies through either stock acquisition or the provision of loans at rates below those of commercial lending institutions.

I. Preferential State Investment Incentives

Certain Mexican states offer Mexican industries partial or total exemption from state taxes, free or low cost land, or certain local infrastructure improvements as incentives for establishing or expanding industrial facilities or incentives for exporting.

J. Government-financed Technology Development

Certain Mexican industries may receive benefits under the NIDP, in the form of grants to purchase technological services at new plants.

K. Preferential Vessel, Freight, Terminal, and Insurance Benefits

Industries in Mexico may benefit from rebates or other discounts on transporation, storage, and insurance expenses involved in exporting products to the United States.

L. Discounts and Rebates on Energy

Discounts on energy are given by the Mexican government to qualifying enterprises which are located in certain priority development regions established under the NIDP. The criteria for these price differentials available under the NIDP for energy products are contained in the Regulations Regarding Price Differentials published in the *Diario Oficial* on December 29, 1978, and June 19 and 21, 1979. Discounts and rebates on electricity are also available to qualifying industries through the Federal Electricity Commission.

M. Fund for Industrial Development (FONEI)

FONEI is a specialized financial development fund administered by the Bank of Mexico, which grants long-term credit, on terms inconsistent with commercial considerations, for the creation, expansion or modernization of enterprises in order to foster the efficient production of industrial goods, the production of goods capable of competing in the international market, and industrial decentralization.

N. Accelerated Depreciation

Mexican producers or exporters may be eligible for accelerated depreciation of certain equipment.

O. Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX)

The Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX) is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions which establish contracts for lines of credit with manufacturers and exporters.

In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have a minimum of 30 percent national content in direct production costs; (3) loans granted for pre-export must be in Mexican currency, while loans for export sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. The maximum annual interest rate that credit institutions may charge borrowers for FOMEX pre-export financing is 8 percent, in Mexican pesos. The maximum annual interest rate for FOMEX export financing is 6 percent.

We also requested information from the Mexican government on possible FOMEX financing to U.S. importers of Mexican cut flowers. The government of Mexico stated that FOMEX financing is not available either to Mexican cut flower exporters or to U.S. importers of cut flowers because FOMEX financing is only available to manufactured products.

P. Article 94 Loans

The Bank of Mexico has established 12 categories of industries that are eligible to obtain financing under section II of Article 94 of the *General Law of Credit Institutions and Auxiliary Organizations* (the Banking Law). Most categories carry their own maximum interest rate, which is set by the Bank of Mexico. Category 12, which consists of exports of manufactured products, is the only category to carry a maximum interest rate of 8 percent.

This program has been incorrectly referred to as "Encaje Legal". Encaje Legal is the reserve requirements for lending institutions which are set by the Bank of Mexico under the Banking Law.

III. Program Determined To be Suspended

We preliminarily determine that the following program has been suspended.

A. Certificado de Devolucion de Impuesto (CEDI)

The Certificado de Devolucion de Impuesto (CEDI) is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The CEDI's are non-transferable and may be applied against a wide range of federal tax liabilities (including payroll taxes, value-added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

The government of Mexico suspended eligibility for CEDI tax certificates by an Executive Order published on August 25, 1982, in the *Diario Oficial*. The order abrogates prior executive orders which contained the list of products eligibile to receive CEDI certificates. Suspension of eligibility to apply for the CEDI was effective one day after publication of the Executive Order in the *Diario Oficial*. Futhermore, the government of Mexico stated that the flower industry did not use the CEDI program when it was in existence.

Verification

In accordance with section 776(a) of the Act, we will verify information used in reaching our final determination.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties and opportunity to comment on this preliminary determination at 10 a.m. on February 29, 1984, at the U.S. Department of Commerce, Room 1851, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by February 22, 1984. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 335.46 within 30 days of this notice's publication, at the above address and in at least 10 copies.

Dated: January 26, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-2749 Filed 1-31-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-005]

Carbon Steel Bars and Structural Shapes From Canada; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on carbon steel bars and structural shapes from Canada. The review covers carbon steel bars and structural shapes manufactured by Western Canada Steel Limited, its subsidiary, Vancouver Rolling Mills Ltd., the six other known exporters of this merchandise to the United States, and the period September 1, 1981, through August 31, 1982. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on their sales during the period. Where company-supplied information was inadequate or no information was received, we used the best information; available for assessment and estimated antidumping duties cash deposit purposes.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 1, 1984.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or Robert Marenick, Office of Compliances, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-2923/5255.

SUPPLEMENTARY INFORMATION:

Background

On April 8, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 15307-8) the final results of its last

administrative review of the antidumping finding on carbon steel bars and structural shapes from Canada (29 FR 13319, September 25, 1964) and announced its intent to immediately conduct its next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, currently classifiable under items 606.8300 and 609.8000 of the Tariff Schedules of the United States Annotated, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada. The review covers Western Canada Steel Limited, its subsidiary, Vancouver Rolling Mills Limited, the six other known exporters of this merchandise to the United States, and the period September 1, 1981, through August 31, 1982.

Four firms did not export such Canadian carbon steel bars and structural shapes to the United States during the period. The estimated antidumping duties cash deposit rate for those firms will be the most recent rate for each firm. Western Canada Steel failed to respond to our questionnaire and one exporter provided an inadequate response to our questionnaire. For those two firms we used the best information available to determine the assessment and estimated antidumping duties cash deposit rates. The best information available is the most recent rate for each firm or the rate for the responding firm with shipments in the period, whichever is higher.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the delivered packed price to the first unrelated purchaser in the United States. We make deductions for foreign and U.S. inland freight, U.S. duty and commissions to unrelated parties. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773 or the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the delivered packed price to unrelated purchasers, with an adjustment for inland freight. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period September 1, 1981 through August 31, 1982:

Manufacturer/exporter	Margin (percent)
Western Canada Steel Ltd.	40.64
Western Canada/A.J. Forsyth Co., Ltd.	[1]0.01
Western Canada/Mitsubishi Canada Ltd.	[1]0.01
Western Canada/Mitsui & Co. (Canada) Ltd.	[1]0.01
Western Canada/Tudor Sales Ltd.	[1]0.01
Western Canada/Cam Chain Co., Ltd.	3.20
Western Canada/Chatham Steel Ltd.	3.20

[1] No shipments during the period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries with purchase dates during the period. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the above margins shall be required. Since the margins for A. J. Forsyth Co., Ltd., Mitsubishi Canada Ltd., Mitsui & Co. (Canada) Ltd., and Tudor Sales Ltd. are less than 0.5 percent, and therefore *de minimis* for cash deposit purposes, the Department shall waive the deposit requirement for shipments of carbon steel bars and structural shapes from those firms. For any future entries from a new exporter of carbon steel bars and structural shapes manufactured by Western Canada Steel, Ltd. or its subsidiary, Vancouver Rolling Mills Ltd., not covered in this or prior reviews, whose first shipments occurred after August 31, 1982 and who is unrelated to any reviewed firm, a cash deposit of 3.20 percent shall be required. These deposit requirements and waivers are effective for all shipments of carbon steel bars and structural shapes entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: January 24, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-2751 Filed 1-31-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-029]

Fish Netting of Man-Made Fibers From Japan; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke in Part

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding and tentative determination to revoke in part.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on fish netting of man-made fibers from Japan. The review covers the 64 known manufacturers, exporters and eight known third-county resellers of this merchandise to the United States and generally two consecutive periods from June 1, 1980 through May 31, 1982. The review indicates the existence of dumping margins for certain firms in particular periods.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of their sales during the periods of review. Where company-supplied information was inadequate or firms failed to respond to our questionnaire, we used the best information available for assessment and estimated antidumping duties cash deposit rates. The Department has also tentatively determined to revoke the finding with respect to Amikan Fishing Net Manufacturing Col., Ltd., Hakodate

Seimo Sengu Co., Ltd., and Ohmi Netting Col., Ltd./MItsui & Co., Ltd.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke in part.

EFFECTIVE DATE: February 1, 1984.

FOR FURTHER INFORMATION CONTACT: Laurie Lucksinger or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–1130.

SUPPLEMENTARY INFORMATION:

Background

On September 22, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 43210–12) the final results of its last administrative review of the antidumping finding on fish netting of man-made fibers from Japan (37 FR 11560, June 9, 1972) and announced its intent to conduct immediately its next administrative reivew. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of fish netting of man-made fibers, currently classifiable under items 355.4520 and 355.4530 of the Tariff Schedules of the United States Annotated.

The review covers the 64 known Japanese manufacturers, exporters, and eight known third-country resellers of Japanese fish-netting of man-made fibers to the United States and generally two consecutive periods from June 1, 1980 through May 31, 1982.

Twelve manufacturers and/or exporters and three third-country resellers covered in the last review are not covered in this review. We found that those firms never exported Japanese fish netting of man-made fibers to the United States or are no longer in business.

Eleven exporters or resellers did not export Japanese fish netting of man-made fibers to the United States from June 1980 throug May 1981 and seventeen exporters or resellers did not export Japanese fish- netting of man-made fibers from June 1981 through May 1982. The estimated antidumping duties cash deposit rates for those firms will be based on the most recent rate for each firm. Twenty-four firms failed to respond to our questionaire for the June 1980 through May 1981 period and sixteen firms did not respond for the June 1981 through May 1982 period. For those non-responsive firms, we used the best information available to determine the assessment and estimated antidumping duties cash deposit rates. The best information available for the June 1980 though May 1981 period is the highest current rate for responding firms with shipments. The best information available for the June 1981 through May 1982 period is the most recent rate for each firm.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on either the packed price to unrelated purchasers in the United States or to unrelated Japanese trading companies for export to the United States, as appropriate. Where applicable, deductions were made for U.S. and foreign inland freight, ocean freight, and marine insurance. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773(a) of the Tariff Act when sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. The Department used the price to unrelated purchasers in third, countries, as defined in section 773(a)(1)(B) of the Tariff Act, when there were insufficient quantities of such or similar merchandise sold in the home market. For comparison with sales to the United States by third-country resellers, we used the resellers' price to purchasers in their domestic markets since sufficient quantities of such or similar merchandise were sold in their domestic markets to provide a basis for comparison. Adjustments were made, where applicable, for foreign inland freight, ocean freight, insurance, duties, differences in credit costs, commissions to unrelated parties, and differences in packing costs. Further adjustments were made, where applicable, for differences in the physical characteristics of the merchandise in accordance with § 353.16 of the Commerce Regulations. No other adjustments were claimed or allowed.

Preliminary Results of the Review and Tentative Determination to Revoke in Part

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

	Time period	Margin (percent)
Manufacturer/exporter:		
Amikan Fishing Net Mfg. Co., Ltd	06/01/80–05/31/81	0
	06/01/81–05/31/82	0
Amisho Kabushiki Kaisha, Ltd	06/01/80–05/31/81	0
	06/01/81–05/31/82	0
Amita Company, Ltd	06/01/80–05/31/81	11.73
	06/01/81–05/31/82	0.46
Chunichi	06/01/81–05/31/82	4.35
Fukui Fishing Net Co., Ltd	06/01/80–05/31/81	4.99
	06/01/81–05/31/82	1.81
Hakodate Seimo Sengu Co., Ltd	06/01/80–05/31/81	0
	06/01/81–05/31/82	0
Hakodate Seimo Sengu Co., Ltd/ Mitsui & Co., Ltd	06/01/80–05/31/81	0
	06/01/81–05/31/82	0
Hashimoto Sangyo Co	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	[1] 37.83
Hiraga Fishing Net Mfg. Co., Ltd	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Hiraga Fishing Net Mfg. Co., Ltd./sanyo Enterprises Co., Ltd	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Hiraga Fishing Net Mfg., Co., Ltd./ Yamada Trading Co., Ltd	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Hiranka & Co., Ltd	06/01/81–05/31/82	37.83
Hirata Spinning Co., Ltd	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Hirata Spinning Co., Ltd./Nichimen Co., Ltd	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Ikesen K.K	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
I.K.K. International Corp	06/01/80–05/31/81	[1] 6.07
	06/01/81–05/31/82	[1] 6.07
Ikko Co., Ltd	06/01/81–05/31/82	4.35
Inagaki Fishing Net Mfg. Co. Ltd./ Moribun Shoten	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Inagaki Fishing Net Mfg. Co. Ltd./ Nichimen Co., Ltd	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	0
Inagaki Fishing Net Mfg. Co. Ltd./ Shinwa Trading Co	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Itoh-Seni Mfg. Co., Ltd./Yamada Trading Co., Ltd	06/01/80–05/31/81	0
	06/01/81–05/31/82	0
Japan Mdse., Ltd	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Kasumi Fishing Net Mfg. Co., Ltd	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Kasumi Fishing Net Mfg. Co., Ltd./Sanyo Enterprises Co., Ltd	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	47.83
Kataoka Seimo Co., Ltd./K.Y. Corp	06/01/80–05/31/81	[1] 0
	06/01/81–05/31/82	[1] 0
Kato Seimo	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Kinoshita Fishing Net Mfg. Co., Ltd./ Nissho Iwai Corp	06/01/80–05/31/81	0.61
	06/01/81–05/31/82	4.35
K.K. Tanaka Sajiro Seimo	06/01/81–05/31/82	4.35
Kokusai Gyomo	06/01/81–05/31/82	4.35
Kyoto Netting Co., Ltd	06/01/80–05/31/81	[1] 6.78
	06/01/81–05/31/82	[1] 6.78
Makino	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Maruhei & Co	06/01/80–05/31/81	37.83
	06/01/81–05/31/82	37.83
Miye Seimo Co., Ltd	06/01/80–05/31/81	29.88
	06/01/81–05/31/82	[1] 29.88

	Time period	Margin (percent)
Momoi Fishing Net Mfg. Co.	06/01/80-05/31/81	5.43
	06/01/81-05/31/82	0.96
Moririn Co. Ltd.	06/01/80-05/31/81	[1] 18.30
	06/01/81-05/31/82	[1] 18.30
Morishita Fishing Net Mfg. Co., Ltd	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83
Morishita Fishing Net Mfg. Co., Ltd./Mitsui	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83
Morishita Fishing Net Mfg. Co., Ltd./ Nissho Iwai Corp	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83
Morishita Fishing Net Mfg. Co., Ltd./ Tecnets	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	0
Nagaura Seimosho Co., Ltd	06/01/80-05/31/81	[1] 4.30
	06/01/81-05/31/82	0
Nakazawa Gyomo Co., Ltd./Kanematsu Trading	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	[1] 37.83
Nichimo Co., Ltd	06/01/80-05/31/81	2.57
	06/01/81-05/31/82	0
Nippon Kenmo Co., Ltd	06/01/80-05/31/81	0
	06/01/81-05/31/82	0
Odaka Seimo	06/01/81-05/31/82	4.35
Ogura Trading Co., Ltd.	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	[1] 37.83
Ohmi Netting Co., Ltd./Mitsui & Co., Ltd	06/01/80-05/31/81	0
	06/01/81-05/31/82	0
Ohmi Netting Co., Ltd./ Nichimen Co., Ltd	06/01/80-05/31/81	2.41
	06/01/81-05/31/82	0
Ono Trading	06/01/80-05/31/81	[1] 6.78
	06/01/81-05/31/82	[1] 6.78
Osada Fishing Net Co., Ltd./Moribun Shoten	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	0
Osada Fishing Net Co., Ltd./Nichimen Co., Ltd	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	0
Osada Fishing Net Co., Ltd./Sanyo	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83
Sakakura Net Kogyosho	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	[1] 37.83
Taito Seiko Co., Ltd./ Nakamura Suisan Co., Ltd	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83
Taiyo Gyogyo K.K.	06/01/80-05/31/81	[1] 6.78
	06/01/81-05/31/82	[1] 6.78
Tame Bussan Co., Ltd.	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83
Toyama Fishing Net Mfg. Co	06/01/80-05/31/81	0.83
	06/01/81-05/31/82	0
Toyonen Co., Ltd	06/01/80-05/31/81	[1] 6.78
	06/01/81-05/31/82	[1] 6.78
Tsugawa Seimo	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83
Tsuzuki Seimosho/ Maki Enterprises	06/01/81-05/31/82	4.35
Wako Boeki K.K. (Wako Trading)	06/01/80-05/31/81	[1] 0
	06/01/81-05/31/82	4.35
Watanabe Chozen Shoten	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83
Yagi Fishing Net Co., Ltd	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	[1] 37.83
Yamagen	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83
Yamaji Fishing Net Co., Ltd	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	0.33
Third-Country Reseller (Canada):		
Abco Acadia	06/01/80-05/31/81	[1] 6.78
	06/01/81-05/31/82	6.78
Atlantic Netting, Rope & Twine, Ltd	06/01/80-05/31/81	[1] 18.30
	06/01/81-05/31/82	18.30
Bay Bulls Trading Co., Ltd	06/01/80-05/31/81	0
	06/01/81-05/31/82	[1] 0
Dennis Ross	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83
Gourock Division, Wire Rope Ind., Ltd	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	0.19
IMP Group (formerly John Leckie, Ltd.)	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	[1] 37.83
Forsee (formerly J.P. Forgie, Ltd.)	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	[1] 37.83
Puretic Supplies Co., Ltd	06/01/80-05/31/81	37.83
	06/01/81-05/31/82	37.83

[1] No shipments.

The Department has concluded that all sales by Amikan Fishing Net Manufacturing Co., Ltd., Hakodate Seimo Sengu Co., Ltd., and Ohmi Netting Co., Ltd./Mitsui & Co., Ltd., to the United States were made at not less than fair value for a two-year period. As provided for in § 353.54(e) of the Commerce Regulations, the firms have agreed in writing to an immediate suspension of liquidation and reinstatement in the finding if circumstances develop which indicate that Japanese fish netting of man-made fibers manufactured and exported by Amikan, Hakodate, and Ohmi/Mitsui is being sold by them to the United States at less than fair value.

Therefore, we tentatively determine to revoke the finding on fish netting of man-made fibers from Japan with regard to Amikan Fishing Net Manufacturing Co., Ltd., Hakodate Seimo Sengu Co., Ltd., and Ohmi Netting Co., Ltd./Mitsui & Co., Ltd. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise manufactured and exported by Amikan, Hakodate, and Ohmi/Mitsui, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

The Department received additional requests for revocation from Mitsui & Co., Ltd., Miye Seimo Co., Ltd., Moribun Shoten, Nichimen Co., Ltd., and Toyama Fishing Net Mfg. Co. We are denying these requests with the exception of shipments manufactured by Ohmi and exported by Mitsui because the firms do not meet the requirement for the revocation in that our records show sales at less than fair value for these firms in the last two years.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke in part within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries with purchase dates during the period involved. Individuals differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided by the § 353.48(b) of the Commerce Regulations, a cash deposit of estimate antidumping duties based upon the most recent of the above margins shall be required. Since the margins for Amita Co., Ltd., Yamaji Fishing Net Co., Ltd., and Gourock Division, Wire Rope Ind., Ltd., Cananda, are less than 0.5 percent and, therefore, *de minimus* for cash deposit purposes, the Department shall waive the deposit requirement for shipments of Japanese fish netting of man-made fibers from those firms. For any future entries from a new exporter not covered in this or prior reviews, whose first shipments occurred after May 31, 1982, and who is unrelated to any reviewed firm, a cash deposit of 4.35 percent shall be required. These deposit requirements and waivers are effective for all shipments of Japanese fish netting of man-made fibers entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administration review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and § 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53 and 353.54).

Dated: January 20, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-2753 Filed 1-31-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-427-075]

Perchlorethylene From France; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative review of Antidumping Finding.

SUMMARY: On August 19, 1983, the Department of commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on prechlorethylene from France. The review covers the only known exporter of this merchandise to the United States, Atochem (formerly Chloe Chimie), and the period May 1, 1982 through May 18, 1983.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received the same comment from Atochem and from the petitioners. Based on our analysis of the comment received, the final results of review remain unchanged from those presented in the preliminary results of review.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois of Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3813/1130.

SUPPLEMENTARY INFORMATION:

Background

On August 19, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 37678) the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on perchlorethylene from France (44 FR 29045, May 18, 1979). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of perchlorethylene, including technical grade and purified grade perchlorethylene. Perchlorethylene is a clear water-white liquid at ordinary temperature with a sweet ordor and is completely capable of being mixed with most organic liquids. It is a chlorinated solvent used mainly for drycleaning of clothing, but is also used in other applications such as vapor degreasing of metals. Such merchandies is currently classifiable under item 429.3400 of the Tariff Schedules of the United States Annotated.

The reviews covers the only known exporter of French perchlorethylene to the United States, Atochem (formerly Chloe Chimie), and the period May 1, 1982 through May 18, 1983. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results and tentative determination to revoke. We received the same comment from the petitioners and from Atochem.

Comment: The revocation should not apply to other French producers of percholrethylene unitl such producers have submitted a signed statemet, required by § 353.54(e) of the Commerce Regulations, agreeing to reinstatement of the finding in the event of future less than fair value sales.

Department's Positions: The Department concludes that only those companies who have exported merchandise subject to the finding during the period of the fair value investigation or up to the date of the tentative revocation, who have not previously been excluded nor received a revocation, are "parties who are subject to the revocation". Only those firms must sign a written agreement. When the last or the only company subject to a finding receives a revocation, the revocation becomes country-wide.

Final Results of Review

Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review.

As provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of 47.8 percent shall be required on all shipments of French perchlorethylene entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice.

The Department intends to begin immediately the next administrative review. The Department will examine exports by Atochem made during the period May 19, 1983 to August 19, 1983, the date of our tentative determination to revoke, in our next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce regulations (19 CFR 353.53).

Dated: January 25, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-2752 Filed 1-31-84; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trading 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 this application must be submitted on or before February 21, 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 84-00003."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 48 FR 10596-10604 (Mar 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export trade, export trade activities and methods of operation specified in the certificate and carrierd out during its

effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meet these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937–10 (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: Am-Tech Export Trading Company, Inc., P.O. Box 23107, Jackson, Mississippi 39225–3107, (817) 283–8350

Application #: 84–00003

Date Received: January 13, 1984

Date Deemed Submitted: January 18, 1984

Members in Addition to Applicant: American Technology Corporation, P.O. Box 23107, Jackson, Mississippi 39225–3107, (817) 283–8350

A. Export Markets

Am-Tech and its member, American Technology Corporation, propose to export worldwide.

B. Export Trade

Am-Tech will deal in: Office and computing machines; engineering and scientific instruments; electrical industrial apparatus; electric distributing equipment; measuring and controlling devices; medical instruments and supplies; engineering and scientific instruments; radio and television receiving equipment; commercial printing; special industry machinery; and miscellaneous electrical equipment and supplies.

In connection with its export of these goods, Am-Tech will provide export trade facilitation services, including market identification, research, and development; advertising; marketing; insurance; transportation (including trade documentation and freight forwarding); communication and processing of foreign orders; foreign exchange; financing; taking title to goods; and after-sale services.

Am-Tech will establish and operate Intertrade Centers around the world to display the goods it exports. Intertrade Center staffs will include sales persons, credit specialists, systems engineers, and service and installation personnel.

American Technology will provide system engineering, installation and maintenance services on products exported through Am-Tech.

C. Export Trade Activities and Methods of Operation

Am-Tech seeks certification to enter, in conducting its export trade in the export markets, into:

(1) Exclusive export sales agency agreements with manufactures each wherein Am-Tech may agree not to present the manufacturer's competitors.

(2) Exclusive agreements with foreign sales representatives in the export markets each wherein Am-Tech may:

(i) Establish prices at which goods will be sold in the export markets;

(ii) Establish quotas of goods to be sold in the export markets by the foreign sales representative, and

(iii) Designate the territory in which the foreign sales representative will represent Am-Tech.

In addition, to bid on a foreign order for a system, Am-Tech will coordinate the bid with the manufacturers of the system's components.

The Office of Export Trading Company Affairs 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. Interested parties have twenty (20) days from the publication of this notice in which to submit written information relevant to the determination of whether a certificate should be issued. Information submitted by any person in connecton with this application will be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

Dated: January 27, 1984.

Irving P. Margulies,

Acting General Counsel.

[FR Doc. 84–2782 Filed 1–31–84; 8:45 am]

BILLING CODE 3510–DR–M

National Oceanic and Atmospheric Administration

Public Hearings Scheduled for the Proposed Hawai'i Humpback Whale National Marine Sanctuary

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, Commerce.

Notice is hereby given that the Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold public hearings for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) prepared on the proposed Hawai'i Humpback Whale National Marine Sanctuary.

All hearings will be held at 7:00 p.m. and have been scheduled for the following dates and locations:

February 13, 1984

Kauai—Kauai County Council Chamber, 4356 RiceStreet (Lihue)
Molokai—Mitchell Pauole Center Meeting Hall (Kaunakakai)
Hawaii—Hawaii County Council, Room 25, Aupuni Street (Hilo)

February 14, 1984

Oahu—McCoy Pavilion, Ala Moana Park (Honolulu)
Lanai—Lanai Community Library Meeting Room (Lanai City)
Hawaii—Kealakehe School Cafeteria (Kailua, Kona)

February 15, 1984

Maui—Lahaina Civic Center (Lahaina)

The views of interested persons and organizations on the impact statement for the proposed Hawai'i Humpback Whale National Marine Sanctuary are solicited, and may be expressed orally or in writing. Those desiring to testify at the public hearings will be scheduled on a first-come, first heard basis. The time allowed each person wishing to testify may be limited subject to the discretion of the NOAA Hearings Officer.

The comment period for this draft environmental impact statement will end on March 20, 1984. As part of the procedures leading toward the designation of the proposed sanctuary, a Final Environmental Impact Statement (FEIS), reflecting the agency's consideration of these comments, must be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing regulations. All written comments received by NOAA prior to the deadline will be included in the FEIS.

FOR FURTHER INFORMATION CONTACT:

Dr. Nancy Foster, Chief, Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 330 Whitehaven Street, NW., Washington, D.C., 20235, telephone: 202/634–4236.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

Paul M. Wolff,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 84–2680 Filed 1–31–84; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Requesting Public Comment on Bilateral Consultations With the Government of the People's Republic of China

January 27, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under that authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below the the Commissioner of Customs to be effective on February 2, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377–4212.

Background

On January 24, 1984, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983 between the Governments of the United States and the People's Republic of China, the Government of the United States requested consultations concerning imports into the United States of apparel products in Categories 442 (wool Skirts), 444 (women's girls' and infants' wool suits), and 638 (men's and boys' man-made fiber knit shirts), produced or manufactured in China and exported to the United States. Summary market disruption statements concerning each of these categories follow this notice.

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

Anyone wishing to comment or provide data or information regarding the treatment of these categories under the agreement with the People's Republic of China, or on any other aspect thereof, or to comment on domestic production or availability of apparel included in these categories, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, it is requested that comments be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, and may be obtained upon written request.

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

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

Under the terms of the bilateral agreeement, the People's Republic of China is obligated under the consultation provision to limit its exports to the United States of these products during the ninety-day period beginning on January 24, 1984 to the following amounts:

Category	90-day level of restraint[1] (dozen)
442	10,499
444	3,547
638	140,202

[1] January 24, 1984 to April 22, 1984.

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve-months following the ninety-day consultation period to the following amounts:

Category	12-month level of restraint[1] (dozen)
442	18,230
444	9,074
638	435,649

[1] April 23, 1984 to April 22, 1985.

The United States Government has decided, pending a mutually satisfactory solution, to control imports of textile products in Categories 442, 444 and 638 for the ninety-day period, at the levels described above. The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register**.

In the event the limits established for Categories 442, 444 and 638 for the ninety-day period are exceeded, such excess amounts, if allowed to enter at

the end of the restraint period, shall be charged to the levels (described above) defined in the agreement for the subsequent twelve-month period.

SUPPLEMENTARY INFORMATION: On December 22, 1983 a letter to the Commission of Customs was published in the **Federal Register** (48 FR 56626) from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1984. The notice document which preceded that letter referred to the consultation mechanism which applies to categories to textile products under the bilateral agreement, such as Categories 442, 444 and 638 which are not subject to specific ceilings and for which levels may be established during the year. In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of apparel products in Categories 442, 444 and 638, produced or manfactured in the People's Republic of China and exported during the indicated ninety-day period, in excess of the designated levels.

Ronald L. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

January 1984.

Summary Market Statements—China

Category 442—Wool Skirts, Women's, Girls' & Infants'

The U.S. market for women's, girls' and infants' wool skirts has been disrupted and U.S. producers of such skirts have been damaged by increased imports of Category 442. Imports of Category 442 were 235,000 dozen during the first eleven months of 1983, an increase of 86 percent over imports of a year earlier.

Imports increased 22 percent from 107,000 dozen in 1981 to 131,000 dozen in 1982. The ratio of imports to domestic production increased from 8.5 percent in 1981 to 9.6 percent in 1982. This ratio will be far higher in 1983 since imports are expected to nearly double.

China played a significant role in the market disruption. Imports of Category 442 from China totaled 29,996 dozen during the year ending November 1983, 440.7 percent higher than the 5,548 dozen imported a year earlier. Imports from China increased 442.8 percent during the first eleven months of 1983 compared with the same period in 1982. During this period China's import share increased to 12.7 percent from 4.3 percent a year earlier. China is the third largest supplier of Category 442. Of the four largest suppliers, all except China has agreed to limit their 1983 exports.

Category 444—Women's, Girls' and Infants' Wools Suits

U.S. imports of Category 444 from China during the year ending November 1983 were 10,133 dozen compared with only 727 dozen a year earlier. China is the fourth largest supplier of Category 444. The larger suppliers have specific limits or agreed levels covering Category 444 and a number of the smaller suppliers have specific limits which are below the year ending November imports from China.

The import increase of 59 percent resulted in the import to production ratio increasing from 38.3 percent in 1981 to 48.3 percent in 1982. With imports up 35.8 percent during the first eleven months of 1983, the ratio will probably range between 60 and 70 percent.

Category 638—Knit Shirts, Men's and Boys', Man-Made Fiber

The U.S. market for men's and boys' man-made fiber knit shirts has been disrupted and U.S. producers of such shirts have been damaged by increasing imports of Category 638. Category 638 imports were 6,019,000 dozen during the first eleven months of 1983, an increase of 11.4 percent over imports of a year earlier.

U.S. production of Category 638 declined from 33,447,000 dozen in 1981 to 32,586,000 dozen in 1982, a decline of 3 percent. Imports increased 5 percent over the same period, from 5, 588,000 dozen in 1981 to 5, 871,000 dozen in 1982. The ratio of imports to domestic production increased from 16.7 percent in 1981 to 18.0 percent in 1982. The 1983 ratio will be higher based on January–November 1983 imports.

China played a significant role in the market disruption. Imports of Category 638 from China totaled 401,000 dozen during the year ending November 1983, more than 13 percent higher than the 354,000 dozen imported a year earlier. Imports from China increased 13 percent during the first eleven months of 1983 compared with same period in 1982. China is the fourth largest supplier and the only major supplier of Category 638 which is not subject to a specific limit under the textile bilaterals.

January 27, 1984.

Committeee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972 as amended, you are directed to prohibit, effective on February 2, 1984, entry into the United States for consumption and withdrawal from warehouse of consumption of cotton, wool and man-made fiber textile products in Categories 442, 444 and 638, produced or manufactured in the People's Republic of China, and exported during the ninety-day period which began on January 24, 1984 and extends through April 22, 1984, in excess of the indicated levels of restraint:

Category	90-day levels of restraint [1] (dozen)
442	10,499
444	3,547
638	140,202

[1] The levels of restraint have not been adjusted to reflect any imports exported after January 23, 1984.

Textile products in Categories 442, 444 and 638 which have been exported to the United States prior to January 24, 1984 shall not be subject to this directive.

Textile products in Categories 442, 444 and 638 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Republic of the People's Republic of China and with respect to imports of wool and man-made fiber textile products from People's Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register.**

Sincerely,
Ronald I. Levin,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-2754 Filed 1-31-84; 8:45 am]
BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Technical Advisory Panel on Allergic Sensitization; Establishment and Invitation for Membership Applications

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of establishment and invitation for advisory panel membership applications.

SUMMARY: The Commission is establishing a Technical Advisory Panel on Allergic Sensitization to provide advice concerning allergic sensitization from chemicals in consumer products. The Commission is seeking applications from individuals interested in membership on this seven-member panel, particularly from dermatologists, allergists, dermatotoxicologists, chemists, and environmental toxicologists.

DATE: Applications for membership should be submitted by April 2, 1984.

ADDRESS: Applications should be sent to Virginia White, Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR ADDITIONAL INFORMATION CONTACT: Virginia White, Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6957.

SUPPLEMENTARY INFORMATION:

A. Background

Under the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*), the Consumer Product Safety Commission has authority to regulate household products that are or contain "strong sensitizers" (15 U.S.C. 1261 (f)(1)(A) and (k)). The Commission is planning to update its existing regulations on strong sensitizers, and desires technical advice from non-Commission experts.

B. Advisory Panel

To provide such advice, the Commission is establishing a seven-member Technical Advisory Panel on Allergic Sensitization. This panel will advise the Commission and staff on: (a) Appropriate evaluation and refinement of terms and criteria used in defining strong sensitizers under the Federal Hazardous Substances Act, (b) appropriate ranking, according to risk, of a long list of sensitizers found in consumer products, and (c) the scientific accuracy of a number of technical reports and recommendations to the Commission for labeling sensitizers found in consumer products. The Commission believes that the panel is necessary and in the public interest.

The duties of the panel will be solely advisory and will be limited to matters relating to strong sensitization potential hazards, as determined by the Commission or the Associate Executive Director for Health Sciences. The panel will exist for two years and will meet at least once each year, as determined by the Commission in consultation with the panel chairperson. Copies of the charter for the panel are available from Ann Hamann, Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6957.

Each member of the panel shall be qualified by training and experience as one or more of the following: dermatologist (in particular with a specialty in contact dermatitis), allergist, dermatotoxicologist, chemist, and environmental toxicologist. To the extent possible, the Commission will seek a balanced membership so that consumers, government, and industry will be represented.

Members of the panel will not be compensated, but they will be reimbursed for authorized expenses such as travel. Recent regulations issued by the General Services Administration (GSA) on advisory committees prohibit agencies from compensating committee members except in ". . . exceptional cases where an agency head is unable to meet the need for technical expertise or the requirement for balanced membership solely through the appointment of noncompensated members. . . ." 41 CFR 101-6.1033(a); 48 FR 19330 (April 28, 1983). This prohibition is consistent with the intent of Congress and the President to control the costs of administering advisory committees, and is based on GSA's belief "* * * that a sufficient number of citizens of all backgrounds and qualifications can be found to provide advice and recommendations to the Federal Government through voluntary service on advisory committees." 48 FR 19326. The Commission hopes that it will be able to find fully-qualified experts to serve on the Technical Advisory Panel on Allergic Sensitization for expenses reimbursement only.

C. Membership Applications

The Commission will consider applications from individuals who are interested in serving on the Technical Advisory Panel on Allergic Sensitization, as well as from those who submit the names of other individuals. In the latter situation, the application should include a statement that the individual being nominated would be willing to serve on the panel.

Applications need not be submitted in a particular format, but they should contain the following information

1. Name of applicant for a position on the panel.

2. Home address and telephone number, including area code.

3. Employment affiliation (if any):

a. Current position and description of duties.

b. Employer's name, address and telephone number, including area code; type of employing organization (e.g., health care, manufacturing, educational, governmental, public interest, retail, etc.), including if self-employed.

c. Consulting work (if so, specify kind of consulting work, for whom performed, and if paid or volunteer).

d. CPSC contract work or grant (if so, specify contract title, number and involvement).

4. Experience/Expertise. Specify and describe any education, experience, publications related to strong sensitization (resumes or curriculum vitae may be submitted in response to this question).

5. Other affiliations. Without restating information given above, specify all past and current, paid and volunteer affiliations that bear any relationship to product safety or membership on the Technical Advisory Panel on Allergic Sensitization.

6. Signature of applicant or of individual submitting application on behalf of another individual.

Applications should be submitted by April 2, 1984. They should be sent to Virginia White, Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207. She will also respond to any questions and will provide additional information where possible.

D. Privacy Act Notice

The information requested in section C may become part of a Privacy Act system of records and will be used to evaluate applicants for the Technical Advisory Panel on Allergic Sensitization. There are no penalties for not submitting the information, except for possibly precluding selection of an applicant. The authority for collecting the information is section 9 of the Federal Advisory Committee Act. 5 U.S.C. App. 1.

Dated: January 26, 1984.

Sadye E. Dunn,

Secretary,

Consumer Product Safety Commission.

[FR Doc. 84-2697 Filed 1-31-84; 8:45 am]

BILLING CODE 6533-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee

Correction

In FR Doc. 83-34720 beginning on page 57587 in the issue of Friday, December 30, 1983, make the following correction to the table on page 57588: In the first entry under Alaska, the maximum rate for Adak should read "$12.60".

BILLING CODE 1505-01-M

Department of the Navy

Performance of Commercial Activities; Announcement of Program Cost Studies

Department of the Navy intends to conduct OMB Circular A-76 (48 FR 37110, August 16, 1983) cost studies for the operation of the following ships under the Military Sealift Comand (MSC) commencing March 2, 1984. Since studies not yet begun, specifications not yet prepared. When bids/proposals desired, appropriate advertisements will be placed. No consolidated bidders' list being maintained. Solicitations will be processed by MSC.

Ship	Hull No.	Name	Nominal homeport
		Oceanography Research/Survey	
T-AGS	21	USNS Bowditch	Bayonne, NJ.
T-AGS	22	USNS Dutton	Oakland CA.
T-AGS	26	USNS Bent	Oakland, CA.
T-AGS	27	USNS Kane	Bayonne, NJ.
T-AGS	29	USNS Chauvenet	Oakland, CA.
T-AGS	32	USNS Harkness	Bayonne, NJ.
T-AGS	33	USNS Wilkes	Bayonne, NJ.
T-AGS	34	USNS Wyman	Bayonne, NJ.
T-AGS	38	USNS Hess	Oakland, CA.
T-AGOR	7	USNS Lynch	Bayonne, NJ.
T-AGOR	12	USNS Desteiguer	Oakland, CA.
T-AGOR	13	USNS Bartlett	Bayonne, NJ.
T-AGOR	16	USNS Hayes	Bayonne, NJ.
		Cable Operations	
T-ARC	2	USNS Aeolus	Oakland, CA.
T-ARC	3	USNS Neptune	Bayonne, NJ.
T-ARC	6	USNS Myer	Oakland, CA.
T-ARC	7	USNS Zeus	Oakland, CA.
T-AGOR	11	USNS Mizar	Oakland, CA.
T-AK	280	USNS Furman	Oakland, CA.
		Missile Range Instrumentation	
T-AGM	20	USNS Redstone	Bayonne, NJ.
T-AGM	22	USNS Range Sentinel.	Bayonne, NJ.
T-AGM	23	USNS Observation Island.	Oakland, CA.
T-AG	194	USNS Vanguard	Bayonne, NJ.
		Tugs	
T-ATF	166	USNS Powhatan	Bayonne, NJ.
T-ATF	167	USNS Narragansett	Oakland, CA.
T-ATF	168	USNS Catawba	Oakland, CA.
T-ATF	169	USNS Navajo	Oakland, CA.
T-ATF	170	USNS Mohawk	Bayonne, CA.
T-ATF	171	USNS Sioux	Oakland, CA.
T-ATF	172	USNS Apache	Bayonne, CA.

Dated: January 23, 1984.

B. W. Cook,

Captain, SC, USN, Head, Commercial Retail/ Activities Branch.

[FR Doc. 84-2698 Filed 1-31-84; 8:45 am]

BILLING CODE 3810-AE-M

Office of Conservation and Renewable Energy

Solicitation for a Cooperative Agreement Award

AGENCY: Conservation and Renewable Energy Office, Energy.

ACTION: Notice of Solicitation for a Cooperative Agreement Award.

SUMMARY: DOE announces that, pursuant to the DOE Financial Assistance Rules, 10 CFR 600.7(b) eligibility for the award of a cooperative agreement to analyze, develop and field test several mechanical retrofit measures has been restricted to the Alliance to Save Energy (ASE), Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Ernest C. Freeman, Jr., CE-115, U.S. Department of Energy, Office of Building Energy Research and Development, Washington, D.C. 20585, telephone 202/ 252-9436. Refer to Solicitation No. DE-01-84CE-24444.

Authority: Part A, Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1151 (42 U.S.C. 6861); DOE Financial Assistance Rule, 10 CFR 600.7(b).

Project Scope: The objectives of this cooperative agreement are to demonstrate the best available energy technology for retrofitting gas, oil, and electric heating systems, and to provide training and technical assistance to State agencies administering energy conservation programs for the poor. Eligibility for award of this cooperative agreement is being restricted to the Alliance to Save Energy because of its unique capability to conduct a comprehensive mechanical systems retrofit program for low-income households. ASE is a non-profit coalition of business, government, public interest, and labor representatives dedicated to increasing the efficiency of energy use. The DOE expects to award a two-year cooperative agreement which will begin on January 30, 1984. The total amount of DOE funds to be awarded is approximately $700,000.

Issued in Washington, D.C. on January 17, 1984.

Pat Collins,

Acting Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 84-2738 Filed 1-31-84; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Objection To Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Period of November 28 Through December 9, 1983

During the period of November 28 through December 9, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: January 18, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Fedco Oil Co., Houston, Texas, HRO-0202

On December 8, 1983, Fedco Oil Co. (Fedco), One Houston Center, Suite 1800, Houston, Texas 77002, filed a Notice of Objection to a Proposed Remedial Order

which the Houston Office of the Economic Regulatory Administration of the DOE issued to the firm on November 1, 1983. In the PRO, the Houston Office found that during the period March 1978 through July 1979, Fedco resold crude oil at prices in excess of its actual purchase prices without providing any service or other function traditionally and historically associated with the resale of crude oil, thus violating 10 CFR 212.186, 205.202, and 210.62. According to the PRO, the Fedco violation resulted in $369,896.16 of overcharges.

Mar-Low Corp., Lafayette, Louisiana, HRO–0203

On December 8, 1983, Mar-Low Corp. and Ruffin T. Coury, 1144 Collidge Blvd., Lafayette, Louisiana, filed a Notice of Objection to a Proposed Remedial Order which the DOE Houston District Office of Enforcement issued to the firm on September 30, 1983. In the PRO the Houston District found that during April 1974 to February 1976, Mar-Low violated the Mandatory Price Regulations applicable to crude oil by selling 153,595.87 barrels of old and new oil in excess of the lawful ceiling price. According to the PRO the Mar-Low violation resulted in $280,936.71 of overcharges.

[FR Doc. 84–2739 Filed 1–31–84; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of December 26 Through December 30, 1983

During the week of December 26 through December 30, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: January 18, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Houma Oil Company, Inc., Houma, Louisiana, HRO–0206, Motor Gasoline

On December 29, 1983, Houma Oil Company, Inc., P.O. Box 229, Houma, Louisiana 70361 filed a Notice of Objection to a Proposed Remedial Order which the DOE Houston Office of the Economic Regulatory Administration issued to the firm on November 21, 1983. In the PRO the Houston Office found that during the period May 1, 1979 through April 30, 1980 Houma Oil Company violated the motor gasoline pricing regulations of 10 CFR 212.92 and 212.93. According to the PRO the Houma Oil Company, Inc. violation resulted in $503,810.00 of overcharges.

Nola Oil Company, Jefferson, Louisiana, HRO–0205, Motor Gasoline

On December 28, 1983, Nola Oil Company, 525 South Jefferson Highway, Jefferson, Louisiana 70105, filed a Notice of Objection to a Proposed Remedial Order which the DOE Houston Office of the Economic Regulatory Administration issued to the firm on December 1, 1983. In the PRO the Houston Office found that during the period October 1, 1979 through December 31, 1979, Nola violated the regulatory provisions of 10 CFR 212.92 and 212.93 regarding the pricing of gasoline. According to the PRO the Nola Oil Company violation resulted in $141,793.00 of overcharges.

[FR Doc. 84–2740 Filed 1–31–84; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

Applicability Determination; Prevention of Significant Deterioration Requirements; Southwestern Public Service Co.; Amarillo, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Applicability Determination.

SUMMARY: The Environmental Protection Agency (EPA), Region 6, has determined that the regulations for prevention of significant deterioration of air quality (PSD), 40 CFR 52.21 (as amended on August 7, 1980) and 40 CFR 51.2303 are applicable to the proposed modification of air pollution control equipment by Southwestern Public Service Company (SPS) at their Harrington Unit 1 station in Amarillo, Texas. The details of the proposed modification are outlined in a letter from the Texas Air Control Board to EPA, Region 6, dated January 21, 1983, and in a subsequent letter dated September 9, 1983. The proposed modification will result in a significant net emissions increase of at least one pollutant and, as such, qualifies as a "major modification" as defined in the PSD regulation. The determination of PSD applicability was issued on December 14, 1983.

DATES: Under Section 307(b)(1) of the Clean Air Act, judicial review of this determination is available only by the filing of a petition for review in the United States Court of Appeals in the appropriate circuit within sixty (60) days of today's notice. Under Section 307(b)(2) of the Clean Air Act, any requirements associated with the above action may not be challenged later in civil or criminal proceedings that may be brought by the EPA to enforce the requirements.

In the above case, the appropriate court is the U.S. Court of Appeals, for the 5th Circuit for sources in Texas. A petition for review must be filed with the appropriate court on or before (60 days from date of notice).

ADDRESSES: Copies of the background material, EPA's rationale on the decision of PSD applicability, and the determination are available for public inspection during normal business hours at the following location: Environmental Protection Agency, Region 6, Air Branch, InterFirst II, 1201 Elm Street, Dallas, Texas 75270; (214) 767–1594.

Dated: January 24, 1984.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 84–2733 Filed 1–31–84; 8:45 am]

BILLING CODE 6560–50–M

[OPP–100008; PH–FRL 2514–5]

Life Systems, Inc.; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA plans to transfer information submitted under sections 3 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to Life Systems, Inc., 24755 Highpoint Road, Cleveland, Ohio 44122, under Contract No. 68–01–6750. Some of the information that will be made available ot the contractor has been claimed to be confidential business information (CBI). The contractor has met all the requirements of 40 CFR 2.301(h)(2) and consequently the data will be transferred for performance of the contract. The action will enable Life Systems, Inc. to fulfill the obligations of the contract, and this notice serves to notify affected persons.

DATE: Life Systems, Inc. will be given access to these documents no sooner than February 6, 1984.

FOR FURTHER INFORMATION CONTACT:
By mail: William C. Grosse, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460
Office location and telephone number: Rm. 222, CM No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia, (703–557–2613).

SUPPLEMENTARY INFORMATION: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 10(e) provides that confidential business information (CBI), or business information which is alleged to be confidential, may be disclosed to an authorized contractor when such disclosure is necessary for the performance of the contract. EPA routinely receives such CBI as part of the data that are submitted by pesticide registrants and others as provided for in FIFRA section 7. Contractors are authorized to receive such data if the EPA program office managing the contract makes the determinations specified in 40 CFR 2.301(h)(2) as referenced in § 2.307. Such determinations have been made concerning the contract with Life Systems, Inc. of Cleveland, Ohio. This contractor will provide technical support in development of drinking water criteria documents and health advisories including outreach program support.

FIFRA section 10(f) provides a criminal penalty for wrongful disclosure of confidential information, whether such disclosure is made by an EPA employee or an EPA contractor.

The contract with Life Systems, Inc., specifically prohibits disclosure of confidential business information to any third party in any form without written authorization from EPA, and Life Systems, Inc.'s personnel will be required to sign a nondisclosure agreement before they are permitted access to such information.

Dated: January 18, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 84–2318 Filed 1–31–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–51499; TSH–FRL 2499–8]

Receipt of Premanufacture Notices

Correction

In FR Doc. 83–34648, beginning on page 57618, in the issue of Friday, December 30, 1983, in the second column, in the **"DATES"** paragraph, in the third line "84–269," should be inserted after "84–268,".

BILLING CODE 1505–01–M

FEDERAL COMMUNICATIONS COMMISSION

Subcommittee Meetings of the FCC Industry Advisory Committee Standards for DBS Service

There will be several subcommittee meetings of the FCC Industry Advisory Committee on Technical Standards for DBS Service in February 1984. These meetings will be held in Washington, D.C.

- Subcommittee on Transmission Standards:
  February 15, 1984
  9:30 A.M.
  CBS, 1800 M Street, 3rd flr
- Subcommittee on Receiver Standards:
  February 16, 1984
  9:30 A.M.
  FCC/OST 2025 M Street, Rm 7317
- Subcommittee on Encryption Standards:
  February 16, 1984
  2:00 P.M.
  Commission Meeting Room, 1919 M Street

The general agenda for these meetings is as follows:

1. Approval of minutes of previous meetings,
2. Approval of agenda,
3. Discussion of reports of working groups,
4. Other business,
5. Date of next meeting(s).

Those seeking further information may contact Bruno Pattan, FCC/OST at (202) 653–9098.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–2699 Filed 1–31–84; 8:45 am]

BILLING CODE 6712–01–M

Travel Reimbursement experiment

AGENCY: Federal Communications Commission.

ACTION: Publishing of quarterly report on travel reimbursement experiment.

SUMMARY: In Pub. L. 97–259, the Congress authorized the Federal Communications Commission to accept reimbursement from non-Government organizations for travel of employees of the Commission. The Federal Communications Commission must keep records of such travel by event and prepare a report each quarter of all reimbursements allowed and provide copies of each quarterly report to the Senate Committee on Appropriations, House Committee on Appropriations, Senate Committee on Commerce, Science and Transportation, and the House Committee on Energy and Commerce. This must be done each quarter until September 30, 1985. In addition, the Federal Communications Commission must publish each quarterly report in the **Federal Register** until September 30, 1985.

DATES: This report is for the period from October 1, 1983 through December 31, 1983.

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

FOR FURTHER INFORMATION CONTACT: Geoffrey Sherman, Office of the Managing Director, (202) 632–6900.

SUPPLEMENTARY INFORMATION: This report for the quarter ending December 31, 1983 is as follows:

Federal Communications Commission Travel Reimbursement Experiment Summary Report

Total Number of Sponsored Events: 11.

Total Number of Sponsored Organizations: 11.

Total Number of Commissioners/Employees Attending: 19.

Total Amount of Reimbursement:	
Transportation	$5,383.08
Room	2,811.25
Board	855.58
Other Expenses	799.70
Total	9,849.61

[1] Individual Event Reports Attached.

Individual Event Reports

Sponsoring Organization: National Radio Broadcasters Association, 1705 DeSales Street NW., Suite 500, Washington, D.C. 20036.

Date(s) of the Event: October 2–5, 1983.

Description of the Event: To attend the National Radio Broadcasters Association Convention in New Orleans, Louisiana.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending:
1—Bureau Chief
1—Deputy Bureau Chief
2—Supervisory Electronics Engineers, Mass Media Bureau
1—Attorney Adviser Office of General Counsel

Amount of Reimbursement:	
Transportation	$1,322.00
Room	825.00
Board	41.21
Other Expenses	210.02
Total	[1] 2,402.23

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization: Chicago Industrial Communications Association, 2107 Swift Drive, Oak Brook, Illinois 60521.

Date(s) of the Event: December 13–14, 1983.

Description of the Event: To participate in the annual CICA Telecommunications Review Conference in Chicago, Illinois.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1 Attorney Adviser, Common Carrier Bureau.

Amount of Reimbursement:	
Transportation	$270.00
Room	100.00
Board	50.00
Other Expenses	80.00
Total	[1] 500.00

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization: MDS Industry Association, 1629 K Street NW., Suite 500, Washington, D.C. 20006.

Date(s) of the Event: October 30—November 1, 1983.

Description of the Event: To participate as a panel member at the "National Over-The-Air Pay TV Conference" in Los Angeles, California.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending:

1—Supervisory Attorney Adviser, Mass Media Bureau
1—Supervisory General Attorney Common Carrier Bureau

Amount of Reimbursement:	
Transportation	$520.00
Room	360.67
Board	133.61
Other Expenses	226.27
Total	[1] 1,240.55

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization: Television Bureau of Advertising, 485 Lexington Avenue, New York, NY 10017.

Date(s) of the Event: October 15–18, 1983.

Description of the Event: To attend the annual meeting in Las Vegas, Nevada.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Supervisory Attorney Adviser, Mass Media Bureau.

Amount of Reimbursement:	
Transportation	$396.00
Room	112.28
Board	43.56
Other Expenses	34.88
Total	[1] 586.72

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization: California Cable Television Association, 4341 Piedmont Avenue, P.O. Box 11080, Oakland, California 94611.

Date(s) of the Event: October 12–16, 1983.

Description of the Event: To participate in the 1983 Western Cable Show in Anaheim, California.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending:

1—Attorney Adviser Office of the Chairman
1—Supervisory General Attorney
1—Supervisory Electronics Engineer, Mass Media Bureau

Amount of Reimbursement:	
Transportation	$583.00
Room	700.00
Board	312.50
Other Expenses	80.00
Total	[1] 1,675.50

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization: New York State Broadcasters Association, Inc., 90 State Street, Suite 530, Albany, New York 12207.

Date(s) of the Event: October 25–26, 1983.

Description of the Event: To participate in the annual meeting of the New York State Broadcasters Association in Albany, New York.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1 Supervisory Attorney Adviser, Mass Media Bureau.

Amount of Reimbursement:	
Transportation	$206.00
Room	64.80
Board	19.70
Other Expenses	16.02
Total	[1] 306.52

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization: National Association of Broadcasters, 1771 N Street NW., Washingon, D.C. 20036.

Date(s) of the Event: October 12–13, 1983.

Description of the Event: To participate in the Directional Antenna Seminar in Cleveland, Ohio.

Name(s) of Commissioners Attending: N/A.

Number and title of other Employees Attending: 1, Communications Industry Specialist Mass Media Bureau.

Amount of Reimbursement:	
Transportation	$189.00
Room	225.00
Board	10.00
Other Expenses	30.21
Other Expenses	30.21
Total	[1] 454.21

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization: Offshore Navigation, Inc., 5728 Jefferson Highway, P.O. Box 23504, Harahan, Louisiana 70183.

Date(s) of the Event: October 26–27, 1983.

Description of the Event: To attend the demonstration of the SPOT system developed by ONI in New Orleans, Louisiana.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending:

1—Supervisory Electronics Engineer
1—Electronics Engineer Private Radio Bureau

Amount of Reimbursement:	
Transportation	$256.00
Room	30.00
Board	20.00
Other Expenses	25.00
Total	[1] 331.00

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization: The Institute of Electrical and Electronic Engineers, Inc., West Virginia University, Morgantown, WV 26506–6101.

Date(s) of the Event: October 20, 1983.

Description of the Event: To speak to the IEEE at its monthly meeting.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending: 1, Electronics Engineer Office of Science and Technology.

Amount of Reimbursement:	
Transportation	$146.00
Room	31.50

Board	31.00
Other Expenses	16.50
Total	[1] 225.00

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization: TELEVENT USA, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

Date(s) of the Event: October 23–25, 1983.

Description of the Event: To be a guest speaker at Televent 83 in Montreux, Switzerland.

Name(s) of Commissioners Attending: Chairman Fowler.

Number and Title of other Employees Attending: N/A.

Amount of Reimbursement:

Transportation	$1,303.00
Room	200.00
Board	93.25
Other Expenses	16.10
Total	[1] $1,612.35

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization: Association of American Railroads, Communications and Signal Division, 1920 L Street NW., Washington, D.C. 20036.

Date(s) of the Event: October 17–19, 1983.

Description of the Event: To attend the annual meeting of the AAR Communications and Signal Division in Toronto, Canada.

Name(s) of Commissioners Attending: N/A.

Number and Title of other Employees Attending:
1, Bureau Chief Private Radio Bureau.

Amount of Reimbursement:

Transportation	$192.08
Room	162.00
Board	96.75
Other Expenses	64.70
Total	[1] $515.53

[1] Reimbursement Estimated—travel processing not complete or Reimbursement billed, but not received.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-2526 Filed 1-31-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Controlled Carriers Under the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Listing of Controlled Carriers.

SUMMARY: The Federal Maritime Commission is adding MISR Shipping Company (MISR) to the list of "controlled carriers" subject to the advanced tariff filing and other regulatory requirements of section 18(c) of the Shipping Act, 1916.

DATE: None.

FOR FURTHER INFORMATION CONTACT: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

SUPPLEMENTARY INFORMATION: Sections 1 and 18(c) of the Shipping Act, 1916 (46 U.S.C. 801, 817(c)) provide for the regulation of rates or charges by certain state-owned or so-called "controlled carriers" in the foreign commerce of the United States. Based on information submitted by MISR Shipping Company (MISR), the Commission determined that MISR meets the definition of a "controlled carrier" as set forth in section 1 of the Act. MISR was so notified by letter dated November 15, 1983, and did not contest this determination. The Commission is therefore adding MISR to the list of "controlled carriers" published in the **Federal Register** on July 11, 1983.

The process of identification and classification of controlled carriers is continuous. The "controlled carrier" list is therefore amended as such carriers enter and leave the United States trades or become exempt from the regulatory requirements of section 18(c).

By the Commission. January 23, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-2736 Filed 1-31-84; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 10494]

Westbound Space Charter Agreement; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10494 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

The proposed Agreement is between Barber West Africa Line (BWAL) and Societe Ivorieune de Transport Maritime (SITRAM). It is a space charter agreement under which SITRAM would charter space from BWAL for cargo moving from Ivory Coast ports to U.S. Atlantic and Gulf ports.

This Finding of No Significant Impact (FONSI) will become final by February 21, 1984, unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI is available from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 84-2734 Filed 1-31-84; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 10490]

Westwood Transpacific Service; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Imapct has determined that the Commission's decision on Agreement No. 10490 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and that preparation of an environmental impact statement is not required. Agreement No. 10490, between Leif Hoegh and Co. A/S and Westwood Shipping Lines, Inc., provides for a joint cargo service to be known as Westwood Transpacific Service. The service will operate in the trade between the United States/British Columbia West Coast and the Far East including, but not limited to, Japan, Korea and Taiwan.

This Finding of No Significant Impact (FONSI) will become final by February 21, 1984, unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI is available from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 84-2735 Filed 1-31-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review by OMB

January 26, 1984.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829)

OMB Reviewer—July McIntosh—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880)

Request for Approval of Two New Reports

1. *Report title:* Dealer Monthly Report
Agency form No. FR 2079
Frequency: Monthly
Reporters: Nonprimary U.S. Government securities dealers Small businesses are affected
General description of report: Respondent's obligation to reply is voluntary; a pledge of confidentiality is promised [5 U.S.C. 552(b)(4)].

Report collects monthly data on the positions, transactions, and financing of U.S. Government and Federal agency securities from 50 nonprimary Government securities dealers.

2. *Report title:* Daily Report of When Issued Commitments Outstanding
Agency form No. FR 2080
Frequency: Daily
Reporters: Primary U.S. Government securities dealers Small businesses are not affected
General description of report: Respondent's obligation to reply is voluntary; a pledge of confidentiality is promised [5 U.S.C. 552(b)(4)].

Report collects information on significant "when-issued" commitments of the primary dealers in U.S. Government securities and their customers.

Board of Governors of the Federal Reserve System, January 26, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–2689 Filed 1–31–84; 8:45 am]

BILLING CODE 6210–01–M

A.S.B. Bancshares, Inc.; Engaging de Novo in Permissible Nonbanking Activities

The bank holding company listed in this notice has filed a notice under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commerce 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, this activity 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 on the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 27, 1984.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *A.S.B. Bancshares, Inc.*, Archie, Missouri, a company with total assets of less than $50 million, to engage, through its subsidiary, a corporation proposed to be formed for such purposes, in the sale of general insurance, except life insurance and annuities. This notice supersedes a notice previously published on the basis that Applicant's insurance activities would be conducted in a community with a population not exceeding 5,000.

Board of Governors of the Federal Reserve System, January 26, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–2691 Filed 1–31–84; 8:45 am]

BILLING CODE 6210–01–M

Dominion Bankshares Corp.; Proposed de Novo Nonbank Activities

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company

Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views 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 comment on the application that requests a hearing must include 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.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

Comments on the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 21, 1984.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation,* Roanoke, Virginia, to engage through its subsidiary, Dominion Bankshares Services, Inc., Roanoke, Virginia, in acting as insurance agent or broker with respect to credit unemployment insurance that is directly related to an extension of credit by a bank or bank-related subsidiary of Dominion Bankshares Corporation.

Board of Governors of the Federal Reserve System, January 26, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2690 Filed 1-31-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84D-0015]

Draft Guideline for the Submission of Supporting Documentation for Packaging of Human Drugs and Biologics

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline for the submission of supporting documentation for the packaging of human drugs and biologics. FDA is making this draft guideline available for public comment to assist it in developing a final guideline. The guideline is intended to furnish pharmaceutical manufacturers with a set of criteria for use in preparing information on the fabrication and quality of containers and container components as required for submission in a new drug application, an abbreviated new drug application, an investigational new drug application, and a biological product license application. The draft guideline was prepared by FDA's National Center for Drugs and Biologics.

DATE: Comments by April 2, 1984.

ADDRESS: Requests for a copy of the draft guideline and written comments regarding the draft guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Neil M. Abel, National Center for Drugs and Biologics (HFN-102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-43-4330.

SUPPLEMENTARY INFORMATION: In the proposed revisions of the new drug and antibiotic regulations, published in the **Federal Register** of October 19, 1982 (47 FR 46622), and the proposed revisions of the investigational new drug regulations, published in the **Federal Register** of June 9, 1983 (48 FR 26720), FDA stated that it intended to expand the use of guidelines to provide assistance in implementing those regulations. In this notice, FDA is announcing the availability of a draft of the first of the new guidelines.

This draft guideline would provide pharmaceutical manufacturers with criteria for use in preparing information on the fabrication and quality of containers and container components as required for submission in a new drug application, an abbreviated new drug application, an investigational new drug application, and a biological product license application. The use of these criteria in packaging for human drugs and biologics would assure that the package helps to maintain the standards of identity, strength, quality, and purity for the drug for its intended shelf life.

The draft guideline is being made available for public comment before being issued in final form as the official position of the agency. If, following the receipt of comments, the agency concludes that the draft guideline reflects acceptable criteria for use in the preparation of information on the fabrication and quality of human drug and biologic containers and container components, the guideline will be made final and its availability will be announced under § 10.90(b) (21 CFR 10.90(b)). That section provides for the use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline can be assured that his or her conduct will be acceptable to the agency. A person may also choose to use alternative procedures even though they are not provided for in the guideline. A person who choose to do so may discuss the matter further with the agency to prevent an expenditure of money and effort for work that the agency may later determine to be unacceptable. Therefore, interested persons are encouraged to use this opportunity to submit comments on the draft guideline if they have suggestions for its revision.

The proposed investigational new drug regulations incorporated the policy objective of limiting FDA regulation of Phase 1 investigations primarily to safety concerns to ensure that research subjects are not exposed to unreasonable risk. In the proposal, the agency stated that it intended to limit the scope of chemistry-related submissions to that which is necessary to support the scope and duration of the proposed human testing. In keeping with these goals, FDA specifically solicits comments on the nature and extent of packaging information needed to support Phase 1 investigations.

Interested persons may, on or before April 2, 1984, submit written comments on the draft guideline to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the

Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Requests for a single copy of the draft guideline should be sent to the Dockets Management Branch.

Dated: January 25, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-2696 Filed 1-31-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0425]

Syntex Ophthalmics, Inc.; Premarket Approval of the CSI®T (Crofilcon A) Contact Lens

Correction

In FR Doc. 84-1142 beginning on page 2021 of the issue of Tuesday, January 17, 1984, make the following corrections:

1. On page 2021, third column, last line of the **ADDRESS** section, add the zip code "20847".

2. On page 2022, second column, fourth line from the top of the page, "U.S.C. 41-48" should read "U.S.C. 41-58".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Powder River Federal Coal Production Region, Wyoming and Montana; Draft Environmental Impact Statement (DEIS) Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management (BLM), Department of the Interior, has prepared a Draft Powder River Federal Coal Leasing Environmental Impact Statement, which analyzes a second round of proposed competitive leasing of Federal coal in the Powder River Basin Coal Production Region, Wyoming and Montana. Copies of the draft EIS are available to the public at the address provided below.

The Department of the Interior is currently under a moratorium imposed by legislation which prohibits the sale of Federal coal leases until 90 days after the Commission on Fair Market Value Policy releases its report. The moratorium legislation, however, permits the Department to continue coal activity planning efforts, including the publication of draft and final environmental impact statements addressing Federal coal leasing.

Therefore, the Draft Powder River Coal EIS is being released for public review and comment as an initial step which may culminate in a decision by the Secretary to hold a Federal coal lease sale in the Powder River Region at some time after the moratorium is lifted.

Six alternatives are analyzed, including a no action option and five new coal leasing levels: The no action alternative represents the baseline conditions, i.e. no additional new Federal leasing; alternative two gives consideration to leasing nine new surface mineable tracts (three new production tracts in Wyoming and six maintenance tracts in Montana) containing an estimated 1 billion tons of recoverable Federal coal; alternative three would involve 11 new surface mineable tracts (nine from alternative two plus two new production tracts in Montana) containing about 1.4 billion tons of recoverable Federal coal; alternative four would result in the offering of 15 new surface-mineable tracts (five new production and one maintenance tract in Wyoming and three new production and six maintenance tracts in Montana) containing nearly 2.3 billion tons of recoverable Federal coal; alternative five considers leasing 17 new surface-mineable tracts (six new production and two maintenance tracts in Wyoming and three new production and six maintenance tracts in Montana) containing 2.6 billion tons of recoverable Federal coal; and alternative six, the maximum alternative, would result in the offering of 22 new surface-mineable tracts (nine new production and two maintenance tracts in Wyoming and five new production and six maintenance tracts in Montana) containing about 4.5 billion tons of recoverable Federal coal.

In addition, the BLM is issuing a call for the submission of surface owner consents given by qualified surface owners that would permit surface mining of Federal coal on the identified tracts where the Federal coal is overlain by privately owned surface.

DATE: Written comments on the DEIS will be accepted on or before March 27, 1984 (not April 30, 1984, as stated in the DEIS). Formal public hearings will be held as follows:

1. March 5, 1984—Hardin, Montana, Commissioners Room, County Court House, 7:00 p.m.
2. March 6, 1984—Ashland, Montana, Multi-purpose Room, Elementary School, 7:00 p.m.
3. March 7, 1984—Sheridan, Wyoming, Sheridan Room, Holiday Inn, 7:00 p.m
4. March 8, 1984—Gillette, Wyoming, Gillette Recreation Center, Room—A, 7:00 p.m.

ADDRESSES: Written comments on the draft EIS should be sent to the EIS Team Leader, Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

Single copies of the draft EIS may be obtained from the EIS Team Leader at the address listed above and from the Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001; the Montana State Office, Bureau of Land Management, Granite Tower, 222 N. 32nd Street, Billings, Montana 59107; and the Office of Public Affairs, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240. Information related to surface owner consent agreements is contained in the Supplementary Information section of this notice.

FOR FURTHER INFORMATION CONTACT: Chuck Wilkie, EIS Team Leader, 951 Rancho Road, Casper, Wyoming 82601.

SUPPLEMENTAL INFORMATION: The draft EIS, which is part of the leasing process under the Federal Coal Management Program (43 CFR Part 3400), analyzes the impacts that would result from the development of 22 Federal coal tracts proposed for leasing in Campbell County, Wyoming and Rosebud and Big Horn Counties of Montana. In addition, the EIS analyzes the cumulative regional impacts of six alternative leasing levels, including the no action alternative, as well as other related regional developments in the Powder River Federal Coal Production Region.

No decision to hold a regional coal sale or to lease Federal tracts will occur until some time after the Commission on Fair Market Value Policy publishes its report and the current moratorium on the leasing of Federal coal expires. The moratorium is scheduled to end 90 days after the Commission releases its report. Meanwhile the Department is continuing with the preparation and release of a draft environmental impact statement for a second round of coal leasing in the Powder River Region. This activity is an initial step of the coal activity planning process which is not affected by the legislatively imposed moratorium.

Public comments on the draft EIS are being sought before preparing the final EIS and should be sent to the EIS Team Leader at the address listed above. All comments on the draft EIS, whether oral or written, which are received by close of business March 27, 1984 (not April 30,

1984, as stated in the DEIS), will receive equal consideration in the preparation of the final EIS.

Public hearings have been scheduled to accept written and/or oral comments on the draft statement. The hearings will be held at the time, date and locations noted above.

Those individuals wishing to testify at the public hearings should notify the EIS Team Leader in writing at the address listed above by March 2, 1984. This notification should identify the desired hearing location and identify the organization that is being represented (if speaking for an organization) and should be signed by the individual who will be testifying. The cut-off date is necessary so that a speaker's list can be reviewed by the BLM to ensure that all parties enterested in giving testimony have an opportunity to be heard.

Only one person will be allowed to represent the views of a single organization. However, if a member of an organization wishes to speak as a private citizen, the testimony will be permitted. Speakers will be heard in the order set forth on the list. After the last listed speaker has been heard, the presiding officer will consider the request of any person who wishes to testify.

At the public hearings on the draft EIS, oral testimony of ten minutes duration will be accepted from each person in lieu of, or in addition to, any written comments. The 10-minute limitation will be strictly enforced by the presiding officer. The complete text of prepared remarks should be filed at the hearing and will be included as part of the hearing record regardless of whether or not the speaker completed those remarks in the alloted 10 minutes.

Copies of the draft EIS are available for inspection at the following locations:

Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601

Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001

Montana State Office, Bureau of Land Management, 222 N. 32nd Street, Billings, Montana 59107

Office of Public Affairs, Bureau of Land Management, Room 5600, 18th and C Streets, NW., Washington, D.C. 20240

In accordance with 43 CFR Part 3427 of the coal management regulations, the BLM is also requesting that written surface owner agreements, or evidence thereof, given by qualified surface owners for lands within the tracts be submitted to the appropriate BLM State Office at the address given above. Valid written consent for lands in which the ownership of the surface is held by qualified surface owners, where the ownership of the underlying coal is reserved to the Federal Government, will be accepted until a yet-to-be determined date prior to the lease sale for the specific lands involved. The actual deadline for submission of written consents shall be determined after the lease sale dates have been established, and be published in the **Federal Register.** It is the responsibility of parties intending to file consents to be aware of pending lease sale dates, as set forth in an announced regional lease sale schedule, and deadlines for submission of written consents as announced in the **Federal Register.** Section 714(c) of the Surface Mining Control and Reclamation Act (SMCRA) states that, "The Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent."

As defined in the regulations (43 CFR 3400.0–5(gg)), qualifed surface owner "means the natural person or persons (or corporation, the majority stock of which is held by a person or persons) who:

(1) Hold legal or equitable title to the surface for split estate lands;

(2) Have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming and ranching operations; and

(3) Have met the conditions of paragraphs (gg) (1) and (2) of this subsection for a period of at least 3 years, execpt for persons who gave written consent less than 3 years after they met the requirements of both paragraphs (gg) (1) and (2) of the section. In computing the 3-year period the authorized officer shall include period during which title was owned by a relative of such person by blood or marriage, if during such periods the relative would have met the requirements of this subsection.

Valid written consent is defined in the regulations (43 CFR 3400.0–5(qq)) as "the document or documents that a qualified surface owner has signed that: (1) Permit a coal operator to enter and commence surface mining of coal; (2) describe any financial or other consideration given or promised in return for the permission, including in-kind consideration; (3) describe any consideration given in terms of type or method of operation or reclamation for the area; (4) contain any supplemental or related contracts between the surface owner and any other person who is party to the permission; and (5) contain a full and accurate description of the area covered by the permission."

As required by 43 CFR 3427.29(d), it is the Bureau's responsibility to review all consents received. The Bureau will verify that the named surface owner is a qualified surface owner as defined in the regulations and that the title for split estate lands described in the filing is held by the named qualified owner(s). In addition, to be considered valid, consents entered into after the August 3, 1977, enactment of the Surface Mining Control and Reclamation Act, must be transferable to whomever makes the successful bid in a lease sale for the tract that includes the lands to which the consent applies. A written consent shall be considered transferable only if it provides that after the lease sale for the tract to which the consent applies: (i) The successful bidder shall assume all rights and obligations of the holder of the consent, including the obligation to make all payments to the grantor of the consent and to reimburse the holder of the consent for all money previously paid to the grantor under the consent contract; and (ii) neither the holder nor the grantor of the consent has any right under the consent contract to prevent the successful bidder from assuming the rights and obligations of the holder of the consent by imposing additional costs or conditions or otherwise. If a filing is from anyone other than the named qualified surface owner, the Bureau shall contact the named qualified surface owner and rquest confirmation, in writing, that the filed, transferable, written consent, or evidence thereof, to enter and commence surface mining has been granted and that the filing fully discloses all of the items of the written consent.

To facilitate the filing and review of written consents from qualified surface owners, the person submitting the consent is asked to include a statement that the evidence submitted represents a true, accurate, and complete statement of information regarding the consent for the area described. Such a validation statement is required by 43 CFR 3427.3. The statement is to be signed and dated by the person submitting the consent and can be either incorporated directly into the consent document or enclosed as a separate item submitted with the consent document. The statement can be worded as follows: "I (We) hereby declare that the evidence submitted to the best of my (our) knowledge, represents a true, accurate, and

complete statement of information regarding the surface owner consent for the area described." This validation statement does not have to be witnessed or notarized.

Dated: January 24, 1984.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

[FR Doc. 84-2732 Filed 1-31-84; 8:45 am]

BILLING CODE 4310-84-M

[W-86106 Through W-86122 Inclusive, W-86124 Through W-86139 Inclusive]

Wyoming; Amendment to Realty Actions for the Sales of Public Lands in Blaine, Brown, Holt, Keya Paha, and Rock Counties, Nebraska

Delete the following statement from the Notice of Realty Actions for Public Land Sales W-86106 through W-86112 inclusive, W-86114 through W-86120 inclusive, W-86122, W-86124, W-86127 through W-86130 inclusive, and W-86132 through W-86137 inclusive:

The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (36 Stat. 391; 43 U.S.C. 945).

Delete the following statement from all the above listed Notice of Realty Actions for Public Land Sales.

The bid/all bids, if made by check, bank draft, or money orders, must be made payable to the Department of the Interior BLM.

Replace this statement with the following:

Each bid shall be accompanied by certified check, postal money order, bank draft, or cashier's check made payable to the Department of the Interior, BLM.

Dated: January 23, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-2692 Filed 1-31-84; 8:45 am]

BILLING CODE 4310-22-M

Office of Surface Mining Reclamation and Enforcement

Intent To Prepare a Draft Environmental Impact Statement and Hold a Public Scoping Meeting; Proposed Fruita Mine Complex, Mesa and Garfield Counties, Colorado

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

ACTION: Notice of intent to prepare a draft environmental impact statement and to hold a public scoping meeting.

SUMMARY: The Office of Surface Mining (OSM) has received a permit application package from Dorchester Coal Company for a mining plan approval and permit pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA), for its proposed Fruita coal mine complex. OSM has determined that the approval or disapproval of this proposed mine complex is a major Federal action significantly affecting the human environment, thus requiring an environmental impact statement (EIS). The major alternatives thus far identified for consideration in the draft EIS are described in the supplementary information section of this notice. In addition, OSM is asking the public to identify significant issues related to the proposed project.

DATES: A public scoping meeting on the EIS will be held starting at 7 p.m. m.d.t on February 29, 1984, and will continue until all commentors have been heard. All interested parties are invited to attend this meeting and give their comments and concerns on the proposed project.

Written comments or statements on the proposed project and the scope of the EIS must be received no later than 4 p.m. m.d.t., March 7, 1984, at the address below.

ADDRESSES: The public scoping meeting will be held at the Bureau of Land Management, Grand Junction District Office Conference Room, Grand Junction, Colorado.

Written comments or statements should be sent to Administrator, Western Technical Center, Office of Surface Mining, Second Floor, Brooks, Towers, 1020 15th Street, Denver, Colorado 80202.

The mining plan submitted by Dorchester Coal Company is available for public review during normal working hours at the OSM office above, as well as: Office of Surface Mining, Albuquerque Field Office, 219 Central Avenue NW., Room 216, Albuquerque, New Mexico; the State of Colorado Mined Land Reclamation Division, 1313 Sherman Street, Room 423, Denver, Colorado 80203; and the Mesa County Court House, 6th and Road Avenue, Grand Junction, Colorado.

FOR FURTHER INFORMATION CONTACT: Floyd Johnson or Stephen Parsons, (telephone: 303-837-5656) at the Western Technical Center, Office of Surface Mining, Brooks Towers, Second floor, 1020 15th Street, Denver, Colorado.

SUPPLEMENTARY INFORMATION: The proposed project would be an underground mining complex located approximately 16 miles north of Fruita, Colorado and consisting of three Federal coal leases totaling 15,804 acres, and an addition 3,464 acres of Federal surface for surface facilities for a total of 19,268 acres. The proposed project would operate for approximately 40 years with a maximum annual production of 7.2 million tons of coal. The project would consist of three underground mines, with separate entries, underground workings, and surface facilities and would require about 600 acre-feet of water per year. The surface facilities, consisting of washers, thermal dryers, and preparation plants, would be located on seven tracts of Federal surface that are unleased at this time. Coal would be extracted using long-wall and room-and-pillar methods in all three mines. Coal would be transported to a loadout facility, located on the Denver, Rio Grande and Western railroad main line, initially by truck and eventually via a proposed rail spur.

OSM, the Bureau of Land Management (BLM), and the Bureau of Reclamation will prepare the EIS, with assistance from the Colorado Mined Land Reclamation Division. The EIS will evaluate alternative actions that the Department of the Interior and the State of Colorado could take on the mining plan and permit decisions and the associated environmental impacts. The major alternatives thus far identified for Departmental consideration are:

a. Approval of the mining plan under the requirements of SMCRA, the Colorado Surface Coal Mining Reclamation Act, and regulations issued pursuant to these acts.

b. Approval of the mining plan with additional mitigating measures.

c. Disapproval of the mining plan.

Because there is not sufficient room within the lease areas for the surface facilities and transportation corridor, the company must secure special land use authorizations or permit from the BLM for over 3,000 surface acres outside the lease areas. The alternatives to and impacts of issuing these authorizations or permits will be fully evaluted in the draft EIS.

The proposed project would also require approximately 600 acre-feet of water per year for use in mining and preparation operations. The impacts of securing and using this water will also be evaluated in the EIS.

The transportation and use of the coal will be discussed briefly as it realtes to additional regional impacts.

Participation by the public in the scoping process is invited. Individuals wishing to provide comments at the public meeting should file a written statement at the time of oral presentation to ensure proper consideration of their conerns. Individual commentors will be limited to 10 minutes.

Dated: January 25, 1984.

Anna May Orellano,

Acting Assistant Director, Technical Services and Research.

[FR Doc. 84-2701 Filed 1-31-84; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-139 (Final)]

Antidumping; Acrylic Sheet From Taiwan

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: January 11, 1984.

SUMMARY: As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Taiwan of acrylic film, strips and sheets, at least 0.030 inch in thickness, provided for in items 771.41 and 771.45 of the Tariff Schedules of the United States, are being, or likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-139 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports of such merchandise. Unless the investigation is extended, the Department of Commerce will make its final dumping determination in the case on or before March 19, 1984, and the Commission will make its final injury determination by May 9, 1984 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Abigail Eltzroth (202-523-0289), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 1983, the Commission determined, on the basis of the information developed during the course of its preliminary investigation that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly LTFV imports of acrylic film, strips and sheets, at least 0.030 inch in thickness from Taiwan. The preliminary investigation was instituted in response to a petition filed on July 28, 1983, by E. I. du Point de Nemours & Co.

Participation in the Investigation.

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register**. An entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c)).

Staff Report

A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on March 30, 1984, pursuant to § 207.21 of the Commission's Rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on April 12, 1984, at the U.S. 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 March 23, 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 11:00 a.m. on March 30, 1984, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is April 9, 1984.

Testimony at the public hearing is governed by § 207.23 of the Commission's rule (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on April 17, 1984.

Written Submissions

As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before April 17, 1984. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: January 26, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-2760 Filed 1-31-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 751-TA-8]

Antidumping; Acrylic Sheet From Japan; Institution of a Section 751(b) Review Investigation

AGENCY: International Trade Commission.

ACTION: Institution of a Section 751(b) review investigation concerning the affirmative determination in investigation No. AA1921-154, Acrylic Sheet from Japan.

EFFECTIVE DATE: January 25, 1984

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has initiated an investigation pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)) to review its determination in investigation No. AA1921-154. The purpose of the investigation is to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded, if the antidumping order regarding acrylic sheet from Japan were to be modified or revoked with respect to transparent sheet containing lead or lead compounds in such proportion as to render the material opaque to X-ray or gamma ray radiation. Pursuant to § 207.45(b) of the Commission's Rules of Practice and Procedure, the 120-day period for completion of this investigation begins on the date of publication of this notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Abigail Eltzroth, Investigator, Office of Investigations, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436 (202-523-0289).

SUPPLEMENTARY INFORMATION: On July 26, 1976, the Commission determined that an industry in the United States was injured within the meaning of the Antidumping Act, 1921, by reason of imports of acrylic sheet from Japan determined by the Secretary of the Treasury to be sold or likely to be sold at less than fair value.

On August 20, 1976, the Department of the Treasury issued a finding of dumping, concerning imports of acrylic sheet from Japan (T.D. 76-240) and published notice of the dumping finding in the **Federal Register** (41 FR 36497).

On November 1, 1983, the Commission received a request to review its affirmative determination in investigation No. AA1921-154. The request was filed pursuant to section 751(b) of the Tariff Act of 1930 by the law firm of Bayh, Tabbert & Capehart on behalf of Kyowa Gas Chemical Industry Co., Ltd., of Tokyo, Japan, the sole manufacturer of Kyowaglas-XA.

On December 7, 1983, the Commission requested comments regarding the institution of a section 751(b) review investigation (48 FR 54907). Comments were received from H.L. Lyons Co. (a purchaser of plastic sheet containing lead); counsel for Rohm & Haas Co. (a large U.S. producer of acrylic sheet); Joel E. Gray (of the diagnostic radiology section of the Mayo Clinic); and Nuclear Associates (the U.S. distributor of plastic sheet containing lead manufactured by Kyowa Gas). On the basis of the comments filed, the Commission, on January 25, 1984, voted to institute investigation No. 751-TA-8. The Commission determined that the following changed circumstances were sufficient to warrant a review.

1. A new product, plastic sheet containing lead was developed in Japan subsequent to the dumping finding in 1976.

2. The Japanese developer of plastic sheet containing lead began exporting this product to the United States in 1981.

3. There has been no U.S. production of this speciality product and no U.S. producer is licensed to make this proprietary product.

The investigation will be conducted in accordance with § 207.45(b) of the Commission's Rules of Practice and Procedure. The purpose of this investigation is to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry in the United States would be materially retarded if the present antidumping order were to be modified or revoked to exclude transparent plastic sheet containing lead or lead compounds in such proportion as to render the material opaque to X-ray radiation. Modification or revocation of the dumping finding as to such product would not affect the Commission's affirmative determination as to other types of acrylic sheet from Japan.

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR § 201.11), not later than 21 days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to be investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party of this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c)).

Public Hearing

Any person with interest in this investigation may request in writing that the Commission hold a public hearing in connection with this investigation. Any such request must be received by the Commission within 21 days of the date of publication of this notice of investigation in the **Federal Register.**

Written Submissions

Any person may submit a written statement of information pertinent to the subject to the investigation on or before April 18, 1984. Under § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), the signed original and 14 true copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request business confidential treatment under § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Such request should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Each sheet must be clearly marked at the top "Confidential Business Data." The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection in the Office of the Secretary.

Copies of the request for review of the injury determination and any other public documents in this matter are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0161.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: January 26, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-2761 Filed 1-31-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-165 (Preliminary)]

Antidumping; Certain Valves, Nozzles, and Connectors of Brass From Italy for Use in Fire Protection Systems

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: January 23, 1984.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Italy of certain valves, couplings, nozzles, and connections of brass, suitable for use in fire protection systems, provided for in items 657.35, 680.14, and 680.27 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. George L. Deyman, Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0481.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on January 23, 1984, by counsel on behalf of Badger-Powhatan, a division of Figgie International, Inc., Charlottesville, VA. The Commission must make its determination in this investigation within 45 days after the date of the filing of the petition, or by March 8, 1984 (19 CFR 207.17).

Participation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of Documents

The Secretary will compile a service list from the entries of appearance filed in this investigation. Any party submitting a document in connection with the investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written Submissions

Any person may submit to the Commission on or before February 17, 1984, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m. on February 14, 1984, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Mr. George L. Deyman (202-523-0481) not later than the close of business (5:15 p.m.) on February 10, 1984, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public Inspection

A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular buinesss hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR Part 207), and part 201, subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Deyman.

This notice is published pursuant to 207.12 of the Commission's rules (19 CFR 207.12)

Issued: January 27, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-2762 Filed 1-31-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-180]

Antidumping; Certain X-Ray Image Intensifier Tubes; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and 19 U.S.C. 1337a.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 21, 1983, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 U.S.C. 1337a, on behalf of Varian Associates, Inc., 611 Hansen

Way, Palo Alto, California 94303. The complaint alleges unfair methods of competition and unfair acts in the importation of certain X-ray image intensifier tubes and instruments equipped with X-ray image intensifier tubes into the United States, or in their sale, by reason of (1) the alleged coverage of such tubes by claims 1 through 7 of U.S. Letters Patent 3,916,182 and (2) the alleged manufacture of such tubes by a process covered by claims 1 through 6 and 9 through 15 of U.S. Letters Patent 3,795,531. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order.

Authority: The authority for institution of this investigation is contained in 19 U.S.C. 1337 and 1337a, and § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on January 18, 1984, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain X-ray image intensifier tubes (whether separately or as part of X-ray systems) into the United States, or in their sale, by reason of (1) the alleged coverage of such tubes by claims 1 through 7 of U.S. Letters Patent 3,916,182 and (2) the alleged manufacture of such tubes by a process covered by claims 1 through 6 and 9 through 15 of U.S. Letters Patent 3,795,531, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Varian Associates, Inc., 611 Hansen Way, Palo Alto, California 94303.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

N. V. Philips Gloeilampenfabrieken, Pieter Zeemanstraat 6, Eindhoven, The Netherlands

Philips Medical Systems, Inc., 710 Bridgeport Avenue, Shelton, Connecticut 06484

North American Philips Corporation, 100 East 42nd Street, New York, New York 10017.

(c) Patricia Ray, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 125, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(4) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegation of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Patricia Ray, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0440.

By order of the Commission.

Issued: January 26, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2784 Filed 1–31–84 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–143]

Certain Amorphous Metal Alloys and Amorphous Metal Articles; Commission Decision Not To Review Initial Determination Amending Complaint

AGENCY: International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (ID) to amend the notice of investigation to add prevention of establishment of an industry in the United States to the scope of the investigation.

Authority: 19 U.S.C. section 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983 (to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: The Commission received a joint petition for review of the ID from respondents Nippon Steel Corp., Nippon Steel U.S.A., Inc., Siemens Capital Corp., Vacuumschmelze GmbH, Hitachi Metals, Ltd., and Hitachi International, Ltd. Complainant Allied and the Commission investigative attorney filed responses to the petition requesting that the Commission decide not to review this ID. The Commission did not receive any comments from other Government agencies.

FOR FURTHER INFORMATION CONTACT: Catherine R. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0189.

By order of the Commission.

Issued: January 25, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2767 Filed 1–31–84 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–160]

Certain Composite Diamond Coated Textile Machinery Components; Commission Decision To Review Initial Determination; Request for Written Briefs

AGENCY: International Trade Commission.

ACTION: Review of initial determination; request for briefs from the parties to the investigation.

Authority: Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 210.55 of the Commission's Rules of Practice and Procedure (19 CFR 210.55).

SUPPLEMENTARY INFORMATION: Pursuant to section 337 of the Tariff Act of 1930

(19 U.S.C. 1337) and 19 U.S.C. 1337a, the Commission is currently conducting an investigation of alleged unfair acts and unfair methods of competition in connection with the importation or sale of certain composite diamond coated textile machinery components. Notice of institution of the investigation was published in the **Federal Register** of August 26, 1983 (48 FR 38907).

On January 12, 1984, the presiding officer issued an initial determination designating the investigation more complicated pursuant to § 210.15 of the Commission's rules (Order No. 21). The Commission has decided to review this initial determination on its own motion.

Briefs: The Commission requests that the parties to this investigation file brief addressing the question of whether this investigation should be designated more complicated. All such submissions must be filed no later than close of business on February 1, 1984.

Copies of the presiding officer's initial determination and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: N. Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436; telephone 202–523–0311.

By order of the Commission.

Issued: January 24, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2769 Filed 1–31–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–118 (Final)]

Certain Lightweight Polyester Filament Fabric From Japan

AGENCY: International Trade Commission.

ACTION: Termination of final antidumping investigation.

EFFECTIVE DATE: January 25, 1984.

SUMMARY: On January 24, 1983, the United States International Trade Commission received a letter from the American Textile Manufacturers Institute, Inc. and its member companies listed in the petition, the petitioners in the subject investigations, withdrawing its petition. Accordingly, the United States International Trade Commission hereby gives notice of the termination of its antidumping investigation involving certain lightweight polyester filament fabric from Japan (investigation No. 731–TA–118 (Final)).

FOR FURTHER INFORMATION CONTACT: Ms. Vera Libeau (202–523–0368), Office of Investigations, U.S. International Trade Commission.

This notice is published pursuant to § 207.40 of the Commission's Rules of Practice and Procedure (19 CFR 207.40).

By order of the Commission.

Issued: January 26 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2766 Filed 1–31–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–158]

Certain Plastic Light Duty Screw Anchors; Commission Determination Not To Review Initial Determination Amending Prayer for Relief

AGENCY: United States International Trade Commission.

ACTION: The Commission has determined not to review an initial determination (ID) (Order No. 6) to amend complainant's prayer for relief to seek expanded relief.

AUTHORITY: 19 U.S.C. section 1337, 47 FR 25143, June 10, 1982, and 48 FR 20226, May 5, 1983 (to be codified at 19 CFR § 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: On November 18, 1983, complainant Mechanical Plastics Corp. moved (Motion No. 158–1) to amend the complaint and notice of investigation to include in its prayer for relief an exclusion order against molds used to manufacture allegedly infringing plastic light duty screw anchors and cease and desist orders against the sale or distribution of allegedly infringing plastic light duty screw anchors imported into the United States and plastic light duty screw anchors manufactured from molds imported into the United States. As grounds for the motion, complainant stated that it had learned during discovery that since its complaint had been filed respondent Hilti, Inc. had imported such plastic light duty screw anchors and molds into the United States. On December 29, 1983, the presiding officer issued an ID granting the motion. No petitions for review or comments from other Government agencies were received.

Copies of the initial determination and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Brenda A. Jacobs, Esq., Office of the General Counsel, telephone 202–523–0074.

By order of the Commission.

Issued: January 25, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2768 Filed 1–31–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–150]

Certain Self-Stripping Electrical Tap Connectors; Commission Decision Not To Review Initial Determination; Deadline for Filing Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination that there is a violation of section 337 in the above-captioned investigation. The parties to the investigation and interested Government agencies are requested to file written submissions on the issues of remedy, the public interest, and bonding.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53–.56 of the Commission's Rules of Practice and Procedure (47 FR 25134 (June 10, 1982) as amended by 48 FR 20225 (May 11, 1983); to be codified at 19 CFR 210.53–210.56).

SUPPLEMENTARY INFORMATION: On January 4, 1984, the presiding officer issued an initial determination that there is a violation of section 337 in the unauthorized importation and sale of certain self-stripping electrical tap connectors. No petitions for review of the initial determination were filed by any party and no written comments were filed by any Government agency Having examined the record in this investigation, including the initial determination of the presiding officer, the Commission on January 25, 1984 determined not to review the initial determination. Consequently, the initial determination has become the Commission determination on violation of section 337 in this investigation.

Written Submission

Inasmuch as the Commission has found that a violation of section 337 has occurred, it may isue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) cease and desist orders which could result in one or more respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions which address the form of relief, if any, which should be ordered.

If the Commission contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions concerning the effect, if any, that granting relief would have on the public interest.

If the Commission orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond, if any, which should be imposed.

The parties to the investigation and interested Government agencies are requested to file written submissions on the issues of remedy, the public interest, and bonding. The complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or a proposed cease and desist order for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, the public interest, and bonding. Written submissions on remedy, the public interest, and bonding must be filed not later than the close of business on the day which is twenty-one (21) days from the date this notice appears in the **Federal Register.**

Commission Hearing

The Commission does not plan to hold a public hearing in connection with final disposition of this investigation.

Additional Information

Persons submitting written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the dealine stated above. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the presiding oficer. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of June 8, 1983 (48 FR 26542).

Copies of the presiding officer's initial determination of January 4, 1984, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0148.

By order of the Commission.

Issued: January 26, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2783 Filed 1–31–84; 8:45 am]

BILLING CODE 7020–02–M

[332–177]

Monthly Reports Providing Information on the U.S. Automobile Industry

AGENCY: International Trade Commission.

ACTION: Institution of an investigation under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332 (b)) for the purpose of providing monthly report on the U.S. automobile industry.

BACKGROUND AND SCOPE OF INVESTIGATION: At the request of the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives, and in accordance with the provisions of section 332(b) of the Tariff Act of 1930 the Commission has instituted investigation No. 332–177, for the purpose of providing monthly data on the U.S. automobile industry through December 1984. The monthly reports will include data on automobile production, imports, exports, inventories, retail sales, price adjustments, and employment. The report will also include retail prices of selected comparable Japanese and U.S.-produced automobiles on a monthly basis.

The reports issued under this investigation will be similar in scope to those issued under recently completed investigation Nos. 332–121, 332–129, 332–136, and 332–152, of like title. Notice of the investigations were published in the **Federal Register** of January 7, 1981 (46 FR 1849), July 29, 1981 (46 FR 38779), February 10, 1982 (47 FR 6118), and February 15, 1983, (48 FR 6794), respectively.

EFFECTIVE DATE: January 24, 1984.

FOR FURTHER INFORMATION CONTACT: James McElroy or Georgia Jackson, Machinery and Equipment Division, Office of Industries, U.S. International Trade Commission, Washington, D.C. 20436 (telephone 202–523–0258 and 202–523–4604, respectively).

By order of the Commission.

Issued: January 25, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2765 Filed 1–31–84; 8:45 am]

BILLING CODE 7020–02–M

[332–176]

Competitive Assessment of the U.S. Foundry Industry

AGENCY: International Trade Commission.

ACTION: Institution of an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) concerning the competitive position of the U.S. foundry industry in domestic and world markets, at the direction of the President, and the scheduling of a hearing in connection therewith.

EFFECTIVE DATE: January 19, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Avery (202–523–0342) or Mr. Patrick Magrath (202–523–0341).

Minerals and Metals Division, U.S. International Trade Commission, Washington, D.C. 20436.

SUMMARY:

Background and Scope of Investigation

The Commission instituted the investigation, No. 332–176, following receipt on December 29, 1983, of a request therefor from the United States Trade Representative (USTR), at the direction of the President. In accordance with the request, the Commission will examine the competitive position of the U.S. foundry industry in domestic and world markets. As requested by USTR, the study will include an overview of the U.S. foundry industry, together with a detailed analysis of selected key products which should be important to the U.S. foundry industry, and to the extent possible representative of major segments of the entire foundry industry in terms of manufacturing process, import competition, marketing, and financial condition.

In conducting its investigation, the Commission, at the request of USTR, will cover in its product analysis the following points: (1) Current profile of the U.S. and foreign foundry industries; (2) conditions of competition between U.S. and foreign foundry producers; (3) factors affecting the future competitive posture of domestic and foreign foundry operations; and, (4) the implications of the U.S. competitive position on the foundry industry itself, related industries, and the U.S. economy as a whole. The Commission expects to complete its study by August 31, 1984.

Public Hearing

A public hearing in connection with this investigation will be held in the Commission Hearing Room, 701 E Street, NW., Washington, D.C., 20436, beginning at 10:00 a.m. on July 18, 1984, to be continued on July 19, 1984, if required. All persons shall have the right to appear by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, not later than noon, July 11, 1984.

Written Submissions

In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitting party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practic- and Procedure* (19 CFR 201.6). All written submissioins, except for confidential business information, will be available for inspection by interested persons. To be ensured of consideration by the Commission, written statements should be submitted at the earliest possible date, but no later than July 11, 1984. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: January 23, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2770 Filed 1–31–84; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; To Perform Interstate Transportation for Certain Nonmembers

Date: January 27, 1984.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Agway Inc.
(2) Box 4933, Syracuse, NY 13221
(3) 333 Butternut Drive, Dewitt, NY 13214
(4) Ralph E. Hallock, Box 4933, Syracuse, NY 13221

(1) Buckskin Express, Ltd.
(2) 200 W. Marcy, Suite 129, Santa Fe, NM 87501
(3) 4000 S. 51st Ave., Laveen, AZ 85339
(4) Kimball Udall, 200 W. Marcy, Suite 129, Santa Fe, NM 87501

(1) Knouse Foods Cooperative, Inc.
(2) Peach Glen, PA 17306
(3) Peach Glen, PA 17306
(4) William H. Horner, Peach Glen, PA 17306

James H. Bayne,

Acting Secretary.

[FR Doc. 84–2722 Filed 1–31–84; 8:45 am]

BILLING CODE 7035–01–M

[Section 5a Application No. 23]

Middle Atlantic Conference; Assumption of Steel Carriers Tarif Association, Inc. Functions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of proposed amendments and request for comment.

SUMMARY: By petition filed March 1, 1983, the Middle Atlantic Conference (MAC), a motor carrier rate bureau, requests Commission approval of various amendments to its rate agreement. The proposed amendments would enable MAC to conduct consolidated rate bureau activities following a transfer to it of ratemaking, tariff publication, and other bureau activities presently performed by the Steel Carriers Tariff Association, Inc. (STA), another motor carrier rate bureau. The Commission seeks comments from interested parties as to whether this approval should be granted. Copies of the proposal are available for public inspection and copying at the Office of the Secretary, Interstate Commerce Commission, 12th St. and Constitution Avenue NW., Washington, DC, 20423, and from petitioner's representatives:

Bryce Rea, Jr., Patrick McEligot, Rea, Cross, & Auchincloss, 918 16th Street NW., Washington, DC 20006
J. Alan Royal, P.O. Box 397, 6410 Kenilworth Avenue, Riverdale, MD 20737.

DATES: Comments from interested parties are due March 2, 1984. We intend to issue a final decision in this proceeding no later than April 16, 1984.

ADDRESS: Send an original and 15 copies, if possible, of comments to: Section 5a Application No. 23, Office of the Secretary, Case Control Branch,

Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Robert G. Rothstein, (202) 275–7912
or
Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION:

The Middle Atlantic Conference (MAC) seeks approval of proposed amendments to its existing ratemaking agreement under which its operations would incorporate those of Steel Carriers Tariff Association, Inc. (STA). This consolidation of operations has been approved by both STA and MAC at membership and Board meetings, respectively. The STA members also adopted a resolution that STA be dissolved once MAC files, and the Commission approves, the amendments to MAC's proposed agreement necessary to permit it to carry out the consolidated operations.

The proposed amendments, to both By-Laws and the Code of Rate Procedure, cover the structure and operating procedures of the integrated organization. Specifically, the proposed amendments: enlarge the Board of Directors; permit casting of votes from an enlarged territory; broaden the territorial scope of the MAC agreement; and create a new general rate committee of carriers primarily involved in the transportation of iron, steel, brick, and related articles.

More than two-thirds of STA's membership are members also of MAC. However, MAC and STA's mutual desire to consolidate stems from the retirement of STA's managing director and the STA search committee's recommendation, after interviewing candidates for a successor, that the efficacy of merging with MAC be explored. Over the years, MAC has provided many services under contract to STA, and a permanent consolidation will assertedly make the collective making of rates on iron and steel and related articles more efficient, especially needed at this time when the economic recession has hit the steel industry particularly hard and the number of STA members has been declining. Both STA and MAC foresee better service to both shippers and member carriers at less cost, with no significant change in STA's ratemaking procedures as a result of the consolidation.

Section 14 of the Motor Carrier Act of 1980 imposes a number of new requirements and standards on motor carrier rate bureaus as a condition to their continued immunity from antitrust laws. The amendments proposed here do not address these new requirements, but merely modify MAC's previously-submitted amendments. Those latter amendments were proposed in order to make the MAC agreement consistent with the requirements of Section 14 and Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureaus—Implementation of Pub. L. 96–296*, 364 I.C.C. 464 (1980), clarified at 364 I.C.C. 921 (1981). Comments on that issue have been sought and a final determination of that issue is pending. Our concern here rests only with MAC's proposal for consolidation with STA and the proposed amendments to MAC's agreement needed to effectuate the merger and to function subsequent to a consolidation.

Interested parties are invited to comment on the merger proposal.

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

This notice is issued pursuant to 49 U.S.C. 10321 and 10706 and 5 U.S.C. 554.

Decided: January 24, 1984.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

James H. Bayne,

Acting Secretary.

[FR Doc. 84–2721 Filed 1–31–84; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Quotas for Controlled Substances in Schedules I and II

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Established 1984 Aggregate Production Quotas.

SUMMARY: This notice establishes 1984 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act.

DATE: This order is effective upon publication.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537. Telephone (202) 633–1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21 U.S. 826) requires that the Attorney General establish aggregate production quotas for all controlled listed in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

On Wednesday, November 9, 1983 a notice of the proposed 1984 aggregate production quotas for certain controlled substances in Schedules I and II was published in the **Federal Register** (48 FR 51554). All interested parties were invited to comment on or object to those proposed aggregate production quotas on or before December 9, 1983. Ciba-Geigy Corporation of West Caldwell, New Jersey, Hoffman-LaRoche Inc. of Nutley, New Jersey, E.I. du Pont de Nemours & Company of Wilmington, Delaware; and Eli Lilly and Company of Indianapolis, Indiana each submitted comments relative to the proposed quotas.

Relative to methylphenidate, Ciba-Geigy commented that sales for the past three years have been stable and they indicate that this trend will continue through 1984. Based on this sales pattern and anticipated 1984 inventory requirements, Ciba-Geigy requested that the aggregate production quota be increased to fulfill the legitimate 1984 needs.

Relative to levorphanol, Hoffman-LaRoche commented that past and recent history indicated an increasing sales trend for this substance. In addition, Hoffmann-LaRoche's affiliate in Canada expects an increase in their requirement as compared to their original estimate. Based on these requirements, Hoffman-LaRoche requested that the aggregate production quota for levorphanol be increased.

Relative to alpharprodine, Hoffman-LaRoche commented that based upon sales higher than estimated for 1983 and an expectation of a continuing trend of increasing sales during 1984, the proposed 1984 aggregate production quota will be insufficient to meet legitimate 1984 needs. Therefore, Hoffman-LaRoche requested that the 1984 aggregate production quota for alphaprodine be increased.

Relative to dextropropoxyphene, Eli Lilly and Company commented that based upon increased sales in 1983 and in anticipation that this trend will continue during 1984, the proposed aggregate production quota will be insufficient to meet legitimate 1984 needs. Therefore, Eli Lilly requested that the 1984 aggregate production quota for dextropropoxyphene be increased.

Relative to oxycodone (for conversion) and thebaine (for sale) E.I. du Pont de Nemours & Company commented that the published quantities are not adequate to meet their anticipated requirements for 1984. Therefore, E.I. du Pont de Nemours &

Company requested that the aggregate production quotas for oxycodone (for conversion) and thebaine (for sale) be increased.

No other comments and no requests for a hearing were received. DEA will consider the above comments when the established quotas are reviewed in early 1984. In accordance with § 1303.11(c) of Title 21 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration has determined that no hearing relative to the comments received is necessary at this time.

Pursuant to Sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international commitments of the United States. Such quotas impact predominately upon major manufacturers of the affected controlled substances.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that the 1984 aggregate production quotas for Schedules I and II controlled substances, expressed as grams of anhydrous acid or base, be established as follows:

Basic class	Established 1984 quotas
Schedule I:	
2,5-Dimethoxyamphetamine	7,840,000
Tetrahydrocannabinols	30,000
Sufentanil	400
Schedule II:	
Alphaprodine	32,000
Amobarbital	2,959,000
Amphetamine	590,000
Cocaine	1,000,000
Codeine (for sale)	52,474,000
Codeine (for conversion)	2,850,000
Desoxyephedrine	1,516,000
1,316,000 grams for the production of levodesoxyephedrine for use in a noncontrolled, nonprescription product, and 200,000 grams for the production of methamphetamine.	
Dextropropoxyphene	61,535,000
Dihydrocodeine	1,209,000
Diphenoxylate	862,000
Ecgonine (for conversion)	900,000
Fentanyl	3,000
Hydrocodone	1,247,000
Hydromorphone	140,000
Levorphanol	15,000
Meperidine	10,889,000
Methadone	805,000
Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane	1,006,000
Methamphetamine (for conversion)	1,836,000
Methaqualone	0
Methylphenidate	1,181,000
Mixed Alkaloids of Opium	14,000
Morphine (for sale)	1,050,000
Morphine (for conversion)	55,490,000
Opium (tinctures, extracts, etc. expressed in terms of powdered opium	1,790,000
Oxycodone (for sale)	1,830,000
Oxycodone (for conversion)	6,400
Oxymorphone	6,000
Pentobarbital	8,900,000
Pethidine Intermediate A	5,269,000
Phenmetrazine	0
Phenylacetone	761,000
Secobarbital	3,250,000
Thebaine (for sale)	2,200,000
Thebaine (for conversion)	2,765,000

DEA will review the above-established quotas in early 1984 to take into consideration actual 1983 sales and actual December 31, 1983 inventories as well as other information which might be available to DEA.

Dated: January 24, 1984.

Francis M. Mullen, Jr.,

Administrator.

[FR Doc. 84-2744 Filed 1-31-84; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Performance Standards for PY 1984

SUMMARY: Section 106 of the Job Training Partnership Act (JTPA) requires the Secretary of Labor to prescribe performance standards for Titles II-A and III programs. The Secretary's instructions for implementing the performance standards requirements were developed in response to Section 106 of JTPA and are set forth below.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Ms. Kay Albright, Telephone (202) 376-6620.

SUPPLEMENTARY INFORMATION: The proposed performance standards issuance for PY 1984 was published as a notice in the **Federal Register** on December 20, 1983 (48 FR 56286). Comments were requested to be submitted to the Department by January 9, 1984.

The Department received 41 written comments on the proposed issuance within the comment period. Following is a summary of the comments received on each of the major issues raised by the commenters and the Department's response.

Secretary's Parameters

Several commenters noted that the proposed parameters did not address adjustments for the "types of services to be provided." This is one of the factors identified in Section 106(e) of the Act. Accordingly, this item has been added to the Secretary's parameters.

Several comments were received concerning the manner in which the parameters were constructed. They anticipated specific numerical limitations rather than the proposed process and quality standards. Analysis of prior performance levels indicates that a significant amount of variation in performance existed in the past. Furthermore, the likely impact of the various adjustment factors will result in widely varying acceptable levels of performance. This makes it extremely difficult to establish meaningful numerical parameters around a national standard. Finally, the statute gives the Governors responsibility for adjusting the standards to take into consideration local variations. The Department determined, therefore, that the parameters should assure that adjustments made to the standards were done in a consistent, uniform, and equitable manner.

Dislocated Workers

Comments were received expressing concern that the Department did not issue a national numerical standard for the Title III programs. Outcome data currently are available only on six dislocated workers programs, and no outcome information is available concerning the JTPA dislocated workers programs which have been operating during the last several months. Because program design strategies and the populations to be served vary significantly, the Department did not think that it was appropriate to establish a numerical standard based on the very limited available experience. The Department has not, therefore, revised its requirement in this area. Governors are still required to establish an entered employment rate standard for their Title III programs.

The issuance has been revised to clarify that the Title III entered employment rate standard is required for formula funded programs only.

Post-Program Standards

Several commenters expressed concern that the Department was not issuing any post-program standards for

Mary Mulligan
633-1141

PY 1984. They indicated that the Department should move beyond immediate termination outcomes standards and establish standards which will more directly measure the program's goals of increasing employment and earnings and reductions in welfare dependency as a result of participation in the program.

It is widely recognized that conventional analytical techniques that measure a program's contribution to changes in participants' post-program circumstances are not sufficiently developed. Due to the technical limitations of these analytical approaches and in recognition that performance standards will condition the future funding of local programs, the Department has limited its standards' setting to those areas where its initial research and analysis have been completed.

With respect to post-program measures, the Department has initiated several research projects that will ascertain which post-program measures are the most appropriate measures of program success. Until the research efforts have been completed, post-program performance measures will not be established.

Average Wage at Placement

Several individuals commented that the proposed national standard for the average wage at placement measures was too high. The average wage at placement figure was derived from FY 1982 CETA Title II B/C data, which included wages attained by both adults and youth. The average wage at placement standard is for adults only. Therefore, the inclusion of youth in the CETA data may tend to lower the figure used to construct this standard. Minor adjustments were made to the CETA performance level to account for differences between CETA and JTPA.

In addition, the Department applied a productivity improvement factor to the prior CETA wage experience to reflect Departmental expectations that JTPA programs will provide improved opportunities. The Department also recognized the importance of taking into account variations in local wage structures, and included a factor in its optional adjustment methodology to adjust for such differences. Furthermore, the parameters provide the Governors considerable discretion in adjusting the standards to take into account local economic conditions, such as the average wage rate. Accordingly, the Department has not revised the average wage at placement standard.

Youth Employment Competencies

Commenters urged that youth competencies be included in the Federal reporting requirements. Section 106(b)(2) of the Act assigns to the local private industry council (PIC) the authority to determine what will constitute "recognized employment competencies" for youth. Until the PICS have defined such competencies and the Department has had an opportunity to study the manner in which competency systems are being designed and applied at the local level, it is not possible to establish an informed performance standard and its related reporting elements. Rather than arbitrarily defining youth competencies and assigning an expected level of performance to them, the Department has commissioned research into how they are being addressed locally. The results of this research may be used to support the establishment of appropriate performance standards and reporting requirements in the future.

Concern was also expressed regarding the approach for adjusting the two youth positive termination standards by the Governor. The Governor does not approve youth employment competency systems nor the competencies recognized by the private industry council. Instead, the Governor should adjust the positive termination standards of an SDA to take account of the recognized competencies established by the PIC. This is appropriate because the national standards are based on CETA Title IV-A data.

Modification of the Standards

Several of the commenters inquired as to why the standards were being issued for PY 1984 only, since the Act at Section 106(d)(4)(A) states that the Secretary may modify the standards no more often than every two years. It is noted that the numerical values established for PY 1984 standards had to be established using CETA data, which will be two and one-half years old by the end of PY 1984. Since initial JTPA data and more recent economic information will be available for use in establishing the PY 1985 standards, the Department believed that it would have been in the best interest of the program to utilize such information in the establishment of PY 1985 standards. It was the Department's intent to adjust only the numerical values (e.g., "55%") assigned to the specific performance standards (e.g., the "entered employment rate").

Because of the comments on this issue, the Department will continue to examine this issue.

Paperwork Reduction Act of 1980

Attachment No. 1 to the issuance has been reviewed in accordance with the Paperwork Reduction Act by the Office of Management and Budget and approved for the period through September 30, 1985 (OMB No. 1205-0211). None of the revisions made in the attached issuance impacts on that OMB review and approval.

Executive Order 12291

The document has been reviewed by the Office of Management and Budget in accordance with Executive Order 12291 and approved for the period through September 30, 1985.

Signed at Washington, D.C., this 27th day of January, 1984.

Patrick J. O'Keefe,

Acting Deputy Assistant Secretary of Labor.

[Issuance Number 1-PY 84]

Performance Standards for PY 1984

January 31, 1984.

Authority: Job Training Partnership Act, Pub. L. 97-300, Section 106, Implementing Regulations 20 CFR 629.46, March 15, 1983.

I. Purpose

This document transmits the Secretary of Labor's performance standards for Titles II-A and III of the Job Training Partnership Act (JTPA). These standards are for program year (PY) 1984 (July 1, 1984-June 30, 1985).

It is the purpose of this issuance to define and explain the program year (PY) 1984 performance standards pursuant to the requirements of Section 106(d)(1). Included in this issuance is certain information concerning the application of the standards for the purpose of awarding incentive grants and for identifying service delivery areas (SDAs) which need technical assistance.

II. Background

Section 106 of JTPA directs the Secretary to establish performance standards for adult, youth, and dislocated workers programs. Such standards should relate to the programs' goals—increasing employment and earnings and reducing welfare dependency.

The information provided in this document is for the *first full program year* (July 1, 1984-June 30, 1985), as required by the statute.

Section 106 (c) and d(1) prescribes the performance standards implementation schedule. These sections require the Secretary to issue performance standards for the initial nine months of JTPA within six months of the

enactment date of JTPA and for the first program year by January 31, 1984.

Performance Standards Issuance Number 1–84, dated April 13, 1983, transmitted the performance standards for the initial nine months of JTPA. Performance Standards Issuance 3–84, dated October 7, 1983, revised the definitions for the youth positive termination rate and cost per positive termination standards and provided definitions and calculation instructions for the standards. The contents of both of those issuances are briefly summarized below:

- The Department issued seven national standards—four for the adult programs and three for the youth programs;
- The Department did not issue any parameters for the initial nine-months period;
- The Department did not issue any Title III standards for the dislocated workers programs. Governors were, however, encouraged to establish performance goals for their Title III programs;
- Private Industry Councils (PICs), in conjunction with SDAs, were encouraged to develop youth employment competency systems during the initial nine-months period;
- A youth shall be considered a positive termination if he/she had achieved, at termination, *one* of the following outcomes:

—entered unsubsidized employment;
—met one of the youth employability enhancement definitions as defined in the instructions to the approved JTPA annual status report (JASR); *or*
—attained youth employment competencies recognized by the PIC; and

- The Secretary's National Standards for the youth positive termination rate and cost per positive termination presume the inclusion of all youth who had a positive termination, as defined above. Therefore, should the Governor determine that an SDA's youth competency system has not been sufficiently developed to enable the PIC to recognize youth employment competencies, the Governor should adjust the performance standards accordingly.

Prior to the preparation of this document, the Department convened a JTPA Performance Standard Advisory Committee to discuss how the Department should establish performance standards and parameters for the first program year. The sections which follow reflect the input of the Advisory Committee.

III. Information for Implementing Performance Standards for PY 1984

This section provides information for implementing performance standards for PY 1984. The measures and Secretary's National Standards for Title II–A programs are defined at Part A; Part B describes the parameters for varying the National Standards; Part C discusses dislocated workers standards; Part D describes the use of the standards; Part E provides certain information concerning anticipated changes which will be made to the instructions issued regarding the Governor's Coordination and Special Services Plan (GCSSP); Part F provides information concerning appeals from SDAs; and Part G describes assistance available from the Department.

A. Performance Measures and the Secretary's National Standards for PY 1984

Performance standards for outcomes resulting from Title II–A participation are established for the measures noted below (the Secretary's National Standard is the underscored number following the definition).

Adults

1. *Entered Employment Rate*—The number of adults who entered employment at termination as a percentage of the number of adults who terminated: *55%.*

2. *Cost per Entered Employment*—Total expenditures for adults divided by the number of adults who entered employment: *$5,704.*

3. *Average Wage at Placement*—Average wage for all adults who entered employment at the time of termination: *$4.91.*

4. *Welfare Entered Employment Rate*—The number of adult welfare recipients who entered employment at termination as a percentage of the number of adult welfare recipients who terminated: *39%.*

Youth

1. *Entered Employment Rate*—The number of youth who entered employment at termination as a percentage of the number of youth who terminated: *41%.*

2. *Positive Termination Rate*—The number of youth who had a positive termination (i.e., at termination, the youth had either entered unsubsidized employment; *or* had met one of the youth employability enhancement termination definitions; *or* had attained youth employment competencies recognized by the PIC) as a percentage of the total youth who terminated: *82%.*

3. *Cost per Positive Termination*—Total expenditures for youth divided by the number of youth who had a positive termination (i.e., at termination, the youth had either entered unsubsidized employment; *or* had met one of the youth employability enhancement termination definitions; *or* had attained youth employment competencies recognized by the PIC): *$4,900.*

The foregoing standards were derived using two different time periods—through the fourth quarter of FY 82 for the adult standards and through the third quarter of FY 82 for the youth standards. The decision to replicate the initial nine-months standards for the youth programs was based on the uncertainty of the Title IV–A CETA data. Specifically,

- Approximately 15% of the prime sponsors did not operate a Title IV–A program during the first quarter of FY 82; and
- Approximately 37% of the prime sponsors terminated all of their Title IV–A participants during the fourth quarter of FY 82.

These two circumstances significantly altered the performance outcomes achieved during the third quarter versus the fourth quarter, as well as such factors as average weeks participated. Since the performance levels contrasted markedly between the two time periods, and the differences were more substantial than past trends would indicate, the Department determined that it should issue the same youth standards for PY 84 as were issued for the initial nine months of JTPA.

Keeping in mind that the adult standards are based on 12 months of FY 82 Title II–B/C CETA data and the youth standards are based on 9 months of FY 82 Title IV–A CETA data, the following factors were taken into account prior to the establishment of the above Secretary's National Standards:

- The basic goals of the Act—increased employment and earnings and reductions in welfare dependency;
- The design and programmatic differences between JTPA and its prdecessor, CETA (including increased emphasis on training, reduced administrative costs, and limitations on wages and allowances);
- The participant mix differences between JTPA and CETA (e.g., an increase in services to unemployment compensation claimants);
- By definition, the Secretary's National Standards for the youth positive termination rate and cost per positive termination provide for the inclusion of youth who attained employment competencies recognized

by the PIC. The FY 1982 CETA data did not include such a reporting item. Rather, it included such outcomes as remained/continued in school and completed program objective (all ages). Local PICs may use these or other factors in deciding what will constitute recognized employment competencies in their SDA. The Governor should adjust the two positive termination standards accordingly; and

• The expectation that performance will improve due to program and administrative refinements (including the presence of performance standards) and an improved economy.

Note: The Secretary's National Standards for the adult entered employment rate, average wage at placement, and welfare entered empoyment rate, as well as the youth entered employment rate and positive termination rate include a 10% productivity improvement factor.

B. Secretary's Parameters

There may be reasons why the Secretary's National Standards should be varied by the Governors for individual SDAs. The Secretary's and Governor's responsibilities in allowing variations are described at Section 106(e) of the Act. The Department has developed an adjustment methodology to assist Governors in varying SDA standards which take into account local conditions.

This methodology will be made available as an optional technical assistance guide to Governors. Governors may use the Department's methodology or they may develop their own adjustment methodology (See Section E below for documentation requirements in the Governor's Coordination and Special Services Plan). Regardless of the adjustment methodology that is developed, there must be a systematic approach which conforms to the following parameters:

1. Procedure must be:
   • Responsive to the intent of the Act,
   • Consistently applied among SDAs,
   • Objective and equitable throughout the State,
   • In conformance with widely accepted statistical criteria;
2. Source data must be:
   • Of public use quality,
   • Available upon request;
3. Results must be:
   • Documented;
   • Reproducible; and
4. Adjustment factors must be limited to:
   • Economic factors,
   • Labor market conditions,
   • Characteristics of the population to be served,
   • Geographic factors,
   • Types of services to be provided.

C. Dislocated Workers

Section 106(g) requires the Secretary to prescribe performance standards relating to programs authorized by Title III of JTPA (Dislocated Workers). Because of limited performance information at the national level concerning the conduct of programs such as those envisioned under Title III, no national Title III performance standards will be established for PY 1984.

Governors, however, have had initial experience in the operation of dislocated workers programs during the last several months and should be in a position to project appropriate performance levels for their States.

Accordingly, since it is the Governor's responsibility to assess Title III program performance, the Department has determined that Governors shall be required to establish an entered employment rate standard for each of their Title III programs (formula funded only). Governors are encouraged to continue to establish goals for the cost per entered employment, which take into consideration the Title III program design, participant characteristics, and other factors deemed appropriate by the Governor.

D. Use of Performance Standards

The following describes how SDA Performance Standards established by the Governors should be used in the review of SDA Job Training Plans and for assessing SDA performance at the end of the first full program year. The Governor must establish performance standards for each of the seven measures for each SDA for Title II–A. The Governor must also establish an entered employment rate standard for each formula funded Title III program.

1. *Review of SDA Job Training Plan*—In accordance with Sections 104(b)(4) and 105(b)(1) of the Act, the Governor should ensure that the SDA plans reflect the SDA standards established for each of the measures.

2. *Final Year-End Performance Assessment*—Attachment #1 to this issuance contains the computation formulas for the seven Title II–A performance measures, and the Title III performance measure, in relation to the specific line items on the approved JASR. Governors should calculate their SDA's actual performance using the formulas shown on Attachment #1 in order to assess their SDA's performance against their standards. In accordance with Section 202(b)(3), incentives may be awarded based on exceeding the performance standards and services to the hard-to-serve. When the Governor establishes a system for awarding incentives, the system must include Title II–A standards. While the system may not necessarily require that an SDA exceed all of the standards to be eligible for incentive funds, the Governor may not disregard any of the seven measures in establishing the incentive system.

E. Anticipated Revisions to the Governor's Coordination and Special Services Plan (GCSSP)

On June 22, 1983, a letter was transmitted to the Governors which provided instructions concerning the requirements of the GCSSP. Section II.C. of that document relates to performance standards. Since a performance standards package had not been approved when the instructions were transmitted, States were advised that they were not required to address Section II.C. until further notice.

The Department plans to update the GCSSP instructions, including incorporating the requirements at Section 121(b)(3) of the Act. These specify that the Governor shall document in the GCSSP the adjustments made in the performance standards and the factors that are used in making the adjustments. The revised instructions will be transmitted under separate cover.

F. Appeals

Governors are advised that in the case of an appeal from an SDA concerning the imposition of a reorganization plan for failure to meet the performance standards for two consecutive years, the Secretary will make his final decision in accordance with Section 106(h)(4) of the Act and 20 CFR 629.46(d)(6). In making his decision, the Secretary will be predisposed to uphold the Governor's determination concerning the application of the performance standards, if the Governor elected to use the nationally developed adjustment methodology to vary the performance standards. If the Governor, however, elected to use an alternative methodology to vary the standards, the Secretary will make his decision on a case by case basis, based on the validity of the methodology and its uniform application throughout the state.

G. Departmental Assistance

The Department will respond, to the extent feasible, to individual States' requests for assistance regarding the discharge of the Governors' responsibilities to establish program year 1984 performance standards and to

assess SDAs' performance against those standards.

Attachment No. 1—Computation Formulas for Titles II–A and Title III Performance Measures

As indicated in Section II.E. of Performance Standards Issuance 1–PY 84, the computation formulas for each of the performance measures are shown below. The specific column and line items reflected in the formulas relate to the approved JTPA Annual Status Report (JASR). Governors should compare the SDA's actual performance results obtained by using the following computation formulas to the SDA's performance standards when determining whether an SDA is eligible to receive an incentive award.

Title II–A

Adults

- Entered Employment Rate

$$\text{Column (A)}\ \frac{\text{I.B.1.}}{\text{I.B.}} \times 100$$

- Cost per Entered Employment

$$\text{Column (A)}\ \frac{\text{II.23.}}{\text{I.B.1.}}$$

- Average Wage at Placement

Column (A) II.22.

- Welfare Entered Employment Rate

$$\text{Column (B)}\ \frac{\text{I.B.1.}}{\text{I.B.}} \times 100$$

Youth

- Entered Employment Rate

$$\text{Column (C)}\ \frac{\text{I.B.1.}}{\text{I.B.}} \times 100$$

- Positive Termination Rate

$$\text{Column (C)}\ \frac{\text{(I.B.1.)} + \text{(I.B.2.)} + \text{(youth who attained recognized competencies)}}{\text{I.B.}} \times 100$$

- Cost Per Positive Termination

$$\text{Column (C)}\ \frac{\text{II.23.}}{\text{(I.B.1.)} + \text{(I.B.2.)} + \text{(youth who attained recognized competencies)}}$$

Title III

- Entered Employment Rate

$$\text{Column (D)}\ \frac{\text{I.B.1.}}{\text{I.B.}} \times 100$$

Note.—The JASR does not request separate information on the number of youth who attained PIC-recognized employment competencies. This type of termination will be reported in Column (C) at line I.B.3., "All Other Terminations," along with any other termination which meets the definition of "All Other Terminations."

Where multiple reporting elements are included in the numerator or denominator, a participant shall only be included in one of the multiple elements.

There will be no change to the reporting system at this time. While the inclusion of "attained youth employment competencies" is a part of the definitions for the two youth positive termination standards, the tracking and documentation of "attained youth employment competencies" will be at the discretion of the Governor. The Governor, accordingly, may request an SDA to provide additional information regarding the specific attainment of youth employment competencies.

(Approved by the Office of Management and Budget under OMB Control No. 1205–0211)

[FR Doc. 84–2872 Filed 1–31–84; 8:45 am]

BILLING CODE 4510–30–M

SMALL BUSINESS ADMINISTRATION

[License No. 08/08–0059]

Enterprise Finance Capital Development Corp.; Issuance of a License To Operate as a Small Business Investment Company

On August 11, 1983, a notice was published in the **Federal Register** (47 FR 53989), stating that Enterprise Finance Capital Development Corporation located at 935 Stonebridge Condominiums, Snowmass Village, Colorado 81615, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1983), for a license to operate as a small business investment company under the provisions of section 301(c) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on August 26, 1983, and no significant comments were received.

Notice is hereby given that considering the application and other information, SBA has issued License No. 08/08–0059 to Enterprise Finance Capital Development Corporation.

Dated: January 23, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84–2781 Filed 1–31–84; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Yolo County, In and Near Woodland, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Yolo County, California.

FOR FURTHER INFORMATION CONTACT: Michael A. Cook, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809. Telephone: (916) 440–2521.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the California Department of Transportation (Caltrans) will prepare an environmental impact statement (EIS) on a proposal to construct a 4.3-mile section of four-lane freeway for State Route 113 on new alignment between 0.4 mile south of County Road 27 and 0.7 mile south of Interstate Route 5. This project proposes to close the gap between the Route 113 Freeway north of Davis and the Route 113 Freeway connection to Interstate Route 5 in Woodland.

Completion of this project will permit a direct north-south freeway connection between Interstate Route 80 south of Davis and Interstate 5 in Woodland. Safety and traffic service would be improved to, from and within the Woodland area by adding traffic lanes, eliminating an at-grade railroad crossing, and eliminating at-grade intersections and private driveways. A lower accident frequency rate is anticipated.

Possible alternatives to accomplish the goals of the proposed action include: (1) Doing nothing; (2) upgrading the existing facility; (3) constructing a two-lane freeway; and (4) constructing a two- or four-lane conventional highway with no or some at-grade intersections.

Meetings will be scheduled to encourage affected parties to identify the crucial issues and ensure that

matters of importance are not overlooked in the early stages of review.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Monte Darden,

Acting District Engineer, Sacramento, California.

[FR Doc. 84-2536 Filed 1-31-84; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Washtenaw County, Michigan

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplement to the final environmental impact statement will be prepared to address additional improvements for the treatment of the I-94/Wiard Road interchange at US-12 in Ypsilanti Township, Washtenaw County Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas A. Fort, Jr., District Engineer, Federal Highway Administration, P.O. Box 10147, Lansing, Michigan 48901, Telephone (FST) 374-1879 or (Commercial) (517) 377-1879 or Mr. Ross Lowes, Manager, Social and Economic Studies Section, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan, 48909, Telephone (517) 373-2226.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the Michigan Department of Transportation, will prepare a supplement to the final environmental impact statement (EIS) for the proposed improvement to the I-94/Wiard Road interchange. A final environmental impact statement for the recommended alternate was issued in 1980. The supplement will address proposed additional work to include the relocation of the eastbound lanes of US-12 between I-94 and Gates Street, the closing of Nevada Street and service drive, and the construction of a new bridge carrying eastbound US-12 over westbound I-94. The purpose of this addition to the project is to improve the US-12 overpass to accommodate the widening of I-94, to assure safety by provision of adequate side clearance and sight distance. Impacts of the additional work are displacement of homes, minor changes in traffic circulation on local streets, and inconvenience during construction. Early coordination with other federal, state, or local agencies and the public has been conducted and identified in the more significant issues associated with the proposed additional work. A scoping document which identifies these issues has been prepared by FHWA and MDOT, and is available on request to interested agencies and individuals. No formal agency scoping meeting is planned.

The draft supplement to the Final EIS is scheduled for completion by April, 1984, and will be made available for public and agency review and comment.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: January 23, 1984.

David A. Merchant,

Division Administrator, Lansing, Michigan.

[FR Doc. 84-2693 Filed 1-31-84; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Romulus, Michigan (Wayne County)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplement to the draft environmental impact statement will be prepared for the proposed improvements to I-94 Interchanges with Merriman and Middlebelt Roads in Romulus, Michigan (Wayne County).

FOR FURTHER INFORMATION CONTACT: Mr. Thomas A. Fort, Jr., District Engineer, Federal Highway Administration, P.O. Box 10147, Lansing, Michigan 48901, Telephone (FTS) 374-1879 or (Commercial) (517) 377-1879 or Mr. Ross E. Lowes, Manager, Social and Economic Studies Section, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan 48909, Telephone (517) 373-2226.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the Michigan Department of Transportation, (MDOT), will prepare a supplement to the draft environmental impact statement (SDEIS) on a proposal to improve I-94 Interchanges with Merriman and Middlebelt Roads near the Detroit Metropolitan Wayne County Airport in Romulus, Michigan. A draft EIS for this project was prepared and circulated in 1979. The SDEIS is being prepared because of the length of time that has passed since the original document was published and because of substantial design changes which have been made in the previous alternatives evaluated. Both interchanges have ramps which are substandard by modern design criteria or have features which contribute to a large number of accidents. The project has been proposed for safety reasons.

Alternatives under consideration include: taking no action; and 4 Reconstruction Alternatives, identified as: the Low Capital Investment Improvement Alternative, Alternative 1 (One), Alternative 2 (Two), and Alternative 3 (Three). All the reconstruction alternatives require additional right-of-way. Alternatives 1 (One) and 3 (Three) require the reconstruction of structures over Merriman and Middlebelt Roads. The Low Capital Investment Improvement Alternative and Alternative 2 utilize existing structures over Merriman and Middlebelt Roads.

Alternate modes of transportation were studied and judged to be an unsatisfactory solution.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies.

Early coordination with a number of Federal, State and local agencies as well as input received from circulation of a Drift EIS published in 1979 have identified the more significant issues to be addressed in the supplement to the draft environmental impact statement. Accordingly, a scoping document has been prepared by FHWA and MDOT identifying those issues and is available on request to all interested agencies, organizations, and individuals. No formal scoping meeting will be held. Comments or questions on the scoping document and the issues identified are invited from all interested parties. Please furnish any comments to the FHWA or MDOT at the address provided above, prior to February 24, 1984.

The supplement to the draft environmental impact statement is scheduled for completion in March 1984 and will be made available for public and agency review and comment. A public hearing will be held. Public notice will be given of the time and place of the public hearing.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and

federally assisted programs and projects apply to this program)

Issued on: January 23, 1984.

David A. Merchant,

Division Administrator, Lansing, Michigan.

[FR Doc. 84-2694 Filed 1-31-84; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA Waiver Petition Docket H-83-1]

Baltimore and Ohio Railroad Co.; Petition for Exemption From the Track Safety Standards

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Baltimore and Ohio Railroad Company (B&O) has petitioned the Federal Railroad Administration (FRA) for a temporary waiver of the requirements of § 213.113 of the Federal Track Safety Standards (49 CFR Part 213).

The B&O Railroad Company and several other railroads are participating in a research test being sponsored jointly by the FRA's Office of Rail Safety Research and the American Railway Engineering Association (AREA), and request permission to deviate from full compliance with the remedial action specified for detected rail flaws in § 213.113 of the Track Safety Standards. The relief sought will permit the carriers to install special joint bars on detected detail fractures, bolted with four rather than two bolts as presently required. The special joint bars will be held slightly away from the rail by spacers to avoid load transfer into the joint bars, but will maintain rail head alignment. The tests will be conducted under controlled conditions to observe the rate at which specific rail defects grow under prevailing traffic patterns and rail support conditions.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. However, if any interested party desires an opportunity for oral comment, FRA will schedule a public hearing provided that a written request for hearing is submitted no later than 30 days after publication of this notice. The request for hearing must be accompanied with a showing why your position cannot be properly presented in written statements.

Communications concerning this proceeding should identify the Docket Number Waiver Petition H-83-1, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Communications received within March 19, 1984 will be considered by the FRA before final action is taken. Comments received after that time will be considered to the extent practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 5423, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on January 24, 1984.

J. W. Walsh,

Associate Administrator for Safety.

[FR Doc. 84-2713 Filed 1-31-84; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket Nos. HS-83-17 Through HS-83-21]

Petition for Exemption From the Hours of Service Act; Sierra Railroad Co., et al.

In accordance with 49 CFR 211.14 and 211.9 notice is hereby given that five railroads have petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). Each petition requests that the individual railroad be granted authority to permit certain employees to remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

Each railroad seeks this exemption so that it can permit certain employees to remain on duty not more than sixteen hours in any twenty-four hour period. Each petitioner indicates that granting this exemption is in the public interest and will not adversely effect safety. Additionally, each petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption. The railroads seeking this exemption are as follows:

Sierra Railroad Company—Waiver Petition Docket No. HS-83-17

East Tennessee Railway Corporation—Waiver Petition Docket No. HS-83-18

Hillsdale County Railway Company, Inc.—Waiver Petition Docket No. HS-83-19

Lanawee County Railroad Company, Inc.—Waiver Petition Docket No. HS-83-20

West Virginia Northern Railroad, Inc.—Waiver Petition Docket No. HS-83-21

Interested persons are invited to participate in this proceeding by submitting written views or comments since the facts do not appear to warrant it. Communications concerning this proceeding would identify the docket number (e.g. Docket Number, HS-83-17) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Communication received before March 12, 1984, will be considered by FRA before final action is taken. Comments received after that will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 7330, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64(a), (Sec. 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C., on January 24, 1984.

J. W. Walsh,

Associate Administrator for Safety.

[FR Doc. 84-2715 Filed 1-31-84; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket No. RSOR-83-3]

Petition for Relief From the Requirements of Blue Signal Protection of Workmen; Southeastern Pennsylvania Transportation Authority

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Southeastern Pennsylvania Transportation Authority (SEPTA) has petitioned the Federal Railroad Administration for relief from the requirments of 49 CFR 218.23 and 218.27 through 218.30. These Sections provide for minimum requirements for the protection of railroad employees engaged in the inspection, testing, repair, and servicing of rolling equipment.

SEPTA operates 244 weekday commuter trains into or out of Reading Terminal Station, Philadelphia, Pennsylvania. Arriving and departing trains operate through a single interlocking to the stub end tracks of the station. The machinery of the interlocking is designed so that the locking of a route from one or more of the station tracks bars the use of others.

The protection of workmen under requirements contained in Part 218 and the design limitations of the interlocking materially delays and disrupts the operation at Reading Terminal Station. To eliminate such delay and disruption, SEPTA seeks a waiver of compliance.

If relief is granted, SEPTA proposes an alternative method of blue signal display and protection for employees. The alternative method requires that before an employee goes under or between their equipment for any reason, including the inspection and testing of equipment, the car inspector will operate a key switch which will illuminate the appropriate newly-installed blue light, permanently suspended from the train shed cross-beams and adjacent to the equipment being inspected or tested. The blue light, located east or forward of the equipment being inspected, will be illuminated to warn incoming trains that equipment located west of the light is under blue signal protection and must not be coupled. A blue signal will then be attached to the controls of the train being inspected and/or tested in accordance with 49 CFR 218.27(e).

Interested persons are invited to participate in these proceedings by submitting written views and comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning these proceedings should identify the appropriate Docket Number (e.g. Docket Number RSOR 83–3) and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Communications received before March 12, 1984, will be considered by FRA before final action is taken. Comments received after that will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 7330, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 202 of the Federal Railroad Safety Act of 1970, 84 Stat. 971 (45 U.S.C. 431) 1.49(m) of the regulations of the Office of the Secretary, 49 CFR 1.49(m)).

Issued in Washington, D.C., on January 24, 1984.

J. W. Walsh,

Associate Administrator for Safety.

[FR Doc. 84–2714 Filed 1–31–84; 8:45 am]

BILLING CODE 4910–06–M

Maritime Administration

[Docket No. S–748]

Delta Steamship Lines, Inc.; Application

Notice is hereby given that, by application dated January 10, 1984, as supplemented by letter dated January 20, 1984, Delta Steamship Lines, Inc. (Delta) has requested all the necessary approvals and consents under the Merchant Marine Act, 1936, as amended (Act), and its Operating-Differential Subsidy Agreements (ODSAs), Contract Nos. MA/MSB–353 and MA/MSB–425, to operate its three C9 LASH vessels on a dual service on Trade Route (TR) 20 (Line E) (U.S. Gulf/East Coast of South America) and TRs 23–24–25 (Line B) (U.S. Pacific/Caribbean and East Coast of South America). Notwithstanding the proposed dual service privileges, Delta wishes to retain its present contractual authority to operate on TR 20 and TRs 23–24–25 as separate and distinct services. Delta has not requested any increase in its maximum authorized sailings on TR 20 and TRs 23–24–25 and the proposed dual service will be maintained within the maximum authorized sailings of Delta's ODSAs.

On December 12, 1983, Delta received Maritime Administration approval to construct three new 1,900 TEU containerships in accordance with the previously granted section 615 of the Act approval and to substitute the vessels upon delivery on a one-for-one basis for the three C9 LASH vessels. Delta proposes to replace the LASH vessels to be operated on the dual TR 20 and TRs 23–24–25 service upon delivery of its new containerships presently under construction.

Pursuant to ODSA, Contract No. MA/MSB–425, Delta provides regular cargo liner-passenger service on TRs 23–24–25. In past years, Delta operated four C4–S1–49a combination passenger/cargo vessels which were under bareboat charters from another operator. Delta has applied to adjust its services by withdrawing and laying up the C4 vessels currently servicing TRs 23–24–25 and discontinue its passenger service, in view of the fact that the charters on the four C4 vessesls will commence expiring in only 18 months. However, Delta wishes to reserve the right to utilize the C4 vessels under its ODSAs in a freight-only mode to supplement Delta's service should traffic conditions warant. Such utilization will be within the maximum authorized sailing requirements of Delta's ODSAs.

The C9 LASH vessels Delta proposes to operate on TR 20 and TRs 23–24–25 are currently assigned to TR 20. Pursuant to Delta's ODSAs, transfer and interchange (substitution) of the LASH vessels between Delta's subsidized services on TR 20 and TRs 23–24–25 may be permitted with the prior approval of the Maritime Subsidy Board/Maritime Administration subject to appropriate findings and determinations pursuant to section 211 of the Act and concerning economic feasibility.

Delta proposes to operate the C9 LASH vessels on a 69 day voyage pattern covering U.S. Pacific and Gulf ports and ports in the Caribbean and on the North and East Coasts of South America, with one sailing every 23 days. The new container vessels will be operated on the same proposed service as the LASH vessels but on a 66-day voyage schedule, with a sailing every 22 days. Delta's proposed service would essentially replicate the existing service and sailing frequency which Delta is providing on TR 20 and TRs 23–24–25, with the exception of service to and from the U.S. Pacific ports north of San Francisco, which will be provided by intermodal service. By its application, Delta is not requesting any additional operating authority. Delta specifically is not requesting authority nor does it intend to carry any domestic cargoes between U.S. Gulf and U.S. Pacific ports and is not requesting authority to carry cargoes between the U.S. Gulf and the North Coast of Colombia or Panama.

Delta indicates that its proposed TR 20 and TRs 23–24–25 service will be implemented on March 17, 1984. The last regular voyage of the C4 vessels would be a sailing originating from Vancouver on March 21, 1984, terminating in the United States on or about May 15, 1984.

Delta's application may be inspected during normal business hours in the Office of the Secretary, Maritime Subsidy Board/Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Interested parties who desire to comment on Delta's application may submit their views thereon to the Secretary, Maritime Subsidy Board/Maritime Administration, in triplicate, on or before 5:00 p.m. on February 15, 1984 and are requested to serve the comments upon Delta's counsel. Any request for a hearing shall specify the issues for such a hearing. All timely responses will be considered in MarAd's evaluation of Delta's application. MarAd will take such action as may be deemed appropriate with respect thereto, which may or may not include a hearing.

(Catalog of Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By order of the Maritime Subsidy Board/ Maritime Administration.

Dated: January 27, 1984.

Georgia P. Stamas,

Secretary.

[FR Doc. 84-2703 Filed 1-31-84; 8:45 am]

BILLING CODE 4910-81-M

[Docket No. S-749]

Lykes Bros. Steamship Co., Inc.; Application for TR 10 and TR 18 Privilege Service in Conjunction With Existing Service on TRs 13, 15B, 22/17 and TA 4

Notice is hereby given that by application dated January 17, 1984, Lykes Bros. Steamship Co., Inc. (Lykes) requested an amendment to its Operating-Differential Subsidy Agreement (ODSA), Contract No. MA/MSB-451 to authorize a total of 24 privilege calls at ports on Trade Route (TR) 10 in conjunction with Lykes' existing services on TRs 13, 15B, 22/17 and Trade Area (TA) 4; and a total of 24 privilege calls at ports on TR 18 in conjunction with Lykes' existing services on TRs 13, 15B, 22/17 and TA 4. Lykes proposes to start these privileges services immediately with its breakbulk (CS-S-37c, C3-S-37d, C4-S-66a, C5-S-37e and C5-S-37f) and SeaBee (C8-S-82a) vessels. Each SeaBee voyage would count as two breakbulk voyages. The applicant notes that the Maritime Subsidy Board (Board), by its Final Opinions and Orders of October 31, 1981 and December 31, 1981 in Docket S-543 *et al.*, Favorably resolved the section 605(c) issues relating to Lykes' application dated February 11, 1977 seeking Operating-Differential Subsidy (ODS) on TRs 10 and 18. Lykes now specifically requests an amendment to its ODSA in order to implement the privilege services described above.

Since the Board's decision in late 1981, Lykes avers that it has been preparing for such services as evidenced by its commitment to a Charleston express service to and from Italy and the recent opening of an office in Baltimore. Lykes also points out that the requested privilege service will be initiated through better utilization of its breakbulk and SeaBee vessels which are currently authorized to provide service on TRs 13, 15B, 22/17 and TA 4, and not by the addition of ships to these routes. Therefore, these privilege calls will result in the payment of no additional ODS to Lykes.

Any person, firm or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20590 by 5:00 p.m. on February 15, 1984. The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Dated: January 27, 1984.

Georgia P. Stamas,

Secretary.

[FR Doc. 84-2702 Filed 1-31-84; 8:45 am]

BILLING CODE 4910-81-M

Maritime Advisory Committee; Meeting

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Maritime Advisory Committee will hold its fifth meeting on Thursday, February 16, 1984, at 10:00 a.m. The meeting will be held in DOT's Nassif Building, 400 Seventh Street, SW., Washington, D.C., in Room 7200. The Committee is considering programs and policies on current maritime issues, and the agenda includes reviewing reports and recommendations from its working groups on Ship Costs and Financing. The meeting will be open to the public on a space-available basis.

By Order of the Maritime Administrator.

Dated: January 25, 1984.

Georgia P. Stamas,

Secretary.

[FR Doc. 84-2704 Filed 1-31-84; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP83-4; Notice 2]

Alliance Tire & Rubber Co. Ltd.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Alliance Tire & Rubber Company Ltd. of Hadera, Israel, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on June 6, 1983, and an opportunity afforded for comment (48 FR 25295).

Paragraph S6.5(f) of Standard No. 119 requires tires to be marked with the actual number of plies and the composition of the ply cord material in the sidewall and, if different, in the tread area. Alliance produced 150 truck tires size 11R24.5 between the 4th and 8th week of 1983 with incorrect markings. The sidewalls read "* * * Tread 5 Ply Steel Sidewall 1 Plies (sic) Nylon" instead of the correct marking, "* * * Tread 5 Ply Steel Sidewall 1 Ply Steel".

Petitioner argued that the error has an inconsequential relationship to motor vehicle safety as the tires otherwise comply with Standard No. 119.

No comments were received on the petition.

On September 13, 1983, Solcoor Corp. of New York City, representing the petitioner, indicated a willingness to place corrective labels on the tires in question. This will inform prospective purchasers of the error, and indicate the proper ply number and composition. Because the tires appear otherwise to meet Standard No. 119, the agency has determined that petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

The engineer and attorney primarily responsible for this notice are A. Y. Casanova and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 27, 1983.

Barry Felrice,

Acting Associate Administrator for Rulemaking.

[FR Doc. 84-2779 Filed 1-30-84; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-6; Notice 2]

Chrysler Corp.; Grant of Petition for Determination of Inconsequentiality

This notice grants the petition by Chrysler Corp., Detroit, Michigan ("Chrysler" herein), to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.110, *Tire Selection and Rims for Passenger Cars.* The basis of the grant is that the noncompliance is

consequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on June 16, 1983, and an opportunity afforded for comment (48 FR 27634).

Approximately 1350 1983 model Dodge Shelby Charger passenger cars may carry tire inflation placards (required by Standard No. 110) with an incorrect minimum tire size designation. The placards indicate that the size is P195/50R15 when the correct designation is 195/50R15 (no ISO "P" symbol).

Chrylser argued that the incorrect designation does not exist, and therefore the erroneous designation was inconsequential because such a tire size and designation are not available in the replacement market. If such a tire becomes available it would be suitable for the vehicles in question, differing only in a slightly higher load rating. This difference is attributable solely to different methods used in the U.S. and Europe to rate tires. The tire inflation placard otherwise conforms to the requirements of Standard No. 110.

One comment was received on the petition, irrelevant to the question of consequentiality, to the effect that the lack of ready availability of either tire restricted freedom of choice in the market place.

The "P" tire does exist, though not currently listed in one of the standardization organization yearbooks. Its specifications are contained in the engineering design guide which the domestic tire manufacturers use for advance tire engineering planning. The current design load and maximum load referenced for this tire differ by only 2 kg. and 3 kg., respectively, from the tires on Chrysler vehicles. This slight difference is deemed unimportant and petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it related to motor vehicle safety. Accordingly, its petition is granted.

The engineer and lawyer primarily responsible for this notice are A. Y. Casanova and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 27, 1983.

Barry Felrice,

Acting Associate Administrator for Rulemaking.

[FR Doc. 84–2780 Filed 1–31–84; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP83–8; Notice 2]

Derbi Motor Corp.; Grant of Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice grants the petition by Debri Motor Corporation to be exempted from the notification and remedy requirements of the National Traffic and Motor Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.123, Motor Vehicle Safety Standard No. 123, *Motorcycle Controls and Displays.* The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on July 28, 1983, and an opportunity afforded for comment (48 FR 34392).

Paragraph S5.2.3 and Table 3 of Standard No. 123 require each choke control on a motorcycle be labeled "choke." Derbi imported "less than 500" Sport Laguna motor-driven cycles without the required labeling. It believed that no safety hazard exists because of this failure. The control must be depressed by the operator before the engine can be started, and is automatically released when the throttle is applied to increase "the engine R.P.M." As a practical matter, there is only a limited space in which a label could be applied and it "would not be of a permanent nature." The control is identifed in the operator's handbook.

No comment was received on the petition.

The National Highway Traffic Safety Administration has decided to grant the petition by Derbi Motor Corp. Petitioner's argument, however, is incomplete. In order to depress the choke control, the operator must know in the first instance what it is, but the control is unlabeled. Nevertheless, since the vehicle cannot, apparently, be started without depressing the choke control, the operator should learn its function in only one or two tries. Further, a novice operator is not likely to be put in danger by the lack of labeling; arguably he or she will be starting the machine from rest, out of the stream of traffic. On balance, the agency has determined that the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

The engineer and attorney principally responsible for this notice are Nelson Erickson and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 27, 1983.

Barry Felrice,

Acting Associate Administrator for Rulemaking.

[FR Doc. 84–2776 Filed 1–31–84; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP83–7; Notice 2]

Dunlop Tire and Rubber Corp.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Dunlop Tire and Rubber Corporation of Buffalo, New York, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on July 28, 1983, and an opportunity afforded for comment (48 FR 34392).

Paragraph S6.5(d) of Standard No. 119 requires each sidewall of a tire to be marked with the maximum load rating and corresponding inflation pressure. Dunlop imported from its United Kingdom subsidiary certain Dunlop SPLT2 Tubeless Steel Radial, size 185R14C–LT Load Range C 6 PR tires on which the designated maximum loads were incorrect. The maximum load for single applications was stated as "170" when the correct figure is "1710" pounds. For dual applications, the load was erroneously stated as "160" and the correct figure is "1610" pounds. The inflation pressure "55 PSI cold" was correctly stated. Dunlop was able to rebrand tires in its possession with the correct information but 451 had been shipped to dealers and it is these tires that the petition covers.

Dunlop aruged that the noncompliance was inconsequential because the error is so obvious that the user will realize that the load indicated is severely understated, and will therefore refer to the tire information placard or operator's manual for the correct information.

No comments were received in response to the notice.

The agency concurs with the petitioner's argument that the values are so understated and implausible, being misrepresented by an approximate

factor of ten, that any user of the tires would be prompted to check other sources of information. Should the user proceed to employ the tires in the manner prescribed by the Tire and Rim Association Year Book the design limitation of the tires would not be exceeded. Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted herewith.

The engineer and attorney primarily responsible for this notice are A. Y. Casanova and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 27, 1984.

Barry Felrice,

Acting Associate Administrator for Rulemaking.

[FR Doc. 84–2777 Filed 1–31–84; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP83–13; Notice 2]

Firestone Tire & Rubber Co.: Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by the Firestone Tire & Rubber Co. of Akron, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571–109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on August 18, 1983, and an opportunity afforded for comment (48 FR 37565).

The noncompliance exists on the black or inboard side of an estimated 2,994 P195/75R14 WR 12 white sidewall tires. Paragraph S4.3(a) requires that the tire size designation be permanently molded into both sidewalls. The rim diameter designation in the size stamping indicates 15 instead of 14. The size designation is correct on the white sidewall, the side that is normally mounted outboard. Further, petitioner's efforts to mount the tire on a 15 inch rim were unsuccessful, "even when using a motor-driven Coates 3040 tire mounter." Finally, any attempt to retread the tire in a P195//75R15 matrix would result in a scrap tire, "thereby eliminating any concern in this area." These were the petitioner's arguments supporting its contention that the noncompliance is inconsequential as it relates to motor vehicle safety.

No comments were received on the petition.

The tires in question are intended to be mounted with the white sidewall outwards, and the purchaser pays a premium for this cosmetic feature. Thus, it is unlikely that the tire will be mounted with the black sidewall outward, displaying the incorrect information. Even were it to be so mounted, it could not be placed on a 15-inch rim, in spite of its marking. The agency concurs with petitioner's further argument that a scrap tire would result from any attempt to retread a 14-inch diameter casing in a 15-inch matrix.

Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

The engineer and attorney primarily responsible for this notice are A. Y. Casanova and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on January 27, 1984.

Barry Felrice,

Acting Associate Administrator for Rulemaking,

[FR Doc. 84–2778 Filed 1–31–84; 8:45 am]

BILLING CODE 4910–59–M

Urban Mass Transportation Administration

[Docket No. 84–A]

Exemption From Buy American Requirements

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of proposed exemption—request for comments.

SUMMARY: Section 165 of the Surface Transportation Assistance Act of 1982 provides that Federal funds may not be obligated for the purchase of mass transportation vehicles unless the cost of components of the vehicles which are produced in the United States is more than 50 percent of the cost of all components and final assembly of the vehicles takes place in the United States. Section 165 further provides that any of its provisons may be waived if their application would be inconsistent with the public interest. The Chrysler Corporation, along with several States, has petitioned the Urban Mass Transportation Administration (UMTA) to grant such a waiver for Chrysler's 15 passenger vans which are assembled in Canada. Before acting on this request, UMTA is seeking the views and recommendations of all interested parties.

DATE: Comments must be received on or before February 15, 1984. Comments received after this date will not be considered by UMTA in determining whether or not the waiver will be granted.

ADDRESS: Comments should be submitted to UMTA Docket No. 84–A, Urban Mass Transportation Administration, Room 9228, 400 Seventh Street SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward J. Gill, Jr., Office of the Chief Counsel, Room 9228, 400 Seventh Street SW., Washington, D.C. 20590 (202) 426–4063.

SUPPLEMENTARY INFORMATION: Section 165 of the Surface Transportation Assistance Act of 1982 provides, with exceptions, that Federal funds may not be obligated for mass transportation projects unless a preference is given to domestically produced products (the Buy America requirements). Section 165 (b)(3) provids that in the case of the procurement of buses and other rolling stock, the cost of components which are produced in the United States must exceed 50 percent of the cost of all components, and final assembly must take place in the United States. Section 165(b)(1) provides that any of the requirements of Section 165 may be waived if their application would be inconsistent with the public interest.

Under UMTA programs, receipients of Federal funds are given discretion in determing the type and size of vehicle that they will procure with Federal assistance. Under two specific programs (the Section 16(b)(2) Elderly and Hadicapped Program, and the Section 18 Small Urban and Rural Program), recipients usually purchase vans and/or small buses.

Information available to UMTA at the present time indicates that several recipients are experiencing difficulty in purchasing 15 passenger vans. UMTA's present information is that 15 passenger vans are only produced by the Ford Motor Company and by the Chrysler Corporation. The Chrysler vans do not comply with the Buy American requirements of Section 165 since the final assembly of these vans takes place in Canada. UMTA has been informed that 74 percent of the components of

these vans, by cost, are produced in the United States.

Chrysler Corporation has petitioned UMTA to grant a public interest waiver to the Buy America requirements for these 15 passenger vans. In addition, 18 States (who principally administer the Section 16(b)(2) and 18 programs discussed above) have also requested that UMTA grant the public interest waiver for the purchase of the 15 passenger vans. All of these requests have been based on the fact that the public interest would best be served by having competition in the market. The petitions for the waivers assert that if Chrysler is not granted a waiver of the Buy America requirements, UMTA grantees would not be able to purchase 15 passenger vans from Chrysler using Federal funds, and would thus, because of the lack of competition, be in the position of only purchasing the vans from one company.

Before acting on these waiver requests, UMTA is seeking public comment from all interested parties. UMTA is seeking this public comment since it is felt that the granting or denial of this waiver would have nationwide consequences and UMTA desires to have all available information before it prior to rendering a decision. In particular, UMTA desires information regarding whether or not 15 passenger vans are manufactured by companies other than Chrysler and Ford.

It should be noted that Chrysler and several States requested that UMTA grant a Buy America waiver for all vans purchased with UMTA funds and/or all vans manufactured in Canada. At this time, UMTA will only be acting on the request for the waiver as it applies to 15 passenger vans, since the information available indicates that there may be a lack of competition in this market if the waiver is not granted. However, UMTA will consider any comments received concerning other vehicles. UMTA will evaluate the request for these more general waivers at a later date. It should be noted that it is unnecessary for those States which have already requested a waiver for 15 passenger vans to respond to this request for comments. The previously received requests will be included in the public docket, and will be fully considered by UMTA in detemining whether or not the waiver for 15 passenger vans will be granted.

Dated: January 26, 1984.

Ralph L. Stanley,

Administrator.

[FR Doc. 84-2678 Filed 1-31-84; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 84-37]

Customhouse Broker's License; Cancellation of Customhouse Broker's License No. 5182

Notice is hereby given that the Commissioner of Customs, on January 27, 1984 pursuant to section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641), and Part 111 of the Customs Regulations, as amended (19 CFR Part 111) cancelled with prejudice the individual Customhouse Broker's License No. 5182 issued to Julie D. Summers, Norco, California, for the Customs District of Los Angeles, California. This decision is effective as of January 27, 1984.

George C. Corcoran, Jr.,

Acting Commissioner of Customs.

[FR Doc. 84-2745 Filed 1-31-84; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 22
Wednesday, February 1, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, February 6, 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 establish a branch:

The Cleveland Bank, Cleveland, Oklahoma, for consent to establish a branch at the Westport exit of State Highway 64, Westport, Oklahoma.

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 Division 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.

Discussion Agenda:

Memorandum and resolution re: Final amendments to the Corporation's rules and regulations which would implement section 907 of the International Lending Supervision Act of 1983, pertaining to the collection and disclosure of certain international lending data.

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: January 30, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–2830 Filed 1–30–84; 12:36 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, February 6, 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 pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank.

Name of person and of bank 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. 522b (c)(6), (c)(8), and (c)(9)(A)(ii)).

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. 522b (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: January 30, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–2831 Filed 1–30–84; 12:36 pm]

BILLING CODE 6714-01-M

3

FEDERAL HOME LOAN MORTGAGE CORPORATION

DATE AND TIME: January 31, 1984, 2:30 p.m.

PLACE: 1776 G Street, NW., Washington, D.C., Conference Room 4–G.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Alan B. Hausman, 1776 G Street, NW., P.O. Box 37248, Washington, D.C. 20013; (202) 789–4763.

MATTERS TO BE CONSIDERED: Closed:

Minutes of October 25, 1983, Board of Directors' Meeting Minute Entry
President's Report
Financial Report Minute Entry

Date sent to **Federal Register:** January 30, 1984.

Maud Mater,

Corporate Secretary.

[FR Doc. 84-2796 Filed 1-30-84; 10:34 am]

BILLING CODE 6720-02-M

4

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 3562, Friday, January 27, 1984.

PLACE: Board Room, Sixth Floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravelee (202-377-6970).

CHANGES IN THE MEETING: The Bank Board Meeting previously scheduled to start at 10:30 a.m., Friday, January 3, 1984, has been changed to start at 2:30 p.m.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-2860 Filed 1-30-84; 2:25 pm]

BILLING CODE 6720-01-M

5

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, February 6, 1984.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report regarding examinations of international banking institutions.
2. Proposed purchase of computers within the Federal Reserve System.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: January 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2784 Filed 1-27-84; 5:09 pm]

BILLING CODE 6210-01-M

6

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 10 a.m., Wednesday, February 8, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-163 (Preliminary) (Cell-Site Radios from Japan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[FR Doc. 84-2771 Filed 1-27-84; 4:28 pm]

BILLING CODE 7020-02-M

7

NUCLEAR REGULATORY COMMISSION

DATE: Thursday, January 26, 1984 (Revised) and Friday, January 27, 1984 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Thursday, January 26:*

10:30 a.m.:
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6) (Time Change)

2:00 p.m.:
Status of Certain Enforcement Actions (Closed-Exemptions 5 and 7) (As Announced)

3:30 p.m.:
Discussion of Memorandum on Future Steps in TMI-1 Restart (Closed—Exemptions 5 and 10) (New Item)

4:30 p.m.:
Affirmation/Discussion and Vote (Public Meeting) (Time Change):
a. Implementing CEQ NEPA Regulations (Part 51)
b. Reviews of ALABs 729 and 744

Friday, January 27:

9:30 a.m.:
Briefing on Possible Uses of Special Nuclear Material Available in the Non-Power Reactor Community (Closed—Exemption 1) (As Announced)

11:15 a.m.:
Comments on Implications of a Proposed Rule Regarding Use of HEU in Domestic Research Reactors (Public Meeting) (As Announced)

1:30 p.m.:
Possible Vote on Memorandum on Future Steps in TMI-1 Restart (Public Meeting) (New Item) (Tentative)

2:00 p.m.:
Discussion of International Implications of Conversion of Domestic Research Reactors to LEU Use (Open/Closed—Exemption 1) (As Announced)

3:30 p.m.:
Discussion of Physical Security at Domestic Research Reactors (Closed—Exemption 1) (As Announced)

To verify the status of meetings call (recording)—(202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

January 25, 1984.

Walter Magee,

Office of the Secretary.

[FR Doc. 84-2876 Filed 1-30-84; 3:52 pm]

BILLING CODE 7590-01-M

8

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 30, 1984 (Revised) and Week of February 6, 1984.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Wednesday, February 1:*

2:00 p.m.:
Briefing on Final License Fee Rule (*Postponed*)

Thursday, February 2:

2:00 p.m.:
Briefing on Quarterly Progress on Safety Goal Evaluation Report and Draft PRA Document (Public Meeting) (As Announced)

4:00 p.m.:
Affirmation/Discussion and Vote (Public Meeting) (New Item):
a. Implementing CEQ NEPA Regulations (Part 51) (*Postponed* from January 26)
b. Revised General Statement of Policy and Procedure for Enforcement Actions

Friday, February 3:

11:00 a.m.:
Periodic Meeting with Advisory Panel on TMI-2 Cleanup (Public Meeting) (As Announced)

Monday, February 6:

10:00 a.m.:
Briefing on Status of Byron (Closed—Exemption 10)

2:00 p.m.:
Discussion of LEU/HEU Guidance (Public Meeting)

Tuesday, February 7:

10:00 a.m.:
Discussion of Pending Investigation (Closed—Exemptions 5, 7, and 10)

2:00 p.m.:
Meeting with Regional Administrators (Open/Closed to be determined)

Wednesday, February 8:

10:00 a.m.:
Discussion of Reviews Performed for Other Agencies (Closed—Exemption 1)

Thursday, February 9:

2:00 p.m.:
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6)

Friday, February 10:

10:00 a.m.:
Comments by Parties on Diablo Canyon Criticality and Low Power Operation (Public Meeting)

To verify the status of meetings call (Recording)—(202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

January 26, 1984.

Walter Magee,

Office of the Secretary.

[FR Doc. 84–2877 Filed 1–30–84; 3:52 pm]

BILLING CODE 7590–01–M

9

NATIONAL SCIENCE BOARD

DATE AND TIME:

January 19, 1984, 9 a.m., open session
January 20, 1984, 8 a.m., closed session
January 20, 1984, 8:40 a.m., open session

PLACE: National Science Foundation, 1800 G Street, NW., Washington, D.C.

STATUS: Cancellation of previously published announcement of meeting.

Due to inclement weather, the above previously announced meeting was cancelled.

The Executive Committee of the National Science Board at a meeting on January 19, 1984, at 1 p.m., acted on behalf of the Board on the following Closed Session items:

1. Minutes—November 1983 Meeting.
2. NSF Staff Nominees.
3. Grants, Contracts, and Programs.

It was not possible to announce this change prior to the meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Margaret L. Windus, 202/357–9582.

Margaret L. Windus,

Executive Officer.

[FR Doc. 84–2863 Filed 1–30–84; 8:49 pm]

BILLING CODE 7555–01–M

10

PAROLE COMMISSION

[4P0401]

The Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters.

TIME AND DATE: 2 p.m., Thursday, February 2, 1984.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 6 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

Dated: January 30, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84–2881 Filed 1–30–84; 3:59 pm]

BILLING CODE 4410–01–M

11

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of February 6, 1984, at 450 Fifth Street, NW., Washington, D.C.

A closed meeting will be held on Tuesday, February 7, 1984, 9:30 a.m. An open meeting will be held on Thursday, February 9, 1984, at 2:30 p.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (4), (8), (9)(i), and (10).

Commissioner Cox, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, February 7, 1984, 9:30 a.m., will be:

Formal orders of investigation.
Litigation matter.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of injunctive action.

The subject matter of the open meeting scheduled for Thursday, February 9, 1984, at 2:30 p.m., will be:

1. Consideration of an application filed by the Prudential Series Fund, Inc. ("Applicant"), a diversified management investment company designed as the underlying investment medium for individual variable annuity contracts, requesting an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder permitting use of the amortized cost valuation method to value the short-term debt obligations held in certain of its portfolios which also hold other than short-term debt obligations. For further information, please contact Mary A. Cole at (202) 272–3023.

2. Consideration of whether to issue a release adopting revisions to Rule 145 under the Securities Act of 1933 which will coordinate the resale provisions of Rule 145 with those of Rule 144 by providing that certain persons receiving securities in registered business combination transactions shall not be deemed underwriters and may freely transfer such securities if they are not affiliates of the issuer and either: (1) Have beneficially owned the securities for at least three years; or (2) have beneficially owned the securities for at least two years and the issuer meets the public information requirements of paragraph (c) of Rule 144. For further information, please contact Mary M. Jackley at (202) 272–2644.

3. Consideration of whether to permit Bruce William Zimmerman to become an associated person in a non-proprietary, non-supervisory capacity without the limitations previously imposed on his association with that firm. For further information, please contact Mary Binno at (202) 272–2318.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: JoAnn Zuercher at (202) 272–2014.

January 27, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–2772 Filed 1–27–84; 4:28 pm]

BILLING CODE 8010–01–M

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Federal Register

Vol. 49, No. 22

Wednesday, February 1, 1984

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing December 19, 1983.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—FEBRUARY 1984

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

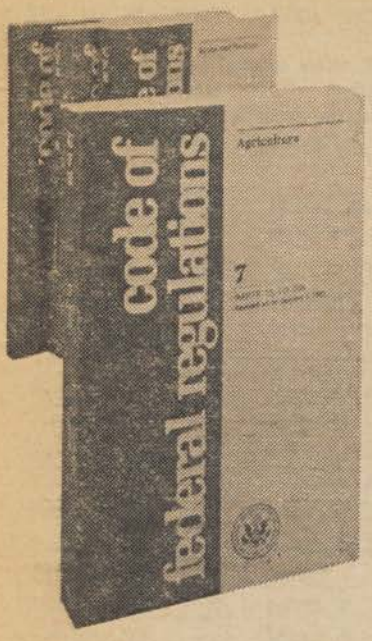
Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
February 1	February 16	March 2	March 19	April 2	May 1
February 2	February 17	March 5	March 19	April 2	May 2
February 3	February 21	March 5	March 19	April 3	May 3
February 6	February 21	March 7	March 22	April 6	May 7
February 7	February 22	March 8	March 23	April 9	May 7
February 8	February 23	March 9	March 26	April 9	May 8
February 9	February 24	March 12	March 26	April 9	May 9
February 10	February 27	March 12	March 26	April 10	May 10
February 13	February 28	March 14	March 29	April 13	May 14
February 14	February 29	March 15	March 30	April 16	May 14
February 15	March 1	March 16	April 2	April 16	May 15
February 16	March 2	March 19	April 2	April 16	May 16
February 17	March 5	March 19	April 2	April 17	May 17
February 21	March 7	March 22	April 6	April 23	May 21
February 22	March 8	March 23	April 9	April 23	May 22
February 23	March 9	March 26	April 9	April 23	May 23
February 24	March 12	March 26	April 9	April 24	May 24
February 27	March 13	March 28	April 12	April 27	May 29
February 28	March 14	March 29	April 13	April 30	May 29
February 29	March 15	March 30	April 16	April 30	May 29



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