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federal register

Monday
February 6, 1984

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Selected Subjects

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CFR PARTS AFFECTED IN THIS ISSUE

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

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Presidential Documents

Title 3—

The President

Proclamation 5149 of February 1, 1984

National Tourism Week, 1984

By the President of the United States of America

A Proclamation

The tourism industry is extremely important to the United States, contributing to our employment, economic prosperity, and international trade and understanding.

Each of us benefits from the effects of tourism. It substantially enhances our personal growth and education. Tourism also promotes intercultural understanding and appreciation of the geography, history and people of the United States. Now that inflation has been reduced and the economy is growing, personal incomes and leisure time will increase more rapidly. Tourism therefore can be expected to play an even greater role in the lives of the American people.

In recognition of the significance of the tourism industry to the enhancement of international trade, understanding and goodwill, the Congress, by House Joint Resolution 168, has designated the week beginning May 27, 1984, as "National Tourism Week" and has authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 27, 1984, as National Tourism Week, and I call upon the people of the United States to observe such week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of February, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 84-3233
Filed 2-2-84; 11:53 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Monday, February 6, 1984

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 419

Barley Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Barley Crop Insurance Regulations (7 CFR Part 419) effective for the 1984 and succeeding crop years by: (1) Changing the policy to make it easier to read and understand; (2) eliminating the reduction in production guarantee for unharvested acreage; (3) eliminating the substitute crop provision; (4) adding a 60-day claim for indemnity provision; (5) clarifying the provision determining production to count when small grains are growing with other planted or volunteer crops; (6) adding a section regarding appraisals following the end of the insurance period for unharvested acreage; (7) changing the cancellation and termination for indebtedness dates; (8) revising the unit definition to provide for unit determination when the acreage report is filed; (9) adding three sections concerning descriptive headings, determinations, and notices; and (10) making format and language corrections for purposes of clarification.

In addition to the changes described above, FCIC 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 action is to confirm the interim rule and to comply with OMB regulations with respect to the information collection control numbers.

EFFECTIVE DATE: March 7, 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 Secretary's Memorandum No. 1512-1 (June 11, 1981). This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under such provisions. The sunset review date established for these regulations is February 1, 1987.

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

On Wednesday, April 13, 1983, FCIC published an interim rule in the **Federal Register** at 48 FR 15863, revising and reissuing the Barley Crop Insurance Regulations (7 CFR Part 419), effective for the 1984 and succeeding crop years. The public was given 60 days in which to submit written comments, data, and opinions of the action, but none were received. In reviewing the regulations for issuance as final rule, it was determined that certain non-substantive changes should be made for the purpose of clarity and that a new section should be issued to contain OMB control numbers assigned to information collection requirements of these regulations. The regulations contained herein have been amended to reflect this change in both the Table of Contents at § 419.3 and in § 419.3 itself.

List of Subjects in 7 CFR Part 419

Crop insurance, Barley.

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 revises and reissues the Barley Crop Insurance Regulations (7 CFR Part 419), effective for the 1984 and succeeding crop years, to read as follows:

PART 419—BARLEY CROP INSURANCE

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.

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

§ 419.1 Availability of barley insurance.

Insurance shall be offered under the provisions of this subpart on barley 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 barley insurance will be offered.

§419.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for barley which will be included in the county actuarial table on file in service offices and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§419.3 OMB control numbers.

Information collection requirements contained in these regulations (7 CFR Part 419) 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.

§419.4 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.

§419.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the barley insurance contract, whenever: (a) An insured person under a contract of crop insurance entered into under these regulations, as a result of 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 believes 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 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 persons 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.

§419.6 The contract.

(a) The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance. The contract shall cover the barley crop as provided in the policy. The contract shall consist of the application, the policy, and the provisions of 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.

§419.7 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 insurable share in the barley 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 involved is excessive, and also, for the same reason, to 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 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) Barley contracts in effect for the 1983 crop year are amended by the substitution of the 1984 contract and are continuous unless terminated in accordance with their terms. A new application is not required by these regulations for the 1984 crop year.

(d) The application for the 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 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 Barley Insurance Policy for the 1984 and succeeding crop years, are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Barley—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(6).

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 barley 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 barley which is planted for harvest as grain, which is grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table. A mixture of barley with either oats, or wheat or both planted for harvest as grain may also be insured if provided by the actuarial table. The production from such mixture shall be considered as barley on a weight basis.

b. The acreage insured for each crop year shall be barley 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 barley 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 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 barley but 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 barley;

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

(7) Planted with a crop other than barley except as provided in section 2a.

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, at the time of planting, to carry out a good barley irrigation practice; and

(2) Any loss of production caused by failure to carry out a good barley 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 barley 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 barley 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 contained 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.

a. Insurance attaches when the barley is planted except that in counties with an April

15 cancellation date, insurance on fall planted barley shall attach April 16 following planting, if there is an adequate stand on April 16 to produce a normal crop.

b. Insurance ends at the earliest of:

(1) Total destruction of the barley;

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

(3) Final adjustment of a loss; or

(4) The date shown below of the calendar year in which the barley is normally harvested:

(a) Alaska	Sept. 25; and
(b) All other states	Oct. 31.

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 barley 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 barley 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) If you anticipate a loss on any unit, you must give us notice:

(a) At least 15 days before the beginning of harvest; or

(b) Immediately if probable loss is later determined, and a representative sample of the unharvested wheat (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.

(3) 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 barley on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the barley 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 barley on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

(1) Establish the total production of barley 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 barley to be counted (see section 9e);

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

(4) Multiplying this result 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 barley production:

(a) Which otherwise is not eligible for quality adjustment and which grades No. 4 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14.5 percent; or

(b) Which, due to insurable causes, does not grade No. 4 or better, or is graded smutty, garlicky, or ergoty, in accordance with the Official United States Grain Standards, shall be adjusted by:

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

(ii) Multiplying the result by the number of bushels of such barley.

The applicable price for No. 2 barley shall be the local market price on the earlier of the day the loss is adjusted or the day such barley was sold.

(2) Any mature production from other crops growing in the barley shall be counted as barley on a weight basis.

(3) Appraised production to be counted shall include:

(a) Potential production lost due to uninsured causes and failure to follow recognized good barley farming practices;

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

(c) Any unharvested production.

(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 barley 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.

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

(6) When you have elected to exclude hail and fire as insured causes of loss and the barley 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."

(7) The commingled production of units will 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 the barley 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 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 commited any fraud relating to the contract. 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

barley 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 claim 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 the payment was approved.

d. The cancellation and termination dates are:

State and county	Cancellation and termination dates
New Mexico, except Taos County; Oklahoma and Texas.	Aug. 31.
Kit Carson, Lincoln, Elbert, El Paso, Pueblo, Las Animas Counties, Colorado and all Colorado counties lying south and east thereof and Kansas.	Aug. 31.
Arkansas, Louisiana, Missouri, Illinois, Indiana, New Jersey, Ohio, Pennsylvania, and all states lying south and east thereof.	Sept. 30.
Connecticut, Massachusetts and New York	Sept. 30.
Arizona, California, Clark and Nye Counties, Nevada.	Oct. 31.
All other Colorado counties; all other Nevada counties; Taos County, New Mexico and all other States.	Apr. 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 for counties with an April 15 cancellation date and by May 31 preceding the cancellation date for all other counties. 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 barley 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 barley 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 barley is normally grown and shall be designated by the calendar year in which the barley is normally harvested.

d. "Harvest" means the completion of combining or threshing of the barley 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 barley or a share of the proceeds therefrom.

j. "Unit" means all insurable acreage of barley 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 owner 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 barley 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 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 Barley Crop Insurance

The following counties are designated for Barley Crop Insurance under the provisions of 7 CFR 419.1.

Alabama

All counties

Alaska

Fairbanks North Star
Matanuska Susitna
Southeast Fairbanks
Valdez-Cordova

Arizona

Cochise
Graham
La Paz
Maricopa
Mohave
Navajo
Pima
Pinal
Yuma

Arkansas

All counties

California

Alameda
Amador
Butte
Colusa
Contra Costa
Fresno
Glenn
Imperial
Kern
Kings
Lake
Lassen
Los Angeles
Madera
Mendocino
Merced
Modoc
Monterey
Orange
Placer
Plumas
Riverside
Sacramento
San Benito
San Bernardino
San Diego
San Joaquin
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Shasta
Siskiyou
Solano
Sonoma
Stanislaus
Sutter
Tehama
Tulare
Ventura
Yolo
Yuba

Colorado

Adams
Alamosa
Arapahoe
Archuleta
Baca
Bent
Boulder
Cheyenne
Conejos
Costilla
Crowley
Custer
Delta
Dolores
Douglas
Eagle
Elbert
El Paso
Fremont
Garfield
Huerfano
Jefferson
Kiowa
Kit Carson
La Plata
Larimer
Las Animas
Lincoln
Logan
Mesa
Moffat
Montezuma
Montrose
Morgan
Otero
Ouray
Phillips
Pitkin
Prowers
Pueblo
Rio Blanco
Rio Grande
Routt
Saguache
San Miguel
Sedgwick
Washington
Weld
Yuma

Connecticut

Litchfield

Delaware

Kent
New Castle
Sussex

Florida

Gadsden
Jackson

Georgia

Bacon
Baker
Banks
Barrow
Berrien
Bibb
Bleckley
Brooks
Burke
Butts
Carroll
Catoosa
Chattooga
Cherokee
Coffee
Coweta
Crawford
Crisp
Decatur
Dodge
Dooly
Elbert
Emanuel
Floyd
Forsyth
Franklin
Fulton
Glascock
Gordon
Greene
Gwinnett
Habersham
Hall
Haralson
Hart
Heard
Henry
Houston
Jackson
Jasper
Jefferson
Jenkins
Johnson
Jones
Lamar
Laurens
Lee
Lincoln
Lowndes
McDuffie
Macon
Madison
Marion
Meriwether
Mitchell
Monroe
Montgomery
Morgan
Murray
Newton
Oconee
Oglethorpe
Peach
Pike
Pulaski
Rabun
Randolph
Richmond
Schley
Screven
Spalding
Stephens
Stewart
Sumter
Tattnall
Taylor
Telfair
Tift
Toombs
Treutlen
Turner
Upson
Walker
Walton
Warren
Washington
Webster
Wheeler
White
Whitfield
Wilcox
Wilkes
Wilkinson

Idaho

Ada
Adams
Bannock
Bear Lake
Benewah
Bingham
Blaine
Boise
Bonner
Bonneville
Boundary
Butte
Camas
Canyon
Caribou
Cassia
Clark
Clearwater
Custer
Elmore
Franklin
Fremont
Gem
Gooding
Idaho
Jefferson
Jerome
Kootenai
Latah
Lemhi
Lewis
Lincoln
Madison
Minidoka
Nez Perce
Oneida
Owyhee
Payette
Power
Teton
Twin Falls
Valley
Washington

Illinois

Adams
Alexander
Bond
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Champaign
Christian
Clark
Clay
Clinton
Coles
Cook
Crawford
Cumberland
De Kalb
De Witt
Douglas
Du Page
Edgar
Edwards
Effingham
Fayette
Ford
Franklin
Fulton
Gallatin
Greene
Grundy
Hamilton
Hancock
Hardin
Henderson
Henry
Iroquois
Jackson
Jasper
Jefferson
Jersey
Jo Daviess
Johnson
Kane
Kankakee
Kendall
Knox
Lake
La Salle
Lawrence
Lee
Livingston
Logan
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marion
Marshall
Mason
Massac
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Ogle
Peoria
Perry
Piatt
Pike
Pope
Pulaski
Putnam
Randolph
Richland
Rock Island
St. Clair
Saline
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Union
Vermilion
Wabash
Warren
Washington
Wayne
White
Whiteside
Will
Williamson
Winnebago
Woodford

Indiana

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Brown
Carroll
Cass
Clark
Clay
Clinton
Crawford
Daviess
Dearborn
Decatur
De Kalb
Delaware
Dubois
Elkhart
Fayette
Floyd
Fountain
Franklin
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Harrison
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Jefferson
Jennings
Johnson
Knox
Kosciusko
Lagrange
Lake
La Porte
Lawrence
Madison
Marion
Marshall
Martin
Miami
Monroe
Montgomery
Morgan
Newton
Noble
Ohio
Orange
Owen
Parke
Perry
Pike
Porter
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
St. Joseph
Scott
Shelby
Spencer
Starke
Steuben
Sullivan
Switzerland
Tippecanoe
Tipton
Union
Vanderburgh
Vermillion
Vigo
Wabash
Warren
Warrick
Washington
Wayne
Wells
White
Whitley

Iowa

All counties

Kansas

Allen
Anderson
Atchison
Barber
Barton
Bourbon
Brown
Butler
Chase
Chautauqua
Cherokee
Cheyenne
Clark
Clay
Cloud
Coffey
Comanche
Cowley
Crawford
Decatur
Dickinson
Doniphan
Douglas
Edwards
Elk
Ellis
Ellsworth
Finney
Ford
Franklin
Geary
Gove
Graham
Grant
Gray
Greeley
Greenwood
Hamilton
Harper
Harvey
Haskell
Hodgeman
Jackson
Jefferson
Jewell
Johnson
Kearny
Kingman
Kiowa
Labette
Lane
Leavenworth
Lincoln
Linn
Logan
Lyon
McPherson
Marion
Marshall
Meade
Miami
Mitchell
Montgomery
Morris
Morton
Nemaha
Neosho
Ness
Norton
Osage
Osborne
Ottawa
Pawnee
Phillips
Pottawatomie
Pratt
Rawlins
Reno
Republic
Rice
Riley
Rooks
Rush
Russell
Saline
Scott
Sedgwick
Seward
Shawnee
Sheridan
Sherman
Smith
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wabaunsee
Wallace
Washington
Wichita
Wilson
Woodson
Wyandotte

Kentucky

Adair
Allen
Anderson
Ballard
Barren
Bath
Boone
Bourbon
Boyd
Boyle
Bracken
Breathitt
Breckinridge
Bullitt
Butler
Caldwell
Calloway
Campbell
Carlisle
Carroll
Carter
Casey
Christian
Clark
Clay
Clinton
Crittenden
Cumberland
Daviess
Edmonson
Estill
Fayette
Fleming
Floyd
Franklin
Fulton
Gallatin
Garrard
Grant
Graves
Grayson
Green
Greenup
Hancock
Hardin
Harrison
Hart
Henderson
Henry
Hickman
Hopkins
Jackson
Jefferson
Jessamine
Johnson
Kenton
Knott
Knox
Larue
Laurel
Lee
Lewis
Lincoln
Livingston
Logan
Lyon
McCracken
McCreary
McLean
Madison
Magoffin
Marion
Marshall
Mason
Meade
Menifee
Mercer
Metcalfe
Monroe
Montgomery
Morgan
Muhlenberg
Nelson
Nicholas
Ohio
Oldham
Owen
Owsley
Pendleton
Powell
Pulaski
Robertson
Rockcastle
Rowan
Russell
Scott
Shelby
Simpson
Spencer
Taylor
Todd
Trigg
Trimble
Union
Warren
Washington
Wayne
Webster
Whitley
Wolfe
Woodford

Louisiana

All counties

Maine

Aroostook
Kennebec
Oxford
Penobscot
Piscataquis
Somerset

Maryland

Allegany
Anne Arundel
Baltimore
Calvert
Caroline
Carroll
Cecil
Charles
Dorchester
Frederick
Garrett
Harford
Howard
Kent
Montgomery
Prince Georges
Queen Annes
St. Marys
Somerset
Talbot
Washington
Wicomico
Worcester

Massachusetts

Berkshire
Franklin

Michigan

Alcona
Alger
Allegan
Alpena
Antrim
Arenac
Baraga
Barry
Bay
Benzie
Berrien
Branch
Calhoun
Cass
Charlevoix
Cheboygan
Chippewa
Clare
Clinton
Crawford
Delta
Dickinson
Eaton
Emmet
Genesee
Gladwin
Gogebic
Grand Traverse
Gratiot
Hillsdale
Houghton
Huron
Ingham
Ionia
Iosco
Iron
Isabella
Jackson
Kalamazoo
Kalkaska
Kent
Keweenaw
Lake
Lapeer
Leelanau
Lenawee
Livingston
Luce
Mackinac
Macomb
Manistee
Marquette
Mason
Mecosta
Menominee
Midland
Missaukee
Monroe
Montcalm
Montmorency
Muskegon
Newaygo
Oakland
Oceana
Ogemaw
Ontonagon
Osceola
Oscoda
Otsego

Ottawa
Presque Isle
Roscommon
Saginaw
St. Clair
St. Joseph
Sanilac
Schoolcraft
Shiawassee
Tuscola
Van Buren
Washtenaw
Wayne
Wexford

Minnesota

Aitkin
Anoka
Becker
Beltrami
Benton
Big Stone
Blue Earth
Brown
Carlton
Carver
Cass
Chippewa
Chisago
Clay
Clearwater
Cook
Cottonwood
Crow Wing
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Hennepin
Houston
Hubbard
Isanti
Itasca
Jackson
Kanabec
Kandiyohi
Kittson
Koochiching
Lac Qui Parle
Lake
Lake of the Woods
Le Sueur
Lincoln
Lyon
McLeod
Mahnomen
Marshall
Martin
Meeker
Mille Lacs
Morrison
Mower
Murray
Nicollet
Nobles
Norman
Olmsted
Pennington
Pine
Pipestone
East Polk
West Polk
Pope
Ramsey
Red Lake
Redwood
Renville
Rice
Rock
Roseau
St. Louis
Scott
Sherburne
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Wadena
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

Mississipi

All counties

Missouri

Adair
Andrew
Atchison
Audrain
Barry
Barton
Bates
Benton
Bollinger
Boone
Buchanan
Butler
Caldwell
Callaway
Camden
Cape Girardeau
Carroll
Carter
Cass
Cedar
Chariton
Christian
Clark
Clay
Clinton
Cole
Cooper
Crawford
Dade
Dallas
Daviess
De Kalb
Dent
Douglas
Dunklin
Franklin
Gasconade
Gentry
Greene
Grundy
Harrison
Henry
Hickory
Holt
Howard
Howell
Iron
Jackson
Jasper
Jefferson
Johnson
Knox
Laclede
Lafayette
Lawrence
Lewis
Lincoln
Linn
Livingston
McDonald
Macon
Madison
Maries
Marion
Mercer
Miller
Mississippi
Moniteau
Monroe
Montgomery
Morgan
New Madrid
Newton
Nodaway
Oregon
Osage
Ozark
Pemiscot
Perry
Pettis
Phelps
Pike
Platte
Polk
Pulaski
Putnam
Ralls
Randolph
Ray
Reynolds
Ripley
St. Charles
St. Clair
St. Genevieve
St. Francois
St. Louis
Saline
Schuyler
Scotland
Scott
Shannon
Shelby
Stoddard
Stone
Sullivan
Taney
Texas
Vernon
Warren
Washington
Wayne
Webster
Worth
Wright

Montana

Beaverhead
Big Horn
Blaine
Broadwater
Carbon
Carter
Cascade
Chouteau
Custer
Daniels
Dawson
Deer Lodge
Fallon
Fergus
Flathead
Gallatin
Garfield
Glacier
Golden Valley
Granite
Hill
Jefferson
Judith Basin
Lake
Lewis & Clark
Liberty
Lincoln
McCone
Madison
Meagher
Mineral
Missoula
Musselshell
Park
Petroleum
Phillips
Pondera
Powder River
Powell
Prairie
Ravalli
Richland
Roosevelt
Rosebud
Sanders
Sheridan
Silver Bow
Stillwater
Sweet Grass
Teton
Toole
Treasure
Valley
Wheatland
Wibaux
Yellowstone

Nebraska

Antelope
Banner
Boone
Box Butte
Boyd
Brown
Buffalo
Burt
Butler
Cass
Cedar
Chase
Cherry
Cheyenne
Clay
Colfax
Cuming
Custer
Dakota
Dawes
Dawson
Deuel
Dixon
Dodge
Douglas
Dundy
Franklin
Frontier
Furnas
Gage
Garden
Garfield
Gosper
Greeley
Harlan
Hayes
Hitchcock
Holt
Howard
Jefferson
Johnson
Keith
Keya Paha
Kimball
Knox
Lancaster
Lincoln
Logan
Madison
Merrick
Morrill
Nance
Nuckolls
Otoe
Pawnee
Perkins
Phelps
Pierce
Platte
Polk
Red Willow
Richardson
Rock
Saline
Sarpy
Saunders
Scotts Bluff
Seward
Sheridan
Sherman
Sioux
Stanton
Thurston
Valley
Washington
Wayne
Webster
York

Nevada

Churchill
Clark
Douglas
Elko
Esmeralda
Eureka
Humboldt
Lander
Lincoln
Lyon
Mineral
Nye
Pershing
Storey
Washoe
White Pine
Carson City

New Jersey

Atlantic
Burlington
Camden
Cape May
Cumberland
Gloucester
Hunterdon
Mercer
Middlesex
Monmouth
Morris
Ocean
Salem
Somerset
Sussex
Warren

New Mexico

Bernalillo
Catron
Chaves
Colfax
Curry
De Baca
Dona Ana
Eddy
Guadalupe
Hidalgo
Lea
Luna
Mora
Otero
Quay
Rio Arriba
Roosevelt
San Juan
San Miguel
Sierra
Socorro
Taos
Torrance
Union
Valencia

New York

Allegany
Broome
Cattaraugus
Cayuga
Chautauqua
Chemung
Chenango
Clinton
Columbia
Cortland
Delaware
Dutchess
Erie
Essex
Franklin
Genesee
Herkimer
Jefferson
Lewis
Livingston
Madison
Monroe
Montgomery
Niagara
Oneida
Onondaga
Ontario
Orange
Orleans
Oswego
Otsego
Rensselaer
St. Lawrence
Saratoga
Schenectady
Schoharie
Schuyler
Seneca
Steuben
Suffolk
Sullivan
Tioga
Tompkins
Washington
Wayne
Wyoming
Yates

North Carolina

Alamance
Alexander
Alleghany
Anson
Beaufort
Bertie
Bladen
Brunswick
Buncombe
Burke
Cabarrus
Caldwell
Camden
Carteret
Caswell
Catawba
Chatham
Chowan
Cleveland
Columbus
Craven
Cumberland
Currituck
Davidson
Davie
Duplin
Durham
Edgecombe
Forsyth
Franklin
Gaston
Gates
Granville
Greene
Guilford
Halifax
Harnett
Henderson
Hertford
Hoke
Hyde
Iredell
Johnston
Jones
Lee
Lenoir
Lincoln
McDowell
Madison
Martin
Mecklenburg
Montgomery
Moore
Nash
New Hanover
Northhampton
Onslow
Orange
Pamlico
Pasquotank
Pender
Perquimans
Person
Pitt
Polk
Randolph
Richmond
Robeson
Rockingham
Rowan
Rutherford
Sampson
Scotland
Stanly
Stokes
Surry
Tyrrell
Union
Vance
Wake
Warren
Washington
Wayne
Wilkes
Wilson
Yadkin

North Dakota

Adams
Barnes
Benson
Billings
Bottineau
Bowman
Burke
Burleigh
Cass
Cavalier
Dickey
Divide
Dunn
Eddy
Emmons
Foster
Golden Valley
Grand Forks
Grant
Griggs
Hettinger
Kidder
La Moure
Logan
McHenry
McIntosh
McKenzie
McLean
Mercer
Morton
Mountrail
Nelson
Oliver
Pembina
Pierce
Ramsey
Ransom
Renville
Richland
Rolette
Sargent
Sheridan
Sioux
Slope
Stark
Steele
Stutsman
Towner
Traill
Walsh
Ward
Wells
Williams

Ohio

Adams
Allen
Ashland
Ashtabula
Athens
Auglaize
Belmont
Brown
Butler
Carroll
Champaign
Clark
Clermont
Clinton
Columbiana
Coshocton
Crawford
Cuyahoga
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Gallia
Geauga
Greene
Guernsey
Hamilton
Hancock
Hardin
Harrison
Henry
Highland
Hocking
Holmes
Huron
Jackson
Jefferson
Knox
Lake
Lawrence
Licking
Logan
Lorain
Lucas
Madison
Mahoning
Marion
Medina
Meigs
Mercer
Miami
Monroe
Montgomery
Morgan
Morrow
Muskingum
Noble
Ottawa
Paulding

Perry
Pickaway
Pike
Portage
Preble
Putnam
Richland
Ross
Sandusky
Scioto
Seneca
Shelby
Stark
Summit
Trumbull
Tuscarawas
Union
Van Wert
Vinton
Warren
Washington
Wayne
Williams
Wood
Wyandot

Oklahoma

Alfalfa
Atoka
Beaver
Beckham
Blaine
Caddo
Canadian
Cimarron
Cleveland
Coal
Comanche
Cotton
Craig
Custer
Delaware
Dewey
Ellis
Garfield
Garvin
Grady
Grant
Greer
Harmon
Harper
Jackson
Kay
Kingfisher
Kiowa
Lincoln
Logan
McClain
McCurtain
Major
Marshall
Murray
Muskogee
Noble
Nowata
Okfuskee
Oklahoma
Osage
Ottawa
Pawnee
Payne
Pittsburg
Pottawatomie
Roger Mills
Rogers
Stephens
Texas
Tillman
Tulsa
Wagoner
Washington
Washita
Woods
Woodward

Oregon

Baker
Benton
Clackamas
Columbia
Crook
Deschutes
Douglas
Gilliam
Grant
Harney
Jackson
Jefferson
Josephine
Klamath
Lake
Lane
Linn
Malheur
Marion
Morrow
Multnomah
Polk
Sherman
Umatilla
Union
Wallowa
Wasco
Washington
Wheeler
Yamhill

Pennsylvania

Adams
Allegheny
Armstrong
Beaver
Bedford
Berks
Blair
Bradford
Bucks
Butler
Cambria
Cameron
Carbon
Centre
Chester
Clarion
Clearfield
Clinton
Columbia
Crawford
Cumberland
Dauphin
Delaware
Elk
Erie
Fayette
Franklin
Fulton
Greene
Huntingdon
Indiana
Jefferson
Juniata
Lancaster
Lawrence
Lebanon
Lehigh
Luzerne
Lycoming
McKean
Mercer
Mifflin
Monroe
Montgomery
Montour
Northampton
Northumberland
Perry
Potter
Schuylkill
Snyder
Somerset
Sullivan
Susquehanna
Tioga
Union
Venango
Warren
Washington
Westmoreland
Wyoming
York

Rhode Island

Newport
Washington

South Carolina

Abbeville
Aiken
Allendale
Anderson
Bamberg
Berkeley
Calhoun
Cherokee
Chester
Chesterfield
Clarendon
Colleton
Darlington
Dillon
Dorchester
Edgefield
Florence
Greenville
Greenwood
Hampton
Kershaw
Lancaster
Laurens
Lee
Lexington
McCormick
Marion
Marlboro
Newberry
Oconee
Orangeburg
Pickens
Richland
Saluda
Spartanburg
Sumter
Union
Williamsburg
York

South Dakota

Aurora
Beadle
Bennett
Bon Homme
Brookings
Brown
Brule
Buffalo
Butte
Campbell
Charles Mix
Clark
Clay
Codington
Corson
Custer
Davison
Day
Deuel
Dewey
Douglas
Edmunds
Fall River
Faulk
Grant
Gregory
Haakon
Hamlin
Hand
Hanson
Harding
Hughes
Hutchinson
Hyde
Jackson
Jerauld
Jones
Kingsbury
Lake
Lawrence
Lincoln
Lyman
McCook
McPherson
Marshall
Meade
Mellette
Miner
Minnehaha
Moody
Pennington
Perkins
Potter
Roberts
Sanborn
Shannon
Spink
Stanley
Sully
Todd
Tripp
Turner
Union
Walworth
Yankton
Ziebach

Tennessee

Anderson
Bedford
Benton
Bledsoe
Blount
Bradley
Campbell
Cannon
Carroll
Carter
Cheatham
Chester
Claiborne
Clay
Cocke
Coffee
Crockett
Cumberland
Davidson
Decatur
DeKalb
Dickson
Dyer
Fayette
Fentress
Franklin
Gibson
Giles
Grainger
Greene
Grundy
Hamblen
Hamilton
Hancock
Hardeman
Hardin
Hawkins
Haywood
Henderson
Henry
Hickman
Houston
Humphreys
Jackson
Jefferson
Johnson
Knox
Lake
Lauderdale
Lawrence
Lewis
Lincoln
Loudon
McMinn
McNairy
Macon
Madison
Marion
Marshall
Maury
Meigs
Monroe
Montgomery
Moore
Morgan
Obion
Overton
Perry
Pickett
Polk
Putnam
Rhea
Roane
Robertson
Rutherford
Scott
Sequatchie
Sevier
Shelby
Smith
Stewart
Sullivan
Sumner
Tipton
Trousdale
Unicoi
Union
Van Buren
Warren
Washington
Wayne
Weakley
White
Williamson
Wilson

Texas

Archer
Armstrong
Atascosa
Bailey
Bandera
Bastrop
Baylor
Bee
Bell
Bexar
Blanco
Borden
Bosque
Briscoe
Brown
Burnet
Callahan
Carson
Castro
Childress
Clay
Cochran
Coke
Coleman
Colin
Collingsworth
Comal
Comanche
Concho
Cooke
Coryell
Cottle
Crosby
Culberson
Dallam
Dallas
Dawson
Deaf Smith
Delta
Denton
Dickens
Donley
Eastland
Ector
Ellis
El Paso
Erath
Falls
Fannin
Fayette
Fisher
Floyd
Frio
Gaines
Gillespie
Glasscock
Gray
Grayson
Grimes
Guadalupe
Hale
Hamilton
Hansford
Hardeman
Hartley
Haskell
Hill
Hood
Howard
Hudspeth
Hutchinson
Irion
Jack
Johnson
Jones
Karnes
Kaufman
Kendall
Kerr
Kimble
Knox
Lamar
Lamb
Lampasas
La Salle
Lavaca
Lee
Lipscomb
Llano
Lubbock
Lynn
McCulloch
Mason
Medina
Menard
Milam
Mills
Mitchell
Montague
Moore
Morris
Motley
Nolan
Ochiltree
Oldham
Palo Pinto
Parker
Parmer
Pecos
Potter
Randall
Reeves
Roberts
Runnels
San Saba
Schleicher
Scurry
Shackelford
Shelby
Sherman
Stephens
Sterling
Stonewall
Sutton
Swisher
Taylor
Terry
Throckmorton
Tom Green
Upton
Uvalde
Ward
Wheeler
Wichita
Wilbarger
Williamson
Wise
Yoakum
Young

Utah

Beaver
Box Elder
Cache
Carbon
Davis
Duchesne
Emery
Garfield
Grand
Iron
Juab
Kane
Millard
Morgan
Piute
Rich
Salt Lake
San Juan
Sanpete
Sevier
Summit
Tooele
Uintah
Utah
Wasatch
Washington
Wayne
Weber

Vermont

Addison
Bennington
Caledonia
Chittenden
Essex
Franklin
Grand Isle
Lamoille
Orange
Orleans
Rutland
Washington
Windham
Windsor

Virgina

Accomack
Albemarle
Alleghany
Amelia
Amherst
Appomattox
Augusta
Bath
Bedford
Bland
Botetourt
Brunswick
Buchanan
Buckingham
Campbell
Caroline
Carroll
Charles City
Charlotte
Chesterfield
Clarke
Craig
Culpeper
Cumberland
Dickenson
Dinwiddie
Essex
Fairfax
Fauquier
Floyd
Fluvanna
Franklin
Frederick
Giles
Gloucester
Goochland
Grayson
Greene
Greensville
Halifax
Hanover
Henrico
Henry
Highland
Isle of Wight
James City
King and Queen
King George
King William
Lancaster
Lee
Loudoun
Louisa
Lunenburg
Madison
Mathews
Mecklenburg
Middlesex
Montgomery
Nelson
New Kent
Northampton
Northumberland
Nottoway
Orange
Page
Patrick
Pittsylvania
Powhatan
Prince Edward
Prince George
Prince William
Pulaski
Rappahannock
Richmond
Roanoke
Rockbridge
Rockingham
Russell
Scott
Shenandoah
Smyth
Southampton
Spotsylvania
Stafford
Surry
Sussex
Tazewell
Warren
Washington
Westmoreland
Wise
Wythe
York
Chesapeake City
Hampton
Newport News
Suffolk City
Virginia Beach

Washington

Adams
Asotin
Benton
Chelan
Clallam
Clark
Columbia
Cowlitz
Douglas
Ferry
Franklin
Garfield
Grant
Grays Harbor
Island

King	Pacific	Stevens
Kitsap	Pend Oreille	Thurston
Kittitas	Pierce	Wahkiakum
Klickitat	San Juan	Walla Walla
Lewis	Skagit	Whatcom
Lincoln	Skamania	Whitman
Mason	Snohomish	Yakima
Okanogan	Spokane	

West Virginia

Barbour	Harrison	Pendleton
Berkeley	Jackson	Pleasants
Brooke	Jefferson	Pocahontas
Cabell	Marshall	Preston
Fayette	Mason	Putnam
Grant	Mineral	Randolph
Greenbrier	Monroe	Ritchie
Hampshire	Morgan	Summers
Hancock	Nicholas	Tucker
Hardy	Ohio	Wood

Wisconsin

Adams	Iowa	Polk
Ashland	Iron	Portage
Barron	Jackson	Price
Bayfield	Jefferson	Racine
Brown	Juneau	Richland
Buffalo	Kenosha	Rock
Burnett	Kewaunee	Rusk
Calumet	La Crosse	St. Croix
Chippewa	Lafayette	Sauk
Clark	Langlade	Sawyer
Columbia	Lincoln	Shawano
Crawford	Manitowoc	Sheboygan
Dane	Marathon	Taylor
Dodge	Marinette	Trempealeau
Door	Marquette	Vernon
Douglas	Menominee	Vilas
Dunn	Milwaukee	Walworth
Eau Claire	Monroe	Washburn
Florence	Oconto	Washington
Fond Du Lac	Oneida	Waukesha
Forest	Outagamie	Waupaca
Grant	Ozaukee	Waushara
Green	Pepin	Winnebago
Green Lake	Pierce	Wood

Wyoming

Albany	Hot Springs	Sheridan
Big Horn	Johnson	Sweetwater
Campbell	Laramie	Teton
Carbon	Lincoln	Uinta
Converse	Natrona	Washakie
Crook	Niobrara	Weston
Fremont	Park	
Goshen	Platte	

Done in Washington, D.C., on February 23, 1983.

Dated: January 27, 1984.

Peter F. Cole,

Secretary Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 84-3083 Filed 2-3-84; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Stabilization and Conservation Service

7 CFR 724

[Amt. 4]

Tobacco Allotment and Marketing Quota Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule adopts as a final rule without change the interim rule published in the **Federal Register** on August 19, 1983 (48 FR 37603). The interim rule amended the regulations at 7 CFR Part 724 to implement changes in the tobacco price support and production adjustment program which were required to be made by the No Net Cost Tobacco Program Act of 1982.

EFFECTIVE DATE: February 6, 1984.

ADDRESS: Copies of the Final Regulatory Impact Analysis may be obtained from the Director, Analysis Division, Room 3714 South Building, Fourteenth Street and Independence Avenue, SW., P.O. Box 2415, Washington, D.C. 20013.

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

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

Information collection requirements contained in this regulation (7 CFR Part 724) have been approved by the Office of Management and Budget in accordance with the provisions of 44 U.S.C. Ch. 35 and have been assigned OMB Number 0560–0117.

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

While the Regulatory Flexibility Act is not applicable to this rule, a final Regulatory Impact Analysis has been prepared.

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

An interim rule was published in the **Federal Register** on August 19, 1983 (48 FR 37603), which amended 7 CFR Part 724 to implement provisions of the No Net Cost Tobacco Program Act of 1982 (Pub. L. 97–218, 96 Stat. 197, approved July 20, 1982) with respect to the dark air-cured, fire-cured Virginia sun-cured, cigar-binder (types 51 and 52), cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco marketing quota program. The interim rule incorporated certain amendments made by the No Net Cost Tobacco Program Act of 1982 with respect to the operation of the tobacco price support and production adjustment program.

These provisions included: (1) limitations on the amount of floor sweepings which may be marketed without penalty by a warehouseman; (2) a lien on tobacco as a mechanism for collecting marketing quota penalties; (3) penalties for marketing tobacco which is ineligible for price support because the operator or other producer on a farm has failed to contribute to the No Net Cost Tobacco Fund or Account; and (4) other changes to strengthen the operation of the tobacco price support and production adjustment programs.

No comments were received with respect to the interim rule. Accordingly, it has been determined that the provisions of the interim rule are adopted as the final rule without change.

List of Subjects in 7 CFR Part 724

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

PART 724—[AMENDED]

Accordingly, 7 CFR Part 724 is amended by adopting the interim rule published at 48 FR 37603 as the final rule without change.

Signed at Washington, D.C. on February 1, 1984.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 84-3101 Filed 2-3-84; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; Doc. No. R-0477]

Truth in Lending; Determinations of Effect on State Laws, New Hampshire and New Jersey

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Preemption determinations.

SUMMARY: In accordance with Appendix A to 12 CFR Part 226 and in response to a request, the Federal Reserve Board is publishing final determinations that certain provisions in the laws of New Hampshire and New Jersey are not inconsistent with, and therefore are not preempted by, the Truth in Lending Act or Regulation Z. The state laws that were the subject of the request govern the offering of cash discounts in the sale of motor vehicle fuel.

EFFECTIVE DATE: January 31, 1984.

FOR FURTHER INFORMATION CONTACT: Lynn Goldfaden or Gerald Hurst, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452–3667 or 452–3867.

SUPPLEMENTARY INFORMATION: (1) *General.* Section 111(a)(1) of the act authorizes the Board to determine whether any inconsistency exists between chapters 1 (General Provisions), 2 (Credit Transactions), or 3 (Credit Advertising) of the Truth in Lending Act or its implementing regulation, Regulation Z, and any state law relating to the disclosure of information in connection with consumer credit transactions. Section 171(a) of the act authorizes the Board to determine whether any inconsistency exists between chapter 4 (Credit Billing) of the act or its implementing regulation and any state law relating to credit billing practices. The Board may not find that any state law is inconsistent with a chapter 4 provision if the state law gives greater protection to the consumer than does the federal law.

The Board has determined that the state laws reviewed are not preempted under either of these standards. Since there is no preemption, a delayed effective date is unnecessary. Such a delay is needed only in those situations in which creditors are required to revise forms or procedures. Because the Board's action requires no changes, these determinations are effective immediately.

These final determinations are issued under authority delegated to the Director of the Division of Consumer and Community Affairs, as set forth in the Board's Rules Regarding Delegation of Authority (12 CFR 265.2(h)(3); 48 FR 4454, February 1, 1983).

(2) *Discussion of specific requests and final determinations.* The Board received a request for determinations as to whether provisions of certain laws in New Hampshire and New Jersey are inconsistent with, and therefore preempted by, the Truth in Lending Act (15 U.S.C. 1601 *et seq.)* and Regulation Z (12 CFR Part 226). The request came from a federation of trade associations representing independent petroleum marketers and was concerned with state law provisions governing the offering of cash discounts in the sale of motor vehicle fuel.

In response to this request, the Board, on August 5, 1983, published for comment a notice of its intent to make preemption determinations (48 FR 35659). In the notice, the Board first requested comment on whether these state laws are of the type subject to the Board's preemption authority. In addition, for discussion purposes, the Board assumed that the laws are subject to its review authority and proposed to find that the laws are not inconsistent with, and therefore not preempted by, the federal law.

The Board received twelve comments on the proposal. Most of the commenters believed that the state laws are not inconsistent with and are not preempted by the federal law.

Section 167(b) is the federal statutory provision relevant to these determinations, since it addresses the offering of cash discounts. Section 167(b) is located in chapter 4 of the act, but its purpose is to provide an exception for certain cash discounts to the finance charge rules in section 106, which is found in chapter 1. Because section 167(b) is so closely related to the finance charge rules, the state laws have been examined under the preemption standard in section 111(a)(1). However, because section 171(a) is the preemption provision for chapter 4 of the act, the state laws also have been examined under the standards found in that section. Upon review of these state laws, the Board has determined that under either standard, the laws are not inconsistent with, and therefore not preempted by, the federal law. The state law provisions and the Board's findings are discussed below.

New Hampshire. The federation asked for a determination of whether section 339–B:8,II of New Hampshire Revised Statutes Annotated (1981 Supp.) (N.H. Rev. Stat. Ann.), as interpreted by the state Attorney-General's office, is inconsistent with, and therefore preempted by, the Truth in Lending Act and Regulation Z. That statute deals with the posting of prices for motor vehicle fuel at retail gasoline stations. The law prohibits the posting of a different price at one pump for the same grade of gasoline dispensed at another pump when both are supplied from common storage and the gasoline dispensed from both is of the same quality (although a "self serve"—"full serve" price distinction is permitted).

The New Hampshire Attorney General's office (in opinions dated May 26, 1982, and January 21, 1983) has interpreted the statute as prohibiting separate "cash pumps" and "credit pumps" with different posted prices for the same grade of gasoline, but permitting the dealer to vary the price for separate sales from the same pump according to the method of payment. As a result, dealers in New Hampshire may offer cash discount programs in which one price is posted and charged for the same grade of gasoline with a discount provided for cash customers.

The Board has determined that the New Hampshire provision is not preempted by the federal law. In discussing the term "regular price" in the Official Staff Commentary to Regulation Z, the staff made clear that offering a discount by establishing separate cash and credit pumps, and posting only the cash or credit prices on these pumps, would be considered an appropriate means of offering a discount under section 167(b) of the act and would not result in a surcharge prohibited under section 167(a)(2). (See Comment 4(b)(9)–3 of the Official Staff Commentary to Regulation Z, 12 CFR Part 226, Supplement I; as amended, 48 FR 41343, September 20, 1982.) However, this material only describes a permissible means of offering a cash discount under federal law, not a required method or the sole means of doing so.

The purpose of the federal cash discount provision is to encourage the offering of cash discounts by removing certain impediments to offering them. Specifically, Congress provided that a discount offered in accordance with section 167(b) of the act would not be a finance charge under the federal Truth in Lending Act, or a finance charge or other charge for credit under state usury or disclosure laws (see section 171(c) of the act). The New Hampshire law does not provide that a discount offered in accordance with the federal law is to be a finance charge for disclosure or usury purposes. Rather, the state law, by prohibiting a particular practice in the sale of gasoline, prohibits one manner of offering discounts that is permissible

under federal law while allowing dealers to offer discounts in another manner. As a result, the Board believes that the state law is not inconsistent with the federal law and therefore is not preempted.

New Jersey. The federation also asked for a determination on two provisions of New Jersey law as they have been interpreted in relation to the offering of cash discounts by petroleum retailers. The first provision allows a retail dealer to sell similar fuels at different prices to cash and credit customers. However, the price posted on top of the pump and on the meter must be the credit price. In addition, the cash discount must appear on a conspicuous sign at the pump or at the island. New Jersey Administrative Code (N.J.A.C.) section 18:9–2.7(b).

This provision has been interpreted by the New Jersey Department of Law and Public Safety (in a memorandum dated February 9, 1983). The interpretation reiterated that all gasoline pumps must display the higher credit card price and that a sign disclosing the discount may be shown at the pump or at the island site. The interpretation also stated that separate islands for cash and/or credit are permissible if the pump signs and meter prices on both the cash island and credit island reflect the higher credit price.

The federal law does permit a service station operator to designate separate pumps or separate islands as being for either cash or credit purchases while displaying only the appropriate cash or credit price at the pumps. (See Comment 4(b)(9)–3 of the Official Staff Commentary to Regulation Z.) The New Jersey law, however, like the New Hampshire law described above, requires certain sales practices to be followed by persons offering cash discounts in the sale of gasoline.

The federal law, as interpreted by the staff, simply gives an example of a permissible means of offering a discount under section 167(b). The federal law does not require the use of this method and a state's decision to prohibit a specific method of offering cash discounts is not inconsistent with the federal law.

Furthermore, the Board has not taken a position as to whether it is appropriate to display the cash price on the meter of a pump used for both cash and credit card sales. However, even if a position had been taken that it was permitted, the Board believes the state law would not be preempted. Once again, the federal law would only be providing an example of a method of giving a discount that is proper under federal law.

The federation also requested a determination that New Jersey Attorney General's Formal Opinion No. 2—1982 is preempted. That opinion addresses section 56:6–2(e) of New Jersey Statutes Annotated, which provides that no rebates or price concessions may be given which would permit a person to obtain motor fuels from a retail dealer at less than the posted price or at a net price below the posted price applicable at the time of sale.

In the interpretation, the Attorney General concluded that the state law allows a retail dealer to set one price for the sale of gasoline to credit customers and a lower price to cash customers, if the discount "approximates the economic value to the retailer of providing a discount to his cash customers."

The Congress, in passing the Cash Discount Act of 1981, expressly removed the five percent limitation (contained in the original provision) on the amount of a cash discount that could be offered to cash customers and excluded from treatment as a finance charge in credit card transactions. Once again, however, the federal law is permissive with respect to the amount of a cash discount that is allowed under the federal cash discount provision. The state law, as interpreted, results in an absolute prohibition on the offering of discounts in a certain manner. The law does not say that cash discounts in excess of a specific amount, or in excess of an amount that approximates "the economic value to the retailer of providing a discount to his cash customers," are to be treated as a finance charge or other charge for credit under state disclosure or usury laws; instead the law only prohibits a retail dealer from offering a discount under certain circumstances. As a result, the Board believes that the state position, as set forth in the formal opinion of the Attorney General, is not inconsistent with the federal law.

Board of Governors of the Federal Reserve System, January 31, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84–3084 Filed 2–3–84; 8:45 am]

BILLING CODE 6210–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 105 and 137

National Security Information; Handling Classified Information

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This Final Rule establishes the policy of the Small Business Administration regarding the handling of classified material. The Small Business Administration had previously issued procedures pertaining to the handling of classified material in Standard Operating Procedure (SOP) 90 21, Chapter 3, as part of the Agency's internal procedure manual. This Rule is published to comply with Executive Order 12356, "National Security Information," which requires that agencies publish in the **Federal Register** those procedures pertaining to their handling of classified information which affect the public, and to implement that portion of National Security Decision Directive 84, signed by the President on March 11, 1983, which requires that agencies establish procedures for processing media inquiries regarding classified information and for imposing sanctions on agency officials and employees who make unauthorized disclosures of such information.

EFFECTIVE DATE: February 6, 1984.

FOR FURTHER INFORMATION CONTACT: Stavan Pineda, Security Officer, Office of Inspector General, Small Business Administration, Room 203, 1441 L Street, NW., Washington, D.C. 20416 (202–653–6355).

SUPPLEMENTARY INFORMATION: Executive Order 12356, 47 FR 14874 (1982), established new policy for classification, safeguarding, and declassification of national security information—i.e., information classified as Top Secret, Secret, or Confidential. Under that Order, each agency that handles such information must establish procedures regarding such handling and publish them in the **Federal Register** to the extent that they are unclassified and affect the public. National Security Decision Directive 84 (NSDD 84), signed by the President on March 11, 1983, requires Federal agencies to promulgate policies and procedures providing for: (1) The signing of non-disclosure agreements as a condition of access to classified information and sensitive compartmented information; (2) pre-publication clearance procedures, where appropriate; (3) a method for handling media contacts; (4) procedures for reporting and investigating unauthorized disclosures of classified information; and (5) sanctions against agency officials and employees who make unauthorized disclosures of such information. In accordance with these requirements, the Small Business Administration is promulgating a new 13 CFR Part 137 and amending existing 13 CFR Part 105.

The new 13 CFR Part 137, "National Security Information Program," implements Executive Order 12356 and the requirement contained in NSDD 84 regarding procedures for handling media contacts. Section 137.1 states that the purpose of the new regulation is to advise the public of those procedures adopted by the Small Business Administration in implementing Executive Order 12356 and NSDD 84 which affect its interests.

Section 137.2 of the new regulation states that it is the policy of the Small Business Administration to act in accordance with Executive Order 12356 with respect to all national security information in its possession.

Section 137.3 of the new regulation identifies the Security Officer, Office of Inspector General, as being responsible for the Small Business Administration's National Security Information Program. As a part of this responsibility, the Security Officer is responsible for coordinating the Agency response to all media inquiries which concern classified information, whether made directly to the Security Officer or to other Agency officials or employees. This procedure implements the Small Business Administration policy for handling media contacts as required by paragraph 1d of NSDD 84. Section 137.3 also explains the procedures for invoking both Systematic and Mandatory Reviews for Declassification of National Security Information.

The amendment to 13 CFR Part 105, "Standards of Conduct," implements the requirement contained in NSDD 84 regarding sanctions against officers and employees who make unauthorized disclosures of national security information. The proposed amendment would add a new § 105.515(d) which would prohibit Agency officials and employees from making unauthorized disclosures of national security information. The effect of this revision would be to subject any Agency official or employee found to have violated this prohibition to appropriate administrative sanctions, in accordance with 13 CFR § 105.701. Such sanctions could include dismissal or suspension from SBA employment, in addition to other penalties provided by law. The amendment would also redesignate the existing § 105.515(d) as § 105.515(e) and make revisions thereto to update the listing of statutes and other authorities presently identified therein as governing the disclosure of official government information.

Compliance With Executive Order 12291 and the Regulatory Flexibility Act

SBA does not consider the new 13 CFR Part 137 and the revision to 13 CFR Part 105 to constitute either major rules for the purposes of Executive Order 12291 or rules which will have a significant economic impact on a substantial number of small entities for purposes of the Regulatory Flexibility Act. The new regulation and revision primarily establish internal procedures for the implementation of Executive Order 12356 and NSDD 84. The proposed regulation and revision will affect all Agency personnel and a limited number of non-Agency individuals who request access to classified information. These non-Agency individuals include members of the media who make inquiries which concern classified information in the possession of the Agency. The proposed regulations will have no economic impact on any affected category of individuals.

Compliance With the Paperwork Reduction Act

Neither the proposed new 13 CFR Part 137 nor the proposed revision to 13 CFR Part 105 contain any reporting or recordkeeping requirements. Therefore, neither is subject to the review and clearance provisions of the Paperwork Reduction Act of 1980, 5 U.S.C. 3501, *et seq.*

The Small Business Administration finds that the promulgation of Part 137 and revision of Part 105 of Title 13 of the Code of Federal Regulations are exempt from the public notice and comment procedures prescribed by the Administrative Procedure Act (APA). Pursuant to 5 U.S.C. 553(b)(3)(A), the APA does not apply to the development of general statements of policy, or rules of agency organization, procedure, or practice. This rule and amendment concern only Small Business Administration internal procedures with respect to the handling and processing of classified information. This new Part 137 and revision of Part 105 to Title 13 of the Code of Federal Regulations are being published pursuant to section 5.3 of Executive Order 12356, and paragraph 1d and paragraph 2e of NSDD 84.

List of Subjects

13 CFR Part 105

Classified information, Government employees, Information disclosure, Conflict of interest.

13 CFR Part 137

Classified information, National Security Information.

Accordingly, pursuant to the authority set forth in section 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6), SBA proposes to add a new Part 137 to Title 13 of the Code of Federal Regulations to read as follows:

PART 137—NATIONAL SECURITY INFORMATION PROGRAM

Sec.

Authority: Sec. 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6).

§ 137.1 Purpose and scope.

(a) This rule is promulgated by the Small Business Administration pursuant to the requirement of section 5.3(b) of Executive Order 12356, "National Security Information," 47 FR 14874 (1982), that unclassified regulations of each agency which establish information security policy, to the extent that the regulations affect members of the public, be published in the **Federal Register**, and in accordance with the requirement contained in paragraph 1d of National Security Decision Directive 84 (NSDD 84), "Safeguarding National Security Information," signed by the President on March 11, 1983, that agencies establish policies governing contacts between media representatives and agency personnel.

(b) This rule covers all information and material handled by the Small Business Administration that is owned by, produced for or by, or under the control of, the United States Government, which has been determined pursuant to Executive Order 12356 or prior Orders to require protection against unauthorized disclosure, and is so designated. This type of information is defined in section 1.1 of Executive Order 12356 as national security information (hereinafter classified information).[1]

§ 137.2 Policy.

It is the Small Business Administration's policy to act in accordance with Executive Order 12356

[1] National security information is information classified at one of the following three levels:

(1) "Top Secret," which applies to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

(2) "Secret," which applies to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security; or

(3) "Confidential," which applies to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security.

with respect to all classified information.

§ 137.3 Administration of program.

(a) *General.* The Security Officer, Office of Inspector General will: (1) Implement and oversee the Small Business Administration's national security information program; (2) receive questions, suggestions, and complaints regarding the program; (3) make changes to the program as he/she deems advisable; (4) assure that the program is at all times consistent with Executive Order 12356; (5) receive requests for declassification regardless of the origin of the request, assuring that requests are acted upon within 60 days and that requests submitted under the Freedom of Information Act are handled in accordance with that Act; and (6) be responsible for coordinating all responses to media inquiries with respect to classified information in the possession of any official or employee of the Agency.

(b) *Media Contacts.* All contacts by members of the media which concern classified information shall be directed to the attention of the Security Officer, Office of Inspector General, Small Business Administration, 1441 L St., N.W., Washington, D.C. 20416. Any contacts by members of the media with other Agency officials and employees with respect to classified information, shall be referred to the Security Officer for coordination of the Agency response.

(c) *Systematic Review for Declassification.* Classified information in the possession and control of the Small Business Administration or of the Archivist of the United States, determined pursuant to 44 U.S.C. 2103 to constitute permanently valuable records of the Government, will be systematically reviewed for declassification. This review will be in accordance with systematic review guidelines authorized by the Administator of the Small Business Administration.

(d) *Mandatory Review Procedures.*

(1) *Requests.* The Security Officer will process requests for mandatory review for declassification. Mandatory review for declassification will occur whenever: (i) The request is made by a United States citizen or permanent resident alien, a Federal agency, or a State or local government; and (ii) the request describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort. Requests for mandatory review should be submitted in writing to the Security Officer, Office of Inspector General, 1441 L Street, N.W., Washington, D.C. 20416.

(2) *Exemptions from Mandatory Review.* Information originated by a President, the White House Staff, by committees, commissions, or boards appointed by the President, or others specifically providing advice and counsel to a President or acting on behalf of a President is exempted from mandatory review for declassification.

(3) *Processing Requirements.* Inasmuch as the Small Business Administration does not have original classification authority, any classified information or materials in its possession will have been classified by another agency. Requests for mandatory review will, therefore, be forwarded for review to the agency which originally classified the information or material (hereinafter referred to as the originating agency). The forwarded requests shall be accompanied by a copy of the records requested together with the Small Business Administration's recommendations for action. Upon receipt, the originating agency shall: (1) Make a prompt declassification determination (depending on the amount of search and review time required to process the request) and notify the requester accordingly, or inform the requester of the additional time needed to process the request; (2) make reasonable efforts to release segregable portions, consistent with other applicable law, in a coherent segment when information cannot be declassified in its entirety; and (3) (i) notify the requester of the right of an administrative appeal, which must be filed within 60 days of receipt of the denial. The originating agency shall make a final determination within one year from the date or receipt except in unusual circumstances. After consultation with the originating agency, the Security Officer may inform the requester of the referral. In cases in which the originating agency determines that the existence or non-existence of the requested information is itself classifiable, the Security Officer will respond to the requester as directed by the originating agency.

(ii) If the request is denied in whole or in part, the requester will be notified of the right to appeal the determination within 60 days of receipt of the denial and of the procedures for appeal. All such appeals will be processed pursuant to the appeal procedures of the originating agency. If the information or material is declassifed, the Security Officer will refer the request to the appropriate Agency office for processing under the Freedom of Information Act, consistent with SBA regulations at 13 CFR Part 102 of these regulations, and will so advise the requester.

(4) *Fees.* Fees shall be assessed in accordance with the fee schedules established by the Small Business Administration with regard to the Freedom of Information Act and the Privacy Act as contained in Part 102 of SBA regulations.

Standards of Conduct

Accordingly, pursuant to the authority set forth in sections 5(a) and 5(b)(6) of the Small Business Act, 15 U.S.C. 634(a) and 634(b)(6), SBA proposes to amend Part 105 of Title 13 of the Code of Federal Regulations to read as follows:

Section 105.515 is amended by revising paragraph (d) and by adding paragraph (e) to read as follows:

PART 105—STANDARDS OF CONDUCT

§ 105.515 Disclosure of official information.

* * * * *

(d) No employee shall disclose any classified information, as defined in Part 137 of these regulations, to unauthorized persons.

(e) The disclosure of official government information, including classified information, is governed by statutory and other authority. Such authorities include:

(1) 5 U.S.C. 552, the Freedom of Information Act;

(2) 5 U.S.C. 552a, the Privacy Act;

(3) 15 U.S.C. 645(b), the Small Business Act;

(4) 18 U.S.C. 798, Act of October 31, 1951;

(5) 18 U.S.C. 1905, the Trade Secrets Act;

(6) 50 U.S.C. 783, the Subversive Activities Control Act; and

(7) Executive Order 12356, "National Security Information," and National Security Decision Directive 84, "Safeguarding National Security Information."

Dated: January 30, 1984.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 84-3046 Filed 2-3-84; 8:45 am]

BILLING CODE 8025-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 248

[Economic Reg.; Amdt. No. 6; ER-1373]

Submission of Audit and Reconciliation Reports

AGENCY: Civil Aeronautics Board.

ACTION: Editorial admendment.

SUMMARY: The CAB is making an editorial amendment to the title of Part 248 to conform it with the CAB's elimination of the requirement that certificated air carriers submit annual audit reconciliation reports. This action is taken on the Board's initiative.

DATES: Adopted: January 31, 1984.

Effective: February 26, 1984.

FOR FURTHER INFORMATION CONTACT: M. Clay Moritz, Jr., Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: On August 18, 1983, the Board adopted a final rule (ER-1351, 48 FR 32756, July 19, 1983) that eliminated the submission of annual audit reconciliation reports by certificated air carriers. This rule revises the title of Part 248 to conform with that change.

This editorial amendment is issued under the delegation of authority from the Board to the General Counsel in 14 CFR 385.19. Procedures for review of this amendment are set forth in Subpart C of Part 385.

List of Subjects in 14 CFR Part 248

Accounting, Air carriers, Reporting, and recordkeeping requirements.

PART 248—[AMENDED]

Accordingly, the Board amends 14 CFR Part 248, *Submission of Audit and Reconciliation Report*, as follows:

1. The authority for Part 248 is:

Authority: Secs. 204, 401, 407, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 766; 49 U.S.C. 1324, 1371, 1377.

2. The title of Part 248 is revised to read:

PART 248—SUBMISSION OF AUDIT REPORTS

By the Civil Aeronautics Board.

Ivars V. Mellups,

Acting General Counsel.

[FR Doc. 84-3146 Filed 2-3-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 80F-0455]

Indirect Food Additives: Polymers; Textiles and Textile Fibers; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended the food additive regulations to provide for the safe use of 7-(2*H*-naphtho[1,2-*d*]triazol-2-yl)-3-phenylcoumarin as an optical brightener in polyethylene terephthalate fibers intended to contact dry food. This document corrects a typographical error.

EFFECTIVE DATE: February 6, 1984.

FOR FURTHER INFORMATION CONTACT: George Pauli, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-20941 appearing on page 37042 in the issue for Friday, July 17, 1981, the following correction is made: In the second column under § 177.2800 *Textiles and textiles fibers* in the table in paragraph (d)(5)(ii) in the "Limitations" column in the fourth line, "paragraph (d)(5)(ii)" is corrected to read "paragraph (d)(5)(i)".

Dated: January 26, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-3073 Filed 2-3-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 177

[Docket No. 80F-0034]

Indirect Food Additives: Polymers; Toluene; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that amended the food additive regulations to provide for the safe use of toluene as an adjuvant in the manufacture of polycarbonate resins. This document corrects the Chemical Abstracts Registry number.

EFFECTIVE DATE: February 6, 1984.

FOR FURTHER INFORMATION CONTACT: George Pauli, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In FR Doc. 81-12330 appearing on page 23227 in the issue for Friday, April 24, 1981, the following correction is made: Under § 177.1580 *Polycarbonate resins* in the table in paragraph (b), "(CAS Reg. No. 0001-08-883)" is corrected to read "(CAS Reg. No. 108-88-3)".

Dated: January 31, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-3069 Filed 2-3-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Dinoprost Tromethamine Sterile Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by The Upjohn Co. providing for the safe and effective use of dinoprost tromethamine injectable for parturition induction in swine.

EFFECTIVE DATE: February 6, 1984.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, has filed a supplement to NADA 108-901 providing for the intramuscular use of dinoprost tromethamine (Lutalyse® Sterile Solution) for parturition induction in swine. The product has previously been approved for several uses in cattle and mares. The supplemental application is approved and the regulations are amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug

Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended in § 522.690 by adding new paragraph (d)(5) to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.690 Dinoprost tromethamine sterile solution.

* * * * *

(d) * * *

(5) *Swine*—(i) *Amount.* 2 milliliters (equivalent to 10 milligrams of dinoprost).

(ii) *Indications.* For parturition induction in swine when injected within 3 days of normal predicted farrowing.

(iii) *Limitations.* For use in swine as follows: Inject a dose of 2 milliliters intramuscularly within 3 days of predicted farrowing. The response to treatment varies by individual animals with a mean interval from administration to parturition of approximately 30 hours. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date February 6, 1984.

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

Dated: January 26, 1984.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 84–3011 Filed 2–3–84; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 546

Tetracycline Antibiotic Drugs for Animal Use; Chlortetracycline Hydrochloride Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by American Cyanamid Co. providing revised labeling for safe and effective use of chlortetracycline hydrochloride soluble tablets for control and treatment of bacterial enteritis (scours) and bacterial pneumonia in calves. The application reflects compliance with the National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group, evaluation of the product. The regulations are further amended to add a 24-hour preslaughter withdrawal period.

EFFECTIVE DATE: February 6, 1984.

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

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, is the sponsor of NADA 55–018 for Aureomycin® Tablets containing 25 milligrams (mg) of chlortetracycline hydrochloride (CTC HCl) each. This product has been approved since August 24, 1966, through a supplemental NADA, as an aid in reduction of the incidence of bacterial scours in calves. The recommended dosage is 3 tablets (75 mg) daily from birth to 16 weeks of age. These provisions are currently codified in 546.110d *Chlortetracycline hydrochloride tablets* (21 CFR 546.110d).

American Cyanamid's Aureomycin® Tablets and Aureomycin® Soluble Oblets (500 mg CTC HCl boluses) were the subject of an NAS/NRC, Drug Efficacy Study Implementation (DESI) notice in the **Federal Register** of August 6, 1970 (35 FR 12563). In that document, NAS/NRC concluded, and FDA concurred, that both products were probably effective for treatment of cow, calf, ewe, sow, swine, and poultry diseases caused by pathogens sensitive to CTC or CTC HCl.

FDA provided 6 months in which to submit supplemental applications containing adequate documentation in support of the labeling used.

The firm's bolus (NADA 55–039) was also the subject of a DESI followup notice and opportunity for hearing (March 30, 1979; 44 FR 19030). In that notice, the Bureau of Veterinary Medicine concluded that CTC Soluble Oblets (boluses) are effective for certain uses in calves, swine, and poultry. Calves are treated for bacterial enteritis (scours) caused by *E. coli* and *Salmonella* spp. and bacterial pneumonia associated with *Pasteurella* spp., *Klebsiella* spp., and *Hemophilus* spp. susceptible to CTC at a dosage of one 500-mg bolus per 100 pounds of body weight twice a day for 3 to 5 days (i.e., the NAS/NRC recommended dosage of 10 mg per pound of body weight daily). The firm submitted a supplement to NADA 55–039 which brought its bolus into compliance and enabled the Bureau to move into the NAS/NRC effective category (July 9, 1982; 47 FR 29843). The firm also provided tissue residue data demonstrating that even though the product is now administered at a higher dosage level, a 24-hour withdrawal period will allow any residues to deplete below tolerance levels.

American Cyanamid also responded by submitting a supplement to NADA 55–0108 (25 mg CTC HCl tablet) which complies with the recommendations of the NAS/NRC/DESI evaluation and the Bureau's conclusions as described in the 1979 notice. The supplement provides revised labeling, disintegration data, bioequivalency data, and updated manufacturing and controls information. The data and information substantiate upgrading the NAS/NRC status of the firm's tablet from probably effective to effective. Accordingly, the supplemental NADA is approved and § 546.110d is amended to reflect the approval and to add a 24-hour withdrawal requirement. Approval of the 24-hour withdrawal period is supported by the firm's blood level study which demonstrates similar CTC depletion rates (hence bioequivalency) in calves for the 25-mg tablet and 500-mg bolus. The regulations are further amended to recodify the NAS/NRC-reviewed and approved conditions of use for Philips-Roxane's 250-mg CTC HCl bolus (NADA 65–481, formerly NADA 65–047) from § 546.110h to § 546.110d. These amendments remove § 546.110h and incorporate its text into § 546.110d.

For approval of NADA's for identical or similar products having the same conditions of use, applications need not include efficacy data as specified by 21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)(ii)(*a*)(*4*). In lieu of such data, approval may require

bioequivalency or similar data as suggested in the guidelines for submitting NADA's for DESI reviewed generic drugs. The guideline is available from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above).

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 546

Animal drugs, Antibiotics, tetracycline.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b(i) and (n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 546 is amended as follows:

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

1. In § 546.110d, by revising the section heading and by revising paragraphs (a)(1) and (c)(2), (3), (5), and (6) to read as follows:

§ 546.110d Chlortetracycline tablets and boluses.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Chlortetracycline hydrochloride tablets and boluses, tetracycline hydrochloride tablets, and tetracycline tablets are tablets and boluses composed of crystalline chlortetracyline hydrochloride, tetracycline hydrochloride, tetracycline, or tetracycline phosphate complex, with or without one or more suitable and harmless buffer substances, preservatives, diluents, binders, lubricants, colorings, and flavorings. The potency of the drug is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams it is represented to contain. The moisture content of the tablets is not more than 3 percent, unless the person who requests certification has submitted to the Commissioner information adequate to prove that the drug is stable when it has a moisture content not exceeding 6 percent. The moisture content of the boluses is not more than 6 percent.

* * * * *

(c) * * *

(2) *Sponsors.* (i) See No. 000010 in § 510.600(c) of this chapter for use of the 250-milligram chlortetracycline hydrochloride bolus.

(ii) See No. 010042 in § 510.600(c) of this chapter for use of the 25-milligram tablet and the 500-milligram bolus.

(3) *Special considerations.* The quantities of antibiotic in paragraph (c)(6) of this section refer to the activity of the master standard.

* * * * *

(5) *NAS/NRC status.* The conditions of use specified in paragraph (c)(6) of this section are NAS/NRC reviewed and found effective. Applications for these uses need not include effectiveness data as specified in § 514.111 of this chapter but may require bioequivalency and safety information.

(6) *Conditions of use.* Administer orally as chlortetracycline hydrochloride tablets or boluses to calves as follows:

(i) *Amount.* 250 milligrams per bolus.

(a) *Indications for use.* Treatment of bacterial enteritis (scours) caused by *E. Coli* and bacterial pneumonia associated with *Pasteurella* spp., *Klebsiella* spp., and *Hemophilus* spp.

(b) *Limitations.* Administer 1 bolus (250 milligrams) per 50 pounds of body weight twice a day for 3 to 5 days; administer bolus directly by mouth or crush and dissolve in milk or water for drenching or bucket feeding; if no improvement is noted after 3 days of treatment, consult a veterinarian; do not use for more than 5 days; do not administer within 24 hours of slaughter.

(ii) *Amount.* 25 milligrams per tablet.

(a) *Indications for use.* Control and treatment of bacterial enteritis (scours) caused by *E. coli* and *Salmonella* spp. and bacterial pneumonia associated with *Pasteurella* spp., *Hemophilus* spp., and *Klebsiella* spp., susceptible to chlortetracycline.

(b) *Limitations.* Administer 1 tablet (25 milligrams) for each 5 pounds of body weight every 12 hours daily for 3 to 5 days; administer tablet directly by mouth or crush and dissolve in water for drenching; if no improvement is noted after 3 days of treatment, consult a veterinarian; do not use for more than 5 days; when feeding milk or milk replacer, administration 1 hour before or 2 hours after feeding is recommended; do not administer within 24 hours of slaughter.

(iii) *Amount.* 500 milligrams per bolus.

(a) *Indications for use.* Treatment of bacterial enteritis (scours) caused by *E. coli* and *Salmonella* spp. and bacterial pneumonia associated with *Pasteurella* spp., *Hemophilus* spp., and *Klebsiella* spp., susceptible to chlortetracycline.

(b) *Limitations.* Administer 1 bolus (500 milligrams) per 100 pounds of body weight twice a day for 3 to 5 days; administer directly by mouth or crush and dissolve in water for drenching; if no improvement is noted after 3 days of treatment, consult a veterinarian; do not use for more than 5 days; do not administer within 24 hours of slaughter.

* * * * *

§ 546.110h [Removed]

2. By removing § 546.110h *Chlortetracycline boluses.*

Effective date February 6, 1984.

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

Dated: January 26, 1984.

Lester M. Crawford, Director,

Bureau of Veterinary Medicine.

[FR Doc. 84-3070 Filed 2-3-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-165; Ref: Notice No. 471]

Establishment of the Walla Walla Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in southeast Washington and northeast Oregon known as "Walla Walla Valley." The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: March 7, 1984.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, FAA, Wine and Beer

Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Mr. Richard L. Small, President of the Walla Walla Valley Winegrowers Association, petitioned ATF for the establishment of a viticultural area in southeast Washington and northeast Oregon, east of Lake Wallula, to be known as "Walla Walla Valley." In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 471) in the **Federal Register** on June 27, 1983 (48 FR 29541), proposing the establishment of the Walla Walla Valley viticultural area.

General Description

The Walla Walla Valley viticultural area consists of approximately 178,560 acres, contains two bonded wineries, and about 60 acres of grapes from several vineyards. Grape-growing and winemaking, as described by Joe J. Locati in the *Horticultural History of Walla Walla County*, dates back to 1871.

Evidence of the Name

The Walla Walla Valley has been known as such since it was settled in the 1850's, even prior to the creation of the States of Oregon and Washington.

The Walla Walla River flows through the valley into Walla Walla County, Washington.

U.S.G.S. 7.5 minute quadrangle map titled Walla Walla identifies the area as the Walla Walla Valley.

Boundaries and Geographical Evidence

In *The Horticultural Heritage of Walla Walla County, 1818–1977*, Joe J. Locati makes reference to the Walla Walla Valley as "including Touchet and Milton-Freewater * * * the Walla Walla River Basin."

The *Geology and Groundwater Resources of the Walla Walla River Basin, Washington-Oregon*, published in 1965, states that the "Walla Walla Valley, descends from about 1,500' at the foot of the mountain slopes to about 500' where the river cuts through the bedrock ridge near Divide, astride the Oregon/Washington border."

The U.S.D.A. in the *Soil Survey of Umatilla County, Oregon*, describes the Walla Walla Valley as extending from the northest part of Umatilla County into the State of Washington.

The Walla Walla Valley receives 10–20 inches of precipitation per year (average 12.5 inches), while the Columbia Basin to the west and north receives less than 10 inches per year, and the Blue Mountains to the east and southeast receive 25–45 inches.

The growing season within the proposed area is between 190 and 220 days, longest within the surrounding six counties.

The average maximum and minimum temperatures within the proposed area are 65°/42°F, while the surrounding areas range from a high of 66°F to a low of 34°F.

The soils of the valley are all basically loess derived soils. Most are classed as I or II irrigated capability units by the Soil Conservation Service. This is in contrast to the soils west of the Touchet River and along the Snake and Columbia Rivers which are droughty and are classified as Classes IV and VI. Soils to the west around Wallula Gap on the Columbia River, and to the east in the Blue Mountains are considered not suitable for cultivation.

Public Comment

In response to Notice No. 471, nine comments were received, all in support of the proposed viticultural area.

Miscellaneous

ATF does not wish to give the impression by approving Walla Walla Valley as a viticultural area that it is approving or endorsing the quality of the wine from the area. ATF is approving this area as being distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels an advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Walla Walla wines.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

In compliance with Executive Order 12291, the Bureau has determined that this regulation is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW., Washington, DC.

Drafting Information

The principal author of this document is James P. Ficaretta, Specialist, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority: This regulation is issued under the authority in 27 U.S.C. 205. Accordingly, 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.91 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.91 Walla Walla Valley.

Par. 2. Subpart C is amended by adding § 9.91 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.91 Walla Walla Valley.

(a) *Name.* The name of the viticultural area described in this section is "Walla Walla Valley."

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Walla Walla Valley viticultural area are two U.S.G.S. maps, in the scale 1:250,000. They are entitled:

(1) "Walla Walla," Wa.; Oregon 1953 (limited revision 1963)

(2) "Pendleton," Or.; Wa. 1953 (revised 1973)

(c) *Boundaries.* The Walla Walla Valley viticultural area, located in the southeast portion of Washington State and the northeast portion of Oregon, consists of approximately 178,560 acres. The boundaries of the Walla Walla Valley viticultural area, using landmarks and points of reference found on the appropriate U.S.G.S. maps, are as follows: Beginning at a point just northeast of Dixie, Washington, in T8N/37E, at the intersection of Highway 3 and Mud Creek; Southwest along State Highway 3 approximately 4 miles to its intersection with the Northern Pacific Railroad in T7N/R37E; Follow the Northern Pacific in a generally westerly direction, through Walla Walla; Continue west, then northwest along the railroad line, past Pedigo Station until it intersects the secondary road in T8N/R34E; thence, southwest in a straight line approximately 12½ miles until it meets the Union Pacific Railroad at the intersection of T7N and R32E/R33E; South along R32E/R33E for 2 miles until it intersects the 1,000′ contour line; Follow the 1,000′ contour line in a southeast direction until it intersects the Union Pacific Railroad at T5N/R35E; South along said track until it intersects Dry Creek in T4N/R35E; Southeast along Dry Creek until it intersects the 2,000′ contour line; Continue in a northeast direction along the 2,000′ contour line until it intersects Dry Creek in T7N/R38E; North along Dry Creek, approximately 3½ miles, until it intersects the Northern Pacific Railroad at T8N/R37E; Continue in a northeast direction along said track until it intersects Mud Creek; Follow Mud Creek in a northwest direction to the beginning point where it intersects State Highway 3.

Signed: December 12, 1983.

Stephen E. Higgins,

Director.

Approved: January 12, 1984.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 84-3145 Filed 2-3-84; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 144

[CGD 82-075b]

Exposure Suits; Requirements for Mobile Offshore Drilling Units

AGENCY: Coast Guard, DOT.

ACTION: Final rules.

SUMMARY: These rules require exposure suits for personnel on board mobile offshore drilling units including foreign mobile offshore drilling units engaged in activities on the Outer Continental Shelf of the United States. Units operating in waters where the water temperature does not present a severe threat of injury due to exposure would be exempted from the requirements. The need for this action arises from casualties in which some of the loss of life might have been prevented if the persons on board had been provided with exposure suits. These regulations are intended to prevent some of the loss of life when persons are forced to enter cold water after abandoning ship.

EFFECTIVE DATE: These amendments become effective on August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, Office of Merchant Marine Safety (202) 426-1444.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** of February 3, 1983 (48 FR 4833). The comment period on the proposal (CGD 82-075b) ended on May 4, 1983. A total of 167 comments were received from 40 parties.

Drafting Information

The principal persons involved in drafting these regulations are: Mr. Robert Markle, Office of Merchant Marine Safety, and Mr. Michael Mervin, Office of the Chief Counsel.

Discussion of Rules

These rules require certain mobile offshore drilling units (MODUs) operating on the Outer Continental Shelf (OCS) of the United States to carry exposure suits for all persons on board. The rules apply to any MODU that is not inspected under the regulations in 46 CFR, Subchapter I-A, including foreign registered MODUs.

These rules are similar to those for exposure suits on MODUs that are inspected under 46 CFR, Subchapter I-A. Those rules are published under a separate document (CGD-075a) which appears elsewhere in this issue of the **Federal Register.** Comments on the notice of proposed rule making (NPRM) applicable to both these rules and the rules under 46 CFR, Subchapter I-A are discussed in the preamble to that final rule. The following discussion concerns comments that apply only to the rules published under this notice.

Discussion of Comments

Two comments noted that the proposed rules appeared to exceed the authority of the OCS Lands Act by allowing an exemption from the rules for MODUs operating between 35°N and 35°S latitudes. The U.S. OCS does not extend to 35°S, so the reference to 35°S has been removed from the final rules.

One comment suggested that the rules be revised to require that exposure suits stowed in or near the work stations be of an appropriate size for the persons assigned to that station at any particular time. This change is not needed since the exposure suits come in one "universal" adult size. Title 46 CFR Subpart 160.071 as modified under docket CGD-075a, does provide for approval of oversize adult suits, however, very few individuals need the oversize suits, so the rules do not need to be revised to take this unusual occurrence into account.

Two comments had observations on the requirements for foreign MODUs. Both supported allowing foreign MODUs to use suits approved by their national Administration. One of them stated that the Coast Guard should urge other nations to accept U.S. approved exposure suits on U.S. MODUs in their waters. A new revision to Chapter III of

the Safety of Life at Sea Convention, 1974 (SOLAS 1974) does contain standards for exposure suits (called "immersion suits" in SOLAS) which are consistent with U.S. Coast Guard approved suits. This should lead to acceptance of Coast Guard approved suits on U.S. MODUs in foreign waters.

One comment stated that the exposure suits should be stowed in the berthing area as they would be under Title 46 CFR Subchapter I–A. This was an oversight and has been corrected by a modification to § 144.20–5(a). Section 144.20–5(b) implies that the suits not at watch or work stations should be in the berthing areas, but the rules in the NPRM did not state that.

Correction

The rules as proposed in the NPRM would have applied to MODUs contracted for before January 3, 1979. This was the effective date of the MODU rules appearing in Title 46 CFR Subchapter I–A, however, most U.S. registered MODUs, including those built before January 3, 1979 are now inspected under those rules. The rules in this notice have been revised to make them apply only to MODUs operating on the OCS which are not inspected under Title 46 CFR Subchapter I–A.

Final Evaluation

These regulations are considered to be non-major under Executive Order 12291 and non-significant under "Department of Transportation Policies and Procedures for Simplification, Analysis, and Review of Regulations", (DOT Order 2100.5 of May 22, 1980). A final evaluation has been prepared and placed in the docket and may be inspected or copied at the Office of the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593.

The Final Evaluation is fully discussed under docket CGD 82–075. These rules are expected to affect one foreign registered MODU. The regulations under this docket would result in an initial cost of about $31,200 and a recurring annual cost of about $3,400. These costs will be imposed directly on the private sector (the operators of affected MODUs). The operators are expected to pass the costs through to the ultimate consumers of affected maritime services in the form of price increases, however, increases in individual prices will be negligible. There is no effect on federal, state, and local governments except in their capacities as consumers of maritime services. Implementation and enforcement of these rules would be accomplished within the scope of current Coast Guard marine safety activities, so there will not be any need for additional federal budget commitments.

The primary benefit indentified for the rules is to improve the chances of survival for persons entering cold water as the result of a vessel casualty. As explained more fully in the discussion under Docket CGD 82–075, the Coast Guard cannot predict with any acceptable degree of confidence, the number of lives that might be saved by these regulations, but perhaps 30 persons that were near rescue vessels in the *Ocean Ranger* casualty might have survived long enough to be rescued if they had been wearing exposure suits.

Under the Regulatory Flexibility Act (Pub. L. 96–354), it is certified that this rule will not have a significant economic impact on a substantial number of small entities. There are no operators of MODUs known to be small entities.

This rulemaking contains no information collection or recordkeeping requirements.

List of Subjects in 33 CFR Part 144

Marine safety, Mobile offshore drilling units, Outer continental shelf activities.

In consideration of the foregoing, Title 33 of the Code of Federal Regulations is amended as set forth below.

SUBCHAPTER N—OUTER CONTINENTAL SHELF ACTIVITIES

1. By adding Subparts 144.20 and 144.30 to the table of contents for part 144 as follows:

PART 144—LIFESAVING APPLIANCES

* * * * *

Subpart 144.20—Requirements for U.S. and Undocumented MODU's

Sec.
144.20–1 Applicability.
144.20–5 Exposure suits.

Subpart 144.30—Requirements for Foreign MODU's

144.30–1 Applicability.
144.30–5 Exposure suits.

2. By adding a new Subpart 144.20 as follows:

Subpart 144.20—Requirements for U.S. and Undocumented MODU's

§ 144.20–1 Applicability

This subpart applies to each MODU operating on the OCS that is not inspected under 46 CFR Subchapter I–A.

§ 144.20–5 Exposure suits.

This section applies to each MODU except those operating south of 35 ° N latitude.

(a) Each MODU must carry an exposure suit for each person on board. The exposure suit must be stowed in a readily accessible location in or near the berthing area of the person for whom the exposure suit is provided.

(b) In addition to the exposure suits required by paragraph (a) of this section, each watch station and work station must have enough exposure suits to equal the number of persons normally on watch in, or assigned to, the station at one time. However, an exposure suit need not be provided at a watch or work station for a person whose cabin, stateroom, or berthing area (and the exposure suits stowed in that location) is readily accessible to the station.

(c) Each exposure suit on a MODU must be of a type approved under 46 CFR 160.071.

(d) Each exposure suit must have a personal flotation device light that is approved under 46 CFR 161.012. Each light must be securely attached to the front shoulder area of the exposure suit.

(e) Each exposure suit on a MODU must be provided with a whistle of the ball type or multi-tone type, of corrosion resistant construction, and in good working order. The whistle must be attached to the exposure suit by a lanyard without hooks, snaps, clips, etc., that is long enough to permit the whistle to reach the mouth of the wearer. If the lanyard allows the whistle to hang below the waist of the wearer, the whistle must be stowed in a pocket on the exposure suit, or with the lanyard coiled and stopped off.

(f) No stowage container for exposure suits may be capable of being locked.

(Sec. 4, 67 Stat. 462 (43 U.S.C. 1333) as amended: 49 CFR 1.46(z))

3. By adding a new Subpart 144.30 as follows:

Subpart 144.30—Requirements for Foreign MODU's

§ 144.30 Applicability.

This subpart applies to each MODU engaged in OCS activities that is documented under the laws of a foreign nation.

144.30–5 Exposure suits.

Each foreign MODU must meet the requirements of § 144.20–5 of this chapter, except as follows:

(a) Exposure suits (immersion suits, survival suits, etc.) approved by the nation under which the MODU is documented may be used in lieu of suits approved under 46 CFR 160.071, provided that they are accepted by the Commandant as providing equivalent thermal protection to the wearer.

(Requests for acceptance of such suits should be sent to Commandant, U.S. Coast Guard (G–MVI–3/24), Washington, DC 20593, along with technical data supporting the thermal performance of the suits.)

(b) Personal flotation device lights approved by the nation under which the MODU is documented may be used in lieu of lights approved under 46 CFR 161.012.

(Sec. 4, 67 Stat. 462 (43 U.S.C. 1333) as amended; 49 CFR 1.46(z))

Dated: December 19, 1983.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 84–3160 Filed 2–3–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[COTP, NOLA, Reg. No. 84–03]

Safety Zone Regulations; Vicinity of the Mississippi Aerial River Transit (MART) Terminals in New Orleans

AGENCY: Coast Guard, DOT.

ACTION: Final rulemaking.

SUMMARY: The Coast Guard Captain of the Port, New Orleans, is establishing a Safety Zone in the vicinity of the Mississippi Aerial River Transit (MART) terminals in New Orleans. This zone is needed to safeguard the connecting and raising of the aerial cables between MART's east bank terminal at Julia St. Wharf and its west bank terminal located in the vicinity of the ORGULF Fleet. The approximate midpoint of the cables is at LMR mile 95.4, AHOP. These operations will require the closure of the Mississippi River to all marine traffic within the Safety Zone.

DATES: The regulation becomes effective on effective on 4, 11, and 18 March 1984 for a period of 6 hours on each day, commencing at 7:00 a.m. and terminating at 1:00 p.m. Comments on this regulation must be received on or before February 29, 1984.

ADDRESSES: Comments should be mailed to Coast Guard Captain of the Port, New Orleans, Attention: Waterways Safety Office, 4640 Urquhart Street, New Orleans, LA 70117. Normal office hours are between 7:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address. Copies of all written comments received will be available for examination and copying at the above address.

FOR FURTHER INFORMATION CONTACT: LCDR Richard E. FORD at (504) 589–7117, or ENS Peyton COLEMAN at (504) 589–7108.

SUPPLEMENTARY INFORMATION: A meeting was held at the office of the Captain of the Port, New Orleans, on 12 January 1984 between representatives of: the Captain of the Port, MART, the New Orleans Steamship Association, the Board of Commissioners for the Port of New Orleans, the Crescent River Port Pilots Association, the New Orleans-Baton Rouge Pilots Association, The Mississippi River Bridge Authority, and the USCG Vessel Traffic Service (VTS), New Orleans. The purpose of this meeting was to select tentative dates and times for the conduct of the cable raising operations so that there would be minimal disruption to marine commerce on the Mississippi River. The dates and times selected for the establishment of the Safety Zone in this regulation were an outgrowth of this meeting.

A notice of proposed rulemaking was not published for this regulation, because following normal rulemaking procedures would have been impracticable. The request for this regulation was not received until 12 January 1984, and there was not sufficient time remaining to publish a proposal in advance of the event for which this regulation is needed. Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable.

Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under **ADDRESSES** in this preamble. Commenters should include their names and addresses, identify the docket number for the regulation, and give reasons for their comments. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. Based upon comments received, the regulation may be changed.

Drafting Information

The drafters of these rules are LCDR Richard E. FORD, Project Officer, COTP, New Orleans, and LCDR R. W. BRUCE, Project Attorney, Eighth Coast Guard District Legal Office.

Discussion

The Mississippi Aerial River Transit will be a cable-supported tramway system, transporting passengers in gondolas across the Mississippi River. The system's principal structural components will consist of a passenger terminal and cable-supporting tower on the east bank of the Mississippi River, similar structures directly across the river on the west bank, and interconnecting cables between the two terminals/towers. The installation of the system's interconnecting cables will necessitate the rigging of small diameter messenger lines between the two terminals/towers by connecting one end of each of the messenger lines to the east bank terminal/tower, transporting the unconnected ends across the river on a towboat to the west bank terminal/tower, and connecting them to that terminal/tower. The messenger lines will then be raised above the surface of the river. Afterwards, the systems cables will be stretched over the river by hauling them across with the messenger lines.

Rigging these messenger lines will interfere with normal navigation on the Mississippi River for a period of time, and will require that the river be closed to navigation in order to safeguard these operations. In preliminary discussions with representatives of MART, it was their estimation that these operations would require approximately 6 hours to complete. Given optimal weather conditions and no unforeseen complications, one six hour period on March 4, 1984, beginning at 7:00 a.m. and ending promptly at 1:00 p.m., should allow for the completion of these operations. However, for planning purposes, two similar six hour periods were provided for on March 11, and March 18, 1984 to allow for their completion in case of complications or adverse weather conditions. Regardless, the actual closure of the river will only involve such time as is absolutely necessary. Those time periods and dates set aside by this regulation that are not utilized will be promptly withdrawn by the Captain of the Port, New Orleans, by the immediate cancellation of ths Safety Zone.

Economic Assessment and Certification:

This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). This

some shipping interests using the Mississippi River, possibly causing them to incur minimal additional expenses for such items as wharf fees. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation will result in minor delays to regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Final Regulations

In consideration of the foregoing, the Coast Guard is amending Part 165 of Title 33, Code of Federal Regulations, by adding § 165.T812 to read as follows:

§ 165.T812 Safety Zone: Vicinity of the Mississippi Aerial River Transit (MART) in New Orleans.

(a) The area from the down river edge of the new, Greater New Orleans Mississippi River Bridge (approximate LMR mile 95.7, AHOP) to LMR mile 94.7, AHOP is a Safety Zone.

(b) Regulations:

(1) In accordance with the general regulations in 165.23 of this part, vessels may not enter into, or operate within, this zone unless authorized by the Captain of the Port.

(2) This Safety Zone will be closed to all marine traffic between the hours of 7:00 a.m. and 1:00 p.m. on March 4, 1984, and again on March 11, 1984 and March 18, 1984 during the same hours. The prohibition against vessels entering, or operating within, this zone will commence and end promptly at the stated times.

(3) At his discretion, the Captain of the Port, New Orleans, may terminate this Safety Zone at any time during the dates and times provided for.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: January 20, 1984.

John L. Bailey,

Captain of the Port, New Orleans, LA.

[FR Doc. 84-3155 Filed 2-3-84: 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AW402PA; A-3-FRL 2516-7]

Approval and Promulgation of Implementation Plans; Approval of the Allegheny County Portion of the Pennsylvania State Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP) for the control of lead (Pb) emissions. Allegheny County's lead SIP meets all of the applicable requirements under section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

DATES: This action will be effective on April 6, 1984 unless notice is received by March 7, 1984 that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Mr. Glenn Hanson, at the EPA, Region III address shown below. Copies of Allegheny County Lead SIP may be examined during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Gaughan (3AW11)

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, Fulton Bank Building, Third and Locust Streets, Harrisburg, PA 17120, Attn: Gary L. Triplett

Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-Ninth Street, Pittsburgh, PA 15201, Attn: Roger C. Westman

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Mr. Michael C. Guiranna at the EPA Region III address shown above or telephone (215) 597-2842.

SUPPLEMENTARY INFORMATION: On September 6, 1983, the Pennsylvania Department of Environmental Resources submitted to the U.S. Environmental Protection Agency (EPA) an amendment to the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP) for lead. A public hearing was held on May 24, 1983, on this SIP. Also, Allegheny County has indicated that it has the legal authority necessary to implement this plan and any control strategies related to it.

Allegheny County has certified that there are presently no point sources which emit five or more tons of lead per year. The major lead emissions in the County are from mobile sources and re-entrained road dust. The air quality data supplied to the EPA from 2nd quarter of 1975 to 2nd quarter of 1982 show only one violation of the National Ambient Air Quality Standard for Lead, which is 1.5 micrograms/cubic meter (average over a calendar quarter). This violation (1.83 $\mu g/m^3$) occurred in the 4th quarter of 1978 at the Court House monitor. The readings at this and all other monitors have shown a steady decline since then and the most recent ambient levels show no reading higher than 0.35 $\mu g/m^3$. The average lead reading in the County is only 14% of the standard. In the future, the County's lead emissions should decrease further as the amount of lead in fuel decreases.

In section 18.6.2 of the Allegheny County State Implementation Plan for Lead the County did not use the EPA preferred model to determine maximum quarterly concentration. They used a rollback model on their highest measured lead concentration in 1982 and projected this to 1987 to demonstrate attainment. EPA prefers that a modeling scheme is used which depends on the historic lead concentration in the base year. Based on federal regulations and information about past and projected gasoline sales and assuming that lead concentrations decrease proportionally with automotive lead emissions, EPA has calculated critical lead concentrations for several base and attainment years. These were published in a July 1983 draft report entitled Updated Information of Approval and Promulgation of Lead Implementation Plans prepared for EPA Office of Air Quality Planning and Standards, Control Programs Development Division, Research Triangle Park, NC. If the highest lead concentration for a given base year/attainment year combination is less than the critical value for that combination, EPA assumes that the standard will be attained by the attainment date. In 1978 Allegheny County had a worst-case quarterly concentration of 1.83 $\mu g/m^3$. The national ambient air quality standard is 1.5 $\mu g/m^3$. The County's worst case concentration is much less than the critical concentration

calculated by EPA for an attainment date of 1987; therefore EPA concludes that the standard is being and will continue to be attained in Allegheny County.

All precision monitoring has been conducted as required by 40 CFR Part 58, Appendix A. A description of the air quality monitoring network for lead may be inspected at the Bureau of Air Pollution Control, 301 Thirty-Ninth Street, Pittsburgh, PA 15201.

The County has committed to review the lead emitting potential of all new sources through a preconstruction review provision to insure continued maintenance of the lead standard. EPA has examined the air quality data from the sites and found it in accordance with EPA requirements for use of data in developing a plan. Therefore, this amendment to the Allegheny County SIP is being approved.

Public Hearing

The County provided proof that a public hearing, with respect to the lead SIP, was held on May 24, 1983 in Pittsburgh, Pennsylvania, in accordance with the requirements of 40 CFR 51.4. No verbal comments were given.

Solicitation of Public Comments

In a newspaper notice published in the *Pittsburgh Press* on April 23, 1983, the Allegheny County Health Department solicited public comments on its proposed lead implementation plan. However, no written comments were received.

EPA Action

EPA has reviewed Allegheny County's lead SIP and has determined that it meets the scope and intent of 40 CFR 51.80 through 51.88 (Control Strategy-Lead). Therefore, EPA is approving Allegheny County's lead SIP.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This aciton constitutues a SIP approval under section 110 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

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

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

List of Subjects in 40 CFR 52

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

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

Dated: January 26, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart NN—Pennsylvania

1. Section 52.2020, paragraph (c)(59) is added to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(59) A State Implementation Plan for the control of lead (Pb) emissions in Allegheny County was submitted on September 6, 1983 by the Secretary of Environmental Resources.

[FR Doc. 84-2738 Filed 2-3-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 73, and 74

Oversight of the Radio and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends broadcast station regulations in 47 CFR Parts 73 and 74 of the FCC rules. Amendments are made to delete regulations that are no longer necessary, correct inaccurate rule texts, contemporize certain requirements, to execute editorial revisions as needed for purposes of clarity and ease of understanding and to give public notice of the status of rule review pursuant to Section 610 of the Regulatory Flexibility Act of 1980.

EFFECTIVE DATE: January 27, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, (202) 632-5414, Mass Media Bureau.

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Parts 73 and 74

Radio broadcasting, Television broadcasting.

Order

In the matter of Oversight of the Radio and TV Broadcast Rules.

Adopted: January 24, 1984.
Released: January 27, 1984.

By the Chief, Mass Media Bureau.

1. In this *Order*, the Commission focuses its attention on the oversight of its radio and TV broadcast rules. Modifications are made herein to update, delete, clarify or correct broadcast regulations as described in the following amendment summaries:

(a) Two of the rule sections in Part 1, pertaining to interlocutory actions in hearing proceedings, cross reference § 1.292. This rule, entitled Number of Copies, was removed from our regulations by Commission action effective April 23, 1971. 36 FR 7422, April 20, 1971. The statements in the deleted rule section were incorporated into § 1.51, Number of copies of pleadings, briefs and other papers, in that same Commission action. However, the cross references to § 1.292 have survived in § 1.291(c)(1) and in § 1.296. Correction to the subject sections is made herein. (See Appendix items 1 and 2.)

(b) In BC Docket 82-320, the Commission discontinued three of its policies and eliminated parts of two of the rules. The rules were § 73.203(b) and § 73.607(b); and the policies were Suburban Community Policy, the *Berwick Doctrine* and the *de facto* reallocation policy. 48 FR 12094, March 23, 1983. Retained in the rules were

paragraphs (a) in both § 73.203 and § 73.607. These paragraphs open with the proviso "Subject to the provisions of paragraph (b) of this section * * *". These references to the non-existent paragraph (b) in these two rules are removed herein. Since only one paragraph survives in the two sections, the designation paragraph (a) is removed and the paragraph will stand alone, without paragraph letter designation. (See Appendix items 3 and 4.)

(c) The reference points—geographical coordinates—used by the FCC to determine distance separation in city to city measurements are those listed in the Index to *The National Atlas of the United States of America* published by the U.S. Department of Interior. Formerly, the FCC used the U.S. Department of Commerce publication *Airline Distance Between Cities in the United States*. Directions to use the *Airline Distance* publication have been excised from the rules and the Index to the *National Atlas* substituted, except for one rule section which has inadvertently been left unchanged. It is § 73.611, which is corrected here. (See Appendix item 5.)

(d) In the reorganization and reformatting of Parts 73 and 74, numerous regulations applicable in common to all stations in the respective Parts have been placed in one Subpart. (Subpart H in Part 73 and Subpart—General in Part 74). As the rules were moved to the "all-services" Subpart, a cross reference to the new section number was left behind in the various Subparts in which the regulation originally appeared. These cross references were later removed from the separate Subparts and listed in one location following the Table of Contents. This listing was subsequently eliminated to free-up scarce rule section numbers for newly adopted regulations. Surviving these changes in format were cross references in Subpart F—International Broadcast Stations, remaining over the years in the original rule sections as a sign-post to "See Section 73.xxxx" (in Subpart H). Since the continued updating of the alphabetical index provides accurate and quick direction to rule sections being sought, the need for these cross references has been eliminated. Therefore, this last vestige of the old cross reference is removed via this Order. (See Appendix item 6.)

(e) There is a cross reference to § 1.516 in the Note following subparagraph (a)(18) in § 73.1020, Station license period. The cross referenced § 1.516 is incorrect, having been redesignated § 73.3516 in a 1978 proceeding. It is corrected here. Also, the Note is removed and its text redesignated paragraph (b) of § 73.1020 as it previously appeared in the March 1980 edition of Volume III of the rules. (See Appendix item 7.)

(f) In the Report and Order in BC Docket 80–253, the Commission adopted revisions of its applications for renewal of all AM, FM and TV stations. In addition to inaugurating the Simplified Renewal Application ("Short Form"), the Commission also eliminated certain licensee public notice requirements. As a result, the public notice announcement requirement of § 73.1202, formerly titled Public notice of licensee obligations, was eliminated and renamed "Retention of letters received from the public" and rewritten to reflect only this letter retention requirement. 46 FR 26236, May 11, 1981.

In § 73.1810, Program logs, there is a requirement in paragraph (b)(4)(iii) directing "An entry [be made in the log] for each announcement made pursuant to the local notice requirements of * * *. Section 73.1202 (licensee obligations) * * *". Since this requirement has been eliminated, § 73.1810(b)(4)(iii) is corrected accordingly. (See Appendix item 8.)

(g) In the Memorandum Opinion and Order adopted in BC Docket 80–253 (The Short Form Renewal Application), the Commission eliminated the old commercial TV renewal Form 303. FCC 81–447. 46 FR 55116, November 6, 1981. Through inadvertence, the form number and title remain listed in § 73.3500, Application and report forms. It is deleted herein (See Appendix item 9.)

(h) In the Order adopted September 23, 1983, certain undesignated headnotes in 47 CFR Parts 73 and 74 were removed. 47 FR 44556, September 29, 1983. One such headnote was inadvertenly left in Part 74, "Administrative Procedure", which immediately precedes § 74.212. It is removed in this Order. (See Appendix item 10.)

(2) In General Docket 82–812, the Commission gave public notice of rules to be reviewed in 1983 pursuant to Section 610 of the Regulatory Flexibility Act. The purpose of the review was to determine if such rules imposed a significant economic impact on a substantial number of small entities. The rule evaluations have been completed by the Mass Media Bureau for Subparts A, B, C, G, I and L of Part 74; Subparts F, G and I of Part 76 and Subparts A, B, C and D of Part 78.

(3) No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

(4) These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

(5) Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply.

(6) Therefore, it is ordered, that pursuant to sections 4(i), 303(r) and 5(d)(1) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.283 of the Commission's Rules, Parts 73 and 74 of the FCC Rules and Regulations are amended as set forth in the attached Appendix, effective January 27, 1984.

(7) For further information on this *Order*, contact Steve Crane, (202) 632–5414. Mass Media Bureau.

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

Appendix

PART 1—[AMENDED]

1. 47 CFR 1.291 is amended by revising paragraph (c)(1) to read as follows:

§ 1.291 General provisions.

* * * * *

(c)(1) Procedural rules governing interlocutory pleadings are set forth in §§ 1.294–1.298.

* * * * *

2. 47 CFR 1.296 is revised to read as follows:

§ 1.296 Service.

No pleading filed pursuant to § 1.51 or § 1.294 will be considered unless it is accompanied by proof of service upon the parties to the proceeding.

PART 73—[AMENDED]

3. 47 CFR 73.203 is amended by removing from paragraph (a) the cross reference to paragraph (b) which had been previously eliminated from the rule, by removing the paragraph designation "(a)" from the rule since it is the only paragraph surviving in it, and revising it to read as follows:

§ 73.203 Availability of channels.

Applications may be filed to construct FM broadcast stations only on the channels assigned in the Table of Assignments (§ 73.202(b)) and only in communities listed therein. Applications which fail to comply with this requirement, whether or not accompanied by a petition to amend the Table, will not be accepted for filing. However, applications specifying channels which accord with publicly announced FCC Orders changing the Table of Assignments will be accepted for filing even though such applications are tendered before the effective dates of such channel changes.

4. 47 CFR 73.607 is amended by removing from paragraph (a) the cross reference to paragraph (b) which had previously been eliminated from the rule, by removing the paragraph designation "(a)" from the rule since it is the only paragraph surviving in it, and revising it to read as follows:

§ 73.607 Availability of channels.

Applications may be filed to construct TV broadcast stations only on the channels assigned in the Table of Assignments (§ 73.606(b)) and only in the communities listed therein. Applications which fail to comply with this requirement, whether or not accompanied by a petition to amend the Table, will not be accepted for filing. However, applications specifying channels which accord with publicly announced FCC Orders changing the Table of Assignments will be accepted for filing even though such applications are tendered before the effective dates of such channel changes.

5. 47 CFR 73.611 is amended by revising paragraphs (a)(2) and (b)(2) as follows:

§ 73.611 Reference points and distance computations.

(a) * * *

(2) Where an authorized transmitter site is available for use as a reference point in one community but not in the other for the pertinent channels, separations shall be determined by the distance between the coordinates of the transmitter site as set forth in the FCC's authorization therefore and the coordinates of the other community as set forth in the publication of the United States Department of Interior entitled, Index to *The National Atlas of the United States of America.* If said publication does not contain the coordinates for said other community, the coordinates of the main post office thereof shall be used.

* * * * *

(b) * * *

(2) The coordinates of the other community as set forth in the Index to *The National Atlas of the United States of America;* or if not contained therein,

* * * * *

6. 47 CFR Part 73, Subpart F—International Broadcast Stations is amended by removing the following rule sections in their entirety: Sections 73.710 Cross reference to rules in other Parts, 73.711 Notification of filing of applications, 73.752 [Reserved], 73.762 Station inspection, 73.763 Station license and seasonal schedules, posting of, 73.767 Frequency tolerance, 73.768 Antenna structure, marking and lighting, 73.769 Discontinuance of operation, 73.783 Logs: by whom kept, 73.784 Log form, 73.785 Correction of logs, 73.789 Sponsorship identification, 73.790 Rebroadcasts, 73.791–73.792 [Reserved], 73.793 Equal employment opportunities.

7. 47 CFR 73.1020 is amended by removing the Note following paragraph (a)(18) and adding new paragraph (b) to read as follows:

§ 73.1020 Station license period.

* * * * *

(b) For the cutoff date for the filing of applications mutually exclusive with, and petitions to deny, renewal applications, see § 73.3516(e).

8. 47 CFR 73.1810 is amended by revising paragraph (b)(4)(iii) to read as follows:

§ 73.1810 Program logs.

* * * * *

(b) * * *

(4) * * *

(iii) An entry for each announcement made pursuant to the local notice requirements of §§ 73.3580 (pre-grant) and 73.3594 (designation for hearing), showing the time it was broadcast.

* * * * *

§ 73.3500 [Amended]

9. 47 CFR 73.3500, Application and report forms, is amended by removing the entry for Form 303 and its title, Application for Renewal of License for Commercial TV Broadcast Station.

PART 74—[AMENDED]

10. In 47 CFR Part 74, the undesignated headnote "Administrative Procedure" which immediately precedes § 74.212 is removed.

[FR Doc. 84-2977 Filed 2-3-84; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1164

[Ex Parte No. MC-143]

Owner-Operator Food Transportation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules.

SUMMARY: The Commission has decided to adopt the proposed rules which would require owner-operators to file annual report form OCCA–143 on March 31 of each year for operations conducted during the prior calendar year, and which modify the form to eliminate reporting of exempt and regulated commodity tonnages.

A uniform filing date will minimize the Commission's administrative burden and will benefit owner-operators by creating certainty in the reporting date. Elimination of the tonnage reporting requirement will relieve owner-operators from unnecessary recordkeeping and reporting requirements.

DATE: Effective on February 6, 1984.

FOR FURTHER INFORMATION CONTACT: P. M. Schulze, (202) 275–7841.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking (48 FR 44591, September 29, 1983), the Commission sought public comment on changing the filing date of Form OP–143, which has been redesignated as OCCA–143, from the anniversary of the grant date to March 31 of each year. The Commission also proposed to eliminate the reporting of exempt and regulated commodity tonnages.

No public comment was received concerning these proposals. The advantages of the modifications, however, appear to warrant their adoption. They are: enhanced administrative efficiency in issuing reminders and in processing the reports, increased certainty on the part of owner-operators as to the filing date through issuance of reminder notices, and elimination of the recordkeeping associated with computing and reporting tonnages which are of no statistical use to the Commission and duplicative of the certification provided for in the report.

Regulatory Flexibility

Owner-operators are presumed to be small entities. These rules will be of substantial economic benefit to them by eliminating any confusion as to the due date of Form OCCA–143, and by easing

their recordkeeping and reporting burden by elimination of tonnage reporting.

We are making these rule changes effective on publication in the **Federal Register** since they are not subject to the 30 days' notice provision of 5 U.S.C. 553(d). The change in the filing date is not a substantive rule and the change in the content of the report merely relieves a prior reporting requirement.

This decision is not a major federal action significantly affecting energy consumption or the quality of the human environment.

We are adopting revised 49 CFR 1164.4 as set forth in the Appendix to this decision.

List of Subjects in 49 CFR Part 1164

Foods, Freight, Motor carriers, Reporting and recordkeeping requirements.

This action is taken under the authority of 49 U.S.C. 10922(b)(4)(E), 10923(b)(5)(A), 11145(c), and 5 U.S.C. 553.

Decided: January 24, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Acting Secretary.

Appendix

Title 49 of the Code of Federal Regulations is amended as follows:

PART 1164—OWNER-OPERATOR FOOD TRANSPORTATION

Section 1164.4 is revised to read:

§ 1164.4 Annual reporting requirement.

Each owner-operator providing transportation under certificates to which the provisions of 49 U.S.C. 10922(b)(4)(E) apply, and permits to which the provisions of 49 U.S.C. 10923(b)(5)(A) apply, shall complete Report Form OCCA-143 on or before March 31 of each year for operations conducted during the prior calendar year to certify compliance with the requirement that annual tonnage transported under these provisions does not exceed the annual tonnage transported of exempt commodities under 49 U.S.C. 10526(a)(6).

Interstate Commerce Commission Owner-Operator Annual Report Form

(Attach address label here) _____

Owner-operator name and address, if different than shown.

MC-Number _____

Period covered—if this report is for less than an entire calendar year, report date operations cover.

From (month and date) _____

To (month and date) _____

Certifications

(1) I certify that I am in compliance with the provisions of 49 U.S.C. 10922(b)(4)(E) (for common carriers) or 49 U.S.C. 10923(b)(5)(A) (for contract carriers), in that the tonnage transported under the certificate or permit for the period covered by this report did not exceed the exempt tonnage transported.

(2) I certify that this report was prepared by me or under my supervision, and that I have examined it and that the items reported on the basis of my knowledge and belief are correctly reported.

Signature _____

Date _____

Address (Street, City, State, Zip Code) _____

Telephone Number _____

Note.—Failure to file this report may subject owner-operator to proceedings leading to revocation of operating authority. This report must be filed by March 31 of each year with Interstate Commerce Commission, Washington, D.C. 20423.

[FR Doc. 84-3107 Filed 2-3-84; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 49, No. 25
Monday, February 6, 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 INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

Public Comment Period on Modification of the Alabama Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period on the substantive adequacy of a proposed program amendment submitted by the State of Alabama as a modification to the Alabama permanent regulatory program (hereinafter referred to as the Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment is a blaster training and certification program consisting of regulations, blaster records, certification course outline and course notes.

This notice sets forth the times and locations that the Alabama program and the proposed amendment are available for public inspection and the comment period during which interested persons may submit written comments on the proposed amendment.

DATES: Written comments, data or other relevant information relating to the proposed amendment to the Alabama program not received on or before 4:00 p.m. on March 7, 1984, will not necessarily be considered.

A public hearing on the proposed modifications has been scheduled for March 2, 1984, at the address listed below under **"ADDRESSES."**

Any person interested in making an oral or written presentation at the hearing should contact Mr. John T. Davis at the address or phone number listed below by the close of business February 21, 1984. If no one has contacted Mr. Davis to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Davis by the above date, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: John T. Davis, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 228 West Valley Avenue, 3rd Floor, Homewood, Alabama 35209.

The public hearing will be held at the Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, 3rd Floor, Homewood, Alabama 35209.

Copies of the Alabama program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for review at the OSM and State regulatory authority offices listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 L Street, NW., Washington, D.C.

Office of Surface Mining Reclamation and Enforcement, 228 West Valley Avenue, 3rd Floor, Homewood, Alabama 35209.

Alabama Surface Mining Commission, Central Bank Building, 2nd Floor, 811 Second Avenue, Jasper, Alabama 35501.

FOR FURTHER INFORMATION CONTACT: John T. Davis, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 228 West Valley Avenue, 3rd Floor, Homewood, Alabama 35209; Telephone: (205) 254–0890.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Alabama program, the Secretary's notice conditionally approving the Alabama program (together with the Secretary's findings), a listing of any scheduled public hearings or meetings and all written comments received in response to this notice will be available for review at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining, Room 5315, 1100 L Street, NW., Washington, D.C. 20240

Office of Surface Mining, Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, Room 302, Birmingham, Alabama 34209.

Alabama Surface Mining Commission, Central Bank Building, 2nd Floor, 811 Second Avenue, Jasper, Alabama 35501.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than Birmingham, Alabama, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the date listed under **"DATES."** If no one requests to comment at the public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions. The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed in **"ADDRESSES"**

by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made part of the Administrative Record.

II. Background on the Alabama Program

Information regarding the general background on the Alabama State program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Alabama program can be found at 47 FR 22020–22038 (May 20, 1982) and 48 FR 34026 (July 27, 1983).

III. Proposed Amendment

On January 9, 1984, Alabama submitted a proposed program for the training and certification of blasters working in surface coal mining operations. The amendment consists of regulations, blaster records, certification course outline and course notes. The proposed regulations are set forth under Chapter 880–X–12—Training, Examination and Certification of Blasters.

At the time of the Secretary's approval of the Alabama program, OSM had not yet promulgated Federal rules governing the training and certification of blasters. Therefore, the State was not required to include such requirements in its program. However, in the notice announcing conditional approval of the Alabama program, the Secretary specified that Alabama would be required to adopt such provisions following promulgation of the Federal standards (47 FR 22020, May 20, 1982).

On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). OSM is seeking comment on whether the Alabama proposed amendment is consistent with and meets the requirements of the revised Federal standards and satisfies the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

The full text of the program modification submitted by Alabama for OSM's consideration is available for public review at the addresses listed under **"ADDRESSES."**

IV. Additional Determinations

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

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

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 901

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

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

Dated: January 31, 1984.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 84–3162 Filed 2–3–84; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 926

Public Comment and Opportunity for Public Hearing on Modified Portions of the Montana Permanent Regulatory Program

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

ACTION: Proposed rule; notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the adequacy of proposed amendments to the Montana permanent regulatory program which was approved by the Secretary of the Interior pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments submitted by Montana for the Director's approval include modifications to regulations concerning the following: (1) Certification of blasters in Montana, and (2) assessment and waiver of civil penalties.

DATES: Written comments not received on or before 4:00 p.m., March 7, 1984, will not necessarily be considered in the Director's decision to approve or disapprove the proposed amendments.

A public hearing on the proposed modifications has been scheduled for March 2, 1984, at the address listed below under **"ADDRESSES"**. Any person interested in making an oral or written presentation at the hearing should contact Mr. William Thomas at the address listed below by February 27, 1984. If no person has contacted Mr. Thomas by this date to express an interest in this hearing, the hearing will be cancelled. If only one person requests to comment, a public meeting rather than a public hearing may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing will be held at the OSM Casper Field Office, Freden Building, 935 Pendell Boulevard, Mills, Wyoming.

Written comments should be mailed or hand-delivered to Mr. William Thomas, Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644.

Copies of the proposed modifications to the Montana program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Casper Field Office, and the Office of the State Regulatory Authority, all listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m. excluding holidays.

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

Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, P.O. Box 1420, Mills, Wyoming, 82644.

Montana Department of State Lands, Reclamation Division, Capitol Station, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Mr. William Thomas, Field Office Director, Office of Surface Mining, P.O. Box 1420, Mills, Wyoming, 82644; Telephone: (307) 261–5824.

SUPPLEMENTARY INFORMATION:

Background

The Montana program was approved by the Secretary of April 1, 1980, conditioned on the correction of 6 minor deficiencies. Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Montana program can be found in the April 1, 1980, **Federal Register** (45 FR 21560) and the February 11, 1982, **Federal Register** (47 FR 6266).

Proposed Amendments

On January 3, 1984, the State of Montana submitted to OSM amendments to its permanent regulatory program. One amendment is intended to implement the provisions of 30 CFR Part 850 relating to blaster training, examination and certification. The proposed amendment consists of proposed regulations governing requirements for the conduct of blasting operations; proposed regulations governing the standards for certification of blasters; proposed regulations specifying a training outline for blasters; and proposed regulations for suspending or revoking a blaster's certification.

At the time of the Secretary's approval of the Montana program, OSM had not yet promulgated Federal rules governing the training and certification of blasters. Therefore, the State was not required to include such requirements in its program. However, in his notice announcing conditional approval of the Montana program, the Secretary specified that Montana would be required to adopt such provisions following promulgation of the Federal standards (45 FR 21560, April 1, 1980).

On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486).

In addition to the proposed bonding regulations, Montana submitted to OSM proposed program amendments addressing civil penalties. The proposed amendment consists of proposed regulations governing procedures for the assessment and waiver of civil penalties; utilization of a point system for civil penalties and waivers; issuance of notice of non-compliance and cessation orders; informal hearings; operator's inability to comply with a notice of compliance or cessation order; and continuation of health and safety activities during the period an order is in effect.

OSM is seeking comment on whether the Montana proposed modifications are consistent with and meet the requirements of the revised Federal standards and satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

The full text of the proposed program modifications submitted by Montana for OSM's consideration is available for public review at the addresses listed under **"ADDRESSES"**.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 129(d), no environmental impact statement need be prepared on this rulemaking.

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

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 926

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

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

Dated: January 31, 1984.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 84–3143 Filed 2–3–84; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD7–83–29]

Special Anchorage Area; Bahia de San Juan, PR

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to reclassify Anchorage D in Bahia de San Juan as a Special Anchorage Area, for use by vessels less than 65 feet long. The anchorage area is currently being used by small pleasure craft. This change in classification would relieve vessel operators of the requirement to show anchor lights when anchored within this area.

DATES: Comments must be received on or before March 22, 1983.

ADDRESSES: Comments should be mailed to Commander (mps), Seventh Coast Guard District, 51 S.W. First Avenue, Miami, FL 33130. The comments will be available for inspection and copying at 51 S.W. First Avenue, Room 1231, telephone (305) 350–5651. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except federal holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant (J.G.) Harry Craig, (305) 350–5651.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD7–83–29) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Lieutenant (J.G.) Harry Craig, project officer, Seventh Coast Guard District Port Safety Branch, and Lieutenant Commander Kenneth E. Gray, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Proposed Regulation

This anchorage in the eastern portion of San Antonio Channel was established in 1967 as part of a plan to designate various parts of Bahia de San Juan for anchorages. At that time it was designated for use by yachts and other small craft. Upon further review we have determined that the same purposes would be achieved, and an unnecessary burden relieved from the vessel operators if this area would be redesignated a Special Anchorage Area. According to Title 33, CFR Part 109.10, a Special Anchorage Area may be used by vessels not more than 65 feet long. These vessels would not have to be lighted while anchored within the Special Anchorage Area.

Traffic through this area is light and primarily small craft, and the anchorage is not heavily occupied. Because of that, we do not anticipate any significant difficulty in navigation there.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimial because the only change is to delete a requirement that vessels at anchor must display the appropriate lights.

Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulation

PART 110—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, by removing § 110.240(a)(1) *Yacht, schooner, and small craft Anchorage D,* redesignating §§ 110.240 (a)(2) and (a)(3) as 110.240 (a)(1) and (a)(2), and adding a new § 110.74c to read as follows:

§ 110.74c Bahia de San Juan, PR.

The waters of San Antonio Channel, Bahia de San Juan, eastward of longitude 66°05'45"W.

Authority: 33 U.S.C. 471, 2030, 2035, and 2071; 49 U.S.C. 1655(g)(1); 49 CFR 1.46; and 33 CFR 1.05-1(g).

Dated: January 13, 1984.

D. C. Thompson,

Rear Admiral, Commander, Seventh Coast Guard District.

[FR Doc. 84-3159 Filed 2-3-84; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP, NOLA, Reg. No. 84-02]

Security Zone Regulations; 1984 Lousiana World Exposition in New Orleans

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard Captain of the Port (COTP), New Orleans, is proposing to establish a Security Zone on the Mississippi River in New Orleans between the up river end of the Canal St. Ferry Landing (approximately LMR mile 94.8, AHOP, LDB) and the down river edge of the new, Greater New Orleans Mississippi River Bridge (approximately LMR mile 95.7, AHOP, LDB) and extending 200 ft channelward between these points from the New Orleans, or Left Descending Bank (LDB), side of the river. This Security Zone is intended to discourage civil disturbances and acts of terrorism that might be stimulated by the 1984 Lousiana World Exposition (World's Fair) in New Orleans. It would allow the COTP to strictly control access to the Fair's site from the Mississippi River, thus minimizing the possibility that persons intent on inciting such disturbances or acts could disrupt the Fair, or endanger the lives and property of its participants. This Security Zone would be established on 1 May 1984 and terminated on 30 November 1984.

DATES: Comments must be received on or before March 22, 1984.

ADDRESS: Comments should be mailed to Captain of the Port, New Orleans. Attention: Waterways Safety Office, 4640 Urquhart Street, New Orleans, LA 70017. Normal office hours are between 7:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address. Copies of all written comments received will be available for examination and copying at the above address.

FOR FURTHER INFORMATION CONTACT: LCDR Richard E. Ford or ENS Peyton Coleman (504) 589-7117.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice "COTP, NOLA, Regulation No. 84-02," and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are LCDR Richard E. Ford, Project Officer, COTP, New Orleans, and LCDR R. W. Bruce, Project Attorney, Eighth Coast Guard District Legal Office.

Discussion of Proposed Regulations

The World's Fair in New Orleans will be a major international event, featuring exhibits from many nations around the world, and attracting thousands of visitors, including many dignitaries and VIP's. Because of this, the Fair will be highly visible in the public's eye and generate considerable media attention. This visibility, and attention could easily make the Fair or its visitors the target for politically motivated civil disturbances or acts of terrorism, which would most likely be incited by individuals or groups seeking to publicize their political goals.

To minimize the possibility that persons engaging in these activities could gain access to the World's Fair site from the Mississippi River, the Captain of the Port is seeking to strictly limit access across the waterfront boundary of the Fair by establishing and enforcing a Security Zone there. This Security Zone would affect all vessels seeking to moor alongside those wharfs forming the waterfront boundary of the Fair.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since only non-economic activities are being affected. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulations and has been determined to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Proposed Regulations

PART 165—[AMENDED]

In consideration of the foregoing, the Coast Guard proposed to amend Part 165 of Title 33, Code of Federal Regulations, by adding § 165.T811 to read as follows:

§ 165.T811 1984 Louisiana World Exposition in New Orleans.

(a) That area of the Mississippi River in New Orleans between the up river end of the Canal St. Ferry Landing (Approximately LMR miles 94.8, AHOP LDB) and the down river edge of the new, Greater New Orleans Mississippi River Bridge (approximately LMR miles 95.7, AHOP, LDB), and extending 200 ft. channelward between these points from the New Orleans, or Left Descending Bank (LDB), side of the river is a Security Zone. This Security Zone is established 1 May 1984 and will terminate on 30 November 1984.

(b) *Regulations;*

(1) No vessel may enter this Security Zone without the specific written permission of the Captain of the Port, New Orleans. A request for permission to enter this Security Zone must be sumbitted, in writing, at least 5 days in advance of the intended time and date of entry, to: Captain of the Port, Attn: Waterways Safety Office, 4640 Urquhart Street, New Orleans, LA 70117.

Such request must include the:

(i) Name, address, telephone number, and business affiliation of the individual making such request;

(ii) Name of the vessel(s) involved;

(iii) Official number of State Number of the vessel(s) involved, and its (their) flag and call sign;

(iv) Approximate number of personnel on board the vessel(s);

(v) Time and date of entry, and duration of intended stay;

(iv) Exact location of the vessel if it intents to remain within the Security Zone;

(vi) A brief statement of purpose for entering the Security Zone including, where appropriate, the nature of the cargo to be handled.

(2) All U.S. Naval and Coast Guard Vessels intending to enter this Security Zone are hereby granted a general exemption to the prior entry, written notification requirements of paragraph (b)(1) of this section, but must verbally notify the Captial of the Port at least 4 hours in advance of their entry with the information required by paragraph (b)(1) of this section. This notice may be called in by telephone to 589–7101, or by radio on channel 16 VHF-FM (156.6 MHZ), calling Group New Orleans, or on channel 11 VHF-FM (156.550 MHZ), calling VTS New Orleans.

(3) Vesels intending to enter this Security Zone for the purpose of conducting fuel oil or cargo transfer operations are hereby granted a general exemption to the prior entry, written notification requirements of paragraph (b)(1) of this section, but must verbally notify the Captain of the Port at least 4 hours in advance of their entry with the information required by paragraph (b)(1) of this section. This notice must be called in by telephone to 589–7101, or by radio on channel 16 VHF-FM (156.8 MHZ), calling Group New Orleans, or on channel 11 VHF–FM (156.550 MHZ), calling VTS New Orleans.

(4) At his discretion, the COTP may waive the requirements of paragraphs (b)(1), (2), and (3) of this section. Request for waivers must be made, in writing, to the COTP, using the address given in paragraph (b)(1) of this section.

(50 U.S.C. 191; E.O. 10173; and 33 CFR 6.04–6)

Dated: January 20, 1984.

John L. Bailey,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 84–3157 Filed 2–3–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[COTP, NOLA, Reg. No. 84–01]

Safety Zone Regulations; Lower Mississippi River, Vicinity of New Orleans

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: The Coast Guard Captain of the Port (COTP), New Orleans, is proposing to establish a Safety Zone on the Mississippi River between LMR mile 81, AHOP, and LMR mile 115, AHOP. This Safety Zone is considered necessary to counteract problems anticipated with vessel traffic congestion on the Mississippi River that is expected to occur as increasing numbers of vessels visit and operate in and around New Orleans, specifically in conjunction with the activities of the 1984 Louisiana World Exposition (World's Fair), which will be open from 12 May 1984 until 11 November 1984. The establishment of a Safety Zone and the imposition of restrictions on vessels operating within it will allow the COTP to control vessel operations so that safe, reasonable access to the World's Fair and its activities can be accommodated without causing undue disruption to normal commercial shipping on the Mississippi River, or unduly exposing the visiting vessels to the inherent dangers in operating in close proximity with the industrial-commercial complexes located along the river.

DATES: Comments must be received on or before March 22, 1984.

ADDRESS: Comments should be mailed to Coast Guard Captain of the Port, New Orleans, Attention: Waterways Safety Office, 4640 Urquhart Street, New Orleans, LA, 70117. Normal office hours are between 7:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address. Copies of all comments received will be available for examination and copying at the above address.

FOR FURTHER INFORMATION CONTACT: LCDR Richard E. Ford at (504) 589–7117, or ENS Peyton Coleman at (504) 589–7108.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice "COTP, NOLA, Regulation No. 84–01," and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the

comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are LCDR Richard E. Ford, Project Officer, COTP, New Orleans, and LCDR R. W. Bruce, Project Attorney, Eighth Coast Guard District Legal Office.

Discussion of Proposed Regulations

The World's Fair in New Orleans, with its theme of "Fresh Water as a Source of Life," will be a major international event that is expected to draw thousands of visitors to New Orleans and the surrounding areas each day, many of whom will come by vessels of one kind or another. Because of the theme of the Fair, and the Fair's location along the Mississippi River at LMR mile 95.3, AHOP, many of the Fair's activities will center on the river. For example, a nightly fireworks display is planned. As a result, a significant increase in the number of vessels visiting and operating in and around New Orleans is expected to occur. This will cause vessel traffic congestion on the Mississippi River, which will directly impact on the river's normal commercial and industrial activities. While some of this congestion will result from an increase in commercial vessel activity, much of it is expected to result from a dramatic increase in the number of privately owned yachts, pleasure boats, houseboats, and similar vessels navigating on the Mississippi River. If not controlled, this congestion could have adverse economic effects on the normal commercial and industrial activities on the Mississippi River, and possibly lead to an increase in the number of accidents as well. Specific areas of concern that the proposed rules would control include:

—Vessels loitering on the Mississippi River for sight seeing purposes. Such activity could cause unnecessary delays to vessels transiting the river, and possibly result in accidents.

—Visiting vessels mooring along the banks (battures) of the Mississippi River without benefit of adequate mooring devices. This is a hazardous activity because of the constant pressure on vessel moorings from the Mississippi River's current, and could lead to vessel breakways and collisions on the river.

—Visiting vessels mooring in commercial barge fleeting facilities that do not have adequate physical safeguards for personnel protection, (i.e. sufficient lighting and access routes for personnel proceeding to and from their vessels across the fleeting facility), or adequate segregation schemes for separating visiting vessels from barges carrying hazardous materials. Unless such physical safeguards and segregation schemes are provided, accidents resulting in injury to personnel or damage to property may occur.

—Visiting vessels using anchorages provided for, and normally used by, commercial shipping. Such activity could cause unnecessary delays for commercial shipping.

While not related to vessel congestion, another area of concern is the transfer of fuel oil or bunkers to vessels moored at wharfs immediately fronting the Fair's site during the Fair's planned nightly fireworks displays. If not controlled, such tranfers during these displays could result in accidents involving fire, explosion, or oil pollution.

Other problems and areas of concern may arise in the future as specific events planned by the Fair become more definite. However, such problems can best be handled on an individual basis as these events occur.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Proceduers for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its overall economic impact is expected to be positive and result in considerable savings to the commercial and industrial interests on the Mississippi River. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 165

Harbors marine safety, Navigation (water), Security measures, Vessels, Waterways.

Proposed Regulations

PART 165—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations, by adding § 165.T810 to read as follows:

§ 165.T810 Lower Mississippi River, Vicinity of New Orleans.

(a) The area from LMR mile 81, AHOP, to LMR mile 115, AHOP, is a Safety Zone. This Safety Zone is effective beginning 1 May 1984 and will terminate 30 November 1984.

(b) *Regulations:*

(1) Vessel transit through the Safety Zone is noramlly permitted. However, unless specifically permitted by the COTP, New Orleans, no vessel within the Safety Zone may:

(i) Loiter;

(ii) Moor along the river banks (battures), unless adeqaute, fixed mooring devices are utilized (mooring to trees or other vegetation is specifically prohibited);

(iii) Moor in a barge fleeting facility;

(iv) Anchor in an established anchorage (anchoring outside of established anchorages on the Mississippi River below Baton Rouge is specifically prohibited by 33 CFR 110.195 (c)(1)); or

(v) Transfer flammable materials while moored at the site of the World's Fair (Poydras St., Julia St. and Erato St. Wharfs) between the hours of 2100 and 2300 daily.

(2) The following categories of vessels, when within the Safety Zone, are hereby granted a general permit to engage in the activities enumerated in (b)(1)(iii), and (b)(1)(iv) of this section, when and where not prohibited by other law or regulation:

(i) All freight and cargo, vessels carrying freight and cargo or intending to engage in such carriage;

(ii) All documented towboats and tugboats;

(iii) All tank barges, hopper barges, and deck barges;

(iv) All industrial vessels, such as dredges, derrick barges, etc.; and

(v) All public and naval vessels.

(3) All ocean-going passenger vessels carrying passengers for hire, or intending to engage in such carriage, are hereby granted a general permit to anchor in established anchorages within the Safety Zone.

(4) In an emergency, a vessel may depart from any of the regulations in paragraph (b)(1) to the extent necessary to avoid immediate danger to persons, property, or the environment.

(5) Vessels seeking a permit to engage in the activities prohibited in paragraph (b)(1) must submit a written request, at last 5 days in advance of the desired effective date of the permit to: COTP, New Orleans, Attn: Waterways Safety

Office, 4640 Urquhart Street, New Orleans, LA 70117.

(6) The general permits granted above may be immediately revoked by the COTP by notifying any such vessel in this safety zone.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46, and 33 CFR 165.3)

Dated: January 19, 1984.

John L. Bailey,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 84-3158 Filed 2-3-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 2519-6; NC-007]

Approval and Promulgation of Implementation Plans; North Carolina: Utility Boiler TSP Limits, Malfunction Rules, etc.

AGENCY: Environmental Protection Agency.

ACTION: Extension of public comment period on proposed rule.

SUMMARY: On December 21, 1983 (48 FR 56412), EPA proposed to approve numerous regulation changes (including revised particulate limits for coal-fired utility boilers and a new rule on startups, shutdowns, and malfunctions) which North Carolina had submitted as State Implementation Plan revisions on January 24, 1983. A 30-day comment period and EPA is extending it by 30 days.

DATE: To be considered, comments must reach us on or before February 21, 1984.

ADDRESSES: Copies of the North Carolina revisions may be examined during normal business hours at the following locations: Air Management Branch, EPA Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30365, and Division of Environmental Management, North Caroline Department of Natural Resources & Community Development, Archdale Building, 512 North Salisbury Street, Raleigh, North Carolina 27611.

FOR FURTHER INFORMATION CONTACT: Walter Bishop of the EPA Region IV Air Managment branch at the above address, telephone 404/881-3043 (FTS 257-3043).

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: January 26, 1984.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 84-3122 Filed 2-3-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 721

[OPTS-50506 TSH-FRL 2437-1]

Substituted Methylpyridine and Substituted Phenoxypyridine; Proposed Determination of Significant New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a Significant New Use Rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2604(a)(2), to require persons to notify EPA at least 90 days before manufacturing, importing, or processing a substance for a "significant new use." This SNUR covers two substituted methylpyridines and a substituted 2-phenoxypyridine, which were the subject of premanufacture notices (PMNs) P-82-326, P-83-237, and P-83-330, respectively. EPA is proposing that manufacture or processing without using certain protective equipment be designated as a "significant new use" of each of the substances. EPA is also proposing that any release to navigable waters from manufacturing or processing operations of PMN substance P-82-326 be a "significant new use." EPA believes this rule is necessary to alert the Agency to increased risk.

DATE: Written comments should be submitted by April 6, 1984.

ADDRESS: Since some comments are expected to contain confidential business information, all comments should be sent in triplicate to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

Comments should include the docket control number OPTS-50506. Nonconfidential comments and sanitized versions of confidential comments received on the proposal will be available for reviewing and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, in Rm. E-107 at the address given above.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), in Washington, D.C.: (554-1404), outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number 2070-0012.

I. Authority

Section 5(a)(2) of TSCA authorizs EPA to determine that a use of a chemical substance is a significant new use. EPA must make this determination by rule, after considering all relevant factors, including those listed in section 5(a)(2). Once a use is determined to be a significant new use, persons must, under section 5(a)(1)(B), submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. Such a notice is generally subject to the same statutory requirements and procedures as a premanufacture notice (PMN) submitted under section 5(a)(1)(A). In particular, these include the information submission requirements of section 5(d)(1) and section 5(b), certain exemptions authorized by section 5(h), and the regulatory authorities of section 5(e) and section 5(f). If EPA does not take regulatory action under sections 5, 6, or 7 to control a substance on which it has received a SNUR notice, section 5(g) requires the Agency to explain its reasons for not taking action in the **Federal Register.** Substances covered by proposed or final SNURs are subject to the export reporting requirements of TSCA section 12(b). EPA regulations interpreting section 12(b) requirements appear at 40 CFR Part 707. Substances covered by final SNURs are subject to TSCA section 13 import requirements. Regulations interpreting section 13 appear at 40 CFR Part 707.

II. Substances Subject to Proposed SNUR

The three substances covered by this proposed rule were the subject of PMNs. Their generic names are substituted methylpyridine (P-82-326 and P-83-237), and substituted 2-phenoxypyridine (P-83-330). These three substances are being considered together because pyridine is a moiety of each substance and an analogue of concern. The Agency believes on proposal for chemical substances having similar concerns is more efficient than separate proposals. For purposes of clarity, these substances will be referred to by their PMN numbers throughout this preamble.

III. Background of PMNs

A. Receipt of PMNs

On May 3, 1982, EPA received a PMN which the Agency designated as P-82-

326. EPA announced receipt of the PMN in the **Federal Register** of May 14, 1982 (47 FR 20852). The generic name of the substance is substituted methylpyridine. A notice of commencement of manufacture was received by EPA on January 26, 1983.

On November 16, 1982, EPA received a PMN which the Agency designated as P–83–237. EPA announced receipt of the PMN in the **Federal Register** of November 29, 1982 (47 FR 53782). The generic name of the substance is substituted methylpyridine. A notice of commencement of manufacture was received by EPA on April 14, 1983.

On December 21, 1982, EPA received a PMN which the Agency designated as P–83–330. EPA announced receipt of the PMN in the **Federal Register** of January 3, 1983 (48 FR 72). The generic name of the substance is substituted 2-phenoxypyridine. A notice of commencement of manufacture was received by EPA on April 15, 1983.

Each notice submitter claimed the following as Confidential Business Information (CBI): manufacturer identity, chemical identity, use, manufacturing process, and production volume. The generic use description for each PMN substance is as an intermediate for the production of another chemical substance. The Agency further consulted with the PMN submitters to determine if additional information could be discussed in connection with this proposal without damaging their competitive positions. They all believe that release of any additional information could endanger their competitive position. Therefore, EPA cannot present its findings in more detail.

B. Data Submitted With PMNs

The manufacturer of P–82–326 provided the following acute health effects data: single dose acute oral LD_{50} [130–250 mg/kg (rat)]; eye irritation [swelling, discharge, and redness (rabbit)]; single dose acute dermal LD_{50} [280 mg/kg (rabbit)]; repeated skin irritation [redness, swelling, and exfoliation (rabbit)]. In addition, the manufacturer provided the following ecotoxicity effects data: LC_{50} 0.25 ppm (48 hr; Daphnia); and LC_{50} 0.37 ppm (96 hr; fathead minnow).

The manufacturer of P–83–237 provided the following acute health effets data: single dose acute oral LD_{50} [500–1,000 mg/kg (rat)]; eye irritation [slight (rabbit)]; single dose acute dermal LD_{50} [1,000–2,000 mg/kg (rabbit)]; repeated skin irritation [non-irritating (rabbit)]; acute inhalation LC_{50} [1,038 ppm, after 1.5 hours (rat)]. In addition, test data submitted with the PMN indicate that the 48-hr LC_{50} in Daphnia is 31.9 ppm, and the 96-hr LC_{50} in fathead minnows is 13.4 ppm.

The manufacturer of P–83–330 provided the following acute health effects data: single dose acute oral LD_{50} [>3,500 mg/kg (rat)]; eye irritation [marked discomfort; marked conjunctival irritation; moderate corneal haziness; eye irritation still present 21 days following exposure (rabbit)]; single dose acute dermal LD_{50} [>2,000 mg/kg (rabitt); repeated skin irritation [moderate burns; scar formation (rabbit)]. In addition, the manufacturer provided the following ecotoxicity effects data: LC_{50} 20.2 ppm (48 hr; Daphnia); and LC_{50} 13 ppm (96 hr; fathead minnow).

C. Agency Review of PMNs

1. *P–82–326 and P–83–237.* Acute toxicity data submitted by the manufacturers of P–82–326 and P–83–237 suggest that the liver and kidneys are likely target organs following oral, dermal, or inhalational exposure to these substances. Based on these data, as well as data on structural analogues, EPA concluded that the substances may cause liver and kidney effects, central nervous system (CNS) effects, and sensitization, if workers at manufacturing and processing sites do not wear adequate protective equipment during various operations.

The aquatic toxicity data on P–82–326 indicated that the substance is persistant, may bioconcentrate, and could present risks to aquatic species at less than one part per million (ppm). Thus, releases of P–82–326 may present a significant risk to the environment.

During the PMN review period, the Agency concluded that it was not concerned about exposures or releases from the uses proposed in the notice for P–82–326. Although EPA had concerns about the potential health and environmental effects of the substance, it concluded that the notice submitter's recommended personal protective equipment and manufacturing and process controls would adequately reduce dermal and inhalational exposure to this substance. In addition, EPA concluded that there would be no release to surface waters; thus, no significant risks to the environment would occur. Therefore, the Agency decided not to regulate P–82–326 under section 5(e) of TSCA, and it is now being manufactured. However, for uses resulting in significant exposures or releases, the substance may present health or environmental concerns since chronic exposures may cause adverse health effects and the substance is acutely toxic to aquatic organisms.

For P–83–237, the Agency concluded that the substance would present health concerns if adequate protective equipment were not worn. The Agency concluded that the notice submitter's recommended safety equipment and engineering controls would be necessary to reduce dermal and inhalational exposure sufficiently to provide an adequate safety margin to workers for P–83–237. As a result, EPA negotiated a Consent Order with the submitter under section 5(e) of TSCA to require engineering controls and the wearing of certain types of protective equipment during certain operations that would lower exposures to a level at which EPA would not be concerned. See Unit IV.C. of this preamble for a more detailed explanation of these controls. The Order requires the wearing of this equipment pending submission of information that would allow EPA to make a reasoned evaluation of the health effects of the substance. Such information would include 90-day (subchronic) inhalation studies in rodents and additional information on human exposures. This alternative was preferred as less burdensome than banning manufacture of the substance, pending submission of the information. After agreeing to the section 5(e) Consent Order, the manufacturer began producing the chemical.

2. *P–83–330.* During the PMN review period, the Agency concluded that, for the use and manufacturing process described in the PMN, the substance may not present health or environmental concerns. Like P–82–326 and P–83–237, EPA determined, from data on structural analogues, that chronic exposure to the substance may cause liver, kidney, and neurotoxic effects, and that acute exposure may result in sensitization. Data submitted by the manufacturer, however, indicate that this substance is of low concern with respect to potential exotocity.

The Agency believes that (1) the specific process described by the submitter, which includes a closed system and no drumming or other manual transfers, and (2) the low vapor pressure associated with the substance, would reduce potential inhalational exposure and thus, human health risks potentially associated with the substance. However, any alternative process, including manual transfers or drumming, that create a greater potential for dermal and inhalational exposures would present health concerns. Due to CBI restrictions, EPA cannot discuss these effects and the process in more detail.

Because the process controls associated with P–83–330 were expected to lead to very low exposures and releases, the Agency decided not to take action under section 5(e) or 5(f) of TSCA to control exposure or to limit production of P–893–330. The manufacturer is producing this substance and has been added to the TSCA Chemical Substance Inventory. No further reporting under section 5 is required unless a significant new use rule or section 8(a) reporting rule is promulgated.

IV. Reasons for Proposing This Rule

A. Introduction

As stated above, EPA issued a section 5(e) Consent Order to prohibit manufacture of P–83–237 unless (1) certain engineering controls and protective equipment are used by workers handling the substance, or (2) information is developed which would allow EPA to make a reasoned evaluation of the potential health effects of the substance. However, the Order by its terms applies only to the PMN submitter. Since P–83–237 was added to the TSCA Chemical Substance Inventory, another person may manufacture or process it without requiring personal protective equipment or using engineering controls. In addition, any person may manufacture or process P–82–326 or P–83–330 without using such equipment or controls. Similarly, P–83–326 could be processed under certain conditions resulting in greater releases to the environment. Such conditions may result in significant human health risks and in the case of P–82–326, adverse environmental effects.

Therefore, EPA is proposing to define use of P–82–326, P–83–237, and P–83–330 without certain engineering controls and protective equipment as a significant new use so that the Agency can review those uses before they occur. This new use rule is being promulgated to ensure that EPA is notified before significant human exposure occurs. In addition, manufacturing or processing which results in release of the substance to navigable waters is also a significant new use of P–82–326. These new uses are outlined in part C of this Unit, and will allow the Agency to review potentially significant releases of this substance to the environment before they occur.

B. Potential Adverse Effects Associated With the Substances

Based on data on pyridine and other structural analogues (whose identities are being kept confidential because they could reveal the identities of the three substances subject to this SNUR), the three substances may cause significant and progressive liver damage (which may be irreversible) in animals, depending on the amount of exposure. One of the analogues causes significant liver effects in animals and humans leading to lethalities. The inhalation dose required to elicit "minimal effects" on the liver and kidneys of rats for this analogue was 36 ppm (0.34 mg/1) in a 4-week study. In a 3-week dermal application study performed on pyridine, a no observed effect level (NOEL) for liver damage in rats was 100 mg/kg. Furthermore, pyridine, fed to rats over a two year period showed significant liver and kidney effects at 20 mg/kg. Thus, these observed effects are indicative of a potential for effects when chronic, low level exposures occur.

In addition, the substances have the potential to cause CNS and autonomic nervous system (ANS) effects in workers who handle them. This conclusion is based on data on pyridine and other structural analogues, which indicate that the CNS and ANS of rats are affected following either dermal or inhalational exposure. Clinical signs include lethargy, prostration, tremors, and convulsions. Furthermore, pyridine is a general CNS depressant and kills via its suppression of the respiratory center, as do the other analogues. However, these effects would be expected only at lethal doses.

As stated before, data submitted by the manufacturer indicate that P–82–326 is acutely toxic to daphnids and fathead minnows. The acute toxic effects observed in those studies are most likely attributable to this substance since static tests indicate that after 48 hours, 93 percent of the substance should be present in the test chamber; after 96 hours, 84 percent should be present. Thus, because the PMN substance may persist sufficiently long in the aquatic environment, it is expected to present an acute hazard to aquatic organisms. In addition, the bioconcentration factor of 1,585 for P–82–326, predicted from the partition coefficient, raises a concern for food chain transport and bioconcentration in fatty tissues.

C. Proposed Significant New Uses and Resulting Exposures

In determining what would constitute significant new uses of the three substances, EPA considered relevant information about the toxicity of the substances and likely exposures associated with possible new uses, including the four factors listed in section 5(a)(2) of TSCA. EPA considered other methods of manufacture and the possibility of increased exposures and releases relative to those described in the PMNs. In particular, EPA focused on the following factors: (1) Potential new uses of these substances; (2) the extent to which use without engineering controls and personal protective equipment would occur; and (3) the reasonably anticipated manner and methods of manufacturing, processing, and use. In addition, EPA considered the extent to which increased releases of P–82–326 might pose significant risks to the environment.

1. *Exposures.* The three substances are all manufactured in systems that are described in the PMNs as closed to the workplace environment. Furthermore, the substances are transferred mechanically to the next system for further reaction. Any manufacturing process in which the substances are drummed or manually transferred is expected to result in increased worker exposures over that of the PMN manufacturing processes.

EPA was able to identify other potential uses for these substances. However, due to cost factors and technical reasons, EPA believes that these potential uses are not likely. Rather, EPA believes that there may be a limited market for special uses for the substances. Because the identification of one or more of these new uses may reveal CBI, EPA cannot release this information. However, for the PMN uses, the Agency also feels that there is a potential for significant increase in production volumes if the end products are commercially successful.

Due to the high vapor pressures of P–82–326 and P–83–237, the Agency would be concerned if workers were not adequately protected by safety equipment. EPA concluded that the manufacturer's recommended personal protective equipment and engineering controls for P–82–326 would adequately reduce dermal and inhalational exposures. However, the Agency also concluded that uncontrolled manufacture and processing of P–83–237 may present an unreasonable risk of injury to health. Because EPA believes that the health effects and potential exposures of these two substances may be similar, EPA is defining the same new use for each substance. This new use is described below.

The Agency concluded that, for the specific process described for PMN 83–330, the manufacturer's recomended safety equipment would adequately reduce dermal, ocular, and inhalational exposures to this substance. However, because drumming, manual transfers, or manufacturing processes other than the one described in the PMN may

significantly increase these exposures, and because EPA believes the health effects of this substance are similar to those of P–82–326 and P–83–237, the Agency is designating the same significant new use for P–83–330.

Based on these considerations, EPA is defining manufacture or processing as a significant new use unless the manufacturer of processor establishes and enforces a program whereby:

a. Engineering controls on manufacturing and processing operations for the three substances are maintained as follows during drumming and undrumming:

(1) Any vapor emission released from containers is captured and vented outside the work area or back to the storage tank to avoid any direct worker exposure.

(2) Local ventilation is provided at drumming stations unless it is located outdoors where natural air circulations will provide for sufficient ventilation.

b. Inhalation controls on manufacturing and processing operations for the three substances are maintained as follows:

(1) Persons directly involved in the work operations specified below, any other persons in the immediate work area during these operations, wear a chemical cartridge respirator, approved by the National Institute for Occupational Safety and Health (NIOSH) for protection from organic vapors:

(i) All operations involving open transfer of the three substances including, but not limited to:

(A) Reactor sampling, except no respirator will be required when sampling utilizes a sampling box which encloses the sample port and is vented away from the workplace;

(B) Product packaging and unpacking, including drumming and undrumming;

(ii) All other work operations, including maintenance, and line opening operations, which present the potential for release of the substances;

(iii) Clean-up of leaks and spills involving the substances.

(2) All persons required to wear such respirators shall (i) be informed in writing of the reasons for the required equipment, and (ii) undergo respirator fitting procedures in compliance with 29 CFR 1910.134 as established by the current Occupational Safety and Health Administration (OSHA) Industrial Hygiene Field Operations Manual.

c. Dermal controls on manufacturing and processing operations for the three substances are maintained as follows:

(1) Persons directly involved in the work operations specified in Unit IV.C.1.b(1) of this significant new use definition and other potentially receiving dermal exposure, wear dermal protective equipment to prevent contact with the substances. Such types of protective equipment are determined to be impervious to the substances, and include:

(i) For reactor sampling:

(A) Impervious suit (if no vented sample boxes are provided);

(B) Impervious gloves;

(C) Face shield (if not enclosed-vented sample boxes are provided);

(D) Chemical goggles;

(i) For undrumming:

(A) Impervious suit;

(B) Impervious gloves;

(C) Face shield;

(D) Impervious boots;

(E) Chemical goggles;

(iii) For spills:

(A) Impervious suit;

(B) Impervious gloves;

(C) Impervious boots.

(2) All persons required to wear such dermal protective equipment are informed in writing of the reasons for the required equipment.

(3) Equipment may be determined to be impervious either by testing under the conditions of use, including the duration of exposure, or by evaluating the specifications supplied by the supplier of the equipment.

As an alternative to using personal protective equipment, potential manufacturers or processors may want to use a process that limits exposure to a minimal level. Such exposure controls would be described in a SNUR notice. A manufacturing process that significantly reduces exposure may reduce EPA's concerns.

2. *Releases.* In the intended use of P–82–326 as an intermediate, clean-up fluids and by products that are separated are incinerated or recycled. Scrubber fluids, containing trace amounts of the substance, are then discharged to the PMN submitter's on-site wastewater treatment plants. Because of the specific process used by the submitter, the scrubber fluids are not ultimately discharged to navigable waters. As a result, the Agency found that there were no releases to surface waters. There may also be other treatment processes unknown to the Agency that would reduce releases to a comparable level.

However, based on the aquatic toxicity concerns for P–82–326, significant releases of this substance may result in adverse effects on aquatic organisms. Such effects could occur as a result of direct releases, without prior treatment, of (1) distillation bottoms, lights or tailings from manufacture; (2) scrubber fluids; (3) streams containing any remaining amounts of the PMN substances (e.g., stripper bottoms); (4) process spills resulting from upsets; (5) streams from equipment cleaning or from maintenance, or (6) other streams containing these substances. Based on these considerations, EPA proposes to define, as a significant new use of P–82–326, "manufacturing or processing resulting in any discharge to navigable waters." This significant new use definition is designed to require reporting if any amount of the substance were released to surface water. EPA has defined "navigable waters" as the term is defined in section 502 of the Clean Water Act [33 U.S.C. 1362(7)].

Because the aquatic toxicity data for P–83–237 and P–83–330 indicate that they are not significantly toxic to aquatic species, releases of these substances to the environment after treatment at an on-site wastewater treatment plant or a publicly owned treatment works are not expected to reach levels that may present a significant hazard.

The Agency believes that "zero intentional release" of P–82–326 is achievable, for example, by incinerating all wastes. However, the Agency recognizes that releases of negligible amounts of the substance may not pose significant environmental problems and that defining the new use in the proposed manner may be overly stringent. The definition would require that anyone who wished to manufacture or process this substance and allow even negligible releases, other than accidental spills or leaks, would be subject to this SNUR.

EPA is considering other definitions of significant new uses for releases of P–82–326 to address this situation. For example, EPA could define the new use in terms of existing control technologies. Thus, the Agency could define as a significant new use: "manufacturing or processing without incinerating or recycling clean-up fluids and byproducts that are separated from the manufacturing reaction, and without sending scrubber fluids to an on-site treatment system that does not result in discharge to navigable waters, or disposal by an equivalent procedure." However, EPA believes that this definition is vague and may require further definitions of terms such as incineration, on-site treatment system, and disposal by an equivalent procedure. Furthermore, EPA believes that existing control technologies could improve in the future.

The Agency could define the new use by establishing a performance standard that specifies the maximum allowable

concentration of the substance in industrial effluents. If a manufacturer or processor intended to exceed this limit, that person would be subject to the SNUR, and would have to submit a notice so that EPA could review the releases before they occur. As discussed in the next unit, EPA believes that chronic toxicity may occur at levels 10 to 100-fold lower than acute effects. Based on the LC_{50} data of 0.25 ppm for P–82–326, and the possibility of chronic toxicity at concentrations as much as 100-fold lower, EPA could define "manufacturing or processing that results in the release of 2.5 ppb (0.0025 ppm) from industrial effluents." However, this approach would require the monitoring of releases, thus increasing costs. Furthermore, the determination of permissible levels may pose problems because, in the absence of sufficient data, EPA is unable to determine a "safe" environmental level. In addition, a maximum allowable concentration could also be specified for surface waters in the vicinity of the source of the release.

In order to capture the Agency's concern for releases of P–82–326, EPA considered defining manufacturing or processing over a certain production volume as a significant new use of this substance. For example, based on the process described in the PMN, it could be assumed that manufacture of a certain volume is likely to result in a given release. However, in this case, EPA cannot accurately predict releases based solely on production volumes. EPA believes, for example, that different manufacturing processes or engineering controls could result in different amounts of releases. Therefore, EPA has decided not to define a certain production volume as a significant new use of these substances.

EPA requests comments on significant new uses of these types and the feasibility of specifying control technology as well as concentrations that should be used if the Agency employs an alternative new use description of this type.

D. Potential Risks to Health and the Environment of the Substances

EPA believes that unprotected workers may experience siginificant risks of adverse effects to the liver, kidney, and nervous system when exposed to P–83–237 during its intended use. This conclusion is based on the potential workplace air concentration of 52 mg/m^3 (5.4 ppm), which the Agency estimated for this substance without any controls in the use described in the PMN. The Agency also found that this airborne concentration could lead to exposures of 10.4 to 15.6 g/yr. The wearing of the equipment and the use of the engineering controls as specified in the section 5(e) Consent Order are expected to reduce potential doses of this substance to a level that likely would result in no significant risks to humans, both in the PMN use and in other uses; calculated exposure levels range from negligible amounts to 0.36 mg/yr, if these controls are used and this equipment is worn. EPA also believes that, due to the similar health concerns of P–82–326 and P–83–330 to those of P–83–237, use of the same type of personal protective equipment and engineering controls would also reduce potential doses of these substances to levels that may result in no significant risks.

EPA has concluded that greater releases of P–82–326 may present some aquatic toxicity risk, at least at discharge points. This conclusion is based on the expectation that "end-of-the-pipe" discharges for various on-site wastewater treatment plants could exceed the reported LC_{50} values for this substance for Daphnia and fathead minnows. Aquatic toxicity data submitted by the manufacturer of P–82–326 indicate that this substance is highly toxic to Daphnia and fathead minnows. Without prior treatment, discharges from a wastewater treatment facility, for a 1,000 kg production volume (the actual production volume is CBI) are estimated to be <1 ppm. An additional 10- to 20-fold dilution can reasonably be expected to occur in the aquatic environment. However, even if actual concentrations in receiving waters are lowered to between <0.1 and <0.05 ppm by such dilutions or treatment, a chronic aquatic toxicity risk is still present since chronic effects may occur at levels 10- to 100-fold lower than those causing acute effects.

Aquatic organisms in the vicinity of other plants that release this substance may experience both acute and chronic aquatic toxicity risks. EPA has determined that using on-site wastewater treatment facilities and based on dilution only, the release could range from <1 to 73 ppm of P–82–326. An additional 10- to 20-fold dilution in the environment would result in concentrations potentially ranging between 0.05 and 7.3 ppm. This range clearly includes the observed LC_{50} values for this substance, and environmental concentrations at the upper end of this range may result in signifiant acute and chronic aquatic toxicity risks.

EPA does not have the same aquatic toxicity concern for P–83–237 and P–83–330 because data on these substances show that they are harmful to aquatic organisms at much higher levels than P–82–326.

V. Recordkeeping Requirements

To ensure compliance with the rules and to assist enforcement efforts, EPA is proposing that the following records be maintained for 5 years after the date of their creation, by persons who manufacture or process any of the substances subject to the rule.

1. The names of persons required to wear respirators or dermal protective equipment.

2. The dates and descriptions of leaks and spills involving the substances.

3. The names of persons who participate in manufacturing and processing operations e.g., drumming, undrumming, sampling, packaging, unpacking, and clean-up.

4. Respirator fit tests for each person required to wear a respirator.

5. Determinations that personal protective equipment is impervious to the substances.

This proposed requirement is expected to encourage compliance with the rule when promulgated and to support EPA's enforcement efforts. The Agency considered omitting recordkeeping requirements, but believes compliance monitoring for this SNUR would be made more difficult. One alternative being considered by the Agency would require recordkeeping by all persons importing, manufacturing, or processing a chemical substance subject to a TSCA 5(e) Order, in any fashion which does not constitute a significant new use, but such an alternative would not cover P–82–326 and P–83–330, which were not subject to an order.

EPA believes that recordkeeping is necessary to effectively implement and enforce the requirements of the SNUR. EPA also believes that two TSCA authorities support the recordkeeping proposed in this rule. First, EPA believes there is inherent authority in section 5 of TSCA to require the keeping of records reasonably necessary to implement the mandate of section 5. EPA has already exercised this authority in the PMN rule recordkeeping requirements (see 40 CFR 720.78). Clearly, there is no way to determine whether a manufacturer or processor is undertaking a new use of the type proposed in this rule unless the manufacturer or processor is required to keep records of its activities to show that the new use has not occurred. Otherwise, EPA would not be able to determine whether a violation has occurred unless the manufacturer or processor was caught in the act.

Second, section 8(a) of TSCA provides broad authority for EPA to require manufacturers and processors of chemical substances to keep records. Generally a section 8(a) recordkeeping requirement does not apply to small manufacturers and processors, but in this case for P-83-237 a section 5(e) Order is in effect. Thus, under section 8(a)(3)(A)(ii) of TSCA, EPA can require recordkeeping by small manufacturers and processors of P-83-237 as well. However, by its own terms, the section 5(e) Order will automatically be revoked when the SNUR goes into effect. EPA chose to write this and other section 5(e) Orders in this fashion to ensure that original PMN submitters would be treated in the same manner as other manufacturers and processors once the SNUR is in effect.

By its terms, the section 5(e) Order will automatically be revoked on the effective date of the final SNUR. EPA believes that revocation of the section 5(e) Order after the SNUR and is accompanying section 8(a) recordkeeping requirements go into effect would not invalidate the recordkeeping requirement for small manufacturers and processors. Congress clearly believed that small businesses should be subject to section 8(a) when the particular chemical substance in question was the subject of specific regulatory actions and findings. In this case, the "may present an unreasonable risk" finding in the section 5(e) Order would remain valid even though the Agency had revoked the Order for administrative reasons.

As an alternative to the recordkeeping requirements in paragraph (b) of the proposed rule, EPA is considering making failure to keep certain records a significant new use. Thus, 90 days before any manufacturer or processor could cease keeping the specified records, it would be required to submit a notice to EPA. Any person who failed to keep the records without having notified EPA would be in violation of section 5 of TSCA and of the rule.

EPA solicits comments on the recordkeeping requirements and the rational for such recordkeeping.

VI. Persons Subject to SNUR Notice Requirements

In some past proposed SNURs, the Agency has determined that requiring both manufacturers (including importers) and processors to submit SNUR notices may result in duplicative information and cause an unnecessary burden on industry. Therefore, the Agency proposed to allow manufacturers and processors to decide which party should submit what information to EPA so long as all appropriate information was submitted. The approach would certainly be appropriate where the significant new use occurs downstream from the manufacturer or processing operations. However, for these three substances, the exposure and hazard concerns involve workers in the manufacturing and processing operations and the proposed new uses are in the actual manufacturing and processing as opposed to a marketable end product. Therefore, the points and levels of exposure and the number of persons exposed will be unique to each manufacturer and processor. To assess the effects resulting from these significant new uses, the Agency proposed requiring any person who intends to manufacture or process any of the three substances for a defined significant new use to submit a SNUR notice.

Using this approach, if a person plans to manufacture any of these substances without the designated protective equipment, that person would be required to submit a SNUR notice. If a person used the designated protective equipment in manufacturing any of these substances, but then planned to process the substances without using the designated protective equipment, that person would be required to submit a SNUR notice. If a person used the designated protective equipment in manufacturing any of these substances and then sold the substance to a person who planned to process the substance without using the designated protective equipment, the processor would be responsible for submitting a SNUR notice. However, EPA is proposing that only one be required to submit a notice and that person would be the one most familiar with the exposures resulting from the new use, the processor in this situation. In situations where the manufacturer/importer also has information important to EPA's risk assessment, the Agency would encourage the persons to make a joint submission to provide complete information. In this situation, if the notice submitter did not have complete information about the significant new use and another person did not submit that information in a joint submission, EPA could take action under section 5(e) to regulate the new use pending submission of the information. In situations where it is not clear who should submit a notice, the Agency encourages potential SNUR notice submitters to consult EPA prior to submitting a notice.

VII. Applicability of Proposal to Uses Occurring Before Promulgation of Final Rule

EPA recognizes that since the chemical substances proposed to be subject to this SNUR have been added to the Inventory, they may be manufactured or processed for "significant new uses" as defined in this proposal before promulgation of the rule. The statute and its legislative history do not make clear whether uses occurring after proposal but before promulgation are to be considered "new uses" subject to SNUR notification. However, EPA believes that the intent of section 5(a)(1)(B) of TSCA can be best served by determining whether a use is "new" or "existing" as of the proposal date of the SNUR. If EPA considered uses commenced during the proposal period to be "existing" rather than "new" uses, it would be almost impossible for the Agency to establish SNUR notice requirements since any person could defeat the SNUR by initiating the proposed significant new use before the rule becomes final. This is contrary to the general intent of section 5(a)(1)(B).

Thus, under this statutory interpretation, if any of these substances are manufactured or processed between proposal and promulgation for a proposed "significant new use," the Agency will still consider the use to be "new" if it is retained in the final rule. EPA recognizes that this interpretation may disrupt commercial activities of persons who commenced manufacture or processing for a "significant new use" during the proposal period. However, this proposal puts them on notice of that potential disruption, and they proceed at their own risk. The agency specifically requests comments on ways to minimize this disruption.

VIII. Procedures for Informing Persons of the Existence of This Significant New Use Rule

The final rule will be published in the **Federal Register** and codified in the Code of Federal Regulations (CFR). While this will provide legal notice of the rule, EPA also intends to publish information concerning final SNURs in the TSCA Chemicals-in-Progress Bulletin, published by the TSCA Assistance Office of EPA's Office of Toxic Substances. EPA may also use the TSCA Chemical Substance Inventory to inform persons of the existence of final SNURs through footnotes to the chemical identities of substances subject to SNURs. The footnotes would refer to an Inventory Appendix which

would give a Federal Register or CFR citation of the SNUR. As a variation of this approach, the Agency is considering publishing a list of substances subject to SNURs as an Inventory Appendix.

Any person who intends to manufacture or process a substance for the first time would check the Inventory to determine if the substance is listed. If the person found that the substance is on the Inventory, but subject to a SNUR, he could determine whether he would be subject to reporting by contacting EPA or reviewing the rule. Because an updated Inventory is only published periodically, manufacturers and processors would also rely on the Federal Register and the TSCA Chemicals-in-Progress Bulletin. Since EPA maintains a current copy of the Inventory, any questions could be resolved by consulting EPA.

Determining whether a chemical substance is subject to a SNUR is more difficult when the identity of the chemical substance involved is confidential. In this case, the chemical identity of each of the three substances was claimed confidential in the PMNs. EPA is proposing to keep the specific identities of these three substances confidential in the final rule. The substances would be referred to by their generic chemical names. In printed versions of the Inventory, there would be a footnote indicating that some chemical substances masked by the generic names are subject to a SNUR.

EPA is proposing that any person proposing to manufacture, import, or process a chemical substance within one of these generic names would be able to ask EPA whether the chemical substance is subject to the SNUR. To make such a request, the person would have to show EPA that the person has a *bona fide* intent to manufacture or process the substance in question. The process proposed for doing so is very similar to that for manufacturers and importers to show a *bona fide* intent to manufacture or import under 40 CFR 710.7(g)(2) of the Inventory Reporting Rules and 40 CFR 720.25(b)(2) of the Premanufacture Notification Rules as published in the Federal Register of May 13, 1983 (48 FR 21722). EPA would evaluate the SNUR inquiry under the same criteria and would answer the inquiry by either informing the requester that the substance is or is not subject to the SNUR or informing the requestor that it has not furnished enough information to show a *bona fide* intent to manufacture or process the substance in question. (If a manufacturer or importer makes an inquiry under either § 710.7(g) of the Inventory Reporting Rules or § 720.25(b) of the Premanufacture Notification Rules and EPA informs the requestor that the substance is not on the Inventory, EPA will also inform the manufacturer or importer whether the substance is subject to a SNUR.)

This procedure would allow manufacturers, importers, and processors to determine whether they are subject to the rule while protecting CBI from unnecessary disclosure. An alternative approach would be to publish the specific chemical identities of the substances in the final rule. EPA is particularly interested in comments on these approaches and any further alternatives.

EPA believes that all manufacturers and most processors will know the identities of the substances they manufacture or process and therefore can follow the above procedures. EPA recognizes, however, that some processors may not know the identity of substances they process and, as a result, may not know they are required to submit a SNUR notice. At the same time, manufacturers do not always know what their processor/customers do with substances supplied to them. Therefore, EPA has identified several alternative approaches to address liability of manufacturers, importers, and processors of substances subject to a SNUR.

First, EPA could hold manufacturers and importers of these three substances responsible if any of their customers process one of the substances without using the worker controls, and if a SNUR notice has not been submitted, even if the manufacturer or importer did not know that the customer intended to process the substance for a significant new use. Manufacturers and importers would avoid liability in this situation by informing each of their customers in writing, and by maintaining records that verify each such customer notification that the substance is subject to this SNUR; that variation from the exposure limiting procedures would require the processor to submit a SNUR notice; and that failure to do so would result in a violation of TSCA and subject the processor to possible civil or criminal penalties. If the manufacturer or importer has reason to believe that a customer is processing the substance without using the worker controls before submiting a SNUR notice, the manufacturer or importer would be required to immediately cease sales of the substance to the customer and to notify EPA enforcement authorities to avoid liability. The manufacturer or importer could not resume sales of the substance to that customer until a SNUR notice had been submitted by the manufacturer or importer, or by the customer, and the notice review period had run without regulatory action by EPA. If the manufacturer or importer does not notify a processor that the substance is subject to this SNUR, the Agency would hold the manufacturer or processor liable.

Second, EPA could hold processors responsible if they process one of these substances for a significant new use without submitting a SNUR notice, even if they did not know the identity of the substance or that the substance was subject to a SNUR. However, processors would avoid liability in this situation by asking their suppliers to certify in writing whether the substance is subject to a SNUR, receiving a negative response, and maintaining records of each negative response. EPA believes that many processors ask suppliers to certify that chemical substances that they purchase of unknown identity are on the Inventory. Therefore, the Agency believes that processors can similarly ask suppliers whether substances are subject the SNUR notice requirements. This alternative is consistent with the reporting alternative above in which EPA proposes to require submission by person who permit the exposures covered by this significant new use rule.

Third, EPA could require manufacturers and processors of any of these substances to notify, through a label or otherwise, any person to whom they distribute any of the substances that the substances are subject to this SNUR. EPA could accomplish this in one of two ways. EPA believes that, were necessary, there is inherent authority in section 5(a)(2) of TCSA to require such notification since lack of notification would impair compliance with the rule. In addition, EPA could define distribution of these substances without a notification as a significant new use; before anyone could distribute the substances without providing notification, they would have to submit a SNUR notice of EPA.

The Agency specifically requests comments on these three approaches as well as on other approaches to ensure that SNUR notice requirements are followed.

IX. Required Information

A. General

The Agency proposes that SNUR notice submitters use the premanufacture notice form and follow the PMN regulations published in the

Federal Register of May 13, 1983 (48 FR 21722).

EPA urges SNUR notice submitters to provide detailed information on human exposure or environmental release that will result from the significant new use. In addition, EPA urges persons to submit information on potential benefits of the substances and information on risks posed by the substances compared to risks posed by their substitutes.

B. Test Data

Persons required to submit a SNUR notice must decide what test data, if any, to develop. EPA recognizes that under TSCA section 5, a person is not required to develop any particular test data before submitting a notice. Rather, a person is only required to submit test data in his possession or control, and to describe any other data known to or reasonably ascertainable by him. However, in view of the potential health and environmental risks that may be posed by the significant new uses of these three substances, EPA encourages possible SNUR notice submitters to conduct tests that would allow a more reasoned evaluation of each substance's potential to elicit liver, kidney, and nervous system toxicity in humans. A more reasoned evaluation of liver, kidney, and nervous system toxicity could be made using data generated in a 90-day (subchronic) inhalation study in the rodent. In addition to the environmental tests that have been conducted on P–82–326, the Fish Bioconcentration Test (Environmental Effects Test Guidelines; EPA 560/6–82–002; PB82–232992) should be conducted to verify its bioconcentration potential. Furthermore, the Daphnia Chronic Toxicity Test and the Fish Early Life Stage Toxicity Test (EPA 560/6–82–002; PB82–232992) should be conducted to determine the NOEL for P–82–326. Depending on EPA's calculations of the risks involved, if a SNUR notice is submitted for any of the subject substances without such test data, or other information to demonstrate that exposure is adequately controlled by means other than those specified in these proposed significant new uses, EPA could take action under section 5(e) similar to that already taken for the PMN submitter.

Any testing should be conducted according to good laboratory practices and through the use of methodologies acceptable to the Agency. Failure to do so may lead the Agency to find such data to be insufficient to reasonably evaluate the health or environmental effects of these substances.

As part of an optional prenotice consultation, EPA will discuss the test data or other information it believes necessary to evaluate a significant new use of the subject substances. EPA encourages persons to consult with the Agency before selecting a protocol for testing the substances.

X. EPA Review of notice

EPA proposes to review SNUR notices the same way it reviews premanufacture notices and to subject such notices to the procedures appearing in the PMN rule. EPA will issue a summary of each notice in the **Federal Register** under section 5(d)(2). The review period for the notice will run 90 days from EPA's receipt of the notice. Under section 5(c), this period may be extended up to an additional 90 days for good cause. The submitter may not manufacture, import, or process the substance for the significant new use until the review period, including extensions, has expired.

The Agency may regulate the substance during the review period. If a significant new use notice is submitted for a chemical substance without information sufficient to judge the toxicity and exposure potential of the substance, EPA may issue a section 5(e) order limiting or prohibiting the new use until sufficient information is developed. In addition, section 5(f) authorizes EPA to prohibit a significant new use that presents or will present an unreasonable risk to health or the environment. Section 4(a) authorizes EPA to require testing on substances to develop data on health or environmental effects. EPA may also refer information in a SNUR notice to other EPA offices and other Federal agencies. If EPA does not take action under sections 4, 5, 6, or 7 to control a substance on which it has received a significant new use notice, section 5(g) requires the Agency to explain in the **Federal Register** its reasons for not taking action.

XI. Modification of Reporting Requirements

The Agency believes that there may be circumstances that will lead to modification of the new use descriptions. When a significant new use notice is submitted, EPA will review the use to determine whether any regulatory action is necessary. If after review, EPA allows the use to occur, the use arguably should not be subject to further reporting. EPA will consider amending the SNUR to modify or eliminate the new use description if the Agency decides that a change is warranted or that further notice of that use under a SNUR is not warranted. EPA may also amend the SNUR to eliminate or modify other use descriptions if it determines, based on any data available to EPA, that a substance no longer presents health or environmental concerns for those uses.

XII. Proposed Rule Language

This proposed rule is structured as follows. The chemicals are identified in paragraph (a) and the significant new uses are defined in paragraph (b) of this proposal. Paragraph (c) contains recordkeeping requirements. In paragraph (d) EPA proposes definitions applicable to this section. Paragraph (e) sets forth procedures for determining whether a substance is subject to the rule. Paragraph (f) describes the persons who must report. The notice requirements and procedures for reporting under this proposal are stated in paragraph (g). Paragraph (h) clarifies which exemption of TSCA section 5(h) applies in this SNUR. Test Marketing Exemptions (TMEs) under TSCA section 5(h)(1) generally apply in SNURs. However, in this case, the proposed significant new uses involve the actual manufacture and process operations as opposed to a marketable end use. Therefore, the Agency believes that TMEs do not apply in this case. Manufacture or processing without the use of designated protective equipment is not a use for which there is a market, and therefore, a market cannot be tested. In paragraph (i) the Agency has described enforcement provisions applicable to this rule.

EPA invites comments on all aspects of this proposed rule language.

XIII. Enforcement

It is unlawful for any person to fail or refuse to comply with any provision of section 5 or any rule promulgated under section 5. Manufacture or processing of chemical substances for a significant new use, without prior submission of a SNUR notice, would be a violation of section 15.

Section 15 of TSCA also makes it unlawful for any person to:

1. Use for commercial purposes a chemical substance or mixture which such person knew or had reason to know was manufactured, imported, or processed in violation of a SNUR.

2. Fail or refuse to permit entry or inspection as required by section 11.

3. Fail or refuse to permit access to or copying of records, as required by TSCA.

Violators may be subject to various penalties and to both criminal and civil liability. Persons who submit materially misleading or false information in connection with the requirement of any provision of a SNUR may be subject to

penalties calculated as if they never filed their notices. Under the penalty provision of section 16 of TSCA, any person who violates section 15 could be subject to a civil penalty of up to $25,000 for each violation. Each day of operation in violation could constitute a separate violation. Knowing or willful violations of a SNUR could lead to the imposition of criminal penalties of up to $25,000 for eacy day of violation and imprisonment for up to one year. Other remedies are available to EPA under sections 7 and 17 of TSCA such as seeking an injunction to restrain violations of a SNUR and the seizure of chemical substances manufactured or processed in violation of a SNUR.

Individuals, as well as coporations, could be subject to enforcement actions. Sections 15 and 16 of TSCA apply to "any person" who violates various provisions of TSCA. EPA may, at its discretion, proceed against individuals as well as companies. In particular, EPA may proceed against individuals who report false information or cause it to be reported.

XIV. Analyses and Assessments

A. Economic Analysis

The Agency has evaluated the potential costs of establishing significant new use reporting requirements for these substances. The economic analysis of the possible outcomes as a result of the promulgation of this SNUR is summarized below.

The only direct costs that will definitely occur as a result of promulgation of this SNUR will be EPA's costs of issuing and enforcing the SNUR. It is estimated that the Agency costs of issuing the SNUR are $42,150.

Subsequent to proposal and promulgation of the SNUR, the Agency believes there are four possible outcomes for firms that would manufacture or process the substances. They could (1) produce any of the substances with certain protective equipment in place and engineering controls and therefore not trigger the SNUR; (2) file a SNUR notice with information showing that other methods of controlling exposures will mitigate EPA's concerns; (3) file a SNUR with the results of recommended testing completed or be subject to a potential section 5(e) order requiring the testing; or (4) not manufacture or process any of the substances because of the restrictions imposed by the SNUR. The costs of these outcomes are summarized below.

If a company decides to produce any of the substances under the terms of the SNUR, it will not incur the cost of submitting a SNUR notice. The only cost to the company will be the cost of the engineering controls, protective equipment (including a test for impermeability), and recordkeeping requirements. The net present value of the cost of providing engineering controls (including initial investment and annual operating costs) is $2,875 per substance. The net present value of the cost of providing protective equipment (face shield, goggles, impervious gloves, boots, suit, and chemical cartridge respirators) over a 10-year period for 5 workers exposed to each substance is $10,829 per substance. The net present value of the cost of providing respirator fit testing over a 10-year period for 5 workers ranges from $2,100 to $2,500 per substance, or an average of $2,300. The cost of a test that determines imperviousness for the protective clothing is $350 per substance (the total cost depends upon the number of materials which have to be tested.

The Agency is also proposing that certain records be maintained to insure compliance with this proposed rule and to assist enforcement efforts. The net present value for these reporting requirements is $1,940 per substance.

Each company will also incur the cost of controlling releases to navigable waters for P–82–326. EPA has not estimated the costs of waste treatment processes. However, these costs may be prohibitive unless the manufacturer already has the necessary equipment in place. EPA will incur only enforcement costs once the SNUR has been promulgated.

In some circumstances it could be cost effective for a company to file a SNUR notice with data which show that other means of controlling exposures or wastes could mitigate EPA's concerns. In this case the company incurs the cost of filing the SNUR notice ($1,375 to $7,950) and possibly the cost of some controls which ordinarily would not be used without the existence of the SNUR. EPA costs following proposal of the SNUR under this outcome would include reviewing the SNUR notice ($6,865) and modifying the terms of the SNUR ($8,430) if the information provided showed that EPA's concerns would be adequately addressed by use of a different type of exposure controls.

It is possible that a company could file a SNUR notice which would include the test results that address EPA's concerns. A company would incur the cost of filing a notice ($1,375 to $7,950), peforming the tests ($115,000 to $191,000 for P–82–326 and $104,000 to $168,000 each for P–83–237 and P–83–330), the cost of delay (probably a delay in profits of 0.5 to 1.5 years), and recordkeeping requirements ($1,940). Depending upon the outcome of the tests, EPA may still require controls through subsequent regulatory actions. The subchronic toxicity studies are more expensive than the cost of personal protection clothing and equipment and are therefore not a likely outcome. P–83–326 may be tested for aquatic toxicity ($11,000 to $22,800) if a firm does not have the waste treatment facilities to satisfy the conditions of the SNUR.

Some companies could find the cost of controlling exposures too expensive to justify production or processing. Under this outcome a company would not incur any direct costs as a result of the SNUR. The company and society could then lose benefits that would have been derived from the manufacture or processing of any of the substances. However, the fact that the submitters of P–82–326 and P–83–330 intend to produce the substances with the protective equipment in place and the submitter of P–83–327 intends to produce the substance with the protective equipment and waste treatment facilities and processes in place indicates that at least some uses of the substances return an acceptable profit.

RPA has not attempted to quantify the benefits of the proposed rule or the outcomes. In general, benefits will accrue if the proposed action leads to the identification and control of unreasonable risk before significant health effects can occur. The promulgation of the SNUR provides the benefits or reduced health risks until production or processing ceases. Furthermore, these benefits would continue regardless of the outcome chosen by industry in response to the SNUR.

B. Regulatory Assessment Requirements

1. *Executive Order 12291.* Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "Major Rule" because it does not have an effect on the economy of $100 million or more and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the annual cost of this rule, EPA believes that the cost will be low. Even if EPA received 25 SNUR notices, and each submitter performed the recommended testing, the direct cost of the proposal would be under $100 million. In addition, because of the nature of the rule and the substances subject to it, EPA believes that there will be few significant new use notices submitted. Further, while the expense of a notice and the uncertainty

of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation which has high potential value.

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

2. *Regulatory Flexibility Act.* Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small businesses. The Agency has not determined whether other parties affected by this proposed rule are likely to be small businesses. However, EPA believes that the number of small businesses affected by this rule would not be substantial even if all the potential new uses were developed by small companies. EPA expects to receive few SNUR notices for the substances. The Agency expects that one of the first notice submitters will test the substances as suggested earlier. With these data, EPA would be able to evaluate the risks posed by the substances in these uses and, if necessary, take action to control those risks. At that time, the Agency presumbly would repeal the SNUR. Therefore, even if all SNUR notices are submitted by small businesses, only a few small businesses will be directly affected by the proposal. In addition, the cost of the testing that may be encouraged by this proposal should not have a major impact on a small business that may want to use these substances as suggested in this proposal.

3. *Paperwork Reduction Act.* Information collection requirements and recordkeeping requirements contained in this proposed rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control 2070–0012.

XV. Confidential Business Information

Any person who submits comments which the person claims as confidential business information must mark the comments as "confidential," "trade secret," or other appropriate designation. Any comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR Part 2. EPA requests that any person submitting confidential comments prepare and submit a sanitized version of the comments which EPA can place in the public file.

XVI. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OTS–50506). The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received. The record now includes the following categories of information:

1. The PMNs for these three substances.
2. The **Federal Register** notices of receipt of the PMNs.
3. The Significant New Use Rule for the substances.
4. The toxicity support document for the Section 5(e) Order.
5. The section 5(e) Order.
6. The toxicity support documents for the Significant New Use Rule.
7. The economics support document for the Significant New Use Rule.

A public version of this record containing sanitized copies from which CBI has been deleted is available to the public in the OTS Public Information Office, from 8:00 a.m. to 4:00 p.m., Monday through Friday except legal holidays. The Public Information Office is located in Rm. 107, East Tower, 401 M St., SW., Washington, D.C. EPA will identify the complete rulemaking record by the date of promulgation. The Agency will accept additional materials for inclusion in the record at any time between this notice and designation of the complete record. The final rule will also permit persons to point out any errors of omissions in the record.

(Sec. 5, Pub. L. 94–469, 90 Stat. 2012 (15 U.S.C. 2604))

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: January 19, 1984.

William D. Ruckelshaus,

Administrator.

PART 721—[AMENDED]

Therefore, it is proposed that proposed Part 721 of Chapter I of Title 40 be amended by adding § 721.260 to read as follows:

§ 721.260 Substituted Methylpyridine and Substituted 2-Phenoxypyridine.

This section identifies activities with respect to three chemical substances which EPA has determined are "significant new uses" under the authority of section 5(a)(2) of the Toxic Substances Control Act. In addition, it specifies the procedures for reporting on the chemical substances.

(a) *Chemical substances subject to reporting.* (1) The chemical substances known generically as: substituted methylphyridine (P–82–326, P–83–237) and substituted 2-phenoxypyridine (P–83–330) are subject to reporting under this section for the significant new uses described in paragraph (b) of this section.

(2) [Reserved]

(b) *Significant new uses subject to reporting.* (1) Manufacturing or processing of substituted methylpyridine (P–82–326) resulting in any discharge of this substance to navigable waters.

(2) Manufacturing or processing of substituted methylpyridine (P–82–326, P–83–237) or substituted 2-phenoxypyridine (P–83–330) unless the manufacturer or processor establishes and enforces a program whereby:

(i) Engineering controls on manufacturing and processing operations for the three substance are maintained as follows:

(A) During drumming and undrumming:

(*1*) Any vapor emissions released from containers are captured and vented outside the work area or back to the storage tank to avoid any direct worker exposure.

(*2*) Local ventilation is provided at drumming stations unless they are located outdoors where natural air circulation will provide for sufficient ventilation.

(B) [Reserved]

(ii) Inhalation controls on manufacturing and processing operations for the three substances are maintained as follows:

(A) Persons directly involved in the work operations specified below, and any other persons in the immediate work area during these operations, wear chemical cartridge respirators, approved by the National Institute for Occupational Safety and Health (NIOSH) for protection from organic vapors:

(*1*) All operations involving open transfer of the three substances including, but not limited to:

(*i*) Reactor sampling, except no respirator will be required when sampling utilizes a sampling box which encloses the sample port and is vented away from the workplace.

(*ii*) Product packaging and unpacking, including drumming and undrumming.

(*2*) All other work operations, including maintenance, and line opening operations, which present the potential for release of the substances;

(3) Clean-up of leaks and spills involving the three substances.

(B) All persons required to wear such respirators are (1) informed in writing of the reasons for the required equipment, and (2) undergo respirator fitting procedures in compliance with 29 CFR 1910.134 as established by the current Occupational Safety and Health Administration (OSHA).

(iii) Dermal controls on manufacturing and processing operations for the three substances are maintained as follows:

(A) Persons directly involved in the work operations specified in paragraph (b)(2)(ii)(A) (1) through (3) of this section and other persons potentially receiving dermal equipment are determined to be impervious to the substances and include:

(1) For reactor sampling:
(i) Impervious suit (if no vented sample boxes are provided);
(ii) Impervious gloves;
(iii) Face shield (if no enclosed-vented sample boxes are provided);
(iv) Chemical goggles;
(2) For undrumming:
(i) Impervious suit;
(ii) Impervious gloves;
(iii) Face shield;
(iv) Impervious boots;
(v) Chemical goggles;
(3) For spills:
(i) Impervious suit;
(ii) Impervious gloves;
(iii) Impervious boots.

(B) All persons required to wear such dermal protective equipment are informed in writing of the reasons for the required equipment.

(C) Equipment may be determined to be impervious either by testing under the conditions of use, including the duration of exposure, or by evaluating the specifications supplied by the supplier of the equipment.

(c) *Recordkeeping requirements.* The following records shall be maintained for 5 years after the date of their creation, by persons who manufacture or process any of the three substances.

(1) The names of persons required to wear respirators or dermal protective equipment.

(2) The dates and descriptions of leaks and spills involving the substances.

(3) The names of persons who participate in manufacturing and processing operations, e.g., drumming, undrumming, sampling, packaging, unpacking, and clean-up.

(4) Respirator fit tests for each person required to wear a respirator.

(5) Determinations that personal protective equipment is impervious to the substances.

(d) *Definitions.* Applicable definitions in section 3 of the Act, 15 U.S.C. 2602, apply to this section. Applicable definitions in § 720.3 of this chapter apply to this section. In addition, the following definitions apply:

(1) "Process for commercial purposes" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce with the purpose of obtaining an immediate or eventual commercial advantage for the processor. Processing of any amount of a chemical substance or mixture is included. If a chemical or mixture containing impurities is processed for commercial purposes, then those impurities are also processed for commercial purposes.

(2) "Navigable waters" has the meaning set forth in section 502(7) of the Clean Water Act (33 U.S.C. 1362(7)).

(e) *Determining whether a chemical substance is subject to this section.* (1) A person who intends to manufacture, import, or process a chemical substance which is described by one of the generic names in paragraph (a) of this section may ask EPA whether the substance is subject to this section. EPA will answer such an inquiry only if EPA determines that the person has a *bona fide* intent to manufacture, import, or process the chemical substance for commercial purposes.

(2) To establish a *bona fide* intent to manufacture, import, or process a chemical substance, the person who proposes to manufacture, import, or process the chemical substance must submit to EPA:

(i) The specific chemical identity of the chemical substance that the person intends to manufacture, import, or process.

(ii) A signed statement that the person intends to manufacture, import, or process that chemical substance for commercial purposes.

(iii) A description of the research and development activities conducted to date, and the purpose for which the person will manufacture, import, or process the chemical substance.

(iv) An elemental analysis.

(v) Either an X-ray diffraction pattern (for inorganic substances), a mass spectrum (for most other substances), or an infrared spectrum of the particular chemical substance, or if such data do not resolve uncertainties with respect to the identity of the chemical substance, additional or alternative spectra or other data to identify the substance.

(3) If an importer or processor cannot provide all the information required in paragraph (c)(2) of this section because it is claimed as confidential business information by the importer's or processor's manufacturer or supplier, the manufacturer or supplier may supply the information directly to EPA.

(4) EPA will review the information submitted by the proposed manufacturer, importer, or processor under this paragraph to determine whether it has a *bona fide* intent to manufacture, import, or process the chemical substance. If necessary, EPA will compare this information either to the information requested for the confidential chemical substance under § 710.7(e)(2)(v) of this chapter or the information requested under § 720.85(b)(3)(iii) of this chapter.

(5) If the proposed manufacturer, importer, or processor has shown a *bona fide* intent to manufacture, import, or process the substance and has provided sufficient unambiguous chemical identity information so EPA can make a conclusive determination as to the identity of the substance, EPA will inform the proposed manufacturer, importer, or processor whether the chemical substance is subject to this section.

(6) A disclosure to a person with a *bona fide* intent to manufacture, import, or process a particular chemical substance that the substance is subject to this section will not be considered public disclosure of confidential business information under section 14 of the Act.

(7) EPA will answer any inquiry on whether a particular chemical substance is subject to this section within 30 days after receipt of a complete submission under paragraph (c)(2) of this section.

(f) *Persons who must report.* Any person who intends to manufacture, import (other than as part of an article), or process the substances identified in paragraph (a) of this section for a significant new use defined in paragraph (b) of this section must submit a notice to the EPA Office of Toxic Substances in Washington, D.C. under the provisions of section 5(a)(1)(B) of the Act, Part 720 of this chapter, and this section. Any notice of import must be submitted by the principal importer.

(g) *Notice requirements and procedures.* Each person who is required to submit a significant new use notice under this section must submit the notice at least 90 calendar days before commencing a significant new use. The submitter must comply with any applicable requirement of sections 5(b) of the Act and the notice must include the information and test data specified in section 5(d)(1). The notice must be

submitted on the notice form in Appendix A to Part 720 of this chapter and must comply with the requirements of Part 720 of this chapter except to the extent that they are inconsistent with this section. EPA will process the notice in accordance with the procedures in Part 720 of this chapter except to the extent that they are inconsistent with this section.

(h) *Exemptions and exclusions.* The chemical substances identified in paragraph (a) of this section are not subject to the notification requirements of this part if:

(1) The substances are manufactured or processed only in small quantities solely for research and development if the substances are manufactured or processed in accordance with § 720.36 of this chapter.

(2) The substances are manufactured or processed only as impurities or byproducts.

(i) *Enforcement.* (1) Failure to comply with any provision of this section is a violation of section 15 of the Act (15 U.S.C. 2614).

(2) Using for commercial purposes a chemical substance or mixture which a person knew or had reason to know was manufactured, processed, or distributed in commerce in violation of this section is a violation of section 15 of the Act (15 U.S.C. 2614).

(3) Failure or refusal to permit access to or copying of records, as required by section 11 of the Act is a violation of section 15 of the Act (15 U.S.C. 2614).

(4) Failure or refusal to permit entry or inspection, as required by section 11 of the Act, is a violation of section 15 of the Act (15 U.S.C. 2614).

(5) Violators may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C. 2615) for each violation. The submission of false or misleading information in connection with the requirement of any provision of this section may be subject to penalties calculated as if they never filed their notices.

(6) EPA may seek to enjoin the manufacture or processing of a chemical substance in violation of this section or act to seize any chamical substance manufactured or processed in violation of this section or take other actions under the authority of section 7 or 17 of the Act (15 U.S.C. 2606 or 2616).

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

Petitions for Award of Costs and Expenses

AGENCY: Office of Hearings and Appeals Office of the Secretary.

ACTION: Proposed rule.

SUMMARY: The Office of Hearings and Appeals (OHA) in the Department of the Interior (DOI) proposes to revise its rules at 43 CFR 4.1290 and 4.1294 to conform with a recent decision in which the United States Supreme Court held that absent some degree of success on the merits by a claimant it is not "appropriate" for a court to award attorneys' fees. The affected rules govern petitions for the award of costs and expenses under section 525(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.* Because the proposed rules are based on a current unambiguous decision of the Supreme Court, OHA intends to make the final rules effective as of the date this Proposed Rule is published in the **Federal Register**, and applicable to pending as well as future proceedings.

DATES: OHA will accept written comments on this proposed rulemaking until 5 p.m. on March 7, 1984. Upon request, OHA will hold a public hearing on this proposed rulemaking in Washington, D.C., at 9:00 a.m. eastern standard time on March 5, 1984.

ADDRESSES: Written comments on this proposed rulemaking should be mailed or hand-delivered to the Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. If requested, the public hearing will be held in the Department of the Interior Auditorium, 18th and C Streets, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John H. Kelly, Deputy Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203; Telephone: (703) 235-3810.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Written Comments

Written comments submitted on this proposed rulemaking should be specific, should be confined to issues pertinent to the proposed revisions, and should explain the reason for any change that is recommended. Where practicable, OHA requests that commenters submit five copies of their comments. Comments received after the close of the comment period (see **"DATES"**) may not be considered or included in the Administrative Record for the final rulemaking.

Public Hearing

OHA will hold a public hearing on the proposed rulemaking on request only. The time and location scheduled for the hearing are specified previously in this notice (see **"DATES** and **ADDRESSES"**). Any person interested in making an oral or written presentation at the hearing should contact John H. Kelly (see **"FOR FURTHER INFORMATION CONTACT"**) by 5:00 p.m. eastern standard time *four working days* prior to the scheduled date of the hearing. If no one has contacted Mr. Kelly to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person expresses an interest, a public meeting rather than a hearing may be held and the results of the meeting included in the Administrative Record.

If a hearing is held, it will continue until all persons wishing to testify have been heard. To assist the transcriber and insure an accurate record, OHA requests that anyone who testifies at the hearing give the transcriber a written copy of his or her testimony. To assist OHA in preparing appropriate questions, OHA also requests that those who plan to testify submit to OHA at the address previously specified for the submission of written comments (see **"ADDRESSES"**) an advance copy of their testimony.

II. Background

Section 525(e) of SMCRA, 30 U.S.C. 1275(e), provides that "[w]henever an order is issued under this section, or as a result of any administrative proceeding under this Act, at the request of any person, a sum equal to the aggregate amount of all costs and expenses (including attorney fees) as determined by the Secretary to have been reasonably incurred by such person for or in connection with his participation in such proceedings, including any judicial review of agency actions, may be assessed against either party as the court, resulting from judicial review or the Secretary, resulting from administrative proceedings, *deems proper." (italics added).*

To establish procedures governing petitions for the award of costs and

expenses under section 525(e), OHA promulgated rules which appear at 43 CFR 4.1290–4.1296. These existing rules were proposed on April 13, 1978, 43 FR 15441; the final rules were published on August 3, 1978, 43 FR 34376.

The existing rules specify who may file for an award (§ 4.1290), the time and place for filing (§ 4.1291), the contents of a petition for an award (§ 4.1292), the time for filing an answer (§ 4.1293), who may receive an award (§ 4.1294), what may an award include (§ 4.1295), and appeals procedures (§ 4.1296). The rules do not specify criteria regarding the degree of success to be achieved for making a award. A recent decision of the United States Supreme Court in a similar statutory context, which held that an award of costs and expenses is conditioned upon a party prevailing in whole or in part in the underlying proceeding, has led OHA to conclude tentatively that it is necessary to revise its rules to include this condition.

In the case of *Ruckelshaus* v. *Sierra Club*, 463 U.S.——, 103 S. Ct. 3275 (1983), the Supreme Court interpreted section 307(f) of the Clean Air Act, 42 U.S.C. 7607(f) which provides for an award of the "costs of litigation (including reasonable attorney and expert witness fees) whenever (a court) determines that such an award is appropriate." The Court in Ruckelshaus noted that the identical "is appropriate" standard of section 307(f) of the Clean Air Act also appears in section 520(d) of SMCRA, 30 U.S.C. 1270(d), and that its interpretation of section 307(f) controls the construction of section 520(d), 463 U.S. at —— n. 1, 103 S. Ct. at 3275 n. 1. While the court did not consider the equivalence of section 307(f) and the "deems proper" standard of section 525(e) of SMCRA, it did find that the word " 'appropriate' * * * means * * * 'proper'." 463 U.S. at ——, 103 S. Ct. at 3276. Thus, it would appear that the court's interpretation of the "is appropriate" standard in *Ruckelshaus* also applies to the "deems proper" standard of section 525(e).

This reading of those terms is also supported by the legislative history of SMCRA. See the colloquy among Congressmen Seiberling, Bauman and Udall on April 29, 1977, 123 Cong. Rec. 12,877 (1977); also see H.R. Rep. No. 218, 95th Cong., 1st Sess. 90 (1977).

For these reasons, OHA proposes to revise its rules implementing section 525(e) to conform with the Court's interpretation in *Ruckelshaus* of the "is appropriate" standard.

The Court in *Ruckelshaus* concluded "that the language of [section 307(f) of the Clean Air Act], read in the light of the historic principles of fee-shifting in this and other countries, requires the conclusion that some success on the merits be obtained before a party becomes eligible for a fee award * * *." 463 U.S. at ——, 103 S. Ct. at 3276. "Hence, we hold that, absent some degree of success on the merits by the claimant, it is not 'appropriate' for a federal court to award attorneys fees. * * *" 463 U.S. at ——, 103 S. Ct. at 3281. In view of this clear holding by the Court, it is reasonable to interpret section 525(e) of SMCRA as requiring a petitioner to prevail in whole or in part, achieving at least some degree of success on the merits before an award of costs and expenses under this section may be "deem[ed] proper."

While OHA as an alternative might conform with *Ruckelshaus* by interpreting the existing rules implementing section 525(e) on a case-by-case basis in administrative proceedings, OHA has concluded that a rulemaking would give the public more effective notice than would individual administrative decisions incorporating this interpretation. Therefore, to inform the public of this interpretation of section 525(e), and to avoid any inconsistency in its application, OHA proposes to revise its rules at 43 CFR 4.1290–4.1296 accordingly.

III. Discussion of Proposed Rule

There are two sections in the current rules where revision to conform with *Ruckelshaus* is appropriate. One is § 4.1290, which provides in part that any person may file a petition for costs and expenses, including attorneys' fees. The other is § 4.1294, which provides in part that appropriate costs and expenses may be awarded to specified parties in various circumstances. Currently § 4.1290 and § 4.1294 do not contain criteria with regard to the degree of success on the merits to be achieved for such awards. In view of *Ruckelshaus*, OHA proposes to revise § 4.1290 to state explicitly that a petition for an award of costs and expenses may be filed by "[a]ny person who prevails in whole or in part, achieving at least some degree of success on the merits." Likewise, OHA proposes to revise § 4.1294 to state explicitly that eligibility *to receive* an award is "[s]ubject to the condition that the awardee shall have prevailed in whole or in part, achieving at least some degree of success on the merits." Other than these limited proposed revisions, the remainder of the rules would remain unchanged.

Because the proposed rules are based on the unambiguous decision of the Court in *Ruckelshaus*, OHA intends to make the final rules effective as of the date this Proposed Rule is published in the **Federal Register**, and applicable to both pending and future proceedings. For this reason, petitioners under 43 CFR 4.1290–4.1296 are advised to review carefully, and to conform with, the decision of the Court in *Ruckelshaus* in any petition filed for an award of attorneys' fees under section 525(e) of SMCRA.

IV. Future Rulemaking Actions

On November 20, 1980, a number of western States filed a petition for rulemaking with the Office of Surface Mining Reclamation and Enforcement (OSM) requesting repeal of 43 CFR 4.1294(b) as it applies to the States under 30 CFR 840.15. Although OSM sought public comment on the petition (46 FR 58464, December 1, 1981), the petition has not been decided. Issuance of this proposed rule is not intended to preclude further examination of OHA's rules in 43 CFR 4.1290–4.1296 governing the award of attorney's fees in view of the pending rulemaking petition, particularly the question of the waiver of sovereign immunity.

V. Procedural Matters

Federal Paperwork Reduction Act

The proposed rules do not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3507.

Executive Order 12291

The DOI has examined these proposed rules according to the criteria of Executive Order 12291 (February 17, 1981) and has determined that they are not major and do not require a regulatory impact analysis.

Regulatory Flexibility Act

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C 601 *et seq.*, that these rules will not have a significant economic impact on a substantial number of small entities.

National Environmental Policy Act

OHA has prepared a draft environmental assessment (EA) on the proposed rules and has made an interim finding that they would not significantly affect the quality of the human environment. The draft EA is on file in the OHA Administrative Record at the address listed previously (see **"ADDRESSES"**). A final EA will be completed and a final finding made on the significance of any resulting impacts prior to issuance of the final rules.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Lawyers, Surface mining.

Authority: Pub. L. 95–87, 91 Stat. 445, 30 U.S.C. 1201 *et seq.*

Accordingly, it is proposed to revise 43 CFR Part 4, Subpart L, as follows:

Dated: January 31, 1984.

J. J. Simmons III,

Under Secretary.

PART 4—DEPARTMENTAL HEARINGS AND APPEALS PROCEDURES

Subpart L—Special Rules Applicable to Surface Coal Mining Hearings and Appeals

1. Section 4.1290 is revised to read as follows:

§ 1290 Who may file.

Any person who prevails in whole or in part, achieving at least some degree of success on the merits, may file a petition for award of costs and expenses including attorneys' fees reasonably incurred as a result of that person's participation in any administrative proceeding under the Act which results in—any administrative proceeding under the Act which results in—

(a) A final order being issued by administrative law judge; or

(b) A final order being issued by the Board.

2. The introductory language of § 4.1294 is revised to read as follows:

§ 4.1294 Who may receive an award.

Subject to the condition that the awardee shall have prevailed in whole or in part, achieving at least some degree of success on the merits, appropriate costs and expenses including attorney's fees may be awarded—

* * * * *

[FR Doc. 84–3018 Filed 2–3–84; 8:45 am]

BILLING CODE 4310–10–M

Notices

Federal Register
Vol. 49, No. 25
Monday, February 6, 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

Commodity Credit Corporation

1984 Corn, Sorghum, Barley, Oats, and Rye Program; Determination Regarding the Proclamation of 1984 Crop Program Provisions for Corn, Sorghum, Barley, Oats, and Rye

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1984 crop program provisions for corn, sorghum, barley, oats, and rye.

SUMMARY: The purpose of this notice is to affirm the following determinations which have been made by the Secretary of Agriculture on September 29, 1983 with respect to the 1984 crop program provisions for corn, sorghum, barley, oats, and rye: (1) The loan and purchse levels per bushel shall be $2.55 for corn, $2.42 ($4.32 per cwt.) for sorghum, $2.08 for barley, $1.31 for oats, and $2.17 for rye; (2) the established (target) price levels per bushel are $3.03 for corn, $2.88 for sorghum ($5.14 per cwt.), $2.60 for barley, and $1.60 for oats; (3) an acreage reduction program will be in effect for feed grains with a uniform reduction of 10 percent for corn, sorghum, barley, and oats; (4) no advance deficiency payments; (5) barley producers shall be eligible for payments; (6) malting barley shall not be exempt from the feed grain acreage reduction program; (7) grazing of conservation use acreage will not be permitted during the six principal growing months; (8) the feed grain base acreage for 1984 will be the average acreage planted and considered planted to feed grains in 1982 and 1983; and (9) neither cross-compliance nor offsetting compliance shall be required. These determinations are required to be made in accordance with section 105B, 107C, and 110 of the Agricultural Act of 1949 as amended (hereinafter referred to as the "1949 Act").

EFFECTIVE DATE: September 29, 1983.

ADDRESS: Dr. Howard C. Williams, Director, Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2145, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Orville I. Overboe, Agricultural Economist, Analysis Division, ASCS–USDA, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447–4417. The Final Regulatory Impact Analysis describing the options considered in developing this notice of determination is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been designated as "major". It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance programs to which this notice applies are: TITLE—Feed Grain Production Stabilization: Number 10.055 and TITLE—Commodity Loans and Purchases: Number 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to the notice since there is no requirement that a notice of proposed rulemaking be published in accordance with 5 U.S.C. 553 or any other provision of law with respect to the subject matter of these determinations.

A "Supplemental Environmental Impact Statement" has been completed and it has been determined that there will be no significant adverse environmental impacts.

This notice sets forth determinations with respect to the following issues which are briefly described:

1. *Loan and Purchase Level.* Section 105B(a)(1) of the 1949 Act provides that the Secretary shall make available to producers loans and purchases for the 1984 crop of corn at such a level, not less than $2.55 per bushel, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn. Section 105B(a)(2) provides that the Secretary shall make available to producers loans and purchases for the 1984 crops of grain sorghum, barley, oats, and rye at such levels as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and certain other factors specified in section 401(b) of the 1949 Act.

2. *Established (Target) Price.* Section 105B(b)(1)(C) of the 1949 Act provides that the established (target) price for 1984 crop corn shall not be less than $3.03 per bushel. The Secretary may adjust this established (target) price to reflect any change in (i) the average adjusted cost of production per acre for the two crop years immediately preceding the year for which the determination is made from (ii) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made. Section 105B(b)(1)(E) of the 1949 Act provides that the payment rate for grain sorghum, oats, and, if designated by the Secretary, barley, shall be such rates as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

3. *Acreage Reduction Program (ARP).* Sections 105B(e) (1) and (2) of the 1949 Act provide that the Secretary may establish an acreage reduction program for the 1984 crop of feed grains if the Secretary determines that the total supply of feed grains, in the absence of such program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The Secretary is required to announce whether an acreage reduction program is to be in effect for the 1984 crops of corn, sorghum, oats and, if designated, barley by not later than November 15 prior to the calendar year in which the crop is harvested. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each feed grain-producing farm. Producers who knowingly produce feed grains in excess of the permitted feed grain acreage for the farm shall be ineligible for feed grain loans, purchases, and payments with respect to that farm. The acreage base for any farm

for the purpose of determining any reduction required to be made for any year as the result of a limitation shall be the acreage planted on the farm to feed grains for harvest in the crop year immediately preceding the year for which the determination is made or, at the discretion of the Secretary, the average acreage planted to feed grains for harvest in the two crop years immediately preceding the year for which the determination is made. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. In addition, a number of acres on the farm determined by dividing (1) the product obtained by multiplying the number of acres required to be withdrawn from the production of feed grains times the number of acres actually planted to feed grains by (2) the number of acres authorized to be planted to feed grains under a limitation established by the Secretary, shall be devoted to conservation uses in accordance with regulations issued by the Secretary.

4. *Exemption of Malting Barley.* In accordance with section 105B(e)(2) of the 1949 Act, the Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for feed grain loans, purchases, and payments to comply with any acreage limitation if such producer has previously produced a malting variety of barley, plants barley only of an acceptable malting variety for harvest, and meets other conditions as the Secretary may prescribe.

5. *Set-Aside Program.* Sections 105B(e)(1) and (3) of the 1949 Act provide that the Secretary may establish a set-aside program for the 1984 crop of feed grains if the Secretary determines that the total supply of feed grains, in the absence of such a program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

6. *Land Division Program.* Section 105B(e)(5) of the 1949 Act provides that the Secretary may make land diversion payments to producers of feed grains, whether or not an acreage reduction or set-aside program for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals.

7. *National Program Acreage (NPA).* Section 105B(c)(1) of the 1949 Act provides that the Secretary shall proclaim an NPA for the 1984 crop of feed grains not later than November 15, 1983. The NPA for feed grains shall be the number of harvested acres the Secretary determines [on the basis of the weighted national average of the farm program payment yields for the 1984 crop) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the 1984/85 marketing year. The NPA provisions do not apply if an acreage reduction program is implemented for the 1984 crop of feed grains.

8. *Voluntary Reduction Percentage.* Section 105B(c)(3) of the 1949 Act provides that the 1984 individual farm program acreage of feed grains eligible for payments shall not be reduced by application of an allocation factor (not less than 80 percent nor more than 100 percent) if the producer reduces the acreage of feed grains planted for harvest on the farm from the feed grain acreage base established for the farm for the 1984 crop by at least the percentage recommended by the Secretary in the proclamation of the NPA for the 1984 program. If an acreage reduction program is implemented for the 1984 crop of feed grains, the voluntary reduction percentage shall not be applicable to such crop.

9. *Grazing and Haying of Designated Acreage Reduction Program Acreage.* Section 105B(e)(4) of the 1949 Act provides the Secretary may permit all or any part of designated conservation use acreage to be devoted to sweet sorghum, hay and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodities, if the Secretary determines that such crop production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of price support programs, and will not affect farm income adversely.

10. *Offsetting Compliance and Cross-Compliance.* Section 105B of the 1949 Act provides that the Secretary may implement offsetting compliance requirements as a condition of eligibility for program benefits. If offsetting compliance is required, operators and owners of farms would have to assure that all of the farms in which they have an interest were in compliance with program requirements which are specified with respect to the feed grain program, such as planting within the established feed grain acreage bases or the normal crop acreage established for such farms, in order to be eligible for program benefits.

Cross-compliance requires that a producer desiring to participate in a commodity program on a farm must also participate in all of the programs established for other commodities planted on the farm in order to be eligible for any program benefits. Section 105B(k) of the 1949 Act provides that cross-compliance requirements may be imposed if a set-aside program is established for feed grains, but not if an ARP is established.

11. *Payment-In-Kind Program.* The Payment-In-Kind Program for feed grains is authorized by the Agricultural Act of 1949 and the Commodity Credit Corporation Charter Act. Section 105(e)(5) of the 1949 Act authorizes the Secretary to make land diversion payments to producers of feed grains if the Secretary determines that the payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. The Commodity Credit Corporation Charter Act (15 U.S.C. 714 *et seq.*) gives the Corporation broad authority to support the price of agricultural commodities, stabilize agricultural commodity markets and remove and dispose of agricultural surpluses.

12. *Advance Deficiency Payments.* Section 107C of the 1949 Act provides that if the Secretary establishes an acreage reduction or acreage set-aside program for feed grains and determines that deficiency payments will likely be made for such crop, the Secretary may available advance deficiency payments to producers who agree to participate in such program.

13. *Farmer-Owned Reserve Program.* Section 110 of the 1949 Act provides that the Secretary shall formulate and administer a program under which producers of feed grains will be able to store feed grains when feed grains are in abundant supply and extend the time for orderly marketing. Under such program, the Secretary shall make original or extended price support loans at such level of support as the Secretary determines appropriate, except that the loan rate shall not be less than the current level of support provided for under the feed grain program established in accordance with section 105B of the 1949 Act. The program may provide for (1) repayment of such loans in not less than 3 years nor more than 5 years; (2) payments to producers for storage in such amounts and under such conditions as are determined appropriate to encourage producers to participate in the program; (3) a rate of interest not less than the rate of interest charged the Commodity Credit Corporation by the United States

Treasury, except that the Secretary may waive or adjust such interest as the Secretary deems appropriate; (4) recovery of amounts paid for storage, and for the payment of additional interest or other charges if such loans are repaid by producers before the market price for feed grains has reached the trigger release level; and (5) conditions designed to induce producers to redeem and market the feed grains securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for feed grains has attained a specific trigger release level, as determined by the Secretary. The Secretary shall announce the terms and conditions of the producer storage program as far in advance of making loans as practicable. In such announcements, the Secretary shall specify the quantity of feed grains to be stored under the program which the Secretary determines appropriate to promote the orderly marketing of feed grains. The Secretary may place an upper limit on the amount of feed grains placed in the reserve but such upper limit may not be less than 1 billion bushels.

14. *Inclusion of Waxy Corn and Popcorn.* Section 301(a)(9) of the Agricultural Adjustment Act of 1938 defines the term "corn" to mean "field corn." The Secretary has previously defined "corn" for the purpose of the feed grain program to mean: "field corn or sterile high-sugar corn. Popcorn, sweet corn, and corn varieties grown for decoration are excluded." (See 7 CFR 713.3(c)). The issue is whether "waxy corn" and "popcorn" should be considered as "corn" for the purposes of the 1948 Feed Grain Program. If included, producers growing waxy corn or popcorn would be subject to any applicable production adjustment requirements and would be eligible for program benefits, including price support loans and purchases and deficiency payments.

A notice that the Secretary was preparing to make determinations with respect to the 1984 crop of feed grains was published in the **Federal Register** on June 24, 1983 (48 FR 29025) and provided for a 60-day comment period. A total of 344 comments were received. A majority of the comments received addressed the following thirteen issues: (1) Loan and purchase levels; (2) the established (target) price; (3) an acreage reduction program; (4) a cash land diversion program; (5) a payment-in-kind land diversion program; (6) base acreage adjustments; (7) announcement date of the program; (8) haying and grazing requirements for required conservation use acreage; (9) offsetting and cross-compliance; (10) inclusion of barley in the feed grain program; (11) excluding malting barley from an acreage reduction program; (12) inclusion of waxy corn and popcorn in the feed grain program; and (13) the farmer-owned reserve program.

1. *Loan and Purchase Level.* With respect to the loan and purchase level, a total of 55 comments were received. Seventeen comments favored a higher loan rate than in 1983, 17 favored the same loan rate and 12 favored a lower loan rate. Nine comments favored a loan rate based upon the cost of production or 100 percent of parity.

2. *Established (Target) Price.* With respect to the established (target) prices, a total of 51 comments were received with 25 favoring higher established (target) prices than in 1983, 23 supporting the same established (target) prices as in 1983 and three supporting lower established (target) prices. Most comments favored an established (target) price in the range of $2.86 to $3.03 per bushel for corn.

3. *Acreage Reduction Program CARP).* A total of 67 comments were received with 11 opposed to and 58 in favor of an ARP. Those comments supporting an ARP favored a reduction in the range of 10 to 25 percent with the majority favoring a 10 percent ARP.

4. *Cash Diversion Program.* A total of 35 comments were received with 31 favoring and four opposing a cash diversion program. Most of those favoring a cash land diversion program supported a 10 percent diversion program at $1.50 per bushel payment. Several comments suggested a bid type cash diversion program similar to the whole base bid portion of the 1983 Payment-In-Kind Program.

5. *Payment-In-Kind (PIK) Diversion Program.* A total of 154 comments were received with 89 favoring and 65 opposing a PIK program. The majority of those comments favoring a PIK program supported a program similar to the 1983 PIK program. Twenty-two comments favored a PIK program which does not allow for whole base bids.

6. *Farm Base Acreage Adjustments.* With respect to base acreage adjustments, eight comments were received. Three comments favored the use of the same acreage base established for a farm for the 1983 Feed Grain Program, four favored the use of an average of the previous 2 years' planted feed grain acreage in order to determine the farm acreage base and one favored the use of a 10-year history of planted feed grain acreage in order to determine the farm acreage bases.

7. *Announcement of the 1984 Feed Grain Program.* A total of 41 comments were received concerning an early announcement of the 1984 Feed Grain Program with all of the comments favoring an early announcement. Thirteen comments favored an announcement by August 15, 1983.

8. *Haying and Grazing of Required Conservation Use Acreage.* A total of 50 comments were received with 29 favoring and 21 opposing haying and grazing of conservation use acreage.

9. *Offsetting and Cross-Compliance.* A total of 34 comments were received concerning offsetting compliance with 16 favoring and 18 opposing offsetting compliance. In addition, a total of 7 comments were received favoring the imposition of cross-compliance requirements.

10. *Inclusion of Barley in the Feed Grain Program.* A total of 22 comments were received with 20 favoring and 2 opposing the inclusion of barley in the 1984 Feed Grain Program.

11. *Exclusion of Malting Barley from an Acreage Reduction Program.* A total of 22 comments were received with 2 favoring and 20 opposing the exclusion of malting barley in the 1984 Feed Grain Program.

12. *Inclusion of Waxy and Popcorn in the Feed Grain Program.* A total of 53 comments were received with 48 favoring and 5 opposing the inclusion of waxy corn and popcorn in the 1984 Feed Grain Program. In response to their comment, the Popcorn Institute was contacted to determine the meaning of their comment. The Popcorn Institute stressed that while they were strongly opposed to popcorn being considered as an eligible commodity for the purpose of feed grain payments, price support, or the farmer-owned reserve program, it did favor the inclusion of the average of the 1980–1983 popcorn acreages in a farm's corn/sorghum base. The Popcorn Institute also indicated that any popcorn acreage planted in subsequent years should not be considered as permitted acreage with respect to the 1984 corn/sorghum and subsequent base acreage.

13. *Farmer-Owned Reserve Program.* A total of 24 comments were received concerning a farmer-owned reserve program with 19 favoring and 5 opposing such a reserve.

A number of the determinations with respect to the feed grain program are required to be made by section 105B(e)(1) of the 1949 Act not later than November 15 prior to the calendar year in which the crop is harvested. On September 29, 1983, the Secretary

announced by press release the various program determinations for the 1984 crop of feed grains. Since the only purpose of this notice is to affirm the program determinations which were previously announced, it has been determined that no further public rulemaking is required with respect to the following determinations:

Determinations

1. *Loan and Purchase Level.* In accordance with sections 105B(a) (1) and (2) of the 1949 Act, it has been determined that the loan and purchase level per bushel shall be $2.55 for corn, $2.42 ($4.32 per cwt.) for grain sorghum, $2.08 for barley, $1.31 for oats, and $2.17 for rye. It was determined that these levels will best maintain the competitive relationship of feed grains to other grains in domestic and foreign markets after taking into consideration the cost of producing feed grains, supply and demand conditions, and world prices for feed grains.

2. *Established (Target) Price.* In accordance with section 105B(b)(1)(C) of the 1949 Act, it has been determined that the established (target) prices per bushel shall be $3.03 for corn, $2.88 ($5.14 per cwt.) for grain sorghum, $2.60 for barley, and $1.60 for oats, which are the minimum statutory levels. It is felt that any increase in the established (target) prices above the minimum statutory levels will further increase production by U.S. and foreign feed grain producers and result in an undesired increase in feed grain production. Sufficient producer participation is projected with the announced levels. In addition, higher established (target) prices would result in substantially higher Treasury costs without an improvement in the level of feed grain supplies.

3. *Acreage Reduction Program (ARP).* In accordance with section 105B(e)(2) of the 1949 Act, it has been determined that a 10 percent reduction shall be applicable to the acreage planted to feed grains in 1984. Producers will be required to reduce their acreage by at least 10 percent in order to be eligible for loans, purchases, and payments for the 1984 crop of feed grains. The Secretary has determined that the total supply of feed grains, in the absence of such limitations, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. This option was selected because it provides the best balance between the multiple objectives of providing adequate feed grain supplies for domestic and foreign utilization, while maintaining adequate carryover stocks, supporting farm income, combating inflation, holding down Treasury costs and conserving natural resources.

Acreage designated for conservation use must be cropland that was devoted to row crops or small grains in 2 of the last 3 years. However, in order for acreage which is in a summer fallow rotation to be designated as conservation use acreage, such land must be acreage that would have been planted to small grains or row crops in 1984 in the absence of the 1984 Feed Grain Program. Without such a requirement, acreage which has not been planted to such crops would be eligible to be utilized as conservation use acreage under the Program without any corresponding reduction in production.

The 1984 acreage base for feed grain farms, other than those farms where there is an established crop rotation, shall be the average of the acreage planted and considered planted to feed grains for harvest in 1982 and 1983. With respect to feed grain farms where there is an established crop rotation, the acreage base shall be the acreage planted and considered planted to feed grains for harvest in the immediately prior years that correspond to the farm's established crop rotation.

Contracts signed by program participants for the acreage reduction program will be considered binding contracts at the end of the period for executing such contracts and will provide for liquidated damages for failure to comply with the terms and conditions of such contracts.

Eligible land on which permanent conservation practices were established in 1982 or a subsequent year will be eligible for designation as conservation use acreage under any acreage reduction, set-aside, or diversion program authorized by the 1949 Act, so long as the conservation practice is maintained. These conservation practices will be eligible for cost-share payments under the Agricultural Conservation Program.

4. *Barley.* In accordance with section 105B(b)(1)(E) of the 1949 Act, it has been determined that barley is eligible for program payments. Including barley in the feed grain acreage reduction program permits the Secretary to implement a program to align barley stocks with barley demand.

5. *Exemption of Malting Barley.* In accordance with section 105B(e)(2) of the 1949 Act, it has been determined that malting barley shall not be exempt from the feed grain acreage reduction program. Since a large proportion of barley production is planted to malting barley varieties, exempting malting barley varieties from any production adjustment requirements would greatly reduce the effectiveness of the barley program.

6. *Set-Aside Program.* In accordance with sections 105B(e) (1) and (3) of the 1949 Act, it has been determined that there will be no set-aside program for the 1984 crop of feed grains since it was determined that an acreage reduction program will be applicable for the 1984 Feed Grain Program.

7. *Land Diversion Program (LDP).* In accordance with section 105B(e)(5) of the 1949 Act, it has been determined that there will be no cash land diversion program for the 1984 crop of feed grains. By the end of the 1983/84 crop year, ending stocks of feed grains will be reduced by about two-thirds, from 107 million metric tons to approximately 34 million metric tons. An optimum level of 45 to 50 million metric tons has been determined to be desirable if the U.S. is to remain a dependable supplier of feed grains to domestic and foreign markets. Such an optimum level would not be attained by establishing a cash land diversion program for the 1984 crop of feed grains.

8. *National Program Acreage.* In accordance with sections 105B(c)(1) and 105(B)(e)(2) of the 1949 Act, it has been determined that the NPA will not be applicable for the 1984 crop of feed grains since an acreage reduction program has been announced.

9. *Voluntary Reduction Percentage.* In accordance with sections 105B(c)(3) and 105(B)(e)(2) of the 1949 Act, it has been determined that the voluntary reduction percentage will not be applicable for the 1984 crop of feed grains since an acreage reduction program has been announced.

10. *Grazing and Haying of Designated ARP Acreage.* In accordance with section 105B(e)(4) of the 1949 Act, it has been determined that feed grain producers shall not be permitted to harvest cover on designated ARP acreage for hay or plant alternate crops on designated ARP acreage. Grazing of the conservation use acreage will be authorized during the six principal non-growing months as determined by the State ASC committees.

11. *Offsetting and Cross-Compliance.* It has been determined that offsetting compliance is not necessary to assist in adjusting the production of feed grains to achieve a desirable carryover level of 45 to 50 million metric tons. In addition, section 105B(k) of the 1949 Act precludes the imposition of any cross-compliance requirement as a condition

of eligibility for participation in the 1984 Feed Grain Program since an acreage reduction program has been established.

12. *Payment-In-Kind (PIK) Diversion Program.* It has been determined that there will be no PIK program for the 1984 crop of feed grains. The combination of the 1983 PIK Program, a drought throughout major feed grain producing areas, and implementation of a 10 percent ARP for the 1984 crop will reduce feed grain ending stocks to desired levels.

13. *Advance Deficiency Payments.* In accordance with section 107C of the 1949 Act, it has been determined that there will be no advance deficiency payments for the 1984 crop of feed grains. It was determined that advance deficiency payments were not needed as an incentive to achieve adequate program participation.

14. *Farmer-Owned Reserve Program.* In accordance with section 110 of the 1949 Act, the Secretary has determined that there will be no direct entry into the farmer-owned reserve program for the 1984 crop of feed grains. Further, the Secretary intends to review the size of the reserve before regular price support loans for the 1984 crop reach maturity.

15. *Waxy Corn and Popcorn.* It has been determined that waxy corn will be included in the 1984 Feed Grain Program. Such corn was also included in the 1983 Feed Grain Program and has been included in prior feed grain production adjustments programs. Although waxy corn is produced for human consumption, it is also recognized by producers as a suitable feed for the production of livestock. The inclusion of waxy corn in the 1984 Feed Grain Program is consistent with prior years and will encourage producer participation in the program.

It has been determined that popcorn will not be considered as field corn for the purposes of the 1984 Feed Grain Program. Exclusion of popcorn from the program means that popcorn is not eligible for program benefits and acreage which is planted to popcorn is not restricted by the acreage reduction provisions of the 1984 Feed Grain Program. From 1979 to 1981, popcorn acreage has ranged from 187,000 acres to 262,000 acres and has been primarily grown under contracts with processors to be used for human consumption. Also, popcorn does not have the same "market" and "supply-demand" characteristics as commodities considered to be "field corn". The primary purpose of acreage adjustment programs is to reduce production of those basic commodities whose surplus supply has a "major impact" on the U.S. and world economies. It has been determined that the supply of popcorn does not have a "major impact" on U.S. and world economies.

Authority: Secs. 105B, 107C, 110, 95 Stat. 1227, as amended, 96 Stat. 766, 91 Stat. 951, (7 U.S.C. 1444d, 1445b-2, and 1445e); 1001, 91 Stat. 950, as amended, (7 U.S.C. 1309).

Signed in Washington, D.C., February 1, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-3170 Filed 2-3-84; 8:45 am]

BILLING CODE 3410-05-M

Soil Conservation Service

Availability of Record of Decision; Newtown-Hoffman Creeks Watershed, New York

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

SUMMARY: Paul A. Dodd, responsible Federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of New York, is hereby providing notification that a record of decision to proceed with the installation of the Newtown-Hoffman Creeks Watershed project is available. Single copies of this record of decision may be obtained from Paul A. Dodd at the address shown below.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423-5521.

(Catalog of Federal Domestic Assistance program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 30, 1984.

Paul A. Dodd,

State Conservationist.

[FR Doc. 84-3074 Filed 2-3-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 41696]

Hawaiian Pacific Airlines Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated Washington, D.C., February 1, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-3148 Filed 2-3-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41696]

Hawaiian Pacific Airlines Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on March 9, 1984 at 9:00 a.m. (local time) in room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., February 1, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-3147 Filed 2-3-84; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Iowa Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Iowa Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 3:00 p.m., on February 28, 1984, at the Federal Building, Room B-17, 131 East 4th Street, Davenport, Iowa 52801. The purpose of the meeting is to discuss the status of current projects and plan the program for the remainder of fiscal year 1984.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Gregory H. Williams, at (319) 353-5375 or the Central States Regional Office (816) 374-5253.

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

Dated at Washington, D.C., January 31, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-3130 Filed 2-3-84; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the

provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00 a.m. and will end at 9:00 a.m., on March 1, 1984, at the Montpelier City Hall, Memorial Room, Main Street, Montpelier, Vermont 05602. The purpose of the meeting is to discuss the study of civil rights implications of block grants and the Committee's monitoring of State civil rights developments.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Philip H. Hoff, at (802) 658–4300 or the New England Regional Office at (617) 223–4671.

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

Dated at Washington, D.C., January 31, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–3129 Filed 2–3–84; 8:45 am]

BILLING CODE 6335–01–M

Hawaii Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Hawaii Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 5:00 p.m., on March 9, 1984, at the Ala Moana Americana Hotel, Board Room, 410 Atkinson Drive, Honolulu, Hawaii 96814. The purpose of the meeting is to discuss program plans for the remainder of the fiscal year.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Helen R. Nagtalonmiller, at (808) 948–7183 or the Western Regional Office at (213) 688–3437.

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

Dated at Washington, D.C., February 1, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–3177 Filed 2–3–84; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976), and Office of Management and Budget Circular A–63 (revised), and after consultation with GSA, it has been determined that the renewal of the Census Advisory Committee on Agriculture Statistics is in the public interest in connection with the performance of duties the law imposes on the Department.

The Committee was established July 16, 1962, and its current charter expired on December 23, 1983. It was initially chartered under the Federal Advisory Committee Act in January 1973. The Committee's purpose is to advise the Director, Bureau of the Census, on the conduct of periodic censuses of agriculture and related surveys and the kind of information that should be obtained from respondents associated with the agricultural production; to make recommendations regarding the contents of agricultural reports; and to present the data needs of major suppliers and users of agriculture statistics. The Committee plays a vital role in advising the Census Bureau concerning the structuring and planning of the agriculture censuses and surveys.

The Committee will continue with a balanced representation of 21 member organizations, each appointing a person to the Committee subject to the concurrence of the Director, Bureau of the Census. A selected member chairs the Committee, which will function solely as an advisory body in compliance with the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. George E. Pierce, Agriculture Division, Federal Building 4, U.S. Department of Commerce, Bureau of the Census, Washington, D.C. 20233, Telephone 301/763–7731.

Dated: January 25, 1984.

Dennis C. Boyd,

Director, Management and Information Systems.

[FR Doc. 84–3108 Filed 2–3–84; 8:45 am]

BILLING CODE 3510–(CW)–M

International Trade Administration

University of Connecticut; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No. 84–16. Applicant: University of Connecticut, Storrs, CT 06268. Instrument: Integrated Surface Analysis System, LHS-10. Manufacturer: Leybold Heraeus, West Germany. Intended use: See notice at 48 FR 56817.

Comments: None received.

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

Reasons: The foreign instrument provides (1) high temperature (up to 800 degrees centigrade) analysis with high vacuum (10.0^{-3} to 8.0×10^{-11} millibar) and (2) x-ray photoelectron spectroscopy. The National Bureau of Standards advises in its memorandum dated January 20, 1983 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc 84–3109 Filed 2–3–84; 8:45 am]

BILLING CODE 3510–DS–M

University of California, Santa Barbara; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:30 p.m. in Room 1523, U.S. Department of Commerce, 14th and

Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-330. Applicant: University of California, Santa Barbara, Santa Barbara, Ca 93106. Instrument: Ion Source for Rare Gas Mass Spectroscopy. Manufacturer: Swiss Federal Institute of Technology, West Germany. Intended use: See notice at 48 FR 51676.

Comments: None received.

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

Reasons: The foreign instrument simultaneously provides: (1) high-pressure linearity, (2) very low mass discrimination, (3) high sensitivity (approximately 10^{-5} ampers/torr for Helium) and (4) long filament life. The National Bureau of Standards advises in its memorandum dated January 20, 1984 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-3110 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-DS-M

Cornell University; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No.: 82-00371R. Applicant: Cornell University, Applied and Engineering Physics, 212 Clark Hall, Ithaca, NY 14853. Instrument: FL 2002 High Performance Tunable Dye Laser. Original notice of this resubmitted application was published in the **Federal Register** of October 29, 1982.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (July 27, 1982).

Reasons: This application is a resubmission of Docket Number 82-371 which was denied without prejudice to resubmission on April 22, 1983 for informational deficiencies. The foreign instrument provides an amplified spontaneous emission of less than 1.0 percent. The National Bureau of Standards advises in its memorandum dated January 10, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured in the United States at the time the foreign instrument was ordered.

We know of no other domestic instrument or apparatus of equivalent scientific value to the foreign instrument which was being manufactured in the United States at the time the foreign instrument was ordered.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-3111 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-DS-M

The Medical College of Wisconsin, Inc.; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No.: 83-309. Applicant: The Medical College of Wisconsin, Inc., Milwaukee, WI 53226. Instrument: Cryo Microtome, LKB 2250/041, Type 450 MP and Accessories. Manufacturer: Palmstiernas Mekaniska Verkstad AB, Sweden. Intended use: See notice at 48 FR 45279.

Comments: None received.

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

Reasons: The foreign instrument provides uniform large-area (up to 150 millimeter by 450 millimeter) frozen sections of bone and assorted softer tissues such as the human spine. The National Institutes of Health advises in its memorandum dated December 6, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-3112 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-DS-M

Harvard University; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No.: 83-322. Applicant: Harvard University, Cambridge, MA 02138. Instrument: Home-made Cryostats and Components. Manufacturer: Natuurkundig Laboratorium, The Netherlands. Intended Use: See notice at 48 FR 47041.

Comments: None received.

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

Reasons: The foreign instrument system is capable of (1) cooling and compressing samples of molecular hydrogen and deuterium, and (2) measuring the pressure and density of the samples. The National Bureau of Standards advises in its memorandum dated December 15, 1983 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value

to the foreign instrument for the applicant's intended use.

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

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-3113 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-DS-M

Massachusetts Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No. 83-295. Applicant: Massachusetts Institute of Technology, Cambridge, MA 02139. Instrument: Gas Chromatograph/Mass Spectrometer System, Model 8200 and Components. Manufacturer: Finnigan, MAT, West German. Intended use: See notice at 48 FR 40932.

Comments: None received.

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

Reasons: The foreign instrument provides (1) fast scanning capability (0.1 seconds per decade) and (2) a high-speed (200 kilohertz) data acquisition processor that interfaces with the applicant's Digital PDP 11/34 computer. The National Institutes of Health advises in its memorandum dated November 23, 1983 that (1) the combination of capabilities of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-3114 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-DS-M

North Carolina State University; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No. 83-291. Applicant: North Carolina State University, Raleigh, NC 27650. Instrument: 2 MKI (low power) Micromanipulators. Manufacturer: Singer Instrument Company Ltd., United Kingdom. Intended use: See notice at 48 FR 40931.

Comments: None received.

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

Reasons: The foreign instrument provides a single control manipulator capable of performing the excursion of dissecting instruments having handles up to 8 millimeters, appropriate for use with a stereoscope with magnifications up to 200X. The National Institutes of Health advises in its memorandum dated November 23, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-3115 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-DS-M

Desert Research Institute; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No.: 83-252. Applicant: Desert Research Institute, Reno, NV 89512. Instrument: Infrared Gas Analyzer. Manufacturer: Leybold Heraeus West Germany. Intended use: See notice at 48 FR 36505.

Comments: None received.

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

Reasons: The foreign instrument provides the capability to measure both water vapor and CO_2. Since it operates on a 12-volt power supply, it is suitable for field applications. The National Institutes of Health advises in its memorandum dated October 12, 1983 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-3117 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-DS-M

University of Alaska; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No.: 83-123. Applicant: University of Alaska, Fairbanks, AK 99701. Instrument: Seven-day Recording Volumetric Spore Trap and Accessories. Manufacturer: Burkard Manufacturing Co., Ltd., United Kingdom. Intended use: See notice at 48 FR 47040.

Comments: none received.

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

Reasons: The foreign instrument provides the capability for active collection of airborne particles (such as pollen and spores) permitting temporarily segmented (e.g. hourly) counts over an unattended period of up to one week. The National Institutes of Health advises in its memorandum dated December 6, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-3116 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-DS-M

University of Illinois at Urbana-Illinois; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No.: 83-334. Applicant: University of Illinois at Urbana-Illinois, Urbana, IL 61801. Instrument: Excimer Multi-Gas Laser, EMG 15OES. Manufacturer: Lambda-Physik, GmbH Co., West Germany. Intended use: See notice at 48 FR 51676.

Comments: None received.

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

Reasons: The foreign instrument can simultaneously generate two later outputs at different wavelengths with an energy output, using KrF (248 nonometers), of 800 millijoules. The National Bureau of Standards advises in its memorandum dated December 9, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-3118 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-DS-M

University of Maryland; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No.: 83-280. Applicant: University of Maryland, College Park, MD 20742. Instrument: Mass Spectrometer, Model 7070E. Manufacturer: VG Instruments, United Kingdom. Intended use: See notice at 48 FR 39266.

Comments: None received.

Decision: Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the instument was intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.5(d)(2) of the regulations, at the time the foreign instrument was ordered (March 28, 1983).

Reasons: The foreign instrument provides a resolution of 25,000 (10% valley definition) and a mass range of at least 3000 amu. The National Institutes of Health advises in its memorandum dated November 23, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic manufacturer both willing and able to provide an instrument with the required feature (features) at the time the foreign instrument was ordered.

As to the domestic availability of instruments § 3015.(d)(2) of the regulations provides: " * * * In determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case * * *."

Among other things, this subsection also provides: "* * * if a domestic manufacturer is formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument."

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purposes of comparison with the foreign instrument. Where an applicant, as in this case, received no response to a formal request for quotation sent to the Nuclide Corporation (the only known domestic manufacturer of comparable mass spectrometers) it is apparent that the domestic manufacturer was either not willing or not able to produce an instrument of equivalent scientific value to the foreign instrument. Accordingly, the Department of Commerce finds that no domestic manufacturer was both "able and willing" to manufacture a domestic instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff

[FR Doc. 84-3119 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Revised NOAA Directive Implementing the National Environmental Policy Act and Related Laws and Executive Orders

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of proposed revisions to NOAA Directives Manual 02–10.

SUMMARY: This notice presents proposed revisions to NOAA Directives Manual (NDM) 02–10 which establishes NOAA's procedures for implementing the National Environmental Policy Act of 1969 (NEPA) in compliance with regulations of the Council on Environmental Quality, Executive Order No. 12114 on Environmental Effects Abroad of Major Federal Actions (signed January 4, 1979), and the environmental analysis requirements of other laws affecting NOAA programs. NOAA requests public comment on these revisions. Comments submitted will be considered in preparing the final directive. These changes affect NOAA internal procedures only.

EFFECTIVE DATE: Comments will be accepted until March 22, 1984.

ADDRESS: Comments should be sent to Joyce M. Wood, Chief, Ecology and Conservation Division, Office of Policy and Planning, National Oceanic and Atmospheric Administration, 6800 Herbert Hoover Building, Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Thomas E. Bigford, Ecology and Conservation Division, NOAA, 202–377–5181.

SUPPLEMENTARY INFORMATION: This revision updates the July 24, 1980 (45 FR 49312), version of NDM 02–10. Proposed changes are administrative and procedural improvements intended to enhance NOAA's ability to comply with a variety of legislative mandates and Executive Orders without unnecessarily delaying and duplicating steps in the decisionmaking process while ensuring public involvement in decisionmaking. These improvements result from a better understanding of agency roles and responsibilities relative to NEPA. The revised NDM 02–10 implements experiences gained during a decade of NEPA implementation.

Notable changes in this version of NDM 02–10 include: a list of definitions, explanations, and acronyms; a description of the general environmental analysis process to which proposed actions are subjected; a mechanism through which Line Offices may develop specific criteria to detemine whether proposed actions are significant or non-significant; consideration of NEPA compliance for emergency regulations; new sections on procedures necessary for environmental assessments; and removal of the existing appendices. The environmental analysis process described in para. 4 provides an overview of the basic steps in NOAA's procedures to comply with NEPA, including guidance on when this directive applies and the type of action that may be required by NEPA.

A major reason for proposing these revisions is the agency has at times burdened itself and the public with excessive administrative requirements and time delays. To address these problems, this revision includes in its explanation of "significant" (see subpara. 3q, 13a, and 13b) a new procedure whereby NOAA program managers may propose specific criteria to distinguish "significant" from "non-significant" actions. Those criteria will help NOAA offices determine early in the planning process which actions may be significant and to begin work on the appropriate NEPA document, if any. The criteria used to base such decisions must be approved by NOAA's NEPA office, the Ecology and Conservation Division (ECD) in the Office of Policy and Planning. NOAA anticipates that use of specific criteria will reduce the number of actions deemed to require an Environmental Impact Statement (EIS). At the same time, we expect that this new procedure will not infringe on the quality of NOAA's environmental analysis or on the opportunity for meaningful public involvement but will enable the agency to focus its attention on actions where environmental concerns are substantive. To increase efficiency further, NOAA will rely on related analyses and public reviews associated with the regulatory review process and the requirements of various executive orders and resource management plans to support normal NEPA compliance efforts. These new procedures delegate much of the authority to decide questions such as "significance" to the Line Offices. That approach should save time in agency NEPA compliance efforts. ECD, which will retain its role as the lead NEPA office in NOAA, will make the final decision on applying NDM 02–10 to any agency action.

General guidance on interpretation of the term "significant," previously presented in several sections of NDM 02–10, has been collated in subpara. 13a. This new section will help NOAA offices determine the appropriate course of action for NEPA compliance. NOAA's National Marine Fisheries Service has developed specific criteria (see subpara. 13b) to define "significant" as it relates to fishery management plans. Other NOAA offices may choose to prepare their own criteria at some later date. Any future criteria will be published in the **Federal Register** as amendments to NDM 02–10. As noted above, ECD must approve all specific criteria prior to publication and implementation. The 1983 amendments to the Magnuson Fishery Conservation and Management Act have expanded the scope of emergency regulations in fisheries management. Therefore, subpara. 5d has been added to provide guidance on NEPA compliance for emergency situations. The range of possible emergency actions requires that the guidance in subpara. 5d be more general than in other portions of NDM 02–10.

A section (para. 8) on procedure has been added to describe the steps involved in preparing an environmental assessment (EA). Para. 9 and subpara. 13a discuss the contents of EAs.

All nine appendices included in the existing NDM 02–10 are proposed to be deleted. These appendices specified all NOAA decisionmaking processes with possible NEPA ramifications. The rationale for deleting the appendices is that these processes continually change as NOAA's missions evolve through legislative and administrative developments. Para. 13 now includes subpara. 13a for general guidance on "significant," subpara. 13b for specific criteria applicable to fishery management plans and amendments, and subpara. 13c for sample letters of transmittal for various NEPA documents. The full text of the proposed revised NDM 02–10 follows.

Dated: January 27, 1984.

Samuel A. Lawrence,

Director, Office of Administrative and Technical Services.

02–10 Environmental Review Procedures

(Reference: PP2, 377–5181)

Paragraph

1. Purpose

a. *Intent of Revision*—This directive revises NOAA's environmental review policies and procedures, 45 FR 49312 (July 24, 1980). The changes are designed to improve efficiency, reduce administrative redundancies, continue the agency's objectives of sound resource management, and maintain informed public involvement in Federal decisionmaking. This directive incorporates all requirements embodied in the NEPA regulations issued by the Council on Environmental Quality (CEQ) at 43 FR 55978 (November 24, 1978) and by the Department of Commerce in its NEPA directive, DAO 216–6 (March 11, 1983). This revision also reiterates provision in the existing NDM 02–10 with respect to the environment outside the United States pursuant to Executive Order No. 12114 on Environmental Effects Abroad of Major Federal Actions, 44 FR 1957 (January 4, 1979) as implemented by the Department of Commerce in Department Administrative Order (DAO) 216–12 (March 11, 1983).

b. *Major Changes*—

(1) Proposed changes are administrative and procedural improvements intended to add efficiency to NOAA's NEPA compliance efforts. These improvements stem from a better understanding of agency roles and responsibilities relative to NEPA. Shifts in agency direction, including new programs, also prompted this review.

(2) Notable changes in this revision include: a detailed list of definitions, explanations, and acronyms (para. 3) with special emphasis on the use of categorical exclusions; description of the general environmental analysis process (para. 4); separate discussions on NEPA procedures for each category of NOAA activity, e.g., management plans, amendments, projects, regulations, emergency regulations, etc. (para. 5); discussions of procedural requirements for environmental assessments (para. 8) and environmental impact statements (para. 9); and special guidance for determining "significance," including criteria applicable to fishery management plan actions (para. 13). The appendices which were included in earlier versions of NDM 02–10 have been deleted to avoid confusion resulting from changes in agency programs and procedures.

2. References and Background

The following laws, regulations, executive orders, and administrative orders are cited in the text of this directive:

a. National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA).

b. CEQ Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, 40 CFR Parts 1500 to 1508, (November 24, 1978). Cited herein by CFR Part number only, e.g., CEQ sec. 1500.

c. Executive Order No. 12114, Environmental Effects Abroad of Major Federal Actions, 44 FR 1957 (January 4, 1979).

d. Executive Order No. 12291, Federal Regulation, 46 FR 13193 (February 17, 1981).

e. NOAA Administrator's Letter No. 17, Environmental Impact Statements (April 3, 1978).

f. Department Administrative Order 216–6, Implementing the National Environmental Policy Act; (March 11, 1983). (DAO 216–6).

g. Department Administrative Order 216–12, Environmental Effects Abroad of Major Federal Actions (March 11, 1983). (DAO 216–12).

3. Definitions, Explanations, and Acronyms

The following terminology is used in this directive. Most explanations outlined here are derived from regulations and directives listed in para. 2 above, particularly the CEQ NEPA regulations (subpara. 2b). The CEQ regulations should be consulted for more comprehensive explanations. Cross references to relevant CEQ sections are provided after each definition, where appropriate.

a. *Amendment*—a change to either a project or management plan. Each amendment should be accompanied by a brief statement or supported by a notation in the files that a categorical exclusion applies or by further environmental analysis (either an EA, EIS, or Supplemental EIS (SEIS)).

b. *Applicant*—any party that may propose to NOAA an action that should be accompanied by an environmental analysis. Depending on the program, the applicant could be an individual, private organization, State, territory, governmental body, or foreign nation (see subpara. 4b(4)).

c. *Categorical Exclusion (CE)*—decisions granted to certain types of actions which individually or cumulatively do not have the potential to pose significant threats to the human environment and are therefore exempted from both further analysis and requirements to prepare environmental documents (CEQ sec. 1508.4). The main text of this directive presents specific actions and general categories of other actions found to warrant a CE. The responsible program manager (defined below in subpara. 3p) is advised to prepare a memorandum to or notation for the file of his/her determination to use a CE. A notation refers to a brief comment or mark in the NEPA records of a NOAA office. Periodic copies of such records and notations should be sent to ECD. If a memorandum is prepared, a copy should be sent to ECD; in the absence of a memorandum, the RPM shall notify ECD regarding the action. The RPM and ECD can require an EA or EIS for an action normally covered by a CE if the proposed action could result in any signficant impacts as described in subpara. 3q, 13a, or 13b.

d. *Controversial*—refers to a substantial dispute which may concern the nature, size, or environmental effects, but not the propriety, of a proposed action (NOAA General Counsel Opinion No. 101, March 8, 1983).

e. *ECD*—Ecology and Conservation Division in the Office of Policy and Planning, National Oceanic and Atmospheric Administration. The office responsible for ensuring NEPA compliance for NOAA under NDM 02–10 and for the Department of Commerce under DAO 216–6 and DAO 216–12. ECD must give final clearance to all NEPA documents prior to public availability. That clearance authority is exercised by signing the appropriate transmittal letters. ECD also provides general guidance on preparation of environmental documents, approves criteria to determine the appropriate document to be prepared, works with Line Offices to establish categorical exclusions, establishes and/or approves criteria to define "significant," makes itself available for consultations as requested, coordinates NOAA comments on EISs prepared by other Federal agencies, makes predecision referrals to the Council on Environmental Quality, and monitors NOAA activities for NEPA compliance.

f. *Environmental Analysis Process*—the systematic analysis and evaluation applied to all proposed NOAA actions not covered by a categorical exclusion. This analysis could result in the preparation of one or more of the environmental documents listed in subpara. 3h below.

g. *Environmental Assessment (EA)*—a document prepared by a Federal agency which presents a brief analysis of the

environmental impacts of the proposed action and its alternatives, including sufficient evidence to determine that either: (1) An environmental impact statement is required; or (2) a finding of no significant impact should be declared (CEQ sec. 1508.9).

h. *Environmental Document*—an environmental assessment, finding of no significant impact, draft environmental impact statement, supplement to a draft environmental impact statement, final environmental impact statement, supplement to a final environmental impact statement, or a record of decision (CEQ sec. 1508.10).

i. *Environmental Impact Statement (EIS)*—a detailed written report which describes a proposed action, the need for the action, alternatives considered, the affected environment, and the environmental consequences of the proposed action and other reasonable alternatives. An EIS is prepared in two stages, a draft and a final; either stage may be supplemented (CEQ sec. 1508.11).

j. *Finding of No Significant Impact (FONSI)*—a document which declares that an action will not significantly affect the human environment. A FONSI is supported by an environmental assessment (CEQ sec. 1508.13).

k. *Major Federal Action*—an activity, such as a project or program, which may be fully or partially funded, regulated, conducted, or approved by NOAA. "Major" reinforces but does not have a meaning independent of "significant" (see subpara. 3q below). Such major actions require preparation of an environmental document unless covered by a categorical exclusion (CEQ sec. 1508.18). CEQ's definition of "scope" (CEQ sec. 1508.25) should be used to assist determinations of the type of document needed for NEPA compliance.

l. *Management Plan*—a program or policy statement that describes a resource, the need for management, alternative management strategies, possible consequences of such alternatives, and selects recommended management measures. Included, for example, are fishery, sanctuary, and State coastal management plans. Such plans may incorporate an environmental document into a single consolidated package.

m. *Notice of Intent*—a short **Federal Register** announcement of agency plans to prepare an environmental impact statement or to hold a scoping meeting. The notice may be published separately or combined with other announcements (CEQ sec. 1508.22).

n. *Project*—a grant, loan, loan guarantee, land acquisition, construction, license, permit, modification, regulation, or research program for which NOAA is involved in the review, approval, implementation, or other administrative action.

o. *Record of Decision (ROD)*—a concise statement for the public record of the decision on the proposed action, the alternatives considered, the environmentally preferable alternative(s), and whether all practicable means to avoid or minimize environmental harm have been adopted. Addressed in subpara. 11c below (CEQ sec. 1505.2).

p. *Responsible Program Manager (RPM)*—the person with primary responsibility to determine the need for and ensure preparation of any environmental document. The RPM could be the director of a NOAA office, the NEPA compliance coordinator of a Line Office, or a program director in a Line Office (LO). The RPM shall be designated by the Assistant Administrator responsible for the proposed action.

q. *Significant*—a measure of the intensity of effects of a major Federal action on, or the importance of that action to, the human environment (see CEQ sec. 1508.14). "Significant" is a function of the short-term, long-term, and cumulative impacts of the action on that environment. Significance is determined according to the general guidance in subpara. 13a unless specific criteria (e.g., subpara. 13b) are developed by a RPM for actions under the LO's jurisdiction. Determinations of non-significance will be made by the RPM. All specific criteria for "significant" must be approved by ECD and published in the **Federal Register** as amendments to subpara. 13c of NDM 02-10 (CEQ sec. 1508.27).

r. *Supplemental Environmental Impact Statement (SEIS)*—an environmental document prepared to amend an earlier EIS when significant change is proposed beyond the scope of analysis in the original EIS or when significant new circumstances or information arise which could affect the proposed action (CEQ sec. 1502.9). Draft and final SEISs are required when significant changes are proposed to an action after a final EIS has been released to the public.

s. *Acronyms*—The following acronyms are used in this directive:

APA—Administrative Procedure Act
CE—Categorical exclusion
CEQ—Council on Environmental Quality
CFR—Code of Federal Regulations
CZMA—Coastal Zone Management Act
DAO—Department Administrative Order
DSM—Deep Seabed Mining
EA—Environmental assessment
ECD—Ecology and Conservation Division, Office of Policy and Planning
EIS—Environmental impact statement
EO—Executive Order
EPA—U.S. Environmental Protection Agency
ESA—Endangered Species Act
FCMA—Fishery Conservation and Management Act
FMP—Fishery management plan
FONSI—Finding of no significant impact
FR—Federal Register
FWCA—Fish and Wildlife Coordination Act
GC—Office of General Counsel, NOAA
LO—NOAA Line Office
MMPA—Marine Mammal Protection Act
MPRSA—Marine Protection, Research, and Sanctuaries Act
NDM—NOAA Directives Manual
NEPA—National Environmental Policy Act
NOAA—National Oceanic and Atmospheric Administration
OCRM—Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA
OTEC—Ocean Thermal Energy Conversion
ROD—Record of Decision
RPM—Responsible program manager
SEIS—Supplemental environmental impact statement

4. Applying the Environmental Analysis Process

a. *General*—Environmental analysis is the process undertaken by the responsible program manager (RPM) to identify the scope of issues related to the proposed action and to determine the necessary steps for NEPA compliance (CEQ sec. 1500.2). Such an analysis should be undertaken for any major Federal action proposed to be implemented in the United States or by United States citizens outside U.S. jurisdiction.

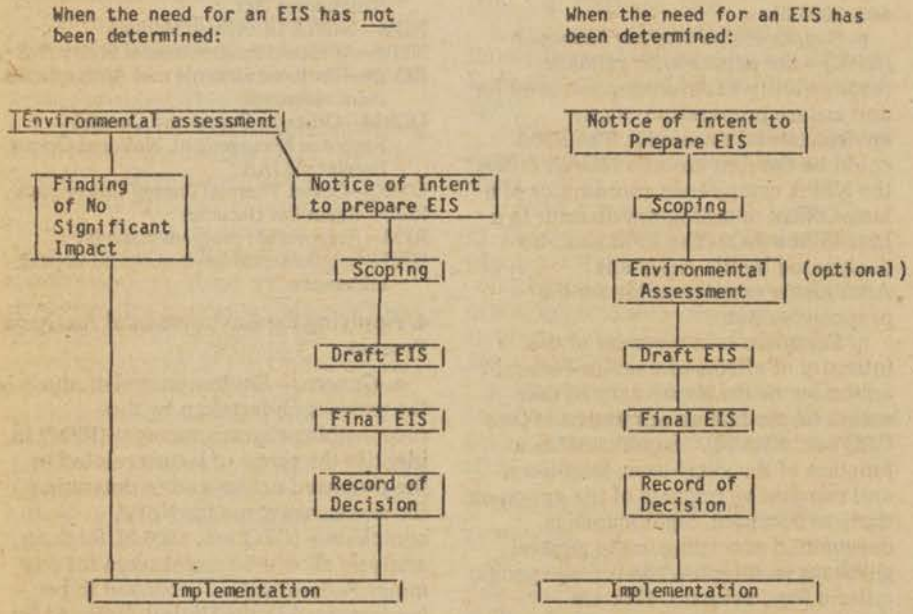
b. *The Process*—

(1) The environmental analysis process includes all of the actions required by CEQ regulations to comply with NEPA. Briefly, the series of actions is (see Figure 1): (a) Define the proposed action; (b) compare the action and potential environmental consequences to this directive for guidance on the proper type of NEPA document; (c) if appropriate, prepare an environmental assessment (EA); (d) based on the EA, prepare a finding of no significant impact (which ends the NEPA compliance process for nonsignificant actions) or initiate planning for an environmental impact statement (EIS); (e) prior to any work on the EIS, publish a notice of intent to prepare an EIS and a notice of intent to scope key issues in the EIS; (f) prepare a draft EIS; (g) publish the draft EIS, distribute for public comment, and hold a public hearing(s); (h) incorporate comments received into a final EIS; (i) publish and distribute the final EIS for public comment; and (j) release a record of decision summarizing the proposed action and preferred alternative.

(2) This analysis is to be coordinated by the RPM and initiated as early as possible in the planning process, regardless of whether the RPM anticipates the need for an EA or EIS. In the case of uncertainty regarding preparation of the proper environmental documents, early consultation with ECD will assist the RPM in determining the best means for NEPA compliance. Consultation with ECD during the early stages of document preparation should ease review and clearance at later stages of the decisionmaking process.

(3) NEPA compliance may involve preparation of one or more environmental documents. The RPM should consult para. 7, 8, and 9 below regarding scoping and document distribution.

Figure 1. The NEPA Process:



(4) In those cases where actions are planned by Federal or non-Federal agency applicants (defined in subpara. 3b) prior to NOAA involvement, the NEPA coordinator for the appropriate program will, upon request, supply potential applicants with guidance on the scope, timing, and content of any required environmental analysis. Possible programs and actions, plus the NOAA contact for further NEPA guidance, are listed below:

Program	Applicant	NOAA contact
Coastal Zone Management Programs (Sec. 306, CZMA).	Coastal States, Territories and Commonwealths.	National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM), NEPA Compliance Coordinator.
National Marine Sanctuaries (Title III, MPRSA).	States, private individuals and organizations.	National Ocean Service, OCRM, NEPA Compliance Coordinator.
Estuarine Sanctuaries and Beach Access Acquisition (Sec. 315, CZMA).	States	National Ocean Service, OCRM, NEPA Compliance Coordinator.
Coastal Energy Impact Program (Sec. 308, CZMA).	Coastal States and local governments	National Ocean Service, OCRM, NEPA Compliance Coordinator.
Fishery Management Plans (Sec. 305, FCMA).	Regional Fishery Management Councils or National Marine Fisheries Service.	National Marine Fisheries Service headquarters, NEPA Coordinator.
Regulations, Permits and Waivers under the MMPA (Secs. 101(a)(2), 101(a)(3), and 104, MMPA).	Private parties, scientific institutions, commercial fishermen, and foreign nations.	National Marine Fisheries Service, Office of Protected Species and Habitat Conservation.
Deep Seabed Mining Licenses and Permits (DSM).	Private industry	National Ocean Service, OCRM, NEPA Compliance Coordinator.
Ocean Thermal Energy Conversion Licenses (OTEC).	Private industry	National Ocean Service, OCRM, NEPA Compliance Coordinator.

(5) RPMs should consult this directive when their involvement in an action proposed by State or local agencies or Indian tribes is reasonably foreseeable and could be a major Federal action.

(6) RPMs should also consult with ECD and this directive before communicating with other Federal agencies regarding whether and to what extent NOAA will become involved in developing proposals for such agencies, or in the preparation of environmental analyses or documents initiated by such agencies.

(7) When a proposed action involves several organizational units in NOAA, the RPMs should determine which manager should take the lead role in environmental analyses and the responsibility for preparation of any environmental document.

(8) Where disagreements arise regarding NOAA's NEPA procedures for any action, ECD will make the final decision. A complete statement of ECD's authorities and functions is presented in subpara. 3e above. All of those ECD roles may be used to support NOAA's environmental analyses.

c. *Terminating the Process*—NOAA may stop the environmental analysis process at any stage if program goals shift, support for a proposed action diminishes, the original analysis becomes outdated, or other special circumstances prevail. If a draft EIS has already been prepared and filed with EPA, the chief, ECD, must be notified by the RPM of any contemplated termination of the environmental analysis prior to completion of the final EIS. If the environmental analysis process is terminated, the final EIS will not be prepared. After RPM approval and ECD notification, the termination must be announced in the **Federal Register.** Such terminations should be explained in writing by the RPM office through ECD to EPA so that EPA may withdraw the draft EIS and close its file on the subject action. In addition, for supplemental documents only, CEQ will be notified by ECD if the process stops after issuance of a draft supplemental EIS but before issuance of the final.

5. Type of Environmental Documents Needed to Satisfy NEPA

The procedures for complying with domestic laws, regulations, executive orders, and administrative orders differ depending on whether the proposed action is a management plan, an amendment to a plan, a research project or regulation, or an emergency regulation. See para. 6 below for guidance on NEPA compliance for

international treaties, commissions, and compacts.

a. *Management Plans*—Management plans require either an EA or EIS; a CE does not apply to management plans unless an EA or EIS has already been prepared on the proposed action.

(1) Requires an EA but not necessarily an EIS—All management plans require an EA unless the RPM decides to proceed directly with an EIS. Plans that are significant based on subpara. 3q above, general criteria in (subpara. 13a), and any specific criteria (subpara. 13b) will require an EIS.

(2) Requires an EIS—RPMs who determine that a proposed major action is significant may choose between options (a) and (b) below.

(a) Separate EIS and Management Plan—With this approach, the EIS would be prepared as a separate document and not be incorporated into the related management plan. Cross references between the EIS and management plan are encouraged to minimize redundancies between texts. The EIS must comply fully with the CEQ NEPA regulations, including requirements for contents and administrative procedures. The plan and EIS may be printed under the same cover.

(b) Consolidated EIS and Management Plan—EIS contents may be combined with the contents of related management plans to yield a single "consolidated" document. These documents must still satisfy the CEQ NEPA regulations and all requirements for plan and EIS contents and administrative procedures but need not be prepared according to the CEQ recommended outline for EISs. Instead, the consolidated document should contain a detailed table of contents identifying required sections of the EIS. ECD must still clear the NEPA aspects of each consolidated document since the document serves as an EIS as well as a management plan. Similarly, all consolidated documents must be filed at EPA and follow the normal administrative procedures for any EIS, including public review.

(3) Categorical Exclusion—No management plan may receive a categorical exclusion, i.e., all plans must be accompanied by an EA or EIS. However, regulations to implement a plan, such as sanctuary or fishery management regulations, are categorically excluded from further NEPA documentation (see subpara. 5c(3)(f) below). Management plans that address an action covered by a previous EIS or EA and that do not expand upon the original proposal can receive a categorical exclusion.

(4) Other NEPA Approaches:

(a) Cooperative Document Preparation:

(i) NOAA programs shall cooperate with State and local agencies to the fullest extent possible to reduce duplication in document preparation. Such cooperation shall include, where possible, joint planning, joint environmental research, joint public hearings, and joint environmental documents (CEQ sec. 1506.2(b)). NOAA should work with the appropriate State or local agencies as joint lead agency in fulfilling the intent of NEPA.

(ii) Like documents prepared solely by a NOAA office, jointly prepared documents shall discuss any inconsistencies of a proposed action with any approved State or local plan or law (CEQ sec. 1506.2(d)).

(b) Adoption of Other Federal Documents:

(i) NOAA programs may adopt an EA, draft EIS, or final EIS or portion thereof prepared by another Federal agency if that document or the adopted portion satisfies the standards of the CEQ regulations and this directive.

(ii) When adopting, NOAA is not required to recirculate the document except as a final EIS. If the actions covered by the document are changed in a potentially significant manner, the document should be circulated as a draft and final (CEQ sec. 1506.3).

(iii) NOAA programs cannot adopt final decisions presented in documents prepared by other agencies. RPMs should prepare a new finding of no significant impact (FONSI) if adopting an EA or a new record of decision (ROD) if adopting an EIS.

b. *Amendments to Management Plans and Regulatory Revisions*—An EA or supplemental EIS may be necessary when an amendment is proposed or when additional relevant information affecting the analysis becomes available. All amendments, except those receiving a categorical exclusion, require an EA or EIS. Revisions of regulations may require an EA or EIS if such revisions are not addressed in a management plan amendment or related NEPA document. If the RPM has doubt concerning significance, an EA will be used to determine whether a finding of no significant impact (FONSI), SEIS, or an EIS is appropriate. Criteria included in subpara. 13a and 13b may aid in determining the significance of amendments. ECD is available for consultation on these determinations.

(1) Requires an EA but Not Necessarily an EIS:

(a) Amendments not determined to merit a CE require an EA unless the RPM decides to proceed directly with an EIS. If the EA reveals that no new significant impacts will result from the amendment, the RPM may prepare a FONSI, integrate it with the EA, and follow the procedures set forth in para. 8 below. If the EA reveals significant impacts that may or will differ in context or intensity from those described in the previously published EA or EIS on the action being amended, preparation of a SEIS or new EIS will be required.

(b) Examples of actions requiring, at minimum, an EA are amendments to coastal management and fishery management plans where such amendments could result in impacts which differ significantly in subject or intensity from those described in a previous EA or EIS published on the action.

(c) When circumstances change or information becomes available bearing on the impacts of an action addressed in a previously published EA or final EIS, the circumstances or information will be reviewed by the RPM to determine whether an EA or an EIS should be prepared.

(2) Requires a New or Supplemental EIS—Amendments which do not result in a FONSI, as determined on a case-by-case basis according to subpara. 5b(1) above or that may be reasonably expected to result in new and significant impacts, require preparation of either a new or supplemental EIS (based on the extent of new impacts). The guidelines for determining the need for a new or supplemental EIS are the same as for an initial EIS (see subpara. 3q, 13a, and 13b). Direct, indirect, and cumulative effects of related actions (CEQ sec. 1508.8) must be considered.

(3) Categorical Exclusion:

(a) Amendments falling within the range or scope of alternatives addressed in a previous EA or EIS do not require preparation of an additional environmental document if the analysis in the initial document is determined by the RPM to be valid and complete. Similarly, amendments falling within one of the general categories described in subpara. 5b(3)(b) below may also receive a CE. If a CE is determined to be appropriate, a memorandum or notation should be prepared for the files with a copy to ECD.

(b) Examples of CEs for amendments include the following:

(i) Routine administrative actions. Ongoing or recurring actions with limited potential for effect on the human environment, such as:

(aa) Reallocations of yield within the scope of a previously published fishery management plan.

(bb) Combining management units in related fishery management plans.

(ii) Actions of limited size or magnitude. Actions which do not result in a significant change in the original environmental action such as:

(aa) Minor technical additions, corrections, or changes to a management plan or regulation.

(bb) Extension of the time in effect of a management plan or regulation.

(4) Other NEPA Approaches—LO's may cooperate with State or local agencies on a joint environmental document (see above, subpara. 6a(4)(a)) or adopt a document prepared by another Federal agency (subpara. 6a(4)(b)).

c. *Projects and Other Actions*—NOAA is involved in some actions generally categorized as projects. These include but are not limited to: funding and budget decisions; preproposal actions; regulations; research programs; and actions on permits and licenses. Requirements for environmental analysis for these activities are described below.

(1) Requires an EA but not necessarily an EIS:

(a) Projects that may have significant impacts should be subject to an EA unless the RPM determines that an EIS will be prepared. If an EA is prepared, that assessment will determine if in fact significant impacts may occur. The general criteria in subpara. 13a may aid RPM decisions on significance.

(b) The ultimate decision of whether to prepare an EIS hinges on the specific proposed action, the guidance in subpara. 13a and 13b, and CEQ sec. 1501.4.

(c) The following types of actions fall within this category.

(i) Financial assistance awards for land acquisition or construction, such as those administered under the Coastal Energy Impact Program (CEIP), where such actions may result in significant impacts.

(ii) Promulgation of regulations (except as covered in 5c(3)(f)), policies, or criteria for entire programs, i.e., not single actions (addressed in subpara. 5c(3)(f) below) but program-wide actions or procedures with a potential effect on the human environment. Includes, but is not limited to regulations for national marine and estuarine sanctuaries, fishery management, deep seabed mining, ocean thermal energy conversion, and coastal management.

(iii) Acquisition, construction, or modification of new facilities budgeted by NOAA or major relocations of NOAA personnel undertaken for programmatic reasons.

(iv) Other actions, including research, that may have significant environmental impacts (DAO 216–6).

(v) Proposals for legislation, as defined in CEQ sec. 1508.17.

(2) Requires an EIS—An EIS is required for major Federal projects or actions determined by the RPM to be significant (subpara. 3q, 13a, and 13b). The RPM may proceed directly to an EIS without preparing an EA. These projects or actions include the following.

(a) Major new projects or programmatic actions that may significantly affect the environment.

(b) Actions required by law to be subject to an EIS, such as an application for any license for ownership, construction, and operation of an ocean thermal energy conversion facility or plantship or for a deep seabed mining license or permit.

(c) Research projects, activities, and programs when any of the following may result:

(i) Research is to be conducted in the natural environment on a scale at which substantial air masses are manipulated (e.g., extensive cloud-seeding experiments), substantial amounts of mineral resources are disturbed (e.g., experiments to improve ocean sand mining technology), substantial volumes of water are moved (e.g., artificial upwelling studies), or substantial amounts of wildlife habitats are disturbed;

(ii) Either the conduct or the reasonably foreseeable consequences of a research activity would have a significant impact on the quality of the human environment (DAO 216–6);

(iii) Research that is intended to form a major basis for development of future projects (e.g., Project Stormfury cloudseeding) which would be considered major actions significantly affecting the environment under this directive (DAO 216–6); or

(iv) Research that involves the use of highly toxic agents, pathogens, or non-native species in open systems.

(d) Federal plans, studies, or reports prepared by NOAA that would likely determine the nature of future major actions to be undertaken by NOAA or other Federal agencies that would significantly affect the quality of the human enviroment.

(e) Proposals for legislation, as defined in CEQ sec. 1508.17, which require the preparation of a legislative EIS accordance with CEQ or DAO 216–6.

(3) Categorical Exclusions—The following categories of projects or other actions do not normally have the potential for a significant effect on the human environment and are therefore exempt from the preparation of either an EA or an EIS. Refer to subpara. 3c for general guidance. When several similar actions, each worthy of an EA, are anticipated, a generic memorandum to the file may be submitted instead of a separate memorandum for each action.

(a) Research—Programs or projects of limited size and magnitude or with only short-term effects on the environment. Examples include natural resource inventories and environmental monitoring programs conducted with a variety of gear (satellite sensors, fish nets, etc.) in water, air, or land environs. Such projects may be conducted in a wide geographic area without need for an environmental document provided related environmental consequences are limited or short-term.

(b) Financial and Planning Grants—Financial support services, such as a Saltonstall-Kennedy grant, fishery loan or grant disbursement under the Fishermen's Contingency Fund or Fishing Vessel and Gear Compensation Fund, or a grant under the Coastal Zone Management Act where no environmental consequences are anticipated beyond those already analyzed in establishing such programs, laws, or regulations. If no initial analysis was prepared, this section would not require preparation of a retroactive environmental document. New financial support services and programs should undergo an environmental analysis at the time of conception to determine if a categorical exclusion could apply to subsequent actions.

(c) Minor Planning Activities—Projects where the proposal is for an impact amelioration action such as planting dune grass or for minor project changes, restoration or rehabilitation projects, or improvements such as adding picnic facilities to a coastal recreation area unless such projects in conjunction with other related actions may result in a cumulative impact (CEQ sec. 1508.7).

(d) Pre-proposal Actions—Actions before a proposal exists do not require any NEPA analysis. A "proposal" exists at that stage in the development of an action when an agency subject to NEPA has a goal and begins its decisionmaking process, including consideration of environmental impacts, toward realization of that goal (CEQ sec. 1508.23).

(e) Programmatic Functions—The following NOAA programmatic functions with no potential for significant environmental impacts are generally exempt from the environmental documentation requirements of NEPA: Routine

experimental procedures; program plans and budgets; mapping, charting, and surveying services; ship support; fisheries financial support services; basic research or research grants except as provided below in subpara. 5c (3); enforcement operations; basic environmental services, such as weather observations, communications, analyses, and predictions; environmental satellite services; environmental data and information services; air quality observations and analysis; support of international global atmospheric and Great Lakes research programs; executive direction; administrative services; and administrative support of the National Advisory Committee on Oceans and Atmosphere and other advisory bodies.

(f) Regulations Implementing Projects or Plans—When an EA or EIA has been or will be prepared for specific projects or plans serving as the basis for the following activities, implementation of regulations associated with the following actions will receive a categorical exclusion: implementation of regulations for coastal zone management programs, national estuarine or marine sanctuaries, and fishery management plans; regulations and waivers issued pursuant to sec. 101(a)(2), 101(a)(3) of the MMPA.

(g) Permits—Permits for scientific research and public display under the ESA and MMPA and grants under the MMPA.

(h) Listing actions under sec. 4(a) of the ESA. Listing, delisting and reclassifying species and designating critical habitat.

(i) Other categories of actions which would not have significant environmental impacts, including routine operations, routine maintenance, actions with short-term effects, or actions of limited size or magnitude.

d. *Emergency Actions*—

(1) Emergency actions promulgated: (a) To implement management plans, e.g., fishery management plans, or amendments to management plans; (b) to establish or implement projects, e.g., coastal energy impact programs; or (c) to take other actions, e.g., fishery management actions without a fishery management plan, are subject to the same NEPA requirements as are non-emergency plans, projects, and actions. Emergency actions are subject to the environmental analysis process outlined in para. 4, to the requirements and guidance of para. 5 concerning the type of environmental documents needed to satisfy NEPA, and to the requirements for public involvement and scoping set forth in para. 7. If time constraints limit compliance with any aspect of the environmental analysis process, the RPM should contact ECD to determine alternative approaches.

(2) the RPM will determine whether an EA or an EIS will be prepared for emergency actions. The emergency action may be categorically excluded if the RPM determines that it meets the same criteria for "major," "significant," and "controversial" that apply to "non-emergency" actions. In the event of uncertainty regarding the necessary environmental document for an emergency action or whether it is categorically excluded, the RPM is advised to consult with ECD as early as possible regarding the appropriate course of action.

(3) Those emergency actions which are determined by the RPM: (a) To require an EA leading to a finding of non-significance, or (b) to be categorically excluded, will not be delayed by any time constraints or requirements established by NEPA or this directive. If the RPM determines that the emergency action is major and significant, and requires the preparation of an environmental impact statement, the RPM will also determine: (c) Whether the requirements associated with EIS preparation, filing, and public review would delay implementation of the emergency action, and (d) whether such delay is detrimental to achieving the objectives of the action. If preparation of EIS would not delay the emergency action sufficiently to prevent attaining the objectives of the action, an EIS will be prepared and associated procedures must be satisfied before emergency actions become effective. If the RPM determines that time or other restrictions may limit attaining the objectives of the emergency action, the RPM should ask ECD to consult CEQ about alternative arrangements. Such arrangements must be in accordance with the CEQ guidance on emergencies (sec. 1506.11) and will be limited to action necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA requirements and review.

6. Environmental Analysis of Proposals with Potential International Implications

a. *General*—The provisions of this directive will apply to NOAA activities, or impacts thereof, which occur outside the territory of the United States, or which may affect resources not subject to the management authority of the United States, as addressed by Executive Order No. 12114 and DAO 216–12. Specifically, except as provided in subpara. 6b below, the provisions of this directive will be followed with respect to the following categories of NOAA actions.

(1) Major Federal actions significantly affecting the environment of the global commons outside the exclusive jurisdiction of any nation, e.g., the oceans, the atmosphere, the deep seabed, or Antarctica;

(2) Major Federal actions significantly affecting the environment of a foreign nation not participating with the United States and not otherwise involved in the action;

(3) All other major Federal actions significantly affecting the environment of a foreign nation, including, but not limited to, those that provide to that nation:

(a) A product and/or a principal product, emission, or effluent which is prohibited or strictly regulated by Federal law in the United States because its toxic effects on the environment create a serious public health risk; or

(b) A physical project which in the United States is prohibited or strictly regulated by Federal law to protect the environment against radioactive substances; and

(4) Major Federal actions outside the United States, its territories, and possessions which significantly affect natural or ecological resources of global importance designated for protection by the President under the provisions of Executive Order No. 12114, or, in the case of such a resource protected by international agreement binding on the United States, by the Secretary of State. With regard to marine resources, "outside the United States" is defined as outside the 200-mile fishery conservation zone and 200-mile exclusive economic zone.

b. *Constraints*—

(1) Environmental documents on actions subject to this section should be as complete and detailed as possible under the circumstances. In undertaking an environmental analysis of activities or impacts which occur outside the United States, it may on occasion be necessary to limit the circulation, timing, review period, or the detail of an EA or EIS for one or more of the following reasons:

(a) Diplomatic considerations;

(b) National security considerations;

(c) Relative unavailability of information;

(d) Commercial confidentiality; and

(e) The extent of NOAA's role in the proposed activity.

(2) Except with respect to those actions described in subpara. 6a(1), when the above factors indicate that full compliance with the substantive and

procedural requirements applicable to the publication of environmental documents would not be possible for the reasons specified above in subpara. 6b(1) (a), (b), (c), and (d), consideration may be given to the preparation of:

(a) Bilateral or multilateral environmental studies, relevant or related to the proposed actions, by the United States and one or more foreign nations, or by an international body or organization in which the United States is a member or participant;

(b) Concise reviews of the environmental issues involved, including environmental assessments, summary environmental analyses, or other appropriate documents.

(3) RPM's in consultation with the Chief, ECD, and the NOAA General Counsel (GC), will decide whether an EA or EIS should be prepared on an action pursuant to this section.

c. *Special Efforts*—Certain activities having environmental impacts outside the United States require special efforts because of their international environmental significance. These include activities mentioned in subpara. 6a above and those which:

(1) Threaten natural or ecological resources of global importance or which threaten the survival of any species;

(2) May have a significant impact on any historic, cultural, or national heritage or resource of global importance; or

(3) Involve environmental obligations set forth in an international treaty, convention, or agreement to which the United States is a party.

d. *Consultation*—In preparing an environmental document for an activity which may affect another country or which is undertaken in cooperation with another country and will have environmental effects abroad, the RPM will consult with ECD both in the early stages of document preparation (in order to determine the scope and nature of the environmental issues involved) and in connection with the results and significance of such documents, except when the factors listed above in sec. 6b(1) (a), (b), or (d) would indicate otherwise. ECD and NOAA GC will consult, as appropriate, with other offices in the Department of Commerce, CEQ, and Department of State when proposed activities are likely to involve substantial policy considerations regarding the proposed action or its environmental consequences. In the process of consulting with foreign officials, every effort must be made to take into account foreign sensitivities and to understand that one of NOAA's objectives in preparing environmental documents in cases involving environmental effects abroad is to provide environmental information to foreign decisionmakers, as well as to responsible NOAA officials. Finally, NOAA's efforts in preparing environmental documents pursuant to this section will be directed, in part, toward strengthening the ability of other countries to carry out their own analyses of the likely environmental effects of proposed actions.

7. Public Involvement and Scoping

a. *General*—RPMs must make every effort to involve the public early in the development of a proposed action and to ensure that public concerns are adequately considered in the decisionmaking process. Public involvement may be solicited through participation in advisory groups, invitation to meetings and hearings, solicitation of comments on draft and final documents, and regular contacts as appropriate. Interested persons may obtain information and status reports on EAs, EISs, and other elements of the environmental review process from the RPM or the Chief, ECD. RPMs will be guided by CEQ sec. 1506.6 and by NOAA Directive 21-25, Release of Mission Information and Responses to Freedom of Information Act Requests, in providing adequate public involvement in the environmental review process.

b. *Scoping*—Scoping is "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action" (CEQ sec. 1501.7). The fullest practicable public participation and interagency consultation will be sought to ensure the early identification of significant environmental issues related to a proposed action. Usually scoping is conducted shortly after a decision is made to prepare an EIS. However, scoping may be used during the EA process to help determine the need for an EIS. Scoping and public involvement may be satisfied by many mechanisms, including planning meetings, public hearings, and solicitations for comments on discussion papers and other versions of decision and background documents.

c. *Notice of Intent*—

(1) Scoping officially begins with **Federal Register** publication of a "notice of intent" to prepare an EIS (CEQ sec. 1501.7) but may in practice begin prior to said notification, i.e., meetings during the preliminary stages of program development or to identify issues related to a proposed action. The notice should be published as soon as practicable after the need for an EIS has been determined. The notice must include (CEQ sec. 1508.22):

(a) The proposed action and possible alternatives.

(b) NOAA's proposed scoping process including any meetings to be held.

(c) The name and address of the agency contact for further information who can answer questions about the proposed action and the EIS.

(3) When there is likely to be a lengthy period between the decision to prepare an EIS and an actual preparation of the draft EIS, publication of the notice of intent may be delayed until a reasonable time in advance of preparation of that draft EIS.

(4) If a RPM decides not to pursue a proposed action after a notice of intent has been published, a second notice should be published to inform the public of the change.

(5) The notice of intent may be combined with similar notices required for preparation of other documents. This will minimize redundancy while still notifying the public of prospective actions.

d. *Scoping Process*—As part of the scoping process, the actions described in CEQ sec. 1501.7 (a) and (b) shall be fulfilled when appropriate; CEQ subsection 1501.7(b) is not mandatory. If the proposed action has already been subject to a lengthy development process which has included early and meaningful opportunity for public participation, those prior activities can be substituted for this requirement. Scoping meetings should inform interested parties of the proposed action and alternatives and serve as a mechanism to receive comments on that action. Written and verbal comments must be accepted during the waiting period after publication of the notice of intent and must be considered in the environmental analysis process. The scoping process will include, where relevant, consideration of the impact of the proposed action on floodplains and wetlands, as described in NOAA Directive 02-12, and on National Trails and Nationwide Inventory of Rivers, as required by Presidential Directive dated August 2, 1979, and will include the consultation with the Advisory Council on Historic Preservation required by 36 CFR Part 800.

8. EA Preparation and Approval

a. *Purpose*—

(1) The purpose of an environmental assessment (EA) is to determine whether significant environmental impacts could result from a proposed action. if the action is determined not to be significant, the EA and resulting finding of no significant impact (FONSI) will be the final environmental

documents required by NEPA. If the EA reveals that significant environmental impacts may be reasonably expected to occur, then an EIS will be prepared. The contents of an EA are discussed in CEQ sec. 1508.9.

(2) The EA should serve to:

(a) Briefly provide sufficient evidence and analysis for determining whether to prepare an EIS or a FONSI;

(b) Facilitate preparation of the EIS. The EA must include brief discussions of the need for the action, of alternatives as required by sec. 102(2)(e) of NEPA, of environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted.

(3) The environmental analysis in the EA provides the basis for determining whether or not the proposed action is significant. Therefore, the EA should consider those factors outlined in subpara. 13a and 13b. Additionally, an EA must assess whether the action significantly and adversely affects floodplains or wetlands (NOAA Directive 02–12) and trails and rivers listed, or eligible for listing, on the National Trails and Nationwide Inventory of Rivers (Presidential Directive, August 2, 1979).

b. *Review and Clearance*—

(1) An EA not leading to an EIS, i.e., where a FONSI is made, shall be submitted by the RPM to the Chief, ECD, for NOAA review and clearance prior to public availability. The FONSI, which must be attached to or incorporated with the EA, notifies reviewers that the environmental impacts of the proposed action have been determined by the RPM to be nonsignificant for NEPA purposes. For NOAA review and clearance, the RPM should submit to the Chief of ECD for signature one copy of the EA and the original letter to reviewers (details on the format and content of the letter are included in subpara. 13d and 13e).

(2) EAs should be submitted to ECD at least three days prior to the requested clearance date; less time may be sufficient when ECD has reviewed early versions of the EA. After NOAA clearance by ECD, the RPM may publish a notice of availability in the **Federal Register** for those EAs with national implications or of broad interest to the public. Similarly, when EAs address unusual or new actions, the RPM may, at his or her discretion, provide up to 30 days public review. The RPM may consult with ECD to arrange alternative procedures for providing public involvement, including various combinations of notices and mailings (see CEQ sec. 1506.6). In certain circumstances, the Chief, ECD, in consultation with the RPM may require that the proposed action not be taken until 30 days after the notice of availability has been published. These circumstances include those where significant reservations based on environmental concerns have been expressed by consulting agencies or the public.

c. *Significant Action*—Where the proposed action is found to be potentially significant, the RPM may proceed directly with preparation of an EIS without submitting the EA for NOAA approval. Early review of draft discussion papers by ECD may help to avoid future problems and to expedite subsequent review of the EIS (see para. 9 below).

9. EIS Preparation and Approval

a. *Purpose*—Should a determination be made by the RPM that significant environmental impacts could result from a proposed action, a discussion paper will be prepared in accordance with CEQ sec. 1502.10–1502.18 on format and content. The cover of this document must clearly state whether it is a separate EIS or an EIS consolidated with a management plan, and whether the document supplements an earlier EIS. For general guidance on EIS procedures, refer to CEQ sec. 1502. Note that NOAA (Administrator's Letter No. 17) and CEQ (CEQ sec. 1502.14(e)) policy requires identification of preferred alternative in the draft EIS whenever such preferences exist and identification in final EIS unless another law prohibits the expression of such a preference.

b. *Review and Clearance*—

(1) The discussion paper, modified as necessary by the RPM in response to comments received from ECD and other appropriate NOAA offices, constitutes the EIS. One copy of the draft EIS and two letters, one filing the draft or final EIS with the Environmental Protection Agency (EPA) and one transmitting it to all other reviewers, must be prepared by the RPM for the signature of the Chief, ECD. Copies of letter formats are attached at the end of this directive. After these letters are signed by the Chief, ECD, the originating RPM will take all further actions, including filing the document at EPA and distributing it to interested parties.

(2) The deadline for ECD receipt of draft and final EISs submitted for clearance is five days prior to filing at EPA; less time may be sufficient in those cases where ECD has reviewed the discussion paper. The absolute deadline for filing at EPA is 3:00 p.m. each Friday. Five copies of draft and final EISs are required by EPA headquarters at filing unless the proposed action affects more than one EPA region or the document is a programmatic EIS (an EIS on an entire program, e.g., deep seabed mining or the "next radar" system called NEXRAD, that could affect a large part of the nation), in which case more copies are required. Specific guidance on the number of EISs needed for filing is available from ECD upon request. An equivalent number of any source documents, appendices, or other supporting analyses must also be submitted to EPA at filing. All EIS copies submitted to EPA must be identical in form and content to the copies distributed to the public and other interested parties. Once filed, EPA will prepare a "notice of availability" that will be published in the **Federal Register** on the Friday following the Friday of the week filed. All public review and "cooling off" periods begin the day of publication of that notice of availability. No review period should end on a weekend or holiday. Concurrent to filing, copies of the draft EIS and general transmittal letter must be sent to all Federal, State, and local government agencies, public groups, and individuals who may have an interest in the proposed action. Copies of the final EIS should be sent to parties who commented on the draft, individuals or groups specifically requesting a copy, and others as determined by the RPM. Source documents, appendices, and other supporting information should be circulated to the public when the RPM determines that reviewers would benefit from the additional information. The EIS and related documents must be made available for public inspection at locations deemed appropriate by the RPM.

(3) The public comment period on draft EISs must be at least 45 days, unless specific exemption is granted by CEQ through ECD. Final EISs must incorporate comments received during the public review period of the draft EIS. The "cooling off" period on final EISs is 30 days, unless an exemption is granted by CEQ through ECD.

(4) A supplemental EIS may be required in certain cases pursuant to CEQ sec. 1502.9(c) (1) and (2). Supplemental EISs shall be prepared, circulated, and filed as prescribed by CEQ sec. 1502.9(c)(4) and in accordance with subpara. 9a to 9d of this directive. If a supplemental EIS is prepared, it must be introduced into any administrative record on the proposed action and distributed as described above in subpara. 9c. The transmittal letters to EPA and the public must state the title and publication date of the earlier document to which the supplement relates.

(5) In certain cases, usually characterized by pending resource emergencies, negative socio-economic impacts, or threats to human health and safety, the RPM may request ECD assistance in shortening the review and "cooling off" periods.

10. Comments on Other Agencies' Environmental Impact Statements

NEPA requires that EISs be submitted for review to any Federal agency which has jurisdiction by law or special expertise over the resources potentially affected. The Chief, ECD, is responsible for coordinating Department of Commerce review of and comments on other agencies' EISs and will forward all comments to those agencies. Copies of the EIS and a letter noting the deadline for receipt of comments will be sent to appropriate Department elements by ECD. Guidance in the preparation of these comments is available in CEQ sec. 1503.3, NOAA Administrator's Letter No. 17, and from ECD.

11. Integration of NEPA and E.O. 12114 Into the NOAA Decisionmaking Process

a. *Inclusion of Environmental Documents in the Decisionmaking Process*—Environmental documents prepared in accordance with this directive must accompany any other decision documents in the NOAA decisionmaking process. The alternatives and proposed action identified in all such documents must correspond. Any environmental document prepared on a proposal will be part of the administrative record of any decision, rulemaking, or adjudicatory proceedings which may be held on that proposal.

b. *Production of Environmental Documents for NOAA Programs*—Environmental documents should be prepared at the earliest practicable time so that the environmental review process will run concurrently with and be integrated into NOAA decisionmaking.

c. *Record of Decision*—The final EIS, final regulations, or a separate Federal Register notice must clearly present NOAA's preferred alternative(s) in a record of decision (ROD) for public review and comment. The ROD shall contain the elements enumerated in CEQ sec. 1505.2.

12. Predecision Referrals to CEQ of Proposed Actions Determined to be Environmentally Unsatisfactory

RPMs will notify the Chief, ECD, of Federal actions by other agencies believed to be environmentally unsatisfactory, i.e., worthy of a "referral," pursuant to CEQ sec. 1504.3. The Chief, ECD, will recommend referrals to the Administrator of NOAA. ECD will work closely with the RPMs to prepare the letters and support materials required in the referral process.

13. Appendices

a. *General Guidance for Defining Significance*—

(1) As required by sec. 102(2)(c) of NEPA and CEQ sec. 1502.3, environmental impact statements (EISs) are to be prepared for every recommendation or report on proposals for legislation and other "major Federal actions" significantly affecting the quality of the human environment. Federal management plans, plan amendments, actions, or projects which will or may cause a significant impact on the human environment require preparation of an EIS.

(2) "Major Federal action" includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. "Major" reinforces but does not have a meaning independent of "significant." "Actions" include: new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by Federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals. Refer to CEQ sec. 1508.18 for additional guidance.

(3) "Significant" requires consideration of both context and intensity. Context means that significance of an action must be analyzed with respect to society as a whole, the affected region and interests, and the locality. Both short-and long-term effects are relevant. Intensity refers to the severity of the impact. The following factors should be considered in the environmental analysis process in evaluating intensity:

(a) Impacts may be both beneficial and adverse;

(b) Degree to which public health or safety is affected;

(c) Unique characteristics of the geographic area;

(d) Degree to which effects are likely to be highly controversial;

(e) Degree to which effects are highly uncertain or involve unique or unknown risks;

(f) Degree to which the action establishes a precedent for future actions with significant effects or represents a decision in principle about a future consideration;

(g) Individually insignificant but cumulatively significant impacts;

(h) Degree to which the action adversely affects entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources;

(i) Degree to which endangered or threatened species, or their habitat, are adversely affected; and

(j) Whether a violation of Federal, State, or local law for environmental protection is threatened.

Refer to CEQ sec. 1508.27 for additional guidance.

(4) "Affecting" means will or may have an effect (CEQ sec. 1508.3). "Effects" include direct, indirect, or cumulative effects of an ecological, aesthetic, historic, cultural, economic, social, or health nature (CEQ sec. 1508.8).

(5) "Legislation" includes a bill or legislative proposal to Congress developed by or with the significant cooperation and support of a Federal agency, but does not include requests for appropriations (CEQ sec. 1508.17). The NEPA process for proposals for legislation significantly affecting the quality of the human environment shall be integrated with the legislative process of the Congress (CEQ sec. 1506.8).

(6) "Human environment" includes the relationship of people with the natural and physical environment. Economic or social effects are not intended by themselves to require preparation of an EIS. An EIS will discuss interrelated economic, social, and natural or physical environmental effects (CEQ sec. 1508.14).

b. *Specific Guidance for Fishery Management Plans and Amendments*—An environmental impact statement (EIS) must be prepared for a fishery management plan (FMP) or amendment when the RPM determines that any one of the following five criteria changes may be reasonably expected to occur. If none of these criteria are met the RPM should prepare an environmental assessment (EA) or determine, in accordance with subpara. 3b, 5a(3), 5b(3), and 5d(2) above, the applicability of a categorical exclusion from further NEPA documentation. The five criteria follow:

(1) The proposed action may be reasonably expected to jeopardize the productive capability of the target resource species or any related stocks that may be affected by the action.

(2) The proposed action may be reasonably expected to allow substantial damage to the ocean and coastal habitats.

(3) The proposed action may be reasonably expected to have a

substantial adverse impact on public health or safety.

(4) The proposed action may be reasonably expected to effect adversely an endangered or threatened species or a marine mammal population.

(5) The proposed action may be reasonably expected to result in cumulative adverse effects that could have a substantial effect on the target resource species or any related stocks that may be affected by the action. Two factors to be considered in this determination of significance are controversy and socio-economic effects. Although no action should be deemed to be significant based solely on its controversial nature, this aspect of an action should be used in weighing the decision on the proper type of analysis needed to ensure full compliance with NEPA. Socio-economic factors related to users of the resource should also be considered in determining controversy and significance.

c. *Reserved for Criteria for Other NOAA Actions.*

d. *Guidance on Transmittal Letters for EAs and EISs—*

(1) All letters must be prepared on "Office of the Administrator" letterhead.

(2) Letters should not be dated until signed by Chief, ECD.

(3) Fill in all appropriate blanks in the sample letter formats.

(4) In the first sentence of Exhibit 2, the first parenthetical note relates to the discussion in sec. 9(c) that noted the EPA need for more than five copies of certain EISs, especially programmatic EISs and EISs on actions that may affect more than one EPA regional office.

(5) Note in sec. 9(c) that EAs need not be transmitted to EPA. Also, EAs need not be distributed to the public except upon request.

e. *Special Guidance on Transmittal Letters for EAs and EISs*—Examples of transmittal letters are attached at the end of this directive:

(1) Exhibit 1—EIS transmittal letter from NOAA to reviewers.

(2) Exhibit 2—EIS transmittal letter from NOAA to EPA.

(3) Exhibit 3—FONSI transmittal letter from NOAA to reviewers.

(4) Exhibit 4—FONSI transmittal memo from ECD to Assistant Administrator.

14. Effect on Other Instructions

This directive supersedes NDM 02-10 versions published January 17, 1979, and July 24, 1980 (45 FR 49312).

Exhibit 1—EIS Transmittal Letter

Dear Reviewer: In accordance with provisions of the National Environmental Policy Act of 1969, we enclose for your review our (DRAFT/FINAL) environmental impact statement on (Title of Project).

(1 PARAGRAPH ABSTRACT)

Any written comments or questions you may have should be submitted to the responsible official identified below by (Due Date for Comments). Also, one copy of your comments should be sent to me in Room 6800, U.S. Department of Commerce, Washington, D.C. 20230.

Responsible Person

Name

Address

Telephone Number

Thank you.

Sincerely,

(Insert Name)

Chief

Ecology and Conservation Division

Enclosures

Exhibit 2—Draft EIS/Final EIS Transmittal to EPA

(Insert Name)

Director Office of Federal Activities, U.S. Environmental Protection Agency, Room 2119, Waterside Mall, S.W., A104, Washington, D.C. 20460

Dear (Insert Name): Enclosed for your consideration are five (Verify Number With ECD) (Appropriate Documents, i.e., Draft EIS or Final EIS) on (Title of Project).

Additional Paragraph(s) or Information as Necessary

If you have any questions about the enclosed statement, contact either the official responsible for this program (Name of Assistant Administrator and Telephone Number) or me at 377-5181.

Concurrent with this transmittal to EPA, copies of the (Draft EIS/Final EIS) are being mailed to Federal agencies and other interested parties.

Sincerely,

(Insert Name)

Chief

Ecology and Conservation Division

Enclosures

Exhibit 3—Finding of No Significant Impact—Transmittal Letter To Interested Parties

To All Interested Government Agencies and Public Groups:

Pursuant to the National Environmental Policy Act, an environmental review has been performed on the following action.

Title:

Location:

Summary:

Responsible Official: (Assistant Administrator Level with Address and Telephone Number)

The environmental review process led us to conclude that this action will not have a significant effect on the human environment. Therefore, an environmental impact statement will not be prepared. A copy of the finding of no significant impact including the supporting environmental assessment is enclosed for your information. Please submit any written comments to the responsible official named above by (Due Date for Comments). Also, one copy of your comments should be sent to me in Room 6800, U.S. Department of Commerce, Washington, D.C. 20230.

Sincerely,

(Insert Name)

Chief

Ecology and Conservation Division

Enclosure

Exhibit 4—FONSI Transmittal Memo (From EC To Appropriate Assistant Administrator)

To: List Routing Code—(Insert Name)

From: PP2—(Insert Name)

Subject: Finding of No Significant Impact on (TITLE)

On the basis of the information presented in the subject environmental assessment, I concur in your determination that the proposed action will not have a significant effect on the human environment in accordance with the Council on Environmental Quality's regulations implementing the National Environmental Policy Act. Therefore, a finding of no significant impact is appropriate.

Enclosures

[FR Doc. 84-3138 Filed 2-3-84; 8:45 am]

BILLING CODE 3510-12-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Controlling Imports of Certain Man-Made Fiber Textiles From Brazil

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the letter published below to the Commissioner of Customs to be effective on February 7, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377-4212.

Background

On November 7, 1983 a notice was published in the **Federal Register** (48 FR 51171) announcing that, on October 31, 1983, under the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, the Government of the United States had requested consultations with the Government of the Federative Republic of Brazil with respect to man-made fiber yarn in Category 604. The notice stated that the Government of the Federative Republic of Brazil is obligated under the agreement to limit its exports of these products to the United States during the ninety-day period which began on November 1, 1983 and extended through January 29, 1984 to 96,749 pounds. Under the terms of the bilateral agreement, in the event the two governments fail to reach a mutually satisfactory solution concerning the category during consultations, the United States Government may establish a prorated specific limit of 56,391 pounds for the period dating from the end of the ninety-day period and extending through the end of the agreement year, i.e., March 31, 1984. The latter limit may be adjusted to reflect ten percent swing and six percent carryforward. The United States Government has decided to control imports in Category 604 at the adjusted, prorated limit of 65,413 pounds, effective on February 7, 1984. Merchandise in Category 604 which is in excess of the ninety-day limit will, if permitted to enter, be charged to the limit established for the period which began on January 30, 1984.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached, further notice will be published in the **Federal Register**.

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).

EFFECTIVE DATE: February 7, 1984.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377–4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

February 3, 1984.

Committee for the Implementaiton of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 7, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 604 produced or manufactured in Brazil and exported during the period which began on January 30, 1984 and extends through March 31, 1984, in excess of 65,413 pounds.[1]

In carrying out this directive imports in Category 604, produced or manufactured in Brazil which have been exported during the ninety-day period which began on November 1, 1983 and extended through January 29, 1984, shall, to the extent of any unfilled balance be charged against the limit established for that period. Merchandise which is in excess of that limit shall be charged to the limit established in this directive.

Textile products in Category 604 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, unless exported during the ninety-day period which began on November 1, 1983 and extended through January 29, 1984, 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 in to the Commonwealth of Puerto Rico.

The action taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of man-made fiber textile products from Brazil has 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**.

[1] The limit has not been adjusted to reflect any imports exported after October 31, 1983.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-3337 Filed 2-3-84; 9:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Fire Support for Amphibious Warfare; Advisory Committee Meeting

The Defense Science Board Task Force on Fire Support for Amphibious Warfare will meet in closed session on March 1–2, 1984 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on March 1–2, 1984 the Task Force will review their findings on the basic requirements for fire support during amphibious warfare operations and discuss the preparation of their final report.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. I (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

Dated: February 1, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer Department of Defense.

[FR Doc. 84-3164 Filed 2-3-84; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

The DOD Advisory Group on Election Devices (AGED) will meet in closed session on March 15, 1984 at the AGED Secretariat, 201 Varick Street, 11th Floor, New York, NY 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. 92–463, as amended, (5 U.S.C. App. I 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: February 1, 1984.

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–3165 Filed 2–3–84; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Group on Electron Devices; Advisory Committee; Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on March 6, 1984 at the AGED Secretariat, 1925 N. Lynn Street, Suite 1000, Arlington, VA 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 1 10(d) (1976)), it has been determined that the Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: February 1, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–3166 Filed 2–3–84; 8:45 am]

BILLING CODE 3810–01–M

Foreign Assistance; Determinations

Pursuant to Section 515(c)(1) of the Foreign Assistance Act of 1961 relating to overseas management of assistance and sales programs, and in accordance with the authority delegated by Executive Order 12163 and redelegated on February 12 and February 24, 1972, to the Director, Defense Security Assistance Agency, I determine that United States national interests require that more than six members of the Armed Forces be assigned under Section 515 of the Act to carry out international security assistance programs in Pakistan and Lebanon, and therefore waive the limitation that the number of members of the Armed Forces assigned to a foreign country under Section 515 of that Act may not exceed six unless specifically authorized by Congress.

The increase from five to eleven in the total number of military personnel authorized for the Offices of the Defense Representative, Pakistan, and the increase from six to eight in the total number of military personnel authorized for the Office of Military Cooperation, Lebanon, shall be effective thirty days after the date on which this determination is reported to the Committee on Foreign Affairs on the Senate and the Committee on Foreign Affairs of the House of Representatives.

These determinations dated January 30, 1984, were signed by Walter B. Ligon, Deputy Director, Defense Security Assistance Agency (Acting Director).

Dated: February 1, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–3167 Filed 2–3–84; 8:45 am]

BILLING CODE 3810–01–M

Organization of the Joint Chiefs; Chairman, Joint Chiefs of Staff/Media-Military Relations Committee Study; Advisory Committee Meeting

The Chairman, Joint Chiefs of Staff has scheduled a meeting of the CJCS/Media-Military Relation Committee Study on Monday, February 6, 1984 starting at 1300. The meeting will be held in the Hill Conference Center, Theodore Roosevelt Hall (Building 61), Fort Lesley J. McNair, Washington, D.C. The Study will examine the responsibilities of the media and the military in providing coverage of military operations and recommend how media can appropriately cover future operations. Due to extensive public concern over the incidents involved in establishing this committee the Chairman, Joint Chiefs of Staff desires that the committee hold its meeting as soon as possible, in order that he may report its findings to the Secretary of Defense without delay. Accordingly, the 15-day timely notice requirement cannot be met. The meeting is open to the public, but the limited space available for observers will be allocated on a first-come, first-served basis. To reserve space, interested persons should write or phone (202) 697–4272, the Public Affairs Officer, Organization of the Joint Chiefs of Staff, Washington, D.C. 20301.

Dated: February 1, 1984.

M. S. Healy,

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

[FR Doc. 84–3168 Filed 2–3–84; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) type of submission; (2) title of information collection and form number if applicable; (3) abstract statement of the need for and the uses to be made of the information collected; (4) type of respondent; (5) an estimate of the total number of responses; (6) an estimate of the total number of hours needed to provide the information; (7) to whom comments regarding the information collection are to be forwarded; (8) the point of contact from whom a copy of the information proposal may be obtained.

Twenty-four (24) new information collection requests in support of DoD 5000.19–L, Vol II, Acquisition Management Systems and Data Requirements Control List (AMSDL) which bears OMB Control Number 0704–0188 and expires on June 30, 1986.

The DoD awards approximately 13 million annual contracts for supplies/services and hardware. Information collection requests contained in these contracts for which each contractor is reimbursed now number 2,571 and are

listed in the AMSDL for repetitive use. The majority of DoD information collection requests are contained in contracts of $1 million or more (approximately 5000 annually). These information collection requests from the public (contractors) are necessary for the Government to support the design, test, manufacture, training, operation, maintenance, and logistical support of items of defense material being acquired under the provisions of the Armed Services Procurement Act Title 10, U.S.C. The following applies to the 24 new requests:

Contractors: 18,312 responses; 2,014,320 hours

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and James D. Richardson, DoD AMSDL Clearance Officer, OUSDR&E (DMSSO), 5203 Leesburg Pike, Suite 1403, Falls Church, VA 22041, (703) 756–2340/1.

A copy of the information collection proposal may be obtained fom James D. Richardson, OUSDR&E (DMSSO), 5203 Leesburg Pike, Suite 1403, Falls Church, VA 22041, (703) 756–2340/1.

Dated: February 1, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84–3169 Filed 2–3–84; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Army Medical Research and Development Advisory Committee; Subcommittee on Medical Defense Against Chemical Agents; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix, Sections 1–15), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Medical Defense Against Chemical Agents.

Date of Meeting: February 27–28, 1984.

Time and Place: 0900 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public from 0900–1100 hrs. on 27 February for the administrative review and discussion of the scientific research program of the US Army Medical Research Institute of Chemical Defense. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), United States Code, Title 5 and sections 1–15 of Appendix, the meeting will be closed to the public from 1100–1700 hrs. on 27 February and from 0900–1700 hrs. on 28 February for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Col Richard Lindstrom, US Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD 21010 (301/671–2833) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 84–3142 Filed 2–3–84; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Intent To Prepare Draft Supplement II to the Final Environmental Impact Statement (EIS) for a Proposed Flood Control Project, Minnesota River at Chaska, Carver County, Minn.

AGENCY: Army Corps of Engineers, St. Paul District, DOD.

ACTION: Notice of intent to prepare draft supplement II to the final EIS.

SUMMARY: The St. Paul District proposes to implement a flood control plan at Chaska, Minnesota, on the Minnesota River. This plan consists of upgrading and extending an existing levee along the Minnesota River, diverting total flows of West (Chaska) Creek to the outside of the leveed area, diverting flood flows of East Creek to the outside of the leveed area, and constructing interior drainage facilities.

The St. Paul District proposes to change the alignment and design concept of the East Creek diversion feature. The basic concept of diverting East Creek flood flows to the Minnesota River remains the same. The proposed changes would consist of the following actions: Construct channel improvements (starting approximately 100 feet downstream of the previously-proposed diversion point) that would then allow movement of the actual point of diversion about 4,000 feet downstream of the previously proposed site; add a levee along the south side of the creek; and locate the outlet structure to the Minnesota River upstream of the previously-proposed site. The first part of the diversion structure would be underground instead of the previously-proposed open channel.

The only reasonable alternative to the proposed design changes is to retain the previously-proposed design.

A public information meeting was held in Chaska on January 9, 1984, to present the proposed change to the local citizens and to invite them to express their questions, concerns, and opinions of the proposal.

The following significant issues and concerns associated with the proposed East Creek design changes were identified in comments expressed at the public meeting and through coordination with city officials and other agencies:

1. Public safety of structures.
2. Potential displacement of residents.
3. Potential effects on recreational uses of Lions Park, the East Creek Trail system, an ice-skating rink, and Chaska greenbelt/open space areas.
4. Potential effects on the aesthetics of areas affected by structures.
5. Development of a suitable landscaping and recreational use plan for the levee.
6. Determination of erosion potential below the outlet structure and an appropriate design to minimize that potential.
7. Potential conflict of uses of open space lands purchased with Federal grants.
8. Determination of project compliance with Executive Order 11988 on Floodplain Management because former floodplain areas would become more attractive for development.
9. Potential temporary construction impacts of traffic disruption, noise, and air pollution.
10. Potential impacts on fish and wildlife habitat.

No formal scoping meeting is planned for this supplement. However, significant issues and resources to be analyzed in the draft supplement will be identified through coordination with responsible Federal, State, and local agencies, interested private organizations and parties, and affected Indian tribes. Anyone who has an interest in participating in the development of the draft supplement, or who wishes to provide information, is invited to contact the St. Paul District, Corps of Engineers.

The final EIS on flood control at Chaska, Minnesota, was made available to the public in November 1976. Final supplement I to the final EIS was made available in September 1982.

The review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500–1508).

Engineer Regulations (ER) 200–2–2 (33 CFR Part 230), and all other applicable regulations and guidance.

We estimate that the draft supplement will be available to the public during the latter part of the second quarter or the third quarter of fiscal year 1984 (March–June 1984).

Questions concerning the proposed action and draft supplement to the EIS can be directed to: Colonel Edward G. Rapp, District Engineer, St. Paul District, Corps of Engineers, 1135 U.S. Post Office and Custom House, St Paul, Minnesota 55101.

Dated: January 26, 1984.

Edward G. Rapp,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 84–3079 Filed 2–3–84; 8:45 am]

BILLING CODE 3710–CY–M

Department of the Navy

Naval Research Advisory Committee, Panel on Man-in-the-Loop Targeting; Closed Meeting

Correction

In FR Doc. 84–2456, appearing on page 3680 in the issue of Monday, January 30, 1984, make the following correction.

The thirteenth line of the first paragraph should have read: "12:30 p.m. on February 22; and commence at 8:30 a.m. and terminate at 5:00 p.m. on February 23, 1984. All".

BILLING CODE 1505–01–M

DEPARTMENT OF EDUCATION

Advisory Council on Education Statistics; Meeting

AGENCY: Advisory Council on Education Statistics, Ed.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: February 23 and 24, 1984.

ADDRESS: 1200 19th Street NW., Room 823, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT: Robena S. Gore, Executive Director, 1200 19th Street NW., (Brown Building) Room 723–B, Washington, DC 20208. Telephone (202) 254–8227.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under Section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93–380. The Council is established to review general policies for the operation of the National Center for Education Statistics and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting of the Council is open to the public. The proposed agenda includes:

An update on the supply of and demand for teachers, salary differential, and state plans concerning teachers.

An update on the proposed evaluation study of the National Center for Education Statistics.

A status report on a fast response survey on Computer Education and teacher education in computers.

A report on school discipline.

A report on merit pay plans for teachers.

A report on adult literacy initiative.

A report on "State Education Statistics: State Performance Outcomes, Resource Inputs, and Population Characteristics, 1972 and 1982.

The 1985 Budget.

Such old business and new business as the chairman or membership may put before the Council.

Records are kept of all Council proceedings, and are available for public inspection at the office of the Executive Director, Advisory Council on Education Statistics, 1200 19th Street NW, (Brown Building) Room 723–B, Washington, DC 20208.

Dated: February 1, 1984.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 84–3144 Filed 2–3–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of the Secretary

Procurement and Assistance Management Directorate

AGENCY: Department of Energy.

ACTION: Notice of solicitation for a cooperative agreement application.

SUMMARY: DOE announces that, pursuant to 10 CFR 600.7(b), it is restricting eligibility for the award of a cooperative agreement to evaluate the biochemical effects of human body fluids exposed to uniform 60 Hz electric and magnetic fields to Midwest Research Institute (MRI), Kansas City, Missouri. MRI has been asked to submit an application which is expected to result in the award of a cooperative agreement estimated at $350,000 for a twenty-four month period.

Project Scope: This cooperative agreement will provide for the collection of body fluids before, during, and after exposure to 60 Hz electric and magnetic fields and measurement of biochemical parameters. This data will provide the first controlled and documented biochemical data and establish a scientific basis for comparison between human and animal reaction to 60 Hz electric and magnetic field exposure. Eligibility for award of this cooperative agreement is being limited at this time to the MRI because the MRI, under contract to the New York State Department of Health, has constructed the only U.S. facility for the controlled and safe exposure of humans to 60 Hz fields. MRI is currently using this facility to provide human behavior data for the State project. The Federal project will provide the corresponding biochemical data, which is beyond the scope of the State project.

Solicitation Number: DE–FC01–84CE76246.

FOR FURTHER INFORMATION CONTACT: Barbara Dunn, MA–453.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–1075.

Issued in Washington, D.C., on January 23, 1984.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 84–3176 Filed 2–3–84; 8:45 am]

BILLING CODE 6450–01–M

Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities; Renewal

Notice is hereby given that the Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities which was established in accordance with Pub. L. 93–577, the Federal Nonnuclear Energy Research and Development Act, has been renewed for a 2-year period ending on January 27, 1986.

The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), the Federal Nonnuclear Energy Research and Development Act (Pub. L. 93–577), the GSA Interim Rule on Advisory Committee Management,

and other directives and instructions issued in implementation of those acts.

Further information regarding this advisory committee may be obtained form Gloria Decker (202–252–8990).

Issued at Washington, D.C., on January 30, 1984.

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 84–3172 Filed 2–3–84; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Boundary-Spokane/Colville Valley Support Project Finding of No Significant Impact; Correction

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Finding of no significant impact (FONSI); correction.

SUMMARY: This notice corrects an acreage figure in item 2 of the fourth paragraph of the FONSI on the Boundary-Spokane/Colville Valley Support Project that appeared at page 55762, column 3, in the **Federal Register** of Thursday, December 15, 1983 (48 FR 55762). The average number of acres harvested per year in the Colville National Forest should read 6,200 acres instead of 620,000 acres.

FOR FURTHER INFORMATION CONTACT: Anthony R. Morrell, Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon 97208, telephone (503) 230–5136.

Issued in Portland, Oregon, January 19, 1984.

Robert E. Ratcliffe,

Acting Administrator.

[FR Doc. 84–3173 Filed 2–3–84; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 83–07–NG]

Natural Gas Imports, Great Lakes Gas Transmission Co.; Petition to Amend Import and Export Authorizations

AGENCY: Economic Regulatory Administration.

ACTION: Notice of petition to amend import and export authorization.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on October 26, 1983, of the petition of Great Lakes Gas Transmission Company (Great Lakes) to amend previous orders of the Federal Power Commission (FPC) which, among other things, authorized the importation and exportation of natural gas owned by TransCanada Pipelines Limited (TransCanada). Specifically, Great Lakes requests the ERA to extend from November 1, 1992, through November 1, 2005, its existing authorization to import and export up to 815,000 Mcf per day of TransCanada's gas which Great Lakes transports through its own pipeline.

The petition is filed with ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on March 7, 1984.

FOR FURTHER INFORMATION CONTACT:

Robert Groner, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–007, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–9482

Diane J. Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, 1000 Independence Avenue SW., Forrestal Building, Room 6E–042, Washington, D.C. 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: On October 26, 1983, Great Lakes filed a petition to amend its authorization which was initially granted by FPC Order No. 521, issued on June 20, 1967, in Docket No. CP66–112 (37 FPC 1070), and later amended by the FPC on June 1, 1971, in Docket No. CP71–223 (45 FPC 1037). The amendment for which Great Lakes seeks approval would permit it to continue to import and export natural gas for TransCanada from November 1, 1992, when petitioner states the FPC authority expires, through November 1, 2005.

Great Lakes operates a pipeline system extending from the international boundary near Emerson, Manitoba, the point at which it connects with the facilities of TransCanada, across northern Minnesota, Wisconsin, and Michigan, until it reconnects with TransCanada's eastern Canadian facilities at two points on the international boundary near St. Clair and Sault Ste. Marie, Michigan. Under an agreement dated September 12, 1967, as amended, Great Lakes supplies a transportation service for TransCanada on its pipeline. According to Great Lakes, it is currently authorized to import into the United States up to 815,000 Mcf per day of Canadian natural gas to be transported from the account of TransCanada. The gas is delivered by TransCanada to Great Lakes at Emerson. Great Lakes returns the equivalent volumes to TransCanada at Sault Ste. Marie and St. Clair for sale in Canadian markets.

On September 8, 1981, Great Lakes and TransCanada amended their transportation agreement to extend its term through October 31, 2005.

Great Lakes asserts that extending the current authorization is in the public interest because it will ensure that its pipeline system operates at optimum capacity, thus minimizing rates to all of its customers. Great Lakes also notes that in the area it serves there exists no domestic supply of gas with which to replace the volumes now being transported for TransCanada.

Other Information

Any person wishing to become a party to the proceeding, and thus to participate in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements that are specified by the regulations that were in effect on October 1, 1977, in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Division; Office of Fuels Programs; Economic Regulatory Administration; Room GA–007; RG–43; Forrestal Building; 1000 Independence Avenue SW., Washington, D.C. 20585. All protests and petitions to intervene must be filed no later than 4:30 p.m., March 7, 1984.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if the ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for a hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Great Lakes' petition is available for inspection and copying in the Natural Gas Division Docket Room located in Room GA–007; Forrestal Building; 1000 Independence Avenue SW., Washington, D.C. 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on January 30, 1984.

James W. Workman,

Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-3076 Filed 2-3-84; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. PP-79]

Record of Decision and Issuance of Presidential Permit PP-79 to San Diego Gas & Electric Co. for Two 230 kV Transmission Circuits From Imperial Valley, Calif., to La Rosita, Mex.

AGENCY: Economic Regulatory Administration (ERA), DOE.

ACTION: Notice of the issuance of Presidential Permit PP-79 to San Diego Gas & Electric Company (SDG&E) for two, 230 kilovolt international transmission circuits from Imperial Valley, California, to La Rosita, Mexico and Publication of the Record of Decision.

SUMMARY: DOE has issued Presidential Permit PP-79 to SDG&E authorizing the construction, connection, operation, and maintenance to two, 230 kilovolt (kV) international transmission circuits from Imperial Valley, California, to La Rosita, Mexico. The record of decision appears below.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Division of Coal and Electricity, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Forrestal Building, Room GA-033, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-5935

Lise Courtney M. Howe, Office of Assistant General Counsel for International Trade and Emergency Preparedness, Department of Energy, Forrestal Building, Mail Stop 6A-141, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION: Record of Decision for two, 230 kV international transmission circuits from Imperial Valley, California, to La Rosita, Mexico.

Pursuant to Regulations of the Council on Environmental Quality (40 CFR Part 1505) and Implementing Procedures of the U.S. Department of Energy (45 FR 20694):

Decision

DOE has decided to issue a Presidential Permit to SDG&E to construct, connect, operate and maintain electric transmission facilities at the international border between the United States and Mexico. This Permit is being issued pursuant to Executive Order 10485, as amended by Executive Order 12038.

Project Description

SDG&E proposes to construct, connect, operate and maintain two 60 cycle, 3 phase, 230 kV transmission circuits extending from the Imperial Valley Substation in California to the United States-Mexican border, a distance of approximately 4.5 miles. At the border these transmission circuits will interconnect with similar transmission circuits owned and operated by the Comision Federal de Electricidad (CFE). The facilities authorized by this Permit are more specifically shown and described in the application filed by SDG&E with the DOE on September 24, 1982, in Docket No. PP-79.

Description of Alternatives

DOE has determined that the action proposed by SDG&E in its application is the most viable alternative for the interconnection of the SDG&E and CFE systems.

Basis for Decision

DOE is authorized, pursuant to Executive Order 10485, as amended by Executive Order 12038, to grant a Presidential Permit to construct, connect, operate and maintain a transmission circuit crossing an international border. DOE must determine that the issuance of a Permit is consistent with the public interest.

Considerations in the Implementation of the Decision

DOE has concluded that the Imperial Valley-La Rosita project proposed by SDG&E satisfies the four criteria presently used to determine consistency with the public interest. On November 22, 1983, DOE adopted an environmental assessment (EA) prepared by the Bureau of Land Management for construction and operation of two electric transmission circuits between La Rosita, Mexico, and the Imperial Valley Substation in California. Based upon the findings of the EA, which is available to the public upon request, the DOE has determined that issuance of the Permit would not constitute a major Federal action significantly affecting the quality of the human environment, as defined in Section 102 of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* Therefore, no environmental impact statement was required and the conditions of NEPA were satified.

On November 1, 1983, DOE concluded that the first proposed Imperial Valley-La Rosita transmission circuit will not adversely impact the reliability of either the SDG&E system or any other electric utility system in the region. Furthermore, the proposed circuit is likely to enhance regional reliability by providing an alternate path for Arizona-California power transfers during outage of the proposed Imperial Valley-Miguel 500 kV circuit. This decision was based upon information submitted by SDG&E in its application and in two subsequent reports submitted to DOE. Other considerations in DOE's decision were corroborations by the California Public Utility Commission and the Western Systems Coordinating Council that system reliability would not be impaired by installation of the proposed intertie. DOE will make a determination of the reliability impact of the second Imperial Valley-La Rosita circuit before that circuit is energized. This determination will be noticed in the **Federal Register** and public comments will be accepted.

Finally, in satisfaction of the final two criteria and pursuant to Executive Order 10485, as amended, the Department of State and the Department of Defense must concur in DOE's decision to issue the Permit. The Department of State concurred on November 28, 1983, and the Department of Defense concurred on November 29, 1983.

A copy of the Presidential Permit is available for public inspection and copying at the DOE Freedom of Information Library, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 10585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., December 20, 1983.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 84-3077 Filed 2-3-84; 8:45 am]

Billing Code 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF84-49-000]

San Diego State University; Application for Commission Certification of Qualifying Status of a Cogeneration Facility; Correction

February 1, 1984.

The following correction should be made to the notice issued in this proceeding on January 27, 1984 (49 FR 3913, January 31, 1984): in paragraph 3 replace the phrase "within 15 days after

the date of publication of this notice" with "on or before February 13, 1984".

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-3088 Filed 2-3-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of January 6 through January 13, 1984

During the Week of January 6 through January 13, 1984, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 27, 1984.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 6 through Jan. 13, 1984]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 9, 1984	Department of Interior, Washington, D.C.	HEN-0063	Motion for Interim Relief. If granted: The Department of Interior would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. HEE-0063).
Do	The Knoxville Journal, Knoxville, Tennessee	NFA-0205	Appeal of an Information Request Denial. If granted: The December 12, 1983, Freedom of Information Request Denial issued by the Oak Ridge Operations Office would be rescinded, and the Knoxville Journal would receive access to copies of medical records relating to employees who worked at the Y-12 Weapons Parts Plant in Oak Ridge, Tennessee, between 1953 and 1963 and information contained in the personnel files.
Jan. 11, 1984	Vickers Oil Company/Highland Petroleum, Inc., Lakewood, Colorado.	RR1-3	Request for Modification/Rescission in the Vickers Oil Company. If granted: The January 4, 1984, Decision and Order (Case No. RF1-268) issued to Highland Petroleum, Inc., would be modified regarding the firm's application for refund submitted in the Vickers Oil Company refund processing..
Jan. 13, 1984	Texaco, Inc./Ashland Oil, Inc., Pittsburgh, Pennsylvania	NEJ-0046	Request for Protective Order. If granted: Ashland Oil, Inc., would enter into a Protective Order with Texaco, Inc.; regarding the release of proprietary information to Ashland Oil, Inc., in connection with Ashland Oil, Inc.'s Application for Exception (Case No. BFF-1676).

REFUND APPLICATIONS RECEIVED

[Week of Jan. 6 to Jan. 13, 1984]

Date	Name of refund proceeding/name of refund applicant	Case No. assigned
Jan. 9, 1984	Amoco/Georgia	RQ21-43.
Jan. 11, 1984	Palo Pinto/Maryland	RQ5-44.
Jan. 12, 1984	Amoco/Idaho	RQ21-45.

[FR Doc. 84-3174 Filed 2-3-84; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of January 13 through January 20, 1984

During the Week of January 13 through January 20, 1984, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

January 27, 1984.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 13 through Jan. 20, 1984]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 11, 1984	Economic Regulatory Administration, Washington, D.C.	HRD-0198	Motion for Discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with its response to the Statement of Objections submitted by Gulf Oil Corporation (Case No. HRO-0157).
Jan. 16, 1984	Texas International Company, Washington, D.C.	HRH-0199 and HRD-0199	Motion for Discovery and request for an Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by the Texas International Company in response to the Proposed Remedial Order (Case No. HRO-0199) issued to the firm.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Jan. 13 through Jan. 20, 1984]

Date	Name and location of applicant	Case No.	Type of submission
Do.	The Seattle Times, Seattle, Washington	HFA-0206	Appeal of an Information Request Denial. If granted: The January 9, 1984 Freedom of Information Request Denial issued by the Bonneville Power Administration would be rescinded, and the Seattle Times would receive access to the September 27, 1979, internal memorandum by D. Smithpeter, Project Engineer.
Do.	West Coast Oil Company, Los Angeles, California	HRR-0077	Motion for Reconsideration/Modification. If granted: The December 9, 1983, Decision and Order (Case No. HRD-0090) issued to West Coast Oil Company would be modified regarding overcharges in the sale of refined petroleum products.
Jan. 17, 1984	Oasis Petroleum Corporation, Washington, D.C	HES-0040	Request for Stay. If granted: Oasis Petroleum Corporation would receive a Stay of the January 6, 1984, Petition for Special Redress proceeding submitted by Lucky Stores, Inc., pending a final decision of the Temporary Emergency Court of Appeals ("TECA") in Dorchester Gas Producing Company v. United States Department of Energy and Donald P. Hodel, TECA 5-103.

REFUND APPLICATIONS RECEIVED

[Week of Jan. 13 to Jan. 20, 1984]

Date	Name of refund proceeding/name of refund applicant	Case No. assigned
Oct. 31, 1983	Amoco/State of Illinois	RF21-12263.
Jan. 16, 1984	Amoco/Coher Oil Company	RF21-12264.
Do	Amoco/Coher Oil Company	RF21-12265.
Do	Belridge/California	RQ6-46.
Jan. 17, 1984	Standard Oil Company of Indiana/Michigan	RQ21-47.
Jan. 19, 1984	Amoco/Ute Mountain Ute Tribe	RQ5-48.

[FR Doc. 84-3175 Filed 2-3-84; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Gore Pass-Blue River 345-kV Transmission Line, Grand and Summit Counties, Colorado; Intent To Prepare a Supplemental Environmental Impact Statement

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of intent to Prepare a Supplemental Environmental Impact Statement.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), the Western Area Power Administration (Western) Department of Energy, intends to prepare a supplemental environmental impact statement to the Rural Electrification Administration's (REA) draft and final environmental impact statement (EIS) for the Hayden-Blue River 345-kV transmission line project. Western intends to address transmission line routing alternatives between Gore Pass Substation and the Blue River Substation, the southern half of the Hayden-Blue River Project, in the supplemental EIS. The purpose of this notice is to solicit participation, comments, and suggestions in preparing the supplemental EIS.

DATES: Written comments are due March 9, 1984.

FOR FURTHER INFORMATION CONTACT:

William C. Melander, Environmental Specialist, Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 224-7231.

Gary W. Frey, Director, Division of Environmental Affairs, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, (303) 231-1527.

Background

The proposed action was originally analyzed in the REA EIS for the Hayden-Blue River 345-kV transmission line project (USDA-REA-EIS (ADM):82:2). The proposal involved constructing, operating, ad maintaining a 90-mile electric transmission line and associated facilities from Western's existing Hayden Substation near Hayden, Colorado, to the proposed Blue River Substation northwest of Dillon, Colorado. The transmission line would be constructed at 345-kV but initially energized at 230-kV. Western, the U.S. Department of Agriculture, Forest Service (FS), and the U.S. Department of the Interior, Bureau of Land Management (BLM), cooperated in the development of the REA EIS.

REA issued a record of decision (ROD) for the project on September 30, 1982, which was followed by decisions from the FS on November 7, 1982, and the BLM on November 9, 1982. The decisions authorized the construction of the Hayden-Blue River 345-kV transmission line in one of two environmentally preferred corridors. Specifically, the FS's ROD granted the right-of-way on National Forest System Lands within Route and Arapahoe National Forests. However, Grand County and the Grand River Ranch Corporation opposed the decision, and appealed the FS's ROD. The appeal has been remanded to the Regional Forester, Rocky Mountain Region, pending the outcome of local permitting activities.

Since completion of REA's EIS, Western and the other participants in the Hayden-Blue River transmission line project have reviewed their long-range needs and have amended the project participation agreement. The agreement now provides different ownership terms and cost and capacity sharing, and divides construction management responsibilities. Specifically, the new cost and capacity shares for the project are as follows: Tri-State Generation and Transmission Association, Inc. (Tri-State), 34 percent; Colorado Ute Electric Association (Colorado-Ute), 22 percent, Platte River Power Authority (Platte River), 22 percent; and Western, 22 percent. The previous participation percentages were: Tri-State, 50 percent; Colorado-Ute, 20 percent; Platte River, 20 percent; and Western, 10 percent. The agreement now provides for Tri-State to be project and construction manager for the northern portion of the line from Hayden to an existing Tri-State substation at Gore Pass near Kremmling, Colorado; and provides for Western to

be the project and construction manager for the southern portion from the Gore Pass Substation to the proposed Blue River Substation. In the previous agreement, Tri-State was project manager and would have constructed the entire line from Hayden to Blue River.

Western, a power marketing administration of the Department of Energy, is responsible for the Federal electric power transmission and marketing function in 15 Central and Western States. Western sells power to about 530 customers consisting of cooperatives, municipalities, public utility districts, provate utilities, Federal and State agencies, and irrigation districts. Current installed generating capacity that Western markets is 8,321 megawatts. Western owns and operates 69-, 115-, and 138-kV facilities in the project area. Western's original participation was for the purpose of enhancing transmission system reliability. Since the Hayden-Blue River project was originally defined, Western has undertaken a study of its underlying 115-/69-kV system and recognized an opportunity to incorporate its needs into a comprehensive plan to solve area-wide needs. Western now proposes to consolidate some of the 115-/69-kV system with the Gore Pass-Blue River proposal, allowing Western to remove portions of the 115-/69-kV system in the project area.

Since the changes in the participation agreement are confined to the corridors defined in the REA's ROD, significant changes relevant to environmental concerns are not expected. Western proposes to utilize the resource information developed for the REA EIS to analyze alternative routings in the supplemental EIS. Tri-State will utilize the same resource information in routing the transmission line between Hayden and Gore Pass Substation in compliance with local transmission siting requirements.

The purpose of this notice is to solicit comments and suggestions for consideration in preparing the supplemental EIS and invite the participation of Federal, State, and local agencies and interested organizations and individuals. The FS and the BLM have already been asked to cooperate with Western in the development of the supplemental EIS. Any written comments or participation requests will be considered prior to the development of the supplemental EIS.

Environmental issues identified in REA's scoping process for the Hayden-Blue River project will be addressed in the supplemental EIS. In addition, based on a review of the appeal of the FS's ROD, Western has identified additional environmental issues, including the consideration of reasonable alternatives, consideration of more specific routing alternatives, and consideration of relationships of other related actions. In the supplemental EIS, Western intends to respond to environmental issues raised in the FS appeal, to describe impacts and recommended mitigation measures for the removal of certain 115-/69-kV lines in the project area, and to evaluate routing alternatives within the corridors described in REA's ROD between Gore Pass Substation and the proposed Blue River Substation.

The No Action, Generation Curtailment, Conservation and Load Management, Renewable Energy Systems, Transmission Line, and Corridor alternatives were addressed in the REA's EIS. Unless specific comments are received, Western does not intend to readdress the alternatives discussed in the REA EIS, except for some variations of the transmission line alternatives.

A supplemental draft EIS is expected to be completed by October 1, 1984, at which time its availability will be announced in the **Federal Register** and public comments will again be solicited. Those individuals who do not wish to submit comments at this time but who would like to receive a copy of the supplemental draft EIS when it is issued should notify William C. Melander at the address given above. In addition, Western intends to conduct a series of public workshops to obtain input on alternative line routings. The public workshops will be announced separately.

Copies of the REA EIS and record of decision are available for inspection at the addresses given above.

Issued at Golden, Colorado, January 27, 1984.

Robert L. McPhail,

Administrator.

[FR Doc. 84-3171 Filed 2-3-84; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL 2518-7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, SW., Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Toxics Programs

• Title: FIFRA Annual Report on Conditional Registrations (EPA #0601).

Abstract: EPA requires respondents to report annually the amount of conditionally registered pesticide products they produce. The Agency will use this information in its annual report to Congress on conditional registrations.

Respondents: Pesticide manufacturers.

Agency PRA Clearance Requests Completed by OMB

EPA #0114, Motor Vehicle Tampering Survey, was cleared on January 13 (OMB #2060-0010).

Comments on all parts of this notice should be sent to:

David Bowers (PM-223), U.S. Environmental Protection Agency, Office of Standards and Regulations, 401 M Street, SW., Washington, D.C. 20460; and

Wayne Leiss, Carlos Tellez or Rick Otis, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: January 27, 1984.

Daniel J. Fiorino,

Acting Director, Regulation and Information Management Division.

[FR Doc. 84-2988 Filed 2-3-84; 8:45 am]

BILLING CODE 6560-50-M

[AD-FRL 2520-7]

Control Techniques Guideline Document; VOC Equipment Leaks From Natural Gas/Gasoline Processing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Release of final control techniques guideline (CTG) document.

SUMMARY: Final CTG document for control of equipment leaks of volatile organic compounds (VOC) from natural gas/gasoline processing plants is available. This final CTG document provides guidance for the States in determining reasonably available control technology (RACT) for VOC equipment leaks from natural gas/gasoline processing plants.

ADDRESSES: Copies of the final CTG document may be obtained by contacting the Environmental Research Library (MD–35), (919) 541–2777, Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Please refer to "Guideline Series—Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing," EPA–450/3–83–007. Comments received on the draft CTG document are attached as an appendix to the final CTG document and are also available for public inspection and copying between 8:30 a.m. and 4:00 p.m., Monday through Friday at the Chemicals and Petroleum Branch, Room 736, Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. J. F. Durham, (919) 541–5671, Chemicals and Petroleum Branch (MD–13), Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The EPA announced the availability for public review of the draft CTG for VOC equipment leaks from natural gas/gasoline processing plants on January 25, 1982 (47 FR 3403). Twelve comments were received on this draft document from industry representatives and trade groups. The final CTG document was prepared based on the evaluation of the public comments and on consideration of supplemental data analyses provided subsequent to the issuance of the draft CTG document in "Fugitive Emission Sources of Organic Compounds—Additional Information on Emissions, Emission Reductions, and Costs," or AID EPA–450/3–82–010 (April 1982). Several major changes were made in the final RACT determination. The emission reduction estimates were revised based upon the methodology presented in the AID, and an exemption from the leak detection and repair requirements was provided for plants that do not fractionate natural gas liquids and that have feed capacities of less than 280 thousand cubic meters (10 million cubic feet) per day. Additional exemptions have been provided in the final CTG. All leaks that cannot be repaired on-line no longer have to be repaired within 1 year of detection and control of valve positioner emissions from gas-operated control valves is not required. Exemption from the routine leak detection and repair requirement is provided for equipment in dry gas service (containing less than 1.0 percent VOC by weight), in heavy liquid service, and in vacuum service. Reciprocating compressor seals in wet gas service (i.e., containing between 1.0 and 50 percent VOC by weight) are exempted from RACT requirements if there is no control device available in the gas plant.

This CTG document is part of the third group of CTG documents published to assist the States in determining RACT for various stationary sources of VOC emissions. CTG documents provide State and local air pollution control agencies with an initial information base for proceeding with their own analysis of RACT for specific stationary source categories of VOC emissions located within areas where an extension was granted to the attainment of the national ambient air quality standard (NAAQS) for ozone. The CTG documents review existing information and data concerning the technology and cost of various control techniques to reduce VOC emissions.

This CTG is not a "rule" as defined by the Administrative Procedure Act (5 U.S.C. 551 et seq.). It is a "rule" for purposes of Executive Order 12291, because it is designed to implement an EPA policy. Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore, subject to the requirements of a regulatory impact analysis. This CTG document is not a "major rule" because it does not impose any new requirements. This notice and the final CTG documents were submitted to the Office of Management and Budget (OMB) for review. Any comments from the OMB to the EPA and any EPA responses to those comments are available for public inspection. See the **ADDRESSES** secton of this notice for the times and addresses.

Dated: June 6, 1984.

Sheldon Meyers,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 84–3128 Filed 2–3–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Chokio Agency, Inc.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies and Acquisitions of Nonbanking Companies

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (49 FR 794) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied to under § 225.23(a)(2) of Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated for that application. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to the application, interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding this application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 29, 1984.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Chokio Agency, Inc.*, Chokio, Minnesota to acquire 91.7 percent of the voting shares of Chokio State Bank, Chokio, Minnesota and Chokio State Agency, Inc., Chokio, Minnesota; to engage in the activities of a general insurance agency operating in a community with a population not exceeding 5,000.

Board of Governors of the Federal Reserve System, January 31, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-3085 Filed 2-3-84; 8:45 am]

BILLING CODE 6210-01-M

CitiCorp, et al.; Engaging de Novo in Permissible Nonbanking Activities

The bank holding companies listed in this notice have 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 commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated for that application. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to each notice, interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than February 24, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York; to engage through its subsidiaries Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc., in the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; To retain shares in its indirect subsidiary, Norwest Modern Home Capital, Inc., and thereby to engage nationwide in a general residential manufactured housing finance business, including the origination of such loans, the purchase of these loans from affiliated banks and from others, the assembly of loans into blocks for investors, the sale and servicing of these loans, the sale (as an agent of a qualified insurer or insurers) to borrowers of casualty insurance which is directly related to an extension of credit by Modern Home, and the placement of inventory financing ("floorplan financing") for manufactured housing dealers with a qualified lender or lenders. Comments on this application must be received not later than February 27, 1984.

Board of Governors of the Federal Reserve System, January 31, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-3090 Filed 2-3-84; 8:45 am]

BILLING CODE 6210-01-M

First Coastal Banks, Inc. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated for that application. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to each application, interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 29, 1984.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *First Coastal Banks, Inc.*, Portsmouth, New Hampshire; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Portsmouth, Portsmouth, New Hampshire.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The First of Long Island Corporation*, Glen Head, New York; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Long Island, Glen Head, New York.

C. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Farmers Bancshares of Georgetown, Inc.*, Georgetown, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers Bank & Trust Company, Georgetown, Kentucky.

D. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *F & M Bank Corp.*, Timberville, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers and Merchants

Bank of Rockingham, Timberville, Virginia.

E. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Terre Du Lac Bancshares, Inc.*, Leadwood, Missouri; to acquire 50.7 percent of the voting shares or assets of Bank of Steele, Steele, Missouri.

Board of Governors of the Federal Reserve System, January 31, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-3086 Filed 2-3-84; 8:45 am]

BILLING CODE 6210-01-M

LCB Corporation, Inc.; Formation of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *LCB Corporation, Inc.*, Fayetteville, Tennessee; to become a bank holding company by acquiring 80 percent or more of the voting shares of Lincoln County Bank, Fayetteville, Tennessee. Comments on this application must be received not later than February 22, 1984.

Board of Governors of the Federal Reserve System, January 31, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-3087 Filed 2-3-84; 8:45 am]

BILLING CODE 6210-01-M

Mega Bancshares, Inc.; Formation of a Bank Holding Company

Mega Bancshares, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the voting shares of Santa Ana Bancorp, Inc., St. Ann, Missouri, and thereby indirectly acquire at least 80 percent of the voting shares of Bank of St. Ann, St. Ann, Missouri and at least 80 percent of the voting shares of Woods Mill—Forty Bank, Town and Country, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Mega Bancshares, Inc., St. Louis, Missouri, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission indirectly to acquire voting shares of Santa Ana Agency, St. Ann, Missouri.

Applicant states that the proposed subsidiary would continue to engage in the activities of selling credit life, credit accident and health, mortgage life, and property damage and casualty insurance directly related to extensions of credit made or acquired by Applicant's bank subsidiaries; and, writing the in-house insurance coverage for Applicant and Applicant's subsidiary banks. These insurance activities are permissible under section 601(D) and (E) of the Garn-St. Germain Depository Institutions Act of 1982. These activities would be performed from offices of Applicant's subsidiary in St. Ann, Missouri, and the geographic areas to be served are St. Louis, St. Charles, Franklin and Jefferson Counties, Missouri, and the city of St. Louis, Missouri. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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 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.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than February 29, 1984.

Board of Governors of the Federal Reserve System, January 31, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-3088 Filed 2-3-84; 8:45 am]

BILLING CODE 6210-01-M

Preferred Equity Investors of Florida and Landmark Banking Corp. of Florida; Proposed Acquisition of Southwest Florida Banks, Inc.

Preferred Equity Investors of Florida, Knoxville, Tennessee, and Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Southwest Mortgage Services, Inc., Southwest Data Services, Inc., Southwest Financial Services, Inc., and Florida Interchange Group, all located in Fort Myers, Florida.

Applicant states that the proposed subsidiary would engage in the activities of mortgage banking, data processing, credit related insurance, real estate appraisal, and electronic funds transfer. These activities would be performed from offices of Applicant's subsidiary in Fort Myers, Florida and the geographic areas to be served are Pasco, Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee and Collier Counties in Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

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 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.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than March 1, 1984.

Board of Governors of the Federal Reserve System, January 31, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-3089 Filed 2-3-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 62]

Federal Procurement; Current Interest Rate

January 12, 1984.

To: Heads of Federal agencies.

Subject: Current interest rate.

1. *Purpose.* This bulletin provides, for the information of executive agencies, the current interest rate established by the Secretary of the Treasury (48 FR 57044, December 27, 1983).

2. *Expiration date.* This bulletin expires June 30, 1984, unless revised or superseded earlier.

3. *Background.*

a. The Renegotiation Act of 1951 (Pub. L. 92-41), as amended, required the Secretary of the Treasury to determine semiannually an interest rate for use in connection with the Act. Subsequently, this rate was applied to various interest payment requirements in the FPR. The following FPR sections contain reference to this interest rate: §§ 1-3.1204-1, 1-3.1204-2, 1-7.203-15, 1-8.212-1(f), 1-8.701, 1-8.702, 1-8.703, 1-8.704-1, 1-8.706, 1-8.804-2(b), 1-8.806-4, 1-30.403, 1-30.414-2(k)(2), and 1-30.414-2(n)(3).

b. The interest rate determined by the Secretary of the Treasury for Renegotiation Act purposes also applies to the Contract Disputes Act of 1978 (Pub. L. 95-563).

c. The Prompt Payment Act (Pub. L. 97-177) provides that interest on late payments shall be computed at the rate which applies to the Contract Disputes Act of 1978.

4. *Current interest rate.* The Secretary of the Treasury has established an interest rate of 12⅜ (12.375) percent for the period beginning January 1, 1984, and ending June 30, 1984.

Allan W. Beres,

Assistant Administrator for Acquisition Policy.

[FR Doc. 84-3078 Filed 2-3-84; 8:45 am]

BILLING COLD 6820-61-M

Agency Information Collections Under Review by the Office of Management and Budget (OMB); Accident Prevention, North Carolina Sales Tax Certification and Transportation Requirements

AGENCY: Office of Policy and Management Systems, GSA.

ACTION: Notice.

SUMMARY: The General Services Administration (GSA) plans to request the Office of Management and Budget (OMB) to review and approve three existing information collections in use without OMB control numbers. This action is required by the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

DATE: Submit comments on these information collections before February 25, 1984.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to John F. Gilmore, GSA Clearance Officer, GSA (ATRAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Victoria Moss, Office of Acquisition Policy (202-523-4799).

SUPPLEMENTARY INFORMATION:

1. *Accident Prevention.*

a. *Purpose of collection.* This clause requires Federal construction contractors to keep records of accidents that cause death, injury, disease, or damage to property, materials, supplies or equipment. This requirement ensures compliance with safety regulations.

b. *Annual reporting burden.* This is estimated as follows: Respondents 288, responses 432, recordkeepers 864, hours 1,080.

2. *North Carolina Sales Tax Certification.*

a. *Purpose.* This clause requires construction contractors to furnish tax information to verify refund claims for materials, supplies, fixtures, and equipment for new and modified buildings.

3. *Transportation Requirements.*

a. *Purpose.* This clause requires firms that sell to the Government to furnish information regarding the nature of supplies, method of shipment, charges and other related items. This information ensures prompt delivery of supplies.

b. *Annual reporting burden.* This is estimated as follows: Respondents 5,000, responses 20,000, hours 4,600.

4. *Obtaining copies of proposals.* Requestors may get copies of these documents for the Directives and Reports Management Branch (ATRAI), Room 3004, GS Building, Washington, DC 20405, telephone (202-566-0666).

Dated: January 27, 1984.

William W. Hiebert,

Acting Director, Information Management Division.

[FR Doc. 84-2906 Filed 2-3-84; 8:45 am]

BILLING CODE 6820-43-M

Agency Information Collection Under Review by the Office of Management and Budget (OMB); Contractor's Monthly Report of Services Ordered/Delivered

AGENCY: Office of Policy and Management Systems, GSA.

ACTION: Notice.

SUMMARY: The General Services Administration (GSA) plans to request the Office of Management and Budget (OMB) to review and approve an extension of a currently approved information collection. This action is required by the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

DATE: Submit comments on this information collection before February 27, 1984.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to John F. Gilmore, GSA Clearance Officer, GSA (ATRAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Maxine Andewelt, Office of Information Resources Management (202-566-1275).

SUPPLEMENTARY INFORMATION:

a. *Purpose of collection.* The report helps to manage the Teleprocessing Services Program (TSP). It assists in determining: Cumulative Order Limitations (COL) balances, contractors payments, volume discounts and services delivered. This affects contractors who have a TSP Multiple Award Schedule Contract.

b. *Annual reporting burden.* This is estimated as follows: Respondents 50, responses 600, hours 1,224.

c. *Obtaining copies of proposal.* Requestors may get copies of the proposal from the Directives and Reports Management Branch (ATRAI), Room 3004, GS Building, Washington, DC 20405, telephone (202–566–0666).

Dated: January 27, 1984.

William W. Hieber,

Acting Director, Information Management Division.

[FR Doc. 84–3136 Filed 2–3–84; 8:45 am]

BILLING CODE 6820–43–M

Agency Information Collection Under Review by the Office of Management and Budget (OMB); Bonds and Insurance

AGENCY: Office of Policy and Management Systems, GSA.

ACTION: Notice.

SUMMARY: The General Services Administration (GSA) plans to request the Office of Management and Budget (OMB) to approve an existing information collection. This action is required by the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

DATE: Submit comments on this information collection before February 18, 1984.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to John F. Gilmore, Clearance Officer, GSA (ATRAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ida Ustad (GSA), Office of Acquisition Policy (523–4754).

SUPPLEMENTARY INFORMATION:

a. *Purpose.* This collection requires construction contractors to furnish bonds and insurance agreements prior to preceeding with the work. They protect the Government from loss if a contractor defaults.

b. *Annual reporting burden.* Respondents and responses 1,100; hours 2,200.

c. *Copies of proposal.* Copies may be obtained from the Directives and Reports Management Branch (ATRAI), Room 3004, GS Building, Washington, DC 20405 (202–566–0666).

Dated: January 27, 1984.

William W. Hiebert,

Acting Director, Information Management Division.

[FR Doc. 84–3137 Filed 2–3–84; 8:45 am]

BILLING CODE 6820–43–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Office of the Assistant Secretary for Health; Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) (42 FR 61318, December 2, 1977, as amended most recently at 48 FR 25277, June 6, 1983), is amended to reflect revisions to functional statements for the National Center for Health Statistics, Office of the Assistant Secretary for Health.

Under Part H, Chapter HA, Office of the Assistant Secretary for Health, Section HA–20 Functions, make the following changes:

Under the heading *National Center for Health Statistics (HAS), Office of Program Planning Evaluation and Coordination (HAS15),* delete item (8) in its entirety and substitute the following: (8) Provides guidance and sfaff support for major Center conferences and committee meetings; (9) provides advice and assistance to outside agencies and organizations in the conduct of statistical training activities;

Following the heading *Division of Epidemiology and Health Promotion (HASE2),* delete the word "Indices" in the last line of item (7) and substitute the word "Indexes."

Dated: January 12, 1984.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 84–3104 Filed 2–3–84; 8:45 am]

BILLING CODE 4160–17–M

Office of the Assistant Secretary for Health; Statement of Organization, Functions and Delegations of Authority

Part H, Public Health Service (PHS), Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) (42 FR 61318, December 2, 1977, as amended most recently in pertinent part at 44 FR 23126, April 18, 1979), is amended to reflect revisions to the functional statement for the Office of International Health/Office of the Assistant Secretary for Health, and to delete the division level substructure.

Under Part H, Chapter HA, Office of the Assistant Secretary for Health (OASH), Section HA–20 Functions, delete in their entirety the titles and statements for the *Office of International Health (HAE)* and substitute the following:

Office of International Health (HAE). The Office of International Health (OIH), within the overall policy guidance of the DHHS Office of International Affairs (OIA), Office of the Secretary, and in consultation and cooperaton with OIA: (1) Serves as the PHS and departmental focal point for policy guidance, planning, evaluation and program coordination relating to international health; (2) provides staff advice to the Secretary, the Assistant Secretary for Health and the Surgeon General on international health policies, plans, programs and activities, including recommendation of the overall budget for international health; (3) prepares, directs and assesses the results of analyses and evaluations of selected international health policy issues and programs for PHS, DHHS, the Department of State, the Agency for International Development, and other Federal departments and agencies; (4) maintains liaison with and, as appropriate, represents the Department to international institutions and organizations, the U.S. private sector, other departments and agencies, and representatives of foreign governments on international health matters; (5) facilitates technical cooperation in the health field with other departments and agencies, international organizations and requesting countries; (6) recommends and promotes policies in multilateral health and health-related programs for implementation by international organizations, especially the World Health Organization (WHO), the Pan American Health Organization (PAHO), and the United Nations Children's Fund; (7) serves as the principal focal point in the Department for relationships with WHO and PAHO and arranges for the provision of technical consultation to these organizations; (8) analyzes policies, strategies, and budgets of international organizations as a basis for recommending U.S. policy towards and participation in the health-related programs of the organizations; (9) serves as the primary focal point in PHS for relationships with other departments and agencies, the private sector, and representatives of foreign governments on health cooperation under bilateral arrangements; (10) develops and, as appropriate, implements international activities in cooperation with PHS and

other agencies and facilitates their participation in those activities; and (11) provides leadership and staff support in intragovernmental international health policy, planning and coordination processes.

Dated: January 23, 1984.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 84-3105 Filed 2-3-84; 8:45 am]

BILLING CODE 4160-17-M

National Center for Health Services Research; Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness and use (indications) of percutaneous endoscopic procedures employing ultrasound or electohydraulic or other modalities of lithotripsy in the treatment of kidney stones. Transurethral and extracorporeal methods are being addressed in a separate Notice of Assessment.

Specifically, we are interested in knowing whether percutaneous procedures have significant advantages when compared to other surgical methods of treatment. If they prove to be safe and clinically effective, what are the specific indications and when is their use considered reasonable and necessary? In addition, this assessment seeks to determine whether specific percutaneous procedures are regarded as investigational or generally accepted treatments. Not included are the medical treatments of kidney stones, including diet and drugs, which may be used alone or in conjunction with operative procedures.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS and other agencies in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than April 30, 1984 or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies. Information related to the characterization of the patient population most likely to benefit from it, as well as on the clinical acceptability and the effectiveness of this technology is also being sought.

Written material should be submitted to: John R. Farrell, M.D., National Center for Health Services Research, Office of Health Technology Assessment, Park Building, Room 3-10, 5600 Fishers Lane, Rockville, Maryland 20857.

Further information is available from Dr. John Farrell, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: January 25, 1984.

Enrique D. Carter,

Acting Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 84-3102 Filed 2-3-84; 8:45 am]

BILLING CODE 4160-17-M

National Center for Health Services Research; Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety, clinical effectiveness and use (indications) of noninvasive ultrasound and other noninvasive modalities of lithotripsy in the treatment of kidney stones. For the purposes of this notice, endoscopic transurethral procedures are considered noninvasive to distinguish these approaches from percutaneous (flank) endoscopic procedures which are being addressed in a separate Notice of Assessment.

Specifically, we are interested in knowing whether noninvasive procedures for treatment of kidney stones in use in the United States today have significant advantages when compared to other surgical methods of treatment. If they prove to be safe and clinically effective, what are the specific indications and when is their use considered reasonable and necessary? In addition, this assessment seeks to determine whether specific noninvasive procedures are regarded as investigational or generally accepted treatments. Not included are the medical treatments of kidney stones, including diet and drugs, which may be used alone or in conjunction with operative procedures.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS and other agencies in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than April 30, 1984 or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies. Information related to the characterization of the patient population most likely to benefit from it, as well as on clinical acceptability and the effectiveness of this technology and extent of use is also being sought.

Written material should be submitted to: John R. Farrell, M.D., National Center for Health Services Research, Office of Health Technology Assessment, Park Building, Room 3-10, 5600 Fishers Lane, Rockville, Maryland 20857.

Further Information is available from Dr. John Farrell, Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: January 25, 1984.

Enrique D. Carter,

Acting Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 84-3103 Filed 2-3-84; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Commission on Fair Market Value Policy for Federal Coal Leasing; Meeting

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Commission on Fair Market Value Policy for Federal Coal Leasing will meet on February 1, 1984, to review and discuss the draft of its report to Congress. The location of the meeting is Room 740 at 1925 K Street NW., Washington, D.C. The meeting will begin at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Wiley Horsley, Staff Manager, Commission on Fair Market Valve

Policy for Federal Coal Leasing, Suite 400, 1015 20th Street NW., Washington, D.C. 20036. Phone: (202) 632–6501.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to the authority and requirements of Public Law 98–63, approved July 30, 1983, making supplemental appropriations for fiscal year 1983, and for other purposes, and in accordance with the Federal Advisory Committee Act (Pub. L. 92–463).

The Commission will meet at 9:00 a.m. on February 8, 1984, to review and discuss the draft of its report to Congress. The location of the meeting is Room 740 at 1925 K Street NW., Washington, D.C.

Dated: February 1, 1984.

David F. Linowes,

Chairman.

[FR Doc. 84–3234 Filed 2–3–84; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

[C–36446]

Coal Lease Offering by Sealed Bid

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver, Colorado 80202. Notice is hereby given that certain coal resources in the lands hereinafter described in Gunnison County, Colorado will be offered for competitive lease by sealed bid. This offering is being made as a result of an application filed by U.S. Steel Corporation in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.). The sale will be held at 2:00 p.m., March 8, 1984, at the above address.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid meets the fair market value determination of the tract. The minimum bid is $100 per acre, or fraction thereof. No bid less than $100 per acre, or fraction thereof, will be considered. The minimum bid is not intended to represent fair market value. The fair market value will be determined by the authorized officer after the sale. Sealed bids must be submitted on or before 1:00 p.m., Thursday, March 8, 1984, to the Colorado State Office, 1037 20th Street, Denver, CO. 80202. Bids received after that time will not be considered.

If identical high sealed bids are received, the tying high bidders will be requested to submit follow-up sealed bids until a high bid is received. All tie-breaking sealed bids must be submitted following the sale official's announcement at the sale that identical high bids have been received.

Coal Offered: The coal resource to be offered is limited to coal recoverable by underground mining methods from the "B" bed in the following lands located approximately 2 miles north of Somerset, Colorado:

T. 13 S., R. 90 W., 6th P.M.,
Sec. 6, lots 9 and 14.
The area described contains 78.51 acres.

(Sealed bids should be formulated on the basis of 79 acres.)

The "B" bed contains an estimated 699,500 tons of recoverable coal with the following analyses: Btu 12,070–13,900; Sulfur 0.4–0.7 percent; Ash 2.8–12.0 percent; and Moisture 2.3–8.2 percent.

Rental and Royalty: The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States of 8 percent of the value of coal to be mined by underground methods. The value of the coal shall be determined in accordance with 43 CFR 3485.2.

Notice of Availability: Bidding instructions for the offered tract are included in the Detailed Statement of Lease Sale. Copies of the statement and of the proposed coal lease are available at the Colorado State Office. Case file documents are also available at that office for public inspection.

Evelyn W. Axelson,

Chief, Mineral Leasing Section.

[FR Doc. 84–3075 Filed 2–3–84; 8:45 am]

BILLING CODE 4310–JB–M

California Desert District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the California Desert District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 and 94–579 that the California Desert District Advisory Council to the Bureau of Land Management, U. S. Department of the Interior, will meet formally Thursday, March 8 and Saturday, March 10, 1984, in the Imperial Room of the Vacation Inn TraveLodge, 2000 Cottonwood Circle at I–8 and Imperial Avenue, El Centro, California 92243. The meetings will be held from 9 a.m. to 5 p.m. on Thursday and from 8 a.m. to approximately 12 noon on Saturday.

Agenda items of the day and a half session will include Council subcommittee reports on the proposed Coachella Valley Fringed-Toed Lizard land acquisition and the Haiwee Reservoir exchange proposed by the Los Angeles Department of Water and Power; a status report on implementation of the long-term visitor area program for winter visitors to the desert areas of Southern California and Arizona; initiation of the 1984 monitoring program on implementation of the California Desert Plan; final review and recommendations on the 1983 Plan Amendments; and, other issues involving management of the public lands in the California Desert District.

A field trip is scheduled for Friday, March 9, 1984, highlighting energy and mineral developments and resources in the District's El Centro Resource Area. Transportation for this tour is provided for staff and Council members only. Public participants are invited to join the tour, but must provide their own transportation and food.

There will also be a field trip opportunity for Council members following the meeting conclusion on Saturday, which will visit the 1000 Palms area. While scheduled, the trip may be cancelled if there is not sufficient attendance.

The formal meetings are open to the public with time allocated for public comments each day and during presentation of agenda items at the discretion of the chair.

Statements may be filed in advance with the California Desert District Advisory Council Chairman, Frank W. DeVore, Bureau of Land Management Public Affairs Office, 1695 Spruce Street, Riverside, California 92507.

FOR FURTHER INFORMATION AND MEETING CONFIRMATION: Contact the Bureau of Land Management, California Desert District Office, 1695 Spruce Street, Riverside, California 92507: (714) 351–6383.

Dated: January 30, 1984.

Gerald E. Hillier,

District Manager.

[FR Doc. 84–3149 Filed 2–3–84; 8:45 am]

BILLING CODE 4310–40–M

Minerals Management Service

Receipt of Proposed Plan of Development/Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Plan of Development/Production (POD/P).

SUMMARY: Notice is hereby given that Sun Exploration and Production has submitted a POD/P describing the activities it proposes to conduct on

Lease OCS–G 1848, Block 129, High Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Sabine Pass, Texas.

DATE: The subject POD/P was deemed submitted on January 27, 1984.

ADDRESSES: A copy of the subject POD/P is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Warren Williamson, Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; phone (504) 838–0817.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the POD/P and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in POD/Ps available to affected states, executive of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 28, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84–3141 Filed 2–3–84; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Midwest Regional Advisory Committee; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Midwest Regional Advisory Committee will be held on February 21, 1984, at 4 o'clock (CTS), at the Hallmark Motor Inn, 3600 Ridge Line Road, Joplin, Missouri.

The Committee was established pursuant to section 3 of the Act of August 18, 1970, 16 U.S.C. 1a–2, by the Secretary of the Interior to advise the Regional Director, Midwest Region, National Park Service, on programs, policies, and such other matters as may be referred to it by the Regional Director. It also functions to provide closer communication with the public on such matters.

The members of the Committee are as follows:

Mr. Harold W. Andersen, Omaha, Nebrasks (Chairman)
Mr. B. C. Hart, St. Paul, Minnesota
Mr. William L. Lieber, Indianapolis, Indiana
Ms. Sally B. Schanbacher, Springfield, Illinois
Mr. Cherry Warren, Exeter, Missouri

The purpose of this meeting is to allow the Committee to familiarize themselves with the purpose, policies, and programs of the Midwest Regional Office of the National Park Service and four sites within the area.

The meeting will be open to the public. Any member of the public may file with the Committee, prior to the meeting, a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting or who wish to submit written statements, may contact Charles H. Odegaard, Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebrasks 68102, telephone (402) 221–3431.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Dated: January 27, 1984.

Charles H. Odegaard,

Regional Director, Midwest Region.

[FR Doc. 84–3132 Filed 2–3–84; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–133]

Certain Vertical Milling Machines and Parts, Attachments and Accessories thereto; Change in Hearing Schedule

AGENCY: International Trade Commission.

ACTION: The Commission has determined to change the time of commencement of the hearing scheduled in the above-captioned investigation. The Commission hearing will commence at 11:00 a.m. on February 7, 1984, rather than the previously announced 10:00 a.m.

Authority: 19 U.S.C. 1337, 47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983.

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: February 2, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–3335 Filed 2–3–84; 9:05 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–210 and 211 (Preliminary) and 731–TA–167 and 168 (Preliminary)]

Antidumping; Certain Table Wine From France and Italy

AGENCY: International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and scheduling of a conference to be held in connection with the investigations.

EFFECTIVE DATE: January 27, 1984.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of investigations Nos. 701–TA–210 and 701–TA–211 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(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 France and Italy, upon which bounties or grants are alleged to be paid, of still wine produced from grapes, containing not over 14 percent of alcohol by volume, provided for in item 167.30 of the Tariff Schedules of the United States (TSUS), other than wines categorized by the appropriate authorities in France or Italy as "Appelation d'Origine Controlée" or "Vins Délimites de Qualité Supérieure," or "Denominazione di Origine Controllata," respectively.

The Commission also gives notice of the institution of investigations Nos. 731–TA–167 and 731–TA–168 (Preliminary) 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 France and Italy, which are alleged to be sold in the

United States at less than fair value, of still wine produced from grapes, containing not over 14 percent of alcohol by volume, provided for in item 167.30 of the TSUS, other than wines categorized by the appropriate authorities in France or Italy as "Appelation d'Origine Controlée" or "Vins Délimites de Qualité Supérieure," or Denominazione di Origine Controllata," respectively.

FOR FURTHER INFORMATION CONTACT: Ms. Vera Libeau (202–523–0368) or Mr. David Coombs (202–523–1376), Office of Investigations, U.S. International Trade Commission, 701 E St. NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to a petition filed on January 27, 1984, by the American Grape Growers Alliance for Fair Trade, which represents growers, grower organizations, and cooperatives. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petition, or by March 12, 1984 (19 CFR 207.17).

Participation

Persons wishing to participate in these investigations 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 these investigations. 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 investigations. 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 these investigations 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 21, 1984, a written statement of information pertinent to the subject matter of these investigations (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 section 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 these investigations for 9:30 a.m. on February 17, 1984, at 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. David Coombs (202–523–1376), not later than February 14, 1984, to arrange for their appearance. Parties in support of the imposition of countervailing and/or antidumping duties in these investigations 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 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.

For further information concerning the conduct of these investigations 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. Coombs.

This notice published is pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: February 1, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–3152 Filed 2–3–84; 8:45 am]

BILLING CODE 7020–02–M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Public Meeting

Date: Tuesday, February 21, 1984.

Place: Russell Senate Office Building, Room SR–253 (old 235), Constitution Avenue and First Street, NE., Washington, D.C. 20510.

Time: 11:00 a.m.

Purpose: To provide the opportunity for the Study Commission to discuss and consider the draft report, findings, and recommendations; to direct issuance of the final document with its findings and recommendations to the Congress and President; and to consider other business as appropriate.

For Further Information, Contact: Gary D. Dunbar, Executive Director, Motor Carrier Ratemaking Study Commission, 100 Indiana Avenue, NW., Washington, D.C. 20001, Phone No.: (202) 724–9600.

Submitted this, the 1st day of February 1984.

Gary D. Dunbar,

Executive Director.

[FR Doc. 84–3120. Filed 2–3–84; 8:45 am]

BILLING CODE 6820–BD–M

NATIONAL SCIENCE FOUNDATION

Permit Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit issued under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7934.

SUPPLEMENTARY INFORMATION: On December 30, 1983, the National Science Foundation published a notice in the **Federal Register** of a permit application

received. On January 30, 1984 a permit was issued to: John E. Dallman.

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 84-3140 Filed 2-3-84; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-416 OLA; (ASLBP No. 84-497-04 OL)]

Mississippi Power & Light Co., et al. (Grand Gulf Nuclear Station, Unit No. 1); Order (Setting First Prehearing Conference)

January 11, 1984.

On June 14, 1983, June 23, 1983 and August 1, 1983, Mississippi Power & Light Co., Middle South Energy, Inc., and South Mississippi Electric Power Association (licensees) applied for changes in the technical specifications for Grand Gulf, Unit 1. On September 23, 1983, the NRC Staff issued the requested changes as Amendment No. 10 to the Grant Gulf Unit 1 license, effective on that date. Staff determined that no significant hazards consideration was involved and made the amendment immediately effective without first offering an opportunity for a public hearing. Subsequently, on October 26, 1983, a notice of issuance of Amendment No. 10 was published in the **Federal Register** (48 FR 49608). The notice authorized the filing of petitions for hearing by November 25, 1983, to Licensees or any person whose interests might be affected by the issuance of the license amendment.

On November 17, 1983, Mr. Ken Lawrence filed a timely petition to intervene and request for hearing on behalf of Jacksonians United for Livable Energy Policies (JULEP). Mr. Lawrence gave his address as a post office box in Jackson, Mississippi, more than 50 miles from the plant. Staff and Licensees opposed the petition at least in part on the grounds that the petition lacked the requisite demonstration of interest in the licensing proceeding of any individual member of petitioning organization or any aspect sought to be litigated.

On December 11, 1983, petitioner filed an amended petition and request for hearing. Three signed and witnessed statements by individual members of petitioner organization were attached to the amended petition authorizing JULEP to act on behalf of those members in petitioning to intervene and requesting a hearing in this proceeding. One of the authorizing members was alleged by the amended petition to reside about 15 miles northeast of the facility. The amended petition also questioned the propriety of three aspects of Amendment No. 10 which, presumably, it seeks to litigate.

Licensees continue to oppose the petitions on grounds of failure to demonstrate the requisite interest of an individual member or raise a litigable aspect. Staff, on the other hand, submits that the individual interest and litigable aspect requirements have been satisfied, except for the three statements accompanying the petition not being submitted under oath, as Staff asserts should "[o]rdinarily" be done. Staff would not object to JULEP's resubmitting the statements under oath with all requisite facts set forth therein. Staff Response to Amended Petition, fn. 4 at 2. Staff would further admit petitioner if it submits at least one litigable contention in a supplemental petition in addition to meeting the asserted affidavit requirement.

Although a licensing board may require affidavits concerning jurisdictional facts, we note that the regulatory requirement in 10 CFR 2.714 for submitting affidavits along with the petition was abolished in 1978. 43 FR 22345, May 25, 1978. The cases cited by Staff were either earlier than 1978 or required merely a sufficiently detailed statement of the jurisdictional facts to permit an independent investigation by the other parties. This matter will be discussed further at the prehearing conference.

On December 8, 1983, an Atomic Safety and Licensing Board was designated. 48 FR 55789 (December 15, 1983). The Board is comprised of the following Administrative Judges: Dr. James H. Carpenter; Dr. Peter A. Morris; and Herbert Grossman, who will act as Chairman.

The Board will conduct a prehearing conference beginning at 9:30 a.m. on February 29, 1984 at the Post Office & Courthouse Building, Second Floor Courtroom, Room 216, Crawford & Monroe, Vicksburg, Mississippi 39180. All prospective parties to this proceeding, or their respective counsel, are directed to attend. At the prehearing conference, the parties should be prepared to discuss all matters relating to standing of the parties, specific issues that might be considered at an evidentiary hearing and possible further scheduling in the proceeding.

JULEP may file a supplement to its amended request for a hearing not later than 15 days prior to the prehearing conference, which shall include a list of specific contentions sought to be litigated in this proceeding. The parties are directed to arrange for Licensees and NRC Staff to receive any supplement on that date (February 14, 1984), to avoid delays that would otherwise be occasioned by a mailing of the filing. Licensees and NRC Staff are requested to file any responses to the supplemental petition or to contentions raised in the amended request for hearing by February 27, 1984, and deliver copies to the Board in the forenoon on that date.

The public is invited to attend the prehearing conference. Oral limited appearance statements will be heard at the conference if time permits. Written limited appearance statements may be submitted to the Board at the conference or mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

By Order of the Board.

January 11, 1984, Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman, Administrative Judge.

[FR Doc. 84-3092 Filed 2-3-84; 8:45 am]

BILLING CODE 7590-01-M

[ASLBP Docket No. 76-300-01 CP (NRC Docket Nos. 50-463-CP; 50-464-CP)]

Philadelphia Electric Co. (Fulton Generating Station, Units 1 and 2); Order

January 27, 1984.

Upon consideration of the pleadings filed by the parties in response to this Board's Order and Proposed Decision issued December 14, 1983, Applicant's Motion for Summary Decision, and the entire record in this matter, it is this 27th day of January, 1984 ordered:

1. That a prehearing conference will be held at 9:30 a.m., February 29, 1984, in the Old Customs Courtroom, U.S. Customs House, Second & Chestnut Street, Philadelphia, Pennsylvania 19106;

2. That the parties shall be prepared to argue Applicant's Motion for Summary Decision and for Termination of Proceeding As Moot and Without Prejudice; and

3. That the parties shall be prepared to argue what liability, if any, Applicant may have for fees and expenses pursuant to decisions such as *Duke Power Company* (Perkins Nuclear Station), 16 NRC 1128 (LPB 82-81, 1982); *Puerto Rico Electric Power Authority* (North Coast Nuclear Plant), 14 NRC 1125 (ALAB-662, 1981); and *Philadelphia Electric Company* (Fulton Generating Station), 14 NRC 967 (ALAB-657, 1981).

Dated at Bethesda, Maryland, this 27th day of January 1984.

For the Atomic Safety and Licensing Board.

B. Paul Cotter, Jr.,

Chairman.

[FR Doc. 84-3093, Filed 2-3-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352-OL; 50-353-OL]

Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2); Prehearing Conference and Evidentiary Hearing

January 30, 1984.

Please take notice that a prehearing conference to consider the admissibility of proposed offsite emergency planning contentions in this operating license proceeding will commence on March 5, 1984, at 1:30 p.m., at the: Old Customs Courtroom, United States Customs House, Second and Chestnut Streets, Philadelphia, Pennsylvania 19106.

The conference will continue, if necessary, on March 6, 1984, at the same location.

All parties and governmental participants which seek to participate in the litigation of offsite emergency planning issues are required to attend. Members of the public are welcome to attend. However, there will be no opportunity for public participation. Further limited appearance sessions for statements by members of the public on offsite emergency planning issues will be scheduled in the future at a hearing location closer to the Limerick Generating Station site.

The evidentiary hearing on the structural integrity of safety-related structures to withstand a postulated gasoline or natural gas pipeline accident will commence in the Old Customs Courtroom on March 6, 1984, at 9:00 a.m., or as soon thereafter as the prehearing conference is completed. The evidentiary on this subject will continue, as necessary, through March 9, 1984.

It is so ordered.

For the Atomic Safety and Licensing Board.

Bethesda, Maryland, January 30, 1984.

Lawrence Brenner,

Chairman, Administrative Judge.

[FR Doc. 84-3094, Filed 2-3-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-3]

Consolidated Edison Co. of New York; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-5, issued to the Consolidated Edison Company of New York (the licensee), for the Indian Point Nuclear Plant, Unit No. 1 located in Westchester County, New York.

The amendment would implement radiological effluent Technical Specifications in accordance with the licensee's application for amendment dated February 1, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandate release of "as low as is reasonably achievable."

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By March 6, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700.) The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Steven A. Varga, Chief, Operating Reactors Branch No. 1, Division of Licensing: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Thomas J. Farrelly, Esquire, 4 Irving Place, New York, New York 10003, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request; that determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the local Public Document Room, White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Bethesda, Maryland, this January 26, 1984.

For The Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 84-3091 Filed 2-3-84; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Fish Propagation Panel Meeting

AGENCY: Fish Propagation Panel of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4.

Activities will include:

- Approval of minutes.
- Staff update.
- Yakima passage improvement.
- John Day tour.
- Scheduling of panel activities.
- Subbasin planning amendment.
- Areas of equivalence.
- Andromous fish research issue memo.
- Reprogramming.
- Prioritization memo.
- Other.
- Public comment.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Fish Propagation Panel.

DATE: February 9, 1984. 9:00 a.m.

ADDRESS: The meeting will be held in the Harbor Room of the Seattle Airport Hilton, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mark Schneider, 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-3100 Filed 2-3-84; 8:45 am]

BILLING CODE 0000-00-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements: Submittals to OMB January 7-January 27, 1984

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, during the period Jan. 7-Jan. 27, 1984, to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1887 or Gary Waxman or Sam Fairchild, Office of Management and

Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503, (202) 395–7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

As needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB:

(1) A DOT control number.

(2) An OMB approval number if the submittal involves the renewal, reinstatment or revision of a previously approved item.

(3) The name of the DOT Operating Administration or Secretarial Office involved.

(4) The title of the information collection request.

(5) the form numbers used, if any.

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for, and uses to be made of, the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the **"FOR FURTHER INFORMATION CONTACT"** paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the **"FOR FURTHER INFORMATION CONTACT"** paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB from Jan. 7-Jan. 27, 1984:

DOT No: 2346
OMB No: New
By: Federal Highway Administration
Title: Submission of Eligibility Statement for Utility Adjustments
Forms: None
Frequency: On occasion
Respondents: State Highway Agencies

Need/Use: The eligibility statement is necessary in order for the Federal Highway Administration to determine whether the State's statutes establish the legal authority or obligation to reimburse utility companies for the expense of moving utility equipment to accommodate the right-of-way for Federal-aid highway projects.

DOT No: 2347
OMB No: New
By: Federal Highway Administration
Title: Immediate Notification of Fatal Accidents
Forms: None
Frequency: On occasion
Respondents: Motor Carriers

Need/Use: To keep fatality records, Bureau of Motor Carrier Safety requires that motor carriers notify the Federal Highway Administration by telephone of deaths of persons that occur within 24 hours as a result of a reportable accident.

DOT No: 2348
OMB No: New
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 571.209, Seat Belt Assemblies Labels
Forms: None
Frequency: On occasion
Respondents: Manufacturers of Seat Belts

Need/Use: This standard requires that seat belt asemblies for vehicles be permanently labeled with certain information.

DOT No: 2349
OMB No: New
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 471.126, Truck-Camper Loading Placard
Forms: None
Frequency: On occasion
Respondents: Manufacturers of Truck-Campers

Need/Use: This standard requires specific loading information be permanently labeled on truck-campers.

DOT No: 2350
OMB No: New
By: Federal Highway Administration
Title: Minimum Levels of Financial Responsibility for Motor Carriers of Passengers
Forms: MCS–90B, MCS–82B
Frequency: Annually
Respondents: Insurance Companies

Need/Use: The law requires motor carriers of passengers for hire maintain minimum levels of financial responsibility. The insurance company endorsement amends the carriers policy of insurance to assure compliance by the insured.

DOT No: 2351
OMB No: New
By: Federal Aviation Administration
Title: Pilot Survey Regarding New Airspace Regulations (Airport Radar Service Area (ARSA)
Forms: FAA Form 7400–XX
Frequency: One-Time Survey
Respondents: Pilots

Need/Use: The Federal Aviation Administration (FAA) is conducting a one-year test of new airspace regulations and procedures at two locations (Austin, TX, and Columbus, OH). If the changes are confirmed as anticipated, the regulation improvements will be implemented nationally. The FAA seeks the reaction of pilots at the test locations.

DOT No: 2352
OMB No: New
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 571.218, Motorcycle Helmets
Forms: None
Frequency: On occasion
Respondents: Manufacturers of Motorcycle Helmets

Need/Use: This standard requires all motorcycle helmets to be permanently labeled with certain information.

DOT No: 2353
OMB No: New
By: Federal Highway Administration
Title: Medical Conflict Application
Forms: None
Frequency: On occasion
Respondents: Drivers and Motor Carriers

Need/Use: Drivers or motor carriers may submit an application for the determination by the Federal Highway Administration of a driver's medical qualification when there is disagreement between physicians concerning a driver's qualification.

DOT No: 2354
OMB No: New
By: Federal Highway Administration
Title: Developing and Recording Costs for Utility Adjustments
Forms: None
Frequency: As Needed
Respondents: Utility Companies

Need/Use: Utility companies are required to maintain for three years adequate records to support costs incurred for reimbursable utility adjustments on Federal-aid highway projects.

DOT No: 2355
OMB No: New
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 575, Consumer Information Regulation on Tire Labels
Forms: None
Frequency: On occasion
Respondents: Tire Manufacturers

Need/Use: This regulation requires the manufacturer to label the tire performance information on the tire sidewalls. The manufacturer is required to furnish the required consumer information to all dealers, and first purchasers of a motor vehicle.

DOT No: 2356
OMB No: New
By: Federal Highway Administration
Title: Intermittent, Casual, or Occasional Drivers
Forms: None
Frequency: On Occasion
Respondents: Motor Carriers

Need/Use: To meet the Federal Highway Administration requirement that motor carriers employing drivers not regularly employed to drive on an intermittent, casual, or occasional basis to obtain and retain identifying information.

Issued in Washington, D.C. on January 30, 1984.

Jon H. Seymour,

Deputy Assistant Secretary for Administration.

[FR Doc. 84-3082 Filed 2-3-84; 8:45 am]

BILLING CODE 4910-62-M

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held March 5, 1984, at 6:00 p.m. in the Auditorium/Concourse B at Miami International Airport, Miami, Florida 33159. The agenda for the meeting is as follows:

—Update on Minority Business Resource Center and Direct Contracting program activities
—Short-term loan program presentation by Atlantic National Bank
—Bonding assistance program by MCAP, Inc.
—Outreach to Hispanic Business Community by ASK Associates

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Minority Business Resource Center, 400 7th Street, SW, Washington, D.C. 20590, telephone (202) 426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on February 1, 1984.

Armando L. Mena,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 84-3151 Filed 2-3-84; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD 84-003]

Towing Safety Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Towing Safety Advisory Committee (TSAC). The meeting will be held on February 16, 1984 in room 3201, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. The meeting is scheduled to begin at 9:00 a.m. and end at 4:00 p.m. The agenda for the meeting follows:

1. TSAC deliberation and/or recommendations concerning the following past agenda items:

(a) Proposed revision of 46 CFR Part 148, Marine Transport of Solids in Bulk

(b) Proposed revision of 46 CFR Part 151, Carriage of Dangerous Bulk Liquid Cargoes,

(c) Oil Record Book Requirements,

(d) Minimum Operation Standards for Barge Fleeting Facilities,

(e) Notice of Proposed Rulemaking CGD 81-059, Licensing of Officers and Operators and Registration of Staff Officers (48 FR 35920),

(f) Supplemental Notice of Proposed Rulemaking CGD 81-058, Boundary Lines (48 FR 41454), and

(g) Seafarers Health Improvement Program (SHIP) paper, Guidelines for Physical Examination for Retention of Seafarers in the U.S. Merchant Marine.

2. New agenda items:

(a) Marine Vapor Recovery Systems; Coast Guard Position and Status Update,

(b) Special Requirements for Cargo Lightering Operations (CGD 78-180), and

(c) Corps of Engineers/Coast Guard River Tow Simulation Summary; Briefing by Coast Guard.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Secretary no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Captain C. M. Holland, Executive Secretary, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC/44), Washington, D.C. 20593, (202) 426-1477.

Dated: February 2, 1984.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 84-3284 Filed 2-2-84; 3:20 pm]

BILLING CODE 4910-14-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 84-38]

Recordation of Trade Name; Zahnradfabrik Friedrichshafen, AG.

AGENCY: Customs Service, Treasury.

ACTION: Notice of recordation.

SUMMARY: On October 27, 1983, a notice of application for the recordation under section 42 of the Act of July 1946, as amended (15 U.S.C. 1124), of the trade name "Zahnradfabrik Friedrichshafen, AG. was published in the **Federal Register** (48 FR 49723). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in opposition to the recordation and received not later than December 27, 1983. No responses were received in opposition to the notice.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "Zahnradfabrik Friedrichshafen, AG." recorded as the trade name used by Zahnradfabrik Friedrichshafen, AG., a corporation organized under the laws of West Germany, located at D–7990 Friedrichshafen 1, West Germany. The trade name is used in connection with the following merchandise manufactured and distributed throughout the world: Gear units for machines; machines parts; brake testing stands; testing instruments and parts for land vehicles.

DATE: February 6, 1984.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229; (202–566–5765).

Dated: January 31, 1984.

Donald W. Lewis,

Director, Entry Procedures and Penalties Division.

[FR Doc. 84–3131 Filed 2–3–84; 8:45 am]

BILLING CODE 4820–02–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and the Delegation of Authority from the Director, USIA (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibit, "Mark Tobey, City Paintings" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibit without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between the National Gallery of Art and foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about March 11, 1984, to on or about June 3, 1984, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

Dated: January 31, 1984.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 84–3052 Filed 2–1–84; 8:45 am]

BILLING CODE 8230–01–M

Reporting and Information Collection Requirement Under OMB Review

AGENCY: United States Information Agency.

ACTION: Notice of reporting requirement submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval and to publish a notice in the **Federal Register** notifying the public that such a submission has been made. USIA is requesting approval of a form used to determine whether foreign Exchange Visitors to the United States, who are seeking a waiver of the two-year residency requirement, are subject to the provisions of section 212(e) of the Immigration and Nationality Act.

DATE: Comments must be received by March 9, 1984.

COPIES: Copies of the request for clearance (SF–83), supporting statement, instructions, transmittal letter and other documents submitted to OMB for review may be obtained from the USIA Clearance Office. Comments on the item listed should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for USIA.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Charles N. Canestro, United States Information Agency, M/M, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 485–8676. And OMB Review: David S. Reed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395–7231.

SUPPLEMENTARY INFORMATION: Title: "Survey of Government Funding of Exchange Visitor Programs." This form is used by the USIA Office of the General Counsel and Congressional Liaison to ascertain whether Exchange Visitors are subject to section 212(e) of the Immigration and Nationality Act. The determination is based upon whether the programs are receiving U.S. Government funding. The Immigration and Nationality Act specifies that such persons, if granted J-visas on the basis of participation in an Exchange Visitor Program which receives U.S. Government funds, must return to their home countries or countries of last legal residence for at least two years prior to re-entering the United States as immigrants, permanent residents or "H" and "L" visa holders.

Dated: February 1, 1984.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 84–3133 Filed 2–3–84; 8:45 am]

BILLING CODE 8230–01–M

VETERANS ADMINISTRATION

Veterans Administration Medical Center, Ann Arbor, Michigan; Addition/Renovation for Clinical, Outpatient, Research, and Parking; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the proposed construction of an Addition/Renovation for Clinical, Outpatient, Research, and Parking at the Ann Arbor Veterans Administration Medical Center and has determined that the potential environmental impacts will be minimal from the development of this project.

The proposed project action includes two major construction projects. The first is a clinical and outpatient addition to Building No. 1. This addition will be approximately 130,000 gross square feet on 4 or 5 levels to be built over 2 sub-levels of parking (approximately 200 parking spaces). The second major construction is proposed as a 4 level parking structure (approximately 750 spaces) with a research building constructed above (approximately 85,000 gross square feet).

A minor construction project to add 6,000 gross square feet to the existing warehouse is also included in this project action. A 3,300 gross square foot chapel is proposed over the warehouse addition.

The long-term impacts associated with this project impact the overall aesthetics, land utilization and transportation/parking. Careful planning and design will successfully integrate the project into the existing VA facility with no significant adverse impacts. The short-term impacts associated with the construction of the project will affect air quality (dust and fumes), noise levels, solid waste disposal and parking. These impacts will be mitigated to the greatest extent possible through the application of best available engineering procedures and careful planning. The VA will adhere to all applicable Federal, State, and local environmental regulations

during the construction and operation of this project.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

An Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, § 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based upon the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420; (202) 389–3316. Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: January 31, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 84–3150 Filed 2–3–84; 8:45 am]

BILLING CODE 8320–01–M

Veterans Administration Medical Center, Fort Wayne, Indiana; 120-Bed Nursing Home Care Unit; Finding of No Significant Impact

It is the intent of the Veterans Administration (VA) to construct a Nursing Home Care Unit (NHCU) at the Veterans Administration Medical Center (VAMC) in Ft. Wayne, Indiana. The NHCU project will provide new construction for 120 long term care beds and will aid in meeting the identified need for such geriatric care. The proposed action will consist of a two-story structure built with associated parking space for approximately 77 automobiles. The building will encompass approximately 55,000 gross square feet for patient beds and associated support functions.

The preferred agency alternative is concept number five which provides a direct connecting corridor to the two-story NHCU. This concept is the proposed action to be taken. Five various alternative plans have been developed, considering three different site locations within the VAMC. In addition, the "No Action" alternative was evaluated. However, the projected need of additional long term care would not be met by the existing 54 NUCU beds. No offsite construction alternative was considered because available site area for development exists at the VAMC.

The proposed concept for implementation accommodates the site. Only minimal impacts on the human and natural environment affecting air quality will occur.

Mitigation will be undertaken during project development. Minor air quality impacts during construction will be limited with temporary controls instituted. These efforts will include sprinklering and/or chemical treatment of particulates as well as minimizing exposure of soil areas to reduce dust generation.

Findings conclude the proposed action will not cause a significant effect on the physical and human environment and, therefore, does not require preparation of an Environmental Impact Statement (EIS).

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

An Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, 40 CFR 1501.3 and 1508.9 A "Finding of No Significant Impact" has been reached based upon information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420; (202) 389–3316. Questions or requests for single copies of the Environmental Assessment may be addresed to the above office.

Dated: January 31, 1984.

By direction of Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 84–3149 Filed 2–3–84; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 25
Monday, February 6, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL COMMUNICATIONS COMMISSION

The following item has been deleted at the request of the Mass Media Bureau from the list of agenda items scheduled for consideration at the February 3, 1984 Open Meeting and previously listed in the Commission's Notice of January 27, 1984.

Agenda, Item No., and Subject

Policy—3—Title: Deregulation of Radio. Summary: The Commission will consider what information regarding nonentertainment programming we should require radio broadcasters to keep and to make available to the public and the Commission in view of the new regulatory scheme for commercial radio.

Issued: January 31, 1984.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-3211 Filed 2-2-84; 10:57 am]

BILLING CODE 6712-01-M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., February 8, 1984.

PLACE: Hearing Room One—1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portion open to the public:

1. Agreement No. 150-73: Modification of the Trans-Pacific Freight Conference of Japan/Korea Agreement to reduce the notice period for instituting rate initiatives and for other purposes.
2. Agreement No. 3868-32: Modification of the United States Atlantic and Gulf/Panama Freight Conference Agreement to authorize independent action on rates.
3. Agreement No. 10482: Proposed Italia-d'Amico Line Joint Service Agreement.
4. Notice of Proposed Rulemaking: Filing of Amendments to Conference Agreements requesting Independent Action Authority.

Portion closed to the Public:

1. Docket No. 83-28: In Re Agreements Nos. 10457, 10458, 10332-3 and 10371-2; In Re Agreements Nos. 10457-1 and 10458-1—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 84-3266 Filed 2-2-84; 1:51pm]

BILLING CODE 6730-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 1, 1984.

TIME AND DATE: 10 a.m., Wednesday, February 8, 1984.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. U.S. Steel Corporation, Docket Nos. WEST 80-386-RM, WEST 81-58-M, WEST 80-160-M. (Issues include whether the judge erred in concluding that the operator violated 30 CFR 55.12-14, a safety standard dealing with the movement of power cables.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

Jean Ellen,

Agenda Clerk.

[FR Doc. 84-3273 Filed 2-2-84; 3:39 pm]

BILLING CODE 6735-01-M

4

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 2:00 p.m., Wednesday, February 8, 1984.

PLACE: U.S. Department of Treasury, 15th and Pennsylvania Avenue, NW., Cash Room, Washington, D.C. 20220.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Review of Central Liquidity Facility Lending Rate.
3. Semi-Annual Agenda of Regulations.
4. Report on NCUA Investment Activity.
5. NCUA Share Insurance Fund Report.

TIME AND DATE: 2:00 p.m., Tuesday, February 7, 1984.

PLACE: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456, 7th Floor Board Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Special Assistance to Prevent Liquidation Under Section 208(a)(1) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(a)(ii).
3. Appeal of Regional Director's Disapproval of a Charter Application for a Proposed New Federal Credit Union. Closed pursuant to exemptions (6), (7)(C) and (8).
4. Appeal of Regional Director's Denial of Field of Membership Expansion Request. Closed pursuant to exemptions (8) and (9)(a)(ii).
5. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 84-3178 Filed 2-1-84; 5:02 pm]

BILLING CODE 7535-01-M

5

NATIONAL SCIENCE FOUNDATION

AGENCY HOLDING MEETING: National Science Board.

DATE AND TIME:

February 16, 1984, 9:00 a.m. Open Session
February 17, 1984, 8:30 a.m. Closed Session
February 17, 1984, 9:00 a.m. Open Session

PLACE: National Science Foundation, Washington, D.C.

STATUS: Most of this meeting will be open to the public. Part of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS:

Thursday, February 16, 1984—9:00 a.m.

1. Minutes—November 1983 Meeting
2. Acting Chairman's Items
3. Director's Report
4. Program Review—Biotic Systems and Resources

Friday, February 17, 1984—9:00 a.m.

5. Long-Range Planning
6. Reports of Board Committees
7. Board Representation at Advisory Committee and Other Meetings
8. Other business
9. Next Meetings

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

Friday, February 17, 1984—8:30 a.m.

A. NSB and NSF Staff Nominees

Margaret L. Windus

Executive Officer.

[FR Doc. 84-3289 Filed 2-2-84; 3:39 p.m.]

BILLING CODE 7555-01-M

federal register

Monday
February 6, 1984

Part II

Environmental Protection Agency

Ethylene Dibromide; Decision and Emergency Order Suspending Registrations of Pesticide Products Containing EDB; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPP-68012A; PH-FRL 2522-7]

Ethylene Dibromide;

Decision and Emergency Order Suspending Registrations of Pesticide Products Containing EBD

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Emergency Suspension Order.

SUMMARY: Pesticide products containing ethylene dibromide (EDB) are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use to treat grain stored in bulk and for spot treatment of grain milling equipment. Products registered for those uses are subject to the September 28, 1983, Notice of Intent to Cancel Registrations of Pesticide Products Containing Ethylene Dibromide which was published in the **Federal Register** of October 11, 1983 (48 FR 46234). Because of requests for a hearing filed pursuant to that Notice, a number of EDB registrations for these grain and milling use registrations have not been cancelled pending the outcome of the administrative hearing. This Notice and Order announces the immediately effective suspension of products registered for these uses and sets forth the Administrator's determinations which form the bases for this Emergency Suspension Order.

DATE: The Suspension Order became effective on February 3, 1984. A request by a registrant for an expedited hearing on the issue of whether an imminent hazard exists must be received by the Office of the Hearing Clerk within five (5) days of receipt of this Notice by that registrant.

ADDRESS: Requests for a hearing must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Additional information supporting this action is available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays, in: Management and Program Support Division (TS-757C), Room 236, CM No. 2, Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT:

Richard J. Johnson, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711A, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-7420).

SUPPLEMENTARY INFORMATION:

I. Order

This Notice and Order suspends, effective immediately, the registrations of each product containing EDB and labeled for use to fumigate stored grain and for use to treat grain milling equipment. I have determined that continued registration of EDB as a grain fumigant and spot milling fumigant poses an imminent hazard during the period in which administrative hearings could delay the effectiveness of the cancellation of these registrations pursuant to my September 28, 1983, Notice of Intent to Cancel. I have also determined that an emergency exists resulting from the grain and milling uses of EDB such that I cannot permit continued registration of these products for the period that hearings could delay the effectiveness of a Suspension Order. Therefore, I have decided to issue this Emergency Suspension Order immediately suspending these registrations, and immediately prohibiting these uses of EDB.

When I issued the Notice of Intent to Cancel these registrations last September, I concluded that EDB use as a stored grain fumigant and a spot fumigant of grain milling equipment causes unreasonable adverse effects on the environment. That Notice of Intent to Cancel would have resulted in the cancellation of EDB registrations for these uses at the end of thirty days if no adversely affected persons requested a hearing on the issues raised by the conclusions which supported the Notice. The Notice of Intent to Cancel products for all major pesticide uses of EDB noted that the chamical posed increased risk of cancer, heritable genetic damage, and adverse reproductive effects. At the time I issued the Notice, I concluded that the increased cancer risk through the diet of the American people resulting from EDB use as a stored grain fumigant is "estimated to be significant," while there are only limited or no adverse economic effects from cancellation of registrations for this use. I concluded that the use of EDB as a spot fumigant in grain mills results in a significant dietary cancer risk to the general public and high risks to applicators and workers, and that these risks outweigh the significant economic benefits to millers from continued EDB registration as a spot treatment for grain milling equipment. My conclusions about dietary risks from consumption of EDB-contaminated grains were based on estimates derived from a mathmatical model prepared by Agency scientists and from the limited residue data available at that time. Considerable uncertainty remained about the extent to which those data delineated the actual scope of EDB residues in marketed grain products. Consequently, I believed at that time that it was appropriate to permit a possible delay in implementation of the cancellation of EDB registrations during completion of administrative hearings which would result in my conclusions were challenged. However, I recognized that actual exposure of large segments of the public to EDB in grain products should not be continued. Therefore, I announced that the Agency would gather additional information about dietary exposures to EDB resulting from its use to treat stored grain and milling equipment, and that I would consider whether such information shows the need for immediate suspension of EDB registrations for these uses.

Since September of 1983, a substantial quantity of information about EDB residues in grain products has become available to me. This information includes measured residues of EDB in a wide variety of samples of grains and grain products and demonstrated that the pesticidal use of EDB on grain and milling equipment results in widespread actual exposure of the American public. Accordingly, I have now determined that continued use of EDB to fumigate stored grain and milling equipment results in an imminent hazard and constitutes an emergency as those terms are used in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), 7 U.S.C. 136 *et seq.* Specifically, I have now determined that continued use of EDB on grain stored in bulk and on milling equipment is likely to result in risks of dietary exposure to the general public and in risks to occupationally exposed persons such that the risks from continued registration during administrative hearings clearly outweigh the benefits of registration during that period.

Pursuant to section 6(c)(3) of FIFRA, 7 U.S.C. section 136d(c)(3), I hereby suspend the registration of each pesticide product containing ethylene dibromide (EDB) whose labeling allows the product's use as a fumigant for stored grain and/or as a spot treatment for grain milling equipment. This Emergency Suspension Order has two components. First, this Order prohibits the distribution, sale, offering for sale, shipping, delivering for shipment, or receiving and (having so received) delivering or offering to deliver to any person of any EDB-containing pesticide product labeled for use on stored grain

or on grain milling equipment. Second, the use by any person of a pesticide product containing ethylene dibromide on grain or grain milling equipment is hereby prohibited.

II. Legal Authority

A. Standards for Maintaining a Registration

Before a pesticide product may be sold, held for sald, or distributed in either intrastate or interstate commerce, the product must be registered [FIFRA sections 3(a) and 12(a)(1)]. A registration is a license allowing a pesticide product to be sold and distributed for specified uses in accordance with specified use instructions, precautions, and other terms and conditions. A pesticide product will be registered only if it performs its intended pesticidal function without causing "unreasonable adverse effects on the environment" [FIFRA section 3(c)(5)], that is without causing "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of [the] pesticide" [FIFRA section 2(bb)]. For a pesticide product to be registerable, the benefits of each of its uses must exceed the risks of that use when the product is used in accordance with commonly recognized practice and in compliance with the terms and conditions of registration. The burden of proving that a pesticide product satisfies the criteria for registration is on the proponents of initial or continued registration. [*Environmental Defense Fund* v. *Environmental Protection Agency*, 510 F.2d 1292, 1297 (D.C. Cir. 1975); *Environmental Defense Fund* v. *Environmental Protection Agency*, 465 F.2d 528 (D.C. Cir. 1972).]

Under FIFRA section 6, the Administrator may issue a notice of intent to cancel the registration of a pesticide product whenever it is determined that the pesticide product causes unreasonable adverse effects on the environment. If a hearing is requested by any adversely affected person, the product may be cancelled at the end of the administrative hearing on the cancellation notice.

B. Purpose and Standards for Suspending Pesticide Products

The suspension provisions in section 6(c) of FIFRA give the Administrator authority to take interim action until completion of the time-consuming procedures which may be required to reach final cancellation decisions. Under this section, the Administrator may suspend the registration of a product and prohibit its distribution, sale, or use during cancellation proceedings upon a finding that the pesticide poses an "imminent hazard" to humans or the environment. "Imminent hazard" is defined by the statute to mean that:

> The continued use of a pesticide during the time required for cancellation proceedings would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior under Pub. L. 94–135.

As discussed above, "unreasonable adverse effects on the environment" means that the risks from use of a pesticide outweigh the benefits of its use. Thus, in order to find an imminent hazard, it is necessary to find that the risks of use during the period likely to be required for cancellation proceedings appear to outweigh the benefits. The Administrator may not suspend a pesticide without having issued a notice of intention to cancel the registration or to change the classification of the pesticide.

Suspension is the Administrator's mechanism for quickly correcting a situation which endangers public health. The courts have repeatedly held that "the function of a suspension decision is to make a preliminary assessment of evidence, and probabilities, not an ultimate resolution of difficult issues" (*Environmental Defense Fund* v. *Environmental Protection Agency*, 510 F.2d 1292, 1297 (D.C. Cir. 1975), quoting from *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, *supra*, 465 F.2d 540 (D.C. Cir. 1972)). "It is enough if there is a *substantial likelihood* (emphasis in original) that serious harm will be experienced during the year or two required in any realistic projection of the administrative (cancellation) process" (*Environmental Defense Fund* v. *Environmental Protection Agency*, 510 F.2d 1292, 1297 (D.C. Cir. 1975), quoting from *Environmental Defense Fund* v. *Environmental Protection Agency*, *supra*, 465 F.2d 540 (D.C. Cir. 1972)).

A notice of intent to suspend is not an immediately effective suspension order; instead, the Administrator is required to give registrants notice of his intent to suspend and to allow five days for them to request a hearing. If a hearing is not requested within five days, the suspension order becomes final and is not reviewable by a court. If a hearing is requested, the Administrator is required to convene an expedited proceeding. The sole issue at a suspension hearing is whether or not an imminent hazard exists. In those circumstances, a finally effective suspension order cannot be issued until the completion of the expedited hearing.

C. Purpose and Standards for Emergency Suspension of Pesticide Products

Before issuing an emergency suspension order, the Administrator is required to make two findings: (1) That the pesticide poses an "imminent hazard", and (2) that an "emergency" exists. An "emergency" exists when the situation "does not permit [the Administrator] to hold a hearing before suspending," FIFRA section 6(c)(3), 7 U.S.C. 136d(c)(3). The Agency interprets this statutory provision to mean that, if the threat of harm to humans and to the environment is so immediate that the continuation of a pesticide use is likely to result in unreasonable adverse effects—i.e., the risks outweigh the benefits—during a suspension hearing, the registration of any product for that use may be suspended immediately.

The term "emergency" is not defined by FIFRA, and the statute's emergency suspension provision does not specifically require the Agency to balance benefits against health and environmental risks of continued pesticide registration in determining whether an emergency exists. One possible reading would be that an emergency exists whenever a serious risk could result from pesticide use during the time for conducting a suspension hearing. However, for the purpose of this proceeding, I have decided to consider the risks and benefits in ordering an emergency suspension, just as I balance risks and benefits in deciding whether to register a pesticide or to take the pesticide off the market through a cancellation or ordinary suspension order. FIFRA is a risk/benefit statute, and I see no reason to depart from this balancing test in issuing emergency suspension orders.

The Administrator's determination that an emergency exists is reviewable in appropriate Federal district court solely to determine whether the order of emergency suspension was arbitrary, capricious or an abuse of discretion, or whether the order was issued in accordance with the procedures established by law. FIFRA section 6(c)(4).

An emergency suspension order is issued without prior notice to registrants and takes effect immediately; it remains in effect until the cancellation decision if no expedited hearing is requested by a registrant. Registrants are given five days to request an expedited hearing. If an expedited hearing is requested on the issue of imminent hazard, the emergency

order continues in effect until the issuance of a final suspension order. The hearing stage is to begin within five days of the Agency's receipt of the hearing request. No party other than registrants of suspended products and the Agency may participate in the expedited hearing following the emergency order, except to file briefs. In any suspension bearing, the presiding officer shall have ten days from the conclusion of the presentation of evidence to submit recommended findings and conclusions to the Administrator. The Administrator shall then have seven days to issue a final order on the issue of suspension. Final suspension orders following a hearing are reviewable in appropriate United States courts of appeals.

III. Findings Supporting Determination of Emergency and Imminent Hazard

EDB is a pesticide registered for the fumigation treatment of grain stored in bulk and for spot treatment of grain milling equipment to control insect infestations. As noted in Unit I of this Order and Notice, pesticide registrations for these and other significant uses of EDB were the subject of a September 28, 1983, Notice of Intent to Cancel. Pursuant to section 6(b) of FIFRA, the cancellation of specific pesticide products which are the subect of a Notice of Intent to Cancel does not become effective when adversely affected persons file a timely request for hearing with respect to specific registrations and uses. Requests for a hearing on the Notice of Intent to Cancel were filed by nine parties who challenged the cancellation of registrations for sixteen different EDB-containing products registered for fumigation of stored grain and four different products registered for spot fumigation of milling equipment. As a result of these challenges, the sale and distribution of those EDB-containing pesticide products for use on stored grain and grain milling equipment continues to be legal under FIFRA. The challenges to cancellation of two products for use on stored grain and two products for spot treatment were subsequently dropped.

In deciding to order the emergency suspension of the registration of each EDB-containing product which is presently registered for the fumigation of grain or grain milling equipment, I have determined that the continued registration of EDB for these uses would pose an imminent hazard during the approximately two-year period for conducting the administrative hearings convened in response to the hearing requests on these registrations. In addition, I have determined that an emergency exists resulting from the use of EDB on grain and in grain mills such that I cannot permit continued registration and use of these products for that purpose during the approximately six-month period that a suspension hearing could delay the effectiveness of a Notice of Intent to Suspend. The bases for my determinations of "imminent hazard" and "emergency" are set forth below.

A. Risks of Continued Use of EDB

1. *Toxicity.* Ethylene dibromide is a potent cancer-causing chemical in laboratory animals. The chemical has induced tumors in both sexes of mice and rats, by all routes of exposure (oral, inhalation, and dermal). Moreover, EDB induced malignant tumors in laboratory animals at several anatomical sites, incluing sites distant from the intital organs exposed. After oral exposure, the tumors began to appear after an extremely short duration compared to the results of tests of other chemical carcinogens. In light of the definitive weight of evidence that EDB is a potent animal carcinogen, the extent of human exposure and the potential size of the exposed population is of particularly serious concern. The carcinogenic potential of EDB is reinforced by the evidence of EDB's mutagenic potential in both *in vitro* and *in vivo* systems. Evidence also shows that EDB is mutagenic to germ cells, which raises concern of human genetic damage for exposed populations. Further, EDB has induced adverse reproductive effects in several animal species and should be considered as a potential cause of reproductive disorders in exposed human populations.

2. *Exposure and Associated Human Health Risks.* EDB is formulated as a liquid grain fumigant in combination with other chemical fumigants and poured or coarsely sprayed directly onto stored grain to control insect infestations. EPA estimates that approximately 160 million bushels of wheat and 14 million bushels of corn were treated with EDB in 1983. An estimated additional 30 million bushels of other grains (oats, barley, rye, rice, sorghum) were also treated with EDB. The mixing of treated grains with untreated stored grains prior to processing appears to have resulted in EDB residues in as much as 60 percent of the wheat products used for human consumption. The number of applicators associated with treatment of stored grains is not known; the typical use pattern appears to minimize worker contact during application. However, some worker exposure is expected to result from the application, including transfer of the pesticide, and from handling treated grain after its treatment.

For spot treatment of milling equipment, EDB is applied to grain milling equipment to control insect infestation. Prior to the September 1983 Notice of Intent to Cancel the registration of EDB—containing pesticides, EPA estimated that 75 percent of the Nation's grain mills used EDB for this purpose. Informal reports since that action indicate that the use in mills, especially large mills, may have substantialy declined following that notice. Where use in mills continues, applicators and other mill workers are exposed to significant levels of EDB. Moreover, the use of EDB in milling equipment adds to the levels of EDB which can appear in grain products.

In recent weeks, EPA has worked closely with the United States Department of Agriculture, the Food and Drug Administration, the States and other groups in order to determine the scope and levels of EDB residues in consumer grain products. The development of the data to evaluate the exposure to the general public of EDB from grain products has involved a substantial and broadly based sampling effort. As a result, I now have available a far more definitive evaluation of actual EDB residues in grain products than was available when I issued the September 1983 Notice of Intent to Cancel registrations of EDB-containing products for use on stored grain and in grain mills. Although there is some indication that use of EDB in grain mills and possibly on stored grain may be declining, it is also apparent that some use is continuing. I can only assure that these uses are halted immediately by issuing this immediately effective suspension order. If the legal use of EDB on grain and in mills continues during the pendency of administrative hearings on the Notice of Intent to Cancel, newly contaminated grain would remain in commerce approximately two years beyond the period when the residues can clear out of the system if the use is halted now. Similarly, further use during a six-month suspension hearing would delay for that time the point at which no further residues would be expected.

I have determined that the amount and scope of EDB residues in grain products which would continue during these interim periods necessary for hearings poses an unacceptable risk for three risk-related reasons: (1) The fact that continued exposures would affect large segments of the population; (2) the significant proportion of the diet which

is made up of grain products, especially for young children; and (3) the fact that persons born after the presently treated grain has cleared out of the channels of commerce can be entirely spared exposure to EDB residues from this source if I act now. This last reason is particularly persuasive when one considers that the risks of cancer from further exposure to EDB appear to fall most heavily upon the very young. In addition, these risks can be avoided since alternative, registered grain and milling fumigants are available and are now being used. Therefore, exposure to EDB in consumer grain products form the principal basis for my determinations of emergency and imminent hazard. However, in weighing the risks of continued use during the interim period against the corresponding benefits, I have also considered the fact that persons handling the pesticide and working in contact with treated materials would also be exposed to EDB for the additional time. The dietary and occupational exposures to EDB from the grain uses and the realted health risks are discussed below.

(a) *Contamination of edible grain products and associated risks.* The potential that application of EDB to grain and grain milling equipment would result in widespread residues of EDB in consumer grain products was a major concern when I issued the Notice of Intent to Cancel EDB pesticides for these uses. At that time, I stated that:

> The Agency is extremely concerned about the exposure of the population to EDB from [the stored grain fumigation] use and is gathering information concerning dietary exposures to EDB from this use pattern. When this additional information has been evaluated, the Agency will consider whether that information shows the need for immediate suspension of the EDB registrations for fumigation of grain stored in bulk (in the event that present registrations remain in effect during the pendency of cancellation hearings). [October 11, 1983, 48 FR 46239]

In the Notice, I made a virtually identical announcement concerning the registrations of EDB products for spot treatment of grain milling equipment. For that Notice, I had concluded that these grain uses of EDB cause unreasonable adverse effects on the environment based in large part upon the estimates then available which indicated that these grain treatments could result in significant residues in edible grain product. Available information then showed that EDB is persistent in fumigated grain, that it can survive milling and other processing steps, that fumigation of milling equipment contributes to residues, and that EDB had been measured in limited samples of flour and baked products. However, the estimates of levels and scope of residues to which the general public could be exposed were derived from a model designed to "predict" EDB residues in consumer products and confirmed only by very limited actual residue data. Accordingly, it appeared appropriate, at the time, to permit the operation of statutory provisions regarding delays during challenges to Notices of Intent to Cancel if registrants or other adversely affected persons elected to challenge my conclusions. Nevertheless, I recognized that a more definitive confirmation of widespread residues of EDB in the grain products consumed by the general public could readily alter that conclusion and prompt me to take immediately effective action.

Over the last few months, the Agency has obtained residue data on grain and grain products from a number of governmental and industry sources, including the Food and Drug Administration, the United States Department of Agriculture, the States of Florida, Texas, North Carolina, Georgia, California, Virginia, New York, Minnesota, Pennsylvania, Alabama, Ohio, Arizona, Massachusetts, and Illinois, the Grocery Manufacturers Association and some of its member companies, and the American Bakers Association. Additional data is currently being generated and submitted by a number of States. The Agency has also conducted its own studies of EDB residues in grain, grain products, and finished baked products. A summary of the residue data analyzed by EPA is presented in Table 1. This table sets forth the type of commodity tested, the percentage with detectable residues, the range of residues and the average EDB residues for that kind of sample.

TABLE 1.—SUMMARY OF EDB RESIDUE DATA IN GRAINS AND GRAIN PRODUCTS

Commodity	EDB residues found		Range of residues		Average residue	Median residue
	No. of samples	Percent detectable residues	Minimum	Maximum		
				(ppb)	(ppb)	(ppb)
Raw Grain Products:						
Wheat	862	75.2	ND	1842	40.3	4.0
Corn	290	60.7	ND	[1]9999	55.8	1.4
Other Grains	112	29.5	ND	[1]9999	109.9	ND
Milled Grain Products:						
Wheat	638	69.3	ND	450	14.4	2.0
Corn	393	55.1	ND	990	44.1	1.5
Other Grains	46	17.4	ND	128	4.0	ND
Ready-To-Eat Grain Products:						
Wheat	272	21.7	ND	49.4	2.3	ND
Corn	86	39.5	ND	51.5	4.0	ND
Other Grains	100	6.0	ND	3.8	ND	ND

ND = Less than 1 ppb.
[1] Greater than 10,000.

The residue data obtained by the Agency for EDB in grain products come from a variety of sampling efforts with different purposes and sampling designs and should not be regarded as statistically representative of actual residues. Further, the average residues to which a consumer would be likely to be exposed depend on whether industry and/or government identifies and removes products above some designated residue level. Accordingly I am recommending maximum permissible residue levels for removal from commerce of grain and grain products above 900 ppb in whole grain intended for human consumption, 150 ppb milled grain, or 30 ppb in ready to eat grain products.

Despite uncertainties about the data, estimates of average consumer residue levels for this pesticide can now be derived from an unusually large base of data, and are fully adequate to support my conclusion that it is necessary to act now to immediately halt futher use of

EDB on grain and grain milling equipment.

To assess dietary exposure, the Agency has evaluated the relevant residue data for finished and milled products, assuming an 80 percent reduction in cooking from the milled to the finished products, and has taken into account food consumption patterns based on a nationwide survey conducted by the United States Department of Agriculture in 1977–78.

In addition to considering the exposure of the typical consumer to grain products, the Agency has identified groups like young children for whom grain represents a higher proportion of the diet. A dietary preference for particular grains were also identified because the average residues in edible products is considerably higher for corn products than for grain products. Based upon these assessments of the extent of grain consumption and the residue levels in grain, and taking into account the potential adverse health effects from EDB, I have determined that it is necessary to halt further introduction of EDB residues into the nation's grain supply.

(b) *Occupational exposure and associated risks.* Individual occupational exposures from treatment of stored grain have not been measured and EPA, therefore, is unable to attempt to quantify them. However, a substantial number of individuals appear to be involved in this treatment practice, since some wheat stored on approximately 15 to 20 percent of the Nation's approximately 400,000 wheat farms was treated with EDB in 1983. (Additional treatments occurred at off-farm storage locations.) Because the handling of EDB may vary widely among the storage facilities doing the treating, it is likely that at least a few handlers of the pesticide would experience high or extremely high exposures during the period of use which would occur if use were allowed to continue during suspension or cancellation hearings. Some worker exposure is also expected from handling of treated grain after treatment.

Occupational exposure from continued use of EDB in grain mills would be at significant levels during the interim period. About 20,000 persons were engaged in application of EDB in mills and work in areas with significant EDB levels in the air prior to the September 1983 Cancellation Notice. Because the extent of this use appears to have declined, the number of persons at risk may have declined as well. However, any benefits derived from continued registration for this use would also decline proportionately. In sum, the health risks to workers from the grain uses of EDB provide an additional component of the unacceptable risk associated with continued use of EDB on grain and in grain mills during administrative hearings.

B. Benefits of Interim Use

In reaching my conclusions to emergency suspend the registrations for the use of EDB to fumigate grain and spot treat milling equipment, I have also evaluated the benefits which would accrue if these products could be used during the next two years. Prior to my September 1983 Cancellation Notice, approximately 470,000 pounds active ingredient of EDB were estimated to have been used annually for the uses suspended by this Order. Of this amount, about 300,000 pounds were used for spot treatment of milling equipment, and 170,000 pounds for fumigation of grain stored in bulk. Since the Notice of Cancellation, I have received information indicating that this rate of use has declined. In developing this economic analysis, the Agency has not been able to obtain definitive quantitative data on the current use of EDB for the suspended uses. The Agency's qualitative analysis, however, indicates that suspension of grain and milling uses would not significantly affect U.S. production or prices of any commodities or services in affected sectors because alternative control methods are available. Major millers have reported to EPA that they stopped using EDB-containing fumigants in August/September of 1983, in response to the Notice of Cancellation. However, there seems to be continuing usage of EDB by smaller mills. The milling industry can readily adopt the use of other registered fumigants and strategies for insect control and apparently has largely done so since the summer of 1983. Overall, the adoption of these alternative control methods could increase insect control costs by up to $3.5–$4.0 million over the next six months and by up to $15.0–$16.0 million over the next two years. Not all of these costs are attributable to this suspension action, however, because the majority of the milling industry has apparently voluntarily discontinued the use of EDB. Although the additional costs for alternatives to EDB use on milling equipment are not trivial, this Suspension Order will affect only the portion of the milling industry that may still be using this chemical.

There seem to be no significant costs attributable to suspension of the registrations for the EDB products for use as a fumigant for grain stored in bulk. The most likely alternatives to EDB-containing liquid grain fumigant mixtures are either the liquid grain fumigants which do not contain EDB or the phosphine producing products. These products could be used in essentially the same manner as are EDB products which are suspended by this Order. All of these products are currently in widespread use and available in sufficient supplies to meet grain storage treatment needs. In addition, other products, such as malathion, can be used to protect grain from insect damage. These products, however, are generally not as convenient as the liquid fumigants or the gases for dealing with established infestations in stored grain. Treatment costs with alternatives for use on stored grain vary depending on many factors. However, the available alternatives can be used at roughly the same or less costs than the EDB-containing materials without any significant loss in insect control.

The principal alternatives to EDB for grain and spot milling are: carbon tetrachloride by itself, and in combination with carbon disulfide and ethylene dichloride (EDC); methyl bromide; and phosphine gas released by aluminum or magnesium phosphide. The phosphide products are very acutely toxic and thus require extreme care in handling and are restricted to use by certified applicators, but are not known to pose any chronic health hazards from dietary residues. Carbon tetrachloride is under EPA review as a potential carcinogen, although its risks do not appear to be as significant as EDB. Methyl bromide and EDC also have preliminary indications of adverse chronic health effects.

IV. Procedural Matters

This order directs the immediately effective, emergency suspension of pesticide products registered for the use of ethylene dibromide as a fumigant for grain stored in bulk and as a spot treatment for grain milling equipment. Registrants affected by emergency suspension actions may request an expedited hearing before the Agency on the issue of whether an imminent hazard exists. This unit explains how to request an expedited hearing, the consequences of requesting or not requesting an expedited hearing, and the procedures which govern an expedited hearing in the event one is requested.

A. Procedures for Requesting a Hearing

(1) *Who may request a hearing and when the request may be made.* Registrants of ethylene dibromide

products registered for use as a grain fumigant or fumigant for grain milling equipment may request a hearing on the specific registered uses of ethylene dibromide within five days after receipt of this opinion and order.

(2) *How to request a hearing.* Registrants who request a hearing must follow the Agency's Rules of Practice Governing Hearings (40 CFR Part 164). These procedures specify, among other things: (a) That all requests for a hearing must be accompanied by objections that are specific for each use for which a hearing is requested (40 CFR 164.121(a) and 164.123(b)); and (b) that all requests must be received by the Office of the Hearing Clerk within the applicable five days (40 CFR 164.5(a) and 164.121(a)). Failure to comply with these requirements will automatically result in denial of the request for a hearing.

Requests for hearing must be submitted to: Hearing Clerk (A–110), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Consequences of Filing a Hearing Request

Under FIFRA section 6(c)(3) the emergency suspension order becomes effective immediately and continues in effect until completion of any expedited hearing and issuance of a final order following such a hearing. The final suspension order issued by the Administrator after a hearing may keep the suspension in effect, modify it, or terminate it.

The statute provides that if a hearing is requested on the Administrator's emergency suspension actions regarding ethylene dibromide before the end of the five-day notice period, the hearing is to begin within five days after receipt of the request, unless the registrants requesting the hearing and the Agency agree that it shall begin at a later time. No party, other than registrants and the Agency, is to participate, except that any person adversely affected may file briefs within the time allowed by the Agency's rules. The presiding officer has ten days from the conclusion of the presentation of evidence to submit recommendations to the Administrator, who in turn has seven days to issue a final order on the issue of suspension. EPA's Rules of Practice for expedited hearings are set forth at 40 CFR Part 164, Subpart C.

C. Consequences of Not Filing a Hearing Request

Under the statutory scheme, if there is no request for a hearing on the Administrator's suspension action within the five-day notice period, the emergency suspension order becomes a final suspension order, which remains in effect until the conclusion of the cancellation proceedings.

D. Separation of Functions

Having issued this Notice and Order, I am removing myself, the Deputy Administrator, and our immediate staffs from any decisionmaking role in any FIFRA proceeding resulting from this Notice and Order. This action is consistent with my previous removal from any decisionmaking role in the ongoing EDB cancellation proceeding, and does not affect any existing delegations of authority. The Assistant Administrator for Solid Waste and Emergency Response is hereby designated to exercise any authority reserved to the Administrator in any FIFRA proceeding resulting from this Notice and Order.

The Agency's Rules of Practice forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. 40 CFR 163.7.

Accordingly, the following Agency offices, and the staffs thereof, are designated as the judicial staff to perform the judicial functions of the Agency in this case: the Office of the Administrative Law Judge, the Judicial Officer, and the immediate office of the Assistant Administrator for Solid Waste and Emergency Response.

From the date of this Notice until the final Agency decision in this case, no member of the judicial staff shall have any *ex parte* communication with the trail staff or any other interested persons not employed by EPA, on the merits of any of the issues involved in this proceeding.

Dated: February 3, 1984.

William D. Ruckelshaus,

Administrator.

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been changed since last week.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

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1000-End	7.00	Jan. 1, 1983
17 Parts:		
1-239	8.00	Apr. 1, 1983
240-End	7.00	Apr. 1, 1983
18 Parts:		
1-149	7.00	Apr. 1, 1983
150-399	8.00	Apr. 1, 1983
400-End	6.50	Apr. 1, 1983
19	8.50	Apr. 1, 1983
20 Parts:		
1-399	5.50	Apr. 1, 1983
400-499	7.00	Apr. 1, 1983
500-End	7.50	Apr. 1, 1983
21 Parts:		
1-99	6.00	Apr. 1, 1983
100-169	6.50	Apr. 1, 1983
170-199	6.50	Apr. 1, 1983
200-299	4.75	Apr. 1, 1983
300-499	8.00	Apr. 1, 1983
500-599	6.50	Apr. 1, 1983
600-799	5.00	Apr. 1, 1983
800-1299	6.00	Apr. 1, 1983
1300-End	5.00	Apr. 1, 1983
22	8.50	Apr. 1, 1983
23	7.00	Apr. 1, 1983
24 Parts:		
0-199	6.00	Apr. 1, 1983
200-499	8.00	Apr. 1, 1983
500-799	5.00	Apr. 1, 1983
800-1699	6.50	Apr. 1, 1983
1700-End	6.00	Apr. 1, 1983
25	8.00	Apr. 1, 1983
26 Parts:		
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§§ 1.170-1.300	7.50	[1] Apr. 1, 1982
§§ 1.301-1.400	6.00	Apr. 1, 1983
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§§ 1.851-1.1200	8.00	Apr. 1, 1983
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300-499	6.00	Apr. 1, 1983
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*200–499	6.00	Oct. 1, 1983
*500–1199	12.00	Oct. 1, 1983
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49 Parts:		
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[1] No amendments to these volumes were promulgated during the period Apr. 1, 1982 to March 31, 1983. The CFR volumes issued as of Apr. 1, 1982 should be retained.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).

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