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1-13-83
Vol. 48 No. 9
Pages 1481-1676

federal register

Thursday
January 13, 1983

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National Park Service

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Pesticides and Pests
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 561; Navel Orange Reg. 559, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 14–20, 1983, and increases the quantity of such oranges that may be so shipped during the period January 7–13, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective January 14, 1983, and the amendment is effective for the period January 7–13, 1983.

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

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

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

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on January 11, 1983 at Bakersfield, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is improved.

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

List of Subjects in 7 CFR Part 907

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

PART 907—[AMENDED]

1. Section 907.861 is added as follows:

§ 907.861 Navel Orange Regulation 561.

The quantities of navel oranges grown in Arizona and California which may be handled during the period January 14, 1983, through January 20, 1983, are established as follows:

(1) District 1: 1,550,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

2. Section 907.859 Navel Orange Regulation 559 (48 FR 631), is hereby amended to read:

§ 907.859 Navel Orange Regulation 559.

* * * * *

(1) District 1: 1,550,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

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

Dated: January 12, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-1172 Filed 1-12-83; 12:38 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Great American Airways, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Great American Airways, Inc. to the listing of carriers which have entered into agreements with the Services for the preinspection of their passengers and crews at locations outside the United States.

EFFECTIVE DATE: December 21, 1982.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: The Commissioner of the Immigration and Naturalization Service has entered into an agreement with Great American Airways, Inc. to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier to the present listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Section 238.4 is amended by adding in alphabetical order, "Great American Airways, Inc.", under "At Vancouver."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: January 6, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-868 Filed 1-12-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-ANE-32; Amdt. 39-4538]

Airworthiness Directives; Bendix S-20 Series, S-1200 Series, D-2000 Series, and D-3000 Series Impulse Coupled Magnetos

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document amends an existing Airworthiness Directive (AD), 78-09-07, applicable to the Bendix S-20, S-1200, and S-2000 series magnetos, to make the requirements of the AD applicable to the D-3000 series impulse coupled magnetos and to update the service bulletin reference. The D-3000 series magnetos incorporate the same type of impulse coupling as is installed on the magnetos presently subject to the AD, and they are subject to similar wear and related safety problems.

DATES: Effective—January 17, 1983.

Compliance is required as prescribed in the body of the AD.

Comments on this amendment must be received on or before February 14, 1983.

ADDRESSES: Bendix Service Bulletin No. 599B may be acquired from Bendix Corporation, Engine Products Division, Sidney, New York 13838.

A copy of the service bulletin is contained in the Rules Docket, Room 202, 181 South Franklin Avenue, Valley Stream, New York 11581, and in the Rules Docket, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Mr. Alfred T. Farrar, Propulsion Section, ANE-174, New York Aircraft Certification Office, FAA-DOT, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone: (516) 791-7421

SUPPLEMENTARY INFORMATION: Amendment 39-3205, as amended by Amendment 39-3252 and Amendment 39-3963 AD 78-09-07), requires inspection of specified magnetos and the replacement of magnetos that have impulse couplings that are worn beyond serviceable limits. The D-3000 series magnetos incorporate that same type impulse couplings as are incorporated in the magnetos that are the subject of that AD. After issuing Amendment 39-3963, there have been reports of impulse couplings installed on D-3000 series magnetos that are worn beyond serviceable limits. As noted in the AD, magnetos with impulse couplings that are beyond serviceable limits can cause engine failure. Since this condition is likely to exist or develop in other magnetos of the same type design, AD 78-09-07 is being amended to include the D-3000 series megnetos and to reference the current Bendix service bulletin. A number of editorial changes have also been made.

Request for Comments on the Rule

Although this action is in the form of a final rule which involves requirements affecting immediate flight safety and thus was not preceded by notice and public procedures, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulations. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13) is amended by amending Amendment 39-3205, as amended by Amendments 39-3252 and 39-3963 (AD 78-09-07), to read as follows:

Bendix.—Applies to Bendix S-20 series, S-1200 series, D-2000 series, and D-3000 series magnetos incorporating impulse couplings.

Compliance required as indicated unless previously accomplished.

To preclude magneto or engine failure resulting from magneto impluse coupling failure, accomplish the following:

a. On magnetos having less that 475 hours time in service since new or overhaul, accomplish the provisions of paragraphs "c" and "d" of this AD prior to 500 hours time in service and thereafter at intervals not to exceed 500 hours time in service from the last inspection.

b. On magnetos having 475 or more hours in service since new or overhaul, accomplish the provisions of paragraphs "c" and "d" of this AD within the next 25 hours time in service and thereafter at intervals not to exceed 500 hours time in service from the last inspection.

c. Inspect and replace, if necessary, impulse coupling components in accordance with the paragraph titled "Detailed Instruction" contained in Bendix Engine Products Division Service Bulletin Number 599B or an FAA approved equivalent.

d. After accomplishing paragraph "c" of this AD, make a logbook entry showing the compliance time. Include the magneto make, model, and serial number.

(Note: Except for new or zero time overhauled magnetos, any magneto not accompanied by a record of operating time must be in compliance with paragraph "c" upon installation on an approved engine.)

e. Equivalent inspections and procedures must be approved by the Manager, New York Aircraft Certification Office, Room 202, 181 South Franklin Avenue, Valley Stream, New York 11581.

f. As permitted by Federal Aviation Regulations (FARs) 21.197 and 21.199, aircraft may be flown to a base where maintenance required by this AD can be accomplished.

Amendment 39-3205 was effective May 9, 1978.

Amendment 39-3252 amended Amendment 39-3205 effective July 3, 1978.

Amendment 39-3963 amended Amendments 39-3205 and 39-3252 effective November 3, 1980.

This amendment is effective on January 17, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and Section 11.89 Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (4 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR INFORMATION CONTACT."

Issued in Burlington, Massachusetts, on January 4, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-867 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CEF-12-AD; Amendment 39-4527]

Airworthiness Directives; EMBRAER Model EMB-110 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and replacement as required of all primary flight control cables on EMBRAER Model EMB-110 airplanes. There have been reports of excessive wear and broken strands in these cables. This AD is needed to prevent failure of the primary flight control cables which could result in loss of control of the airplane.

EFFECTIVE DATE: January 10, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: EMBRAER Service Bulletin No. 110-27-064 dated September 28, 1982, applicable to this AD may be obtained from Empresa Brasileira de Aeronautica S/A (EMBRAER), P.O. Box 343-CEP, 12.200, Sao Jose Dos Campos, Sao Paulo, Brazil. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, ACE-120A, Aerospace Engineer, FAA, Airframe Branch, Atlanta Aircraft Certification Office, FAA, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: There have been reports of primary flight control cables with wear and/or broken strands, beyond the acceptable limits, in EMBRAER Model EMB-110 aircraft prior to the 3000 operating hour inspection. Such wear and breakage, if allowed to continue without appropriate corrective action, could result in abrupt loss of primary flight controls. Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, and AD is being issued requiring inspection and replacement as required of primary flight control cables on EMBRAER Model EMB-110 airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

EMBRAER.—Applies to Model EMB-110, Serial Number 110001 and up airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished.

To prevent loss of the airplane's primary flight controls, within the next 100 hours time-in-service after the effective date of this AD on airplanes having more than 1000 hours time-in-service or prior to the accumulation of 1100 hours time-in-service on airplanes having less than 1000 hours time-in-service thereafter, accomplish the following:

a. Inspect the primary flight control cables in accordance with the instructions contained in EMBRAER Service Bulletin No. 110-27-064, dated September 28, 1982.

(1) If cables are within the limits prescribed in Section II of "Maintenance Manual—Flight Controls", lubricate and rerig in accordance with EMBRAER Service Bulletin No. 110-27-064 and applicable Maintenance Manuals.

(2) If cables are worn and/or have broken wires beyond the limits of Section II of "Maintenance Manual—Flight Controls", remove and replace cables in accordance with Section III of "Maintenance Manual-Flight Controls".

b. The time-in-service between the repetitive inspections required herein may be adjusted up to plus 10 percent of any specified inspection interval required by this AD to facilitate accomplishing these inspections concurrent with other scheduled maintenance on the airplane.

c. Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

d. An equivalent method of compliance with this AD may be used if approved by the Manager Atlanta Aircraft Certification Office, ACE-115A, FAA, P.O. Box 20636, Atlanta, Georgia 30320.

This amendment becomes effective on January 10, 1983.

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on December 21, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-673 Filed 1-10-83; 10:06 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-102-AD; Amdt. 39-4535]

Airworthiness Directives; General Dynamics Model 240 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires ultrasonic and magnetic particle inspection procedures to detect fatigue cracks in the nose landing gear axle of General Dynamics (Convair) Model 240 airplanes. There have been several incidents of the axle breaking with a nose wheel separating from the airplane. This AD is required because a fractured axle during takeoff presents the potential of a nose wheel passing into the propeller plane or the flap area and subsequently causing severe damage to the aircraft.

DATES: Effective January 19, 1983. Compliance schedule is prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from General Dynamics, Convair Division, P.O. Box 80877, San Diego, California 92138, Attention: Larry Hayes, Manager, Product Support. This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 15000 Aviation Boulevard, Hawthorne, California.

FOR FURTHER INFORMATION CONTACT: William Daley, Aerospace Engineer, ANM-172W, Federal Aviation Administration, Northwest Mountain Region, Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California, telephone (213) 536-6378.

SUPPLEMENTARY INFORMATION: This Airworthiness Directive is prompted by the recent failure of two nose landing gear axles. The nose landing gear axle failures have been caused by cracks, which usually develop at stress concentration points created by galling grooves which may be caused by incorrect torque of the axle nut, insufficient lubrication, or incorrect chrome plating procedures.

The design of the nose landing gear wheel installation is such that failure of the axle on one side of the strut centerline will result in the loss of only one wheel and the remaining wheel will carry the load until the aircraft can be stopped. However, during takeoff, the potential for severe damage to the aircraft exists if the departing wheel passes through the propeller plane or the flap area.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspections of the nose landing gear axle and corrective action, if required, on General Dynamics 240 series airplanes.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

General Dynamics (Convair).—Applies to Model 240, and military models eligible or to be made eligible for civil use under Type Certificate A793, and all such model airplanes converted to turbopropeller power, certificated in all categories.

Compliance required as indicated unless previously accomplished.

To prevent fracture of the nose landing gear (NLG) axle caused by fatigue cracks, accomplish the following:

Note.—All references to hours of time in service apply to nose landing gear axle and not to the aircraft.

(A) Within 150 hours time in service or prior to the accumulation of 10,150 hours time in service, whichever occurs later, unless accomplished within the last 1050 hours time in service, conduct an ultrasonic inspection of each NLG axle (P/N 240-5210005 or P/N 240-7000475) in accordance with the applicable provisions of paragraph 2 entitled, "Accomplishment Instructions," of General Dynamics Convair Division Service Bulletin 600 (240D) 32-6 dated February 21, 1980. If cracks are found, replace with a like serviceable part prior to return of aircraft to service.

(B) Repeat the ultrasonic inspection specified in paragraph (A) or perform the magnetic particle inspection specified in paragraph (C) of this AD at intervals not to exceed 1200 hours of time in service.

(C) Within 12,000 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 12,000 hours time in service, conduct a magnetic particle inspection of the NLG axle (P/N 240-5210005 or P/N 240-7000475) in accordance with the applicable provisions of paragraph 2, entitled "Accomplishment Instructions" of Service Bulletin 600(240D) 32-6. If cracks are found, replace NLG axle with a like serviceable part prior to return of aircraft to service.

(D) Prior to issuance of a Certificate of Airworthiness for military aircraft being converted for civil certification, the airplane must be inspected in accordance with paragraph (A) or (C) of this AD.

(E) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(F) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Field Office, FAA, Northwest Mountain Region, Hawthorne, California.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to General Dynamics, Convair Division, P.O. Box 80877, San Diego, California 92138. These documents also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California.

This Amendment becomes effective January 19, 1983.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12991. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

Issued in Seattle, Washington on December 30, 1982.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 83-869 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-103-AD; Amdt. 39-4536]

Airworthiness Directives; General Dynamics Model 340/440 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires ultrasonic and magnetic particle inspection procedures to detect fatigue cracks in the nose landing gear axle of General Dynamics (Convair) Model 340/440 airplanes. There have been several incidents of the axle breaking with a nose wheel separating from the airplane. This AD is required because a fractured axle during takeoff presents the potential of a nose wheel passing into the propeller plane or the flap area and subsequently causing severe damage to the aircraft.

DATE: Effective January 19, 1983. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from General Dynamics, Convair Division, P.O. Box 80877, San Diego, California 92138, Attention: Larry Hayes, Manager, Product Support. This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 15000 Aviation Boulevard, Hawthorne, California.

FOR FURTHER INFORMATION CONTACT: William Daley, Aerospace Engineer, ANM-172W, Federal Aviation Administration, Northwest Mountain Region, Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California, telephone (213) 536-6378.

SUPPLEMENTARY INFORMATION: This Airworthiness Directive is prompted by the recent failure of two nose landing gear axles. The nose landing gear axle failures have been caused by cracks which usually develop at stress concentration points created by galling grooves which may be caused by incorrect torque of the axle nut, insufficient lubrication or incorrect chrome plating procedures.

The design of the nose landing gear wheel installation is such that failure of the axle on one side of the strut centerline will result in the loss of only one wheel and the remaining wheel will carry the load until the aircraft can be stopped. However, during takeoff the potential for severe damage to the aircraft exists if the departing wheel passes through the propeller plane or the flap area.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires inspections of the nose landing gear axle and corrective action, if required, on General Dynamics 340/440 series airplanes.

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

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

General Dynamics (Convair).—Applies to Models 340/440, and military models eligible or to be made eligible for civil use under Type Certificate 6A6, and all such model airplanes converted to turbopropeller power, certificated in all categories.

Compliance required as indicated unless previously accomplished.

To prevent fracture of the nose landing gear (NLG) axle caused by fatigue cracks, accomplish the following:

Note.—All references to hours of time in service apply to nose landing gear axle and not to the aircraft.

(A) Within 150 hours time in service after the effective date of this AD, or prior to the accumulation of 10,150 hours time in service, whichever occurs later, unless accomplished within the last 1050 hours time in service, conduct an ultrasonic inspection of each NLG axle (P/N 240-5217002 or P/N 340-7310205) in accordance with the applicable provisions of paragraph 2 entitled, "Accomplishment Instructions," of General Dynamics Convair Division Service Bulletin 640 (340D) 32-13 dated August 7, 1978. If cracks are found, replace with a like serviceable part prior to return of aircraft to service.

(B) Repeat the ultrasonic inspection specified in paragraph (A) or perform the magnetic particle inspection specified in paragraph (C) of this AD at intervals not to exceed 1200 hours time in service.

(C) Within 12,000 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 12,000 hours time in service, conduct a magnetic particle inspection of the NLG axle (P/N 240-5217002 or P/N 340-7310205) in accordance with the applicable provisions of paragraph 2, entitled "Accomplishment Instructions" of Service Bulletin 640(340D) 32-13. If cracks are found, replace NLG axle with a like serviceable part prior to return of aircraft to service.

(D) Prior to issuance of a Certificate of Airworthiness for military aircraft being converted for civil certification the airplane must be inspected in accordance with paragraph (A) or (C) of this AD.

(E) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(F) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Field Office, FAA, Northwest Mountain Region, Hawthorne, California.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to General Dynamics, Convair Division, P.O. Box 80877, San Diego, California 92138. These documents also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California.

This amendment becomes effective January 19, 1983.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12991. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

Issued in Seattle, Washington on December 30, 1982.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 83-670 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3100]

Canada Cement Lafarge Ltd., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Montreal, Canada producer of cement, among other things, to fully divest itself of a Chattanooga, Tenn. cement manufacturing plant and specified terminals associated with it within eighteen (18) months of the date the order becomes final to a Commission-approved purchaser. For five years, the respondent must offer to sell to the purchaser of the plant and terminals, twenty thousand tons of cement annually. Further, respondent must offer technical assistance for operation of the plant and terminals. Respondent is required to offer specific tonnages of clinker and cement to independent buyers on an annual basis for five years. Should respondent fail to divest itself of the Tennessee plant within the speicifed time period, it must then sell an Alabama plant and associated terminals within a twelve (12) month period.

DATES: Complaint and order issued December 21, 1982.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-7, Richard L. Rosen, Washington, D.C. 20580. (202) 724-1155.

SUPPLEMENTARY INFORMATION: On Wednesday, August 25, 1982, there was published in the Federal Register, 47 FR 37249, Correction, 47 FR 52470), a proposed consent agreement with analysis In the Matter of Canada Cement Lafarge Ltd., a corporation, and Lafarge Coppee S.A., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

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

The prohibited trade practices and corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; 13.5-20 Federal Trade Commission Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records; 13.533-51 Making supply or product(s) available to competitors.

List of Subjects in 16 CFR Part 13

Cement.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Carol M. Thomas,

Secretary.

[FR Doc. 83-959 Filed 1-12-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5f

[T.D. 7870]

Certain Elections Under the Tax Equity and Fiscal Responsibility Act of 1982

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the time and manner of making certain elections under the Tax Equity and Fiscal Responsibility Act of 1982. These regulations provide guidance to persons making these elections.

DATE: The regulations apply to elections made after September 3, 1982.

FOR FURTHER INFORMATION CONTACT: John M. Fischer, of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. Attention: CC:LR:T, (202) 566-3394, not a toll free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to certain elections under various sections of the Internal Revenue Code of 1954 and the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 324). These regulations are included in Part 5f, Temporary Income Tax Regulations Under the Tax Equity and Fiscal Responsibility Act of 1982 which is being added to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by later temporary or final regulations relating to these elections.

Special Analysis and Waiver of Certain Procedural Requirements of Treasury Directive

Roscoe L. Egger, Jr., Commissioner of Internal Revenue has determined that this temporary regulation is not a major rule defined in Executive Order 12291.

Accordingly, a regulatory impact analysis is not required. Further, the Commissioner of Internal Revenue has determined that there is an immediate need for these regulations to provide guidance to taxpayers. For the reasons set forth below no general notice of proposed rulemaking is required by 5 U.S.C. 553(b). Accordingly, no regulatory flexibility analysis is required by 5 U.S.C. Chapter 6.

Drafting Information

The principal author of this regulation was John M. Fischer of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR Part 5f

Income taxes, Tax Equity and Fiscal Responsibility Act of 1982.

Adoption of amendments to the regulations

Accordingly, the following temporary regulations are adopted:

A new § 5f.0 is added to read as follows:

PART 5f—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

§ 5f.0 Time and manner of making certain elections under the Tax Equity and Fiscal Responsibility Act of 1982.

(a) *Miscellaneous elections.*—(1) *Elections to which this paragraph applies.* This paragraph applies to the following elections provided under the Tax Equity and Fiscal Responsibility Act of 1982.

Section of act	Section of code	Description of election	Availability of election
201(c)	58(i)(1)	Optional 10-year write off of certain tax preferences.	Taxable years beginning after Dec. 31, 1982.
201(c)(1)	58(i)(4)	Intangible drilling and development costs.	Taxable years beginning after Dec. 31, 1982.

Section of act	Section of code	Description of election	Availability of election
205(a)	48(q)	Reduced investment credit in lieu of basis adjustment.	Generally to period beginning after Dec. 31, 1982.
256(f)	820	Insurance company revocation of election under section 820.	Contracts which took effect in 1980 or 1981.

(2) *Time for making elections*—(i) *In general.* Except as otherwise provided in paragraph (a)(2) of this section, the elections specified in paragraph (a)(1) of this section shall be made by the later of—

(A) The due date (taking extensions into account) of the income tax return for the taxable year for which the election is to be effective, or

(B) April 15, 1983.

(ii) *No extensions of time for payment.* Payments of tax due shall be made in accordance with chapter 62 of the Code.

(iii) *Election by insurance companies relating to repeal of section 820.* Elections under section 256(f) of the Act, relating to special rule allowing reinsured insurance company to revoke an election under section 820, must be made before March 5, 1983.

(3) *Manner of making elections.* The elections specified in paragraph (a)(1) of this section shall be made by attaching a statement to the income tax return (or amended return) for the taxable year for which the election is made. Except as otherwise provided in the return or in the instructions accompanying the return for the taxable year, the statement shall—

(i) Contain the name, address, and taxpayer identification number of the electing taxpayer,

(ii) Identify the election,

(iii) Indicate the section of the Code (or, if the provision is not codified, the section of the Act) under which the election is being made,

(iv) Specify the period for which the election is being made and the property to which the election is to apply, and

(v) Provide any information required by the relevant statutory provisions and any information necessary to show that the taxpayer is entitled to make the election.

(b) *Special rules for reduced investment credit in lieu of basis adjustment*—(1) *Appropriate return.* For purposes of section 48(q) of the Code and paragraph (a) (2)(i)(A) and (3) of this section the term "income tax return for the taxable year for which the election is effective" with respect to any property is the tax return for the taxable year in which such property is placed in service, or in the case of property to which an election under section 46(d) (relating to qualified progress expenditures) applies, the appropriate return is the return for the first taxable year for which qualified progress expenditures were taken into account with respect to such property.

(2) *Applicability of election.* In general, the election under section 48(q) is applicable to periods beginning after December 31, 1982 under rules similar to the rules of section 48(m) of the Code. However, the election does not apply to property excepted by section 205(c)(1)(B) of the Act.

(c) *Election by a reinsurer to make installment payments of taxes owed resulting from the repeal of section 820.* This paragraph applies to the election by an insurance company provided under section 256(e) of the Act. A reinsurer that is a calendar year taxpayer shall be considered to have made an election under section 256(e) of the Act if by March 15, 1983 it files its income tax return (or an application on Form 7004 for an automatic extension of time to file its income tax return), with the statement required to be filed under this paragraph attached and, unless the reinsurer is making a further election under section 256(e)(2)(B) of the Act, pays one-third of the amount described in section 256(e)(1) of the Act by March 15, 1983. A reinsurer making an election under section 256(e)(2)(B) of the Act must pay one-sixth of the amount described in section 256(e)(1) of the Act by March 15, 1983 and one-sixth of such amount by June 15, 1983. The statement required to be filed under this paragraph shall—

(1) Contain the name, address, and tax-payer identification number of the corporation,

(2) Identify the election as an election under section 256(e) of the Act, and section 256(e)(2)(B) if applicable, and

(3) Provide all information necessary to show the taxpayer is entitled to make the election.

For provisions relating to the use of Federal Reserve banks and authorized financial institutions in depositing the taxes, see § 1.6302–1.

(d) [Reserved].

(e) *Additional information required.* If later regulations issued under the section of the Code or Act under which the election was made require the furnishing of information in addition to that which was furnished with the statement of election and an office of the Internal Revenue Service requests the taxpayer to provide the additional information, the taxpayer shall furnish the additional information in a statement filed with that office of the Internal Revenue Service within 60 days after the request is made. This statement shall also—

(1) Contain the name, address, and taxpayer identification numbers of all parties identified in connection with the election,

(2) Identify the election by reference to the section of the Code or Act under which the election was made, and

(3) Specify the scope of the election.

If the additional information is not provided within 60 days after the request is made, the election may, at the discretion of the Commissioner, be held invalid.

(e) *Effective date.* This section applies to elections made after September 3, 1982.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under 5 U.S.C. 553 (b) or subject to the effective date limitation of 5 U.S.C. 553 (d).

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: December 30, 1982.

David G. Glickman,

Assistant Secretary of the Treasury.

[FR Doc. 83-1125 Filed 1-12-83; 10:11 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Olympic National Park; Fishing and Boating Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: On July 21, 1982, the National Park Service, Department of the Interior, published in the **Federal Register** (47 FR 31584) a proposed rule to update fishing and boating regulations for Olympic National Park. This was done largely in response to Federal court mandate [*U.S. v. Washington,* 384 F. Supp. 312 (W. D. Wash. 1974)], and to new information and changing conditions more accurately reflecting the park's fisheries management program. Unlike other parks, Olympic National Park has major rivers in which returns of salmon and steelhead trout are estimated annually

through statistical projections. Catch limits and seasons require frequent adjustment after the runs arrive to protect, if necessary, remaining brood stocks from overharvest or to allow more liberal takes when large runs are known to be available. Seasons and daily catch limits may also need changing for research purposes. The superintendent is authorized to make these adjustments after consultation with the State and, where appropriate, the concerned Indian tribe. Boating regulations are updated and clarified to more accurately identify waters which are open to hand-propelled vessels and motorboats. The boating regulations are more liberal since they allow hand-propelled vessels on all park waters unless closed for safety purposes. One exception is the closure of 8 miles of the Upper Hoh River to fishing from boats to allow bank fishermen an opportunity to fish without competition from boats. Recreational boating is still allowed. The remaining 30 downstream miles of the Hoh River are open to all fishermen during legal seasons.

EFFECTIVE DATE: February 14, 1983.

FOR FURTHER INFORMATION CONTACT: Roger J. Contor, Superintendent, Olympic National Park, 600 East Park Avenue, Port Angeles, Wash. 98362, Telephone: (206) 452–4501.

SUPPLEMENTARY INFORMATION:

Background

Olympic National Park occupies about 900,000 acres in the center of northwest Washington's Olympic Peninsula and in a narrow coastal strip along the western margin of the Peninsula. The headwaters and upper reaches of nearly all the Peninsula's important river systems supporting anadromous salmonid fishes are in the park. Outside the park these rivers flow through an often confusing array of State and Native American tribal jurisdictions. The mouths of two of the major rivers are in the detached coastal strip of the park and thus are in the unusual position of being under park control at both ends but not the middle.

Since the original promulgation of fishing regulations by the park, the environmental situation on the Olympic Peninsula has undergone considerable change. Land development and heavy logging outside the park on private, State and Federal lands has damaged natural spawning habitat. The largest proportion of the remaining undisturbed habitat is within the park. In addition, extremely heavy fishing pressure by ocean trollers, trawlers, gillnetters and sportsmen has contributed to the seriously depleted runs of anadromous species. The jurisdictional situation regarding the management of anadromous fish has also been changing on the Peninsula. Recent Federal court decisions have affirmed a prominent role for the several Native American tribal fisheries programs and fishery management activities. Olympic National Park fishery management objectives are not always in total agreement with State or tribal objectives. The park emphasizes strongly the perpetuation not only of native species of fish but also, to the extent possible, of natural genetic processes. The park's major role in preserving the unspoiled spawning environment has become apparent. Emphasis is also placed on the maintenance of a quality wild sport fishing experience and on the importance of the fish in their role in the ecosystem.

Adding to the jurisdictional and environmental complexity is the biological variability of the fish themselves. At issue are five salmon species, steelhead trout (sea-run rainbow), sea-run cutthroat trout and Dolly Varden. Within each species and from river to river are significant differences in the timing, size and vigor of the runs. Management manipulations, moreover, have altered these runs even further.

While recognizing the legitimacy of other agency objectives and regulations, the park needs to be able to carry out its own objectives and respond to biological, environmental and legal constraints with a degree of flexibility not currently possible.

Public Participation

The National Park Service published proposed rules updating fishing and boating regulations in Olympic National Park on July 21, 1982 (47 FR 31584–31585). A clerical error was corrected August 19, 1982 (47 FR 36228). The period for public comment ended August 20, 1982. No written comments were received by the Superintendent, Olympic National Park, during the review period. Consequently, the final rule published here is identical to the proposed rule published earlier.

Drafting Information

The following persons from Olympic National Park participated in the writing of this regulation: Gordon Boyd, Chief Ranger; John Aho, Group Chief, Science and Technology; Jeff Singer, Chairman of Citizen's Advisory Committee, Paul Crawford, Staff Ranger, Elwood Jones, Law Enforcement Specialist, and Robert Marriott, Park Ranger.

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. 3501 *et seq.*

Compliance with Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act, (5 U.S.C. 601 *et seq.*). This conclusion is based on the fact that this regulation clarifies an existing rule. The addition of the Indian fishing rights will not have an economic effect on any small entities as no other group has been allowed to fish in park waters in a similar manner.

After reviewing the proposed alternatives set forth in the environmental assessment, the Service chose to completely rewrite pertinent subsections of the fishing and boating regulations for Olympic National Park. In terms of efficiency, protection of the resource, visitor service and sound interagency management, this course of action was most reasonable. The Service has determined that this alternative does not constitute a major Federal action and does not appear to have the potential for significantly affecting the quality of the human environment, thus an impact statement will not be prepared. An Environmental Assessment and Finding of No Significant Impact have been prepared, pursuant to the National Environmental Policy Act (42 U.S.C. 4332), and are available at the address noted above.

Authority

Section 3 of the Act of August 25, 1916, 39 Stat. 535, as amended; (16 U.S.C. 3).

List of Subjects in 36 CFR Part 7

National parks.

In consideration of the foregoing, it is proposed to amend 36 CFR 7.28 by revising paragraphs (a) and (b) as follows:

PART 7—[AMENDED]

§ 7.28 Olympic National Park.

(a) *Fishing*—(1) *General Provisions.* All waters within Olympic National Park are open to fishing in conformance with those seasons and limits published annually by the Washington State Department of Game and the Washington State Department of Fisheries applicable in the same

watershed in adjoining counties, except as provided for below.

(i) *Possession limit.* This shall be the same as the daily limit for all species; *Provided however,* it is lawful to possess four steelhead over 20 inches regardless of weight. In the Queets River and tributaries the summer season possession limit is two steelhead over 20 inches.

(ii) *General summer season.* Daily steelhead catch limit shall not exceed two fish, *Provided however:*

(A) The Queets River and tributaries shall have a summer season daily limit of one steelhead over 20 inches in length.

(B) The Quinault River is closed to the taking of steelhead all year above the confluence of the North and East Forks, but is open in its entirety during the general summer season to the taking of two rainbow trout with a minimum six of 10 inches and maximum size of 20 inches.

(2) *Salmon Fishing.* Salmon fishing is permitted on the following park waters, exclusive of tributaries, when adjacent State waters are open:

Dickey River.
Hoh River below confluence of South Fork.
Kalaloch Creek.
Ozette River.
Queets River below Tshletshy Creek.
Quillayute River.
Quinault River below the bridge connecting North Fork and Graves Creek Roads.
Salmon River.

Seasons and bag limits shall be established annually after consultation with the State and any affected Indian tribe.

(3) *Conservation waters.* After consultation with the State and, where appropriate, the concerned Indian tribe, the superintendent may, by local publication and conspicuous posting of signs, alter the season and change daily limits for spawning, conservation or research purposes.

(4) *Closed waters.* That portion of the Morse Creek watershed within the park (except Lake Angeles and P.J. Lake) and that section of Kalaloch Creek which is used as domestic water supply (as posted) are closed to fishing. Fishing from boats is prohibited on the Hoh River upstream from the South Fork Hoh boat launch.

(5) *Fishing gear.* Fishing with a line, gear or tackle having more than two spinners, spoons, blades, flashers, or like attractions, or with more than one rudder, or more than two hooks (single, double, or treble barbed) attached to such line, gear, or tackle, is prohibited.

(6) *Bait.* The use of nonpreserved fish eggs is permitted.

(7) *License.* A license to fish in park waters is not required; however, an individual fishing for steelhead or salmon in park waters, except treaty Indians fishing in the exercise of rights secured by treaties of the United States, shall have in his/her possession a State of Washington punch card for the species being sought. Steelhead and salmon shall be accounted for on these cards as required by State regulations.

(8) *Indian treaty fishing.* (i) Subject to the limitations set forth below, all waters within the Olympic National Park which have been adjudicated to be usual and accustomed fishing places of an Indian tribe, having treaty-secured off-reservation fishing rights, are open to fishing by members of that tribe in conformance with applicable tribal or State regulations conforming to the orders of the United States District Court.

(ii) *Identification cards and tags.* Members of the tribes having treaty-secured fishing rights shall carry identification cards conforming to the requirements prescribed by the United States District Court and issued either by the Bureau of Indian Affairs or the applicable tribe when fishing in accordance with the tribe's reserved treaty fishing right. Such persons shall produce said card for inspection upon request of a National Park Service enforcement officer. A tribally issued identification tag shall be attached to any unattended fishing gear in park waters.

(iii) *Conservation closures and catch limits.* The superintendent may close a stream or any portion thereof to Indian treaty fishing or limit the number of fish that may be taken when it is found either that it is:

(A) Reasonable and necessary for the conservation of a run as those terms are used by the United States District Court to determine the permissible limitations on the exercise of Indian treaty rights; or

(B) Necessary to secure the proper allocation of harvest between Indian treaty fisheries and other fisheries as prescribed by the court.

(iv) *Catch reports.* Indian fishermen shall furnish catch reports in such form as the superintendent, after consultation with the applicable tribe, shall have prescribed.

(v) *Prohibition of fish cultural activities.* No fish cultural, planting, or propagation activity shall be undertaken in park waters without prior written permission of the superintendent.

(vi) *Applicability of other park regulations.* Indian treaty fishing shall be in conformity with National Park Service general regulations in Parts 1–6 of this chapter.

(b) *Boating.* All vessels are prohibited on park waters except as provided below:

(1) Hand propelled vessels and sailboats are permitted on park waters except the following:

Dosewalips River.

(2) Motorboats are permitted on the following waters:

Lake Crescent.
Lake Cushman.
Lake Mills.
Dickey River in coastal strip.
Hoh River in coastal strip.
Quillayute River in coastal strip.
Quinault River below the bridge connecting North Fork and Graves Creek Roads.

Dated: December 7, 1982.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-698 Filed 1-12-83; 8:45 am]
BILLING CODE 4310-70-M

VETERANS ADMINISTRATION

38 CFR Part 17

Grants to States for Construction of State Home Facilities

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This revision of a regulation changes from 2½ to 4 beds per thousand veteran population the maximum number of beds which may be neccessary based on sufficient justification to provide adequate nursing home care to veterans residing in each State. This regulation implements section 5034(l), title 38, United States Code as amended by Public Law 96–330 which now requires the Administrator of Veterans Affairs to prescribe the number of beds required. Prior to enactment of Pub. L. 96–330, the number of beds was prescribed by law.

The revision also implements section 5035(b)(4) which provides that an application for Federal assistance for construction of State home facilities shall not result in more than the number of nursing home beds prescribed by the Administrator of Veterans Affairs. It is anticipated that this change will meet the needs of smaller States which were hindered in their plans for construction of additional nursing home beds by the 2½ bed limitation.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Rita Frampton, (202) 389–3854.

SUPPLEMENTARY INFORMATION: These rules were printed in the **Federal Register** June 28, 1982, with a 30 day notice for comments. No comments were received. The agency has determined that this amendment to the regulations is nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation, because it will not have a significant or large effect on the economy. The Administrator hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this rule is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this rule will regulate only States planning construction of nursing home care beds at State Veteran Homes. It will therefore have no significant impact on small entities (i.e., small business, small private and nonprofit organizations, and small governmental jurisdictions.) The Catalog of Federal Domestic Assistance Number is 64.005.

List of Subjects in 38 CFR Part 17

Grant programs, Nursing homes, Veterans.

The interim final regulations are hereby adopted as final regulations as set forth below.

Approved: December 23, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 17—MEDICAL

38 CFR, Part 17 is amended as follows:

1. In § 17.171, the title and paragraph (a) are revised to read as follows:

§ 17.171 Maximum number of nursing home beds for veterans by State.

(a) For purposes of the regulations concerning grants to States for construction of State home facilities, Appendix A prescribes the maximum number of beds which may be necessary to provide adequate nursing home care to veterans residing in each State. When the beds to be constructed in a State will result in more than 2½ beds per thousand veterans, the State shall provide sufficient justification for the Administrator to determine that the additional beds are required in that State. In making this determination, the Administrator shall consider the following factors: (1) Demographic characteristics of the State's veteran population, (2) availability, suitability and cost of alternative nursing home beds to meet the needs of veterans in the State, (3) waiting lists for existing State nursing home facilities and (4) any other criteria which the Administrator shall deem appropriate to provide adequate nursing home care. (Pub. L. 88–450, sec. 4(a) as amended by Pub. L. 89–311, sec. 7(b); Pub. L. 93–82, sec. 403(d); Pub. L. 94–581, sec. 206(b); Pub. L. 96–330, sec. 404; 38 U.S.C. 5034(1))

* * * * *

2. Section 17.173 is amended by revising paragraph (c)(3) to read as follows:

§ 17.173 Applications with respect to projects.

* * * * *

(3) The construction of such project, together with other projects under construction, and other facilities will not exceed the bed limitation prescribed in Appendix A to § 17.171 and satisfactory justification has been provided as required in § 17.171(a). (Pub. L. 88–450, sec. 4(a) as amended by Pub. L. 93–82, sec. 403(e); Pub. L. 96–330, sec. 404; 38 U.S.C. 5034(1), 5035(b))

* * * * *

3. Appendix A is revised to read as follows:

Appendix A (See § 17.171)

State Home Facilities for Furnishing Nursing Home Care

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to veterans residing in each State not to exceed four beds per thousand veteran population is established as follows:

State	Veteran population [1]	No. of beds
Alabama	422,000	1,688
Alaska	39,000	156
Arizona	347,000	1,388
Arkansas	277,000	1,108
California	3,348,000	13,392
Colorado	382,000	1,528
Connecticut	463,000	1,852
Delaware	78,000	312
District of Columbia	96,000	384
Florida	1,397,000	5,588
Georgia	641,000	2,564
Hawaii	92,000	368
Idaho	105,000	420
Illinois	1,519,000	6,076
Indiana	725,000	2,900
Iowa	378,000	1,512
Kansas	311,000	1,244
Kentucky	412,000	1,648
Louisiana	447,000	1,788
Maine	156,000	624
Maryland	629,000	2,516
Massachusetts	871,000	3,484
Michigan	1,180,000	4,720
Minnesota	560,000	2,240
Mississippi	240,000	960
Missouri	708,000	2,832
Montana	98,000	392
Nebraska	203,000	812
Nevada	97,000	388
New Hampshire	125,000	500
New Jersey	1,102,000	4,408
New Mexico	137,000	548
New York	2,422,000	9,688
North Carolina	618,000	2,472
North Dakota	58,000	232
Ohio	1,463,000	5,852
Oklahoma	417,000	1,668
Oregon	393,000	1,572
Pennsylvania	1,729,000	6,916
Rhode Island	150,000	600
South Carolina	337,000	1,348
South Dakota	72,000	288
Tennessee	541,000	2,164
Texas	1,673,000	6,692
Utah	155,000	620
Vermont	64,000	256
Virginia	664,000	2,656
Washington	617,000	2,468
West Virginia	233,000	932
Wisconsin	593,000	2,372
Wyoming	45,000	180

[FR Doc. 83-834 Filed 1-12-83; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1F2533/R510; PH-FRL 2284-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl) Benzamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites in or on certain commodities. This regulation to establish maximum permissible levels for residues of the pesticide was requested, pursuant to a petition, by Rohm and Haas Company.

EFFECTIVE DATE: Effective on January 13, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the **Federal Register** of December 8, 1982 (47 FR 55249) that announced that Rohm and Haas

Company, Independence Mall West, Philadelphia, PA 19105, had submitted pesticide petition 1F2533 proposing that 40 CFR 180.317 be amended by establishing tolerances for the combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites (calculated as 3,5-dichloro-*N*-1 (1,1-dimethyl-2-propynyl) benzamide) in or on the raw agricultural commodities, apples, cherries, grapes, nectarines, peaches, pears, plums, and artichokes at 0.1 part per million.

There were no comments or request for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances will protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: January 3, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.317 is revised to read as follows:

§ 180.317 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide; tolerances for residues.

Tolerances are established for the combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide and its metabolites (calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide) in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa, fresh	10.0
Alfalfa, forage	10.0
Alfalfa, hay	10.0
Apples	0.1
Artichokes	0.1
Blackberries	0.05
Blueberries	0.05
Boysenberries	0.05
Cattle, fat	0.02
Cattle, kidney	0.2
Cattle, liver	0.2
Cattle, mbyp (except kidney, liver)	0.02
Cattle, meat	0.02
Cherries	0.1
Clover	5.0
Crown vetch	5.0
Eggs	0.02
Endive (escarole)	2.0
Goats, fat	0.02
Goats, kidney	0.2
Goats, liver	0.2
Goats, mbyp (except kidney, liver)	0.02
Goats, meat	0.02
Grapes	0.1
Hogs, fat	0.02
Hogs, kidney	0.2
Hogs, liver	0.2
Hogs, mbyp (except kidney, liver)	0.02
Hogs, meat	0.02
Horses, fat	0.02
Horses, kidney	0.2
Horses, liver	0.2
Horses, mbyp (except kidney, liver)	0.02
Horses, meat	0.02
Lettuce	2.0
Milk	0.02
Nectarines	0.1
Peaches	0.1
Pears	0.1
Plums	0.1
Poultry, fat	0.02
Poultry, kidney	0.2
Poultry, liver	0.2
Poultry, mbyp (except kidney, liver)	0.02
Poultry, meat	0.02
Raspberries	0.05
Sainfoin	5.0
Sheep, fat	0.02
Sheep, kidney	0.2
Sheep, liver	0.2
Sheep, mbyp (except kidney, liver)	0.02
Sheep, meat	0.2
Trefoil	5.0

[FR Doc. 83-943 Filed 1-12-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 256

[A-8-FRL 2274-4]

Approval of the North Dakota Solid Waste Management Plan

AGENCY: Environmental Protection Agency, Region VIII.

ACTION: Final rule.

SUMMARY: As provided by the Resource Conservation and Recovery Act (RCRA), the State of North Dakota has received Federal financial assistance for development of a State solid waste management plan. The State of North Dakota has submitted to the U.S. Environmental Protection Agency (EPA or the Agency) its adopted State solid waste management plan. Today, EPA is announcing its approval of the North Dakota solid waste management plan with the exception of the approval of the adequacy of North Dakota's legislation and regulatory power to prevent the taking or contributing to the taking of endangered species or the adverse modification of an endangered species habitat (40 CFR 257.3-2). Other than this inadequacy, this approval of the North Dakota plan indicates that the plan meets the requirements set forth in the RCRA, which provides for the identification of State, local and regional responsibilities for solid waste management; the encouragement of resource conservation and recovery; and the development and application of State controls to provide for environmentally sound solid waste disposal practices.

The purpose of this notice is to inform the public that the Agency is approving the North Dakota solid waste management plan.

EFFECTIVE DATE: January 13, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Brinkman, Environmental Protection Agency, Region VIII, 8AW-WM, 1860 Lincoln Street, Denver, Colorado 80295, Telephone (303) 837-2221.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1979, (44 FR 45066) EPA published Guidelines for the Development and Implementation of State Solid Waste Management Plans. These guidelines were required by Section 4002(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA).

The guidelines reflected the statutory requirements for State plans and recommended methods and procedures to meet those requirements. Under Section 4007 of RCRA, the Administrator approves States plans which meet the requirements of paragraphs (1), (2), (3), and (5) of Section 4003 of RCRA and which contain provisions for revisions. Briefly, these requirements are:

1. The plan shall identify the responsibilities of State, local and regional authorities in the implementation of the State plan; the distribution of Federal funds to the authorities responsible for development and implementations of the State plan; and the means for coordinating regional planning and implementation under the State plan;

2. The plan shall prohibit the establishment of new open dumps within the State and contains requirements that all solid waste shall be utilized for resource recovery or disposed of in sanitary landfills, as defined by section 4004(a) of RCRA, or otherwise disposed of in an environmentally sound manner. The State prohibition must be effective as of the date on which EPA approves the plan;

3. The plan shall provide for the closing or upgrading of all existing open dumps within the State; and

4. The plan shall provide that no local government within the State shall be prohibited under State or local law from entering into long-term contracts for supply of solid waste to resource recovery facilities.

The guidelines also addressed Section 4005 of RCRA which requires a mechanism in the State plan for establishment of compliance schedules for entities found to be engaged in the prohibited act of open dumping. The plan must provide that entities attempting to obtain such compliance schedules demonstrate their inability to comply with the prohibited act by use of other public or private alternatives.

Response to Comments

On November 4, 1981, at 46 FR 54772 the North Dakota Solid Waste Management Plan was noticed for public review and comment. Comments on the North Dakota plan were received for 30 days. During this time no substantial comments addressed to the plan were received.

Finding

I have reviewed the solid waste management plan submitted by the State of North Dakota for EPA approval on January 29, 1981. I find that, with exception of adequate authority to control facilities which will cause or contribute to the taking of endangered or threatened species of plants, fish, or wildlife or which will result in the destruction or adverse modification of their critical habitats as specified in 40 CFR 257.3–2, the North Dakota plan meets the requirements of RCRA for approval. Under authority of Section 4007 of RCRA, I approve the North Dakota solid waste management plan with the exception of the plans fulfillment of 40 CFR 257.3–2.

The plan prohibits the establishment of open dumps, and that State prohibition became effective on July 1, 1976.

Also, the plan provides for compliance schedules for entities engaged in open dumping where those entities can demonstrate that they are unable to utilize other public or private alternatives for solid waste management to comply with the RCRA prohibition of open dumping. As of this date, entities engaged in open dumping may, pursuant to the plan, approach the State for further information on compliance schedules and necessary demonstrations. Parties which have received compliance schedules satisfying Section 4005 from a State with an EPA-approved Solid Waste Management Plan and which are in compliance with these schedules are not in violation of the open dumping prohibition in Section 4005. Such compliance cannot extend beyond September 1984.

Compliance With Executive Order 12291

Under Executive Order 12291 effective February 17, 1981, EPA must judge whether a rule is "Major" and, therefore, subject to the requirement for a Regulatory Impact Analysis. Approval of the North Dakota solid waste management plan is not a "Major rule" because it does not result in an annual effect on the economy of $100 million or more; result in increases in costs or prices; or pose significant adverse effects on competition, employment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Any costs which the State or the regulated community must incur to satisfy the State plan arise, not from this approval (which is prescribed by Section 4007(a) of RCRA), but because the plan complies with earlier requirements issued by EPA. ("Guidelines for Development and Implementation of State Solid Waste Management Plans," 40 CFR Part 256, and the "Criteria for Classification of Solid Waste Disposal Facilities and Practices", 40 CFR Part 257). Today's action neither alters these earlier regulatory requirements nor imposes new or additional costs.

This notice of approval was submitted to the Office of Management and Budget for review under Executive Order 12291.

Certification Under the Regulatory Flexibility Act

I certify under 5 U.S.C. 605(b) that the plan approval of the North Dakota solid waste management plan will not have a significant economic impact on a substantial number of small entities. This approval will reduce burdens on small entities by establishing a mechanism to insulate them from citizen suits to enforce the open dumping prohibition. This rule, therefore, does not require a regulatory flexibility analysis.

(90 Stat. 2817, 42 U.S.C. 6947)

List of Subjects in 40 CFR Part 256

Grant programs and environmental protection, Waste treatment and disposal.

Dated: November 23, 1982.

Steven J. Durham,

Regional Administrator.

[FR Doc. 83-818 Filed 1-12-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-567; RM-4149]

Radio Broadcast Services; TV Broadcast Station in Rancho Palos Verdes, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF Television Channel 44 to Rancho Palos Verdes, California, in response to a petition filed by South Bay Broadcasting Company, Inc. The assignment could provide Ranchos Palos Verdes with its first local television service.

DATE: Effective: February 28, 1982.

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

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: December 17, 1982.
Released: December 30, 1982.

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Rancho Palos Verdes, California); BC Docket No. 82–567, RM–4149; report and order (Proceeding Terminated).

1. The Commission herein considers the Notice of Proposed Rule Making, 47 FR 38934, published September 3, 1982, proposing the assignment of UHF Television Channel 44 to Rancho Palos Verdes, California, as the community's first television assignment. Supporting comments were filed by the petitioner, reaffirming its intention to apply for the channel, if assigned. An opposition to the proposal was filed by Mark Pierce.

2. Rancho Palos Verdes, a Pacific Coast community of 35,227,[1] is located in Los Angeles County which has a population of 7,477,657, at the western extremity of the county, approximately 32 kilometers (20 miles) south of Los Angeles on the Palos Verdes Peninsula.

3. In support of its proposal, petitioner submitted information with respect to Rancho Palos Verdes which indicates a need for a first TV channel assignment. Specifically, petitioner states that the mountainous terrain of the Peninsula has created a "white area" in which no signals from Los Angeles area television stations can be received due to the severe "shadowing" of the Palo Verdes mountains.

4. In opposition to the proposal, Pierce argues that the shadowing discussed is not a justification for a full service station since most of the households in the community have cable. Further, Pierce contends that the needs of Rancho Palos Verdes could be better served by a low power TV station as a full power station would impede the efficient use of scarce UHF frequency resources.

5. We believe that the assignment of Channel 44 to Ranchos Palos Verdes would serve the public interest by providing the first local television service. Pierce's arguments against the assignment are without merit. Basically he argues that the existence of other signals and of cable obviates the need for a full service station. However the reception of other non-local services is not an adequate substitute for a station designed to meet the needs of the local community. As for the potential low power service, this action does not preclude such service. However we do not believe the public interest would be served by requiring the petitioner to operate a low power station instead of a full power facility. Since the petitioner has expressed a willingness to apply for the channel, we believe the request is justified. A site restriction of 28.3 miles south is required. Mexican concurrence in this assignment has been obtained.

6. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's Rules, IT IS ORDERED, That effective February 28, 1983, the Television Table of Assignments (§ 73.606(b) of the Rules) is amended with respect to the following community:

City	Channel No.
Rancho Palos Verdes, Calif.	44+

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning the above, contact Arthur D. Scrutchins, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Martin A. Blumenthal,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-893 Filed 1-12-83; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from 1980 U.S. Census Advance Report.

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47 CFR Part 73

[BC Docket No. 82-233; Rm 4048]

Radion Broadcast Services; FM Broadcast Station in Chadron, Nebraska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a second Class C FM channel to Chadron, Nebraska, in response to a petition filed by Nebraska Broadcasting Group, Inc.

DATE: Effective: February 28, 1983.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: December 22, 1982.

Released: December 30, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Chadron, Nebraska); BC Docket No. 82–233, RM–4048; report and order (Proceeding Terminated).

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 47 FR 20164, published May 11, 1982, proposing the assignment of FM Channel 234 to Chadron, Nebraska, as that community's second Class C allocation, in response to a petition filed by Nebraska Broadcasting Group, Inc. ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. Comments in opposition and a supplement thereto were filed by Big Sky Company ("Big Sky"),[1] to which the petitioner responded.

2. In its opposition Big Sky asserts that contrary to petitioner's representation contained in the *Notice*, Chadron has decreased in population and industry in recent years. As a result, Big Sky declares that the ability of its co-owned, but separately programmed, stations to survive is attributable to obtaining advertising revenue in other markets. However, Big Sky maintains that in spite of the declining economy, it is not without competition since at least seven stations in four other markets derive advertising revenue from Chadron merchants.

3. In view of the circumstances, Big Sky claims that if a second local FM service is allowed in Chadron, it will result in further fragmentation of scarce advertising revenue. Under those circumstances, Big Sky claims that it would be forced to eliminate the separate programming on its co-owned stations and resort to duplicating. As a consequence, Big Sky maintains that the proposed allocation of Channel 234 would not result in a net gain of services but would have a detrimental effect on its ability to serve the public interest.

4. Although Big Sky recognizes that the recent FM policy revisions [2] leave to the marketplace to decide whether, and to what extent, the public interest will be served, it nevertheless argues that given the facts presented here, the Commission has the responsibility under the Communications Act to determine whether or not the instant proposal could result in absolute public interest benefits.

5. In response to the opposition, petitioner asserts that Big Sky's arguments are contrary to the Commission's revised FM policies since demographic showings are no longer generally required. Secondly, it states that Big Sky's fear of economic harm stemming from a fragmentation of advertising revenue that it maintains the proposal could create, is not an appropriate concern at this level. Additionally, petitioner claims that Big Sky's conclusion that the public interest will suffer as a result of its being forced to duplicate its AM–FM programming is faulty since two separately owned broadcast entities could "contribute more to diversity than allowing the continued monopolization of outlets by

[1] Big Sky is the licensee of co-owned Stations KCSR(AM) (daytime-only), and KQSK (FM) (Channel 248), in Chadron, Nebraska.

[2] See, *Second Report and Order* in BC Docket No. 80–130, *Revisions of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

an AM–FM combination." Petitioner thus concludes that a competing station in Chadron would serve the public interest under the First Amendment criteria by offering a local diversification of voices in the community.

6. As a preliminary matter, as Big Sky acknowledges, the *Second Report and Order, supra,* eliminated many of our previous policy considerations. Among other things, we stated therein that if the status of a community is not in question, and a petitioner believes that service is needed for which financial support could be generated, there is no reason for the Commission to question this judgment. Rather, such a matter is a business judgment that should be made by the applicant. If the station's viability proves to be erroneous, then the applicant, and not the public, will suffer the unpropitious consequences of a business failure. See, *Sacramento, Calif.,* 50 R.R. 2d 951 (1982).

7. As to Big Sky's assertion that market size and economic conditions in Chadron should be weighed to determine whether the public interest would be abused by the proposed allocation, this is a burden which it must bear to establish how, in fact, the public would be harmed by the competition.[3] Accordingly, it will have the opportunity to address such issue at the application stage. See, *Bend, Oregon,* 46 FR 62858, published December 29, 1981, and cases cited therein.

8. In consideration of the foregoing, it appears that the benefits of the proposal are clear, since it could provide a first locally competitive service in the community and a second nighttime voice for the expression of diversified programming. We believe this determination is consistent with the Commission's policy favoring competition through the authorization of additional broadcast services, and is consistent with the mandate of section 307(b) of the Communications Act of 1934, as amended, to provide a fair, efficient and equitable distribution of radio services among the various communities. The proposal is also in accord with our assignment priorities set forth in the *Second Report and Order, supra,* and with traditional assignment principles.[4]

9. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.204(b), and 0.281 of the Commission's Rules, it is ordered, That, effective February 28, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, IS AMENDED with regard to Chadron, Nebraska, as follows:

City	Channel No.
Chadron, Neb	234,248

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Martin Blumenthal,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-894 Filed 1-12-83; 8:45 am]

BILLING CODE 6712-01-M

[3] *Carroll Broadcasting* v. *FCC,* 258 F. 2d 550 (D.C. Cir. 1958).

[4] See, *Anamosa and Iowa City, Iowa,* 46 FCC 2d 520, 524–55 (1974).

47 CFR Part 73

[BC Docket No. 82-566; RM-4167]

Radio Broadcast Services; FM Broadcast Station in Block Island, Rhode Island; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 257A to Block Island, Rhode Island, in response to a petition filed by Stephen J. McNamara and Peter E. Hunn. The assignment could provide a first local FM service to that community.

DATE: Effective: February 28, 1983.

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

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: December 28, 1982.

Released: December 30, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Block Island, Rhode Island); BC Docket No. 82–566, RM–4167; Report and order (proceeding terminated).

1. The Commission herein considers the Notice of Proposed Rule Making, 47 FR 38932, published September 3, 1982, proposing the assignment of Channel 257A to Block Island, Rhode Island, as the community's first local FM assignment, in response to a petition filed by Stephen J. McNamara and Peter E. Hunn ("petitioners"). Supporting comments were filed by petitioners in which they reaffirmed their intention to apply for the channel, if assigned. No oppositions to the proposal were received. The channel can be assigned consistent with the minimum distance separation requirement of § 73.207 of the Commission's Rules.

2. In view of the expressed interest in the proposed channel allocation we find that public interest consideration warrant the assignment of 257A to Block Island, Rhode Island, as its first FM Channel.

3. Accordingly, pursuant to the authority contained in sections 4((1), 5(d)(1) 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204 and 0.281 of the Commission's Rules, It Is Ordered, That effective February 28, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules is amended for the following city:

City	Channel No.
Block Island, Rhode Island	257A

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning the above, contact Arthur D. Scrutchins, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-896 Filed 1-12-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 94

[PR Docket No. 82-373; RM-3887; RM-3994; FCC 82-541]

"Grandfathering" Provisions for Transmitter and Antenna Standards

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's Rules to permit all transmitting equipment (including antennas) authorized in the Private Operational-Fixed Microwave Radio

Service before July 1, 1976 to be continued in use indefinitely, provided that the equipment does not cause harmful interference to other private microwave systems or, in the 12.2–12.7 GHz band, DBS systems. The purpose of this action is to ease the burden of Commission regulations on licensees.

DATE: Effective January 20, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Day, Private Radio Bureau (202) 634–2443.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 94

Private operational-fixed microwave, communications equipment.

Adopted: December 8, 1982.

Released: December 21, 1982.

I. Introduction

1. On July 9, 1982, the Commission released a *Notice of Proposed Rulemaking*, PR Docket No. 82–373 (FCC 82–303), 47 FR 31020 (July 16, 1982), proposing to "grandfather" for an indefinite period all transmitting equipment, including antennas, which was authorized in the Private Operational-Fixed Microwave Radio Service (OFS) prior to July 1, 1976, so long as the operation of this equipment did not cause interference to other licensees. The proposed rules were designed to alleviate the financial and operational burden upon operational-fixed microwave licensees authorized between July 20, 1961 and July 1, 1976 in complying with the technical standards set out in Part 94 of the Commission's Rules. Currently, all equipment must be conformed by August 1, 1985.[1]

2. The proposed rules sought to assure our regulatory objective that our new technical rules be satisfied while at the same time ameliorating to the extent practicable the burden upon licensees of immediately conforming to these rules when no harm was caused to other systems, including systems in the recently authorized Direct Broadcast Satellite Service.

3. Accordingly, we proposed that OFS stations licensed between July 20, 1961 and July 1, 1976 could continue to operate indefinitely with previously authorized non-conforming equipment until one of three situations occurred: (1) an applicant for a new OFS station could show that it would receive interference from a non-conforming station in excess of the levels specified in Section 94.63 of the Commission's Rules and that the interference would be eliminated if the non-conforming licensee used equipment which fully complied with the technical standards of Part 94; (2) a previously licensed OFS operator applied to modify its station and could show that the station, when modified, would receive interference from a non-conforming station and that the interference would be eliminated if conforming equipment were installed; and (3) during the five-year period in which OFS stations will share primary status with DBS licensees in the 12.2–12.7 GHz band,[2] an applicant for the DBS service could show that a non-conforming OFS station licensed in the 12.2–12.7 GHz band would cause interference to the DBS operator's intended service area and that the interference would be alleviated if the OFS station installed conforming equipment.

4. The mechanism by which we hoped to establish whether the equipment of a non-conforming licensee would cause undue interference to other licensees was stated as follows:

> We will allow an applicant who plans to construct a new station or modify an existing station to plan its system using interference calculations which assume that all systems in the area, whether "grandfathered" or not, are using conforming equipment and antennas. Then, if a non-conforming system in the vicinity of the new or modified conforming station were found to interfere with the new system and such interference would not result if conforming equipment were in use, the non-conforming system will have to be modified to prevent interference. The licensee of the new system will be required to give notice of the possible interference to both the licensee of the non-conforming system and the Commission. The licensee of the non-conforming system will be given six months to substitute conforming equipment and antennas that do not interfere.[3]

II. Comments of Participating Parties

5. Comments in support of the proposal were filed by the Central Committee on Telecommunications of the American Petroleum Institute (API), the Association of American Railroads (AAR), Rockwell International Corporation (Rockwell), the Utilities Telecommunications Council (UTC), WEHCO Equipment Corporation (WEHCO), and GTE Lenkurt Incorporated (GTE Lenkurt). Many of the supporting commenters suggested minor changes in the procedures proposed in the *Notice of Proposed Rulemaking*. The Satellite Television Corporation (STC) filed comments urging that the provisions relating to interference protection for DBS systems be clarified. No comments opposing the proposal were received.

6. API's comments included the results of a survey among twenty-eight petroleum and natural gas company microwave licensees. The survey showed that over 1,100 non-conforming transmitters were still being operated by the twenty-eight companies. API reported that the cost of replacing these transmitters would be $7 million and that an additional $16 million would have to be expended to replace or modify non-conforming antennas. API believed that, in most instances, the six-month period proposed for equipment conversion would be adequate. If, however, the six-month period spanned the winter months, API stated that it might be impossible to complete construction of new antenna towers within the time allotted. API therefore suggested that the rules ultimately adopted should provide for the possibility of extending the six-month conversion period where exigent circumstances exist.

7. In addition, API suggested that the Commission urge the licensees and potential licensees of stations which anticipate receiving interference from non-conforming stations to notify the users of the non-conforming equipment as soon as it is determined that an interference problem is likely. API believed that such notice to non-conforming licensees would be helpful and appropriate for both situations in which the planned new or modified conforming station was expected to interfere with an existing, non-conforming station as well as situations in which the new or modified station would receive interference from a non-conforming station. API expressed the hope that early notice of the possibility of interference would permit the parties involved to initiate discussions concerning whether a mutually agreeable arrangement could alleviate the need for replacing equipment.

8. AAR generally supported our proposed rules but recommended four specific changes. AAR advocated allowing a period of eight to nine months for equipment changeovers. In AAR's experience, it customarily takes eight to nine months for new applicants

[1] The rules which currently govern the technical standards for stations in the Private Operational-Fixed Microwave Radio Service became effective July 1, 1976, and were made immediately applicable to all private microwave systems authorized after that date. In recognition of the need for "maximizing the use-potential of present systems while at the same time assuring that by a reasonable future time all systems conform to state-of-the-art technical standards," systems licensed between July 20, 1961 and July 1, 1976 were grandfathered until August 1, 1985. *Report and Order*, Docket No. 19869 (FCC 75–469), released May 6, 1975, 40 FR 20918 (May 13, 1975), 52 FCC 2d 894; 47 CFR 94.61, 94.92.

[2] *Report and Order* in Gen. Docket No. 80–603 (FCC 82–285), released July 14, 1982, 47 FR 31555, July 21, 1982.

[3] *Notice of Proposed Rulemaking* at paragraph 12, 47 FR 31022.

to be licensed and complete construction; hence, new applicants would not be disadvantaged by extending the period for non-conforming licensees to replace their equipment. AAR suggested that existing, non-conforming licensees be given the opportunity to comment on the interference analyses and conclusions of new applicants before the Commission decides to require the existing licensees to change equipment. AAR stated that an existing licensee should have the opportunity to show that the causes of the expected interference can be traced to something other than its own non-conforming antenna or transmitter and that there may be more appropriate solutions to interference than replacement of equipment.

9. AAR also urged that the Commission expressly acknowledge in its decision that when interference attributed to a non-conforming system does occur, the parties involved may agree to solutions which might obviate the need for replacement of the non-complying equipment. Compromises are very common in the private microwave field, AAR argued, and often result in accommodating new stations that might not otherwise be permitted. With respect to the obligation of the non-conforming licensee to replace part or all of the non-conforming equipment, AAR suggested that the Commission's final decision make it clear that, in the event of interference, the responsibility of the non-conforming licensee is limited to replacing the offending non-conforming equipment, and that the non-conforming licensee need comply with the current technical standards only to the degree necessary to resolve the interference problem. In AAR's view, if replacement of a licensee's antenna would resolve the problem, there should be no need to replace non-conforming transmitters or other equipment which, though non-conforming, does not contribute to the interference problem.

10. UTC expressed concern that the procedures proposed for implementation of the extended grandfather period would, under certain circumstances, promote costly equipment replacement as a solution to interference problems when other, equally effective solutions might be available. For instance, UTC expected that many interference problems could be worked out at the frequency coordination stage, simply by having the frequency coordinators consider "actual use data"[4] when performing engineering analyses, rather than making a blanket assumption that all microwave systems in the area are using conforming equipment.

11. UTC also urged that we modify the period allowed for replacement of non-conforming equipment. UTC stated that equipment manufacturers customarily promise delivery of equipment approximately 150–180 days from the date an order is placed. Based on their expectation that delivery of equipment may take five to six months and considering other delays inherent in the installation process, UTC believed that non-conforming licensees should be afforded up to 360 days to replace non-complying equipment. To encourage new licensees to provide prompt notification to interfering, non-conforming systems as soon as an engineering analysis has determined that there is a potential for interference, UTC advocated that the equipment replacement period commence on the date on which the non-conforming licensee receives notification of the interference problem. Thus, UTC's recommended changes would require non-conforming licensees to make all changes in equipment determined to be necessary to eliminate interference within 360 days from the date on which the non-conforming licensee receives written notification of the potential or actual interference.

12. UTC also expressed concern that a potential applicant, anticipating construction of a station, may conduct an interference study and, after advising a non-conforming licensee located near the proposed site that interference is likely, abandon plans to build the station. UTC suggested that prospective licensees be required to provide a second notice to advise the non-conforming licensee when the Commission has accepted the new application for filing. In UTC's view, this second notice would help non-conforming licensees ensure that prospective licensees actually pursue licensing, thus avoiding possibly needless expenditures undertaken to prevent interference to systems which never materialize.

13. UTC also sought clarification of the degree of protection to be afforded DBS systems which experience interference from non-conforming OFS stations. UTC requested that our proposed policy be clarified to ensure that, during the five-year period in which OFS stations have co-primary status with DBS, OFS licensees at 12 GHz will only be required to replace their non-conforming equipment if the interference to the DBS system is shown to be caused by use of non-conforming equipment.

14. GTE Lenkurt also expressed concern that the six-month equipment conversion period proposed in our *Notice* was inadequate time in which to manufacture, install, and test a quality microwave system. GTE Lenkurt suggested that, on the basis of its experience with numerous "changeouts" of existing systems, a minimum period of nine months from the time of the grant of the license for a new station or for modification to an existing station would be more reasonable for equipment conversion. Additionally, GTE Lenkurt suggested that the parties directly involved should be permitted, if so inclined, to reach agreement as to an alternative time frame which is mutually satisfactory.

15. WEHCO reported that its microwave facilities were initially licensed prior to implementation of the new technical standards and that its present equipment could operate satisfactorily for several more years if properly maintained. WEHCO estimated that it would cost several hundred thousand dollars to replace all of its non-conforming equipment. WEHCO strongly supported our proposal to grandfather non-conforming systems indefinitely in situations where harmful interference would not be caused to other licensees.

16. STC argued that our expressed intention to ensure that non-conforming equipment used by OFS stations operating in the 12.2–12.7 GHz band does not cause interference to DBS systems was not reflected in the rules we proposed. STC considered this to be a critical omission and suggested language to correct the omission. STC also urged that we make it clear that DBS systems, like new or modifying OFS systems, will be able to avail themselves of the procedures proposed for eliminating interference from non-conforming systems. STC sought to avoid the possible implication that DBS systems must actually experience interference from non-conforming OFS systems before seeking relief. STC therefore urged that we expressly state that DBS operators can require non-conforming OFS systems to comply with current Part 94 standards by making a showing on the basis of interference calculations before actually going on the air. STC also noted that one of the Commission's remaining tasks in Gen.

[4] UTC uses the term "actual use data" to mean all data related to the actual operating environment for the band or bands of frequencies which would be suitable for use by an applicant. By urging consideration of actual use data, UTC seeks to avoid having an applicant select a frequency which would require a non-conforming licensee to upgrade its equipment when there are other frequencies which would be equally suitable and would not necessitate equipment changes.

Docket 80–603 is to develop an interference protection criterion to be applied to OFS systems in the 12.2–12.7 GHz band once DBS attains sole primary status in the band. STC suggested that the degree of protection which non-conforming OFS stations at 12 GHz provide to DBS systems should be equivalent to the interference criterion to be developed in Docket 80–603.

17. Rockwell's comments supported the proposed conversion period of 180 days; this time period, Rockwell believed, was fair to both existing and new system owners. Rockwell also recommended that we enforce the original grandfather date of August 1, 1985 for congested areas because, in its view, all systems in congested areas should require upgrading at approximately the same time. Upgrading all systems simultaneously would not be unduly harsh to existing systems, Rockwell contended, and would be fair to the new systems implemented.

III. Reply Comments

18. Reply comments were filed by API, AAR, STC, and Southern Railway System (SRS). After the date for reply comments had passed, Rockwell submitted "Additional Comments," in which it responded to some of the points raised in the reply comments. AAR filed a Motion to Strike the Additional Comments and a Response to the Additional Comments.[5]

19. API's reply comments opposed Rockwell's recommendation that the Commission enforce the original August 1, 1985 grandfather date for congested areas. API asserted that the only basis for requiring a licensee to modify its equipment would be a showing that the operation of the equipment would cause interference to other users. API also maintained that the interference criteria of § 94.63 of the Commission's Rules should be equally applicable to cases in which DBS systems allege interference from non-conforming OFS stations as well as cases in which existing or planned OFS systems would be subject to interference from non-conforming equipment. API thus opposed STC's suggestion that the level of interference protection to be afforded DBS systems by non-conforming OFS stations should be the same as the protection criterion which will take effect in 1988 when DBS has attained sole primary status in the 12.2–12.7 GHz band. API also urged us to build sufficient flexibility into any rules ultimately adopted to avoid the need for frequent requests for rule waivers in situations where extenuating circumstances cause equipment conversion to extend beyond six months.

20. AAR, like API, disagreed with Rockwell's recommendation that the Commission require equipment replacement for all non-conforming stations in congested areas by August 1, 1985. AAR argued that Rockwell had neither explained the public benefits of its proposal nor offered any arguments in support of the August 1, 1985 date. AAR again stated its belief that eight to nine months is a realistic time frame for equipment conversion, but indicated that the longer periods suggested by some commenters would be equally satisfactory. Finally, AAR objected to STC's suggestion that the licensees of 12 GHz non-conforming systems should be required to replace equipment solely on the basis of a frequency analysis and in advance of actual operation of a direct broadcast system. AAR would prefer that such DBS/terrestrial microwave issues be considered within the context of the proceeding in Gen. Docket 80–603.

21. STC's reply comments urged us not to extend the period of time allowed for replacement of non-conforming equipment beyond the six months proposed in our *Notice*, unless we simultaneously established a mechanism to assure that any extended compliance period expires before affected DBS systems become operational. STC favored the suggestion that the compliance period commence with the date on which the non-conforming licensee receives notice of the potential or actual interference. STC suggested that the proposed rules would better accommodate all interests if they were to provide, in the case of DBS systems, that "interference due to nonconformity may be determined by calculation up to 15 months in advance of actual system operation, and that compliance must be achieved prior to launch of the affected DBS spacecraft but in no event less than six months from the notice of interference."

22. The reply comments of SRS merely stated support for the comments filed by AAR.

IV. Discussion and Decision

23. We have considered carefully the comments and reply comments filed in this proceeding. We find many of the procedural suggestions submitted to be very helpful. While our primary regulatory concern is assuring the ultimate compliance of all Part 94 licensees with our technical rules, we recognize the merit in providing relief from the August 1, 1985 deadline in situations where we can do so without adversely affecting other systems. In succeeding paragraphs, we discuss individually the most prominent points raised in the comments and reply comments.

A. Engineering Analyses

24. UTC has expressed concern that applicants planning new OFS stations and licensees planning to modify existing stations may not consider "actual use data" when conducting the engineering analysis required by § 94.15(b) of the Rules. By this UTC means either that assumptions will be made which do not conform to the actual systems in operation or that our proposal fails to recognize that other frequencies may exist on which no systems are currently operating. The intent of the proposed § 94.63(f) was that when a new station (or a change to an existing station) is being planned in the vicinity of a non-conforming station, the engineering analysis to be performed should consist of two stages. The first stage would be an analysis to see whether operation of the new station or implementation of a planned change to an existing station would be precluded because of the actual operating characteristics of the non-conforming station. We would expect this first stage to involve an examination of all reasonable alternatives available to the applicant, including consideration of frequencies which might avoid the interference conflict. If there are no reasonable alternatives available in terms of interference-free frequencies, the engineering analysis would then proceed to the second stage—an analysis of whether interference would be likely if the non-conforming licensee were using equipment which fully complied with the current technical standards of Part 94.

25. We think the two-stage engineering analysis envisioned in our proposal is adequate and necessary. Further, it seems apparent to us that consideration of actual use data would be an essential element of the engineering analysis to be performed. Hence, the new Rule § 94.63(f) which we

[5] Rockwell's additional comments identified certain problems which it expects would result from the indefinite grandfathering of non-conforming stations in congested areas. In addition to being late-filed, Rockwell's additional comments address points raised in the reply comments. (Section 1.415 of the Commission's Rules notes that reply comments are permitted for the purpose of responding to the original comments, and that no additional comments may be filed unless specifically authorized.) Rockwell did not file a motion for acceptance of late comments and no good cause has been shown why the additional comments should be accepted. Therefore, Rockwell's additional comments are dismissed, and AAR's motion to strike Rockwell's additional comments is moot.

are adopting today contains wording which is substantially similar to that found in our proposed amendments. We think this wording sufficiently informs all OFS applicants or our intention that the actual operating environment be considered when conducting the engineering analysis required by § 94.15(b).

26. AAR sought an opportunity for non-conforming licensees to comment on the analyses and conclusions of applicants who anticipate interference before we order the non-conforming licensees to upgrade their equipment. This suggestion is adopted. The current § 94.15(b) of our Rules advises that "applicants and licensees will be expected to cooperate promptly and fully in the exchange of technical information necessary to performing frequency engineering analysis and, in the event of technical differences, cooperate in resolving these differences." Section 94.15(b) will apply to cases of potential interference attributed to non-conforming stations. Thus, we expect that applicants anticipating interference from a non-conforming licensee will provide the non-conforming licensee with copies of the documents upon which the finding of apparent interference rests.

27. We also will provide non-conforming licensees with a single opportunity to comment on the supporting documentation before requiring such licensees to install conforming equipment. Non-conforming licensees will be allowed thirty days from the date of receipt of official Commission notice advising a licensee that his non-conforming equipment appears to be the cause of interference to comment. This thirty-day comment period will be strictly enforced. We wish to make it clear that this opportunity to comment is not tantamount to an administrative hearing. We will not permit non-comforming licensees to expand the comment period into a protracted adversary proceeding. Rather, we consider it to be a one-time opportunity for the licensees of non-conforming systems to point out incorrect facts or assumptions in an applicant's engineering analysis. In our view, non-conforming licensees occupy a subordinate position. Absent erroneous facts or assumptions in the engineering analysis, we will expect non-conforming licensees to yield to new applicants who have demonstrated the likelihood of interference due to non-conforming equipment.

B. Notification to Non-conforming Licensees

28. We think it is necessary, as API has suggested, that the licensees of stations which anticipate receiving interference from non-conforming stations notify the users of the non-conforming equipment as soon as it is determined that an interference problem is likely. We expect that OFS licensees will cooperate in an expeditious effort to resolve interference and frequency coordination problems. Prompt notification of potential interference is an essential element of our program to grandfather non-conforming equipment indefinitely, and we encourage all licensees who anticipate interference problems resulting from non-conforming equipment to provide notice of the interference as promptly as possible to the other licensees involved.

C. Compromise Solutions

29. Several comments raised the possibility that the parties involved in an interference problem stemming from non-conforming equipment may be able to work out agreements which would obviate the need for replacing equipment. We have no objection to such agreements and do not intend that replacement of non-conforming equipment should be interpreted as the exclusive means of remedying interference problems. The parties involved in a particular case of interference resulting from a non-conforming station will be permitted to work out compromise solutions where possible as an alternative to replacing the offending equipment. We do not intend to review such agreements, but rather will rely on the parties involved to determine whether it is mutually beneficial to enter into such agreements.

30. However, we will not permit arrangements which save a non-conforming licensee from upgrading equipment through use of spectrally inefficient measures. For instance, § 94.15(e) of the Rules permits an applicant to apply for an exception to the assignment of paired frequencies upon a showing that the applicable interference criteria could not be met using paired frequencies. We will not approve the use of non-paired frequencies for new applicants when the non-conforming equipment of an existing licensee is the only obstacle to use of paired frequencies. Similarly, we intend to continue enforcing the provisions of § 94.15(c), which requires an applicant to select frequencies where the assignable bandwidth is most consistent with the proposed communication requirements. If an applicant has need for twenty voice channels, we will expect him or her to apply for frequencies having a bandwidth of 800 kHz, e.g. the 2130–2150 MHz band. If frequencies at 2130–2150 MHz would be available but for an existing licensee's use of non-conforming equipment, we will not assign other frequencies having a bandwidth far in excess of the operational needs of the applicant. In order words, an applicant's desire to avoid imposing equipment changes upon a non-conforming licensee will not be considered satisfactory justification for deviating from efficient spectrum utilization principles.

D. Period Allowed for Equipment Conversion

31. The issue which generated the greatest amount of discussion in the comments was the question of how long a period should be allowed for licensees to upgrade non-conforming equipment which has been identified as the cause of interference. After reviewing the comments, it seems clear that, in the worst case—assuming, for example, that construction of a tower occurs during the winter months—six months would not be an adequate time period. Three commenters urged that we allow a longer time frame for conversion. However, API, one of the parties which originally petitioned for indefinite grandfathering, stated that six months would be an adequate conversion period in most instances.

32. Our experience in monitoring the progress of construction of new facilities leads us to agree with API. In fairness to new station operators who might experience interference from a non-conforming station, we want to encourage non-conforming licensees to complete equipment conversion as quickly as possible. We feel that a six-month conversion period would achieve this purpose. We do recognize that there may be occasional delays in the installation of new equipment due to weather conditions, specialized manufacturing of equipment, and other factors, however. For this reason, we will consider granting extensions of the six-month conversion period, but will require a strong showing of good cause for the extension.

33. The six-month period (expressed as 180 days for purposes of our rule) would usually begin with the day on which the Commission grants the application of the licensee whose station would receive interference. For cases in which the non-conforming licensee does not receive notice of the interference until after the date of grant of the

complaining licensee's application, the starting point for the six-month conversion period will coincide with the date of the official Commission notice to the offending OFS operator that it will have to upgrade its equipment.

E. Extent to Which Non-Conforming Equipment Will Have To Be Replaced

34. Commenters have suggested that non-conforming licensees whose stations have been identified as the source of interference should only be required to install conforming equipment to the extent necessary to resolve the interference problem. We think this suggestion is reasonable and in keeping with the deregulatory philosophy which motivated this proceeding. Hence, if replacement of a licensee's non-conforming antenna will resolve an interference problem, we will not require the licensee to replace other non-conforming equipment which does not contribute to the interference problem.

F. Interference Caused to DBS Systems

35. We fully intend to ensure that DBS systems receive the same degree of protection from non-conforming OFS stations as OFS stations will receive. The rule changes which we are adopting today expressly provide that OFS systems operating in the 12.2–12.7 GHz band shall not be permitted to cause interference to DBS systems in excess of the levels specified in Rule § 94.63. Of course, as provided for in our June 23, 1982 *Report and Order* in Gen. Docket No. 80–603, stations in the Private Operational-Fixed Microwave Service will have secondary status in the 12.2–12.7 GHz band five years from the date on which the Commission identifies alternative frequencies for the OFS licensees. We expect to identify alternative frequencies by September 1983. Thus, OFS stations would become secondary to DBS systems by September 1988. Until that time, OFS stations and DBS systems will be on a co-primary basis.[6] Since the licensees of non-conforming stations cannot be required to upgrade their equipment until August 1, 1985 at the earliest, the interference protection criteria specified in § 94.63 will govern non-conforming OFS stations at 12 GHz only for a three-year period (August 1985 to September 1988).

36. STC's comments noted that, as part of the remaining tasks in Gen. Docket No. 80–603, the Commission will have to develop some standards concerning the interference protection which 12 GHz OFS stations must provide to DBS systems after 1988. STC recommended that non-conforming OFS stations be required to provide the same degree of protection to DBS systems during the period 1985–1988 that will have to be provided after 1988. In effect, under STC's suggestion, non-conforming OFS stations operating at 12 GHz would have to meet different interference protection criteria during the period 1985–1988 than would conforming OFS stations operating in the same band. We do not see any merit in this suggestion. During the period in which OFS stations are co-primary with DBS systems, it would be inconsistent to apply the interference protection criteria which will govern once the operational-fixed stations revert to secondary status. Therefore, we are not adopting STC's recommendation.

37. We wish to make it clear that DBS operators will be permitted to use the same procedures as we are making available to OFS licensees who may receive interference from non-conforming systems. In other words DBS licensees will be permitted to demonstrate, in advance of operation of their system, that they will receive interference from a non-conforming OFS station in excess of the levels specified in § 94.63, and that such interference would not result if the OFS station installed equipment meeting the current technical standards of Part 94. Upon receipt of such a showing, the Commission will allow thirty days for comment by the licensee of the OFS station identified as the source of the interference.

38. One problem arises with DBS systems which would not occur in interference cases involving two OFS stations. With respect to interference caused to an OFS station, the date of grant of the license to a complaining OFS operator serves as an effective triggering event for the six-month conversion period, because the complaining OFS licensee typically would not begin operating under its new license until several months later. Moreover, until the Commission has actually granted the license of an OFS station which would receive interference, there is no assurance that the proposed station will actually be constructed. For this reason, it seems premature to require a non-conforming licensee to upgrade its equipment before the Commission has granted a license to the OFS applicant anticipating interference. With DBS operations, however, construction of a system will precede the final Commission action which grants a DBS licensee the authority to begin operating. Hence, DBS systems will likely begin operations nearly simultaneously with the grant of operational authority.

39. Similarly, the DBS operator's intent to construct a system and launch a satellite will have been established well before the Commission grants operational authority. Thus, in many cases, if a DBS operator has demonstrated that a non-conforming OFS station will cause interference and that the interference could be alleviated with the installation of conforming equipment, it may be unfair to wait until the grant of operational DBS authority to commence the six-month conversion period. At this point, it does not seem prudent to attempt to identify a specific starting point for the six-month equipment conversion period in cases where non-conforming OFS equipment will cause interference to a DBS system. We prefer not to set a specific triggering event, so that the starting date for equipment conversion in specific cases of interference can be tailored to the particular circumstances and equities involved in each situation. In cases involving potential interference to DBS systems we will wait until after we receive the engineering analysis demonstrating the likelihood of interference before setting a specific deadline for installation of conforming equipment.

40. OFS operators will still be permitted to comment upon the engineering analyses and will still have six months to complete construction after the Commission's official notice to upgrade equipment. We will attempt to reach a decision on whether the non-conforming systems will have to upgrade their equipment at least six months in advance of the date on which the DBS licensee intends to begin operating, provided that we receive sufficiently early notice of the potential interference. Thus, the six-month period for conversion of non-conforming stations typically will expire prior to the time when DBS systems commence operating. In cases where we do not receive notice of interference to a DBS system until after DBS broadcasting has commenced, the offending OFS station will have six months from our official notice to install any new equipment that is necessary.

G. Congestion Level Index and Minimum Diameter Standards for Parabolic Antennas

41. The July 9 *Notice* in this proceeding asked for comments on API's recommended methodology for determining congested areas and API's

[6] Report and Order, Gen. Docket No. 80–603, paragraph 67, 47 FR 31566.

proposed minimum diameter standards for determining which pre-1976 parabolic antennas could be considered "conditionally acceptable." The comments of AAR, UTC, and API supported the concept of a congestion level index based on the methodology recommended by API. No other commenters offered views on this methodology. API's comments supported the adoption of minimum diameter standards for pre-1976 parabolic antennas. AAR did not object to such standards, but indicated that it did not favor implementation of the standards as a substitute for the Commission's list of acceptable pre-1976 antenna models. UTC stated that it did not believe the minimum diameter standards were necessary. No other comments were offered concerning the proposed standards for pre-1976 parabolic antennas.

42. We are not now proposing to take any action with regard to either the congestion level index or the standards for pre-1976 parabolic antennas. At some point in the future, we will have to arrive at a methodology for re-computing congested areas. The congestion level index proposed by API and the comments regarding API's methodology will be considered when we begin work on revising the methodology currently in use. We intend to solicit public comments again at an appropriate point in the future when we are prepared to propose a specific methodology for computing congested areas.

V. Summary and Conclusion

A. Indefinite Grandfathering Plan

43. The commenters have demonstrated persuasively that the immediate expenditures which would be required to ensure full conformance with the current Part 94 technical standards cannot be justified in situations where no tangible improvement in the interference environment would result. For this reason, we have determined that it is in the public interest to extend the grandfathering of all Private Operational-Fixed Microwave station equipment authorized prior to July 1, 1976, so long as the use of this equipment does not prevent the licensees of existing OFS stations from modifying their operations, preclude applicants for new OFS stations from beginning operation, or cause interference to the service area of DBS operators. The interference protection requirements we are adopting today will take effect on August 1, 1985. Therefore, we will not require non-conforming licensees to upgrade their equipment before that date in response to complaints of harmful interference.

44. We wish to emphasize that this finding is motivated solely by our desire to prevent the premature and wasteful scrapping of equipment. It is our clear intent that the relief provided by our action in this proceeding be subordinate to our continuing objective, implicit in the Part 94 technical standards, of promoting more efficient use of the spectrum. We note that the technical standards detailed in the current § 94.92 of our Rules and Regulations will continue to apply to transmitting equipment authorized between July 20, 1961 and July 1, 1976.

B. Summary of Notices

45. At several points in the preceding discussion, we have referred to notices which will be provided to the licensees of non-conforming OFS stations. To ensure that the system we envision is clearly understood by all, we offer the following summary of the notices deemed essential to our program for grandfathering non-conforming equipment:

a. An applicant for a new OFS station or DBS system or an OFS licensee seeking to modify its station shall notify both the Commission and the licensee of the other OFS station(s) involved as soon as it is determined that the non-conforming equipment of an existing OFS station will cause interference. A copy of the engineering analysis upon which the determination of interference is based shall be included with the notice.

b. Upon receiving notice from an OFS licensee/applicant or a DBS operator of potential or actual interference from a non-conforming OFS station, our staff will send a notice via registered mail to the licensee of the non-conforming station requesting comments on the interference analysis. This notice will specify the date by which comments must be submitted to the Commission.

c. After reaching a decision as to whether the non-conforming equipment which is the subject of an interference complaint will have to be replaced, our staff will notify the non-conforming licensee of its decision. In cases where the staff has determined that equipment must be upgraded, the notice will inform the non-conforming licensee that it has 180 days from the date of the notice in which to install conforming equipment sufficient to eliminate the interference.

C. Final Regulatory Flexibility Analysis

46. The objective of this rule is to relieve licensees of Private Operational-Fixed Microwave stations of the need to make large-scale expenditures for new equipment by August 1, 1985, in cases where granting such relief does not harm other OFS stations or DBS systems. We have determined that the relief granted to OFS licensees in this proceeding is necessary because the current rules would require many licensees whose existing equipment is working satisfactorily and not causing interference to make substantial investments in new equipment by August 1, 1985.

47. We received no public comments which specifically addressed the initial regulatory flexibility analysis contained in the July 9 *Notice of Proposed Rulemaking*. Since the rules we are adopting in this proceeding relieve an economic burden on business entities of all sizes, our action is consistent with the purposes of the Regulatory Flexibility Act. Other alternatives which we might have adopted would have involved no grandfathering or grandfathering on a more limited basis. Both would have imposed a greater economic burden on all licensees, large and small entities alike.

VI. Ordering Clauses

48. Accordingly, it is ordered, effective January 20, 1983, that Part 94, 47 CFR Part 94, is amended as shown in the Appendix attached hereto. The authority for this action is found in Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 4(i), 303.

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

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Chapter I, Part 94 of Title 47 of the Code of Federal Regulations is hereby amended as follows:

PART 94—[AMENDED]

1. Section 94.61 is amended by revising paragraph (a) to read as follows:

§ 94.61 Applicability.

(a) The technical standards of this subpart shall govern the issuance of authorizations for new stations and changes in authorized stations as specified in § 94.65. Except as provided for in § 94.95, licensees of transmitting equipment (including antennas) authorized prior to July 1, 1976, including their successors or assigns in business, will be permitted to utilize such equipment, in accordance with the

standards indicated in § 94.92, provided that the operation of this equipment does not cause interference in excess of the levels specified in § 94.63 to another operational-fixed station or, in the 12,200–12,700 MHz band, to a direct broadcast satellite system. In case of such interference, the licensee of the non-conforming equipment may be required to install equipment which fully conforms to the technical standards of this subpart.

* * * * *

2. Section 94.63 is amended by adding a new paragraph (f) to read as follows:

§ 94.63 Interference protection criteria for operational-fixed stations.

* * * * *

(f) Effective August 1, 1985, when an operational-fixed station which conforms to the technical standards of this subpart (or, in the case of the 12,200–12,700 MHz band, a direct broadcast satellite station) receives or will receive interference in excess of the levels specified in this section as a result of an existing licensee's use of non-conforming equipment authorized between July 20, 1961 and July 1, 1976, and the interference would not result if the interfering station's equipment complied with the current technical standards, the licensee of the non-conforming station must take whatever steps are necessary to correct the situation up to the point of installing equipment which fully conforms to the technical standards of this subpart. In such cases, if the engineering analysis performed in accordance with § 94.15(b) demonstrates that (1) the conforming station would receive interference from a non-conforming station in excess of the levels specified in this section and (2) the interference would be eliminated if the non-conforming equipment were replaced with equipment which complies with the standards of this subpart, the licensee (or prospective licensee) of the station which would receive interference shall provide written notice of the potential interference to both the non-conforming licensee and the Commission's office in Gettysburg, PA. The non-conforming licensee shall make all required equipment changes within 180 days from the date of official Commission notice informing the licensee that it must upgrade its equipment, unless an alternative solution has been agreed to by all parties involved in the interference situation. If a non-conforming licensee fails to make all required changes within the specified period of time, the Commission may require the licensee to suspend operation until the changes are completed.

3. The introductory paragraph of § 94.77 is revised to read as follows:

§ 94.77 Interference to geo-stationary satellites.

These limitations are necessary to minimize the probability of harmful interference to reception in the bands 2655–2690 MHz and 12,500–12,700 MHz on board geo-stationary space stations in the Fixed Satellite Service (Part 25). Stations authorized prior to July 1, 1976 which exceed the power levels in paragraphs (a) and (b) of this section are permitted to operate indefinitely, provided that the operation of such stations does not result in harmful interference to reception in the bands 2655–2690 MHz and 12,500–12,700 MHz on board geo-stationary space stations.

* * * * *

4. Section 94.92 is amended by removing paragraphs (a) and (b), but retaining the table which accompanies paragraph (a), and adding a new introductory paragraph to read as follows:

§ 94.92 Technical standards for stations authorized prior to July 1, 1976.

The technical standards indicated in the table in this section apply to private microwave systems using the frequency bands above 952 MHz listed in the table and which were authorized prior to July 1, 1976, but after July 20, 1961. These standards shall not be applicable to transmitting equipment, including antennas, which was authorized to be operated on these frequencies prior to July 20, 1961, or for which an authorization was issued based on an application filed with the Commission prior to July 20, 1961.

* * * * *

[FR Doc. 83-888 Filed 1-12-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

Special Regulations, Public Access, Use, and Recreation—Wichita Mountains Wildlife Refuge, Oklahoma; Back Bay National Wildlife Refuge, Virginia.; and Chincoteague National Wildlife Refuge, Virginia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of special regulations.

SUMMARY: It has been determined that the opening to public access, use, and recreation of the Wichita Mountain Wildlife Refuge, Oklahoma, Back Bay National Wildlife Refuge, Virginia, and Chincoteague National Wildlife Refuge, Virginia, is compatible with the objectives for which these areas were established and would provide additional recreational opportunities to the public. This document extends duration of the regulations governing such access which were previously promulgated until revised rules are issued so that orderly management of the refuges will not be compromised. The Office of Management and Budget clearance numbers for information collection requirements are also given.

EFFECTIVE DATE: This rule is effective on January 13, 1983.

FOR FURTHER INFORMATION CONTACT: Robert A. Karges, Refuge Manager, Wichita Mountains Wildlife Refuge, Route 1, Box 448, Indiahoma, OK 73552 (Telephone 405–429–3221); Glen W. Bond, Refuge Manager, Back Bay National Wildlife Refuge, Pembroke Office Park, Pembroke No. 2, Suite 218, Virginia Beach, VA 23462 (Telephone 804–490–0505); Dennis Holland, Refuge Manager, Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, VA 22336 (Telephone 804–336–6122).

SUPPLEMENTARY INFORMATION: The author of this document is Ronald L. Fowler, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW, Washington DC 20240 (Telephone 202–343–4206).

General

On January 27, 1981, public access and use regulations for the Wichita Mountains Wildlife Refuge were published in the **Federal Register** (46 FR 8525) in accordance with provisions of 50 CFR 26.34. These regulations were effective through December 31, 1981. On April 21, 1982, these regulations were extended through December 31, 1982 (47 FR 17066). On May 28, 1980, the Fish and Wildlife Service established special regulations concerning public access, use and recreation for the Back Bay National Wildlife Refuge (45 FR 35823). Amended regulations were issued on August 7, 1980 (45 FR 52391). These regulations were effective through December 31, 1982. On April 3, 1980, the Fish and Wildlife Service issued special regulations under the provisions of 50 CFR 26.34 for the Chincoteague National Wildlife Refuge (45 FR 22047) which were effective through December 31, 1982.

A continuation of these rules is necessary until new regulations can be

drafted and subjected to public comment. This effort is currently under way and is expected to be completed by the spring of 1983. In the interim, this rule extends the effectiveness of the regulations until the publication of the new rules.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer refuge areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practical and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation. The recreational use authorized by these regulations will not interfere with the primary purpose for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's "Final Environmental Statement on the Operation of the National Wildlife Refuge System" (FES 76–59) which was filed with the Council on Environmental Quality on November 12, 1976. A notice of availability was published in the **Federal Register** on November 19, 1976 (41 FR 51131). In addition, funds are available for the administration of the recreational activities permitted by these regulations.

This regulation will have a positive effect on local filling stations, providers of meals, and overnight accommodations. This rule will impose no costs on small entities; the exact number and the amount of business that will result from this refuge-related recreation is unknown. The aggregate effect is a positive economic effect on a limited number of small entities. The positive effects will be spread over two States.

The Department of the Interior has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13913), that the rulemaking would not have "significant economic effect on a substantial number of small entities" within the meaning of the Regulatory Flexibility Act (Pub. L. 96–354).

List of Subjects in 50 CFR Part 26

National Wildlife Refuge System, Recreation, Wildlife refuges.

PART 26—PUBLIC ENTRY AND USE

Accordingly the special regulations for public access and use published at 50 CFR 26.34 for the Wichita Mountains Wildlife Refuge, Back Bay National Wildlife Refuge, and Chincoteague National Wildlife Refuge which expired on December 31, 1982 are reissued and revised effective January 13, 1983 to remain in effect until further notice to read as follows. Also, Office of Management and Budget information collection approvals are cited.

§ 26.34 Special regulations concerning public access, use, and recreation for individual national wildlife refuges.

Oklahoma

Wichita Mountains Wildlife Refuge

Special Conditions: (1) Sightseeing, nature observation, and photography are permitted only during daylight hours. (2) Hiking is permitted during daylight hours only. (3) Camping is permitted only in those recreation areas that are designated for that activity. (4) Any activity that emits sound beyond the immediate campsite between the hours of 10:00 p.m. and 8:00 a.m. is prohibited. (5) No person other than campers shall enter or remain in a camping area between the hours of 10:00 p.m. and 6:00 a.m. (6) No person shall use electrical speakers at a volume which emits sound beyond the individual camp or picnic site without the permission of the refuge manager. (7) Exceeding posted capacities is prohibited. A written permit is required for stays exceeding 7 days. (8) Backcountry camping is permitted in the Charons Gardens Wilderness Area by permit only. Length of stay is limited to 3 days. Inquire at Refuge office for further information. Special conditions may be set by Refuge Manager which may include areas for camping, equipment used and prohibition of open fires. (9) Fires are prohibited, except in those recreation areas where camping or picnicking is permitted. They must be built in grates and grills provided for that purpose. Dead fallen timber may be used. Fires must not be left unattended and must be completely extinguished before leaving the area. During periods of very high fire danger, open fires are prohibited. (10) Picnicking is allowed only in recreation areas that are designated for that activity. (11) Gasoline, electric, oar, or handpowered boating is permitted only on Elmer Thomas Lake; handpowered boats only on Jed Johnson, Rush, Quanah Parker and French Lakes. Boating is prohibited in marked scuba diving and swimming areas. State and Federal boating regulations apply. Fort Sill regulations apply on the military portion of Elmer Thomas Lake. Water skiing is prohibited. All floating devices are prohibited, except those permitted in boating, swimming, scuba diving, and sport fishing regulations. (12) Swimming, wading, and snorkeling are prohibited, except at the designated swimming beach on Elmer Thomas Lake and only when refuge lifeguards are on duty. Food, beverages, and pets are prohibited on the beach. Beach users must comply with the directions of authorized lifeguards. (13) Scuba diving is permitted in the refuge portion of Elmer Thomas Lake, but is prohibited in all other refuge waters. Diving areas must be marked with appropriate warning flags when outside marked swimming areas. Diving is permitted during daylight hours only. Inflatable vests must be worn during diving. (14) Pets must be kept on a leash, not to exceed 10 feet in length, one end of which must be secured to restrict the movement of the pet. Pets are prohibited at the swimming beach. (15) Motorized vehicles are permitted only on developed roads. Vehicle travel on roads closed by sign or barrier is prohibited. All vehicles must be operated safely and in accordance with posted speed limits and other regulatory signs. Stopping on roadways is prohibited. Parking or leaving unattended any vehicle is permitted only in areas designated for that purpose by sign or on refuge maps available to the public and only for the purpose of authorized activities. Vehicles found parked in any closed areas, or any area not designated as a parking area or in any area after the hours of authorized activities, may be removed from the refuge. Any charges or expenses incurred by such removal, including storage fees, shall be borne by the owner of the vehicle. (16) The possession or use of any alcoholic beverage, including beer containing 3.2% (or less) alcoholic content by weight is prohibited.

Note.—Information collection. The information collection requirements contained in paragraph (7) and (8) of these regulations have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance No. 1018–0043. Information is being collected to solicit information necessary for the refuge manager to issue permits and other benefits. Information would be used to grant administrative benefits. In both sections the obligation to respond is required to claim the benefit.

Virginia—Back Bay National Wildlife Refuge

Access

(a) Who can qualify for access?
(b) Routes of travel.
(c) How many trips are allowed?
(d) Medical emergencies.
(e) Military, fire, or emergency vehicles.
(f) Public utility vehicles.
(g) False Cape State Park employees.
(h) Commercial fishermen and their employees.
(i) Suspension or waiver of rules.
(j) Violation of rules.
(k) Other access rules.

General Rules

(l) Entry on foot, bicycle, or motor vehicle.
(m) Swimming and surfing.
(n) Parking areas.
(o) Fishing and boating.
(p) Fires.
(q) Dogs.
(r) Other general rules.

(National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd; Refuge Recreation Act, (16 U.S.C. 460k))

Access

(a) Who can qualify for access?

(1) Permanent, full-time residents who can furnish to the Refuge Manager, Back Bay National Wildlife Refuge, adequate proof of continuous and continuing residence, commencing prior to December 31, 1979, on the Outer Banks from the refuge boundary south to and including the village of Corolla, North Carolina, as long as they remain permanent, full-time residents, are authorized beach access. The south boundary of the area for access consideration is defined as a straight east-west line extending from Currituck Sound to the Atlantic Ocean and passing through a point 1,600 feet due south of the Currituck Lighthouse Residence is defined as the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent. For the purposes of this section, a dwelling shall mean a residential structure occupied on a year-round basis by the permit applicant and shall not include seasonal or part-time dwelling units such as beach houses, vacation cabins, or structures which are intermittently occupied. The burden of proof showing that the prospective permittee meets these criteria shall be on the applicant by presentation of appropriate documentation. Only one permit will be issued per family.

(2) All permits issued to full-time residents will be terminated in the event that alternate access is provided during the permit period.

(b) *Routes of travel.* Access to, and travel along, the refuge beach by motorized vehicles may be allowed between the dune crossing at the field headquarters and the south boundary of the refuge only after a permit has been issued or authorization provided by the Refuge Manager. Travel along the refuge beach by motorized vehicle shall be below the high tide line, within the intertidal zone to the maximum extent practicable.

(c) How many trips are allowed?

Permitted vehicles of permanent full-time residents shall be limited to a total of two round trips per day. Travel is restricted to the designated route of travel between the hours of 5 a.m. and 12 p.m. (midnight).

(d) *Medical emergencies.* Private vehicles used in a medical emergency will be granted access. When evidence of the emergency is not obvious, the vehicle operator will be required to provide the refuge office with a doctor's statement confirming the emergency within 36 hours.

(e) *Military, fire, or emergency vehicles.* Military, fire, emergency, or law enforcement vehicles, when used for emergency purposes, and vehicles used by an employee, agent or designated representative of the Federal, State, or local government in the course of official duties will be granted access.

(f) *Public utility vehicles.* Public utility vehicles used on official business will be granted access. A public utility vehicle is described as any vehicle owned or operated by a public utility company enfranchised to supply Outer Banks residents with electricity or telephone service.

(g) *False Caps State Park employees.* Access will be granted to all employees of False Cape State Park and to members of immediate families of resident employees only.

(h) *Commercial fishermen and their employees.* (1) Commercial fishermen who have verified that their fishing operations on the Outer Banks of Virginia Beach, Virginia, or Currituck County, North Carolina, have been dependent since 1972 on ingress and egress to or across the refuge will be granted permits for access. Travel through the refuge by commercial fishermen from Currituck County, North Carolina, will be permitted only when directly associated with commercial fishing operations. Drivers and passengers on trips through the refuge will be limited to commercial fishing crew members. A commerical fisherman is described as one who harvests finfish by gill net or haul seine in the Atlantic Ocean, and who has owned and operated a commercial fishing business since 1972.

[2] Each commercial fisherman is allowed a maximum of five designated employees to travel the refuge beach for commercial fishing purposes. These employees may carry only other commercial fishing employees as passengers. Employees of commercial fishermen engaged in travel directly associated with commercial fishing operations or for the purpose of traveling to and from their homes in Virginia to fishing sites in North Carolina will be granted access.

(i) *Suspension or waiver of rules.* (1) In an emergency, the Refuge Manager may suspend any or all of the foregoing restrictions on vehicular travel and announce such suspension by whatever means are available. In the event of adverse weather conditions, the Refuge Manager may close all or any portion of the refuge to vehicular travel for such period as deemed advisable in the interest of public safety. (2) The Refuge Manager may make exceptions to access restrictions for qualified Permittees who have demonstrated to the satisfaction of the Refuge Manager a need for additional access relating to health or livelihood. (3) The Refuge Manager may grant one-time use authorization for vehicular access through the refuge to individuals, not otherwise qualified above, who have demonstrated to the satisfaction of the Refuge Manager that there is no feasible alternative to the access requested. Authorization for access under this provision will not be based on convenience to the applicant.

(j) *Violation of rules.* Violators of these special regulations or any regulations pertaining to Back Bay National Wildlife Refuge will be subject to legal action as prescribed by 50 CFR 28.31, including mandatory revocation by the Refuge Manager of access permits for the duration of the permit period. Individuals whose vehicle access privileges have been suspended may within 30 days file a written appeal of the suspension to the Area Manager, Annapolis, Maryland, in accordance with 50 CFR 25.44(c).

(k) *Other access rules.* (1) No permit will remain in effect beyond December 31 of the year in which it is issued. Permits may be renewed upon the submission of a signed, notarized statement that conditions of the previous permit have not changed. (2) In addition to the permit, a registration sticker will be issued which must be displayed at all times while on refuge

property in such a manner as to be readily visible on any motor vehicle and shall be nontransferable. No more than two vehicles owned by the permit holder may be registered with the Refuge Manager for use in accordance with these regulations. Those vehicles shall be operated on the refuge beach only by the permittee or immediate family members residing with the permittee. Permit holders shall not tow vehicles and/or trailers owned by nonpermit holders through the refuge. Any towed vehicle or trailer must have advance approval from the Refuge Manager prior to being brought through the refuge. (3) The Refuge Manager may prescribe restrictions as to the types of vehicles to be permitted to ensure public safety and adherence to all applicable rules and regulations.

General Rules

(l) *Entry on foot, bicycle, or motor vehicle.* Entry on foot, bicycle, or by motor vehicle on designated routes is permitted during daylight hours for the purpose of nature study, sightseeing, wildlife observation, photography, hiking, surf fishing, surfing, swimming, and bicycling.

(m) *Swimming and surfing.* (1) Swimming and surfing are permitted on the entire refuge beach unless designated otherwise by signs. No lifeguards are provided. Swimming and surfing will be at the visitor's own risk. (2) Nudity is not permitted on the refuge. Nudity is defined as failure by persons over ten years of age when in a public place to cover with fully opaque covering their own genitals, pubic areas, rectal areas, or female breasts below a point immediately above the top of the areola.

(n) *Parking.* The parking lot at the end of the paved road is available on a first come first served basis for persons engaged in wildlife/wildlands oriented recreation including surf fishing but not surfing and swimming.

(o) *Fishing and boating.* Surf fishing from the beach and freshwater fishing in the bay are permitted in accordance with state laws. Vehicular launching of trailered boats and bank fishing from the refuge bay shoreline are prohibited. Boat launching into the bay at field headquarters is limited to non-trailered canoes and small boats.

(p) *Fires.* Open fires are prohibited. Portable grills with a contained fuel supply are permitted on the beach.

(q) *Dogs.* Dogs on a hand-held leash are permitted on refuge public use areas.

(r) *Other general rules.* (1) Pedestrians and vehicular traffic in the sand dunes are prohibited. (2) Registered motor vehicles and motorized bicycles (mopeds) are permitted on the paved refuge access road and on the parking lot at field headquarters. All other motorized vehicular use is prohibited except as specifically authorized pursuant to this rule.

Note.—Information collection. The information collection requirements contained in sections (a) and (h) of these regulations have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance No. 1018-0053. The information is being collected to solicit information necessary for the refuge manager to establish that the applicant meets the terms of eligibility for a vehicle permit. Public Law 96-315 (94 Stat. 957) defines eligible applicants for access across the Back Bay National Wildlife Refuge. The information will be used to grant administrative benefits. In both sections the obligation to respond is required to obtain a benefit.

Chincoteague National Wildlife Refuge

Public access, use and recreation is permitted on the Chincoteague National Wildlife Refuge, P.O. Box 62, Chincoteague, Virginia 23336. Contact the Refuge Manager at 804/336-6122. Special Conditions: Entry into the refuge is permitted between the hours of 4:00 AM to 10:00 PM daily from April 1 to November 30 and from one-half hour before sunrise to one-half hour after sunset from December 1 to March 31 for the purposes of sightseeing, nature study, wildlife observation, photography, hiking, beachcombing, kite flying, sunbathing and fishing, including clamming and crabbing, as posted. Swimming and surfing are permitted as posted on the ocean beach. Fishing, kite flying, and possession of glass containers are prohibited within the protected beach areas. The use or possession of metal detectors is not permitted on the refuge. Entry into the refuge by boat is permitted at the designated public use areas at Tom's Cove Hook and the public use area operated by the Town of Chincoteague at Assateague Point. Picnicking and contained fires are permitted at Tom's Cove Hook in designated areas. Open fires by special permit only. All fires must be extinguished by water. Operation of registered motor vehicles and bicycles is permitted on designated access roads, trails, and parking areas. No vehicle may be left on the area during closed hours except by special permit. Motorcycles or mopeds with motor in operation are not permitted on the Wildlife Drive or on other trails designated for foot or bicycle use. The use of mopeds or motorized bicycles shall be governed as follows: as a bicycle when motor is not in operation; as a motorcycle when motor is in operation; the methods of operation, equipment, license and registration requirements shall be the same as those set by the State of Virginia. Riding of horses and other saddle animals is permitted only along the shoulder of the access road to the Coast Guard crossover and thence only within designated areas along the beach. Pets are not permitted on the refuge. Off-road travel by oversand vehicles is permitted only on designated routes within the public use areas at Tom's Cove Hook. Driving so as to cut circles or otherwise needlessly deface the sand dunes or vegetation is prohibited. Speed may not exceed 25 miles per hour. When approaching or passing within 100 feet of a pedestrian or person on horseback, speed must be reduced to 15 miles per hour. Pedestrians and horseback riders always have the right of way. Oversand vehicles may not be used to tow persons on any recreational device over sand, or in the water or air. An annual permit at a fee of $15.00 or a seven-day permit at a fee of $10.00 is required for oversand vehicle use. Such permits are not transferable and shall be displayed as directed by the refuge manager. The annual permit shall be valid from April 15 to April 14 of the following year. All oversand vehicles must conform to applicable State laws having to do with licensing, registering, inspecting and insuring of such vehicles. Motorcycles and mopeds must remain on designated access roads and are not permitted in oversand vehicle areas. All oversand vehicles must carry at all times on the beach, shovel, jack, tow rope or chain, board or similar support for the jack and low pressure tire gauge. No permit will be issued for a vehicle which does not meet the following standards:

On four-wheel-drive vehicles: Maximum vehicle length—26 feet. Maximum vehicle width—8 feet. Minimum ground clearance—7 inches. Gross vehicle weight rating may not exceed—10,000 lbs. Maximum number of axles—2. Maximum number of wheels per axle—2. Minimum number of wheels—4.

On two-wheel-drive vehicles in addition to the seven items listed above: Minimum width of tire contact on the sand—8 inches each wheel. Tires with regular mud/snow treads are not acceptable. The refuge manager may issue a single trip permit for a vehicle of greater weight or length when such use is not inconsistent with the purposes of the regulations. Forty-two (42) oversand vehicles are permitted in the oversand zone. The refuge manager may temporarily close or limit access to the beach when this level is reached. Special event permits may be issued by

the refuge manager. Oversand vehicle permits issued by the National Park Service for operation on the Assateague Island National Seashore will also be honored for operation on the designated oversand vehicle routes within the public use areas at Tom's Cove Hook.

Fishermen who hold special overnight beach-fishing permits may remain on the refuge during closed hours on the dates for which such permit is issued. At least one member of the fishing party must be actively engaged in fishing at all times while on the refuge, under the terms of the permit. Organized youth-group and backpack camping is permitted by advance reservation only. Daily fee for youth group camping is $5.00 per site.

On that portion of the Chincoteague National Wildlife Refuge known as Tom's Cove Hook and described as the area bounded on the north by the wildlife fence adjacent to the main parking lot, on the east and south by the Atlantic Ocean extending to Fishing Point, and on the west by the waters of Tom's Cove to and along the canal in Swan Cove adjacent to the main parking lot, authorized National Park Service personnel may enforce the above regulations utilizing policies, procedures of the Assateague Island National Seashore, or if properly deputized, may utilize policies, procedures and authorities normally associated with law enforcement procedures of the Chincoteague National Wildlife Refuge.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26. The public is invited to offer suggestions and comments at any time.

Note.—Information collection. The information collection requirement contained in these regulations has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance No. 1018–0041. Information is being collected to solicit information necessary for the refuge manager to issue off-road vehicle permits and other benefits. The information will be used to grant administrative benefits. The obligation to respond is required to obtain the benefit.

(16 U.S.C. 460k, 668dd; Pub. L. 96–315 (94 Stat. 957); Paperwork Reduction Act of 1980, Pub. L. 96–511 (94 Stat. 2812))

Dated: December 16, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-670 Filed 1-12-83; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 21227–260]

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; notice of plan amendments.

SUMMARY: NOAA announces the approval of amendment of two preliminary fishery management plans and issues corresponding rules to close a portion of the fishery conservation zone over the eastern part of Georges Bank to all foreign fishing. Fishery jurisdiction over this area is in dispute between the United States and Canada. By closing this area to third party vessels, incidents that may complicate adjudication of the dispute before the International Court of Justice will be avoided.

EFFECTIVE DATE: January 24, 1983. Comments on the amended portions of the Preliminary Management Plans (PMPs) will be accepted until January 28, 1983.

ADDRESS: Copies of the PMP amendments are available from Donald J. Leedy, Plan Review Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Susan Jelley, Permits and Regulations Division, National Marine Fisheries Service, 202–634–7432.

SUPPLEMENTARY INFORMATION: The Administrator, NOAA, has approved an amendment to the Atlantic Billfishes and Sharks preliminary fishery management plan (PMP) and an amendment to the Atlantic Hakes PMP, to redefine areas of the fishery conservation zone in which foreign fishing is allowed. The Atlantic Hakes PMP is amended by replacing Figure 10 with a revised chart of the trawling area of the Northwest Atlantic Ocean. The PMP for the Foreign Trawl Fisheries of the Northwestern Atlantic incorporates this change by reference to the Atlantic Hakes PMP. The PMP for Atlantic Billfishes and Sharks is also amended by replacing figure 2 with a revised chart of the longlining areas, and by replacing the description of area II on page 26. Copies of the amended pages of the PMPs are available at the above address.

The United States and Canada have agreed by treaty to submit their overlapping claims in the Gulf of Maine boundary region to binding dispute settlement by the International Court of Justice (the "World Court"). In its Memorial filed with the World Court on September 27, 1982, Canada claimed an area which partially overlaps the U.S. fishery conservation zone (FCZ).

To avoid incidents that may complicate the ongoing adjudication, the United States is amending preliminary fishery management plans and foreign fishing regulations implementing these plans to prohibit foreign fishing in the portion of the FCZ claimed by Canada. A closed area demarcated by a new line slightly west of the Canadian claim is established. In addition, Foreign Fishing Area 5 is redefined to exclude that portion of it which is overlapped by the Canadian claim, and section 611.60(a) is corrected to clarify that foreign longline vessels operating north of 35° N. latitude are subject to regulations of Subpart D.

These amendments are intended only to avoid incidents while the matter is before the International Court of Justice, and do not signify that there is any basis in international law for the boundary proposed by Canada.

This rule involves a foreign affairs function and, as such, (1) is exempt from usual rulemaking procedures under section 533(a)(1) of the Administrative Procedure Act, and (2) is not subject to the requirements of E.O. 12291 or the Regulatory Flexibility Act.

This action does not change the conclusions of environmental impact statements filed on February 4, 1977.

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

Dated: January 7, 1983.

Carmen J. Blondin,

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

For the reasons set forth in the preamble, 50 CFR Part 611 is amended as follows:

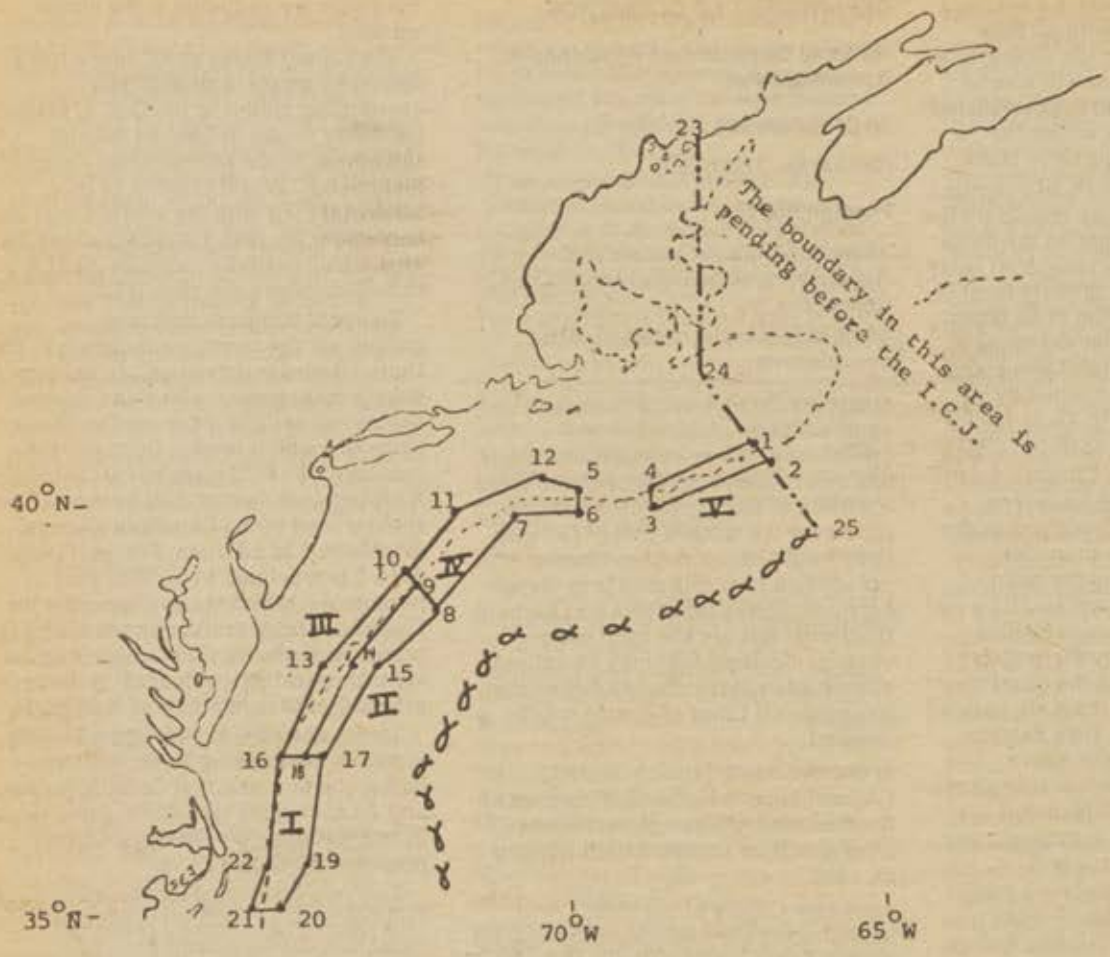
1. The authority citation for 50 CFR 611 is as follows:

Authority: 16 U.S.C. 1801 et seq., unless otherwise noted.

§ 611.9 [Amended]

2. Revise § 611.9, Appendix II, Figure 1 to read as follows:

BILLING CODE 3510-22-M



1.	40°47'N, 67°11'W	13.	38°00'N, 74°10'W
2.	40°30'N, 67°00'W	14.	38°00'N, 73°53'W
3.	40°01'N, 68°45'W	15.	38°00'N, 73°20'W
4.	40°20'N, 68°45'W		
		16.	37°00'N, 74°40'W
5.	40°13'N, 70°00'W	17.	37°00'N, 74°30'W
6.	39°50'N, 70°00'W	18.	37°00'N, 74°10'W
7.	39°50'N, 71°05'W		
8.	38°40'N, 72°30'W	19.	35°30'N, 74°30'W
9.	39°07'N, 72°44'W	20.	35°13'N, 74°50'W
10.	39°16'N, 72°50'W	21.	35°13'N, 75°06'W
11.	39°56'N, 72°00'W	22.	35°30'N, 74°55'W
12.	40°20'N, 70°30'W	23.	shore 67°52'W
		24.	41°56'N, 67°52'W
		25.	39°26'N, 66°19'W

Figure 1. Trawling Areas of the Northwest Atlantic Ocean

α α α α α = boundary of the U.S. fishery conservation zone

— · · — · · — = foreign fishing east of this line is prohibited under §611.50(b)(2)(i) and §611.60(d).

BILLING CODE 3510-22-C

3. Revise § 611.50(b)(2), § 611.60 and (a)(d) and § 611.61(b)(2) to read as follows:

§ 611.50 Northwest Atlantic Ocean fishery.

* * * * *

(b) *Authorized fishery.*

(1) * * *

(2) *Activities allowed.*

(i) Fishing, including processing and other support of foreign or U.S. vessels, is prohibited east of a line connecting the following coordinates in the order listed:

Coordinate	Latitude	Longitude
1	Shore at 67°52' W.	67°52' W.
2	41°56' N.	67°52' W.
3	40°47' N.	67°11' W.
4	40°30' N.	67°00' W.
5	39°26' N.	66°19' W.

(ii) Vessels subject to this section which fish with trawl gear may fish only during the seasons and with the methods specified in Table I of this section. Vessels subject to this section which fish with any other gear need not comply with the limitations specified in Table I.

* * * * *

§ 611.60 General provisions.

(a) *Purpose and scope.*

This subpart regulates:

(1) All foreign longline fishing conducted under a GIFA which involves catching, processing, or receipt of billfishes, sharks, or other fishes in the FCZ in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea; and

(2) All other foreign fishing conducted under a GIFA within the FCZ south of 35°00' N. latitude in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea.

* * * * *

(d) *Open area.* Except for the closed areas set forth in paragraph (e) of this section, § 611.61(b) and § 611.62(b), foreign fishing authorized under this subpart may be conducted in that portion of the FCZ in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea beyond 12 nautical miles from the baseline used to measure the U.S. territorial sea, and that portion of the FCZ west of a line connecting the following coordinates in the order listed:

Coordinate	Latitude	Longitude
1	Shore at 67°52' W.	67°52' W.
2	41°56' N.	67°52' W.
3	40°47' N.	67°11' W.
4	40°30' N.	67°00' W.
5	39°26' N.	66°19' W.

* * * * *

§ 611.61 Atlantic billfish and sharks fishery.

* * * * *

(b) * * *

(2) From June 1 through November 30 foreign vessels fishing under this section for species other than sharks, and longline gear deployed from such vessels, are prohibited in the area defined by the following coordinates in the order listed:

Coordinate	Latitude	Longitude
1	Shore at 67°52' W.	67°52' W.
2	41°56' N.	67°52' W.
3	40°57' N.	67°11' W.
4	40°30' N.	67°00' W.
5	40°25' N.	66°57' W.
6	40°00' N.	67°39'30" W.
7	39°32' N.	70°52'30" W.
8	37°54' N.	73°05' W.
9	34°50' N.	73°34' W.
10	34°50' N.	Shore at 34°50' N.

* * * * *

[FR Doc. 83-642 Filed 1-12-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 9
Thursday, January 13, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Docket No. AO-144-A14]

Lemons Grown in California and Arizona; Hearing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: Notice is hereby given of a public hearing to be held to consider a proposed maketing agreement and proposed amendment of Marketing Order 910 (7 CFR Part 910; 47 FR 50196), covering lemons grown in California and Arizona.

Amendments have been proposed by the Lemon Administrative Committee and two lemon growers; Perry Walker, Sanger, California, and N.J. Riebe, Yuma, Arizona. The principal proposals submitted by the committee would: Change the start of the fiscal year from August 1 to September 1; provide for an additional alternate for each handler member on the committee; limit the number of terms of office a member may serve; change the basis for nominations of committee members by cooperative marketing organizations; change the beginning of the term of office of members from August 1 to September 1; provide for an increase in the maximum amount of compensation for committee member; provide penalties for late payment of handler assessments and failure to file handler reports; require handlers to maintain necessary records; revise handler prorate base adjustment procedures; modify allotment loan procedures; redefine prorate districts 1 and 2 of the production area; and provide for a periodic grower referendum on continuance of the marketing order, as well as make several other changes, primarily administrative in nature. The principal proposals submitted by two lemon growers would: provide for quality control; include exports under handler prorates; provide for advertising under the marketing order; base handler prorates on the tree crop; provide that the administrative committee be composed of lemon growers; require public members of the committee from each district; exempt handlers of production from 500 acres or less from volume regulation; and limit the maximum number of weeks of regulation and establish four-week prorate periods in lieu of the weekly periods currently authorized under the order.

The Department of Agriculture proposes language relating to the proposed marketing agreement, and that it be authorized to make any necessary conforming changes which may result from this proceeding.

A prenotice press release announcing the committee's proposals was issued on November 18, 1982, allowing comments by growers, handlers, and the public through December 17, 1982. Four written comments were received which opposed the holding of a hearing on the proposals submitted by the Lemon Administrative Committee. Sufficient justification exists to hold a hearing on the proposals.

DATE: The hearing will begin at 9:00 a.m. on February 14, 1983.

ADDRESS: The hearing will be held in the Agricultural Commissioners Office, Agricultural Building, 815 E. Santa Barbara Street, Santa Paula, California.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it will not substantially affect costs for the directly regulated handlers.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7CFR Part 900). The proposed marketing agreement and proposed amendment of the marketing order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of: (i) Receiving evidence about the economic and marketing conditions which relate to a proposed marketing agreement and proposed amendment of the marketing order; (ii) determining whether there is a need for a marketing agreement and an amendment to the marketing order; and (iii) determining whether the proposed marketing agreement and proposed amendment or an appropriate modification of it will tend to efffectuate the declared policy of the Act.

The provisions of the proposed marketing agreement are identical with the marketing order as proposed to be further amended and the additional provisions in proposed §§ 910.93-910.95.

List of Subjects in 7 CFR Part 910

Marketing agreements and order, California, Arizona, Lemons.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

The committee's proposals are as follows:

Proposal No. 1

Revise § 910.8 to read:

§ 910.8 Carload.

"Carload" means a quantity of lemons equivalent to 1,000 cartons of lemons, or such other quantity of lemons as may be established by the committee with the approval of the Secretary.

Proposal No. 2

Revise § 910.10 to read:

§ 910.10 Fiscal year.

"Fiscal year" means the 12-month period beginning on September 1 of each year and ending August 31 of the following year.

Proposal No. 3

Revise § 910.13 to read:

§ 910.13 Marketing organization and marketing.

(a) "Marketing organization" means any organization which markets lemons for a handler or handlers.

(b) "Marketing" means the performance of an aggregate of functions for lemon producers, in securing markets, and in representing such producers in such markets, including, but not limited to, selling, promoting, transporting, standardizing and financial responsibilities. Marketing does not include merely the power to approve sales.

Proposal No. 4

Amend § 910.20 by revising paragraphs (a) and (b), redesignating paragraph (c) as paragraph (d), and adding a new paragraph (c) to read:

§ 910.20 Establishment and membership.

(a) There is hereby established a Lemon Administrative Committee consisting of 13 members. For each grower and handler member there shall be an alternate member, and for each grower and handler member an additional alternate, and the provisions of §§ 910.20 through 910.26, unless they specifically provide otherwise, shall apply to members, alternate members and additional alternates in like manner. Further, references to "member" therein shall be deemed to include alternates and additional alternates unless the context indicates otherwise. Eight of the members shall be growers and shall be referred to in this part as "grower" members; four of the members shall be handlers, employees of handlers or employees of marketing organizations and shall be referred to in this part as "handler" members. One member of the committee shall be a person who shall not be a grower or handler, or an employee, agent or representative of a grower or handler (other than an educational institution which is a grower or handler) or of a marketing organization. Such person shall be referred to in this part as a "public" member.

(b) Except as otherwise provided pursuant to § 910.22(h), the grower members of the committee shall be nominated by prorate district and group, in accordance with the following schedule:

	Co-op more than 60 percent	Other Co-ops	Independents
District 1 (1)	1	0	0
District 2 (4)	2	1	1
District 3 (3)	1	0	2

(c) The public member and the alternate public member shall have no financial interest in or be associated with production, processing, financing, or marketing (except as consumers) of lemons. They should be able to devote sufficient time and express a willingness to attend committee activities regularly, and to familiarize themselves with the background and economics of the industry. They must be residents of the production area. Public members and alternates should be nominated by the committee and should serve a two-year term which coincides with the term of office of grower and handler members of the committee.

(d) * * *

Proposal No. 5

Revise § 910.21 to read:

§ 910.21 Term of office.

The term of office of committee members shall be a period of 2 years beginning on September 1 of each even-numbered year. Members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. Commencing with the term beginning on September 1, 1984, no members may serve more than five consecutive two-year terms. Nothing shall prohibit a member from serving as an alternate or additional alternate member after serving consecutive terms as a member. A former member may serve after a two year intervening term.

Proposal No. 6

Revise paragraphs (c), (d), and (f) of § 910.22 to read:

§ 910.22 Nominations.

* * * * *

(c) All cooperative marketing organizations or the growers affiliated therewith which market lemons and which are not qualified under paragraph (b) of this section shall nominate, in conformity with § 910.20, one grower member and one handler member.

(d) All growers of the group identified as independents in § 910.20 who are not affiliated with a cooperative marketing organization which markets lemons shall nominate, in conformity with § 910.20, three grower members and one handler member.

(e) * * *

(f) The members of the Lemon Administrative Committee selected by the Secretary pursuant to § 910.23 shall, by concurring vote of at least seven members, nominate the public member.

* * * * *

Proposal No. 7

Revise § 910.29 to read:

§ 910.29 Expenses and compensation.

The members of the committee, and their respective alternates when acting as members, or when in attendance, pursuant to committee authorization, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under § 910.30, and shall receive compensation at a rate to be determined by the committee, and approved by the Secretary, which rate shall not exceed $100 for each day, or portion thereof, spent in attending meetings of the committee.

Proposal No. 8

Revise paragraph (a) of § 910.41 by amending the last sentence to read:

§ 910.41 Assessments.

(a) * * * If a handler does not pay such handler's assessment within the time prescribed by the committee, the assessment may be subject to interest and penalty charges at a rate prescribed by the committee with the approval of the Secretary.

(b) * * *

Proposal No. 9

Revise paragraphs (e), (f)(1), (f)(2), (g), (i)(1), and (i)(8) of § 910.53 to read:

§ 910.53 Prorate bases.

* * * * *

(e) In recognition of the differences between the several prorate districts in production and marketing conditions, the number of weeks in a prorate base period and certification period shall be specified by district and such respective base periods shall apply to lemons produced in such district, even though packed or handled in another district. Until changed in the manner provided in paragraph (h) of this section, the prorate base periods for the several districts shall be: District 1—6 weeks; District 2—12 weeks; and District 3—4 weeks.

(f) (1) At the request of any handler of lemons produced in District 1 or 3, the committee shall adjust the average weekly pick of such handler by increasing it in the amount requested by the handler, but not exceeding 100 percent of such average. Such adjustment may be requested for any one or more weeks, not to exceed eight weeks, during the period beginning with the first week of the initial prorate base period of a season for which such handler's average weekly pick is computed and ending not later than the middle week of such handler's picking

season, as determined by the committee, based upon the historical picking performance of such handler. Any adjustment so added shall be deducted from such hanlder's average weekly picks as computed for subsequent weeks beginning in the week following such middle week and continuing in successive weeks to assure full repayment of prior upward adjustments. To the extent practicable, the amounts and sequences of repayments shall conform to the amounts and sequences in which upward adjustments were effected: *Provided:* That if the committee determines that an accelerated rate of repayment is necessary to effect full repayment, or the handler requests an accelerated rate of repayment, action to effect repayment on such basis shall be in accordance with rules and regulations prescribed by the committee with the approval of the Secretary. Adjusted average weekly picks shall be used in lieu of the average weekly picks in computing the handler's prorate base as provided in paragraph (d) and paragraph (i) of this section. A handler may apply to the committee to certify fruit on the tree for the purpose of making repayment of any upward adjustments previously taken by such handler. If the handler fails to achieve sufficient average weekly pick credit during the balance of the season to offset the upward adjustment, deductions from average weekly pick credits received in the following season shall not be required to effect such repayment.

(2) Any handler of lemons produced in District 2 whose picks are interrupted for a period of four successive weeks or more, may upon application to the committee begin a new prorate base period with the initial week of picks after such interruption, and with the average weekly picks being computed in accordance with the applicable provision of paragraph (d) of this section for the initial number of consecutive weeks in such new prorate base period. Any such handler upon application to the committee shall also receive adjustments of a character similar to those described in paragraph (p) (1) of this Section, subject to such conditions with a respect to dates and periods of upward adjustment and payback as may be necessary or appropriate to avoid or mitigate undue hardship and to preserve equity among handlers.

(3)* * *

(g) Any handler of lemons produced in any district under production of marketing conditions substantially differing from those generally prevailing in the same district, may apply to the committee for a different prorate base period, shorter or longer, than that specified for the district, but in no event less than 4 weeks nor more than 12 weeks. Such application shall be granted to the extent necessary or appropriate to give the recognition to such difference.

(h)* * *

(i) Notwithstanding any other provision of this section, the prorate base for a handler may be computed as follows:

(1) The prorate base as determined by paragraph (d) of this section and by that portion of paragraph (f) (2) pertaining to new prorate bases for District 2 handlers shall be increased by the amount of lemons certified by the committee. The amount of certification in each certification credit period shall be not less than one percent (1%) nor more than two and one-half percent (2½%) per week of the total estimated tree crop controlled by the handler. The amount of lemons certified shall be credit to the handler's average weekly picks in equal amounts over the number of weeks in the credit period.

* * * * *

(8) The committee, with the approval of the Secretary, may establish rules and regulations to effectuate the provisions of this section and may modify the method or manner of making the prescribed certification computations and may adjust the various time periods and percentages set forth herein.

Proposal No. 10

Revise paragraphs (a), (d), and (e) of § 910.59 to read:

§ 910.59 Allotment loans.

(a) A handler for whom a prorate base has been established may lend allotment to other handlers: *Provided,* That such loan is reported to the committee not later than 48 hours after the loan agreement has been entered into, and provides for repayment within one year of the date of the loan. If on the date of repayment specified in the loan agreement the borrower has insufficient allotment to repay such loan, the borrower shall repay such loan as soon after such date as the borrower has available allotment to him for that purpose. The committee may determine the manner and the number of weeks during which the handler's obligation shall be repaid. If a handler is no longer in business or ceases to operate in a prorate district and is therefore unable to repay a loan obligation within one year, the committee may establish a method by which the committee may repay such allotment loans. Loan repayments made by the foregoing method shall not exceed two and one-half percent of the allotment established by the Secretary for any weekly prorate period.

* * * * *

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after the repayment thereof. No handler may, during any fiscal year, borrow in excess of 25 percent of the prorate base allotment which the committee estimates the handler will earn during the period in which such loan obligations will be repaid.

(e) The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 910.59, and may modify the various amounts, time periods and percentages set forth in paragraphs (a) and (d) of this section.

Proposal No. 11

Amend § 910.62 by removing the word "central" in the title of the section, and paragraphs (a) and (b) thereof:

Proposal No. 12

Amend § 910.64 by revising paragraphs (a) and (b) to read:

§ 910.64 Districts.

* * * * *

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the present post office in Turlock, California, and north of a line drawn due east and west through the present post office in Gorman, California, and west of the extension of a line drawn due north and south through the present post office in White Water, California, but excluding San Luis Obispo, Santa Barbara and Monterey Counties.

(b) "District 2" shall include that part of the State of California west of a line drawn due north and south through the present post office in White Water, California, and south of a line drawn due east and west through the present post office in Gorman, California, but including San Luis Obispo, Santa Barbara and Monterey Counties.

* * * * *

Proposal No. 13

Revise § 910.70 to read:

§ 910.70 Weekly report.

On or before such day of each week as may be designated by the committee, each person who first handles lemons shall report to the committee, on forms prepared by it, the following information with respect to lemons marketed by such handler during the immediately

preceding week; (a) quantity handled; (b) quantity shipped for distribution to persons on relief, including quantity donated for charitable purposes; (c) quantity exported; (d) quantity sold or otherwise disposed of for canning or manufacturing into byproducts; and (e) quantity disposed of otherwise.

Proposal No. 14

Revise § 910.71 to read:

§ 910.71 Other reports.

Upon request of the committee made with the approval of the Secretary, each person who first handles lemons shall furnish to the committee, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in § 910.70), such other information as will enable the committee to perform its duties and to exercise its powers under this subpart. In the event a handler fails to submit the reports prescribed by the committee in a timely manner, the committee may remove such handler from the prorate base and may refuse to issue any additional allotment to such handler, except as required for purposes of allotment loan repayments.

Proposal No. 15

Add a new § 910.72 to read:

§ 910.72 Verification of reports and records.

For the purpose of checking compliance with recordkeeping requirements and verifying reports filed by handlers, the Secretary, and the committee, through its duly authorized employees, and at any time during reasonable business hours, shall be permitted to examine any lemons held and any and all records with respect to matters within the purview of this part. Handlers shall furnish such assistance necessary to facilitate such examinations at no expense to the committee. All handlers shall establish and maintain complete records which accurately show the quantity of lemons handled and disposed of. The committee, with the approval of the Secretary, may establish the type of records to be maintained. Such records shall be retained by handlers for not less than three (3) years subsequent to the termination of such crop year.

Proposal No. 16

Add a new § 910.73 to read:

§ 910.73 Confidential information.

All reports and information submitted by handlers pursuant to the provisions of this part shall be received by and at all times be in the custody of one or more designated employees of the committee. No such employees shall disclose to any person, other than the Secretary upon request therefor, data, or information obtained or extracted from such reports and records which might affect the trade position, financial condition or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available in the form of general reports in which the identities of the individual handlers furnishing the information is not disclosed; *Provided further,* That any handler may file a written authorization to permit the committee to release such handler's information to any person or marketing organization.

Proposal No. 17

Revise paragraph (c) of § 910.84 to read:

§ 910.84 Termination.

* * * * *

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever the Secretary finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of lemons: *Provided,* That such majority has, during such year, produced for market more than 50 percent of the volume of such lemons produced for market; but such termination shall be effected only if announced on or before July 31 of the then current fiscal year. In order to determine whether a majority of producers favor termination of this subpart, not later than May 31, 1990, and each ten years thereafter, not later than May 31 of such year, the Secretary shall hold a referendum among lemon producers to determine whether the specified majority of lemon producers favor continuance or termination of this subpart; *Provided,* That if a termination referendum or an affirmative amendment referendum is held within any ten year period of time as herein provided, the next termination referendum shall be held not later than May 31 of the tenth year following such referendum.

* * * * *

Proposal No. 18

The Committee further proposes amendments of *Subpart—Lemon Administrative Committee Rules and Regulations* to implement the foregoing proposed amendments of the order and make other necessary changes.

Proposals by Perry Walker

1. Amend volume regulation provisions to: (a) Base handler prorates on tree crop; (b) establish time periods for prorates by districts; (c) establish four week prorate periods; (d) require that allotment loans be paid before the end of the applicable season.

2. Amend provisions relative to exemption from regulations of shipments to charitable organizations.

3. Provide for general advertising and promotion.

4. Provide for an administrative committee composed of nine grower members and two public members; limit the number of representatives affiliated with the same organizations; establish voting procedures for committee membership nominations and election procedures; and establish tenure requirements.

5. Administrative changes proposed include: (a) Quorum and voting requirements; (b) remuneration for attending meetings; (c) meeting locations; and (d) information for administrative committee meetings.

6. Require a continuance referendum every three years and also at any time five percent of the growers request such referendum.

Proposals by N. J. Riebe

1. Provide for quality control.

2. Exempt handlers of production from 500 acres or less from volume regulation.

3. Include exports under prorate.

4. Provide for disposition to charitable organizations, schools, welfare groups, etc., of lemons in excess of those required for the fresh, export and products outlets.

5. Require that a public member from each district be appointed to the Lemon Administrative Committee.

6. Require the Lemon Administrative Committee to promote the medicinal and therapeutic value of lemons.

7. Eliminate the current pick system as a basis for determining handler prorate and base the weekly allocation on the supply of lemons available for the various outlets.

8. Establish an administrative committee consisting of growers and a paid analyst; require that committee members have at least ten years experience as a grower; and provide that no grower member may have any financial interest in a lemon handling organization.

The proposals of the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture which relate to the proposed

marketing agreement and conforming changes, are as follows:

Proposal No. 1

Add a new § 910.93 to read:

§ 910.93 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

Proposal No. 2

Add a new § 910.94 to read:

§ 910.94 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by such handler and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

Proposal No. 3

Add a new § 910.95 to read:

§ 910.95 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the Act, an order providing for regulating the handling of lemons in the same manner as is provided for in this agreement.

Proposal No. 4

Make such changes as may be necessary to make the entire marketing order conform with any amendment thereto which may result from this proceeding.

Copies of this notice may be obtained from the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, or from the Los Angeles Marketing Field Office, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, 845 S. Figueroa, Suite 540, Los Angeles, California 90017.

Signed at Washington, D.C. on January 10, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-980 Filed 1-13-83; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1942

Security Requirements for Community Programs Loans With Joint Financing

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations regarding security requirements for loans on Water and Waste Disposal (WWD) and Community Facility (CF) projects that are jointly financed by FmHA and other lenders. The present regulations require that for these loans FmHA must obtain at least a parity lien position with the other lender. This action is being taken because differences in interpretation have developed as to how the regulations apply to cases where FmHA and the other lender want to use different security and FmHA field offices have requested guidance as to what conditions are necessary to have a parity lien. The intended effect of the proposed amendments is to clarify when a parity lien is required and provide additional guidance regarding conditions necessary to constitute parity in lien positions.

DATE: Comments must be received by February 14, 1983.

ADDRESS: Submit written comments in duplicate to the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6348, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection during regular duty hours at the above address.

FOR FURTHER INFORMATION CONTACT: M. Wayne Stansbery, Loan Officer, Community Facilities Loan Division, Farmers Home Administration, USDA, Room 6306, South Agriculture Building, Washington, DC 20250, telephone (202) 382-1490.

SUPPLEMENTARY INFORMATION:

Classification

This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291 and has been determined to be nonmajor. The proposed rule will not have: (a) An annual effect on the economy of $100 million or more; or (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, innovation or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

Clearinghouse Review

The FmHA programs and projects which are affected by this Instruction are subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H.

Environmental Impact

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

Programs Affected

Catalogue of Federal Domestic Assistance (CFDA) No. 10.423, Community Facilities Loans; CFDA No. 10.418, Water and Waste Disposal Systems for Rural Communities.

Background

FmHA regulations for Community Facilities (CF) and Water and Waste Disposal (WWD) loans state in part: "When processing a loan utilizing joint financing, FmHA will obtain at least a parity position with the other lender." The primary reason for this requirement is the concern that if FmHA participates in joint financing of a facility with another lender and accepts a junior lien, FmHA would need to ensure the first lien holder is paid in order to protect FmHA's interest. Since many of the loans made under these programs are secured by tax-exempt bonds such an arrangement could have the practical effect of FmHA guaranteeing the first priority tax-exempt bonds. The parity requirement is to ensure that in the event of default each lender will be affected on a proportionate basis. A common joint financing plan with public bodies is for one lender to secure its loan with general obligation bonds and the other lender to secure its loan with revenue bonds. FmHA has generally held that the parity requirement was not applicable in those cases since the two lenders were not sharing the same security. Recently, however, those

financing plans have been questioned under the regulations.

Alternatives

The first alternative is to make no changes in the regulations. Because of recent interpretations of the regulations this would require training FmHA field personnel that when joint financing with another lender is proposed, using two types of security, FmHA must obtain a parity lien position on both types of security. This requirement would complicate loan processing and closing and discourage private sector lenders from participating with FmHA in joint financing.

FmHA proposes an alternative of amending the regulations to clarify that joint financing may be accomplished by FmHA taking one type of security and the other lender taking a different type of security, when adequate security of more than one type is available. Parity liens will be required when the same security is to be shared by FmHA and the other lender. FmHA also proposes to comply with the requests of some of its field offices to provide guidelines as to conditions required to constitute a parity lien position. FmHA believes this option will maximize the net benefit to society.

Comment Period

FmHA believes the nature of this proposed rule warrants a comment period of less than the usual 60 days. The proposed change is needed to coordinate the language of the regulation with practical operating policy and eliminate differences in interpretation within the Department of Agriculture. It is not expected to be a controversial issue with the public.

Applications are currently in process for loans with financing plans that propose one type of bond to secure an FmHA loan and another type of bond to secure a commercial loan. Because of the recent interpretation of the regulations FmHA field offices have been directed not to continue the processing of loans with such financing plans until the regulations are amended. This will delay loan approvals and/or closing and could result in the cancellation of construction bids. It appears to be in the public interest to implement the amendments as soon as possible, consistent with legal and administrative requirements, so the affected projects can proceed.

Accordingly, a comment period of 30 days is established for this proposed rule.

List of Subjects in 7 CFR Part 1942

Community development, Community facilities, Loan programs—Housing and community development, Loan security, Rural areas, Waste treatment and disposal—Domestic, Water supply—Domestic.

PART 1942—ASSOCIATIONS

Accordingly, FmHA proposes to amend Subpart A of Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations, as follows:

Section 1942.17 is amended by redesignating paragraphs (g)(1) and (g)(2) as paragraphs (g)(2) and (g)(3) respectively, revising the introductory paragraph to paragraph (g) and adding a new paragraph (g)(1) to read as follows:

§ 1942.17 Appendix A—Community Facilities.

* * * * *

(g) *Security.* Loans will be secured by the best security position practicable in a manner which will adequately protect the interest of FmHA during the repayment period of the loan. Specific requirements for security for each loan will be included in a letter of conditions.

(1) *Joint financing security.* For projects utilizing joint financing when adequate security of more than one type is available, the other lender may take one type of security with FmHA taking another type. For projects utilizing joint financing with the same security to be shared by FmHA and another lender, FmHA will obtain at least a parity position with the other lender. A parity position is to ensure that with joint security, in the event of default each lender will be affected on a proportionate basis. A parity position will conform with the following unless an exception is granted by the National Office.

(i) *Terms.* It is not necessary for loans to have the same repayment terms to meet the parity requirements. Loans made by other lenders involved in joint financing with FmHA for facilities, should be scheduled for repayment on terms similar to those customarily used in the State for financing such facilities.

(ii) *Regular Payments.* In the event adequate funds are not available to meet regular installments on parity loans, the funds available will be apportioned to the lenders based on the respective current installments of principal and interest due.

(iii) *Liquidation.* Funds obtained from the sale of security property or liquidation of fixed assets will be apportioned to the lenders on the basis of the then respective loan balances, including principal and accrued interest.

(iv) *Use of trustee.* The use of a trustee by the other lender in a joint financing arrangement is acceptable with FmHA. The use of a trustee for the FmHA portion of the financing is not acceptable. FmHA must be able to deal directly with the borrower to enforce the provisions of the loan agreement and perform necessary servicing actions.

(v) *Protective advances.* If either lender advances funds for items such as insurance or taxes, for the mutual protection of both lenders, those advances will be repaid first. To ensure agreement among lenders efforts should be made to obtain the concurrence of both lenders before one lender makes such an advance.

* * * * *

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: December 21, 1982.

Charles W. Shuman,

Administrator.

[FR Doc. 83-996 Filed 1-12-83; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 19591; Notice No. SC-82-6-CE]

Special Conditions; Piper Aircraft Corporation Model PA-42 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Amendment to Special Conditions.

SUMMARY: This notice proposes to amend Special Conditions No. 23-90-SO-3 to permit their application to Piper Aircraft Corporation Model PA-42 airplanes as well as future Model PA-42 derivative airplanes. The FAA has determined that these Special Conditions originally developed for the Piper Model PA-42 airplane (Cheyenne III) are also applicable to other Piper Model PA-42 series airplanes. This amendment will allow future PA-42 derivative airplanes to be added to the type certification without revising the Special Condition document.

DATES: Comments must be received on or before February 17, 1983.

ADDRESSES: Comments on this amendment may be mailed or delivered in duplicate to: Federal Aviation Administration (FAA), Office of the Regional Counsel, ACE-7, ATTN: Rules Docket Clerk, Docket No. 19591, Room 1558, Federal Office Building, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket

No. 19591. Comments may be inspected in the docket file weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: William L. Olson, Aerospace Engineer, Aircraft Certification Division, Federal Aviation Administration, Room 1656, Federal Office Building, Kansas City, Missouri 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the proposed amendment to the Special Conditions by submitting such written data, views or arguments as they desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed based on comments received. All comments submitted will be available both before and after the closing date in the Rules Docket for examination by interested persons.

Type Certification Basis

The certification basis for the Piper PA-42 series airplane is as follows: Part 23 of the Federal Aviation Regulations (FAR), effective February 1, 1965, through Amendment 23-16, effective February 14, 1975; Amendment 23-17 §§ 23.977 and 23.1385, effective February 1, 1977; Amendment 2318, § 23.1145, effective May 2, 1977; Amendment 23-21 §§ 23.45, 23.49, 23.65, 23.67, 23.77, 23.1145, and 23.1581, effective March 1, 1978; Amendment 23-23 § 23.1545(a); Special Federal Aviation Regulation (SFAR) 23 paragraph 55, effective January 20, 1970; SFAR 27, effective February 1, 1974 through Amendment 27-1; Part 36 of the FAR effective December 1, 1969 through Amendment 36-6; Special Conditions No. 23-90-SO-3, Docket No. 19591, issued September 24, 1978; the FAA Southern Region Engineering and Manufacturing Branch letter dated August 7, 1980, showing the equivalent level of safety finding for § 23.201(e) of the FAR; and any other changes to Special Conditions No. 23-90-SO-3 that may result from this proposal.

Special Conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) of the FAR do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued after public notice in accordance with §§ 21.16 and 21.101(b)(2) of the FAR and become part of the type certification basis in accordance with § 21.17(a)(2) of the FAR.

Background

On November 25, 1981, the Piper Aircraft Corporation, Piper Lakeland Division, Lakeland, Florida 33803, submitted an application to amend Type Certificate A23SO to add a new Model PA-42-1000 airplane in the normal category. The Piper PA-42 series are pressurized, low-wing, T-tail, twin-turbopropeller-engine airplanes with a seating capacity of 10 including two crewmembers. The Piper Model PA-42 airplane for which Special Conditions No. 23-90-SO-3 were developed is powered with two 720 horsepower engines, has a maximum operating altitude of 33,000 feet, and a maximum gross weight of 11,200 pounds. The Piper Model PA-42-1000 airplane will be powered with two 1000-horsepower engines, have a maximum operating altitude of 41,000 feet, and a maximum gross weight of 11,950 pounds.

Because the PA-42 airplane design included turbopropeller engines and the regulations incorporated by reference in the type certification (TC) did not contain adequate or appropriate safety standards, Special Conditions No. 23-90-SO-3 were developed for the Piper Model PA-42 airplane to ensure a level of safety equivalent to that provided by Part 3 of the CAR and Part 23 of the FAR. Special Conditions No. 23-90-SO-3, Docket No. 19591 issued September 24, 1979, for type certification of the Piper Model PA-42 airplane are applicable to the Piper Model PA-42-1000 airplane as well as other new Piper PA-42 Series airplanes for the same novel or unusual design features for which the Special Conditions were developed. Accordingly, this amendment proposes to extend the applicability status of Special Conditions No. 23-90-SO-3 to all Piper PA-42 series airplanes, as appropriate, to Type Certificate A23SO without revising the Special Condition documents. This does not preclude the application of later amendments under the provisions of § 21.101(b)(1) or the issuance of Special Conditions that may be necessary under the provisions of § 21.101(b)(2) for future series of the Piper Model PA-42 airplanes.

List of Subjects in 14 CFR Part 21

Aviation safety, Aircraft, Air transportation and safety.

Proposed Special Condition Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Special Condition No. 23-90-SO-3 issued September 24, 1979, to Piper Aircraft Corporation for the type certification of the Piper Model PA-42 airplane under Type Certificate No. A23SO is hereby amended by amending its applicability to read as follows:

"Special Conditions for the type certification of the Piper Model PA-42 series airplanes under Type Certificate A23SO."

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and §§ 11.28 and 11.29(b)), Federal Aviation Regulations (14 CFR 11.28 and 11.29(b))

Issued in Kansas City, Missouri, on December 23, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-968 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CE-40-AD]

Airworthiness Directives; Cessna Models 172M, 172N 172P, R172K, F172 and FR172 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD) which would require modification of the right-hand control wheel yoke in certain Cessna Models 172M, 172N, 172P, R172K, F172 and FR172 airplanes. In-flight jamming of the control system has occurred. The proposed AD will eliminate this condition by incorporating a stop in the control system.

DATE:

Comments must be received on or before March 20, 1983.

Compliance: Within the next 100 hours time-in-service after the effective date of the AD, unless already accomplished.

ADDRESSES: Cessna Single-Engine Customer Care Service Information Letter SE82-38 dated August 13, 1982, applicable to this AD may be obtained from Cessna Aircraft Company, Marketing Division, ATTN: Customer Service Department, Wichita, Kansas

67201; Telephone (316) 685-9111 or the Rules Docket at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 82-CE-40-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Douglas W. Haig, Aerospace Engineer, Airframe Branch, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7005.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-CE-40-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

A Cessna Model 172N airplane experienced a temporary jamming of the elevator control system. This occurred when a student pilot froze at the controls with the full-up elevator. The instructor was attempting to overpower the student when the student let go of the control wheel. The instructor then jammed the control full forward with a side force which forced the centering bearing out of its guide assembly. This caused a temporary loss of control.

Cessna issued Service Information Letters SE82-38 dated August 13, 1982, recommending installation of a retaining bolt in the right-hand control wheel yoke assembly which will prevent the control wheel guide roller from becoming dislodged and restricting control travel.

Since the condition described herein is likely to exist or develop in other airplanes of the same type design, the AD would require mandatory compliance with Cessna Service Information Letter SE82-38, dated August 13, 1982, on Cessna Models 172M, 172N, 172P, R172K, F172 and FR172 airplanes.

Approximately 10,300 airplanes of U.S. manufacture are affected by this AD. It is estimated that it will take approximately one man-hour per airplane to accomplish the modification and that the average labor cost will be $25 per man-hour. Repair parts are estimated at $0.27 per airplane. Lost time for the airplane is estimated to be $30 per hour. Based on these figures, the total cost impact of this AD is estimated to be $565,000.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Cessna: Applies to the following airplanes certificated in any category:

Model	Serial Nos.
172M	17266940 thru 17267584.
172N	17267585 thru 17274009.
172P	1724010 thru 17275762, 17275764, 17275765, 17275769, 17275770, 17275788, 17275792, 17275793, 17275795, 17275796, 17275800 thru 17275803, 17275806, and 17275818.
R172K	R1722000 thru R1723454.
F172	F17201445 thru F17202194.
FR172	FR17200591 thru FR17200675.

Compliance: Required as indicated unless already accomplished.

To prevent possible jamming of the elevator control, accomplish the following:

(a) Within the next 100 hours time-in-service, modify the right-hand control wheel yoke guide in accordance with the instructions in Cessna Single-Engine Customer Care Service Information Letter SE82-38, dated August 13, 1982.

(b) Airplanes may be flown in accordance with FAR 21.197 to a base where this AD may be accomplished.

(c) An equivalent method of compliance with this AD may be used if approved by the Manager Wichita Aircraft Certification Office, Federal Aviation Administration, Room 238, Terminal Building 2299, Wichita, Kansas 67209; Telephone (316) 269-7000.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Note.—For the reasons discussed earlier in the preamble: The FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291, and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Kansas City, Missouri, on December 30, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-866 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CE-38-AD]

Airworthiness Directives; Cessna Models 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, and R182 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new Airworthiness Directive, (AD), applicable to Cessna Models 182, 182A through 182Q, and R182 airplanes equipped with bladder fuel cells and a single primary fuel tank vent. The proposed AD will require installation of a placard adjacent to the fuel quantity gauges. It will also mandate repetitive inspections of the airplane for indications of fuel tank cap leakage and correction of any unsatisfactory conditions found. Incidents of fuel loss, erroneous fuel quantity indications and undrainable water in the bladder cells have been reported to the FAA. Forced landings and accidents due to fuel depletion and/or contamination have been attributed to these conditions. The proposed action will reduce or eliminate the causes of these conditions and aid the pilot in diagnosing erroneous fuel quantity indications and selecting the correct course of action to avoid fuel exhaustion and an accident.

DATE: Comments must be received on or before March 17, 1983.

Compliance: As indicated in the body of the proposed AD.

ADDRESSES: The applicable Cessna Service Information Letters SE80–59, supplement 1 and SE82–34 and Owner Advisorys SE80–59A and SE82–34A may be obtained from Cessna Aircraft Company, P.O. Box 1521, Wichita, Kansas 67201; telephone number (316) 685–9111 or from the Rules Docket at the address below. Send comments to FAA, Central Region, Office of the Regional Counsel, ACE–7, Attn: Rules Docket Clerk, Docket No. 82–CE–38–AD, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Paul O. Pendleton, Aerospace Engineer, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 269–7010.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before action is taken on the proposed rule. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, ACE–7, Attn: Airworthiness Rules Docket No. 82–CE–38–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

Generally speaking, sufficient negative pressure (suction) is developed over the upper surface of an airplane wing to draw air and/or fuel around an inadequately sealed fuel tank cap located in the area. Depending on many factors such as airplane wing loading, speed, quantity of leakage around the seal, condition of the fuel tank vent system, the quantity of air drawn past the cap may be more than the normal vent system can replace. In this case sufficient suction is developed in the tank to pull the fuel cell bladder snaps from their attachments in the tank compartment and lift the bottom of the bladder fuel cell from the floor of the tank compartment.

The FAA has been aware since 1974 of the potential for this condition to occur in Cessna 182 Series airplanes equipped with bladder fuel cells and that erroneous fuel quantity indications could result when the fuel cell bottom is raised by the suction developed in the tank and supports the fuel quantity transmitter float. Reports of these occurrences increased after plastic fuel caps having secondary vents were installed as required by AD 79–10–14. The fuel cell collapse and the negative effect of this problem on airworthiness is believed isolated to the Cessna 182 Series airplanes having bladder cells and a single primary vent system. This belief is based on a study of Malfunction and Defect Reports received by the FAA. In addition to the condition cited above, deformed fuel cell bladders may also create undrainable traps which collect water when the airplane is in the ground attitude, then allow it to run to the tank outlet and overload existing airplane fuel system sumps after takeoff.

Several accidents have been attributed to these conditions on the Cessna 182 series airplanes having bladder fuel cells. Available facts indicate than an unsafe condition exists when the cap leaks and causes fuel loss and/or fuel tank deformation. Among the identified causes of this condition are (1) improper cap installation, (2) deteriorated cap seals, (3) improper or incorrect seal installed and (4) corroded adapters. The manufacturer has declined to make additional design changes to reduce the probability of or prevent these conditions because it believes that proper cap installation and periodic maintenance in accordance with its published service information already available to the owner/operators will preclude the problems cited.

The FAA agrees that proper cap installation and maintenance of the cap in accordance with already available instruction is necessary to assure the cited conditions do not occur. However, in view of normal refueling practices and variation in the levels of maintenance given the airplanes involved one or more of the above cited causes may occasionally occur and combine with other variables in a manner which causes the problem. The FAA concludes that a placard should be installed near the fuel quantity gauges to warn the pilot that a leaking fuel cap can cause loss of fuel and erroneously high fuel quantity indications. In addition, action to assure that the fuel cap installation is adequately maintained is considered necessary. Since the conditions described herein are likely to exist or develop in other Cessna Model 182 airplanes of the same type design, the FAA proposes to adopt an AD, applicable to Cessna Models 182, 182A through 182Q and R182 airplanes which would require installation of a warning placard near the fuel quantity gauges and implement initial and repetitive inspections of the fuel cap installation and correction of any unsatisfactory condition found. There are approximately 15,000 Cessna 182 Series airplanes having a single primary fuel vent and bladder fuel cells. The estimated cost of installing the placard is $10.00 per airplane for a total one time private sector cost of $150,000. The cost of the yearly inspection is considered negligible. No additional cost is estimated for the correction of any unsatisfactory conditions found as this cost would now be included in the normal maintenance of the airplanes.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Proposed Amendment

Accordingly, the FAA proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Cessna.—Applies to Models 182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q (all serial numbers except 66590 and on) and R182 (S/N R18200002 through R18200583) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To alert the pilot to the potential effects of improper fuel cap sealing, accomplish the following:

(a) On or before the next 12 calendar months, install a placard adjacent to the fuel quantity gages which states:

"CAUTION

"Leaking fuel caps can cause loss of fuel and erroneously high fuel quantity indications".

This placard may be fabricated and/or installed by the owner/operator of the airplane. The person accomplishing this must make the prescribed entry in the aircraft maintenance records reflecting compliance with paragraph (a) of this AD.

(b) Within the next 12 calendar months and each 12 calendar months thereafter:

1. Visually inspect the surface of the wing aft of the fuel cap for evidence of leakage, the

fuel cap seals for cracks, distortion and or any condition which may prevent sealing, and the sealing face of the adapter for scratches, corrosion, distortion or other conditions which may prevent sealing. If fuel leakage is noted inspect the fuel tank for wrinkles in the bottom and proper attachment of the retaining snaps to the compartment. Prior to further flight, correct any unsatisfactory conditions in accordance with the manufacturer maintenance manuals or service information.

2. Visually inspect the adapter for presence of and legibility of the Cessna P/N 1205253-1 Fuel Cap Alignment Placard and prior to further flight install new placards if required.

3. Check the tension of the fuel cap locking machanism by operating the tab. If necessary adjust in accordance with the manufacturers service manuals/information to obtain proper sealing pressure between the cap and adapters.

(c) Airplane may be flown per FAR 21.197 to a location where this AD may be accomplished.

(d) An equivalent method of compliance with this AD may be used if it is approved by Manager, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209.

(Cessna Service Information Letter SE80-59, Supplement 1 and SE82-34 and Owner Advisorys SE80-59A and SE82-34A pertain to the subject matter of this AD.

Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.85 of the Federal Aviation Regulations (41 CFR 11.85))

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) in addition, I certify under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Kansas City, Missouri, on December 28, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-872 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-21]

Proposed Alteration of Transition Area and Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action redescribes both the control zone and transition area designated for Houghton, Michigan. The intended effect is to accommodate all existing approach procedures by ensuring segregation of aircraft using instrument approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions while returning some designated airspace to a non-controlled status.

DATES: comments must be received on or before February 11, 1983.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-21, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION:

The proposed decommissioning of the Calumet, Michigan, non-directional radio beacon (NDB-CUT) requires that the current descriptions for the Houghton, Michigan, control zone and transition area be rewritten so as to eliminate any reference to that radio beacon. In the process of rewrite, it was noted that some of the airspace currently designated was not longer required and should be returned to a non-controlled status, i.e., elimination of the one-half mile extension north of the radio beacon as contained in the current control zone designation, reduction of the 700-foot transition area radius from 18 miles to 9 miles, and deletion of a portion of the 1200-foot transition area approximately 14 miles by 6 miles located approximately 18 miles north of the Houghton County Memorial Airport. No minimum descent altitudes (MDAs) for established procedures will change, although some may be below the floor of controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AGL-21." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to §§ 71.171 and 71.181 or Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone near Houghton, Michigan,

and to alter the transition area airspace near Houghton, Michigan.

Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Houghton, Michigan

Within a 6-mile radius of Houghton County Memorial Airport (latitude 47°10'07" N., longitude 88°29'20" W.).

Houghton, Michigan

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Houghton County Memorial Airport (lat. 47°10'07" N., long. 88°29'20" W.); and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the airport and within 9.5 miles northwest and 4.5 miles southeast of the Houghton VORTAC 058 radial extending 18.5 miles northeast of the airport, 9.5 miles northeast and 4.5 miles southwest of the VORTAC 129 radial extending 24.5 miles southeast of the airport, 4.5 miles southwest of the VORTAC 139 radial extending 18.5 miles southeast of the airport, 9.5 miles southwest of the VORTAC 306 radial extending 18.5 miles northwest of the airport, 9.5 miles southwest and 4.5 miles northeast of the VORTAC 309 radial extending 25 miles northwest of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(A) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Des Plaines, Illinois, on December 27, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-865 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 120

[SFAR 38; Docket No. 22480; Notice No. 82-13C]

Air Transportation Regulation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting to afford interested persons the opportunity to attend a presentation and question-and-answer period regarding Notice of Proposed Rulemaking (NPRM) No. 82-13 (47 FR 41486; September 20, 1982). NPRM No. 82-13, Air Transportation Regulation, proposes to remove Parts 121 and 135 from the Federal Aviation Regulations and to add a new Part 120 which implements a new concept in aviation safety regulations entitled "Regulation By Objective" (RBO).

DATES: Thursday, January 27, 1983, 10:30 a.m. to 5:00 p.m.

ADDRESS: Captain Cooke Hotel, Fifth and K Street, Anchorage, Alaska: Telephone: (907) 276-6000.

FOR FURTHER INFORMATION CONTACT: Eugene Morris, General Aviation/Air Carrier Branch, AAL-250, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513; Telephone: (907) 271-5514.

SUPPLEMENTARY INFORMATION:

Background

NPRM 82-13, which was published in the **Federal Register** on Monday, September 20, 1982, proposes to remove parts 121 and 135 from the Federal Aviation Regulations and to add a new Part 120 which implements a new concept in aviation safety regulations entitled "Regulation By Objective" (RBO). Under the new concept the FAA would substitute broadly stated safety objectives for many of its detailed "how to" regulations.

Regulation by objective has three major goals:

1. To continue the high level of safety that has made United States aviation regulatory standards a model for almost every aviation regulatory body in the world.

2. To provide regulatory flexibility so that the aviation industry will not be impeded in developing innovative methods for achieving the level of safety thus far maintained under Federally established safety objectives.

3. To comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act of 1980 for reviewing existing regulations.

NPRM 82-13 stated that in addition to seeking comments on proposed Part 120, the FAA planned to schedule a public presentation of RBO to explain what it is and how it will work. To date, two public meetings have been held; one in Los Angeles, California, and one in Washington, D.C. This public meeting has been scheduled in order to afford more people the opportunity to attend and participate.

Request To Make a Presentation

Interested persons are invited to attend the meeting and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the rules docket. Requests to make an oral presentation at the public meeting should identify Docket No. 22480, indicate the time required, and be sent to Eugene Morris, General Aviation/Air Carrier Branch, AAL-250, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513; Telephone: (907) 271-5514. Requests must be received on or before January 20, 1983. Presentations will be scheduled on a first-come first-served basis as time may permit within the meeting schedule.

Meeting Procedures

Persons who plan to attend the meeting should be aware of the following procedures to be followed:

(a) The meeting will be informal in nature and will be conducted by the designated representative of the Administrator under 14 CFR 11.33. Each participant will be given an opportunity to make a presentation.

(b) The meeting will begin at 10:30 a.m. (local time). There will be no admission fee or other charge to attend and participate. The meeting session will be open to all persons on a space available basis. The presiding officer may accelerate the meeting agenda to enable early adjournment if the progress of the meeting is more expeditious than planned.

(c) The meeting will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. A copy of the court reporter's transcript will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meeting may be accepted at the

discretion of the presiding officer. Participants submitting handout materials must present an original and five copies to the presiding officer for approval before distribution. If approved by the presiding officer, there should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the hearing should not be taken as expressing a final FAA position.

Public Meeting Schedule

The schedule for the meeting is as follows:

10:30 to 10:40—Presentation of Meeting Procedures.
10:40 to 11:30—FAA Presentation of proposed Part 120.
11:30 to 1:00—Lunch
1:00 to 5:00—Public Presentations and Discussion.

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a)–1355(a), 1421 through 1430, and 1502); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Issued in Washington, D. C., on December 23, 1982.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 83-864 Filed 1-10-83; 10:06 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-134; West Virginia—2]

High-Cost Gas Produced From Tight Formations; Extension of time for Comments

January 6, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

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

SUMMARY: On November 9, 1982, the Director, Office of Pipeline and Producer Regulation issued a Notice of Proposed Rulemaking involving high-cost gas produced from tight formations. (47 FR 53740). The comment period is being extended at the request of Ranger Fuel Corporation, Sewell Coal Company and Jewell Ridge Coal Corporation.

DATE: Comments must be submitted on or before February 7, 1983.

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

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, 202–357–8400.

SUPPLEMENTARY INFORMATION: On January 4, 1983, Ranger Fuel Corporation, Sewell Coal Company, and Jewell Ridge Coal Corporation filed for an extension of time to file comments in response to the Notice of Proposed Rulemaking issued November 22, 1982, in the above docketed proceeding, by the Director, Office of Pipeline and Producer Regulation. The motions state that additional time is required because of the substantial amount of documentation and supporting material which must be reviewed and studied in order for these parties to formulate their comments.

Upon consideration, notice is hereby given that an extension of time for all interested parties to file comments is granted to and including February 7, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-952 Filed 1-12-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 157

[CGD 81-101]

Tank Vessels Carrying Noxious Liquid Substances in Bulk; Pollution Prevention and Control, Equipment and Operational Requirements

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The purpose of this advance notice is to give the U.S. chemical transportation industry opportunity to participate in the development of rules implementing Annex II of the 1978 Protocol to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol). In accordance with the MARPOL Protocol, these implementing rules would apply to all vessels, regardless of tonnage, size or means of propulsion, making discharges of noxious liquid substances at sea and would minimize operational pollution of the marine environment by ships.

DATE: Comments must be received on or before June 30, 1983.

ADDRESSES: Copies of Annex II of the MARPOL Protocol and the draft Standards may be obtained by calling or writing Commandant (G–CMC), U.S. Coast Guard, Washington, D.C. 20593 (202–426–1477). Written comments should be submitted to the same address. Between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday, except holidays, comments may be delivered to and will be available for examination or copying at the Marine Safety Council (G–CMC), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Frits Wybenga, Office of Merchant Marine Safety (G–MTH), Room 1206, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593 (202–426–1217).

SUPPLEMENTARY INFORMATION: The public is invited to participate in the development of the implementing rules by submitting written comments, views, data or arguments. Each person participating should include their name and address and identify this notice (CGD 81–101) and provide supporting reasons for their comments, views, or arguments. Persons desiring acknowledgment that their submission was received should enclose a self-addressed postcard or envelope. All comments received will be considered before further action is taken on this rulemaking. No public hearing is planned at this time but one could be held at a time and place to be set by a notice in the **Federal Register** if the Coast Guard receives a request by interested persons raising genuine issues and it is determined that the opportunity to make oral presentation will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. Frits Wybenga, Project Manager, Office of Merchant Marine Safety, and Mr. Stanley M. Colby, Project Attorney, Office of Chief Counsel.

Discussion

The International Convention for the Prevention of Pollution from Ships, 1973 (the Convention) was developed to minimize accidental and operational pollution of the marine environment by ships. The Convention contains five technical annexes addressing pollution by oil, by noxious liquid substances shipped in bulk, by harmful substances shipped in containers, by sewage and by garbage. Two of the annexes are mandatory; and countries that are party to the Convention are bound to

implement these annexes upon coming into force of the Convention. These annexes pertain to oil (Annex I) and noxious liquid substances (Annex II). The 1978 Tanker Safety and Pollution Prevention Conference made modifications to the Convention and replaced it with the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Protocol). The majority of changes made were in Annex I. The only change made to Annex II was to delay the effective date of implementation until three years after the coming into force of Annex I and to permit further delay if agreed to by the Marine Environment Protection Committee of the International Maritime Organization (IMO).

The United States deposited its instrument of ratification on August 12, 1980 and implementing legislation necessary to fully implement the MARPOL Protocol, entitled the Act to Prevent Pollution from Ships, was signed into law by President Carter on October 21, 1980 (Pub. L. 96-478, 94 Stat. 2297, 33 U.S.C. 1901, et seq.). Annex I of the MARPOL Protocol will enter into force on October 2, 1983 and Annex II is expected to enter into force in October 1986.

The Coast Guard intends to implement Annex II on a schedule consistent with entry into force. Annex II limits and restricts operational discharges of noxious liquid substances made by chemical tankers. As part of the wash procedure for preparing tanks for the next cargo, chemical tankers routinely dispose of chemical residues at sea. With the exception of those chemcials listed as Hazardous Substances by the Environmental Protection Agency (EPA) in 40 CFR Part 116, there are currently no restrictions on where residues may be discharged and, in the case of EPA prohibitions, the application to foreign and domestic vessels is inconsistent. EPA enforcement authority on foreign vessels only extends to the boundaries of the contiguous zone (12 mile limit) whereas enforcement authority and restrictions apply to U.S. vessels within the waters under the exclusive management authority of the United States including resources under the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1821, et seq., as amended) (200 mile limit). Under Annex II, discharges of noxious liquid substances within 12 miles from shore are prohibited. Beyond 12 miles, discharges are either prohibited or limited, depending on the nature of the cargo. These controls will apply uniformly to the vessels of all signatory nations.

Under Annex II, chemicals shipped in bulk are evaluated for their hazard to the marine environment on the basis of their tendency to bioaccumulate, their aquatic toxicity, their threat to human health through oral and dermal intake, and their threat to the amenities, such as beaches. On the basis of this evaluation, a chemical is either identified as a noxious liquid substance or as a substance not regulated by Annex II. Noxious substances are assigned to one of four categories, A, B, C, or D, based on the degree of hazard they pose with Category A substances posing the most severe hazard and Category D substances the least. In addition to prescribing general conditions under which limited amounts of noxious substances may be discharged into the sea, Annex II specifies different discharge restrictions for each category. The washings from tanks having contained Category A substances must be discharged to a reception facility until the effluent concentration is below a prescribed level. Subsequent tank washings may be discharged at sea under prescribed conditions. For tanks having contained Category B substances, no more than one cubic meter of residue per tank may be discharged at sea and the concentration in the wake may not exceed 1 part per million (ppm). Similarly, for Category C substances no more than 3 cubic meters of residue per tank may be discharged into the sea and the concentration in the wake may not exceed 10 ppm. In the case of Category D substances, the discharge concentration may not exceed one part in ten.

Annex II calls for the development of standards for procedures and arrangements in three areas so that the discharge restrictions can be applied on a uniform basis internationally. The three areas are:

1. Precleaning procedures for tanks having contained Category A substances;

2. Equipment and operational requirements for ascertaining the amount of residue remaining in cargo tanks and for ensuring that the wake concentration limits for Category B and C substances are met; and

3. Procedures for ventilating noxious substances from tanks.

The responsibility for developing these standards was assigned to the IMO Subcommittee on Bulk Chemicals. The standards are ready for adoption; their official title is the *Standards for Procedures and Arrangements called for by Annex II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 Relating thereto* (the Standards). The Subcommittee completed its work on the Standards on December 10, 1982, and IMO adoption is expected to occur in November 1983. Once adopted, the Standards will continue to be reviewed. It is expected that in anticipation of Annex II implementation, trial applications of the Standards will be made onboard chemical vessels in order to ascertain their feasibility and identify any necessary changes. In order to provide sufficient time to prepare for Annex II implementation, the IMO Subcommittee intends to make any necessary changes no later than Fall 1984.

One method of enforcement of Annex II being considered is to reference in any implementing regulations the pertinent parts of Annex II, to require vessels to be provided with an approved manual developed in accordance with the Standards, and to require discharges of noxious substances to be made in accordance with Annex II and the approved manual. Under this concept, manuals for domestic vessels would be approved by the Coast Guard whereas manuals for foreign vessels could be approved by the flag Administration or their authorized representative provided the flag Administration is a party to the MARPOL Protocol. Vessels without an approved manual would be denied entry into U.S. ports. The Coast Guard could approve manuals of foreign vessels registered in countries not party to the MARPOL Protocol.

Annex II requires that reception facilities capable of receiving waste wash water containing noxious substance residues be available in terminals handling noxious liquid substances. Requirements on reception facilities for Annex II wastes are schedule by the Coast Guard to be developed in a separate document.

Annex II also requires that Category A, B and C noxious substances be carried on vessels meeting the IMO Bulk Chemical Code. The IMO Bulk Chemical Code is being amended to take marine pollution into account. Once these changes are made to the IMO Bulk Chemical Code, the Coast Guard anticipates maintaining consistency between the IMO Bulk Chemical Code and its own safety rules for self-propelled vessels carrying hazardous liquids by revising its rules. This will entail upgrading some of the carriage requirements for substances already regulated as hazardous liquids and defining some other substances previously regulated as flammable or

combustible liquids as hazardous liquids. A similar revision is anticipated in the Coast Guard's regulations for unmanned barges carrying certain bulk dangerous cargoes. These revisions would be achieved under a separate rulemaking.

In order to ascertain whether a chemical shipped in bulk will be regulated as a noxious substance, toxicological data must be evaluated. Much of this data is currently provided to the Coast Guard in order to ascertain whether a chemical should be regulated under 46 CFR Part 153. However, information on aquatic toxicity and on a substance's tendency to bioaccumulate is typically lacking on chemical information sheets submitted. This information is paramount in ascertaining whether a substance should be difined as a noxious substance. For substances where the data is lacking, the Coast Guard could assign a temporary category which could be more restrictive than the permanent category which would be assigned if sufficient data were available. Some of the substances for which data is lacking are substances which are currently shipped in bulk. To facilitate smooth implementation of Annex II requirements, parties interested in shipping these substances are encouraged to provide the necessary data. Chemicals for which data is currently lacking include:

Acrylamide solution (50% or less)
Alkyl benzene sulfonic acid
Butyl methacrylate, decyl methacrylate, cetyl eicosyl methacrylate mixture
Coal tar naptha
Decyl acrylate
Dibutylamine
2-2-Dichloroisopropyl ether
Diethyl sulfate
Dodecyl diphenyl oxide disulphonate (solutions)
Dodecyl methacrylate
n-Ethyl cyclohexlamine
Ethylidene norbornene
Glutaraldehyde solution (50% or less)
Hexamethyleneimine
2-Hydroxyethyl acrylate
Isophoronediamine
Isophorone diisocyanate
2-Methyl-6-aniline
Methyl formate
ortho-Nitrotoluene
para-Nitrotoluene
1,3-Pentadiene
Polymethylene polyphenyl isocyanate
Polyvinylbenzyl trimethyl ammonium chloride solutions
Sodium chlorate solutions (50% or less)
1,2,4-Trichlorobenzene
Trimethyl acetic acid
Trimethyl hexamethylene diisocyanate (2,2,4- and 2,4,4-isomers)
Urea, ammonium nitrate solution (containing more than 2% NH_3)
Vinyl neodecanoate.

In issuing this advanced notice the Coast Guard is soliciting:

(1) Comments on the proposed approach for implementation of Annex II, MARPOL 73/78;

(2) Comments on the Standards for Procedures and Arrangements and particularly comments which are based on operational trials;

(3) Information on the costs of implementing Annex II;

(4) Information on the extent to which noxious substances are transported and the extent to which tanks carrying these substances are emptied; and

(5) Toxicological data on the chemicals listed. To understand the extent and nature of this rulemaking, Annex II of the MARPOL Protocol and the Standards should be considered. Copies of these documents may be obtained as indicated above in "ADDRESSES".

List of Subjects in 33 CFR Part 157

Cargo vessels, Oil pollution.

Dated: January 4, 1983.

Clyde T. Lusk, Jr.

Chief, Office of Merchant Marine Safety.

[FR Doc. 83-965 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-832; RM-4254]

Radio Broadcast Services, FM Broadcast Station in Cascade Village, Colorado; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Class C FM Channel 297 to Cascade Village, Colorado, as its first local FM service, in response to a petition filed by Keith E. Lamonica.

DATES: Comments must be filed on or before February 14, 1983, and reply comments must be filed on or before March 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cascade Village, Colorado), BC Docket No. 82-832, RM-4254.

Adopted: December 21, 1982.
Released: December 30, 1982.

1. Before the Commission is a petition for rule making filed by Keith E. Lamonica ("petitioner"), requesting the assignment of Class C Channel 297 to Cascade Village, Colorado, as that community's first FM assignment. Petitioner stated that it will apply for the channel if assigned as proposed. The channel can be assigned consistent with the minimum distance separation requirements of § 73.207(a) of the Commission's Rules.

2. Since the proposed assignment could provide a first FM broadcast service to Cascade Village, Colorado, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with respect to that community as follows:

City	Channel No.	
	Present	Proposed
Cascade Village, Colo.		297

3. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before February 14, 1983, and reply comments on or before March 1, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are

prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-889 Filed 1-12-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-835; RM-4220]

FM Broadcast Station Grand Forks, North Dakota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C FM Channel 298 to Grand Forks, North Dakota, in response to a petition filed by Red River Broadcasters. The proposal could provide a third FM service to that community.

DATES: Comments must be filed on or before February 14, 1983, and reply comments must be filed on or before March 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Grand Forks, North Dakota); MM Docket No. 82-835, RM-4220.

Adopted: December 28, 1982.

Released: December 30, 1982.

1. A petition for rule making was filed October 13, 1982, by Red River Broadcasters ("petitioner") seeking the assignment of Class C Channel 298 to Grand Forks, North Dakota, as its third FM assignment. Petitioner expressed an interest in applying for the channel, if assigned.

2. A site restriction of 5.7 miles northwest of the city is required for the assignment of Channel 298 at Grand Forks due to Station KLIZ in Brainerd, Minnesota.

3. Since Grand Forks, North Dakota, is within 320 kilometers (200 miles) of the U.S.-Canadian border, the proposed assignment requires coordination with the Canadian government.

4. In view of the fact that the proposed assignment could provide a third FM service to Grand Forks, North Dakota, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Grand Forks, North Dakota	225, and 234	225, 234, and 298

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before February 14, 1983, and reply comments on or before March 1, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the Matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission,

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflicts with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–892 Filed 1–12–83; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–834; RM–4202]

TV Broadcast Station in Dallas, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 58 to Dallas, Texas, as its sixth commercial television assignment, in response to a petition filed by Robert C. Tilton.

DATES: Comments must be filed on or before February 14, 1983, and reply comments must be received on or before March 1, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Dallas, Texas); MM Docket No. 82–834, RM–4202.

Adopted: December 28, 1982.

Released: December 30, 1982.

1. The Commission herein considers a petition for rule making filed September 21, 1982, by Robert C. Tilton ("petitioner") which seeks the assignment of UHF Television Channel 55 to Dallas, Texas. Petitioner expressed an interest in applying for the channel, if assigned.

2. Dallas (population 904,078)[1], the seat of Dallas County (population 1,556,549), is located in northeast Texas. Dallas is said to be a large industrialized area. Its economy is based mainly on the many facets of regional, national, and international trade. The community is a major part of an eleven-county multiplex which hosts the nation's largest airport (17,500 acres). It has international air routes to major cities around the world, deriving major economic benefits. There are one and one-half million workers living in the

[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

area, which we are told constitutes the largest work force in the South. According to petitioner, the city of Dallas is financially sound and has banking and monetary supports. Petitioner believes that this assignment should be made because of the significant population growth in the city, both past and projected. The population has increased by 25% since the 1970 Census, and is projected to reach three and one-half million by 1990.

3. The petitioner's request for Channel 55 was found to conflict with a request for the same channel in Lake Dallas, Texas. A channel search by the Commission indicated the availability of Channel 58 for Dallas. Therefore, we have substituted Channel 58 for consideration herein.

4. In view of the foregoing, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Dallas, Texas	4+,8, *13+,27−, 33+, and 39.	4+,8, *13+,27−, 33+, 39, and 58

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before February 14, 1983, and reply comments on or before March 1, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompained by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules).

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

FR Doc. 83-891 Filed 1-12-83; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1309 and 1310

[Ex Parte No. 354]

Additional Charges of Motor Carriers and Forwarders

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Withdrawal of Proposed Rules and Discontinuance of Proceedings.

SUMMARY: This proceeding was instituted to consider adopting rules to govern motor common carrier [1] and freight forwarder practices concerning the publication and collection of additional charges, often designated as "arbitraries", to class rates. The Commission has decided to withdraw the proposed rules and discontinue the proceeding. The Commission is persuaded that the more competitive environment mandated by the Motor Carrier Act of 1980 and the Commission's recent policies have made the proposed regulations unnecessary.

EFFECTIVE DATE: January 13, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: This proceeding was initiated on our own motion by Notice of Proposed Rulemaking (NPR), served August 28, 1978, and published in the Federal Register on September 1, 1978, (43 FR 39157),[2] to consider the adoption of new rules to govern motor common carrier and freight forwarder practices regarding the publication and collection of additional charges to class rates. The Commission suggested that these charges, commonly referred to as "arbitraries", "additional pickup and delivery charges", or simply "additional charges", did not appear to be based on any rational cost-based ratemaking system. The proposed rules would have eliminated arbitrary charges to class rates as a ratemaking tool where no additional service is performed. We requested comments on how this should be done (i.e., prospectively only, or also as to existing arbitraries), and what else could be done to eliminate the alleged need for these types of charges.

The comments are sharply divided along shipper-carrier lines. Individual carriers and rate bureaus generally oppose the proposed rules and argue that arbitraries are charges for additional service which results in added costs. They emphasize that the involved "add-on" charges have been used successfully with Commission sanction since the earliest days of regulated transportation to help achieve revenue adequacy under the class rate structure.

Shippers and shipper associations generally oppose the use of arbitraries and support the proposed regulations. Essentially, they submit that arbitraries and other additional charges are unrelated to additional services, and therefore those charges are unlawful as well as inflationary. Shippers agree that carriers should be compensated for additional costs incurred for additional services actually rendered, but they contend that carriers should designate the specific nature of the service covered by the add-on charges and should justify their need.

Although the comments reflect various problems with the use of arbitraries, we are persuaded that the more competitive environment mandated by the Motor Carrier Act of 1980 (MCA) and our recent policies have rendered the proposed rules unnecessary. In today's regulatory environment, most shippers can realistically expect lawfully responsible, flexible rates. *See, Detention of Motor Vehicles—Nationwide,* 132 M.C.C. 906, 912 (1982). The purpose of the MCA was to establish a new Federal policy promoting a competitive and efficient motor carrier industry by relaxing entry standards and providing carriers with greater freedom to adjust their rates and practices in response to market demands.[3] Further, section 2 of the MCA states that the legislation is part of the continuing effort by Congress to reduce unnecessary regulation.

In the circumstances, we prefer that competitive forces be used to remedy problems wherever possible, rather than burdening carriers with additional regulations. Price competition should act as an effective deterrent to improper or excessive arbitrary charges. Moreover, since the annnouncement of the NPR, we note that complaints on this issue have diminished significantly.

Accordingly, we are withdrawing the proposed rules and discontinuing this proceeding. However, complaints involving arbitraries may be filed under 49 U.S.C. 11701.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources.

Because the Notice of Proposed Rules was issued before January 1, 1981, the provisions of the Regulatory Flexibility Act do not apply.

Decided: January 5, 1983.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Vice Chairman Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-900 Filed 1-12-83; 8:45 am]

BILLING CODE 7035-01-M

[1] This proceeding concerns only motor common carriers of property.

[2] The proposed rules under 49 CFR Part 1307, Subpart B, are no longer relevant as the application of Subpart B to motor common carriers was revoked, effective October 5, 1979. The tariff publishing rules governing motor common carriers are now published solely under 49 CFR Part 1310.

[3] H.R. Rep. 96-1069, 96th Cong., 2d. Sess. 3-4, (1980).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Amendment to Regulation Describing Zones in Which Toxic Shot Is Prohibited for Waterfowl Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposal would amend descriptions of certain areas in which non-toxic shot is required for waterfowl hunting. When eaten by waterfowl, spent lead pellets may have a toxic effect. The only approved non-toxic shot available at this time is steel shot. The state wildlife conservation agencies of Florida, Michigan, Illinois and Texas have recommended that, prior to the 1983 hunting seasons, changes as indicated below be made in this regulation.

DATES: Comments on the proposed amendment will be accepted until February 25, 1983.

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

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

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

Appropriated funds for the Department of the Interior for fiscal year 1982 were restricted in their use by the following provision:

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

On December 29, 1981, the Service contacted all Directors of State fish and wildlife agencies by letter. In that letter States wishing to amend for hunting seasons commencing in 1983 the description of non-toxic shot zones (50 CFR 20.108) were asked to notify the Service of any such proposed changes prior to the hunting seasons commencing in 1982. Four States responded to this request. These States were Florida, Michigan, Illinois and Texas. Florida, Illinois and Texas proposed that certain additional areas be included in the regulation, while Michigan requested withdrawal of certain zones which were previously designated as non-toxic shot areas.

Michigan—In 1982 a decision was made by the Michigan Department of Natural Resources to redefine the boundaries of the non-toxic shot zones in the State. This was done to identify more accurately the situations in which lead poisoning of waterfowl is most serious. The State waterfowl hunting regulations reflected this change in 1982, but no amendment was proposed for the Federal regulation (46 FR 40882–83). The State of Michigan requested that the State regulation, rather than the Federal regulation, be enforced in 1982 and this was done. The proposal presented below amends 50 CFR 20.108 to be identical in wording to Michigan State regulations as implemented in 1982. This proposed regulation describes zones in which aproximately half of the Michigan waterfowl harvest occurs and represents a 23 percent reduction in the area previously covered.

Illinois—Periodic Report No. 36 of the Illinois Department of Conservation is entitled, *Potential for lead poisoning die-offs among waterfowl at Rend Lake.* This document points out that 450 to 600 geese and ducks died of lead poisoning at Rend Lake in March 1981. Gizzards of mallards harvested at Rend Lake were examined in 1981 and 11.4 percent contained ingested shot. Based on these findings the Illinois Department of Conservation has requested that Rend Lake be proposed as a non-toxic shot zone.

Florida—The Florida Game and Fresh Water Fish Commission has concluded, based upon studies conducted by the Commission, that three new zones be proposed for Florida. All three areas are small, but hunter activity and duck use are concentrated. Five hundred to 1,000 waterfowl hunters use the areas.

Texas—The Texas Parks and Wildlife Department has recommended seven southeast Texas counties and portions of five mid-coast counties for addition to the non-toxic shot zones in the State. Studies conducted by the Department in 1981–82 indicate that seven major species of duck had an incidence of ingested shot of 15 percent. The incidence of ingested shot in all species was 10 percent. The incidence in geese was 3 percent. The area proposed for Texas contains 47 percent of the waterfowl hunting activity of the State.

This rule will not result in the collection of information from, or place recordkeeping requirements on, the public under the Paperwork Reduction Act of 1980. In accordance with Executive Order 12291, it has been determined that this rule is not a major rule. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) it was determined that this rule, if implemented without adequate notice, could result in ammunition supplies for which there is no local demand. It is believed that adequate notice will be provided. Therefore, it was determined that the rule would not have a significant economic effect on a substantial number of small entities. A copy of the analysis relating to these decisions, Determination of Effects of Proposed Amendment to Steel Shot Rules for 1983, can be obtained from the U.S. Fish and Wildlife Service (MBMO), Washington, D.C. 20240. An Environmental Impact Statement on the steel shot program was signed in 1976. In addition, Environmental Assessments were prepared on various aspects of the steel shot program in 1977 through 1980. Copies of these documents can be obtained from the U.S. Fish and Wildlife Service (MBMO), Washington, D.C. 20240.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

This proposed rule was authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240; 202–254–3207.

Proposed Rule:

§ 20.108 [Amended]

Accordingly, it is proposed that 50 CFR 20.108 be amended as follows:

Florida—Remove the word "and" following the last semi-colon in the zone descriptions for Florida and add the following at the end of the paragraph:

* * * * *

Florida

* * *; Lake Ponte Vedra in St. Johns County (all waters of Lake Ponte Vedra north of the Guana Dam), Occidental Wildlife Management Area in Hamilton County and IMC Wildlife Management Area in Polk County.

Michigan—Remove the present wording and replace with the following:

Michigan

A. Eastern Upper Peninsula

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

2. The waters of Potagannissing Flooding on Drummond Island.

B. Houghton Lake

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

C. Saginaw Bay

1. That area of Arenac, Bay, Tuscola, and Huron counties south of US–23; east of M–13; north of M–25; south of Cresent Beach Road (Caseville Township, Huron County); and southwest of a line from the tip of Sand Point (Section 11, T17N R9E, Huron County) to Point Lookout (Section 13, T19N R7E, Arenac County) and Shore Road (Sims Township, Arenac County).

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

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

b. Shiawassee River State Game Area—Saginaw County.

c. Shiawassee National Wildlife Refuge—Saginaw County.

D. Southeastern Michigan

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

River, Lake St. Clair, the Detroit River, and Lake Erie.

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

E. Southwestern Michigan

1. Muskegon, Ottawa, Allegan and Kalamazoo counties, including Lake Michigan lakeward for one-half mile from the shore. All county boundary waters and lakes partially within a non-toxic shot zone are totally included.

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

Illinois: At the end of the zone descriptions for Illinois add the following:

Rend Lake and related subimpoundments and all adjacent lands managed by the U.S. Army Corps of Engineers and the Illinois Department of Conservation.

Texas: Remove the present wording and replace with the following:

Texas

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

Dated: December 7, 1982.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-828 Filed 1-12-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 9
Thursday, January 13, 1983

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

Agricultural Marketing Service

Hop Marketing Advisory Board; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–436; 86 Stat. 770), notice is given of a meeting of the Hop Marketing Advisory Board at 8:30 a.m., local time, January 27, 1983, in San Diego, California, at the Sheraton Inn-Airport. This meeting is contingent upon GSA approving the reestablishment of the Board prior to January 27.

The purpose of the meeting is to discuss marketing policy, and related matters. The meeting will be open to the public.

The Hop Marketing Advisory Board is established under Marketing Order No. 991, as amended (7 CFR Part 991), regulating the Handling of hops of domestic production. The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The names of Board members, agenda, location of meeting, summary of the meeting and other information pertaining to the meeting may be obtained from Robert H. Eaton, Hop Administrative Committee, Room 1002, Corbett Building, 430 SW. Morrison Street, Portland, Oregon 97204, telephone (503) 224–1823.

Dated: January 7, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-940 Filed 1-12-83; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Western Spruce Budworm Management in Northeast Oregon, Crook, Baker, Grant, Morrow, Harney, Jefferson, Umatilla, Union, and Wheller Counties, Oregon; Decision Notice and Finding of No Significant Impact

An environmental assessment that discusses proposed alternatives for managing the current western spruce budworm outbreak in northeast Oregon is available for public review in the following places: Forest Supervisor's offices in John Day, Prineville, Pendleton, and Baker, Oregon; local Ranger District offices of the Malheur, Ochoco, Umatilla, and Wallowa-Whitman National Forests; and the Oregon State Department of Forestry offices in Baker, John Day, Prineville, La Grande, and Pendleton. The affected area consists of approximately 1.6 million acres of mixed-ownership lands on or adjacent to the Malheur, Ochoco, Umatilla, and Wallowa-Whitman National Forests in Baker, Harney, Jefferson, Crook, Grant, Morrow, Umatilla, Union, and Wheeler Counties. These 1.6 million acres have been divided into 24 areas, each of which is called an entomolgical unit.

It is my decision to implement Alternative B, direct suppression with insecticides, on approximately 22 entomological units covering an estimated 1.4 million acres and Alternative A, no action, on 2 entomological units covering an estimated 209,000 acres. There will be, however, no treatment on the Starkey Experiment Forest in the Starkey Entomological Unit to protect current budworm research. Inplementation of Alternative B is dependent upon (1) the estimated cost of insecticide application after contract bids are received which may affect cost/benefit ratios, (2) results of larval sampling during spring 1983, and (3) the amount of funds available to both Federal and State agencies for a suppression project. The majority of the area proposed for suppression with insecticides will be treated with carbaryl, while some sensitive areas will be treated with acephate or Bacillus thuringiensis.

Reasons for my decision include the following: Alternative B will minimize wood fiber loss on commercial Forest lands with only minimal adverse effects on water quality and only minimal potential impact on nontarget wildlife, and maximize economic efficiency. Factors considered were volume loss projections, projected stumpage values, projected cost of insecticide application and environmental considerations as outlined in the Environmental Assessment.

Based upon current projections, Alternative B, with mitigation measures and monitoring, provides the best combination of physical, biological, economic, and social benefits and is considered to be the most environmentally preferable on approximately 1.4 million acres and Alternative A on approximately 209,000 acres.

I have determined, based on the environmental analysis, that this is not a major Federal action and would not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination was made considering the following factors: (a) A long history of similar operational suppression projects has shown no significant adverse effects to the human or physical environment; (b) there are no apparent adverse cumulative or secondary effects; (c) there will be no adverse effects on the bald eagles which migrate through the affected environment during the winter months or on the American peregrine falcon which is suspected to occur in the affected area; (d) no other known threatened of endangered plants or animals are known to inhabit the affected environment; (e) all insecticides considered are registered by the U.S. Environmental Protection Agency for the proposed use, and (f) application of insecticides will comply with applicable State and Federal laws, and with Forest Service and Oregon State Department of Forestry policies.

Project implementation will take place no sooner than March 27.

This Decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: January 5, 1983.

Jeff M. Sirmon,

Regional Forester.

[FR Doc. 83-973 Filed 1-12-83; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping; Certain Stainless Steel Sheet and Strip Products From France; Extension of Period for Final Determinations

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of extension of period for final determinations.

SUMMARY: The Department of Commerce hereby extends the period for its final determinations with respect to the antidumping investigations of certain stainless steel sheet and strip products from France. The final determinations will be made no later than April 25, 1983.

EFFECTIVE DATE: January 13, 1983.

FOR FURTHER INFORMATION CONTACT: Raymond G. Busen, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; (202) 377–1784.

SUPPLEMENTARY INFORMATION: On December 3, 1982, the Department of Commerce determined preliminarily that certain stainless steel sheet and strip products from France were being sold, or were likely to be sold, at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act). We announced our determinations in the Federal Register on December 9, 1982 (47 FR 55404).

Exporters who accounted for a significant proportion of exports of the merchandise which are the subject of these investigations have requested that the Department extend the period for final determinations. These requests are in accordance with section 735(a)(2)(A) of the Act (19 U.S.C. 1673d(a)(2)(A)).

We have determined that additional time is needed in order to ensure that a proper analysis may be completed with regard to these investigations. Accordingly, the period for determinations in these cases is hereby extended. Final determinations will be made not later than April 25, 1983.

Dated: January 7, 1983.

Judith H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-884 Filed 1-12-83; 8:45 am]

BILLING CODE 3510-25-M

Indiana University et. al.; Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, Room 2097, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83–92. Applicant: Indiana University, 1101 E. 17th Street, Bloomington, IN 47495. Instrument: Dual Probe Evaporimeter, Model 2102. Manufacturer: Serve Med, Sweden. Intended use of instrument: The instrument is intended to be used to quantitate and characterize the mechanism of evaporative water loss from the general body surface of primates when exposed to a wide range of ambient conditions. The experiments to be conducted will involve thermal equilibration of subhuman primates and human subjects to warm environments, and then direct quantitation of evaporative water loss from selected areas on the general body surface as well as from the respiratory tract. Application received by Commissioner of Customs: December 14, 1982.

Docket No. 83–94. Applicant: University of Illinois at Chicago, Department of Chemistry, Box 4348, Chicago, IL 60680. Instrument: Accessory for Nanosecond Fluorometer System 200. Manufacturer: Photochemical Research Associates, Incorporated, Canada. Intended use of instrument: The instrument is an accessory to an existing fluorometer system which will be used to permit the measurements of samples under investigation which contain very small (nanomolar) concentrations of fluorescent probes over a wide wavelength range with maximum detectibility and sensitivity. Application received by Commissioner of Customs: December 14, 1982.

Docket No. 83–99. Applicant: FDA/OMD Center for Medical Device Analysis, 8757 Georgia Avenue, Silver Spring, MD 20910. Instrument: ASID–4 Scanning Attachment for Electron Microscope. Manufacturer: JEOL, Japan. Intended use of instrument: The instrument is an accessory to an existing electron microscope which will be used to evaluate biomaterials, cells and/or tissue interactions. Application received by Commissioner or Customs: December 21, 1982.

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

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-886 Filed 1-12-83; 8:45 am]

BILLING CODE 3510-25-M

Carbon Black From Mexico; Amendment to Notice of Initiation and Postponement of Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration; Commerce.

ACTION: Amendment to Notice of Initiation and Postponement of Preliminary Countervailing Duty Determination.

SUMMARY: The preliminary countervailing duty determination involving carbon black from Mexico is being postponed because the investigation has been determined to be extraordinarily complicated. In addition, the notice of initiation of the countervailing duty investigation on carbon black from Mexico is being amended to read that the petition was received on November 3, 1982. Based on this amended date, we intend to issue our preliminary determination not later than April 4, 1983.

EFFECTIVE DATE: January 13, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377–5496.

SUPPLEMENTARY INFORMATION: On November 26, 1982, we initiated a countervailing duty investigation to determine whether producers, manufacturers, or exporters in Mexico of carbon black receive any benefits

that constitute bounties or grants (47 FR 54526). The notice stated that we would issue a preliminary determination by February 1, 1983.

The product covered by this investigation is carbon black from Mexico. The imported merchandise is currently provided for in item 473.0400 of the *Tariff Schedules of the United States Annotated.*

Amendment to Notice of Initiation

In the notice of initiation we stated that the petition was received on November 8, 1982, which is the date stamped on the petition in the official file. However, the petitioner notified us that the date-stamp on the official petition was apparently incorrect because the petition had been properly filed with the Trade Administration in Washington, D.C. on November 3, 1982. Thus, we are amending in notice of initiation to read that the petition was received on November 3, 1982.

Postponement of Preliminary Countervailing Duty Determination

As detailed in the notice of initiation of the countervailing duty investigation, the petition alleges that the government of Mexico provides various programs which constitute bounties or grants to producers, manufacturers, or exporters in Mexico of carbon black. The alleged subsidy practices are numerous and complex and present novel issues. The petitioners have made allegations concerning 12 different subsidy practices, which involve complex issues such as government-owned enterprises; export, regional, and industry sector programs; and tax, transportation, and other preferential incentives. In particular, the allegation of preferential prices on petroleum products and natural gas used to manufacture carbon black raises issues which have never been investigated before under the countervailing duty law. We have determined that the government of Mexico and the other parties concerned are cooperating and that additional time is necessary to make the preliminary countervailing duty determination.

For these reasons we determine that this case is extraordinarily complicated in accordance with section 703(c)(1)(B)(i) of the Tariff Act of 1930, as amended (the Act), and that additional time is necessary to make the preliminary determination in accordance with section 703(c)(1)(B)(ii) of the Act. Based on the amended date in the notice of initiation, we intend to issue the preliminary determination not later than April 4, 1983.

This notice is published pursuant to section 703(c)(2) of the Act.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

January 6, 1983.

[FR Doc. 83-687 Filed 1-12-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Duty Investigations; Certain Carton Closing Staples and Staple Machines From Sweden

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping duty investigations.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating antidumping duty investigations to determine whether certain carton closing staples and staple machines from Sweden are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of these actions so that it may determine whether there is a reasonable indication that imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigations proceed normally, the ITC will make its determinations on or before January 31, 1983, and we will make our preliminary determinations on or before May 26, 1983.

EFFECTIVE DATE: January 13, 1983.

FOR FURTHER INFORMATION CONTACT: Mary A. Martin, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-1273.

SUPPLEMENTARY INFORMATION:

Petition

On December 17, 1982, we received a petition from counsel for International Staple and Machine Company, Inc. of Butler, Pennsylvania, on behalf of the domestic carton closing staples and staple machines industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Sweden are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. Critical circumstances have also been alleged under section 733(e) of the Act.

The allegations of sales at less than fair value are supported by comparisons of United States prices (based on price lists) on sales of the merchandise in the United States with the f.o.b. home market prices (based on price lists) on sales made in Sweden.

Initiation of Investigations

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of antidumping duty investigations and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on the subject merchandise and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating antidumping investigations to determine whether certain carton closing staples and staple machines from Sweden are being, or are likely to be, sold at less than fair value in the United States. If our investigations proceed normally, we will make our preliminary determinations by May 26, 1983.

Scope of Investigations

The merchandise covered by these investigations is certain carton closing staples in strip form and staple machines. Carton closing staples are made of steel, most often copper coated or galvanized. Non-automatic carton closing stapling machines can be divided for the most part into two categories: hand held top stapling machines and free standing bottom stapling machines. The subject staples and stapling machines are currently classifiable under item 646.2000 and item 662.2065, respectively, of the *Tariff Schedules of the United States Annotated* (TSUSA).

Notification to ITC

Section 732(d) of the Act requires us to notify the ITC of these actions and to provide it with the information we used to arrive at these determinations. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determinations by ITC

The ITC will determine by January 31, 1983, whether there is a reasonable indication that imports of certain carton closing staples and staple machines from Sweden are materially injuring, or are likely to materially injure, a United States industry. If its determinations are negative, these investigations will terminate; otherwise, they will continue according to the statutory procedures.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

January 6, 1983.

[FR Doc. 83-960 Filed 1-12-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of General Permits

On December 30, 1982, general permits to incidentally take marine mammals during commercial fishing operations in 1983 were issued to:

1. The Japan Deep Sea Trawlers Association, No. 601 Daito Building, 3–6, Kandaogawacho, Chiyodaku, Tokyo, Japan, in Category 1: Towed and Dragged Gear, to take 100 northern sea lions, 10 northern fur seals, 15 harbor seals, and 4 small cetaceans.

2. The Hokuten Trawlers Association, Toranomon Chuo Building, 1–16, Toranomon, 1, Minatoku, Tokyo, Japan, in Category 1: Towed and Dragged Gear, to take 55 northern sea lions, 5 northern fur seals, and 5 harbor seals.

3. The North pacific Longline-Gillnet Association, Zenkeiren Building, 2–7–2, Hirakawa-cho, Chiyodaku, Tokyo, Japan, in Category 5: Other Gear to take by harassment only.

4. The Asociacion Nacional de Armadores de Buques Congeladores de Pesquerias Varias, Vigo, Spain, in Category 1: Towed and Dragged Gear, to take 20 phocid seals and 20 small cetaceans.

All takings are incidental to commercial fishing operations within the United States Fishery Conservation Zone, pursuant to 50 CFR 216.24 (45 FR 72187–72196).

These general permits are available for public review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, NW., Washington, D.C.

Dated: January 4, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species & Habitat Conservation, National Marine Fisheries Service

[FR Doc. 83-981 Filed 1-12-83; 8:45 am]

BILLING CODE 3510-22-M

THE COMMISSION OF FINE ARTS

Notice of Meeting

The Commission of Fine Arts meeting scheduled for January 20, 1983 is cancelled. The next meeting will be held on Tuesday, February 8, 1983 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. The Vietnam Veterans Memorial design may also be discussed at this meeting. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566–1066.

Dated in Washington, D.C., January 7, 1983.

Charles H. Atherton,

Secretary.

[FR Doc. 83-962 Filed 1-12-83; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products from the Republic of the Philippines Under a New Bilateral Agreement, Effective on January 1, 1983; Correction

January 10, 1983.

On December 29, 1982 a notice was published in the **Federal Register** (47 FR 57986) which announced the import levels for certain cotton, wool, and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1983, under the terms of a new bilateral agreement. Footnote 1 in the letter to the Commissioner of Customs which followed that notice should be corrected to include T.S.U.S.A. number 383.3300 and will then read as follows:

[1] In Category 335, all T.S.U.S.A. numbers except 383.3300, 383.3405, 383.3410, 383.3415, 383.3445, 383.3448, 383.3450, 383.3460, and 383.3465.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-988 Filed 1-12-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Corps of Engineers

Intent to Prepare a Draft Environmental Impact Statement (DEIS); Proposed Hydropower Project on Wister Lake, Latimer and LeFlore Counties, Oklahoma

AGENCY: Army Corps of Engineers, Tulsa District, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. Proposed Action: The proposed action is to install hydropower facilities at the Wister Lake project. This includes raising the top of Wister Dam to maintain the existing flood control capability. Wister Lake was completed for full flood control regulation in October 1949.

2. Reasonable Alternatives: The alternatives that will be evaluated included one no action alternative and several action alternatives. The no action alternative (without conditions) would retain the existing operational functions of the project. The action alternatives consist of combinations of three conservation pool levels and three maximum hydropower discharges. The three conservation pool levels that will be evaluated are: 477.6 feet National Geodetic Vertical Datum (NGVD), 480.0 feet NGVD, and 483.0 feet NGVD. The discharge parameters are: a. 4775 cfs—This is the maximum discharge that can be obtained by steel-lining the existing conduit; b. 6500 cfs—This is the limiting channel capacity of the Poteau River. The limiting channel occurs in the reach between Poteau and Panama, Oklahoma. A new penstock would be required; and c. 9000 cfs—This is the average channel capacity. A new penstock would be required and flowage easements would be purchased on approximately 1500 acres downstream.

3. Scoping Process:

a. Public Involvement. A comprehensive public involvement program was developed as a means of

disseminating information and soliciting public views. A variety of techniques including formal public meetings, meetings with local interest, and meetings with local news media were employed to involve Federal, State, and local agencies, citizen committees, organizations, and the public in the planning studies.

b. Significant Issues Requiring In-Depth Analysis. None.

c. Assignments. The U.S. Fish and Wildlife Service will provide formal consultation as outlined in Section 7 of the Endangered Species Act and a Fish and Wildlife Coordination Act Report. The U.S. Soil Conservation Service will report on prime and unique farmlands.

d. Environmental Review and Consultation Requirements. The draft environmental impact statement will be circulated for review and all comments will be incorporated into the final environmental impact statement.

4. A scoping meeting will not be held.

5. Estimated date when the DEIS will be available to the public: August 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Buell O. Atkins, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, Tulsa District, P.O. Box 61, Tulsa, OK 74121, (918) 581-7857—FTS 736-7857.

Dated: December 21, 1982.

James J. Harmon,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-963 Filed 1-12-83; 8:45 am]

BILLING CODE 3710-39-M

Department of the Air Force

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Pub. L. 95-202, Section 401 (The G.I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on December 27, 1982, that the service of the members of the group known as the Civilian Personnel Assigned to the Secret Intelligence Element of the OSS shall be considered active military service in the Armed Forces of the United States for the purpose of all laws administered by the Veterans' Administration. Further, the Secretary determined on December 27, 1982, that the service of the members of the groups known as Air Transport Command Contract Carrier Employees—World War II and Cadets, Massachusetts and New York Nautical Schools, World War I not be considered active military service in the Armed Forces of the United States for all laws administered by the Veterans' Administration.

FOR FURTHER INFORMATION CONTACT: Mrs. Simard, telephone 694-5204, Office of the Secretary of the Air Force Personnel Council, (SAF/MIPC), The Pentagon, Washington, DC 20330.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-970 Filed 1-12-83; 8:45 am]

BILLING CODE 3910-01-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 (Pub. L. 92-463), 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: 24 & 25 February 1983.

Time and place: 0830 hrs, Room 14, US Army Medical Research Institute of Chemical Defense, Aberdeen Proving Ground, MD.

Proposed agenda: This meeting will be open to the public from 0830 to 1030 hrs on 24 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), US Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1030 hrs on 24 February 1983 to 1730 hrs on 25 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. 83-972 Filed 1-12-83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

List of Accrediting and State Approval Agencies to be Reviewed Under a Special Procedure

AGENCY: Education Department.

ACTION: Notice—List of accrediting and State approval agencies to be reviewed under a special procedure.

SUMMARY: The Secretary lists nationally recognized accrediting agencies and State approval agencies that the National Advisory Committee on Accreditation and Institutional Eligibility recommends to the Secretary under a special review procedure. The list of agencies to which the Advisory Committee has applied this special procedure is composed of (1) agencies that were awarded the full four-year recognition in their last review and (2) agencies that have submitted interim reports.

DATE: Comments on these analyses must be received no later than February 14, 1983.

ADDRESS: Comments may be submitted to Ms. Joan Givens, Acting Chief, Agency Evaluation Section, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, SW. (Room 3030, ROB-3) U.S. Department of Education, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Givens, Telephone: (202) 245-2262.

SUPPLEMENTARY INFORMATION: This document advises the public that the National Advisory Committee on Accreditation and Institutional Eligibility, in making recommendations to the Secretary regarding his responsibility for listing accrediting agencies and State approval agencies, as required by 20 U.S.C. 1141(a), 20 U.S.C. 1094(b)(3) and other statutes, is following a special review procedure regarding some agencies.

Usually the Advisory Committee reviews in detail each report and

petition and each staff analysis and hears oral presentations from the petitioning agencies and interested third parties before formulating its recommendations to the Secretary regarding the accrediting, or State approval agencies.

The special procedure for reviewing agency petitions and interim reports will reduce the depth of review by the Advisory Committee of agencies that were awarded the full four year recognition period in their last review, and of agencies which have submitted interim reports. The Advisory Committee will use both staff analyses and public comment before submitting final recommendations to the Secretary regarding the list of these agencies under 34 CFR Part 603.

This notice provides the names of the agencies being reviewed under this special procedure. The Department's Eligibility and Agency Evaluation Staff has prepared analyses of the petitions and reports of these agencies according to the criteria in 34 CFR 603.6, and 34 CFR 603.24 and has prepared recommendations on them.

The public is offered an opportunity to comment on these analyses before the Advisory Committee makes final recommendations to the Secretary.

The reports and petitions of the following agencies are being reviewed:

Petitions for Recognition as Nationally Recognized Accrediting Agencies and Associations

A. *Petitions for Continuation of Recognition*—National agencies

American Library Association, Committee on Accreditation
(for accreditation of graduate programs leading to the first professional degree)
Proposed Recommendation: Continue recognition for a period of four years.

American Optometric Association, Council on Optometric Education
(for accreditation and preaccreditation of professional degree programs in optometry and expansion of scope of recognition to include optometric technician and optometric residency educational programs)
Proposed Recommendation: Continue recognition for a period of four years for the accreditation and preaccreditation ("Preliminary Approval," "Reasonable Assurance") of professional degree programs in optometry. Grant expansion of scope of recognition to include accreditation of optometric technician programs. Defer expansion of scope of recognition to include optometric residency programs pending receipt of additional information. Deny recognition for the preaccreditation category of "Provisional Assurance." Request a report in one year concerning certain criteria.

Council on Education for Public Health
(for accreditation of graduate schools of public health and graduate programs offered outside schools of public health in community health education and in community health/preventive medicine)
Proposed Recommendation: Continue recognition for a period of four years. Request an interim report in one year regarding criteria (b)(5) (assessment of validity and reliability of accreditation standards), and (b)(10) (requires accredited schools or programs to clearly specify status).

B. *Petitions for Continuation of Recognition*—Regional Commissions

North Central Association of Colleges and Schools, Commission on Schools
Proposed Recommendation: Continue recognition for a period of four years.

Northwest Association of Schools and Colleges, Commission on Colleges
Proposed Recommendation: Continue recognition for a period of four years.

C. *Interim Reports*

American Physical Therapy Association, Committee on Accreditation in Education
Proposed Recommendation: Accept the report as showing progress toward full compliance with criterion (b)(6).

Association of Independent Colleges and Schools, Accrediting Commission
Proposed Recommendation: Accept the report as satisfactory.

Liaison Committee on Medical Education of the Council on Medical Education of the American Medical Association and the Executive Council of the Association of American Medical Colleges
Proposed Recommendation: Accept the report as satisfactory.

INVITATION TO COMMENT: A copy of the analysis of any of the reports and petitions submitted by the agencies listed in this notice may be obtained from Ms. Joan Givens.

Dated: January 6, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-966 Filed 1-12-83; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since January 6, 1983. Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATES: Last Notice published Thursday, January 6, 1983, (48 FR 686).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave. NW., Washington, D.C. 20585, (202) 252-2308.

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C. 20503, (202) 3957340.

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C. 20503, (202) 395-3087.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but

find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., January 10, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
FERC: FERC—587.	Natural gas processing plant operator interrogatories.	New	single time	Mandatory	Natural gas processing plants.	94	564 hrs.	Information collection is undertaken pursuant to a Commission order instituting a private investigation into possible violations of federal law in connection with natural gas pricing at various producer-owned processing plants. Responses will serve to identify potential subjects of further investigation.

[FR Doc. 83-994 Filed 1-12-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP82-538-001]

Canyon Creek Compression Co.; Amendment to Application

January 7, 1983.

Take notice that on January 5, 1983, Canyon Creek Compression Company (Canyon Creek), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP82-538-001 pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations an amendment to the pending application filed in Docket No. CP82-538-000 by NGPL-Canyon Compression Company (NGPL-Canyon) substituting Canyon Creek for NGPL-Canyon as the applicant of record in the subject proceeding, as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By order issued December 29, 1982, in Docket Nos. CP80-547-007 and CP83-85-000, Canyon Creek was authorized to acquire certain existing facilities from NGPL-Canyon, complete construction upon a certain compression station and appurtenant facilities in Uinta County, Wyoming, to operate said facilities, and to provide transportation service. Accordingly, the application in Docket No. CP82-538-001 has been amended to reflect Canyon Creek as Applicant in that proceeding as successor to NGPL-Canyon.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 of 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-944 Filed 1-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-20-000]

Central Louisiana Electric Company, Inc.; Application

January 7, 1983.

Take notice that on December 22, 1982, Central Louisiana Electric Company, Inc. (Applicant), filed an Application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act (Act), seeking an order to issue up to $50,000,000 of short-term indebtedness to be issued on or before December 31, 1984.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before January 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20406, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-945 Filed 1-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-88-000]

Central Plants Inc.—Gopher Canyon Rd.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 7, 1983.

On December 10, 1982, Central Plants, Inc., of 6140 Bristol Parkway, Culver City, California 90230, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in the County of San diego, California on Gopher Canyon Road. The generating capacity of the facility will be 700 kilowatts. The primary energy source is landfill gas, generated from the anaerobic digestion by methanogenic bacteria of refuse and other solid wastes deposited in a sanitary landfill. Applicant states that no other facilities owned by the applicant located within one-mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within

30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-946 Filed 1-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-90-000]

Central Plants, Inc.—Lompoc; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 7, 1983.

On December 10, 1982, Central Plants, Inc., (Lompoc) of 6140 Bristol Parkway, Culver City, California 90203, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Lompoc, California. The generating capacity of the facility will be 500 kilowatts. The primary energy source of the facility will be Landfill gas recovered and processed from a municipal landfill and burned in turbines of internal combustion engines. Applicants states that no other facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-948 Filed 1-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-89-000]

Central Plants, Inc.—San Marcos; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 7, 1983

On December 10, 1982, Central Plants, Inc., of 6140 Bristol Parkway, Culver City, California 90230, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in San Marcos, California. The generating capacity of the facility will be 500 kilowatts. The primary energy source is landfill gas, generated from the anaerobic digestion by methanogenic bacteria of refuse and other solid wastes deposited in a sanitary landfill. Applicant states that no other facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-947 Filed 1-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA83-2-000]

J & J Enterprises, Inc.; Application for Adjustment To Collect Gathering Costs Under Section 110 of the NGPA

January 7, 1983.

On November 1, 1982, J & J Enterprises, Inc. (J & J), a Pennsylvania Corporation, filed with the Federal Energy Regulatory Commission (Commission) and "Application For Allowance and/or Adjustment" pursuant to sections 110 and 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. IV 1980) and 18 CFR 271.1104—.1105 of the Commission's regulations. Specifically, J & J requests that the Commission find that the price to be paid to it by its buyer, Columbia Gas Transmission Corporation (Columbia), inclusive of 73 cents per Mcf, for gathering allowance under section 110 of the NGPA, does not exceed the maximum lawful price for such sales. Additionally, J & J requests that to the extent any adjustment under NGPA section 502(c) is necessary to authorize collection of the 73 cents per Mcf allowance that such adjustment be given.

In support of this request J & J states that it acquired an assignment of a Farmout agreement on September 10, 1981 from Mr. D. A. Dorwood (Dorwood). The Farmout agreement was originally executed between Columbia and Dorwood and covered approximately 2,918 acres in Clearfield and Jefferson Counties, Pennsylvania. Under said agreement, Columbia reserved the right to purchase all gas produced from this acreage. Dorwood agreed to construct a gathering facility to connect the Farmout acreage to Columbia's existing pipeline facilities in consideration for Columbia's agreement to pay Dorwood 26 cents per Mcf for the construction of the gathering facilities, up to $1,000,000.00. J & J assumed this obligation to gather and deliver such gas to Columbia.

J & J subsequently completed in May of 1982 a gas gathering system that originates in Brady Township, Clearfield County, Pennsylvania and extends northwesterly 17 miles through Winslow Township, where it intersects with Columbia's system in Pine Creek Township, Jefferson County, Pennsylvania. J & J asserts that the actual cost of construction of the line, excluding working capital allowance, was $2,093,928.00. Columbia has agreed, by gas purchase contract dated November 19, 1981 to pay J & J whatever gathering allowance is approved by the Commission under NGPA section 110, although the actual cost of this line

exceeded the estimated $1,000,000.00 payable under the Columbia-Dorwood 1979 Farmout Agreement. J & J asserts that based on its projected cost analysis, it should be allowed to collect the contractually authorized gathering allowance of 73 cents per Mcf under section 110 of the NGPA and § 270.202(c) of the Commission's regulations. Furthermore J & J requests that the Commission find that the price to be received from Columbia, inclusive of this 73 cents per Mcf under section 110 of the NGPA, does not exceed the maximum lawful price for such sales established under Title I of the NGPA. Any such allowance granted by the Commission under 18 CFR 270.202(c) would be in addition to the otherwise applicable maximum lawful price.

Any person desiring to be heard or to protest J & J's application for allowance and/or adjustment under sections 110 and 502(c) of the NGPA should file, within 30 days after publication of this notice in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a protest or petition to intervene in accordance with the requirements of Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-949 Filed 1-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-355-000]

Natural Gas Pipeline Company of America; Continued Settlement Conference

January 7, 1983.

Take notice that the settlement discussions undertaken at the January 5, 1983, conference noticed herein will be resumed on February 2, 1983, at 10:00 a.m. in the offices of the Commission, 825 N. Capitol St., Washington, D.C. Additional materials are to be shared among the parties in the interim.

All parties may at their option attend, but mere attendance will not serve to make one a party to the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-950 Filed 1-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-8-000]

State of Colorado Oil & Gas Conservation Commission, J-W Operating Company, Malcolm Akey #1 Well FERC J.D. No. 82-22127; Petition To Reopen and Vacate Final Well Category Determination and Request To Withdraw

Issued: January 7, 1983.

On December 23, 1982, J-W Operating Company (J-W) filed with the Federal Energy Regulatory Commission (Commission) a copy of its request to the Colorado Oil & Gas Conservation Commission (Colorado) that the well category determination, that natural gas from the Malcolm Akey #1 Well qualifies for pricing as new natural gas pursuant to section 102 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. §§ 3301-3432 (Supp. IV 1980), be "cancelled." The well category determination made by Colorado became a final determination on April 23, 1982, pursuant to NGPA section 503(d) and 18 CFR 275.202(a).

J-W states that its section 102 filing was made based on the best information available at the time but that J-W has since discovered that the Malcolm Akey #1 Well does not qualify under NGPA section 102, as it is located within 2.5 miles of a marker well and is not 1,000 feet deeper. J-W further states that no collections were made under the section 102 determination and that an application was submitted for NGPA section 107 classification and received by Colorado on August 17, 1981. The well was placed on line January 4, 1982, and according to J-W the price collected from initial production was the maximum lawful price under NGPA section 107.

The Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(d), will be required as a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-951 Filed 1-12-83; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Boulder City Area Projects; Extension of Comment Period

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of extension of comment period for the Proposed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Criteria).

SUMMARY: The Western Area Power Administration's Boulder City Area Office by this notice extends the comment period for the Criteria set forth in the **Federal Register** at page 41420 of September 20, 1982, (47 FR 41420) and at page 56047 on December 14, 1982, (47 FR 56047). Western will receive comments from interested parties through February 15, 1983.

DATE: Written comments on the Criteria must be postmarked on or before February 15, 1983, in order to be considered in the preparation of the final Criteria.

ADDRESS: Written comments concerning the Criteria should be mailed to the following address: Mr. Robert A. Olson, Area Manager, Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, Nevada 89005.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Carter, (702) 293-8808.

Issued in Washington, D.C., January 6, 1983.

Ronald K. Greenhalgh,

Assistant Administrator for Washington Liaison.

[FR Doc. 83-875 Filed 1-12-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PE-305; PH-FRL 2284-4]

Dow Chemical Company; Food and Feed Additive Petitions; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Corrections.

SUMMARY: This notice corrects the chemical identification and the Code of Federal Regulation (CFR) citations in petitions submitted by the Dow Chemical Company proposing the establishment of tolerances for residues of the insecticide chlorpyrifos-methyl.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger (PM-12), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: In the FR Doc. 82-32765 published December 1, 1982 (47 FR 54159) proposing the establishment of tolerances for residues of the insecticide chlorpyrifos-methyl, corrections are made as follows:

1. Under FAP OH5277 appearing at page 54159, first column, sixth line, the CFR citation is corrected to read from "21 CFR 193.85 . . . . ." to "21 CFR Part 193 . . . . ." and the chemical name beginning on line 9 is corrected to read from "chlorpyrifos [*O,O*-diethyl . . . . ." to "chlorpyrifos-methyl [*O,O*-dimethyl . . . . ."

2. Under FAP OH5277 appearing at page 54159, second column, beginning on the second line, the CFR citation is corrected to read from "21 CFR 561.98 . . . . " to "21 CFR Part 561 . . . . .".

Dated: January 5, 1983.

Douglas d. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-925 Filed 1-12-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-303; PH-FRL 2284-3]

Dow Chemical Company; Pesticide and Food Additive Petitions; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Corrections.

SUMMARY: This notice corrects the chemical identification and the Code of Federal Regulation (CFR) citations in petitions submitted by the Dow Chemical Company proposing the establishment of tolerances for residues of the insecticide chlorpyrifos/methyl.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger (PM-12), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 202, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: In the FR Doc. 80-33073 published October 23, 1980 (45 FR 70312) proposing the establishment of tolerances for residues of the insecticide chlorpyrifos-methyl, corrections are made as follows:

1. Under PP 0F2433 appearing at page 70313, first column, first line, the CFR citation is corrected to read from "40 CFR 180.342 * * *" to "40 CFR Part 180 * * *" and the chemical name beginning on the fourth line is corrected to read from "chlorpyrifos-methyl [*O,O*-diethyl * * *" to "chlorpyrifos-methyl [*O,O*-dimethyl * * *".

2. Under FAP OH5277 appearing at page 70313, first column, the CFR citation beginning on the first line is corrected to read from "21 CFR 193.85 * * *" to "21 CFR Part 193 * * *".

Dated: January 5, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-924 Filed 1-12-83; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL 2245-7]

California State Motor Vehicle Pollution Control Standards; Amendments Within the Scope of Previous Waivers of Federal Preemption; Summary of Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of scope of waiver of Federal preemption.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has deferred for one year application of its optional 100,000 mile oxides of nitrogen (NOx) standards ("optional standards"), originally enacted for 1983 and subsequent model year passenger cars, light-duty trucks under 6,000 lbs equivalent inertia weight (EIW), and medium-duty vehicles under 6,000 lbs EIW, while retaining its existing optional standards.[1] These amendments were adopted in response to CARB's conclusion that manufacturers would be unable to meet the optional standards for the 1983 model year while maintaining acceptable engine durability, smoke and particulate levels. These amendments are included within the scope of previously granted waivers of Federal preemption. Since these amendments are included within the scope of these waivers, a separate hearing to consider them is not necessary.[2] However, if any party asserts an objection to these findings within 30 days of the date of the publication of this notice, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a section 209(b) waiver determination and that the Administrator should reconsider his findings. Otherwise these findings will become final at the expiration of this 30-day period.

DATES: Any objection to the findings in this notice must be filed within 30 days of the date of this notice; otherwise, at the expiration of this 30-day period these findings will become final. If a public hearing is scheduled it will be announced in a subsequent **Federal Register** notice.

ADDRESSES: Copies of the California amendments at issue in this notice, a decision document containing an explanation of the Administrator's determination, and documents used in arriving at this determination, as well as CARB staff reports used by CARB in formulating these amendments, are available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at the Environmental Protection Agency, Central Docket Section, Gallery I, 401 M Street, SW., Washington, D.C. 20460 (Docket EN-82-9). Copies of the decision document can be obtained from EPA's Manufacturers Operations Division by contacting Mr. Peter J. Murtha, as noted below.

[1] These amendments retain the existing optional standards of 1.5 gram per vehicle mile (g/mi) NOx for passenger cars, light-duty trucks (0-3,999 obs EIW) and medium-duty vehicles (0-3,999 lbs EIW) and 2.0 g/mi for light-duty trucks and medium-duty vehicles (4,000-5,999 lbs EIW). The deferred optional standards are 1.0 and 1.5 g/mi respectively. The optional 100,000 mile NOx standards may be used by manufacturers in lieu of California's existing 50,000 mile standard of 0.4 g/mi of NOx for passenger cars and other light duty vehicles. See Title 13, California Administrative Code, Section 1960.1. Historically, only diesel vehicle manufacturers have chosen to certify under the optional standards. See California State Motor vehicle Pollution Control Standards; Waiver of Federal Preemption; Decision of the Administrator (July 2, 1981) ("July 2, 1981 Waiver of Federal Preemption") at 9-10.

[2] Public hearings were held on May 16-19 and August 3-4, 1977 to consider the original waiver of Federal preemption in connection with these optional NOx standards. *See* 43 FR 14560 (April 13, 1978) and 43 FR 25729 (June 14, 1978). Moreover, CARB held a public hearing on November 19, 1981 in connection with its determination to defer the optional 100,000 mile 1983 model year standards for one year.

FOR FURTHER INFORMATION CONTACT: Peter J. Murtha, Attorney/Advisor, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382–2521.

SUPPLEMENTARY INFORMATION: I have determined that CARB's amendments to its optional 100,000 mile NOx standards for 1983 and subsequent model years are within the scope of waivers of Federal preemption previously granted pursuant to section 209(b) of the Clean Air Act ("the Act").[3] Specifically, the changes include: 1) the retention for one additional model year, from the 1982 model year to the 1983 model year, of the existing 1.5 gram per vehicle mile (g/mi) of NOx optional standard for passenger cars, light-duty trucks (0–3,999 lbs equivalent intertia weight (EIW)), and medium duty vehicles (0–3,999 lbs EIW) and the 2.0 g/mi NOx standard for light-duty trucks and medium-duty vehicles (4,000–5,999 lbs EIW); and 2) a delay for one year, from the 1983 model year to the 1984 model year, for application of the 1.0 g/mi NOx standard for passenger cars, light-duty trucks (0–3,999 lbs EIW), and medium-duty vehicles (0–3,999 lbs EIW) and the 1.5 g/mi NOx standard for light-duty trucks and medium-duty vehicles (4,000–5,999 lbs EIW). The changes will allow permissible NOx levels to remain the same during model year 1983, but will help prevent an increase in actual particulate emissions.

CARB has determined that although technology exists for the implementation of the more stringent optional standards, their deferral for one year will allow the manufacturers necessary lead time to develop and manufacture more sophisticated controls which will mitigate the rise in particulate emissions and the decrease in engine durability which would occur in diesel vehicles under current NOx control technology. Because the amendments merely delay for one year the implementation of the more stringent standards, and because the optional standards being retained are at the same emission level as the Federal standards for virtually all diesel light-duty passenger vehicles (*i.e.*, 1.5 g/mi),[4] are stricter than the Federal standards for light-duty trucks,[5] and, require demonstration of an additional 50,000 miles of durability, CARB concluded that its standards remain, in the aggregate, at least as stringent as applicable Federal standards.

I find that these amendments are within the scope of previously authorized waivers since the amendments 1) do not undermine California's determination that its standards are, in the aggregate, as protective of public health as applicable Federal standards,[6] 2) provide adequate lead time to permit manufacturers to develop and apply the requisite technology, giving appropriate consideration to the cost of compliance within that time frame and 3) raise no new issues affecting the previous EPA waiver determinations.

A full explanation of my determination is contained in a decision document, which may be obtained from EPA as noted above.

Note.—My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's standards in order to produce motor vehicles for sale in California. For this reason I hereby find that this decision is of nationwide scope and effect.

Section 3(b) of Executive Order 12291, requires EPA to determine initially whether a rule that it intends to propose or issue is a major rule and to prepare a Regulatory Impact Analysis for all major rules. EPA has determined that this action does not constitute a major rule. The action confirms California's authority to enforce regulations which will maintain current regulatory requirements for an additional year while deferring new (but previously approved), more stringent requirements on manufacturers. If anything, the action will likely result in cost savings to consumers, Government agencies and industries affected for one year because of the continuation of the less stringent requirements, and will likely have a beneficial effect on competition (both foreign and domestic), employment, investment, productivity, and innovation. Accordingly, a Regulatory Impact Analysis is not being prepared for this waiver determination.

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2) because EPA is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or any other law. Therefore, EPA has not prepared a supporting Regulatory Flexibility Analysis addressing the impact of this action on small business entities.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Public Docket EN–82–9 located in EPA's Central Docket Section (A–130), 401 M Street, SW., Washington, D.C. 20460.

Dated: December 23, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc 83-926 Filed 1-12-83; 8:45 am]

BILLING CODE 6560-50-M

[3] 43 FR 14590 (April 13, 1978), 43 FR 25729 (June 14, 1978), 45 FR 12291 (February 25, 1980) and 46 FR 36237 (July 14, 1981).

[4] See generally 47 FR 18334 (April 16, 1982).

[5] See, e.g., 40 CFR 86.083–9(a)(1)(i) (setting 2.3 g/mi Federal NOx standard for light-duty trucks for 1983 model year). The same standard applies through model year 1984 and beyond.

[6] EPA has previously found that CARB's determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable Federal standards was not arbitrary and capricious, even where certain individual standards, for example, carbon monoxide, were not numerically as stringent as the corresponding Federal standard. *See* July 2, 1982 Waiver of Federal Preemption at 5–7. This is because the CARB NOx standards as a rule are more stringent than the corresponding Federal standards, and because CARB determined that this extra "protectiveness" compensated for any "protectiveness" lost due to its less stringent CO standard. *Id.* at 8. This rationale is equally applicable to this waiver determination, even though more stringent optional standards are being deferred by one year.

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1389]

Petitions for Reconsideration of Actions in Rule Making Proceedings.

January 6, 1983.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Annual Report of Licensee in Public Mobile Radio Services (FCC Form L) (CC Docket No. 82–85).

Filed by: Kenneth E., Hardman, Attorney for Telocator Network of America on 12–10–82.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-885 Filed 1-12-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 83-5]

Privacy Act of 1974; Systems of Records Annual Republication

AGENCY: Federal Home Loan Bank Board.

DATED: January 6, 1983.

ACTION: Final Action Systems of Records Republication.

SUMMARY: The Bank Board is required by the Privacy Act of 1974 to republish annually its systems of records. The most recent full publication of such systems was made on October 18, 1980, at 45 Fed. Reg. 68,840–68,856, updated on December 28, 1981, at 46 Fed. Reg. 62,694–62,703.

The only changes in these publications for 1982 are the deletion of the following systems: FHLBB–1, FHLBB–8, FHLBB–16, FHLBB–19, FHLBB–21, and FHLBB–22. These deletions were occasioned by the publication by the Office of Personnel Management of comprehensive government-wide systems of records.

EFFECTIVE DATE: January 6, 1983.

FOR FURTHER INFORMATION CONTACT: William Van Lenten, Office of General Counsel, telephone number: (202) 377–6463.

(5 U.S.C. 552a)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-967 Filed 1-12-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Senior Executive Service; Date for Performance Awards

The Office of Personnel Management requires that each agency publish a notice in the Federal Register, at least 14 days in advance, stating the date scheduled for payment of Senior Executive Service performance awards. The Federal Mediation and Conciliation Service intends to issue its performance awards on or about January 31, 1983.

Dated: January 10, 1983.

Kay McMurray,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 83-954 Filed 1-12-83; 8:45 am]

BILLING CODE 6732-01-M

Labor-Management Cooperation Program; Request for Public Comment

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Request for Public Comment on Draft FY 1983 Program Announcement.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) is publishing this draft Fiscal Year 1983 program announcement/application solicitation for the Labor-Management Cooperation Program to inform the public and obtain public comments. The program is supported by Federal funds authorized by the Labor-Management Cooperation Act of 1978, subject to annual appropriations.

DATE: Comments are due on or before February 14, 1983.

ADDRESS: Send comments to: Peter L. Regner, Director, Labor-Management Grant Programs, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, D.C. 20427.

FOR FURTHER INFORMATION CONTACT: Peter L. Regner, 202–653–5320.

Labor-Management Cooperation Program Application Solicitation—FY 1983

A. Introduction

The following is the draft announcement for the Fiscal Year 1983 cycle of the Labor-Management Cooperation Program. These guidelines represent the third year of efforts of the Federal Mediation and Conciliation Service to implement the provisions of the Labor-Management Cooperation Act of 1978 which was approved in October 1978.

The Act generally authorized FMCS to: provide assistance in the establishment and operation of plant, area, and industrywide labor and management committees which—

(A) have been organized jointly by employers and labor organizations representing employees in that plant, area, or industry; and

(B) are established for the purpose of improving labor-management relationships, job security, oganizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs including improving communication with respect to subjects of mutual interest and concern.

The Act also prohibited FMCS from awarding any grants or contracts under the following three circumstances:

(1) No assistance can be given for plant labor-management committees unless the employees in that plant are represented by a labor organization and there is in effect at that plant a collective bargaining agreement;

(2) No assistance can be given for an area or industrywide labor-management committee unless its participants include any labor organizations certified or recognized as the representative of the employees of an employer participating in such a committee. However, employers whose employees are not represented by a labor organization may participate on such area or industrywide committees; and

(3) No assistance can be given to any committee which FMCS finds to have as one of its purposes the discouragement of the exercise of rights contained in section 7 of the National Labor Relations Act (29 U.S.C. 157) or the interference with collective bargaining in any plant or industry.

With respect to item (2) above, applicants for area or industrywide grants should offer committee memberships to every labor organization having a collective bargaining contract with any employer participating on the committee. Any labor organization so desiring may voluntarily elect not to participate on the Committee. Documentation of all this (i.e., the listing of each participating employer and corresponding labor organizations and written declinations by those labor organizations not electing to participate on the committee) should be included as part of the application.

The Program Description and other sections that follow as well as a separately published FMCS Financial and Administrative Grants Manual make up the basic guidelines, criteria, and program elements a potential applicant for assistance under this program must know in order to develop an application for funding consideration for either a plant, areawide, or industrywide labor-management committee. Directions for obtaining an application kit may be found in Section F.

B. Program Description

Objectives

The Labor-Management Cooperation Act of 1978 identified the following seven general areas for which financial assistance would be appropriate:

(1) To improve communications between representatives of labor and management;

(2) To provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness;

(3) To assist workers and employers in solving problems of mutual concern

not susceptible to resolution within the collective bargaining process;

(4) To study and explore ways of eliminating potential problems which reduce the competitiveness and inhibit the economic development of the plant, area, or industry;

(5) To enhance the involvement of workers in making decisions that affect their working lives;

(6) To expand and improve working relationships between workers and managers; and

(7) To encourage free collective bargaining by establishing continuing mechanisms for communication between employers and their employees through Federal Assistance to the formation and operation of labor-management committees.

The primary objective of this program is to provide financial assistance for the establishment and operation of joint labor-management committees to carry out specific objectives that meet the aforementioned general criteria and conform to the restrictions mentioned in Section A (Introduction). As discussed in the legislation, these committees may be found at either the plant, area, or industry levels. A plant committee is generally characterized as restricted to one or more organizational or productive units operated by a single employer. An area committee is generally composed of multiple employers of diverse industries as well as multiple labor unions operating within and focusing upon city, county, contiguous multi-county, or statewide jurisdictions. An industry committee generally consists of a collection of agencies or enterprises and related labor unions producing a common product or service in either the private or public sectors on a local, state, regional, and nationwide level. In FY 83, competition will be limited to area and private or public sector industry committees.

In deciding whether an application is for an area or industry committee, consideration should be given to the above definitions as well as to the focus of the committee.

Required Program Elements

1. *Problem Statement*—The application, which should have numbered pages, must discuss in detail what specific problem(s) face the area or industry and workforce that will be addressed by the committee. Applicants must document the problems using as much relevant data as possible and discuss the full range of impacts these problems could have or are having on the area or industry. An industrial or economic profile of the area and workforce might prove useful in explaining the problems. This section basically discusses WHY the effort is needed.

2. *Results or Benefits Expected*—By using specific goals and objectives, the application must discuss in detail WHAT the labor-management committee will accomplish during the life of the grant. While a goal of "improving communication between employers and employees" may suffice as one overall goal of a project, the objectives must, whenever possible, be expressed in measurable terms. Applicants should focus on the impacts or changes that the committee's efforts will have on the area or industry. Existing committees should focus on *expansion* efforts/results expected from FMCS funding. The goals, objectives, and projected impacts will become the foundation for future monitoring and evaluation efforts.

3. *Approach*—This section of the application specifies HOW the goals and objectives will be accomplished. At a minimum, the following elements must be included in all grant applications:

(a) a discussion of the strategy the committee will employ to accomplish its goals and objectives;

(b) a listing, by name and title, of all proposed members of the labor-management committee. Be sure to identify the chairperson(s) and the role he/she will play. The application should also offer a rationale for the selection of the committee members (e.g., members represent 70% of the area workforce).

(c) a discussion of the number, type, and role of all committee staff persons. Include proposed position descriptions for all staff that will have to be hired as well as resumes for staff already on board;

(d) in addressing the proposed approach, applicants must also present their justification as to why Federal funds are needed to implement the proposed approach;

(e) a statement of how often the committee will meet as well as any plans to form subordinate committees for particular purposes; and

(f) for applications from existing committees (i.e., in existence at least 12 months prior to the submission deadline), a discussion of the past efforts and accomplishments and how they would integrate with the proposed future expanded effort.

4. *Major Milestones*—This section must include an implementation plan that indicates what major steps, operating activities, and objectives will be accomplished as well as a timetable for WHEN they will be finished. A milestone chart must be included that indicates what specific accomplishments (process and impact) will be completed by month over the life of the grant. The chart should identify months as "month 1, 2" etc., rather than by name of month as the grant start date will not determined until all applications are reviewed. The accomplishment of these tasks and objectives, as well as problems and delays therein, will serve as the basis for quarterly progress reports to FMCS.

5. *Evaluation*—Applicants are allowed the option of contracting for external evaluations or conducting their own formal internal assessment. Applicants may expend up to $7,000 for an outside evaluation. In either case an evaluation plan must be discussed in this section.

The evaluation plan should discuss what basic questions or issues the proposed evaluator would examine and what baseline data the committee staff would already have/or will gather for the evaluator. This section should be written with the application's own goals and objectives clearly in mind and the impacts or changes that the effort is expected to cause.

6. *Letters of Commitment*—Applications must include letters of commitment from all proposed or existing committee participants and chairpersons. These letters should indicate that the participants support the application and are willing to personally attend scheduled committee meetings.

7. *Other Requirements*—Applicants are also responsible for the following:

(a) The submission of data indicating how many employees will be covered or represented through the labor-management committee;

(b) From existing committees, a copy of the existing staffing levels and breakout of annual operating costs;

(c) A detailed budget narrative based on policies and procedures contained in the FMCS Financial and Administrative Grants Manual;

(d) An assurance that the labor-management committee will not interfere with any collective bargaining agreements; and

(e) An assurance that written minutes of all committee meetings will be prepared and made available to FMCS.

Selection Criteria

The following criteria will be used in the scoring and selection of applications for award:

(1) The extent to which the application has clearly identified the problems and justified the needs that the proposed project will address;

(2) The degree to which appropriate and measurable goals and objectives have been developed to address the problems/needs of the area. For existing committees, the extent to which the committee will foucs on expanded efforts.

(3) The feasibility of the approach proposed to attain the goals and objectives of the project and the perceived likelihood of accomplishing the intended project results.

(4) The appropriateness of committee membership and the degree of commitment of these individuals to the goals of the application;

(5) The feasibility and thoroughness of the implementation plan in specifying major milestones and target dates;

(6) The feasibility and thoroughness of planning on how to best evaluate the project's impacts, including major evaluation topics and necessary data elements;

(7) The cost effectiveness and fiscal soundness of the application's budget request as well as the application's fiscal feasibility vs. its goals and approach; and

(8) The cost value to the government of the application in light of the overall objectives of the Labor-Management Cooperation Act of 1978.

C. Eligibility

Eligible grantees include State and local units of government, private non-profit labor-management committees, and certain third party private non-profit entities.

Third party private non-profit entities which can document that a major purpose or function of their organization has been the improvement of labor relations are eligible to apply. However, all funding must be directed to the functioning of the labor-management committee, and all requirements under Part B must be followed. Applications from third-party entities must document strong support and participation from all labor and management parties with whom the applicant will be working.

In the event two or more applications are received which compete under the same category from the same jurisdiction (e.g., two areawide applications from the same county), only the higher scoring application will be awarded (if both are ranked acceptable for funding and funds are available).

Applications seeking to continue projects funded by FMCS in Fiscal Year 1981 will be considered ineligible.

D. Allocations

For Fiscal Year 1983, FMCS will operate under a Continuing Resolution which allocates $500,000 for the Labor-Management Cooperation Program. The funding will be distributed as follows: $450,000 will be allocated on a competitive basis for area and industry committee applications; $50,000 will be reserved for the administration of a national labor-management conference in cooperation with the National Association of Area Labor-Management Committees. FMCS reserves the right to reprogram up to 10 percent of the FY 83 allocation into these or other categories at its discretion.

E. Dollar Range and Length of Grants and Continuation Policy

Awards to continue and expand existing labor-management committees (i.e., in existence at least 12 months prior to the submission deadline) shall be for a period of 12 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be contined up to an additional 12 months at double the initial cash match ratio. The total project period will thus normally be no more than 24 months.

Initial awards to establish new labor-management committees (i.e., not yet established or in existence less than 12 months prior to the submission deadline), shall be for a period of 18 months. If successful progress is made during this initial budget period and if sufficient appropriations for expansion and continuation projects are available, these grants may be continued up to an additional 18 months at double the initial cash match ratio. The total project period will thus normally be no more than 36 months.

The dollar range of awards is as follows:

—Up to $75,000 in FMCS funds per annum for existing committees;

—Up to $100,000 per 18-month period for new committees.

Applicants are reminded that these figures represent maximum Federal funds only. If total costs to accomplish the objectives of the application exceed the maximum allowable Federal funding level and grantee match, applicants may supplement these funds through voluntary contributions from other sources.

F. Match Requirements and Cost Allowability

In FY 83, applicants for new labor-management committees must provide at least 10 percent of the total allowable project costs. Applicants of existing committees must provide at least 25 percent of the total allowable project costs. All matching funds must be in cash rather than in-kind goods or services. Matching funds may come from state or local government sources or private sector contributions, but may generally not include other Federal funds. Funds generated by projects as "project income" may not be used for matching purposes. No matching funds are required for the national labor-management conference grant.

It shall also be the policy of this program to reject all requests for indirect or overhead costs. In addition, grant funds must not be used to supplant private or local/state government funds previously made available for these purposes. Also, under no circumstances will management staff or employees participating on a labor-management committee be paid or otherwise compensated out of grant funds for time spent at committee meetings or training sessions.

For a more complete discussion of cost allowability, applicants are encouraged to consult the FMCS Financial and Administrative Grants Manual which will be included in the application kit.

G. Application Submission and Review Process

Applicants for area or industry committees wishing to submit a draft or pre-application for informal review and comment by the grants program staff may submit pre-applications any time up to February 28, 1983. FMCS staff will provide brief and general comments as to possible application deficiencies. The pages of pre- and final applications should be numbered.

Final applications must be postmarked no later than April 30, 1983. No applications or supplementary materials can be accepted after the deadline. An original application plus three copies should be addressed to the Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street, NW., Washington, D.C. 20427.

After the deadline has passed, all eligible applications will be reviewed and scored by an FMCS Grant Review Board. The Director, Labor-Management Grant Programs, will finalize the scoring and place the application in one of the following three categories: (a) Unacceptable for funding, (b) potentially acceptable for funding but funds are unavailable, and (c) recommended for funding.

All FY 83 grant awards are expected to be made within 90 days of the application submission deadline. Applications submitted after the deadline dates or that fail to adhere to

eligibility or other major requirements will be administratively rejected prior to the convening of the Grant Review Board.

H. Contact

Individuals wishing to apply for funding under this program should contact the Federal Mediation and Conciliation Service as soon as possible to obtain an application kit. These kits, as well as additional information or clarification, can be obtained by contacting Peter L. Regner, Federal Mediation and Conciliation Service, Labor-Management Grant Programs, 2100 K Street, NW., Washington, D.C. 20427, or calling 202/653–5320.

Kay McMurray,

Director, Federal Mediation and Conciliation Service.

[FR Doc. 83-942 Filed 1-12-83; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Citizens Central Bancorp, Inc. et al.; Formation of Bank Holding Companies

The companies listed in this notice have 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 bank holding companies by acquiring voting shares or assets of a bank. 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 may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. 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.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Citizens Central Bancorp, Inc.*, Macomb, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Citizens National Bank of Macomb, Macomb, Illinois. Comments on this application must be received not later than February 7, 1983.

2. *FNB Holding Co.*, West Des Moines, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of West Des Moines, West Des Moines, Iowa. Comments on this application must be received not later than February 2, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *McCook Bancshares Inc.*, Salem, South Dakota; to become a bank holding company by acquiring at least 80 percent of the voting shares of The McCook County National Bank of Salem, Salem, South Dakota. Comments on this application must be received not later than February 7, 1983.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Independent Bancorp, Inc.*, Chickasha, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank and Trust Company, Chickasha, Oklahoma. Comments on this application must be received not later than February 7, 1983.

Board of Governors of the Federal Reserve System, January 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR 83-899 Filed 1-12-83; 8:45 am]

BILLING CODE 6210-01-M

Cullen/Frost Bankers, Inc., et al.; Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. 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 may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. 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.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Cullen/Frost Bankers, Inc.*, San Antonio, Texas; to acquire 100 percent of the voting shares of Northfield National Bank, Houston, Texas. Comments on this application must be received not later than February 7, 1983.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Puget Sound Bancorp*, Tacoma, Washington; to acquire 100 percent of the voting shares or assets of San Juan County Bank, Friday Harbor, Washington. Comments on this application must be received not later than February 7, 1983.

C. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Rainier Bancorporation*, Seattle, Washington; to acquire 90 percent or more of the voting shares of Peoples Bank & Trust, Anchorage, Alaska. this application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than February 7, 1983.

Board of Governors of the Federal Reserve System, January 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-900 Filed 1-12-83; 8:45 am]

BILLING CODE 6210-01-M

Barclays Bank PLC et al.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The organizations identified in this notice 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)(1) of the Board's Regulation Y (12 CFR 115.4(b)(1)), for permission to engage *de novo*, directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any

comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, Barclays Bank International Limited, London, England (consumer finance; Oregon): To engage through their subsidiary, BarclaysAmerican/Financial, Inc. ("BAF"), in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning) and acting as agent for the sale of related credit life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. This activity would be conducted from an office of BAF in Beaverton, Oregon, serving customers in Beaverton and surrounding areas in Oregon. This notification is for the relocation of an existing office in Portland, Oregon. Comments on this application must be received not later than February 7, 1983.

2. *Citicorp*, New York, New York (finance company, loan servicing, and credit-related insurance activities; Colorado): To expand the activities and service area of an existing subsidiary, Citicorp Person-to-Person Industrial Bank, located in Fort Collins, Colorado, and to establish a *de novo* office of Citicorp Homeowners, Inc. at the same Fort Collins, Colorado location. The activities in which the *de novo* office of Citicorp Homeowners, Inc. proposes to engage are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life 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; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the *de novo* office of Citicorp Homeowners, Inc. shall be comprised of the entire State of Colorado for all the aforementioned proposed activities. The new activities in which Citicorp Person-to-Person Industrial Bank proposes to engage *de novo* are: 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; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area shall be the entire State of Colorado for the aforementioned proposed activities, and for the following activities previously approved for Citicorp Person-to-Person Industrial Bank: the operating as an industrial loan company in the manner authorized by Colorado law, including the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the issuing of thrift certificates and thrift passbook certificates; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Industrial Bank and Citicorp Homeowners, Inc. Comments on this application must be received not later than February 7, 1983.

3. *Citicorp*, New York, New York (finance company and credit related insurance activities; Michigan, Indiana and Ohio): To expand the activities of an existing office of Citicorp Acceptance Company, Inc., located in Southfield, Michigan. The new activities in which the office proposes to engage *de novo* are: The sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; and the servicing, for any person, of loans and other extensions of credit. In addition, the office proposes to broaden its previously approved activities of the extension of loans to mobile home dealers for the financing on inventory (floor planning) and working capital purposes and the purchasing and servicing for its own account of sales finance contracts relating to mobile homes, to engage in such activities with regard to all types of dealers and all types of consumer installment paper. The proposed service area for the aforementioned activities shall be comprised of the entire State of Michigan, Indiana and Ohio. Comments on this application must be received not later than February 7, 1983.

4. *Citicorp*, New York, New York (consumer finance and credit-related insurance activities, Minnesota): To establish a *de novo* office of Citicorp Homeowners, Inc. and a *de novo* office of Citicorp Person-to-Person Financial Center, Inc. at a shared location in Burnsville, Minnesota. The activities in which the *de novo* office of Citicorp Homeowners, Inc. proposes to engage are: 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 or decreasing or level (in the case of single payment loans) term life 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 extentions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extentions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The *de novo* office of Citicorp Person-to-Person Financial Center, Inc. proposes to engage in operating as an office of an industrial loan company in the manner authorized by Minnesota law, including the following activities: 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 or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the issuing of thrift certificates and thrift passbook certificates; 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; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the *de novo* office of Citicorp Person-to-Person Financial Center, Inc. and the *de novo* office of Citicorp Homeowners, Inc. shall be comprised of the entire State of Minnesota for all the aforementioned proposed activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. Comments on this application must be recevied not later than February 7, 1983.

5. *Citicorp*, New York, New York (consumer finance and credit-related insurance activities, Minnesota): To establish a *de novo* office of Citicorp Homeowners, Inc. and a *de novo* office of Citicorp Person-to-Person Financial Center, Inc. at a shared location in Minnetonka, Minnesota. The activities in which the *de novo* office of Citicorp Homeowners, Inc. proposes to engage are: 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 or decreasing or level (in the case of single payment loans) term life 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; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The *de novo* office of Citicorp Person-to-Person Financial center, Inc. proposes to engage in operating as an office of an industrial loan company in the manner authorized by Minnesota law, including the following activities: 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 or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the issuing of thrift certificates and thrift passbook certificates; 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; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the *de novo* office of Citicorp Person-to-Person Financial Center, Inc. and the *de novo* office of Citicorp Homeowners, Inc. shall be comprised of the entire State of Minnesota for all the aforementioned proposed activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. Comments on this application must be received not later than February 7, 1983.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *FB & T Corporation*, Hanover, Pennsylvania (insurance activities; Hanover, Pennsylvania): To engage through its subsidiary FB & T Insurance Company, Phoenix, Arizona in acting as an underwriter of credit life and accident and health insurance directly related to extensions of credit by Farmers Bank and Trust Company or any other credit granting affiliated subsidiaries. These activities will be conducted from an office in Hanover, Pennsylvania, serving York and Adams Counties and counties contiguous thereto. Comments on this application must be received not later than February 7, 1983.

C. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Pittsburgh National Corporation*, Pittsburgh, Pennsylvania (mortgage banking activities; California): To engage, through its subsidiary, The Kissell Company, Springfield, Ohio, in making or acquiring and servicing for its own account and or the account of others, loans and other extensions of credit at an existing office in Benicia, California. The activities will be expanded into one additional county, Contra Costa, California. Comments on this application must be received not later than January 28, 1983.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

NBD Bancorp, Inc., Detroit, Michigan (mortgage banking activities; Michigan): To engage, through its subsidiary, NBD Mortgage Company, in mortgage banking activities, including the making and acquiring of mortgage loans for its own account and for the account of others and such other extensions of credit as would be made by a mortgage company. These activities would be conducted from an office to be located in Mt. Pleasant, Michigan, serving the counties of Isabella, Gratiot and Clare, Michigan. Comments on this application must be received not later than February 1, 1983.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (industrial loan company, financing, servicing, and insurance activities; *de novo* office; Iowa and Illinois): To engage *de novo*, through its newly organized indirect subsidiary, FinanceAmerica Corporation of Iowa, and Iowa corporation, in the activities of acting as an industrial loan company under the Iowa Industrial Loan Law, including, but not limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to businesses, making loans secured by real and personal property, provided, however, that no investment certificates will be offered to the public; making or acquiring for its own account loans and other extensions of credit; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. No credit-related property insurance will be offered. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of FinanceAmerica Corporation of Iowa. These activities will be conducted *de novo* from an existing office of FinanceAmerica Thrift Corporation located in Davenport, Iowa, serving the entire States of Iowa and Illinois. Comments on this application must be received not later than February 7, 1983.

2. *Peoples Bancorporation,* Seattle, Washington (consumer finance activities; Washington): To engage, through its subsidiary, Peoples Consumer Finance Company, in consumer finance activities, including the extension of credit for personal loans. These activities would be conducted from offices in Seattle, Washington, serving King County, Washington. Comments on this application must be received not later than February 7, 1983.

3. *Peoples Bancorporation,* Seattle, Washington (industrial loan company activities; Washington): To engage, through its subsidiary, Peoples Industrial Loan Company, in industrial loan company activities, including the extension of credit for personal loans, second mortgage real estate loans, and contracts originating in the sale of merchandise. These activities would be conducted from offices in Seattle, Washington, serving King County, Washington. Comments on this application must be received not later than February 7, 1983.

Board of Governors of the Federal Reserve System, January 10, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-601 Filed 1-12-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Ateriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, February 24-25, 1983, Building 31, Conference Room 4, 1st Floor, A-Wing, National Institutes of Health, Bethesda, Md. 20205.

This meeting will be open to the public on February 24 from 8:30 a.m. to 10:00 a.m. and on February 25, from 8:30 a.m. to adjournment to hear announcements, status reports on the program, and to evaluate program support in Arteriosclerosis, Hypertension and Lipid Metabolism. Attendance by the public will be limited on a space available basis.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub.L. 92-463, the meeting of the Advisory Committee will be closed to the public from approximately 10:00 a.m. until adjournment on February 24, 1983 for the review, discussion and evaluation of individual contract proposals. These proposals and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiry and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. G. C. McMillan, Associate Director, Arteriosclerosis, Hypertension, and Lipid Metabolism Program, NHLBI, Room 4C-12, Federal Building, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: January 3, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-612 Filed 1-12-83; 8:45 am]

BILLING CODE 4140-01-M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, March 7-9, 1983, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Md. 20814.

This meeting will be open to the public on March 7, 1983, from 1:00 p.m. to approximately 2:00 p.m. to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 7 from approximately 2:00 p.m. to recess and will convene again on March 8, beginning at 8:30 a.m. to adjournment on March 9, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Therefore, this meeting is concerned with matters exempt from mandatory disclosure under Section 552b(c)(6) of Title 5, U.S. Code.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Md, 20205, Building 31, Room 4A-21, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Contracts, Clinical Trials and Training Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Md. 20205, Room 548B, phone (301) 496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: January 3, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-613 Filed 1-12-83; 8:45 am]

BILLING CODE 4140-01-M

Division of Research Grants Study Sections; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for February through March 1983, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 522b(c)(4) and 522b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, MD. 20205, telephone 301-496-7441 will

furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the executive secretary to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Study section	February–March 1983 meetings	Time	Location
Allergy and Immunology, Dr. Eugene Zimmerman, Rm. 320, Tel. 301-496-7380	February 24-26	8:30	Holiday Inn, Georgetown, DC.
Bacteriology and Mycology-1, Dr. Milton Gordon, Rm. 304, Tel. 301-496-7340	February 16-18	8:30	Holiday Inn, Chevy Chase, MD.
Bacteriology and Mycology-2, Dr. William Branche, Jr., Rm. 306, Tel. 301-496-7661.	February 23-25	8:30	Holiday Inn, Georgetown, DC.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 232, Tel. 301-496-7109	February 22-25	9:00	Marriott Hotel, Bethesda, MD.
Biochemical Endocrinology, Dr. Norman Gold, Rm. 226, Tel. 301-496-7430	March 2-5	8:30	Room 6, Bldg. 31-C, Bethesda, MD.
Biochemistry-A, Dr. Adolphus P. Toliver, Rm. 318A, Tel. 301-496-7516	March 2-5	9:00	Linden Hill Hotel, Bethesda, MD.
Biochemistry-B, Dr. Alex Liacouras, Rm. 318A, Tel. 301-496-7516	February 24-26	8:30	Ramada Inn, Bethesda, MD.
Bio-Organic and Natural Products Chemistry, Dr. Michael Rogers, Rm. A-27, Tel. 301-496-7107.	February 24-26	9:00	Westpark Hotel, Rosslyn, VA.
Biophysical Chemistry, Dr. John B. Wolff, Rm. 236B, Tel. 301-496-7070	March 3-5	8:30	Marriott Hotel, Bethesda, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301-496-7058	February 14-17	9:00	Ramada Inn, Bethesda, MD.
Cardiovascular and Pulmonary, Dr. Anthony C. Chung, Rm. 2A-04, Tel. 301-496-7316.	March 9-11	8:00	Linden Hill Hotel, Bethesda, MD.
Cardiovascular and Renal, Dr. Rosemary Morris, Rm. 321, Tel. 301-496-7901	February 23-25	8:30	Holiday Inn, Washington, DC.
Cell Biology, Dr. Gerald Greenhouse, Rm. 336, Tel. 301-496-7396	March 9-11	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301-496-7078	February 22-24	8:30	Holiday Inn, Bethesda, MD.
Diagnostic Radiology, Dr. Catharine Wingate, Rm. 2198, Tel. 301-496-7650	February 28-March 2	8:30	Shoreham Hotel, Washington, DC.
Endocrinology, Mr. Morris M. Graff, Rm. 333, Tel. 301-496-7346	February 7-9	7:00 p.m.	Wellington Hotel, Washington, DC.
Epidemiology and Disease Control-1, Dr. Michael Aizenja, Rm. 203C, Tel. 301-496-7246.	February 15-17	8:30	Wellington Hotel, Washington, DC.
Epidemiology and Disease Control-2, Dr. Ann Schluederberg, Rm. 203B, Tel. 301-496-7246.	February 15-17	8:30	Wellington Hotel, Washington, D.C.
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 234, Tel. 301-496-7940.	February 22-24	8:00	Ramada Renaissance, Washington, DC.
Experimental Immunology, Dr. David Lavrin, Rm. 222B, Tel. 301-496-7236	February 23-25	8:30	Holiday Inn, Georgetown, DC.
Experimental Therapeutics, Dr. Ira Kline, Rm. 319A, Tel. 301-496-7839	February 23-26	8:30	Holiday Inn, Bethesda, MD.
Experimental Virology, Dr. Eugene Zebovitz, Rm. 206, Tel. 301-496-7474	February 20-23	2:00 p.m.	Room 8, Bldg. 31C, Bethesda, MD.
General Medicine A, Dr. Harold Davidson, Rm. 354A, Tel. 301-496-7797	March 2-5	8:30	Room 9, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Antonia Novello, Rm. 322, Tel. 301-496-7730	February 9-11	8:30	Holiday Inn, Georgetown, DC.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301-496-7271	February 17-19	9:00	Room 6, Bldg. 31C, Bethesda, MD.
Hearing Research, Dr. Michael Halasz, Rm. 225, Tel. 301-496-7550	February 23-25	8:30	Capitol Holiday Inn, Washington, DC.
Hematology-1, Dr. Clark Lum, Rm. 355A, Tel. 301-496-7506	February 10-12	8:00	Holiday Inn, Georgetown, DC.
Hematology-2, Dr. M. Wayne Hurst, Rm. 355B, Tel. 301-496-7506	February 23-25	8:00	Room 9, Bldg. 31C, Bethesda, MD.
Human Development and Aging-1, Dr. Teresa Levitin, Rm. 303, Tel. 301-496-7025	March 2-4	9:00	Georgetown Hotel, Washington, DC.
Human Development and Aging-2, Dr. Samuel Rawlings, Rm. 305, Tel. 301-496-7640.	March 2-4	9:00	Embassy Square Hotel, Washington, DC.
Human Embryology and Development, Dr. Arthur Hoversland, Rm. 221, Tel. 301-496-7597.	March 1-4	8:00	Westpark Hotel, Rosslyn, VA.
Immunobiology, Dr. William Stylos, Rm. 222A, Tel. 301-496-7780	February 16-18	8:30	Linden Hill Hotel, Bethesda, MD.
Immunological Sciences, Dr. Lottie Kornfeld, Rm. 233A, Tel. 301-496-7179	March 2-4	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Mammalian Genetics, Dr. Jerry Roberts, Rm. 349, Tel. 301-496-7271	February 17-19	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Medicinal Chemistry, Dr. Ronald Dubois, Rm. A-27, Tel. 301-496-7107	March 2-4	9:00	Holiday Inn, Chevy Chase, MD.
Metabolism, Dr. Robert Leonard, Rm. 339A, Tel. 301-496-7091	February 24-26	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Metallobiochemistry, Dr. Marjam Behar, Rm. 310, Tel. 301-496-7733	February 24-26	9:00	Georgetown Hotel, Washington, DC.
Microbial Physiology and Genetics-A, Dr. Martin Slater, Rm. 238, Tel. 301-496-7183.	February 23-25	8:30	Holiday Inn, Bethesda, MD.
Microbial Physiology and Genetics-B, Dr. Gerald Liddel, Rm. 357, Tel. 301-496-7130.	February 23-25	8:30	Marriott Hotel, Tyson's Corner, VA.
Molecular and Cellular Biophysics, Dr. Patricia Straat, Rm. 236A, Tel. 301-496-7060.	March 4-6	8:30	Sheraton Inn, Silver Spring, MD.
Molecular Biology, Dr. Donald Disque, Rm. 328, Tel. 301-496-7830	February 17-19	8:30	Holiday Inn, Georgetown, DC.
Molecular Cytology, Dr. Ramesh Nayak, Rm. 233B, Tel. 301-496-7149	February 17-19	8:30	Marriott Hotel, Washington, DC.
Neurological Sciences, Dr. Edwin Bartos, Rm. 439B, Tel. 301-496-7280	February 24-26	8:30	Holiday Inn, Georgetown, DC.
Neurology A, Dr. Catherine Woodbury, Rm. 326, Tel. 301-496-7095	March 9-12	7:00 p.m.	Wellington Hotel, Washington, DC.
Neurology B-1, Dro. Willard McFarland, Rm. 2A03, Tel. 301-496-7422	February 22-25	9:00	Linden Hill Hotel, Bethesda, MD.
Neurology B-2, Dr. Herman Tietelbaum, Rm. 2A05, Tel. 301-496-7422	February 23-26	8:30	Wellington Hotel, Washington, DC.
Nutrition, Dr. John Schubert, Rm. 204, Tel. 301-496-7178	February 23-25	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Oral Biology and Medicine, Dr. Thomas M. Tarpley, Jr., Rm. 325, Tel. 301-496-7818.	February 21-24	9:00	Linden Hill Hotel, Bethesda, MD.
Orthopedics and Musculoskeletal, Ms. Ileen Stewart, Rm. 350, Tel. 301-496-7581	February 17-19	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Pathobiochemistry, Dr. Clarice Gaylord, Rm. A-26, Tel. 301-496-7820	February 16-19	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Pathology A, Dr. Robert M. Conant, Rm. 337, Tel. 301-496-7305	March 2-5	8:00	Westpark Hotel, Rosslyn, VA.
Pathology B, Dr. Martin Padarathsingh, Rm. 352, Tel. 301-496-7244	March 9-11	8:30	Ramada Inn, Bethesda, MD.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301-496-7406	February 15-17	8:30	Holiday Inn, Bethesda, MD.
Physical Biochemistry, Dr. Jeanne Ketley, Rm. 218B, Tel. 301-496-7120	February 16-18	9:00	Holiday Inn, Bethesda, MD.
Physiological Chemistry, Dr. Harry Brodie, Rm. 339B, Tel. 301-496-7837	February 24-26	8:30	Holiday Inn, Rosslyn, VA.
Physiology, Dr. Martin Frank, Rm. 209, Tel. 301-496-7878	February 23-26	2:00p.m.	Holiday Inn, Bethesda, MD.
Radiation, Dr. Robert Straube, Rm. 219A, Tel. 301-496-7073	March 7-9	9:00	Shoreham Hotel, Washington, DC.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301-496-7318	February 22-25	8:30	Ramada Inn, Bethesda, MD.
Sensory Disorders and Language, Dr. Michael Halasz, Rm. 225, Tel. 301-496-7550.	March 2-4	8:30	Holiday Inn, Bethesda, MD.
Social Sciences and Population, Ms. Carol Campbell, Rm. 210, Tel. 301-496-7906	February 17-19	8:30	Shoreham Hotel, Washington, DC.
Surgery and Bioengineering, Dr. Samuel Abramson, Rm. 303A, Tel. 301-496-7506	February 24-25	8:00	Wellingham Hotel, Washington, DC.
Surgery, Anesthesiology and Trauma, Dr. Keith Kraner, Rm. 319B, Tel. 301-496-7771.	February 24-25	8:30	Westpark Hotel, Rosslyn, VA.
Toxicology, Ms. Faye J. Calhoun, Rm. 205, Tel. 301-496-7570	March 4-6	8:30	Frontier Hotel, Las Vegas, Nevada.
Tropical Medicine and Parasitology, Dr. Betty June Myers, Rm. 110, Tel. 301-496-7846.	February 14-17	8:30	Room 4, Bldg. 31C, Bethesda, MD.
Virology, Dr. Claire Winestock, Rm. 309, Tel. 301-496-7605	March 3-5	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Visual Sciences A-1, Dr. Orvil Bolduan, Rm. 207, Tel. 301-496-7000	February 23-25	9:00	Shoreham Hotel, Washington, DC.
Visual Sciences A-2, Dr. Jane Hu, Rm. 439A, Tel. 301-496-7310	March 2-5	8:30	Holiday Inn, Georgetown, DC.
Visual Sciences B, Dr. Luigi Giacometti, Rm. 325, Tel. 301-496-7251	March 9-12	9:00	Holiday Inn, Georgetown, DC.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

Dated: January 3, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-911 Filed 1-12-83; 8:45 am]

BILLING CODE 4140-01-M

General Clinical Research Centers Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Clinical Research Centers Committee (GCRC), Division of Research Resources (DRR), February 14–15, 1983, Conference Room 10, Building 31, 9000 Rockville Pike, Bethesda, MD.

The meeting will be open to the public on February 14, 1983, from 9:00 a.m. to approximately 12:00 noon during which there will be comments by Dr. Betty Pickett, Director, DRR; update on the GCRC Program by Dr. William R. DeCesar, Program Director, GCRC Program; and report on the GCRC Program Directors meeting; the Clinical Associate Physician Program; the diffusion of the CLINCO System, a proposed award for established investigators; possible new technologies for GCRC's; and Data Management. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 14, 1983, from approximately 1:00 p.m. to recess, and on February 15, from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B–10, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Room 5B51, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clincal Research, National Institutes of Health)

Dated: January 3, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-917 Filed 1-12-83; 8:45 am]

BILLING CODE 4140-01-M

National Advisory Eye Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, January 24 and 25, 1983, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public from 9:00 a.m. until approximately noon on Monday, January 24, for opening remarks by the Director, National Eye Institute; a discussion of NEI policy on research training; discussions of procedural matters; and presentations by the extramural staff of the Institute.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately noon for the remainder of the day on Monday, January 24, and all day on Tuesday, January 25, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Dated: December 30, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-916 Filed 1-12-83; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Advisory Board and Board Subcommittees; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees on Special Actions for Grants, Planning and Budget, Organ System Programs, and Cancer Control and the Community, January 29–February 2, 1983, National Cancer Institute, Building 31, C Wing, Conference Room 6, National Institutes of Health, Bethesda, Md. 20205. Portions of the Board meeting, and its Subcommittees will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Portions of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Subcommittee on Planning and Budget meeting will be closed to the public as indicated below in accordance with the provision set forth in Section 552b(c)(9)(B), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, to discuss the Preliminary 1985 Budget.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Md. 20205. (301/496–5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of committee: National Cancer Advisory Board
Dates of meeting: January 31–February 2, 1983
Place of meeting: Building 31, C Wing, Conference Room 6, National Institutes of Health
Open:
January 31, 8:30 a.m.—adjournment
Open:
February 2, 8:30 a.m.—adjournment
Agenda: Reports on activities of the President's Cancer Panel; the Director, National Cancer Institute: Diagnostic Imaging; Breast Cancer Protocols; the Studies of Human T-Cell Lymphoma; and reports on the NCAB Subcommittees.
Closed session: February 1, 8:30 a.m.—adjournment
Closure reason: To review grant applications
Name of committee: Subcommittee on Organ System Programs
Dates of meeting: January 29–30, 1983
Place of meeting: Building 31, C Wing, Conference Room 9, National Institutes of Health
Open:
January 29, 7:30 p.m.—adjournment
Open:
January 30, 9:00 a.m.—adjournment
Agenda: A discussion of the implementation of the Organ System Programs
Name of committee: Subcommittee on Cancer Control and the Community
Date of meeting: January 30, 1983
Place of meeting: Building 31, A Wing, Room 11A10, National Institutes of Health
Open: January 30, 6:00 p.m.—adjournment
Agenda: A discussion of NCAB interests in the cancer control program
Name of committee: Subcommittee on Planning and Budget
Date of meeting: January 31, 1983
Place of meeting: Building 31, A Wing Room 11A10, National Institutes of Health
Closed: January 31, 7:30 p.m.—approximately 8:15 p.m.
Closure reason: A discussion of Preliminary 1985 Budget
Open: January 31, 8:15 p.m.—adjournment
Agenda: A discussion of the FY1984 Budget
Name of committee: Subcommittee on Special Actions for Grants
Date of meeting: February 1, 1983
Place of meeting: Building 31, C Wing Conference Room 6, National Institutes of Health
Closed: February 1, 10:30 a.m.—adjournment
Closure: reason: Review of grant applications

(Catalog of Federal Domestic Assistance Program Numbers: 13.392, project grants in cancer construction. 13.393, project grants in cancer cause and prevention. 13.394, project grants in cancer detection and diagnosis. 13.395, project grants in cancer treatment. 13.396, project grants in cancer biology. 13.397, project grants in cancer centers support. 13.398, project grants in cancer research manpower. 13.399, project grants and contracts in cancer control.

Dated: January 3, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-913 Filed 1-12-83; 8:45 am]

BILLING CODE 4140-01-M

Neurological Disorders Program Project Review A Committee; Meeting

Prusuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, March 3, 4, and 5, 1983 at Linden Hill Hotel, 5400 Pooks Hill Raod, Bethesda, Md. 20814.

The meeting will be open to the public from 8:00 p.m. until 9:00 p.m. on March 3, 1983 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:00 a.m. on March 4 to adjournment on March 5, 1983 for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the appplications, the diclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda Md. 20205 (Tel. No. 301/495–5751) will furnish summaries of the meeting and roster of committee members.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, Md. 20205 (Tel. No. 301/496–9223) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

Dated: January 3, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-914 Filed 1-12-83; 8:45 am]

BILLING CODE 4140-01-M

Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Research Manpower Review Committee National Heart, Lung, and Blood Institute, National Institutes of Health on February 14–15, 1983, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Md. 20014.

This meeting will be open to the public on February 14, 1983, from 8:00 p.m. to approximately 10:00 p.m., to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung and Blood Institute.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 15, 1983, from 8:00 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda Md. 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Carol H. Letendre, Executive Secretary, NHLBI, Westwood Building, Room 548, Bethesda, Maryland 20205, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research; National Institutes of Health)

Dated: January 3, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-919 Filed 1-12-83; 8:45 am]

BILLING CODE 4140-01-M

Subcommittee on Primate Research Centers of the Animal Resources Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Subcommittee On Primate Research Centers, Animal Resources Review Committee, Division of Research Resources, on March 1, 1983, in Conference Room 9, Building 31, National Institutes of Health, Bethesda, Md. 20205.

The meeting will be open to the public from approximately 1:00 p.m., until adjournment, for a staff presentation on the current status of the Animal Resources Program, and the selection of future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately 8:30 a.m. until noon for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B10, Building 31, National Institutes of Health, Bethesda, Md. 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Building 31, National Institutes of Health, Bethesda, Md. 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Primate Research, National Institutes of Health)

Dated: January 3, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-915 Filed 1-12-83; 8:45 am]

BILLING CODE 4140-01-M

Office of the Secretary

Advisory Council on Social Security; Public Hearing

AGENCY: Health and Human Services Department.

ACTION: Notice of public hearing.

SUMMARY: The Secretary of Health and Human Services announced on September 16, 1982 the establishment of the Advisory Council on Social Security. The Council is charged to place particular emphasis on a review of the Medicare program, and to prepare and submit reports on its findings and recommendations.

In an effort to obtain the views of interested organizations and individuals, within the constraints of available time, the Council decided to conduct three public hearings in designated locations around the country. Notice is hereby given that a 1-day hearing will be held in the Chicago area on March 9, 1983. Similar 1-day hearings scheduled for Atlanta on February 1 and San Francisco on February 24 were previously announced in 47 FR 56723, December 20, 1982. All hearings will run from 9:00 a.m. to 5:00 p.m.

ADDRESS: The Chicago area hearing will be held in the third floor auditorium at 1 American Plaza, Evanston, Illinois 60201.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, 200 Independence Avenue, SW., Washington, D.C. 20201; telephone (202) 755–8670 or 755–8671.

SUPPLEMENTARY INFORMATION: The hearings are open to the public. Attendance will be limited to the space available. Interested parties are invited to present testimony on Medicare issues; however, only those requesting in advance, preferably in writing, to appear will be permitted to present oral statements. Presenters should submit, 5 days in advance, 20 copies of their presentation, and should bring an additional 50 copies to the hearing to be made available to the public. Oral presentation should summarize the written statement, and will be limited to a maximum of 5 minutes. Other written material can be submitted for the record. Submit written requests to present testimony to the Advisory Council on Social Security, ATTN: Public Hearing, 200 Independence Avenue, SW., Washington, D.C. 20201, or telephone (202) 755–8670 or 755–8671. The designated Chairperson or the Executive Director reserves the right to determine order of presentation, but will make every effort, within available time, to hear all who wish to be heard.

Sign language interpreting services will be provided if requested in advance.

Records will be kept of all public hearings and will be available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317–H, HHH Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Thomas R. Burke,

Executive Director.

[FR Doc. 83-998 Filed 1-12-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–83–1196]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the

office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Assignment of Multifamily Mortgagees (Mortgagee Letter ML 82—)
Office: Housing
Form No.: None
Frequency of Submission: On Occasion
Affected Public: Businesses or Other Institutions (except farms)
Estimated Burden Hours: 13,500
Status: Revision
Contact: Patrick McInturff, HUD, (202) 755–5547; Robert Neal, OMB, (202) 395–6880.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: December 9, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83–755 Filed 1–12–83; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–83–1197]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) they agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Section 223(f) Coinsurance Program Pre-endorsement Review of Lender's Processing Documents
Office: Housing
Form No.: None
Frequency of Submission: On Occasion
Affected Public: Businesses or Other Institutions (except farms)
Estimated Burden hours: 72
Status: New
Contact: Frank D. Brown, HUD, (202) 755–5720; Robert Neal, OMB, (202) 395–6880.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: December 30, 1982.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Section 223(f) Coinsurance Application Package: Management Exhibits
Office: Housing
Form No.: None
Frequency of submission: On Occasion
Affected public: Businesses or Other Institutions (except farms)
Estimated burden hours: 400
Status: New
Contact: Matt Andrea, HUD (202) 755–6870; Robert Neal, OMB (202) 395–6880.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

Dated: December 30, 1982

Notice of Submission of Proposed Information Collection to OMB

Proposal: Management Review Questionnaire and Management Review Report
Office: Housing
Form No.: HUD–9834 and HUD–9834B
Frequency of submission: On Occasion
Affected public: Businesses or Other Institutions (except farms)
Estimated burden hours: 200
Status: New
Contact: Matt Andrea, HUD (202) 755–6870; Robert Neal, OMB (202) 395–6880.

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

Dated: December 30, 1982.

Donald J. Keuch, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 83–956 Filed 1–12–83; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–83–1198]

Privacy Act of 1974; Proposed Amendment to System of Records

AGENCY: Housing and Urban Development Department.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the routine uses and location of a system of records.

EFFECTIVE DATE: The amendment shall become effective without further notice 30 calendar days from the publication date of this notice unless comments are received on or before that date which

would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202–755–5908. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The Department is adding a HUD contractor to the routine uses section and a HUD contractor's office to the system location section of the Equal Opportunity Housing Complaints (HUD/DEPT–15) system of records to permit the Department to use contractual support to perform an evaluation of the Fair Housing Assistance program. These additions do not require the submission on a Report of a New System since they are compatible with the purpose for which the system is maintained.

The words "to HUD contractor—for program evaluation" have been added to the routine uses section of the notice. The words "Additionally, closed files from this system may be temporarily located in a HUD contractor's office during a period of program evaluation"' have been added to the system location section of the notice. The prefatory statement containing General Routine Uses applicable to most of the Department's systems of records was published at 46 FR 54878 (November 4, 1981). Appendix A, which lists the addresses of HUD's Field Offices was published at 46 FR 54914 (November 4, 1981). Previously, the system was published at FR 46 54882 (November 4, 1981). The notice is being amended to read as follows:

HUD/Dept–15

SYSTEM NAME:

Equal Opportunity Housing Complaints.

* * * * *

SYSTEM LOCATION:

Housing discrimination files are located at the office where originated and may also be transferred to associated area and/or regional offices, or the Headquarters Office. Additionally, closed files from this system may be temporarily located in a HUD contractor's office during a period of program evaluation. For a listing of HUD's offices with addresses see Appendix A.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: To state and local government EO-concerned agencies, the U.S. Department of Justice (including the FBI), the U.S. Department of Labor (including the Office of Federal Contract Compliance), U.S. Courts, the Veterans Administration, the Farmers Home Administration, complainants, repondents and attorneys—for investigation, preparing litigation, and monitoring compliance, to HUD contractor—for program evaluation.

* * * * *

(5 U.S.C. 552(a), 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: December 30, 1982.

Donald J. Keuch, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 83-877 Filed 1-12-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Battle Mountain District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Battle Mountain District Advisory Council will meet at the Battle Mountain District Office. As the first meeting of newly approved council members, the agenda will consist of an introduction to District programs and concerns. The council will have an opportunity for election of officers and other matters of internal organization.

DATES AND TIMES: The Battle Mountain District Advisory Council meeting will convene at 9:00 a.m. on February 25, 1983. Members of the public are welcome to make oral comments at 2:00 p.m. Persons wishing to do so should contact H. James Fox.

ADDRESSES: The Battle Mountain District Office is located at North 2nd and Scott Streets in Battle Mountain, Nevada. Mail should be sent to Post Office Box 194, Battle Mountain, Nevada 89820.

FOR FURTHER INFORMATION CONTACT: H. James Fox, Battle Mountain District Manager at the above address or telephone (702) 635–5181.

Dated: January 4, 1983.

H. James Fox,

District Manager, Battle Mountain, Nevada.

[FR Doc. 83-967 Filed 1-12-83; 8:45 am]

BILLING CODE 4310-84-M

Montana and North Dakota; Fort Union Regional Coal Meeting

January 7, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Fort Union Regional Coal Team Meeting.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400.4(B), the Montana State Office of BLM is issuing this notice to announce a Fort Union Regional Coal Team meeting at 8:30 a.m. on February 23, 1983, in the Sixth Floor Conference Room of Granite Tower, 222 North 32nd Street, Billings, Montana.

Some of the items on the agenda are as follows:

Discussion on Meridian Exchange proposal.
Discussion and selection of RCTs preferred lease sale schedules.
Organization meeting on 1985 Lease Sale.

For further information, contact Lloyd Emmons, Project Manager, Fort Union Project, Bureau of Land Management, Montana State Office, P.O. Box 30157, Billings, Montana 59107. Telephone: (406) 657–6291.

John A. Kwiatkowski,

Acting State Director.

[FR Doc. 83-964 Filed 1-12-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Extension of Public Comment Period on Three Environmental Impact Statements

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension of public comment period on three environmental impact statements.

SUMMARY: On December 3, 1982, (pg. 5458 thru 54561) separate **Federal Register** Notices announced availability of three draft environmental impact statements. These are (1) Draft Bisti, De-Na-Zin, Ah-Shi-Sle-Pah Proposed Wilderness Area Environmental Impact Statement; New Mexico, (2) Draft San Juan River Regional Coal Environmental Impact Statement; New Mexico, and (3) Draft Environmental Impact Statement (EIS) on Public Service Company of New Mexico's Proposed New Mexico Generating Station and Possible New Town (NMGS), Draft Cumulative

Overview, and Notice of Public Hearings.

Each of the three notices identified February 7, 1983 close of business, as the end of the public comment period. Due to requests for extension of the comment period, including requests from New Mexico Governor Toney Anaya and Attorney General Paul Bardacke, an extension of 60 days is being granted.

The public comment period for all three environmental impact statements is now extended to April 8, 1983 close of business. All other information in the three December 3, 1983 **Federal Register** Notices remains unchanged.

DATE: Effective date is January 13, 1983.

FOR FURTHER INFORMATION CONTACT: Gene Day, Bueau of Land Management, New Mexico State Office, commercial phone (505) 988-6212, FTS 476-6212.

Monte G. Jordan,

Associate State Director.

[FR Doc. 83-965 Filed 1-12-83; 8:45 am]

BILLING CODE 4310-84-M

[W-4471-A, W-4471-B, and W-4471-D]

Wyoming; Proposed Continuation of Public Water Reserves, Amendment

The proposed continuations published in the **Federal Register** as indicated below, are hereby amended to include the following described lands. Public Water Reserve No. 107 was created by the Executive Order of April 17, 1926. Pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714, the public water reserves shall be continued for a period of 20 years.

1. W-4471-A published in the **Federal Register** on September 23, 1982, Vol. 47, on pages 42034 through 42037:

Sixth Principal Meridian, Wyoming

T. 49 N., R. 87 W.,
Sec. 17, lot 3.
T. 51 N., R. 88 W.,
Sec. 29, SE¼NE¼.
T. 50 N., R. 89 W.,
Sec. 4, SW¼SE¼.
T. 51 N., R. 89 W.,
Sec. 3, NE¼SW¼;
Sec. 11, NE¼NW¼;
Sec. 24, NW¼SW¼;
Sec. 26, NW¼SW¼.
T. 53 N., R. 90 W.,
Sec. 6, lot 2.
T. 43 N., R. 93 W.,
Sec. 7, SE¼SW¼.
T. 57 N., R. 93 W.,
Sec. 5, SW¼SW¼.
T. 45 N., R. 95 W.,
Sec. 6, lot 21.
T. 43 N., R. 100 W.,
Sec. 3, SW¼NE¼.
T. 47 N., R. 100 W.,
Sec. 6, SE¼SE¼.
T. 53 N., R. 103 W.,
Sec. 9, SW¼NW¼.

The area described contains 538.01 acres in Big Horn, Hot Springs, Washakie, and Park Counties, Wyoming.

2. W-4471-B published in the **Federal Register** on August 4, 1982, Vol. 47, on pages 33798 through 33802:

Sixth Principal Meridian, Wyoming

T. 38 N., R. 89 W.,
Sec. 6, lot 2;
Sec. 19, SW¼SE¼;
Sec. 20, NE¼SW¼;
Sec. 21, SE¼SW¼.
T. 40 N., R. 89 W.,
Sec. 8, NE¼SW¼;
Sec. 19, NW¼NE¼.
T. 39 N., R. 90 W.,
Sec. 2, SW¼NE¼, and SE¼SE¼;
Sec. 9, NE¼NW¼.
T. 40 N., R. 90 W.,
Sec. 4, SW¼SW¼;
Sec. 5, lot 3;
Sec. 10, NW¼SW¼;
Sec. 12, NW¼NE¼;
Sec. 28, SW¼NW¼, and NE¼SW¼.
T. 32 N., R. 91 W.,
Sec. 26, S½SW¼.
T. 34 N., R. 91 W.,
Sec. 1, lots 3, and 4;
Sec. 15, NW¼NE¼.
T. 38 N., R. 91 W.,
Sec. 29, SE¼SE¼.
T. 39 N., R. 91 W.,
Sec. 4, lots 2, and 3.
T. 40 N., R. 92 W.,
Sec. 23, SE¼SW¼;
Sec. 25, SW¼SW¼.
T. 32 N., R. 93 W.,
Sec. 5, NW¼SW¼;
Sec. 14, SE¼NE¼.
T. 36 N., R. 93 W.,
Sec. 11, NE¼SW¼.
T. 33 N., R. 94 W.,
Sec. 13, NW¼SW¼;
Sec. 28, SE¼NW¼;
Sec. 31, SE¼NW¼.
T. 37 N., R. 94 W.,
Sec. 32, SE¼NW¼.
T. 40 N., R. 94 W.,
Sec. 13, NW¼NE¼, and SE¼SW¼;
Sec. 24, NW¼SE¼.
T. 32 N., R. 95 W.,
Sec. 17, NW¼NE¼;
Sec. 33, SW¼NE¼;
Sec. 34, NE¼SW¼.
T. 33 N., R. 95 W.,
Sec. 24, NE¼SW¼;
Sec. 25, NE¼NW¼;
Sec. 27, NW¼SW¼.
T. 30 N., R. 96 W.,
Sec. 31, NE¼SW¼, and NE¼SE¼.
T. 31 N., R. 96 W.,
Sec. 25, NE¼SW¼.
T. 33 N., R. 96 W.,
Sec. 18, NW¼, NE¼.
T. 30 N., R. 97 W.,
Sec. 1, lot 4;
Sec. 4, SE¼NE¼;
Sec. 25, SE¼NE¼.
T. 31 N., R. 97 W.,
Sec. 21, NE¼NW¼;
Sec. 34, SW¼SW¼.
T. 30 N., R. 98 W.,
Sec. 11, SE¼SW¼;
Sec. 14, NE¼NW¼;
Sec. 22, SW¼SE¼;
Sec. 25, SW¼SE¼.
T. 31 N., R. 98 W.,
Sec. 26, SW¼NE¼.
T. 32 N., R. 98 W.,
Sec. 20, NE¼NE¼;
Sec. 21, NW¼SW¼;
Sec. 34, NE¼SE¼.
T. 29 N., R. 99 W.,
Sec. 10, SE¼SE¼.
T. 30 N., R. 99 W.,
Sec. 3, SW¼SE¼;
Sec. 5, SW¼NE¼;
Sec. 22, SW¼SE¼.
T. 31 N., R. 99 W.,
Sec. 3, NE¼SE¼;
Sec. 7, NE¼SE¼;
Sec. 17, NE¼NW¼;
Sec. 24, SE¼NE¼;
Sec. 32, NE¼SW¼.
T. 32 N., R. 99 W.,
Sec. 1, SE¼NW¼;
Sec. 35, NW¼SE¼.
T. 31 N., R. 100 W.,
Sec. 12, NE¼NE¼.
T. 32 N., R. 100 W.,
Sec. 14, SE¼SE¼.
T. 33 N., R. 101 W.,
Sec. 30, SW¼SE¼.
T. 42 N., R. 106 W.,
Sec. 15, NW¼SE¼.
T. 42 N., R. 107 W.,
Sec. 32, SW¼NW¼.

The are described contains 2,955.98 acres in Fremont County, Wyoming.

3. W-4471-D published in the **Federal Register** on July 21, 1982, Vol. 47, pages 31618 and 31619:

Sixth Principal Meridian, Wyoming

T. 37 N., R. 87 W.,
Sec. 30, SE¼SW¼.
T. 38 N., R. 87 W.,
Sec. 10, SW¼SE¼.
T. 39 N., R. 87 W.,
Sec. 7, SE¼NW¼;
Sec. 33, NW¼NE¼.
T. 33 N., R. 88 W.,
Sec. 19, Lots 3, and 4;
Sec. 30, Lot 1.
T. 39 N., R. 88 W.,
Sec. 4, SW¼NE¼.
T. 40 N., R. 88 W.,
Sec. 23, W½NW¼;
Sec. 30, S½NE¼.
T. 39 N., R. 89 W.,
Sec. 2, Lot 2, and S½NW¼.
T. 40 N., R. 89 W.,
Sec. 1, SE¼NE¼;
Sec. 15, SW¼SE¼;
Sec. 34, NE¼SE¼.

The area described contains 714.70 acres in Natrona County, Wyoming.

The purpose of this withdrawal is to protect existing permanent water sources. This withdrawal will be subject to periodic review, to ensure the lands are still being used for the purpose for which they were originally dedicated.

Upon the Secretary's approval of the Pulic Land Order, the lands in T. 57 N.,

R. 93 W., (Paragraph 1), will be open to nonmetalliferous mineral location. They have been and will continue to be open to mineral leasing. The remaining lands, have been and will continue to be open to mineral leasing and mineral location, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All of the lands will be segregated from the operation of the public land laws generally.

Notice is hereby given, that a public meeting may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire a meeting to be held on the proposal must submit a written request for a meeting to the undersigned on or before April 13, 1983. Upon the determination by the State Director, Bureau of Land Management, that a public meeting shall be held, a notice stating the time and place of the meeting, shall be published in the **Federal Register** and in at least one newspaper having a general circulation in the vicinity of lands involved, at least 30 days before the scheduled date of the meeting. All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM on or before April 13, 1983.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration of the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

All communications in connection with the proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

James L. Edlefsen,

Chief, Branch of Land Resources.

[FR Doc. 83-966 Filed 1-12-83; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Public Notice No. 1, Revised]

Statement of Organization, Functions, and Procedures; Information Guidance

In compliance with the Freedom of Information Act (5 U.S.C. 552), this notice provides information for the guidance of the public regarding: the basic authorities and programs of the Agency for International Development; the organization and functions of the Agency's central and field organizations; the Agency's methods of operation; statements of policy, rules, and procedures; and the methods whereby the public may obtain information, make submittals or requests, or obtain decisions.

This notice is a revision of "the Agency for International Development Public Notice No. 1," published in the **Federal Register** on August 14, 1980 (45 FR 54149–54155). It reflects the organization, basic functions, and methods of operations of the Agency for International Development as of December 1, 1982. Subsequent revisions of this statement will also be published in the **Federal Register.**

I. Creation and Authority of the Agency

The Agency for International Development (AID) carries out economic assistance programs designed to help the people of developing countries develop their human and economic resources, increase productive capacities, and improve the quality of human life as well as to promote economic or poltical stability in friendly countries.

The Foreign Assistance Act of 1961 (75 Stat. 424; 22 U.S.C. 2151, *et. seq.*), as amended, authorizes the President to exercise functions under that act through such agency or officer of the U.S. Government as he may direct Executive Order 12163 of September 29, 1979, delegates to the Director of the International Development Cooperation Agency (ADCA) the authorities set forth in the Foreign Assistance Act of 1961, as amended, and in certain other acts, with certain limited exceptions. The Executive Order also directs that the Director of the International Development Cooperation Agency continue within that Agency the Agency for International Development.

International Development Cooperation Agency Delegation of Authority No. 1 of October 1, 1979 (44 FR 57521), continued the Agency for International Development in existence as an agency within the International Development Cooperation Agency and delegates to the Administrator of the Agency for International Development the functions conferred upon the Director of the International Development Cooperation Agency by Executive Order 12163 and certain related Exective Orders, except as otherwise reserved or delegated. The Agency for International Development performs its functions under an Administrator, who reports to the Director of the International Development Cooperation Agency, and is charged with central direction and responsibility for the U.S. foreign economic assistance program.

II. Programs of the Agency

A. The Foreign Assistance Act of 1961, as amended, authorizes the Agency to administer two basic kinds of foreign economic assistance: projectized development assistance (normally on a bilateral basis) and general economic support. The Agency, in cooperation with the Department of Agriculture and the Department of State, also implements Public Law 480, the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 454; 7 U.S.C. 1691 *et seq.*), as amended. Specifically, the Agency is responsible for the sale of agricultural commodities on concessional terms (Title I), the donation of agricultural commodities (Title II), and the provision of food under the Food for Development Program (Title III).

To implement its economic assistance programs, the Agency utilizes the following tools authorized by the Foreign Assistance Act: loans (on concessional terms repayable in dollars and grants) to developing countries, emphasizing assistance and programs designed to meet the basic human needs of poor people in developing countries through self-sustained broadly based, market-oriented growth; specific grant authorities for U.S. research and educational institutions, American schools and hospitals abroad, reimbursement for international transportation costs of private, registered U.S. voluntary agency shipments of humanitarian relief and rehabilitation supplies, housing and other credit guarantee programs (including agricultural and productive credit and self-help community development programs), international disaster assistance, and development research into and evaluation of the process of economic development.

To prevent famine and promote freedom from hunger, the Agency also provides assistance under Title XII of Chapter 2 of Part I of the Foreign Assistance Act of 1961, as amended, to support institution-building programs for the development of national and regional agricultural research, education, and extension capacities in developing countries; build and strengthen human resource skills for agricultural and rural development; support international agricultural

research; and strengthen the capacities of land and sea grant and other eligible U.S. universities to participate more extensively in the Agency for International Development programs overseas.

In carrying out all assistance programs, emphasis is placed on optimum participation in the task of economic development by the people of the developing countries through the encouragement of democratic private and local governmental institutions. Among recipient countries emphasis is given to those committed to helping their poor people participate in market-oriented development.

B. Specifically, the Agency administers programs under the Foreign Assistance Act within the following major categories of assistance:

1. *Development Assistance*

The Agency for International Development focuses its development assistance programs on critical problem areas in those functional sectors which affect the majority of the people in the developing countries. The areas of concentration are:

a. *Agriculture, Rural Development and Nutrition.* To alleviate starvation, hunger, and malnutrition in the developing countries by increasing the food supply in order to achieve improvements in diets and by expanding employment opportunities for low-income families in both rural and urban areas to enable them to purchase the food they need.

b. *Health.* To improve primary health care in developing countries through programs designed to lower mortality rates; reduce the incidence of serious communicable diseases; and assist developing countries to plan the allocation of financial and human resources in health so that poorer groups have better access to preventative and curative health services.

c. *Population Planning.* To address problems of rapid population growth and to extend voluntary family planning services to the village level through programs that provide or promote safe, effective, affordable, acceptable family planning services.

d. *Education and Human Resource Development.* To expand access to basic education, the Agency supports programs in health, nutrition, family planning, and agriculture. Specifically, the Agency supports low-cost primary education, particularly for the rural poor; the use of mass media and communications technology, such as radio; curricula revision and teacher training to increase the relevancy of formal education to meeting basic human needs; and the development of informal education and training approaches for rural families and workers in agriculture, nutrition, health, and family planning.

e. *Energy, Private and Voluntary Organizations, and Selected Development Activities.* Selected Development Activities enable the Agency to deal with a wide range of development concerns which do not fall within the above functional sectors; e.g., projects directed toward assisting developing countries with their national energy problems, projects which lessen the problems of rapid urbanization, including employment and income problems. These activities place high priority on greater involvement of the private sector—both U.S. and Less Developed Country—in development, including greater reliance on private and voluntary organization.

f. *Private Enterprise.* Private enterprise—both directly and in collaboration with the U.S. private sector, assists those developing countries that want to support a private sector, market-oriented, developmental strategy; U.S. and developing country, private sector resources can be an important supplement and complement to existing bilateral and multilateral aid programs; and private investment can make a vital contribution to development through job creation, increased productivity, transfered technology and management know-how, and the generation of additional and diversified products to meet internal demand and expand export capacity.

2. *Economic Support Fund*

The Economic Support Fund (ESF) program has a more immediate political and economic orientation than development assistance. It is designed to promote economic or political stability in areas where the United States has special foreign policy interests and where economic assistance can be immediately useful in securing peace or averting economic or political crises.

The Economic Support Fund is a flexible economic instrument which may take the form of unrestricted cash grants and general budget support, commodity import programs, capital projects, and programs specifically directed toward broadly based growth and meeting the needs of the poor. It may concentrate on all of the critical areas which have been described above in Section II.B.1. In administering the Economic Support Fund, the Agency for International Development seeks to develop economically and technically sound projects. These funds can provide an opportunity to encourage sound development. The Congress has directed that, to the maximum extent feasible, Economic Support Fund should be used to promote development efforts which effectively aid the poor.

3. *Specific Programs*

a. *Sahel Development.* The Agency for International Development participates in a long-term program for the development of the Sahelian region of West Africa. The objectives of the Sahel Development Program are to promote food self-sufficiency and self-sustaining economic growth. The program is coordinated, planned, and designed by the Club du Sahel, comprised of eight Sahel states: Mali, Chad, Niger, Upper Volta, Senegal, Mauritania, Cape Verde, and The Gambia; the United States; and over 20 participating governments and international organizations.

b. *American Schools and Hospitals Abroad.* The American Schools and Hospitals Abroad program provides grants to private U.S. nonprofit organizations sponsoring American schools and hospitals abroad. The purpose is to demonstrate American ideas and practices in education and medicine.

C. *International Disaster Assistance.* The President has designated the Administrator of the Agency for International Development as Special Coordinator for International Disaster Assistance. In this role the Administrator may call upon the resources of any agency of the U.S. Government to provide emergency relief or technical assistance in disaster preparedness. Relief may also be channeled through U.S. voluntary agencies or international relief organizations in response to foreign disasters resulting from earthquakes, droughts and famines, epidemics, floods and storms, civil strife, power shortages, and accidents.

d. *Housing Guaranty Program.* The Agency for International Development's Housing Guaranty Program facilitates private financing of shelter for lower income families in developing countries by guaranteeing repayment to U.S. lenders for projects requested by these countries.

The Agency seeks to finance innovative programs, such as squatter upgrading through the provisions of sewerage, potable water, electricity, and credit for home improvements; sites and services by the provision of a basic urbanized lot, with the family constructing its own dwelling unit; and low-cost, expandable core housing units.

e. *Food for Peace.* In cooperation with the Department of Agriculture, the Agency participates in the sale of agricultural commodities on concessional terms under Title I of Public Law 480 to encourage economic development, assist in combating hunger and malnutrition, and for other purposes. Under Title II the Agency for International Development administers the donation of agricultural commodities to meet famine or other urgent or extraordinary releif requirements, to combat malnutrition, to promote economic and community development, and for needy persons and nonprofit school lunch and preschool feeding programs outside the United States. The Agency also administers Title III which provides that a portion of funds accruing from Title I sales be used for Food for Development Programs to improve the production, protection, and utilization of food to increase the well-being of the poor in the rural sector of the recipient country, and that funds so used are applied against that government's Title I repayment obligation (Public Law 480, Agricultural Trade Development and Assistance Act of 1954, as amended). The Agency supports the use of food aid in ways which promote rather than hinder the growth of food production and associated policy and program initiatives in the host government.

f. *Science and Technology.* In recognition of the higher priority that developing countries are placing on science and technology, Agency is focusing on more innovative and collaborative approaches to the problems and processes of development research and technology transfer. This program includes both support of research to explore the potential uses of emerging technologies for development, and innovative approaches to strengthen the capacity of less developed countries to take advantage of these new technologies.

4. Special Provisions

a. *Capital Technology.* The Agency for International Development supports projects with the specific objective of broadening the range of technologies in use. This is accomplished by increasing local research and the flow of information on appropriate technologies; promoting local development, adaptation, and utilization of technologies appropriate to developing countries; and providing assistance which encourages the formulation of policies that broaden the range of technological options.

b. *Women in development.* In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process of the national economies of such countries, the Congress requires that U.S. bilateral aid be administered so as to give particular attention to the programs, projects, and activities which tend to integrate women into the national economies of developing countries, thus improving their status and assisting the total development effort. The Agency carries out this Congressional mandate with leadership by the Office of Women in Development, Bureau for Program and Policy Coordination.

III. Organization, Functions, and Methods of Operations

A. General

The Agency for International Development (AID) consists of a central headquarters staff in the Washington metropolitan area (AID/W) and a number of overseas missions and offices. The structure of the Agency headquarters includes: The Office of the Administrator which is supported by the Office of the Executive Secretary; a Board for International Food and Agricultural Development Support Staff; eight staff offices; six functional bureaus; and four geographic bureaus.

B. The Office of the Administrator

The Administrator plans, directs, and coordinates the operations of the Agency and is responsible, subject to the approval of the Director of the International Development Cooperation Agency (IDCA) and the President, for the formulation and execution of U.S. foreign economic assistance policies and programs. The Administrator supervises and directs the activities of all personnel of the agency in the United States and overseas. In addition, the Administrator of the Agency for International Development serves as the President's Special Coordinator for International Disaster Assistance.

The *Office of the Executive Secretary (ES)* facilitates and expedites the decision-making process of the Agency for International Development. It serves as a channel of communication and coordination between the Office of the Administrator and the Agency's Senior Staff.

The *BIFAD Support Staff (BIFAD/S),* in compliance with the Agency for International Development's statutory obligation, provides staff support to the Board for International Food and Agricultural Development (BIFAD) and its subcommittees as authorized by section 298 of Title XII of the Foreign Assistance Act, as amended.

C. Staff Offices

The following staff offices report to the Office of the Administrator:

1. The *Office of the Inspector General (IG)* is the Agency's focal point for assuring the integrity of the Agency for International Development's oprations. It is the central authority concerned with the quality, coverage, and coordination of the audit, inspection and investigation services of the Agency. In directing, monitoring, and reviewing these activities, the Inspector General emphasizes both the protective and constructive aspects of these services as a tool of management within a comprehensive Agency effort to attain improved management effectiveness. The Inspector General has full access to all phases of the Agency's operations in order to carry out a comprehensive plan of selected audits, investigations, surveys and reviews to provide reasonable protection and constructive advice for Agency management. Serves as Agency liaison with the Department of State to assure adequate security services are performed by that Department.

2. The *Office of Legislative Affairs (LEG)* has responsibility for the Agency's relations with the Congress, and is the central point of contact between the Agency and the Congress, including Congressional members and Committees. The Office coordinates the preparation of the Agency for International Development's legislative program, including the preparation and submission of information relating to legislative authority and appropriations requests. The Office is also responsible for advising the Administrator and the Agency on the status of pending legislation of interest and on the history of pending legislation, including the concerns and views of members of the Congress on pending legislation and other matters of interest to the Agency for International Development.

3. The *Office of Public Affairs (OPA)* has responsibility for information policy leadership and coordination to ensure that information about the Agency's policies, objectives, and operations is disseminated fully and freely to the Congress and to the public. Dissemination of information is accomplished by concurrent external public affairs programs, such as: production and distribution to mass communication outlets of informational materials (e.g., an Agency magazine, press releases, speech texts, brochures, films, and video tapes); scheduling press conferences, media interviews, speaking and conference engagements for senior

Agency officers; responding to public inquiries and to requests for information filed under the Freedom of Information Act and the Privacy Act; and declassification of Agency documents. Internally, the Office of Public Affairs prepares and distributes certain informational materials such as a monthly newspaper, public opinion analyses, and press highlights and summaries.

4. The *Office of External Relations (EXRL)* has responsibility for fostering and coordinating communication among Bureaus and Offices of the Agency for International Development and between the Agency and external organizations (excepting the Media and the Congress) concerning the purpose and role of the U.S. economic assistance program and its place in international development.

5. The *Office of the General Counsel (GC)* provides all legal advice, counsel, and services to the Agency and its officials both in the United States and abroad, and ensures that the Agency for International Development programs are administered in accordance with legislative authorities. The Office maintains legal staffs both at headquarters and at regional or country organizations overseas.

6. The *Office of U.S. Foreign Disaster Assistance (OFDA)* plans and implements overseas disaster preparedness, relief, and rehabilitation programs. It formulates U.S. foreign disaster assistance policy and coordinates disaster assistance activities of the Agency, the Department of State, and other elements of the U.S. Government. The Office maintains contingency planning and preparedness for foreign disasters, mobilizes U.S. Government resources with those of voluntary agencies, international organizations and other donors. It promotes and supports, in conjunction with U.S. Missions abroad, preparedness programs in disaster prone countries. The Office maintains disaster relief stockpiles overseas and directs a disaster coordination center in Washington, D.C.

7. The *Office of Equal Opportunity Programs (EOP)* is the central Agency office responsible for directing the policy and coordinating and monitoring the implementation of all Government laws, executive orders, policies, and regulations relating to the provision of equal opportunity for employees of, and applicants for employment with, the Agency for International Development and activities financed by it.

8. The *Office of the Science Advisor (SCI)* serves as the focal point for coordinating the more innovative and collaborative approaches to the problems and processes of development research, technology transfer and related capacity-building programs and activities. The Office has a major responsibility in identifying scientific and technological needs and opportunities in developing countries and resources to meet those needs from U.S. and foreign public and private sources; for establishing effective mechanisms for involving foreign public and private sector sources in working with developing countries to realize these opportunities; for enhancing relationships of the International Development Cooperation Agency and the Agency for International Development with other U.S. public and private sector resources; and for ensuring effective linkage between U.S. scientific and technological capacities and the development programs in which the U.S. Government participates.

D. Functional Bureaus

1. The *Bureau for Program and Policy Coordination (PPC)* is responsible for the Agency's overall program policy formulation, planning, coordination, resource allocation, evaluation activities, and the program management information systems which support them. The Bureau develops economic assistance policies, provides guidance on long-range program planning, economic analysis, sector assistance strategies, and project analysis and design. It coordinates the formulation and revision of the Agency's program and budget, and participates in the presentation of the Agency's program to the Congress. The Bureau reviews and monitors all country program strategies and project proposals and selectively reviews project papers from other bureaus and offices to ensure compliance with Agency policy guidance. It provides in-depth analyses of development problems and related issues and formulates the Agency's position on major U.S. development policies affecting the Agency's assistance programs in the developing countries.

The Bureau assures implementation of Title IX of the Foreign Assistance Act (FAA), which emphasizes the encouragement of democratic institutions and seeks to develop an Agency policy for the furtherance of human rights in the developing countries, in accordance with sections 116 and 502B, and implements sections 113 and 305 of the FAA relating to women in development. The Bureau provides leadership in the development of Agency policies and procedures for the integrated use of capital, technical, Pub. L. 480, and other assistance and for evaluation of progress toward program goals; incorporates these policies and procedures into Agency directives; reviews the policy aspects of all types of Agency projects to assure consistency with Agency objectives; develops and coordinates Agency environmental policies; and serves as Secretariat for the Bilateral Assistance Subcommittee (BAS) of the Development Coordination Committee (DCC).

The Bureau carries out significant evaluations of Agency-supported projects which can introduce improved ideas and valuable experience into the Agency's program at key points. The Bureau exercises systems management responsibilities for the policy, planning, and program management systems, both automated and nonautomated, assigned to the Bureau; and provides central Agency statistical services.

The Bureau is also responsible for Agency policy and program coordination with other bilateral assistance donors, United National development organizations, and Multilateral Development Banks. In close collaboration with State, Treasury and other interested USG agencies, the Bureau reviews programs, budgets and staffing of the international development organizations, makes recommendations on the USG position regarding these matters, and provides guidance to the U.S. representatives to these organizations. Is responsible for carrying out the USG lead agency responsibility for coordination and preparation of the U.S. position brought before the Development Assistance Committee, including the calculation of official Development Assistance and other measures of development cooperation.

2. The *Bureau for Science and Technology (S&T)* has primary responsibility for enhancing the Agency's capabilities to use science and technology to further economic and social progress in developing countries. To accomplish this, the Bureau provides professional leadership and technical support to Agency activities in the sectors of agriculture, nutrition, forestry, environment and natural resources, energy, rural and urban development, development administration, employment generation, education, health and family planning. It also administers the Agency's International Training program and the development information and utilization functions. Within each of the above sectors, the Bureau:

a. Serves as the Agency's primary liaison with the scientific and technical communities of the United States and

the developing and more developed countries.

b. Serves as the Agency's focal point for the development of those sectoral strategies which require significant science and technology inputs. The Bureau develops appropriate methodology to ensure that these strategies are responsive to the needs of developing countries.

c. Identifies, in collaboration with the geographic bureaus, field service needs which can be met more effectively and efficiently from a central source and arranges for these needs to be met.

d. Mobilizes resources to provide assistance needed and requested by the field offices and Less Developed Countries (LDCs), building upon the Bureau's liaison with U.S. universities, government agencies and professional organizations.

e. Supplies the scientific and technical dimensions to the Agency's overall development assistance policy and to those sector assistance policies and strategies which govern the Agency.

The Bureau administers the Agency's central research and development program and coordinates centrally funded, regional and country research and development activities. Bureau ensures that new knowledge and methods are disseminated within the Agency and are utilized in Agency's field projects.

The Bureau serves as the Agency's focal point for technical coordination with the United Nations (U.N.) specialized agencies and other international organizations. The Bureau also coordinates Agency's operational relationships with: (a) the Board for International Food and Agricultural Development (BIFAD) and its subcommittees in the management and implementation of programs/activities authorized under Section 298 of Title XII of the Foreign Assistance Act, as amended, and (b) the U.S. university community generally.

3. The *Bureau for Food for Peace and Voluntary Assistance (FVA)* has central Agency responsibility for encouraging and strengthening the effective participation of nongovernmental organizations in support of the Agency for International Development's developmental and humanitarian objectives; performs designated Agency responsibilities for the Food for Peace Program; and administers the American Schools and Hospitals Abroad Program.

In the area of private and voluntary cooperation, the Bureau creates and explores approaches to enlarge the role of volunteerism in the development process; maintains liaison with the American Council on Foreign Aid, the Advisory Committee on Overseas Cooperative Development and the U.S. cooperatives engaged in overseas cooperative development, and with the community of voluntary agencies generally; and provides staff support to the Advisory Committee on Voluntary Foreign Aid.

4. The *Bureau for Management (M)* provides centralized services in the areas of financial management, personnel management, management planning, management operations, data management, contract management, and commodity management. It establishes and monitors Agency policies, regulations, and procedures in all of these areas. The Bureau is also responsible for administering the U.S. Earthquake Reconstruction Program in Northern Italy.

The Bureau provides advice and assistance to Agency management on the financial implications of legislation, plans, programs, policies, procedures, operating activities, and audit and evaluation findings. The Bureau administers and coordinates such financial management activities as accounting, operating expense and workforce budgets, internal financial management control, advice and assistance to overseas missions regarding financial policies, practices and procedures, and preparation and interpretation of financial and related statistical reports. The Bureau also administers the Agency's workforce resources management program.

The Bureau has central responsibility for personnel administration. The Bureau develops policies, standards, and guidelines for operation of overseas and domestic personnel systems; operates centralized personnel recruitment, assignment, evaluation, and employee training programs; and conducts a full range of personnel operations for the Agency. Additionally, the Bureau is responsible for the administration of the Agency's labor relations program (Executive Orders 11491 and 11636).

The Bureau assists Agency management in the development, implementation, and evaluation of management policies and practices; provides or arranges for management consulting services to the headquarters and overseas organizations; and oversees administration of the programs for organization and functional alignment, directives, committee management (Pub. L. 92-463), management improvement, and systems coordination.

The Bureau provides leadership and coordination to the development and administration of the Agency's automated data information systems; provides leadership and guidance on all phases of the use of automatic data processing technology; reviews, recommends, and monitors the Agency-wide use of management consulting firms, contracts, or Participating Agency Service Agreements (PASA) for automated data information systems; and provides leadership and policy guidance to the Agency's data management systems.

The Bureau develops policies, standards, and guidelines for, and oversees the development, operation, and management of worldwide administrative and logistical support systems; counsels and assists senior Agency personnel on all phases of administrative and logistical support services; acts as the Agency coordinator for overseas combined administrative support services, for all aspects of foreign affairs administrative support (FAAS), and joint nonappropriated fund activities; and provides a wide range of administrative and logistical services for the Agency for International Development.

The Bureau directs the development and maintenance of policies, procedures, standards, and regulations governing direct contracting and the Agency for International Development-financed borrower/grantee contracting; directs centralized contracting services; encourages the participation of U.S. small business in services, contracting, and export supply activities of the Agency; and develops and maintains the Agency's procurement regulations.

The Bureau provides leadership and coordination to the development and administration of the Agency's policies and procedures for commodity management; serves as the principal advisor on the commodity managmeent aspects of the economic assistance programs; administers commodity import programs and provides support for the implementation of the commodity and transportation elements of other programs financed by the Agency; implements requirements for commodity marking and labeling; and provides support for the transportation element of all Agency programs and for programs financed by Title II, Public Law 480, and the world food programs.

5. The *Bureau for Private Enterprise (PRE)* has responsibility for developing a closer and more effective partnership between Agency and the U.S. private sector and for facilitating the participation of the U.S. private sector not only in Agency for International Development financed transactions, but in privately financed projects and

activities which can accelerate the development process overseas.

The Bureau has responsibility for administering the Agency's small and disadvantaged business utilization programs and for administering, through the Minority Resource Center, the full range of responsibilities prescribed by Section 123 of the International Development Cooperation Act of 1979. The Bureau also administers the Agency's Housing Guaranty Program.

The Bureau serves as Agency liaison with the International Development Cooperation Agency's Trade and Development Program (TDP) and Overseas Private Investment Cooperation (OPIC).

E. Geographic Bureaus

There are four Geographic Bureaus: Africa, Asia, Latin America and the Caribbean, and Near East.

These Bureaus are the principal line offices of the Agency for International Development with responsibility for the planning, formulation, and management of U.S. economic development and/or supporting assistance programs in their respective areas overseas. Their programs are administered within delegated authorities and in accordance with policies and standards established by the Administrator.

Each Geographic Bureau is headed by an Assistant Administrator who:

1. Directs and supervises the activities of the Bureau and its overseas missions and offices.

2. Directs the formulation of U.S. economic assistance programs; approves programs and projects within the limits of authorities delegated from the Administrator; and authorizes the execution of economic assistance agreements with Bureau countries and regional organizations.

3. Exercises policy control within the region over the housing guaranty programs which are administered by the Office of Housing within the Bureau for Private Enterprise.

4. Submits, through the Bureau for Program and Policy Coordination for the Administrator's approval, an annual budget of proposed Bureau activities and assists in presenting the Bureau's program and budget to the Congress.

5. Approves and directs the allocation of available resources among Bureau offices and overseas missions.

6. Assures necessary liaison with other Agency offices, the Department of State, other U.S. bilateral, and multilateral agencies and officials of recipient countries; and represents the Agency at country consortia or consultative group meetings.

7. Oversees the implementation of Bureau programs and projects; monitors performance under loan and grant agreements, contracts, and other operating agreements; and takes or recommends any required remedial action.

8. Represents the Agency before the press and the public, as required.

F. Overseas Missions and Offices

1. The Agency for International Development's country organizations are located in countries where the Agency is carrying out bilateral economic assistance programs. Such organizations report to the Geographic Bureau, with one exception as noted below, and include the following:

a. *Missions* are currently located in 48 countries for which the Agency's program is major, continuing, and usually invovles multiple types of aid in several sectors. Each mission is headed by a Mission Director who has been delegated program planning, implementation, and representation authorities.

b. *Offices* are currently located in 13 countries for which the Agency's program is moderate, declining, or has limited objectives. Each office is usully headed by an Agency Representative who has been delegated program planning, implementation, and representation authorities. (Exception: The Regional Office—Fruili, in Italy, reports directly to the Bureau for Management.)

C. *Sections of Embassy* are currently located in nine countries for which the Agency program is small or is being phased out. The Agency program planning and implementation authorities are delegated to the chief U.S. diplomatic representative in the country.

2. *Offices for Multicountry Programs* (seven offices) administer the Agency's overseas program activities which involve more than one country. These offices may also perform "country organization" reponsibilities for assigned countries and report directly to the Geographic Bureaus.

3. *Offices for Multicountry Services* (four offices) provide services to other overseas organizations, primarily the Agency's country organizations and Multicountry Program Offices. (The Excess Property Field Offices report to the Bureau for Management; all others report to the Geographic Bureaus.)

4. *Development Assistance Coordination and Representation Offices* (six offices) maintain liaison with various international organizations and represent U.S. and the Agency's interest in development assistance matters. Such offices may be only partially staffed by Agency personnel and may be headed by employees of other U.S. Government agencies.

5. *Audit and Investigations/Inspection Offices* (eight offices) are maintained by the Office of the Inspector General at overseas locations to carry out a comprehensive program of selected audits, investigations, inspections, surveys, reviews, and security services for the Agency.

IV. Statements of General Policy, Rules, and Procedures

The statements of the Agency for International Development policy and the nature and requirements of formal and informal procedures, which are currently available to the public, are contained in the published regulations and other publications of the Agency as listed below. To the extent applicable, these also contain descriptions of forms available or specify the places at which forms may be obtained, and give instructions as to the scope and content of papers, or examinations involved in the transaction of business with the Agency for International Development.

The following Agency regulations are codified in Chapter II of Title 22 of the Code of Federal Regulations.

Subject

No. 1. Rules and Procedures Applicable to Commodity Transactions Financed by the Agency for International Development.

No. 2. Overseas Shipments of Supplies by Voluntary Nonprofit Relief Agencies.

No. 3. Registration of Agencies for Voluntary Foreign Aid.

No. 5. Per Diem Payments to and on behalf of Participants in Nonmilitary Economic Development Training Programs.

No. 8. Suppliers of Commodities and Commodity-Related Services Ineligible for Agency for International Development Financing.

No. 9. Nondiscrimination in Federally Assisted Programs of the Agency for International Development Effectuation of Title VI of the Civil Rights Act of 1964.

No. 10. Loyalty and Security Investigations for Persons Serving under Contracts Financed from U.S. Foreign Assistance Funds.

No. 11. Transfer of Food Commodities for Use in Disaster Relief and Economic Development, and Other Assistance (Pub. L. 480, Title II).

No. 12. Public Information.

No. 13. Collection of Civil Claims by the Agency for International Development.

No. 14. Advisory Committee Management.

No. 15. Implementation of Privacy Act of 1974.

No. 16. Environmental Procedures.

No. 17. Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

No. 18. Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance.

The procurement regulations for the Agency for International Development are codified in Chapter 7 of Title 41 of the Code of Federal Regulations. In addition, the following other Agency for International Development publications contain procedures available to the public:

1. The Agency for International Development's Country Contracting Procedures, including:

a. The Agency for International Development's Handbook 11—Country Contracting (formerly Capital Projects Guidelines).

b. Environmental Assessments Guidelines Manual.

c. Information Packet for Architect-Engineer Firms.

2. The Agency for International Development-Financed Export Opportunities.

3. The Agency for International Development's Procurement Information Bulletins.

4. The Agency for International Development's Small Business Memos.

5. The Agency for International Development's Importer Lists.

6. U.S. Small Supplier Lists.

Copies of the above listed Agency regulations and other publications are available for public inspection and copying through the Office of Public Affairs, Agency for International Development, Washington, D.C. 20523. In addition, publications listed under No. 2 through No. 6 above are available from the Office of Small and Disadvantaged Business Utilization, Bureau for Private Enterprise, Agency for International Development, Washington, D.C. 20523, and at Department of Commerce field offices located in principal cities of the United States. The Agency's procurement regulations are also for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

V. Information, Submittals, and Requests for Decisions

A. *Information.* The Agency for International Development Regulations Nos. 12, 14, and 15 (22 CFR Parts 212, 214, and 215, respectively) specify the Agency's policy and procedures for public access to the Agency records.

B. *Submittals, Requests, or Decisions.* Members of the public doing business, or wishing to do business, with the Agency for International Development may make their submittals or requests, or obtain decisions at the cognizant bureau or office described in section III above, in accordance with the provisions of the Agency for International Development regulation or other publication which govern the action or process.

In case of uncertainty by a member of the public as to the appropriate bureau or office, or as to the methods of applying for or obtaining Agency for International Development action, application should be made to the Director, Office of Public Affairs, Agency for International Development, Room 4898, 21st Street and Virginia Avenue, NW., Washington D.C. 20523.

Effective date: This notice shall be effective December 1, 1982.

R. T. Rollis, Jr.,

Assistant to the Administrator for Management.

[FR Doc 83-868 Filed 1-13-83; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Provisional Exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway (202) 275-7278
or
Tom Smerdon (202) 275-7277

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions: These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review Board [1]	Decided date
581	Chicago and North Western Transportation Co., ICC-CNW-C0232-A, Supplement 1, (Malt, brewers' grits).	1	1-5-83
582	Soo Line Railroad Co., ICC-SOO-C-0150, (Barley).	2	1-6-83
583	Southern Pacific Transportation Co., ICC-SP-C-0323, (Malt liquors).	3	1-6-83
584	Southern Pacific Transportation Co., ICC-SP-C-0322, (Wheat).	1	1-5-83
585	Missouri-Kansas-Texas Railroad Co., ICC-MKT-C-0223, (Wheat flour, prepared flour, bulgur & sorghum grits) via Port of Galveston, TX.	2	1-6-83
586	Missouri-Kansas-Texas Railroad Co., ICC-MKT-C-0185, Supplement 5, (Wheat flour) via Gulf ports.	3	1-6-83
587	Illinois Central Gulf Railroad Co., ICC-ICG-C-0062, (Molten sulphur).	1	1-5-83
588	Burlington Northern Railroad Co., ICC-BN-C-0242, (Beet or cane sugar and molasses, beet sugar final).	2	1-6-83
589	Burlington Northern Railroad Co., ICC-BN-C-0078, Supplement 7, (Newsprint or ground wood paper and printing paper).	3	1-6-83
590	Burlington Northern Railroad Co., ICC-BN-C-0222, (Malt liquors).	3	1-6-83
591	Baltimore and Ohio Railroad Co., ICC-BO-C-0106, (Industrial sand).	1	1-5-83
592	Grand Trunk Western Railroad Co., ICC-GTW-C-0088, (Grain).	2	1-6-83
593	Seaboard System Railroad, Inc., ICC-LN-C-0017, Supplement 1, (Coal), via Port of Mobile, AL.	3	1-6-83
594	Consolidated Rail Corp., ICC-CR-C-0112, (Sheet steel).	1	1-5-83
595	Denver and Rio Grande Western Railroad Co., ICC-DRGW-C-0035-B, (Canned goods).	2	1-6-83
596	The Denver and Rio Grande Western Railroad Co., ICC-DRGW-C-0026-B, (Canned goods).	3	1-6-83
597	Union Pacific Railroad Co., ICC-UP-C-0244, (Grain), via west coast ports.	1	1-5-83
598	Union Pacific Railroad Co., ICC-UP-C-0243, (Cement clinker).	2	1-6-83

Sub-No.	Name of railroad, contract No., and specifics	Review Board [1]	Decided date
599	Southern Pacific Transportation Co., ICC-SP-C-0312, (Iron or steel articles, iron or steel scrap or copper clad scrap).	3	1-6-83
600	Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0293, (Caustic soda, chlorine and muriatic acid).	3	1-6-83
601	Southern Pacific Transportation Co., ICC-SP-C-0330, (Nitrogen fertilizer solution).	1	1-6-83
602	Southern Pacific Transportation Co., ICC-SP-C-0328, (Soda ash).	2	1-6-83
603	Missouri-Kansas-Texas Railroad Co., ICC-MKT-C-0225, (Wheat & milo.	3	1-6-83
604	Southern Pacific Transportation Co., ICC SP-C-0299 & ICC-SP-C-0300, (Motor vehicles).	1	1-6-83
605	Southern Pacific Transportation Co., ICC-SP-C-0333, (Soda ash).	2	1-6-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier.
Review Board No. 2, Members Carleton, Williams, and Ewing.
Review Board No. 3, Members Krock, Joyce, and Dowell. Member Dowell not participating.

This action will not significant affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-798 Filed 1-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Decision Notice OP4FC-004]

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 40 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—Please direct status inquiries to Team Four at (202) 275-7669.

MC-FC-81074. By decision of December 30, 1982 issued under U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to CONSTABLE TRANSPORT LIMITED, Thorold, Ontario, Canada, of Certificate Nos. MC-66807, and MC-66807 (Sub-No. 9), issued October 28, 1964 and July 17, 1981, respectively, to MANUFACTURERS EXPRESS, INC., (Debtor in Possession in Bankruptcy) New Haven, CT, authorizing transportation in (I) MC-66807, (A) over regular routes, (1) *bags, boxes, greenhouses* and *materials and supplies* used in the construction of green houses, *boilers and boiler parts, burners, cans, castings, electrical fittings and tools, forgings, ingots, machines and machine parts, marine hardware, patterns, scrap metals, steel, tanks, foundry supplies, brewery supplies,* and *lead washers, lead sleevings and solder* used in electrical installations, (a) between Elizabeth, NJ, and Boston, MA serving the intermediate and off-route points of Newark, Jersey City, Bayonne, Bloomfield, East Orange, Plainfield, and Carteret, NJ, New York, New Rochelle, Irvington, Mt. Vernon, and White Plains, NY, Greenwich, Stamford, Norwalk, Bridgeport, New Haven, Branford, Niantic, New London, Naugatuck, Middletown, Willimantic, West Haven, South Norwalk, Union City, and Norwich, CT, Cranston, Providence, Lincoln, Park, Pawtucket, East Greenwich, Warwick, Newport, Woonsocket, and Hillsgrove, RI, and East Walpole, North Attleboro, Brockton, New Bedford, Fall River, Beverly, Lynn, and Peabody, MA, and points in MA within 15 miles of State House, Boston, over specified routes; (b) between New Haven and Hartford, CT, serving the intermediate and off-route points of Wallingford, Meriden, Middletown, Southington, New Britain and Bristol, CT, over specified routes; (c) between Hartford, CT, and Boston, MA, serving the intermediate, and off-route points of East Hartford, Manchester, Stafford Springs, South Manchester, and Willimantic, CT, and Springfield, Worcester, West Springfield, Chicopee, Chicopee Falls, and Brightwood, MA, and points in MA, within 15 miles of State House, Boston, over specified routes, and (d) between Naugatuck and Middletown, CT, serving the intermediate point of Meriden, CT; (B) over irregular routes of *bags, boxes, greenhouses* and *materials and supplies* used in the construction of greenhouses, *boilers and boiler parts, burners, cans, castings, electrical fittings and tools, forgings, ingots, machines and machine parts, marine hardware, patterns, scrap metals, steel, tanks, foundry supplies,* and *brewery supplies,* between points on the regular routes described above, on the one hand, and, on the other, Millerton, NY, Passaic, NJ, New Milford, Torrington, Ivoryton, and Waterbury, CT, and Orange, Adams, Framingham, Bondsville, and Millers Falls, MA, and (2) *malt beverages,* between specified points in CT, MA, RI, NY, and NJ, and (II) MC-66807 (Sub-No. 9) over irregular routes, authorizing the transportation of *general commodities* (except classes A and B explosives), between points in NY, NJ, CT, MA, and RI, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, and PA. Transferee is a carrier under MC-90511. An application for temporary authority has been filed. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, for both transferee and transferor.

[FR Doc. 83-807 Filed 1-12-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of

Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decison is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Agatha L. Mergenovich,
Secretary.

Dated: January 4, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

MC-F-14986 (Correction) (Previously published in the **Federal Register** issues of December 8 and 10, 1982). Title: NOAH ENTERPRISES, INC. (Purchase portion) ECKLEY TRUCKING, INC. Representatives: James G. Cosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114; and A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103. The purpose of this republication is to correctly identify the territory description in paragraph (a) as follows: Between Portland, OR, on the one hand, and, on the other points in CO, AZ, UT and NM.

Volume No. OP3-MC-F-2

Dated: January 3, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Dowell not participating.)

For status call Team 3 at 202-275-5223.

MC-F-15013, filed December 22, 1982, January 4, 1983. STC DEVELOPMENT CORPORATION (STC) (100 E. 42nd Street, New York, NY 10017 (Control) SEASHORE TRANSPORTATION COMPANY (Seashore) (812 Broad Street, New Bern, NC 28560). Representative: Lawrence E. Linderman, P.C., 4660 Kenmore Ave., Suite 1203 Alexandria, VA 22304. STC seeks authority for acquisition of control of Seashore. North American Philips Corporation, (NAPC) the sole stockholder of STC, also seeks to control said operating rights and property through the transaction. The operating rights to be controlled are contained in Seashore's Certificate No. MC-28985 and subnumbers thereunder and North Carolina Certificate B-79, which authorizes the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a series of regular routes in eastern North Carolina serving such points as Wilmington, Jacksonville, Beaufort, Morehead City, New Bern, Kinston, Vanceboro, Washington, Greenville, Goldsboro, Fayetteville, Raleigh, Wilson, and Rocky Mount. STC is not a carrier. NAPC also controls Carolina Coach Company, a motor common carrier holding Certificate No. MC-13300. Condition: NAPC, a non-carrier holding company, shall be considered a carrier within the meaning of 49 U.S.C. 11348, and is subjected to the reporting requirements of the Commission.

Volume No. OP1-F-3

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

For status call Team 1 at 202-275-7992.

MC-F-15034, filed December 15, 1982. HACKLER CARTAGE CO., INC. (Hackler) (900 Nabco Avenue, Conway, AR 72032) (purchase) POWELL TRUCK LINE, INC. (Ralph Sloan, Trustee in Bankruptcy) (Powell) (Worthen Bank Building, Little Rock, AR 72201). Representative: James M. Duckett, Suite 411, 221 W. 2nd, Little Rock, AR 72201. Hackler seeks authority to purchase all of the interstate operating rights and property of Powell, through the Trustee in Bankruptcy. Ira Z. Hackler, Jr., and Marnette L. Hackler, who control Hackler, seeks authority to acquire control of the operating rights and property through the transaction. Hackler is purchasing the interstate operating rights contained in Powell's certificate No. MC-3281M1F and Sub-Nos. 17X (the restriction removal authority in Sub-No. 17X supersedes former Sub-Nos. 7, 10, and 11), and 18, which authorize the transportation of general commodities (with the usual exceptions), frozen vegetables and frozen strawberries, over regular and irregular routes, between Memphis, TN and Little Rock, AR, and between those two points and designated points in northeastern Arkansas. Hackler holds no authority from this Commission. However, Ira Z. Hackler, President and owner of 50 percent of outstanding stock of Hackler, is affiliated with Razorback Express, Inc. (Razorback), a motor common carrier operating under MC-148291. In addition, Hackler has advanced a sum of money to Razorback evidenced by a demand note.

Note.—(1) This notice does not purport to be a complete description of the operating rights of the carriers involved. (2) Application for temporary authority has been filed.

[FR Doc. 83-908 Filed 1-12-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor

Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publications to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–5

Decided: January 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 290 (Sub-10), filed December 21, 1982. Applicant: JACK RABBIT LINES, INCORPORATED, 301 North Dakota Ave., Sioux Falls, SD 57102. Representative: James R. Becker, 412 West Ninth St., P.O. Box 1443, Sioux Falls, SD 57101–1443; (605)–336–2565. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK but excluding HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 48501 (Sub-21), filed November 30, 1982, previously published in the **Federal Register** on December 15, 1982. Applicant: INDIANA MOTOR BUS COMPANY, 715 South Michigan St., P.O. Box 958, South Bend, IN 46624. Representative: Robert J. Brooks, 1828 L St., N.W., Suite 1111, Washington, DC 20036; (202)–466–3892. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

Note.—The purpose of this republication is to correct the territorial description.

MC 124651 (Sub-4), filed December 23, 1982. Applicant: GEORGE LANICH, PAUL LANICH AND MARY LANICH d.b.a. LANICH BUS LINES, P.O. Box 57, Kent, PA 15752. Representative: Henry M. Wick, Jr., Two Chatham Center, Suite 1610, Pittsburgh, PA 15219; (412) 765–1600. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 144801, filed December 14, 1982. Applicant: SAULT SANITATION SERVICE, INC. d.b.a. SUPERIOR BUS SERVICE, 751 Peck St., Sault Ste. Marie, MI 49783. Representative: Albert N. Mattson (same address as applicant) (906) 635–5971. Transporting *passengers*, in charter operations, beginning and ending at Sault Ste. Marie, MI, and points in Chippewa County, MI, and extending to points in WI, MN, OH, KY, TN, GA, FL and the ports of entry on the international boundary line between the U.S. and Canada in NY, PA and MI.

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 153441 (Sub-3) (republication), filed December 2, 1982, previously noticed in the **Federal Register** issue of December 29, 1982. Applicant: JOHNSON'S BUS SERVICE, INC., P.O. Box 245, Mt. Joy, PA 17552. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108; (717) 233–5731. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation. The purpose of this republication is to correct the territorial description.

MC 160160, filed December 6, 1982. Applicant: TIV CORP. 225 Private Lane, Lakewood, NJ 08701. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022; (212)–759–3700. Transporting *passengers*, in charter and special operations between points in the U.S. (including AK but excluding HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 160861 (Sub-1), filed December 21, 1982. Applicant: MARVIN WARD d.b.a. MARVIN WARD TRUCKING, 2607 Shenandoah, Tyler, TX 75701. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting (1) for or on behalf of

the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 163860 (Sub-1), filed December 21, 1982. Applicant: CHARTERED BUS SERVICE, INC., 6539 E. Virginia Beach Blvd., Norfolk, VA 23502. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK but excluding HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165130, filed December 10, 1982. Applicant: A AND P BUS SERVICE, INC., 263 Edward St., Ridgewood, NJ 07450. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201)–381–4700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165290, filed December 20, 1982. Applicant: GRIFFIN TRUCKING, INC., R.R. 3, Box 424, Greencastle, IN 46135. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 165330, filed December 21, 1982. Applicant: DALE VAUGHN, Box 373, Condon, OR 97823. Representative: Dale Vaughn (same address as applicant), (503) 384–4143. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 165340, filed December 22, 1982. Applicant: GEORGE BERSUCH d.b.a. FORDHAM LIMOUSINE SERVICE, 4200–20 Hutchinson River Parkway, Bronx, NY 10077. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048; (212)–466–0220. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.— Applicant seeks to provide privately funded charter and special transportation.

MC 165341, filed December 21, 1982. Applicant: KATHLEEN H. PETRONE d.b.a. K.H. COOKE TRAFFIC SALES AND SERVICE, 7 Norht 11th Ave., Manville, NJ 08835. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904; (201)–572–5551. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165350, filed December 23, 1982. Applicant: TREMBLAY'S BUS CO., INC., 84 Lawrence St., Fall River, MA 02722. Representative: Arthur M. White, 281 Pleasant St., P.O. Box 2547, Framingham, MA 01701; (617) 879–5000. Transporting *passengers*, in charter and special operations, between points in the U.S..

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 165361, filed December 27, 1982. Applicant: MAR-CHET TRANSIT, INC., R.D. #5, Box 259, Moscow, PA 18444. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517; (717); 344–8030. Transporting *passengers*, in charter and special operations, beginning and ending at points in Lackawanna, Wayne, Monore, Pike, Luzerne, Susquehanna and Wyoming Counties, PA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165370, filed December 23, 1982. Applicant: HUNT'S BUS COMPANY, P.O. Box 397, Anoka, MN 55303. Representative: Lawrence E.Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304; (703) 751–2441. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.— Applicant seeks to provide privately-funded charter and special transportation.

MC 165371, filed December 23, 1982. Applicant: FRANCIS LADEAN HICKS d.b.a. DEAN HICKS TRUCKING, 13004 Union Hall Rd., Canby, OR 97013. Representative: Francis LaDean Hicks (same address as applicant) (503) 632–7580. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 165380, filed December 28, 1982. Applicant: JACKSON'S SERVICE, INC., Route 1, Box 399, Spring Grove, VA 23881. Representative: Vernice H. Jackson (same address as applicant) (804) 866–8516. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165441, filed December 28, 1982. Applicant: RICHARD LLOYD BOWSER, 16 West Street, North East, PA 16428. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924 (408) 625–2031. As a *broker* of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status inquiries to Team 3 at 202–275–5223.

Volume No. OP3–75

Decided: January 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 93475 (Sub-5), filed December 23, 1982. Applicant: ASHBOURNE TRANSPORTATION, INC., 7827 Old York Rd., Elkins Park Blvd., McLean, VA 22101. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide provately-funded special and charter transportation.

MC 111504 (Sub-14), filed December 21, 1982. Applicant: STARR TRANSIT CO., INC., 2531 E. State St., Trenton, NJ 08619. Representative: Alan R. Squires, 818 Widener Bldg., 1339 Chestnut St., Philadelphia, PA 19107; (215) 564–3880. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 127564 (Sub-5), filed December 17, 1982. Applicant: GRAY LINE TOURS OF SOUTHERN NEVADA, 1550 Industrial Rd., Las Vegas, NV 89102. Representative: Warren N. Grossman, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017; (213) 627–8471. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 149025 (Sub-2), filed December 22, 1982. Applicant: VAN NORTWICK BROS., INC., 1060 Highway 37 West,

Toms River, NJ 08753. Representative: Jeffrey A. Vogelman, 123 South Royal St., Alexandria, VA 22314; (703) 683–6304. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 140555 (Sub-7), filed December 21, 1982. Applicant: J. G. EXEC, INC., R.D. 1, Box 399 BB, Dover, DE 19901. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006; (202) 466–3778. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 161764 (Sub-1), filed December 21, 1982. Applicant: NEWTON BUS SERVICE, INC., Route 1, Box 77, Gloucester, VA 23061. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877; (301) 840–8565. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status inquiries to Team 4 at 202–275–7669.

Volume No. OP4–003

Decided: January 6, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 165367, filed December 27, 1982. Applicant: McDONALD'S BUS SERVICE, INC., 248 Sargent St., Cowlesville, NY 14037. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043; (716) 681–7190. Transporting *passengers*, in charter and special operations, beginning and ending at points in NY, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165386, filed December 28, 1982. Applicant: GARRY W. DEAN, d.b.a. DEAN LEASING, Route 1, Box 269H, Durham, NC 27705. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288; (919) 635–4711. Transporting *passengers*, in charter and special operations, beginning and ending at points in NC and VA and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165387, filed December 28, 1982. Applicant: DARWIN SOLOMON, 3112 S. 21st St., Omaha, NE 68108. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104; (712) 255–3127. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 165396, filed December 29, 1982. Applicant: HOWMET DISPATCH CORPORATION, 475 Steamboat Rd., Greenwich, CT 06830. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; (201) 234–0301. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165407, filed December 28, 1982. Applicant: ARIZONA TRANSPORTATION GROUP, INC., 501 West Jackson, Phoenix, AZ 85003. Representative: Raymond P. Mogensen (same as address as applicant) (602) 254–6459. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–004

Decided: January 6, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 94818 (Sub-10), filed December 14, 1982. Applicant: BROOKS BUS LINE, INC., 421 Washington St., Paducah, KY 42001. Representative: Harry J. Harman, 700 Harrison Bldg., 143 West Market St., Indianapolis, IN 46204; (317) 634–4242. Transportaing *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 119098 (Sub-12), filed December 27, 1982. Applicant: BILL ROHRBAUGH'S CHARTER SERVICE, INC., 121 North Ruth Ave., Spring Grove, PA 17362. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101; 717–236–9318. Transporting *passengers*, in *charter and special operations*, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 146558 (Sub-3), filed December 23, 1982. Applicant: READY TOURS, CORP., 1168 Jordan Lane, Napa, CA 94559. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304; 703–751–2441. Transporting *passengers*, in *charter and special operations*, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 150399 (Sub-1), filed December 27, 1982. Applicant: CHARTER BUS SERVICE, INC., 722 North 3rd Street, Milwaukee, WI 53203. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203; (414) 273–7410. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 152668 (Sub-2), filed December 13, 1982. Applicant: CHEM-NUCLEAR SYSTEMS, INC., Transportation Division, P.O. Box 726, Barnwell, SC 29812. Representative: Jerry L. Mason (same address as applicant) (803) 259–1781.Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 156268 (Sub-1), filed December 27, 1982. Applicant: COASTAL PLAIN CHARTER SERVICE, INC., 2913 South Church St., P.O. Box 1053, Rocky Mount, NC 27801. Representative: Lee A. Spinks, 225 South Franklin St., P.O. Drawer 153, Rocky Mount, NC 27801; 919–977–2211. Transporting *passengers in charter and special operations*, beginning and ending at points in NC, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 162838, filed December 13, 1982. Applicant: JUNE E. NAVARRE d.b.a. AA LIMOUSINE SERVICE, P.O. Box 78, R.D. #2, Breinigsville, PA 18031. Representative: Barry d. Kleban, 1430 Land Title Bldg., Philadelphia, PA 19110; (215) 561–1030. Transporting *passengers*, in special and charter operations, between points in CT, DE, MA, MD, NJ, NY, OH, PA, VA, and DC.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 165218, filed December 15, 1982. Applicant: JAY INTERNATIONAL INC., 437 Chestnut St., Suite 403, Philadelphia, PA 19106. Representative: Yvonne D. Stokes (same address as applicant) (215) 925–7021. To operate as a *broker* of *general commodities* (except household

goods), between points in the U.S. (except AK and HI).

MC 165378, filed December 28, 1982. Applicant: TIMOTHY GENE WOLFE, 8B Countryside Drive, Treynor, IA 51575. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104; (712) 255-3127. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 165389, filed December 28, 1982. Applicant: RALPH BELTER, Rural Route 1, Grettna, NE 68028. Representative: Edward A. O'Donnell, 1004—29th St., Sioux City, IA 51104; (712) 255-3127. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP5-002

Decided: January 3, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 6969 (Sub-1), filed November 22, 1982. Originally published in the **Federal Register** (Republication) on December 20, 1982. Applicant: MERCHANTS FORWARDING COMPANY, 8747 Brandt, Dearborn, MI 48126. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226; 313-963-3750. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Note.—This republication modifies the Territorial scope.

MC 143668 (Sub-3), filed December 15, 1982. Applicant: LONG ISLAND AIRPORTS LIMOUSINE SERVICE CORP., 25 Newton Place, Hauppauge, NY 11788. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048; (212) 466-0220. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—The Board concludes that applicant is a privately funded carrier seeking to provide charter and special operations, notwithstanding the receipt of governmental financial assistance.

MC 162588 (Sub-1), filed December 21, 1982. Applicant: HOLYOKE STREET RAILWAY COMPANY, 63 North Canal St., Holyoke, MA 01040. Representative: David M. Marshall, Sixth Floor—95 State St., Springfield, MA 01130; 413-732-1136. Transporting *passengers in charter and special* operations between points in the U.S. (excepf HI).

Note.—The Board concludes that the applicant seeks to provide privately-funded charter and special transportation, notwithstanding the receipt by applicant of some governmental assistance.

MC 165209, filed December 14, 1982. Applicant: CURTIS H. WINFREY, d.b.a. WINFREY ENTERPRISES, INC., 122 Lee Parkway Drive, Suite 118, Chattanooga, TN 37421. Representative: Curtis H. Winfrey (same address as applicant) (615) 899-9565. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165288, filed December 20, 1982. Applicant: PATHFINDER TRANSPORTATION, INC., 8329 Jason Ave., Canoga Park, CA 91304. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702; 714-667-8107. Transporting *passengers in charter and special operations*, beginning and ending at points in CA and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-909 Filed 1-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Decision Volume No. OP4-001]

Republications of Grants of Operating Rights Authority Prior To Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall address specifically the issue(s) indicated as the purpose for republication. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

Agatha L. Mergenovich,

Secretary.

MC 156286 (Sub-10) (republication) filed May 17, 1982; published in the **Federal Register** issue of June 2, 1982; and republished this issue. Applicant: M. T. TRUCK LINE, INC., 7701 W. 95th St., Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. La Salle St., Chicago, IL 60602, Phone: 312-236-5944. In a decision, by the Commission, Divison 2, acting as an Appellate Division, decided November 29, 1982, and finds that performance by applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, between Williamsville and Cheektowage, NY and Wallen and Huntertown, IN, on the one hand, and, on the other, points in the United States, will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to delete the commodity and territorial exceptions.

Note.—(1) Applicant must submit an Affidavit of Certification to the "Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423", certifying that all rail service has actually terminated at the specified points. (2) To the extent that the authority granted herein authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring five (5) years from its date of issuance.

[FR Doc. 83-902 Filed 1-12-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15036]

Sam Kovacevich, Jr., Continuance in Control Exemption: Transport America, Inc., and Chicago-St. Louis Transport Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), added by Section 21 of the Bus Regulatory Reform Act of 1982, Pub. L. 97-261 (September 20, 1982), Sam Kovacevich, Jr., seeks an exemption from the requirement under 11343 of prior regulatory approval for his continuance in control of Transport America, Inc. (No. MC-163680 and subnumbers thereunder) and Chicago-St. Louis Transport Co. (No MC-134493 and subnumbers thereunder), both of which are motor carriers.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioner's representative James C. Hardman, Suite 2108, 33 North La Salle Street, Chicago, IL 60602

Comments should refer to No. MC–F–15036.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: January 7, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-810 Filed 1-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30069]

Louisville and Nashville Railroad Company; Abandonment Exemption; Perry County, KY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Louisville and Nashville Railroad Company of 3.03 miles of track in Perry County, KY, subject to standard labor protection.

DATES: This exemption will be effective on February 14, 1983. Petitions to stay the effectiveness of this decision must be filed by January 24, 1983, and petitions for reconsideration must be filed by February 2, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative, Fred R. Birkholz, 500 Water Street, Jacksonville, FL 32202.

Pleadings should refer to Finance Docket No. 30069.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423; (202) 289–4357—DC metropolitan area; (800) 424–5403—Toll free for outside the DC area.

Decided: January 6, 1983.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Vice Chairman Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-905 Filed 1-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30036]

Oregon-Washington Railroad & Navigation Company and Union Pacific Railroad Company, Abandonment and Discontinuance; Exemption in La Crosse, Wash.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment and discontinuance of service by the Oregon-Washington Railroad & Navigation Company and the Union Pacific Railroad Company of 0.76 miles of railroad between milepost 40.86 and milepost 41.62 at La Crosse, WA, subject to conditions for protection of employees.

DATES: This exemption is effective February 11, 1983. Petitions to stay must be filed by January 24, 1983; petitions for reconsideration must be filed by February 1, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423

(2) Petitioners' representative, Joseph D. Anthofer, 1416 Dodge Street, Omaha, Nebraska 68179

Pleadings should refer to Finance Docket No. 30036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; (202) 289–4357—DC metropolitan area; (800) 424–5403—Toll free for outside the DC area.

Decided: January 6, 1983.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Vice Chairman Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-904 Filed 1-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29592]

Southern Pacific Transportation Company; Abandonment Exemption; Los Angeles County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Southern Pacific Transportation Company of 3.26 miles of its West Santa Ana Branch between milepost 495.14 and milepost 491.88 in Los Angeles County, CA, subject to conditions for protection of employees.

DATES: This exemption will be effective February 14, 1983. Petitions to stay the effectiveness of the decision must be filed by January 24, 1983, and petitions for reconsideration of the decision must be filed by February 2, 1983.

ADDRESSES: Send pleadings to:

Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

Petitioner's representative, Garry A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105

Pleadings should refer to Finance Docket No. 29592.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commissions's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; (202) 289–4357—DC metropolitan area; (800) 424–403—Toll free for outside the DC area.

Decided: January 6, 1983.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterret, Andre, Simmons, and Gradison. Vice Chairman Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-906 Filed 1-12-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Obtain Injunctive Relief To Enforce PSD Permit Under Clean Air Act

In accordance with Departmental policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on November 24, 1982, a proposed consent decree in *United States* v. *Plateau, Inc.* (Civil No. 82-1373C) was lodged with the United States District Court for the District of New Mexico. The proposed decree requires that Plateau install a particulate matter emission control system to clean the emissions from the regenerator outlet of a fluid catalytic cracking unit. The decree sets forth a construction schedule and provides for penalties.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the proposed judgment. Comments should be addressed to the Deputy Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Plateau, Inc.*, D.J. 90-5-2-1-501.

The proposed consent decree may be examined at the office of the United States Attorney, P.O. Box 607, Albuquerque, New Mexico, 87103, at the Region VI office of the Environmental Protection Agency, Office of Regional Counsel, First International Building, 1201 Elm Street, Dallas, Texas 75270 and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1515), Tenth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Anthony C. Liotta,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-969 Filed 1-12-83; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Media Arts Advisory Panel (American Film Institute Review); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (American Film Institute Review) to the National Council on the Arts will be held on January 17, 1983, from 9:30 a.m.-5:30 p.m. and January 18, 1983, from 9:30 a.m.-1:00 p.m. at the Academy of Motion Picture Arts & Sciences, 8949 Wilshire Blvd., Beverly Hills, CA 90211.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

January 7, 1983.

[FR Doc. 83-974 Filed 1-12-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Clinch River Breeder Reactor and Thermal Hydraulic Working Group; Reschedule

The ACRS Subcommittee meeting on Clinch River Breeder Reactor (CRBR) scheduled for January 20 and 21, 1983 has been changed to a combined meeting of the CRBR Subcommittee and associated Thermal Hydraulic Working Group on February 3 and 4, 1983, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee and Working Group will continue their review of the DOE application for a permit to construct the CRBR.

The agenda for subject meeting shall be as follows:

Thursday, February 3, 1983—8:30 a.m. until the conclusion of business

Friday, February 4, 1983—8:30 a.m. until the conclusion of business

All other items regarding this meeting remain the same as announced in the **Federal Register** published Thursday, December 30, 1982 (47 FR 58402).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. EST.

Dated: January 10, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-990 Filed 1-12-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Policy and Procedures; Reschedule

The ACRS Subcommittee on Regulatory Policy and Procedures scheduled for January 13, and 14, 1983 has been rescheduled to February 7 and 8, 1983, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will continue its review of matters related to nuclear regulatory reform.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Thursday, December 23, 1982 (47 FR 57368).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Marvin C. Gaske (telephone 202/634-3265) between 8:15 a.m. and 5:00 p.m., EST.

Dated: January 10, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-989 Filed 1-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specification to provide new operability requirements for the auxiliary feedwater

(AFW) pumps and to provide additional reporting requirements for the AFW pumps becoming inoperable.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 1, 1982, (2) Amendment No. 74 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of January, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-991 Filed 1-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas & Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-76 issued to the Pacific Gas and Electric Company (the licensee), for Diablo Canyon Nuclear Power Plant, Unit No. 1 (the facility) located in San Luis Obispo County, California. The amendment is effective as of the date of issuance.

The amendment authorizes relief from specific technical specifications for a period of 120 days to allow for the movement of loads in excess of 2500 pounds in order to make certain modifications in the Fuel Handling Building.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 21, 1982, (2) Amendment No. 3 to Facility Operating License No. DPR-76, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland this 6th day of January, 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-992 Filed 1-12-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-267]

Public Service Company of Colorado and Fort St. Vrain Generating Station; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR-34 issued to the Public Service Company of Colorado, for operation of the Fort St. Vrain Generating Station (the facility) located in Platteville, Colorado. The amendment is effective as of the date of its issuance.

The amendment adds an additional paragraph to License Condition 2.D.(3) "Physical Protection" to incorporate the revision to Chapter 9 of the Fort St. Vrain Security Plan dated June 10, 1982, and updates, through the latest approved revisions, the existing paragraphs of 2.D.(3). The revision to Chapter 9 ensures compliance with 10 CFR 73.45.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see Amendment No. 30 to License No. DPR-34. This item is available for public inspection at the Commission's Public Document Room (PDR), 1717 H Street, NW., Washington, D.C. and at the local PDR in Greeley, Colorado. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, Attention: Regional Administrator.

Dated at Arlington, Texas this 4th day of January, 1983.

For the Nuclear Regulatory Commission.

Glen L. Madsen,

Chief, Reactor Projects Branch No. 1, Region IV.

[FR Doc. 83-993 Filed 1-12-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Certain Cube Puzzles; (Request for Public Comments)

The United States International Trade Commission (the Commission) has found a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into, or sale in, the United States of certain cube puzzles and has directed that the articles concerned and their packaging be excluded from entry into the United States.

Under section 337(g), the President may disapprove the determination of the Commission for policy reasons within sixty days following receipt of the determination and record. Disapproval by the President would cause the determination, and any order issued under that determination, to be without force or effect. The President also may approve the determination, making the determination, and any order issued under it, final on the date the Commission receives notice. The determination, and any related order, will become final automatically following the sixty day review period if the President decides to take no action to disapprove or to approve it.

Interested parties are invited to submit comments concerning foreign or domestic policy issues that should be considered by the President in making his decision regarding the case. Parties submitting comments regarding a domestic policy issue should refer to the portion of the Commission record in which information or comment concerning that issue was presented. If it made no presentation to the Commission of the domestic policy issue being raised, the party submitting the comment should include the reason for the lack of such presentation. The Trade Representative will be reluctant to review comments concerning domestic policy issues not addressed in the record developed before the Commission. Interested parties need not refer to the Commission record when submitting comments regarding foreign policy issues.

Comments submitted should not exceed 15 double spaced, letter sized pages, including attachments. The original and 19 copies of the submission must be delivered by the close of business Friday, January 28, 1983, to the Secretary, Trade Policy Staff Committee, 600 17th Street, NW. Room 500, Washington, D.C. 20506. Copies of comments received will be made available upon request and additional comments will be accepted through the close of business February 4, 1983. For further information call Alice Zalik (202) 395-3432

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 83-897 Filed 1-12-83; 8:45 am]

BILLING CODE 3190-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) Collection title: Application for Employee Annuity Under the Railroad Retirement Act
(2) Form(s) submitted: AA-1, AA-1d, AA-4, G-271 and T-36
(3) Type of request: Extension
(4) Frequency of use: On occasion
(5) Respondents: Applicants for retirement annuities
(6) Annual responses: 50,860
(7) Annual reporting hours: 16,970
(8) Collection description: The RRA provides for payment of age and disability annuities to qualified employees. The application obtains information about the applicant's family, work history, military service, benefits from other government agencies and public or private pensions. The information is used to determine entitlement to and amount of annuity applied for.

(1) Collection title: Application for Spouse Annunity Under the Railroad Retirement Act
(2) Form(s) submitted: AA-3, G-346
(3) Type of request: Extension
(4) Frequency of Use: On occasion
(5) Respondents: Applicants for spouse annuities under the RRA, husbands/wives of applicants for spouse annuities.
(6) Annual responses: 44,600
(7) Annual reporting hours: 11,050
(8) Collection description: The Railroad Retirement Act provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the Act. The application will obtain information supporting the claim for benefits based on being a spouse of an annuitant. The information will be used for determining entitlement to and amount of annuity applied for.

(1) Collection title: Applications for Survivor Insurance Annuities
(2) Form(s) submitted: AA-17, AA-17b, AA-18, AA-19, AA-19a, AA-19s, AA-20, G-476c
(3) Type of request: Extension
(4) Frequency of use: On occasion
(5) Respondents: Individuals applying for survivor annuities
(6) Annual responses: 24,450
(7) Annual reporting hours: 7,356
(8) Collection description: The applications obtain information from widow(er)s, children and parents of deceased railroad workers to support claims for survivor benefits. The information will be used for determining entitlement to and amount of annuity applied for.

(1) Collection title: Application for Survivor Death Benefits
(2) Form(s) submitted: AA-21, AA-11a, G-131, G-273a
(3) Type of request: Extension
(4) Frequency of use: On occasion
(5) Respondents: Individuals, funeral directors
(6) Annual responses: 32,000
(7) Annual reporting hours: 10,592
(8) Collection description: The applications obtain information from persons eligible to receive survivor death benefits under the RRA. Benefits include lump sum death benefits, annuities due but unpaid at death and reimbursement for burial expenses. Benefits are paid to designated beneficiaries or the survivors in a priority designated by law.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (201-395-6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management

[FR Doc. 83-871 Filed 1-12-83; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 19401, 12942]

Midland Capital Corp. et al.; Filing of Application

January 4, 1983.

In the matter of: Midland Capital Corporation; Midland Venture Capital Limited; 110 William Street, New York, NY 10038 (812-5313).

Notice is hereby given that Midland Capital Corporation ("Midland"), and its wholly-owned subsidiary, Midland Venture Capital Limited ("Ventures"), a small business investment company ("SBIC") licensed by the Small Business Administration ("SBA") under the Small Business Investment Act of 1958, as amended ("SBI Act") (jointly, "Applicants"), Delaware corporations

regulated under the Investment Company Act of 1940 ("Act") as business development companies, filed an application on September 10, 1982, with amendments thereto on November 19, 1982, and December 9, 1982, for an order of the Commission pursuant to Section 6(c) of the Act and Section 12(h) of the Securities Exchange Act of 1934 ("Exchange Act"): (1) Amending an earlier order ("Prior Order") of the Commission dated December 29, 1981 (Investment Company Act Release No. 12131) to the extent necessary to exempt Applicants from the provisions of Section 18(a) of the Act, as modified by Section 61 of the Act, to the extent requested; and (2) amending the Prior Order and exempting Applicants from the provisions of Section 13(a) of the Exchange Act to the extent necessary to permit Applicants to file with the Commission and to provide to Midland's shareholders, financial statements required by the federal securities laws solely on a consolidated basis. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Midland was organized on August 13, 1981, and, as a business development company, provides venture capital equity financing and managerial advisory services to selected independent businesses which, in the opinion of Midland's board of directors, have a significant potential for long-term growth. Midland is a publicly-held company whose common stock is traded on the over-the-counter market and is quoted on the National Association of Securities Dealers, Inc., Automated Quotation System.

Applicants state that Ventures was organized on March 15, 1974. As a SBIC, Ventures has obtained financing through the issuance of SBA-guaranteed debentures in accordance with the provisions of the SBI Act and the exemptions from Section 18(a) of the Act afforded to Section 18(k) of the Act. Under the SBI Act, Ventures is eligible to issue SBA-gucranteed debentures in an aggregate principal amount of at least up to 300% of its "private capital" (defined in Section 107.3 of the Regulations under the SBI Act as its combined paid-in capital and paid-in surplus), subject to a maximum of $35,000,000 principal amount outstanding at any time.

Applicants state that they are successors of Midland Capital Corporation, a New York corporation ("Old Midland"), which, prior to the close of business on December 31, 1981, was a business development company under the Act and an SBIC licensed under the SBI Act. As of the close of business on December 31, 1981, Old Midland was reorganized into a two-tier structure (the "Reorganization") by the merger of Old Midland into Ventures, which continued as a wholly-owned subsidiary of Midland. Ventures presently conducts the SBIC business formerly conducted by Old Midland.

The Prior Order granted exemptions from Section 57(a) of the Act to the extent necessary to permit Applicants and Old Midland to consummate the Reorganization and to permit Applicants to engage in certain affiliated or joint transactions subsequent to the Reorganization. The Prior Order was issued, subject to certain conditions, including, *inter alia*, (1) compliance by Midland and Ventures, on a consolidated basis, with the asset coverage requirements of Section 18(a), as modified by Section 61, of the Act, and (2) the filing with the Commission by Midland and Ventures, and the provision by Midland to its stockholders, of the financial statements required by the Exchange Act and other federal securities laws, on a consolidated basis as to Midland and Ventures and on a separate basis as to Ventures.

The Prior Order prohibits Midland and Ventures from issuing any senior securities representing indebtedness except that (1) Midland may issue and sell its senior securities representing indebtedness in consideration of any loan, extension or renewal thereof made by private arrangement, provided that such senior securities representing indebtedness are not intended to be publicly distributed, and provided further that such senior securities representing indebtedness are not convertible into, exchangeable for, or accompanied by any options to acquire, any equity security except as permitted by Section 61 of the Act, and (2) Ventures may borrow from the SBA on such basis as the SBA may from time to time lend to SBIC's and as may be permitted under the Act and applicable rules thereunder, provided that Midland may not guarantee any such borrowings by Ventures. Midland may not itself, and may not cause or permit Ventures to, otherwise issue any class of senior security representing indebtedness. Applicants further state that the Prior Order requires that Midland, individually, and Midland and Ventures, on a consolidated basis, have the asset coverage required by Section 18(a), as modified by Section 61, of the Act, immediately after the issuance or sale of any senior security representing indebtedness.

Applicants seek to modify the Prior Order to permit Applicants to borrow from banks, insurance companies and other financial institutions, on a secured or unsecured basis, to borrow from each other, and to permit Midland to guarantee the borrowings of Ventures. Applicants represent that all borrowings by Midland and Ventures, except borrowings by Ventures from the SBA or from Midland, and borrowings by Midland from Ventures, will be subject to the asset coverage requirements of Section 18(a), as modified by Section 61 of the Act, applied on an individual basis to each Applicant and on a consolidated basis as to Midland and Ventures. In addition, any guarantee by Midland of borrowings by Ventures will not be deemed to be a senior security and will not be subject to the asset coverage requirements of Section 18(a), provided that 90% of Midland's assets are represented by its investments in Ventures or in securities similar to those in which Ventures invests. Further, Applicants state that any borrowings by Ventures from the SBA will not be subject to the Section 18(a) asset coverage requirement by reason of the Section 18(k) exclusion for SBIC's.

In support of their exemptive request, Applicants state that Ventures is currently permitted to issue up to $35,000,000 principal amount of SBA-guaranteed debentures, based on the Company's private capital at June 30, 1982, pursuant to Section 18(k) of the Act. The current application of the asset coverage requirements of Section 18(a), as modified by Section 61 of the Act, to Midland and Ventures on a consolidated basis, severely restricts the ability of Midland and Ventures to borrow funds for the purpose of making investments. As a result, the stockholder of Midland could be adversely affected since the policy of leveraging to make investments cannot be carried out to the fullest extent by Midland and Ventures.

Applicants assert that the policies with respect to leveraging to be implemented by Midland and Ventures if the requested order is granted by the Commission are consistent with their respective policies and are designed to take full advantage of the exemption made available to an SBIC, such as Ventures, by Section 18(k) of the Act. The grant by the Commission of the requested order would be consistent with the treatment afforded SBICs generally under Section 18(k), which is designed to enable such companies to avail themselves of the maximum

principal amount of permissible SBA-guaranteed debentures.

Accordingly Applicants submit that the exemption requested with respect to the asset coverage requirements of Section 18(a), as modified by Section 61 of the Act, is necessary and appropriate in order to provide the stockholders of Midland with the benefits resulting from leveraging. Further, the Applicants submit that since Midland and Ventures, as business development companies, will still be subject to the 200% asset coverage requirements of the Act, the requested exemption is consistent with the purposes of the Act and the protection of investors.

As business development companies, each of the Applicants is required to have a class of securities registered under Section 12(g) of the Exchange Act. Pursuant to Section 13(a) of the Exchange Act and the conditions of the Prior Order, Midland and Ventures are each obligated to file with the Commission the information and reports, including financial statements, required to be filed pursuant to the Exchange Act. The Applicants state, that the filing of such information and reports by Ventures with respect to its individual operations, in addition to such filings by Midland with respect to the consolidated operations of Midland and Ventures, is unduly burdensome, is not necessary to protect the investing public and does not advance the purposes of the Act.

Accordingly, the Applicants request an order of the Commission modifying the Prior Order to permit Midland to (1) file with the Commission, on behalf of itself and Ventures, all information and reports required to be filed with the Commission under the Exchange Act and other federal securities laws, including financial statements, prepared solely on a consolidated basis as to Midland and Ventures; such information and reports to be in statisfaction of the separate filing obligations of Ventures; and (2) provide to its stockholders such information and reports as are required to be disseminated to stockholders, including financial statements prepared solely on a consolidated basis as to Midland and Ventures, such reports to be in satisfaction of the separate reporting obligations of Ventures.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 12(h) of the Exchange Act provides that the Commission, by order upon application, may exempt, in whole or in part, any issuer or class of issuers from, inter alia, Section 13 of the Exchange Act, upon such terms and conditions as the Commission deems necessary or appropriate, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income of assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

Midland and Ventures have represented in the application that, as a condition to the grant of an order pursuant thereto, they will comply with the following:

(1) Midland will at all times own and hold beneficially and of record all of the outstanding shares of capital stock of Ventures.

(2) Vacancies on the board of directors of Ventures occurring between Annual Meetings of Stockholders will be filled in the manner provided in Section 16(b) of the Act. Notwithstanding the foregoing, the board of directors of Ventures will be elected by Midland as the sole stockholder of Ventures and may be comprised of some, but not all, of the directors of Midland. All the officers of Midland will hold corresponding positions with Ventures.

(3) No person shall serve or act as an investment adviser to Ventures unless the directors and stockholders of Midland shall have taken the action required pursuant to Sections 15(a) and 15(c) of the Act.

(4) No person shall serve as the independent accountant of Ventures, unless the directors and stockholders of Midland shall have taken the action required pursuant to Sections 32 of the Act.

(5) Midland shall not itself issue, and Midland shall not cause or permit Ventures to issue, any senior security representing indebtedness or sell any senior security representing indebtness of which Midland or Ventures is the issuer except that: Midland and Ventures may issue and sell to banks, insurance companies and other financial institutions their secured or unsecured promissory notes or other evidences of indebtedness in consideration of any loan, or any extension of renewal thereof made by private arrangement, provided (a) such notes or evidences of indebtedness are not intended to be publicly distributed, (b) such notes or evidences of indebtedness are not convertible into, exchangeable for, or accompanied by any options to acquire, any equity security, except as otherwise permitted by Section 61(a)(3) of the Act, and (c) immediately after the issuance or sale of any such notes or evidences of indebtedness by either of Midland or Ventures, Applicants, on a consolidated basis, and individually, shall have the asset coverage required by Section 18(a), as modified by Section 61, of the Act, except that in determining whether Midland and Ventures, on a consolidated basis, have the asset coverage required by Section 18(a), as modified by Section 61, of the Act, any borrowings by Ventures pursuant to SBA-guaranteed debentures shall not be considered senior securities and, for purposes of the definition of "asset coverage" in Section 18(h) of the Act, shall be treated as indebtedness not represented by senior securities.

(6)(a) Ventures may obtain financing through the issuance of SBA-guaranteed debentures on such basis and in such amount as the SBA may from time to time permit for SBIC's, (b) Ventures may borrow from Midland, and Midland may borrow from Ventures, and (c) Midland may guarantee any borrowings by Ventures, provided that at the time of any such guarantee, and so long as any such guarantee shall be outstanding, 90% of the total assets of Midland are represented by its investment in Ventures or by securities similar to those in which Ventures invests. None of the borrowings or other arrangements permitted by this subparagraph (6) shall be deemed senior securities for purposes of any order issued pursuant to this application of Section 18 of the Act.

(7) Midland shall (a) file with the Commission, on behalf of itself and Ventures, all information and reports required to be filed with the Commission under the Exchange Act and other federal securities laws, including financial statements prepared solely on a consolidated basis as to Midland and Ventures, such information and reports to be in satisfaction of the separate filing obligations of Ventures; and (b) provide to its stockholders such information and reports as are required to be disseminated to Midland's stockholders, including financial statements prepared solely on a consolidated basis as to Midland and Ventures, such reports to be in satisfaction of the separate reporting obligations of Ventures; *provided, however,* that if 10% or more of Midland's total assets on a consolidated

basis are invested in assets other than securities issued by Ventures or securities similar to those in which Ventures invests, then, in addition to the consolidated financial statements of Midland and its subsidiaries, there shall be included in such reports separate financial statements of Ventures and separate financial statements of any subsidiary other than Ventures if Midland's investment in such subsidiary amounts of 10% or more of Midland's total assets on a consolidated basis. Midland shall also cause Ventures to file with the Commission copies of all reports that Ventures is required to file with the SBA, including the financial reports required to be filed by Ventures on SBA Form 468 or appropriate successor form.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 31, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-929 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-12207]

Mobil Oil Corp.; Application and Opportunity for Hearing

January 5, 1983.

Notice is hereby given that Mobil Oil Corporation ("Mobile") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Bankers Trust Company under an indenture dated as of October 1, 1971 (the "Qualified Indenture") between Mobil and Bankers Trust Company which was heretofore qualified under the Act, and the successor trusteeship by Bankers Trust under an indenture dated as of April 1, 1963 between Mobil Oil Corporation as issuer, and Bankers Trust Company as successor Trustee (the "New Indenture"), are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from continuing to act as Trustee under the Qualified Indenture were it to act as successor Trustee under the New Indenture. The New Indenture was filed as an Exhibit to the Registration Statement No. 2-21145 of Mobil under the Securities Act of 1933, effective March 27, 1963, and was contemporaneously qualified under the Act.

Section 310(b) of the Act, which is included in Section 7.08 of the Qualified Indenture, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of Mobil are outstanding.

The present application, filed pursuant to clause (ii) of Section 310(b)(1) of the Act (as set forth in Section 7.08 of the Qualified Indenture), seeks to exclude the New Indenture from the operation of Section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of Section 310(b)(1) of the Act on the matter of the present application is such that the New Indenture may be excluded from the operation of Section 310(b)(1) of the Act (as set forth in Section 7.08 of the Qualified Indenture) if Mobil shall have sustained the burden of proving by this application to the Commission that the trusteeships of Bankers Trust Company under the Qualified Indenture and under the New Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from continuing to act as trustee under the Qualified Indenture were it to act as trustee under the New Indenture.

Mobil alleges that:

(1) At November 1, 1982, Mobil Oil Corporation, a New York corporation, as issuer, had outstanding $186,600,000 aggregate principal amount of 7¾% Debentures Due October 1, 2001, under the Qualified Indenture (the "Debentures"). The Debentures issued pursuant to the Qualified Indenture were registered under the Securities Act of 1933 and the Qualified Indenture was qualified under the Act.

(2) Bankers Trust Company is successor Trustee under the New Indenture under which there are outstanding $112,500,000 aggregate principal amount 4¼% Debentures Due 1993. Mobil Oil Corporation is the successor in title of Socony Mobil Oil Co., Inc.

(3) The obligations of Mobil in respect of the Debentures and under the New Indenture are wholly unsecured and all such obligations will rank equally without seniority or subordination of any such obligations to any of the others.

(4) No default has at any time existed under the Qualified Indenture, or the New Indenture.

(5) Such differences as will exist between the Qualified Indenture and the New Indenture are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from acting as trustee under the Qualified Indenture were it to act as trustee under the New Indenture.

Mobil has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission's Public Reference Section, 450 5th Street, NW., Washington D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after February 4, 1983, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than February 3, 1983 at 5:30 p.m., Eastern Standard Time, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person

submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-936 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12944]

New York Tax-Free Trust; Filing of an Application

January 4, 1983.

In the matter of New York Tax-Free Trust, 421 Seventh Avenue, Pittsburgh, PA 15219 (812-5346).

Notice is hereby given that New York Tax-Free Trust ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on October 19, 1982, with an amendment thereto on December 17, 1982, seeking an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit Applicant to acquire rights to sell its portfolio securities to brokers or dealers and from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to value in the manner described in the application such rights acquired from banks, brokers, or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that Federated Research Corp. is its investment adviser and that Federated Securities Corp. is its distributor; both are wholly-owned subsidiaries of Federated Investors, Inc. of Pittsburgh, Pennsylvania. Applicant states that its investment objective is to provide current income exempt from Federal income taxes and personal income taxes imposed by New York State and New York municipalities consistent with stability of principal. Applicant states that it will pursue its objective by investing in a diversified portfolio of New York municipal securities including Industrial Development Bonds with remaining maturities of one year or less at the time of purchase. Accordingly, Applicant states that it does not intend to purchase taxable "money market" obligations, and that during defensive periods or when suitable tax-exempt obligations are unavailable, it may hold uninvested cash reserves. Applicant further states that it will not seek profits through short-term trading, but intends to hold its portfolio securities to maturity.

Applicant states that in addition to a constant net asset value per share,[1] its shareholders require the ability to receive same-day redemption proceeds in Federal funds. Applicant states that the maturities of short-term, tax-exempt obligations are ordinarily not as frequent as those of other "money market" instruments; further, maturity dates of short-term, tax-exempt obligations are ordinarily not negotiable. Applicant asserts that the maturity dates of available obligations are sufficiently infrequent that it cannot rely on day-to-day scheduled maturities to meet net redemptions. Therefore, according to Applicant, a portion of its assets must be retained in cash or very short-term instruments thereby reducing the investor's yield.

Applicant proposes to improve its portfolio liquidity by purchasing standby commitments ("puts") from banks, brokers, or dealers. Applicant represents that the purpose of the acquisition of puts will be to facilitate portfolio liquidity.

Applicant represents that the puts will have the following features: (1) They will be in writing and will be physically held by Applicant's custodian; (2) they may be acquired at any time prior to the maturity of the underlying security; (3) Applicant's rights to exercise them will be unconditional and unqualified; (4) they will be entered into only with dealers, banks, and brokers who in the investment adviser's opinion present a minimal risk of default; (5) although they will not be transferable, municipal securities purchased subject to the puts could be sold to a third party at any time, even though the puts were outstanding; and (6) their exercise price will be (i) Applicant's acquisition cost of the municipal securities that are subject to puts (excluding any accrued interest that Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by Applicant. Applicant states that, since it values municipal securities on an amortized cost basis, the amount payable upon exercise of a put will be substantially the same as the value of the underlying securities. Moreover, Applicant submits that there is little risk of an event occurring that would make amortized cost valuation of its portfolio securities inappropriate; however, Applicant represents that in the unlikely event that the market or fair value of its portfolio securities is not substantially equivalent to their amortized cost value, the Applicant's trustees may determine that the instruments should be valued on the basis of available market quotations. Applicant states that it expects to refrain from exercising the puts in such a situation to avoid imposing a loss on the bank, broker, or dealer and jeopardizing its business relationship with that entity.

Applicant states that if necessary or advisable, it will pay for puts either separately in cash or by paying a higher price for the municipal securities that are acquired subject to the put. Applicant represents that the total amount "paid" in either manner for outstanding puts held in its portfolio will not exceed ½ of 1% of the value of its total assets calculated immediately after any put is acquired.

Applicant states that it is difficult to evaluate the likelihood of use or the potential benefit of a put. Therefore, Applicant states that it will deem the puts to have a "fair value" of zero, regardless of whether any direct or indirect consideration was paid. When Applicant has paid for a put, its cost will be reflected as unrealized depreciation for the period during which the put is held. In addition, Applicant states that for purposes of complying with the condition of its amortized cost order that the dollar-weighted average maturity of its portfolio shall not exceed 120 days, the maturity of a portfolio security shall not be considered shortened or otherwise affected by the acquisition of the puts.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant

[1] Applicant received an order of the Commission dated October 8, 1982, (Investment Company Act Release No. 12723), exempting Applicant from the provisions of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit it to value its assets using the amortized cost method of portfolio valuation.

requests an order pursuant to Section 6(c) of the Act excepting it from the provisions of Sections 12(d)(3) and 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit it to value puts acquired from banks, brokers, or dealers as proposed. Applicant assert that the requested relief is appropriate in the public interest and consistent with the protection of investors.

Applicant submits that the proposed acquisition of puts will not affect its net asset value per share and will not pose new investment risks, but will improve its liquidity and it ability to pay redemption proceeds the same day in Federal funds. In addition, Applicant submits that its reliance upon the credit of dealers, banks, and brokers from which it purchases puts will be secured to the extent of the value of the underlying municipal securities that are subject to the puts. Therefore, Applicant asserts that its acquisition of puts will not expose it to a risk of loss qualitatively different from that faced by any investment company that is holding securities pending settlement after having agreed to sell the securities to a broker or dealer in the ordinary course of business. Moreover, Applicant represents that its investment adviser intends to evaluate periodically the credit of institutions issuing puts to it.

Applicant represents that it will not acquire puts to promote reciprocal practices, to encourage distribution efforts, or to obtain research services. Accordingly, Applicant asserts that the acquisition of such puts will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, nor require it to evaluate the credit of dealers in determining its net asset value.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 31, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83–231 Filed 1–12–83; 8:45 am]

BILLING CODE 8010–01–M

[File No. 22–12203]

Occidental Petroleum Corp.; Application and Opportunity for Hearing

January 7, 1983.

Notice is hereby given that Occidental Petroleum Corporation (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank under an existing indenture that has been qualified under the Act, and an indenture dated as of October 1, 1982 which has not been qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under either of such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) Chemical Bank currently is acting as trustee under an indenture under which the Applicant is an obligor. The indenture, dated as of January 15, 1966, and entered into between Hooker Chemical Corporation ("Hooker") and Chemical Bank, Trustee, (the "1969 Indenture"), involved the issuance of $25,000,000 principal amount of 4¾% Sinking Fund Debentures Due January 16, 1991 the "Debentures"). The Indenture was filed as Exhibit 4(b) to Hooker's Registration Statement No. 2-24400 filed under the Securities Act of 1933 and has been qualified under the Act. Pursuant to a Guarantee dated August 19, 1969 (the "1969 Guarantee"), Applicant guaranteed (i) the prompt and timely payment of the principal of and interest and premium, if any, on the Debentures and (ii) compliance with the 1969 Indenture's sinking fund provisions.

(2) The Applicant is not in default in any respect under the 1969 Indenture, the 1969 Guarantee or under any other existing indenture.

(3) On November 18, 1982 Chemical Bank entered into an Indenture of Trust, dated as of October 1, 1982 (the "1982 Indenture") with the City of Storm Lake, Iowa (the "City"), pursuant to which there were issued $9,700,000 principal amount of Floating Rate Monthly Demand Industrial Development Revenue Bonds (IBP Properties, Inc. Project) 1982 Series (the "Bonds").

(4) IBP Properties, Inc., an indirect wholly-owned subsidiary of Applicant ("IBP") is obligated to pay an amount equal to the principal of, premium, if any, and interest on the Bonds pursuant to a Loan Agreement dated as of October 1, 1982 (the "Loan Agreement") between the City and IBP, which Loan Agreement has been assigned to Chemical Bank, as Trustee.

(5) Pursuant to a Guaranty Agreement dated as of October 1, 1982 (the "1982 Guarantee") between Applicant and the City, Applicant has guaranteed the full and prompt payment by IBP of the amounts referred to in the preceding paragraph. The 1982 Guarantee has been assigned to Chemical Bank, as Trustee.

(6) The Bonds have not been registered under the Securities Act of 1933 on the basis of the exemption provided by Section 3(a)(2) thereof, and the 1982 Indenture has not been qualified under the Act on the basis of the provisions of Section 304 thereof.

(7) The 1982 Guarantee, if enforced against Applicant would rank on a parity with the obligations evidenced by the 1969 Guarantee and the obligations of Applicant under the 1982 Guarantee and the 1969 Guarantee are wholly unsecured.

(8) Aside from differences among the 1969 Indenture and the 1982 Indenture as to amounts, interest rates, maturity

dates, redemption dates and redemption powers, and differences in form between the 1969 Indenture and the 1982 Indenture, the terms of said indentures are substantially similar.

Such differences as exist between the 1969 Indenture and the 1982 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under either of said indentures.

(9) Applicant has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than January 31, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-837 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12943]

Pantepec International, Inc.; Filing of an Application

January 4, 1983.

In the matter of Pantepec International Inc., 37 Lewis Street, Suite 500, Hartford, CT 06103 (812-4250).

Notice is hereby given that Pantepec International, Inc. ("Applicant") registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on December 15, 1977, and amendments thereto on April 19, October 12, October 19, and November 17, 1982, requesting an order of the Commission pursuant to Sections 17(b) and 23(c)(3) of the Act and Rule 23c-1(c) thereunder permitting a proposed transaction between Applicant and Canso Oil & Gas, Inc. ("Canso"), an affiliate of Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below and to the Act for the complete text of pertinent provisions of the Act.

According to the application, Applicant is a publicly-owned Delaware corporation whose primary business objective is the exploration for and development of oil and gas resources. Although Applicant states that it desires to continue in the oil and gas business and does not intend to invest in securities, it has registered under the Act because the value of 500,000 shares of capital stock of Magellan Petroleum Australia Limited ("MPAL") owned by Applicant exceeds 40% of the value of Applicant's total assets thereby causing Applicant to fall within the definition of an investment company contained in Section 3(a)(3) of the Act.

Applicant proposes to purchase 1,300,199 shares of its capital stock (with represent about 17.7% of all of its issued and outstanding shares of capital stock) from Canso in exchange for $300,000 and 500,000 MPAL shares. Applicant states that its shares are traded on the Boston Stock Exchange and that the price of the stock is subject to frequent and unpredictable changes due to the "thin" market for those securities. Applicant represents that, during the 6-month period ended June 30, 1982, the daily average closing price of its shares on the Boston Stock Exchange was $1.35 per share.

Based on that average closing price, the shares of the Applicant owned by Canso had an approximate market value of $1,755,000 as of June 30, 1982. It is also represented that, as of June 30, 1982, Applicant's assets consisted of (1) $1,283,000 of cash and other current assets, (2) 2,692,732 shares of MPAL stock having a book value of $1,646,000, and (3) certain direct interests in Canadian oil and gas properties having a book value of $64,000. These assets also had the following corresponding fair values, as determined by Applicant, as of June 30, 1982: (a) cash and other current assets $1,283,000; (b) MPAL stock—$7,863,000 and (c) Canadian oil and gas properties—$2,309,000. The value of the MPAL shares was derived by taking the 2,692,732 MPAL shares owned by the Applicant at a price of $2.92 per share. MPAL shares are traded principally within Australia on the Brisbane Stock Exchange in a very volatile market. The $2.92 per share price was derived by averaging the daily closing price for MPAL shares on the Brisbane Stock Exchange for the 6-month period ended June 30, 1982, and translating the result into United States dollars. The valuation of the Canadian oil and gas properties is based upon an appraisal in the form of a letter, dated July 16, 1982, from D & S Group to Gherardi and O'Donnell Associated, Inc.

Applicant states that the stock to be surrendered by Canso in the proposed exchange had a book value of $507,459 as of June 30, 1982, and represented $2,005,233 of Applicant's shareholders' equity, computed on a fair value basis. In exchange for these shares, Canso will receive $300,000 cash plus 500,000 MPAL shares having a fair value of $1,460,000 and a book value of $305,638. This results in a total payment to Canso, computed on a fair value basis, of $1,760,000. Applicant states that, using June 30, 1982 figures, Canso will surrender shares having an interest in shareholder's equity (computed on a fair value basis) of $2,005,233, and an approximate market value of $1,755,000, in exchange for assets having a fair value of $1,760,000.

It is asserted that, by virtue of its ownership of 17.7% of the Applicant's capital stock, Canso is an "affiliate" of the Applicant, as defined in Section 2(a)(3) of the Act. Thus, Section 17(a)(2) of the Act would prohibit the proposed transaction, absent an exemptive order.

Section 17(b) of the Act provides that the Commission, upon application, may exempt a transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 23(c) of the Act prohibits a registered, closed-end, investment company from purchasing any securities of which it is the issuer except under certain circumstances not relevant herein or under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which

does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

Applicant submits that the proposed transaction with Canso is fair and reasonable to its remaining shareholders. Applicant states that consummation of the transaction will result in Canso receiving assets having a fair value of $1,760,000 in exchange for stock whose share of the Applicant's fair value is $2,005,000. This, Applicant asserts, will result in a transfer of about $245,000 of fair value to its remaining shareholders. Applicant believes, however, that the actual financial benefit to its remaining shareholders is substantially greater because the valuation of its oil and gas properties is based solely upon revenues expected to be derived from these properties under specific contracts for utilization of proved and developed reserves and gives no effect to probable other reserves which the Applicant believes are of significant additional value.

Applicant submits that one of the primary reasons for its willingness to consummate the proposed transaction is the willingness of Canso to forego any interest in these possible additional reserves in order to obtain cash and securities for which an established market exists. As a result, the Applicant's remaining shareholders will benefit from an increase in their proportionate interest in these oil and gas properties. This benefit, according to Applicant, is consistent with its business objective of conducting an oil and gas business and with the original investment intent of the greater number of its shareholders who are believed to have invested in the Applicant's stock as a means of participating in the oil and gas exploration and development business.

Applicant states that one of its primary business objectives is to reduce significantly its holdings of MPAL shares in order to generate cash to be used for purchasing working interests in oil and gas properties and to allow it to deregister as an investment company under the Act. Notwithstanding the foregoing, Applicant asserts that the proposed exchange will be beneficial because it will materially reduce the substantial block of MPAL shares owned by the Applicant in a single transaction without the payment of any brokerage fees or any risk of driving down the price of MPAL shares by attempting to dispose of them in the public market.

In addition, Applicant represents that consummation of the proposed transaction will also have the effect of retiring the largest block of its stock held by an single shareholder. Applicant states that no other shareholders of record owns any significant percentage of its outstanding stock and it believes that elimination of this potentially controlling block will improve its ability to conduct an oil and gas business.

Applicant states that its board of directors believes that the price to be paid to Canso for its shares is fair and reasonable to Applicant's remaining shareholders. The shares which will be surrendered to the Applicant have a trading value, represented by the price of the Applicant's stock on the Boston Stock Exchange, and an underlying "fair" value, represented by Canso's *pro rata* portion of the shareholders' equity of the Applicant, valued on a fair value basis. Applicant states that owing to the "thinness" and volatility of the trading market for its shares, its board of directors believes that fair value is a truer measure of the "value" of what is being received by the Applicant. It is asserted that since the shares received will be retired and not resold, fairness to the remaining shareholders should be measured on the basis of the effect on shareholders' equity as opposed to a comparison of trading values. Using this approach, Applicant states that its board of directors also believes that a discount of about $245,000 may in fact exist in the proposed transaction because the Applicant is receiving shares representing $2,005,000 of shareholders' equity and giving up assets with a fair value of $1,760,000, the latter figure representing valuation of the MPAL shares on the basis of prices on the Brisbane Stock Exchange. According to Applicant, these prices tend, in the opinion of its board, to overstate the value of the MPAL shares since they give no consideration to the effect on the market of attempting to dispose of a large block of MPAL shares.

Finally, it is represented that it is Applicant's policy to decrease its holdings in investment securities and to purchase additional working interests in oil and gas properties. Applicant asserts that the proposed Canso transaction is consistent with these policies and is also consistent with the general purposes of the Act, since Applicant's shareholders have been informed of the transaction, no shareholder will be discriminated against, and each shareholder will benefit from the transaction for the reasons described above.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than January 31, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-932 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22814]

Vermont Yankee Nuclear Power Corp.; Short-Term Notes to Banks

January 6, 1983.

In the matter of: Vermont Yankee Nuclear Power Corporation; Brattleboro, Vermont, (70-6831).

Vermont Yankee Nuclear Power Corporation ("Vermont Yankee"), an electric utility subsidiary of both New England Electric System and Northeast Utilities, registered holding companies, has filed a declaration with this Commission pursuant to Section 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

Vermont Yankee operates a 540 MW nuclear-powered generating plant in Vernon, Vermont. During 1983 and 1984, Vermont Yankee will be receiving shipments of uranium for ultimate fabrication into nuclear fuel for its reactor in excess of Vermont Yankee's current lines of credit. Vermont Yankee currently maintains lines of credit in the principal amount of $3,500,000 each with The First National Bank of Boston and Bankers Trust Company (the "Banks"). As of October 31, 1982, Vermont Yankee had no loans outstanding under those lines.

Vermont Yankee intends to request that the Banks and/or bank lenders increase their lines to a maximum aggregate of $16,000,000 and proposes to issue and sell its notes pursuant thereto during the period ending December 31, 1984. Borrowings under the lines of credit will be evidenced by the company's promissory notes, maturing up to three months after their date of

issue and bearing interest at a rate of interest not greater than each lender's prime rate. The Banks require Vermont Yankee to maintain compensatory balances equal to 7.5% of the lines and 7.5% of any borrowings thereunder and other bank lenders may require similar arrangements. Assuming full borrowings under the lines and a prime rate of 12% per annum, the effective cost of borrowing would be 14.12%. Vermont Yankee presently anticipates that the borrowings will be repaid during such period by internally generated funds or a permanent fuel financing arrangement.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 31, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-630 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19389; File No. SR-MSRB-82-14]

Municipal Securities Rulemaking Board; Proposed Rule Change

January 3, 1983.

Filing of proposed rule change by Municipal Securities Rulemaking Board, Inc., 1150 Connecticut Ave., NW., Washington, D.C. 20036; File No. SR-MSRB-82-14.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 29, 1982, the Municipal Securities Rulemaking Board ("MSRB") filed with the Securities and Exchange Commission the proposed rule change described below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend MSRB Rule G-12, which prescribes uniform standards for clearance and settlement of municipal securities transactions, by deleting paragraph (d)(ix) which relieves municipal securities brokers of the obligation to send a corrected confirmation when there is a CUSIP number discrepancy on two compared transactions. Under the proposed rule change municipal securities brokers and dealers will be required to issue corrected confirmations after resolving a discrepancy of CUSIP numbers on two compared transactions. Furthermore, the MSRB believes that the industry's experience with using the CUSIP system has decreased the number of erroneous CUSIP number selections and that this requirement will not be unduly burdensome.

The proposal has been adopted by the MSRB pursuant to Section 15B(b)(2)(c) of the Act as amended in order to further the objectives of using automated clearing systems consistent with Section 17A of the Act. The MSRB states that the proposal results from the recognition of the need for clear and precise identification of securities through CUSIP numbers in order to employ more effectively automated technologies in the clearing process, which involves the comparison of CUSIP numbers; to augment yield disclosures on confirmation, which requires identification of call features for possible use in yield computations; and to identify credit distinctions between securities of the same issuer, which entails reference to secondary features or sources of payment. The MSRB finds that the CUSIP number has become so significant that it is impossible to compare transactions successfully solely by means of the other information provided on the inter-dealer confirmation.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-MSRB-82-14.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and or any subsequent amendments also will be available for inspection and copying at the MSRB's office.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-628 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19396; File No. SR-NYSE-82-22]

New York Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on November 19, 1982, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend Rule 431(d) to provide for the adoption of a margin system for options on stock indices.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C)

below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) *Purpose of Proposed Rule Changes.* The Exchange currently has on file with the Commission a proposed rules package to establish a market for trading options on the NYSE Indices (File #SR–NYSE–82–2). The purpose of the herein proposed amendment to Rule 431 is to establish a margin system for options on all broad based stock indices.

This margin system has been designated to be simple to understand and compute and would eliminate the need for setting minimum or maximum margin requirements, and computing adjustments for in or out of the money amounts.

The margin requirements of this system would be set at 10% of the current market value of the specific index times the appropriate multiplier plus 100% of the current (daily) market value of the option (premium). This would be both an initial and a maintenance requirement. The percentage of the value of the underlying securities could be adjusted based on the annualized price volatility of the product, or to meet market fluctuations or other unforseen conditions. The percentage (100%) of the current (daily) market value requirement would not change.

(b) *Statutory Basis for the Proposed Rule Change.* The proposed amendments to Rule 431(d) are consistent with Section 6(b)(5) of the Securities Exchange Act of 1934 in that the proposed margin system is designed to foster cooperation and coordination with persons engaged in regulating transactions in securities by fostering uniformity between self-regulatory organizations in the requirements governing the extension of credit with respect to securities transactions.

The proposed amendments are further consistent with Section 6(b)(5) in that the proposed margin system is designed to protect investors and the public interest by setting sufficient margin requirements to cover almost all exposure due to market fluctuations.

The proposed amendments are consistent with the rules and regulations prescribed by the Board of Governors of the Federal Reserve System for the purpose of preventing the excessive use of credit for the purchase or carrying of securities, pursuant to Section 7(a) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange had neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule changes, or

B. Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552,, will be available for inspection and copying in the Commission's Public Referenece Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 4, 1983.

Shirley E. Hollis,

Assistant Secretary.

Exhibit I—Amendment to Rule 431(d)

Note.—Italic indicate material proposed to be added; brackets indicate material proposed to be deleted.

(2) Puts, Calls and Other Options.—

(A) No change.

(B) No change.

(C) For purposes of this paragraph (d)(2), obligations issued by the United States Government shall be referred to as United States Government shall be referred to as United States Government obligations. Mortgage pass-through obligations guaranteed as to timely payment of principal and interest by the Government National Mortgage Association shall be referred to as GNMA obligations. The terms "current market value" *or "current market price"* of an option shall mean the total cost or net proceeds of the option [transaction] *contract* on the day the option was purchased or sold and at any other time shall be the preceding business day's closing price of that option (*times the appropriate unit of trading or multiplier*) as shown by any regulatory published reporting or quotation service.

The term "stock option (contract)" shall mean an option contract on a single stock. The term "index stock group option (contract)" shall mean an option contract on an index stock group. The definitions contained in Section (b) of Rule 700, Applicability, Definitions and References, shall apply to the terms used in this paragraph (d)(2).

(D) The minimum margin on any put or call issued, guaranteed or carried "short" in a customer's account shall be:

(i) In the case of puts and calls traded in the over-the-counter market and representing *stock* options [on equity securities] *or index stock group options*, 50% of the market value of the equivalent number of shares of the underlying security, increased by any unrealized loss or reduced by any excess of the exercise price over the current market [price] *value* of the underlying security [,] *or the current index group value of the underlying index stock group*, in the case of a call, or any excess of the current market [price] *value* of the underlying security *or the current index group value of the underlying index stock group*, over the exercise price, in the case of a put, or;

(ii) In the case of puts and calls listed or traded on a registered national securities exchange and representing *stock* options [on equity securities], 30% of the market value of the equivalent number of shares of the underlying security, increased by any unrealized loss or reduced by any excess of the exercise price over the current market [price] *value* of the underlying security, in the case of a call, or any excess of the current market [price] *value* of the underlying security over the exercise price, in the case of a put, or;

(iii) No change.

(iv) No change.

Notwithstanding the foregoing *in this subsection (D)*:

(a) [i] If the option contract provides for the delivery of obligations with different maturity dates or coupon rates, the computation of the "out-of-the-money amount" if any, where required by this Rule, shall be made in such a manner as to result in the highest margin requirement on the short option position.

(b) [ii] The minimum margin on any and each put or call issued, guaranteed or carried "short" in a customer's account shall be not less than $250, in the case of [an option on equity securities] *a stock option*, or $500, in the case of an option on:

(1) $1,000,000 principal amount of U.S. Treasury Bills which mature in 95 days or less, or

(2) $500,000 principal amount of U.S. Treasury Bills which mature in more than 95 days, or

(3) $100,000 principal amount of other obligations issued by the United States Government, or

(4) $100,000 principal amount of obligations unconditionally guaranteed as to principal or interest by the United States Government or any agency thereof other than GNMA obligations.

However, in the case of an option on a smaller principal amount of such obligations, then that portion of $500 that the smaller principal amount bears to the principal amount specified above, but in any event not less than $100.

(v) No change.

(vi) In the case of puts and calls listed or traded on a registered national securities exchange and representing options on index stock groups, 100% of the current market value of the option plus 10% of the product of the current index group value and the appropriate index multiplier.

(E)(i) Each put or call shall be margined separately and any difference between the *current* market [price] *value* of the underlying security *or the current index group value of the underlying index stock group* and the exercise price of a put or call shall be considered to be of value only in providing the amount of margin required on that particular put or call. Substantial additional margin must be required on options issued, guaranteed or carried "short" with an unusually long period of time to expiration, or written on securities which are subject to unusually rapid or violent changes in value, or which do not have an active market, or where the securities subject to the option cannot be liquidated promptly.

(ii) No margin need be required on any "covered" put or call.

(F)(i) If both a put and call *specifying* [for] the same number of shares of the same [equity] *underlying* security, [or] the same principal amount of the same United States Government obligation *or the same index multiplier for the same index stock group* are issued, guaranteed or carried "short" for a customer, the amount of margin required shall be the margin on the put or call whichever is greater, as required pursuant to (D) above, plus any unrealized loss on the other option. The minimum margin requirement, however, shall not apply to the other option.

(ii) No Change.

(G)(i) Where a call that is listed or traded on a registered national securities exchange is carried "long" for a customer's account and the account is also "short" a call listed or traded on a registered national securities exchange, expiring on or before the date of expiration of the "long" listed call and *specifying* [, written on] the same number of shares of the same [equity] *underlying* security, [or] the same principal amount of the same United States Government obligation[,] *or the same index multiplier for the same index stock group*, the margin required on the "short" call shall be the lower of (1) the margin required pursuant to (D)(ii) above, in the case of [equity securities] *stock options*, or (D)(iv) above, in the case of United States Government obligations, *or (D)(vi) above, in the case of index stock group options* or (2) the amount, if any, by which the exercise price of the "long" call exceeds the exercise price of the "short" call.

Where a put that is listed or traded on a registered national securities exchange is carried "long" for a customer's account and the account is also "short" a put listed or traded on a registered national securities exchange, expiring on or before the date of expiration of the "long" listed put and *specifying* [, written on] the same number of shares of the same [equity] *underlying* security or the same principal amount of the same United States Government obligation[,] *or the same index multiplier for the same index stock group*, the margin required on the "short" put shall be the lower of (1) the margin required pursuant ot (D)(ii) above, in the case of [equity securities] *stock options*, or (D)(iv) above, in the case of United States Government obligations, *(D)(vi) above, in the case of index stock group options* or (2) the amount, if any, by which the exercise price of the "short" put exceeds the exercise price of the "long" put.

(ii) No change.

(H)(i) No change.

(ii) Where a call *representing stock options* is issued, guaranteed or carried "short" against an existing net "long" position in a warrant convertible into the [equity] *underlying* security under option, margin shall be required on the call equal to any amount by which the conversion price of the "long" warrant exceeds the exercise price of the call, provided (1) such net long position is adequately margined in accordance with this Rule and (2) the right to convert the net "long" position does not expire on or before the date of expiration of the "short" call. However, when a payment of money is required to convert the "long" warrant such warrant shall have no value for purposes of this Rule.

(iii) No change.

(I) No change

(J) No change.

(K) No change.

[FR Doc. 83-834 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19407; File No. SR-NYSE-82-23]

New York Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 22, 1982 the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule changes and Information Memo as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The proposed rule changes consist of amendments to Rules 282, 284 and 289 and a related Information Memo, which describe the procedures for implementing and initiating buy-ins.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

The purposes of the proposed rule changes are to eliminate Exchange staff involvement in processing buy-ins and to provide for the delivery of buy-ins from the initiating firm directly to the defaulting firm. This procedure would be consistent with the current practice of the direct broker-to-broker method of handling business. Elimination of staff involvement will coincide with the current buy-in processes under which National Stock Clearing Corporation/Continuous Net Settlement operates. The large amount of fails to deliver which were prevalent in the late 1960s and early 1970s is no longer a factor with the advent of automated clearance of securities. Consequently, the number of buy-ins submitted to the Exchange has declined dramatically over the years.

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and Information Memo and discussed any comments it received on the proposed rule changes. The self-regulatory organization has prepared summaries, set forth in sections (A) (B), (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

The statutory basis of the proposed rule changes is Section 6(b)(5) of the Securities Exchange Act. The proposed rule changes and Information Memo promote the purposes of this Section in that they foster cooperation and coordination with persons engaged in regulating, clearing, settling and facilitating transactions in securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes and Information Memo will impose any burden on competition not necessary or appropriate to further the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule changes and Information Memo.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes and Information Memo that are filed with the Commission, and all written communications relating to the proposed rule changes and Information Memo between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: January 5, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-935 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19406; File No. SR-PSE-82-16]

Pacific Stock Exchange Inc.; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 30, 1982, the Pacific Stock Exchange Incorporated ("PSE" or the "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[1]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to amend its Constitution to increase the number of elected Governors on the Board from fourteen to sixteen and to expand the eligibility requirements to be a Governor. In addition, several proposed amendments remove unnecessary restrictions on the ability of persons to become members and define existing relationships between persons associated with member organizations.

The new language in Article III of the Constitution is intended to expand the requirements for eligibility to become a Governor of the Exchange. In addition to members and allied members of the Exchange, other persons associated with member firms either directly or indirectly through the member firms' affiliates or subsidiaries may now qualify as nominees for Governor. The eligibility requirements were also expanded to include persons associated with members firms of the Pacific Clearing Corporation and participant firms of Pacific Securities Depository Trust Company Incorporated, as well as the subsidiaries and affiliates of those firms.

With the more liberalized eligibility requirements for the office of Governor proposed in Article III, the restriction that no two or more Governors may be associated with the same member firm needed to be more clearly defined to include direct as well as indirect association. Either of two specific tests will be used to determine indirect association. The first such test would determine if any officer or director in one member firm or affiliated company also served as officer or director in a second member firm or affiliated company. The second test to be used to determine indirect association would be ownership interest of at least 1% of the outstanding publicly traded stock of a member firm or its affiliated company. Such an ownership interest would, by definition, result in a determination of indirect affiliation on behalf of the member firm and the nominee for Governor associated with that member firm.

The definition of "allied member" will be changed to remove the requirement that an employee who is actively engaged in the business of a member firm and devotes a major portion of his time thereto or beneficially owns 5% or more of the outstanding voting stock of a member organization must be deemed to be an "allied member." In its place, the definition incorporates the concept of "control" as the basis on which to determine if an employee is to be considered an "allied member." The definition of control will be included as part of Sec. 1 of the Rules of the Board of Governors. The requirement that a person who beneficially owns 5% or more of the stock of a member organization must be considered to be an "associated person" is also eliminated from Article V. The determining factor as to when a person will be deemed to be an "associated person" will be the concept of control. This change is consistent with the change proposed in the defintion of "allied member."

Additional Constitutional amendments will: (a) Permit persons

[1] The Commission is publishing this notice in advance of the required PSE membership approval of the constitutional changes described below in Item I; the Exchange expects membership approval to occur at the annual meeting scheduled for January 20, 1983.

associated with specialist firms but who are not registered as specialists to serve as members of the Allocation committee; and (b) eliminate the restriction which requires a member to be actively engaged in the business of his member organization and devote a major portion of his time thereto. Two new definitions for "control" and "person" will also be added to Sec. 1 of the Rules of the Board of Governors.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Recent years have seen a number of important changes in the character and volume of business conducted by the PSE and its subsidiary companies. It is important for the PSE to have available the wisdom and involvement of persons directly interested in these new and growing aspects of its business. The amendments proposed to Articles II and III of its Constitution are intended to make this possible by increasing the number of elected Governors and by broadening the definition of eligibility from involvement in the member firm to involvement in a parent, subsidiary or other affiliated firm of the member firm. The proposed amendments also make persons affiliated with a Pacific Clearing Corporation member firm, a Pacific Securities Depository Trust Company participant firm, or a parent, subsidiary or affiliated firm of such a member or participant, eligible to be a Governor. The nomination and election process is not proposed to be changed so only members can vote for members of the nominating committee or Board of Governors.

The present restriction which requires a member to be actively engaged in the business of his member organization and devote a major portion of his time thereto is to be deleted to permit individuals having capital to invest, but who are unwilling or unable to devote all their time to the member organization, to become associated with member organizations. It also provides greater latitude for dual associations, both within and outside the securities industry.

The proposed amendments to the Pacific Stock Exchange Constitution are consistent with Section 6(b) of the Securities Exchange Act of 1934, in general, and further the objectives of Section 6(b)(2) and 6(b)(3) of the Act, in particular, in that they provide for registered brokers and dealers or natural persons associated with registered brokers and dealers to become members of the Exchange or to become associated with members of the Exchange and assure fair representation of members in the administration of the affairs of the Exchange.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 5, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-933 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 226817]

National Distillers & Chemical Corp., et al.; Acquisition

January 7, 1983.

In the matter of National Distillers and Chemical Corporation; DR Acquisition Corporation, 99 Park Avenue, New York, New York 10016; (70-6835); Proposed acquisition of gas utility companies.

National Distillers and Chemical Corporation ("National"), a Virginia corporation, and its wholly-owned subsidiary DR Acquisition Corporation ("DR"), a Delaware corporation, have filed with this Commission an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act") requesting authorization under Sections 9(a)(2) and 10 to acquire the common stock of Suburban Propane Gas Corporation ("Suburban"), which has two gas utility subsidiaries, Jackson Vangas, Inc. ("Jackson"), a Wyoming corporation, and Siskiyou Vangas, Inc. ("Siskiyou"), a California corporation. All interested persons are referred to the amended application, which is summarized below, for a complete description of the proposed transaction.

Suburban is directly engaged in the marketing of propane in enclosed portable containers. Through subsidiaries it is also engaged in petroleum refining and marketing, oil exploration and development and heating equipment manufacturing. At September 30, 1981, it had total assets of $408 million and for its fiscal year then ended reported revenues of $851 million and net income of $25 million. Suburban's wholly-owned subsidiary,

Vangas, Inc., a California corporation, has two wholly-owned gas utility subsidiaries: Jackson, which distributes propane at retail through facilities owned and operated by it in Jackson, Wyoming and environs; and Siskiyou, which similarly distributes at retail in the towns of Yreka and Dunsmuir, California. The combined annual revenues of Jackson and Siskiyou are believed to be about $1.5 million. Suburban is a holding company exempt from the Act pursuant to Section 3(c), based upon pending exemption applications under Section 3(a)(3) (File Nos. 31–741 and 31–742).

National and DR have applied under Sections 9(a)(2) and 10 for approval of the acquisition of common shares of Suburban. Applicants own 5.8% of Suburban and have a right to acquire another 8.2% pursuant to an agreement.

In addition DR on January 3, 1983, commenced a tender offer to acquire an additional 3,000,000 shares of Suburban. If the offer is succesful, applicants will own approximately 70.6% of Suburban.

National is engaged, directly and indirectly, in the chemical, distilled spirits, metals and insurance businesses. At December 31, 1981, it had total assets of $1.7 billion and for the year then ended reported sales of $2.0 billion and net income of $137 million. DR was recently organized for the purpose of acquiring and holding the Suburban shares. Applicants state they are not affiliates of any other public-utility company or holding company thereof.

The proposed transaction may be subject to the jurisdiction of the California Public Utilities Commission and the Wyoming Public Service Commission.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by January 25, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the address specified above. Proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as amended or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-938 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19392; SR-NYSE-82-21]

New York Stock Exchange, Inc.; Proposed Rule Change

January 3, 1983.

In the matter of New York Stock Exchange, Inc., 11 Wall Street, New York, NY 10005, (SR–NYSE–82–21); order approving proposed rule change.

The New York Stock Exchange, Inc. ("NYSE") submitted on November 12, 1982, copies of a proposed rule change pursuant to Section 19[b](1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder: (1) to increase from 199 to 599 the size of orders eligible for routing and reporting through NYSE's Designated Order Turnaround ("DOT") System; (2) to implement the Active Stock Feature of the DOT System; and (3) to redesign the DIAN mark-sense cards used by specialists in reporting the execution of certain DOT orders.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19260, November 22, 1982) and by publication in the **Federal Register** (47 FR 54388, December 2, 1982). No comments were received with respect to the proposed rule charge.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and 11A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-939 Filed 1-12-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region II—Advisory Council; Public Meeting

The Small Business Administration Region II Advisory Council, located in the geographical area of New York, will hold a public meeting at 9:30 a.m. on Thursday, January 20, 1983, at the Jacob Javits Federal Building, 26 Federal Plaza, Room 305B (3rd floor), New York, New York, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Harry S. Tishelman, District Director, U.S. Small Business Administration, 26 Federal Plaza, New York, New York 10278 (212) 264–1318.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

January 7, 1983.

[FR Doc. 83-999 Filed 1-12-83; 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96–221, March 31, 1980 (94 stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective January 1, 1983, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 10.825% per annum.

Dated: January 6, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-1000 Filed 1-12-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/594]

Advisory Committee on International Investment, Technology, and Development; Partially Closed Meeting

The Department of State will hold a meeting of the Working Group on Treatment of Investment and Special Investment Problems of the Advisory Committee on International Investment, Technology, and Development on Tuesday, January 18, 1983, from 9:30 a.m. to 12:00 noon in Room 1207 at the Department of State, 2201 C Street NW., Washington, D.C. 20502. The meeting will be open to the public.

The Working Group will review the current work underway in the OECD on national treatment and in the OECD, GATT and World Bank on the use of performance requirements. An initial U.S. Government redraft of the 1977 investment policy statement will be presented for discussion and comment. Other investment topics to be raised include: the U.S. bilateral investment treaty program and the status of the EC draft directives.

The Working Group of the Department of State Advisory Committee on International Investment, Technology and Development will also meet Tuesday, January 18, 1983, from 12:00 to 1:00 p.m. in Room 1207 at the Department of State, 2201 C Street NW., Washington, D.C. 20502 in sessions which will not open to the public. As these sessions will include discussions of sensitive material relating to proposed revision of specific language on U.S. policy on investment, they have been closed pursuant to Section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(C)(9). The disclosure of the alternative language under consideration and revelation of considerations which go into policy development would substantially undermine and frustrate the U.S. position in bilateral and multilateral negotiations on international investment policy. The purpose of these discussions will be to elicit views concerning the further development of United States policy in the investment area.

Since notice of the open portion of the meeting has previously been published (47 FR 58422, December 30, 1982), and since it is not practicable to reschedule the meeting or defer consideration of the issues to be discussed, the 15-day advance notice of meeting normally provided is waived in this case.

Requests for further information on the meetings should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the open session of the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: January 7, 1983.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 83-1042 Filed 1-12-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular—Guidelines on the Marking of Powerplant Instruments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed Advisory Circular (AC) 20-88A and request for comments.

SUMMARY: Advisory Circular 20-88A is intended to provide guidelines for marking aircraft powerplant instruments. The AC is proposed to include recommended limit markings for conditional ratings, transients, and other concepts of instrument markings that were not included in the original advisory circular.

DATE: Comments must be received on or before February 14, 1983.

ADDRESS: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Regulations and Policy Office, ANM-110, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Neil Schalekamp, Regulations and Policy Office (ANM-110) at the above address; telephone (206) 764-7053.

SUPPLEMENTARY INFORMATION: A copy of the draft AC may be obtained by contacting the person named above under **"FOR FURTHER INFORMATION CONTACT."** Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Communications should identify AC 20-88A and be submitted to the address specified above. All communications received on or before the closing date for comments will be considered by the Regulations and Policy Office before issuing the final AC.

Issued in Seattle, Washington, on December 28, 1982.

D. L. Riggin,

Acting Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 83-874 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-13-M

Timely Submission of Preapplications for Airport Grant Funds Under the Airport Improvement Program for Fiscal Year 1983

Section 509(e) of the Airport and Airway Improvement Act of 1982 (AAIA) provides that the sponsor of each airport to which entitlement funds are apportioned shall notify the Secretary, by such time and in a form he may prescribe, of the sponsor's intent to apply for entitlement funds. For FY 1983, notification of the sponsor's intent to apply for its entitlement funds shall be in the form of a project application or preapplication (FAA Form 5100-30 and SF 424), submitted to the FAA field office no later than June 1, 1983. Approval of applications or preapplications received after that date may be deferred by the FAA until the following fiscal year. FAA field offices, in developing their regional programs, may request sponsors' input at an earlier date. Every effort should be made to meet these regional deadlines.

To assure effective administration of the grant program and to provide information needed by the FAA to carry out its responsibilities under Section 508(d)(5) of the AAIA, sponsors should also submit preapplications prior to the FAA field office deadlines, but no later than June 1, notifying the FAA of the airport sponsor's intent to seek funds available under Section 505 of the AAIA for:

(a) Reliever airports;

(b) Airport noise compatibility planning and programs;

(c) Commercial service airports and public airports (other than commercial service airports) which were eligible for Federal assistance from funds appropriated under Section 15(a)(3) of the Airport and Airway Development Act of 1970 and to which either Section 15(a)(3)(A)(I) or 15(a)(3)(A)(II) of such Act applied during FY 1981, and

(d) Integrated airport system planning.

For additional information, contact Mr. John Sekman, APP-520, on (202) 426-8590.

Issued in Washington, D.C.

Edgar M. Williams,

Acting Director, Office of Airport Planning and Programming.

[FR Doc. 83-871 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

Approval of Applicant as Trustee

Notice is hereby given that American Security Bank, N.A., with offices at 1501 Pennsylvania Avenue, NW., Washington, D.C. 20013, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: January 5, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 83-706 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-81-M

Approval of Applicant as Trustee

Notice is hereby given that Trust Services of America, Inc., with offices at 700 Wilshire Boulevard, Los Angeles, California 90017, has been approved as Trustee pursuant to Pub. L. 89-346 and 46 CFR 221.21-221.30.

Dated: January 5, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 83-707 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-81-M

Fee for Fire Fighting Training Courses

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: This notice sets forth the fee assessed for enrollment in Fire Fighting Training Courses offered by and through the U.S. Maritime Administration and is in accordance with Office of Management and Budget Circular No. A-25.

EFFECTIVE DATE: This fee is effective with enrollments on and after July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Friedberg, Director, U.S. Department of Transportation, Maritime Administration, Office of Maritime Labor and Training, 400 7th Street, SW, Room 7302, Washington, DC 20590, Phone: (202) 426-5755.

SUPPLEMENTARY INFORMATION: The cost of conducting these courses has risen, necessitating a $25 fee per student per day. Accordingly, beginning July 1, 1983, the fee for attending these courses will be as follows:

Earle, New Jersey: 1 day course	$25.00
Toledo, Ohio: 4 day course (ship)	100.00
San Francisco, California:	
3 day course	75.00
5 day course	125.00
New Orleans, Louisiana:	
1 day course (barge)	25.00
2 day course (ship)	50.00

Payment shall be made to the registrar at the respective Maritime Administration Region Office in the form of a check or money order payable to "Maritime Administration-Transportation." Such receipts shall be deposited in an appropriate account as general receipts of the Treasury of the United States.

(Catalog of Federal Domestic Assistance No. 20.810, Supplementary Training)

Dated: December 22, 1982.

By Order of the Administrator, Maritime Administration.

Georgia P. Stamas,

Assistant Secretary, Maritime Administration.

[FR Doc. 83-705 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Comment closing date: February 15, 1983.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8957-N	Saber Aviation, Inc., Charlotte, NC	49 CFR 172.101, 172.204(c)(3), 173.27, 175.20(b), 175.30(a)(1), Part 107 Appendix B.	To authorize shipment of various Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8958-N	Goex, Inc., Moosic, PA	49 CFR 173.53(e), 173.60(b)(2)	To authorize certain grades of black powder contained in one-pound cans overpacked in DOT Specification 12H fiberboard box, not exceeding 50 pounds net weight, to be shipped as a flammable solid. (Modes 1, 2, 3.)
8960-N	Sunshine Aero Industries, Inc., Crestview, FL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.20(b), 175.30(a)(1), Part 107 Appendix B.	To authorize carriage of Class A, B, and C explosives not permitted for air shipment or in quantities greater than those prescribed for shipment by air. (Mode 4.)

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8961-N	Geosource, Inc., Corpus Christi, TX	49 CFR 173.119, 173.304, 173.315	To manufacture, mark and sell non-DOT specification devices described as portable meter provers containing hydrocarbon products, classed as flammable liquids or flammable gases. (Mode 1.)
8962-N	HTL Industries, Inc., Duarte, CA	49 CFR 173.302(a), 175.3, 178.44	To manufacture, mark and sell non-DOT specification girth welded stainless steel cylinders, patterned after DOT Specification 3HT, for shipment of nitrogen, classed as nonflammable gas. (Modes 1, 2, 4.)
8963-N	Atlantic Research Corporation, Gainesville, VA	49 CFR 173.88(e)(2)	To authorize rocket motors, Class B explosive, packed in DOT Specification 15A wooden boxes to be shipped in a propulsive state. (Mode 1.)
8964-N	Larson Tool and Stamping Company, Attleboro, MA.	49 CFR 178.50-19	To manufacture, mark and sell DOT Specification 4B cylinders with markings stamped on the skirt or footstand of the cylinders, for shipment of those commodities presently authorized in DOT Specification 4B cylinders. (Modes 1, 2, 3.)
8965-N	Pressed Steel Tank Company, Inc., Milwaukee, WI.	49 CFR 173.302, 178.37	To manufacture, mark and sell non-DOT specification FRP hoop-wrapped steel composite cylinders comparable to DOT Specification 3AA cylinder for shipment of certain flammable and nonflammable compressed gases. (Mode 1.)
8966-N	All Pure Chemical Company, Inc., Tracy, CA	49 CFR 173.263, 173.272(c)(i)(12), 173.277(a)(1), 178.205.	To authorize shipment of various corrosive liquids contained in four one gallon polyethylene containers overpacked in a fiberboard box complying with DOT Specification 12B except for handholes in side panels of box. (Mode 1.)
8967-N	Hercules, Incorporated; Wilmington, DE	49 CFR 173.93(a)(11)	To authorize shipment of propellant explosives, solid, Class B in non-DOT specification palletized metal cage. (Mode 1.)
8968-N	Degussa Corporation, Teterboro, NJ	49 CFR 173.206	To authorize shipment of sodium metal, classed as flammable solid in non-DOT specification steel portable tanks comparable to DOT Specification 51. (Modes 1, 2, 3.)
8944-N	Union Carbide Corp., Danbury, CT	49 CFR 173.302, 173.34, Part 107, Appendix B.	To authorize DOT Specification 3AAX and 3T cylinders to be periodically retested by acoustic emission equipment instead of hydrostatic retest and to allow a reduced test pressure, latitude in external inspection, and determination of wall stress, etc., commensurate with the retest technique. (Modes 1, 2.)
			NOTE.—The comment period for this application has been extended from December 8, 1982, to January 25, 1983.

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C.1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on January 4, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-613 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions form the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "p" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

Comment closing date: January 27, 1983.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
1479-X	Jet Propulsion Laboraroty, Pasadena, CA.	1479
2000-X	Union Carbide Corporation, Danbury, CT.	2000
3330-X	Babcock and Wilcox Co., Lynchburg, VA.	3330
3498-X	U.S. Department of Defense, Washington, DC.	3498
4108-X	Liquid Air Corporation, Dallas, TX	4108
4177-X	Hydrodyne Industries, Inc., Hauppauge, L.I., NY (see footnote 1).	4177
4338-X	Stauffer Chemical Company, Westport, CT.	4338
6007-X	Falcon Safety Products, Inc., Mountainside, NJ.	6007
6215-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	6215
6218-X	Liquid Carbonic Corporation, Chicago, IL.	6218
6267-X	Alden Leeds, Inc., South Kearny, NJ.	6267
6309-X	Olin Corporation, Stamford, CT (see footnote 2).	6309
6517-X	Coyne Cylinder Company, Huntsville, AL.	6517
6545-X	San Diego Gas & Electric Company, San Diego, CA.	6545
6556-X	Castle & Cooke, Inc., San Francisco, CA.	6556
6564-X	Castle & Cooke, Inc., San Francisco, CA.	6564
6583-X	Phillips Petroleum Company, Bartlesville, OK.	6583
6626-X	Airco Welding Products, Murray Hill, NJ.	6626
6834-X	FMC Corporation, Philadelphia, PA.	6834
6874-X	Degussa Corporation, Teterboro, NJ.	6874
6874-X	Twain, Incorporated, Denver, CO	6874
6922-X	Halocarbon Products Corporation, Hackensack, NJ.	6922
7074-X	Allied Chemical, Morristown, NJ	7074
7286-X	Liquid Carbonic Corporation, Chicago, IL.	7286
7625-X	Hydrite Chemical Company, Milwaukee, WI.	7625
7633-X	Sea Containers Atlantic, Ltd., Hamilton, Bermuda.	7633
7671-X	Sea Containers Atlantic, Ltd., Hamilton, Bermuda.	7671
7768-X	Plasti-Drum Corporation, Lockport, IL (see footnote 3).	7768
7897-X	Sea Containers Atlantic, Ltd., Hamilton, Bermuda.	7897
7938-X	Sea Containers Atlantic, Ltd., Hamilton, Bermuda.	7938
8080-X	Diamond Shamrock Corporation, Pasadena, TX.	8080
8086-X	U.S. Department of Defense, Washington, DC.	8086
8099-X	Union Carbide Corporation, Danbury, CT.	8099
8115-X	Acurex Corporation, Mountain View, CA.	8115
8116-X	Environmental Resources Associates, South Chicago Heights, IL.	8116
8225-X	Hoover Universal, Inc., Beatrice, NB (see footnote 4).	8225
8251-X	Sea Containers Atlantic, Ltd., Hamilton Bermuda.	8251
8374-X	Sea Containers Atlantic, Ltd., Hamilton Bermuda.	8374
8401-X	ERA Helicopters, Inc., Anchorage, AK.	8401
8417-X	Sea Containers Atlantic, Ltd., Hamilton Bermuda.	8417
8494-X	Fruehauf Corporation, Omaha, NB.	8494
8510-X	Dow Chemical Company, Freeport, TX.	8510
8516-X	Atlas Powder International, Limited, Miami, FL.	8516
8520-X	Atlas Powder Company, Dallas, TX.	8520
8525-X	Associated Container Transportation (USA), New York, NY.	8525
8554-X	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	8554
8561-X	HTL Industries, Incoporated, Duarte, CA.	8561
8564-X	Altus Corporation, San Jose, CA	8564
8565-X	Olin Corporation, Stamford, CT	8565
8580-X	Priority Air, Incorporated, Sanford, FL.	8580
8646-X	Marshall Hyde, Incorporated, Port Huron, MI.	8646
8720-X	Applied Environments Corporation, Woodland Hills, CA (see footnote 5).	8720
8723-X	Ireco Chemicals, Salt Lake City UT (see footnote 6).	8723
8725-X	CNG Fuel Cylinder Corporation, Long Beach, CA (see footnote 7).	8725
8752-X	Thiokol Corporation, Elkton, MD	8752

[1] To renew and to authorize additional design accumulators.
[2] To remove the restriction against new construction of portable tanks.
[3] To authorize Class B poisonous solids and flammable solids as additional classification.
[4] To authorize an alternative use of a portable tank incorporating 2 four-inch fill and discharge tdp openings instead of current 2-inch openings.
[5] To authorize an additional cylinder design similar to those presently authorized except for thickness of the hemispherical ends.
[6] To authorize a portable tank as an additional container for shipment of blasting agents.
[7] To authorize an alternate bend test; and increase water capacity to 500 pounds and to authorize use of a ring specimen for bend and tensile tests.

Application No.	Applicant	Parties to exemption
5022-P	Thiokol Corporation, Elkton, MD	5022
5403-P	Halliburton Industrial Services, Inc., Duncan, OK.	5403
5778-P	Ul-O-Gen Division of Allied Healthcare Products, St. Louis, MO.	5778
6518-P	Syntex Chemicals, Inc., Boulder, CO.	6518
6762-P	Aqua-Serv Engineers, Incorporated, Los Angeles, CA.	6762
6762-P	National Chemical, Atlanta, GA	6762
6772-P	Rhone-Poulenc, Inc., Monmouth Junction, NJ.	6772
7024-P	Avondale Mills, Sylacauga, AL	7024
7026-P	Walter Kidde, Division of Kidde, Inc., Wilson, NC.	7026
7052-P	AVCO, Wilmington, DE (see footnote 1).	7052
7052-P	The Bendix Corporation, Kansas City, MO.	7052
7060-P	Airway Express, Inc., Mesa, AZ	7060
7060-P	M. T. Associates, Inc., Warwick, RI.	7060
7285-P	Parlefer, Paris, France,	7285
7767-P	Walter Kidde, Division of Kidde, Inc., Wilson, NC.	7767
7770-P	Parlefer, Paris, France,	7770
7811-P	J. T. Baker Chemical Company, Phillipsburg, NJ.	7811
7835-P	Suburban Welders Supply Co., Inc., Ashland, MA.	7835
7971-P	Walter Kidde, Division of Kidde, Inc., Wilson, NC.	7971
8060-P	Parlefer, Paris, France,	8060
8129-P	Rhone-Poulenc, Inc., Monmouth Junction, NJ.	8129
8439-P	Walter Kidde, Division of Kidde, Inc., Wilson, NC.	8439
8445-P	FMC Corporation, Princeton, NJ	8445
8519-P	Polish Ocean Lines, Gdynia, Poland.	8519
8627-P	Omega Treating Chemicals, Inc., Midland, MI.	8627
8871-P	Bulk Lift International, Inc., Carpenterville, IL.	8871

[1] Request party status and to authorize an additional lithium device.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on January 4, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-614 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-60-M

Urban Mass Transportation Administration

Intent To Prepare an Environmental Impact Statement on a Proposed Multimodal Transportation Terminal in Oxnard, California

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Urban Mass Transportation Administration (UMTA) and the City of Oxnard are jointly undertaking the preparation of an Environmental Impact Statement (EIS) for a proposed multimodal transportation terminal in Oxnard, California. The EIS is being prepared in conformance with 40 CFR Part 1500, Council on Environmental Quality Regulations for Implementing the Procedural Requirements of the National Environmental Policy Act of 1969 as amended and 49 CFR Part 622, Federal Highway Administration and Urban Mass Transportation Administration, Environmental Impact and Related Procedures.

FOR FURTHER INFORMATION CONTACT: Mr. Edward L. Thomas, Senior Community Planner, UMTA Region IX Office at (415) 556-9364 or Mr. Dennis Matthews, Redevelopment Administrator, City of Oxnard at (805) 486-4311 Ext. 2289.

SUPPLEMENTARY INFORMATION:

Project Description

The proposed project is located in downtown Oxnard. The location encompasses approximately four acres of land bounded by Fifth Street on the north, Oxnard Boulevard on the west, Seventh Street on the south and the Southern Pacific Railroad on the east.

The multimodal terminal would provide improved access between Caltrans commuter rail service, AMTRAK rail service, intercity and transit bus services and automobiles.

Alternatives

There are several alternatives including No-Action. These alternatives are development of the multimodal terminal at other sites in downtown Oxnard and at various locations within the project site. Under the No-Action, the bus modes would continue operating at separate sites and the rail services would continue sharing the present facility.

Probable Environmental Impacts

All of the action alternatives could result in business and residential displacements, increased traffic, noise and air quality impacts in the vicinity of the alternative sites. The proposed action will also alter the land use, neighborhood social structure and property values.

Scoping Meeting

UMTA is sponsoring a scoping meeting for the preparation of the EIS. The topics for discussion will include the need for the action, range of alternatives, probable environmental impacts and the procedures for estimating those impacts. The scoping meeting is scheduled for January 12, 1983, 7:30 PM in the Council Chambers of the City of Oxnard, 305 West Third Street, Oxnard, California.

Dated: December 21, 1982.

Robert H. McManus,

Associate Administrator for Grants Management.

[FR Doc. 83-662 Filed 1-12-83; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period December 30, 1982 through January 6, 1983, the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St. NW., Washington, D.C. 20220; *and* to the OMB reviewer listed at the end of entry.

Date Submitted: December 30, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545-0124.

Form Number: 1120-DISC Sch K, N & P.

Type of Submission: Revision.

Title: Domestic International Sales Corporation Return and its related Schedules K, N & P.

Purpose: U.S. Corporations that have elected to be treated as domestic international sales corporations file Form 1120-DISC to report their income and deductions. DISCs are not taxed, however, shareholders of a DISC are taxed on DISC income. The IRS use Form 1120-DISC to ascertain if the DISC has correctly computed its income and schedule K to determine if shareholders of a DISC have correctly reported DISC income. Schedule N gives historical information on a DISC's income. Schedule P is used by a DISC that has dealings with a related supplier.

OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: January 3, 1983.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545-0222.

Form Number: 6047.

Type of Submission: Revision.

Title: Windfall Profit Tax.

Purpose: Section 4986 of the Internal Revenue Code imposes an excise tax on the windfall profit derived on domestic oil productions. Form 6047 is the form purchasers of domestic oil use to report the windfall profit on the oil and the windfall profit tax. IRS uses Form 6047 to ascertain whether the windfall profit and the windfall profit tax have been correctly computed.

OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: January 5, 1983.

Submitting Bureau: Bureau of Public Debt.

OMB Number: N/A (new submission).

Form Number: 5064.

Type of Submission: New.

Title: Certificate of Exemption from Withholding on Interest for Individuals and Exempt Recipients.

Purpose: Enables exempt individuals and recipients to file for exemption from or revoke a previously filed exemption withholding on interest earned as authorized by the Tax Equity and Fiscal Responsibility Act of 1982. Authorized Substitute for IRS Forms W-6 and 7.

OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

January 10, 1983.

Joy Tucker,

Department Reports, Management Officer.

[FR Doc. 83-997 Filed 1-12-83; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 447; Ref: ATF O 1100.95A]

Authority To Settle Alcohol, Tobacco and Firearms Tax Claims

PURPOSE: This order delegates certain authority to the Assistant Director (Regulatory Enforcement) to settle alcohol, tobacco and firearms tax claims.

CANCELLATION: ATF O 1100.95, Delegation Order—Authority to Settle Alcohol, Tobacco and Firearms Tax Claims, dated 9/1/78, is canceled.

DELEGATION: Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, by 26 U.S.C. 7851(b)(3) and by 26 CFR 301.7701-9, authority is hereby delegated to the Assistant Director (Regulatory Enforcement):

a. To allow or to reject, in whole or in part:

(1) Claims for drawback of tax paid or determined on distilled spirits used in nonbeverage products and filed under the provisions of 26 U.S.C. 5134(b).

(2) Claims for allowance, abatement, remission, refund, or credit of taxes imposed under Chapters 51 and 52 of Title 26 of the United States Code.

b. To determine tax liabilities and to allow or reject claims for abatement or refund of taxes or penalties, of for redemption of stamps, prescribed by Chapter 53 of Title 26 of the United States Code.

REDELEGATION: The authority delegated herein may be redelegated to regional

regulatory administrators. Regional regulatory administrators may redelegate this authority to regional Regulatory Enforcement personnel not lower then the position of chief, technical services, except that the authorities in paragraph 3a may be redelegated to not lower than the position of supervisor, technical section, as they apply to claims for amounts up to and including $5,000.

FOR FURTHER INFORMATION CONTACT: Manfred G. Roesler, Procedures Branch, 1200 Pennsylvania Avenue, NW, Washington, DC 20226; telephone (202) 566-7602.

EFFECTIVE DATE: January 13, 1983.

Approved: January 6, 1983.

Stephen E. Higgins,

Acting Director.

[FR Doc. 83-921 Filed 1-12-83; 8:45 am]

BILLING CODE 4810-31-M

Comptroller of the Currency

[Docket No. 82-27]

Termination of Closed Receivership Fund; Fourth Notice

Note.—This document originally appeared in the **Federal Register** of December 23, 1982. It is reprinted in this issue at the request of the agency.

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of Termination.

SUMMARY: Notice is hereby given that all rights of depositors and other creditors of national banks which have been closed and for which the Comptroller has appointed a receiver other than the Federal Deposit Insurance Corporation to collect liquidating dividends from the "closed receivership fund" shall be barred after twelve months following the date of the fourth publication of this notice.

FOR FURTHER INFORMATION CONTACT: Howard J. Finkelstein, Attorney, Legal Advisory Services Division, Comptroller of the Currency, Washington, D.C. 20219, (202) 447-1880.

SUPPLEMENTARY INFORMATION: Pursuant to Section 409 of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320 (Oct. 15, 1982), notice is hereby given that all rights of depositors and other creditors of closed national banks to collect liquidating dividends from the "closed receivership fund" will be barred after twelve months following the date of the fourth publication of this notice.

Sections 721-723 of the Depository Institutions Deregulation and Monetary Control Act of 1980 clarified the status of the "closed receivership fund" by establishing a procedure for the satisfaction or cancellation of all outstanding claims for liquidating dividends and the termination of the fund. However, the 1980 law applied only to national banks closed on or before January 22, 1934. After the law was passed it came to the Office's attention that there had been at least one bank closed after the above date for which the Comptroller appointed a receiver other than the Federal Deposit Insurance Company. The Office therefore sought clarification of the 1980 law from Congress. Congress provided such clarification in Section 409 of Pub. L. 97-320 by striking the date of January 22, 1934 from the statute and substituting therefor the phrase "which have been closed and for which the Comptroller has appointed a receiver other than the Federal Deposit Insurance Corporation."

Under the provisions of the amended law, the Office will publish notices in the **Federal Register** once each week for four consecutive weeks that all rights of depositors and creditors of the fund will be barred after twelve months following the last date of publication of such notice. This is the fourth such notice. During this twelve month period, the Office will accept claims for liquidating dividends from the fund. A claim should consist of a Proof of Claim form received from the receiver at the time of the bank's closing or other acceptable evidence of an unsatisfied claim. Claims should be sent to the attention of Mr. Robert L. Teets, Manager, Accounting Programs, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Wahington, D.C. 20219.

Following the close of the twelve month period, all unclaimed dividends, together with income earned on liquidating dividends and other moneys remaining in the fund, will be covered into the general funds of the Office.

Dated: December 2, 1982.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 82-34793 Filed 12-22-82; 8:45 am]

BILLING CODE 4810-33-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 9
Thursday, January 13, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, January 10, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as director, officer, or employee of an insured bank: Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendation, pursuant to section 10(b) of the Federal Deposit Insurance Act, that the Corporation make special examination of a national bank to determine the condition of such bank for insurance purposes: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Recommendation regarding the Corporation's assistance agreement with an insured bank pursuant to section 13(e) of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: January 10, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-44-83 Filed 1-11-83; 1:04 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, January 10, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,560-L—Northern Ohio Bank, Cleveland, Ohio

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: January 10, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-45-83 Filed 1-11-83; 1:05 pm]

BILLING CODE 6714-01-M

3

FEDERAL ELECTION COMMISSION

Federal Register No. 9

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, January 11, 1983 at 10 a.m.

CHANGE IN MEETING:

Pursuant to Section 3.5(d) of the Commission's Sunshine Regulations, the Federal Election Commission agreed on January 11, 1983, by a vote of 6-0, to discuss *FEC v. National Rifle Association of America, No. 81-1218 (Dist. Ct.)* in the Executive Session scheduled for January 11, 1983.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, January 13, 1983 at 10 a.m.

CHANGE IN MEETING:

1. The following matter has been added for the Open Meeting scheduled for this date:

Finance Committee Report

Pursuant to Section 3.5(d) of the Commission's Sunshine Regulations, the Federal Election Commission agreed on January 11, 1983, by a vote of 6-0, to hold an Executive Session at the conclusion of the Open Meeting on Thursday, January 13, 1983 for the purpose of discussing *FEC v. National Rifle Association of America, No. 81-1218 (Dist. Ct.)*

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-46-83 Filed 1-11-83; 2:20 pm]

BILLING CODE 6715-01-M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, January 18, 1983 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, Litigation, Audits, Personnel.

* * * * *

DATE AND TIME: Thursday, January 20, 1983 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certification
Advisory opinions:
Draft AO 1982-60 Jack Howell, Director of Federal Government Relations, The American Society of Mechanical Engineers
Draft AO 1982-61 Michael S. Starr, General Counsel, The Association of Trial Lawyers of America
Presidential Primary Matching Fund regulations
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-50-83 Filed 1-11-83; 3:43 pm]

BILLING CODE 6715-01-M

5

FEDERAL RESERVE SYSTEM

Board of Governors

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCMENT: 48 FR, 370, Tuesday, January 4, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, January 10, 1983.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposed renovation and expansion of the Federal Reserve Bank of Chicago. (This item was previously announced for a meeting on January 5, 1983.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: January 10, 1983.

James McAfee,

Associate Secretary of the Board.

[S-43-83 Filed 1-11-83; 10:13 am]

BILLING CODE 6210-01-M

6

FOREIGN CLAIMS SETTLEMENT COMMISSION

[F.C.S.C. Meeting Notice No. 1-83]

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Oral hearings on objections to decisions issued under the second Czechoslovakian Claims Program:

Monday, January 24, 1983 at 9:30 a.m.
CZ-4346—Frederick Wyman/Thomas G. Wyman
CZ-4349—Frederick Wyman/Frank H. Wyman
CZ-4352—Hans Wyman/Henry, Ralph & Russell
CZ-4347—Ella & Frank H. Wyman
CZ-4348—Ella & Thomas G. Wyman
CZ-3548—Francis L. Frybergh (Estate) Geraldine F. Yarroll, Administratrix

Monday, January 24, 1983 at 2:00 p.m.
CZ-2977—Eric Walter Weinmann
CZ-4113—Mary Dayton
CZ-4123—Paul Dayton

Tuesday, January 25, 1983 at 9:30 a.m.
CZ-2382—Frank P. Lester
CZ-2383—Elizabeth Weinberger
CZ-4190—Eric K. Petschek
CZ-4191—Ruth Petschek Stein
CZ-2454—Joseph Saxton, Andrew Barton and Stephen J. Kuffler

Tuesday, January 25, 1983 at 2:00 p.m.
CZ-3362—Blanka Maria Neumann
CZ-2117—Gertrude Dennis
CZ-2118—Estate of Elsa Pollak, Deceased
CZ-3891—Estate of Ernest T. Smolka, Deceased William W. Reiner, Successor Executor

Wednesday, January 26, 1983 at 9:30 a.m.—Consideration of decisions issued under the Vietnam Prisoner of War Claims Program.

Wednesday, January 26, 1983 at 9:30 a.m.—Hearing on the Record:
CZ-4406—Emmy Moles
CZ-4419—Edith Durand
CZ-3687—Gertrude M. Farno

Wednesday, January 26, 1983 at 9:30 a.m.—Petition to Reopen:
CZ-3015—Gordon Atter Popper
CZ-2866—Walter L. Speyer
CZ-2867—Ernest A. Speyer

Wednesday, January 26, 1983 at 2:00 p.m.
CZ-2368—Estate of Charles Stiassni, Deceased
CZ-2369—Joseph Stiassni
CZ-4834—Susan Martin, Assignee of Alfred & Hermine Stiassni
CZ-3384—Marie Kreysa Melvin

Thursday, January 27, 1983 at 10:00 a.m.
CZ-4809—Estate of William Petschek, Deceased Charles Petschek & Ralph E. Lowenberg, Executors
CZ-4810—Estate of Frank C. Petschek, Deceased Maria Smith, Janina Petschek and Elizabeth De Picciotto, Executrixes
CZ-4811(a)—Charles Petschek, Deceased Charles, Max, Thea & Thomas Petschek, Trustees
CZ-3812—Estate of Ernest Petschek, Deceased Annelise Fitzgerald, Successor Executrix
CZ-4811—Estate of William Petschek, Deceased
CZ-4813—Charles Petschek and Ralph E. Lowenberg, Executrixes, Estate of Frank C. Petschek and Elisabeth De Picciotto, Executrixes, Trust Under article "third" of the Will of Charles Petschek, Deceased; Charles I. Petschek, Max L. Petschek, Thea and Thomas Petschek, Trustee.

Thursday, January 27, 1983 at 2:00 p.m.—Friday, January 28, 1983 at 9:30 a.m.—Completion of hearings on objections and matters continued from previous agendas and matters under submission.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 20th Street NW., Room 409, Washington, DC 20579. Telephone (202) 653-6155.

Dated at Washington, D.C., on January 10, 1983.

Judith H. Lock,

Administrative Officer.

[S-46-83 Filed 1-11-83; 1:21 pm]

BILLING CODE 4410-01-M

7

NUCLEAR REGULATORY COMMISSION

DATE: Friday, January 14, 1983 and Week of January 17, 1983.

PLACE: Commissioners Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: Friday, January 14:

10:00 a.m.:
Discussion of Regulatory Reform Task Force—Legislative Proposals (Public Meeting)

Monday, January 17:

10:00 a.m.:
Discussion of Procedures for Hearing on NFS Erwin (Public Meeting)

Tuesday, January 18:

9:30 a.m.:
Briefing on SEP Program—Phase II Results (Public Meeting)
2:00 p.m.:
Discussion and Vote on Regulatory Reform Task Force—Legislative Proposals (Public Meeting) (postponed from January 7)

ADDITIONAL INFORMATION:

Discussion of Order in Waste Confidence Proceeding scheduled for January 6, *cancelled.*

Discussion/Possible Vote on Order in Clinch River Breeder Reactor Proceeding scheduled for January 7, *cancelled.*
Discussion and Possible Vote on Waste Confidence Order scheduled for January 12, *cancelled.*
Affirmation of Final Rule on OL Applications scheduled for January 13, *cancelled.*

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

January 7, 1983.

Walter Magee,

Office of the Secretary.

[S-42-83 Filed 1-11-83; 4:53 pm]

BILLING CODE 7590-01-M

8

POSTAL SERVICE

(Board of Governors)

Vote to Close Meeting

At its meeting on January 6, 1983, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting scheduled for January 31, 1983. A portion of the meeting to be closed will consist of a discussion of Postal Service strategic planning.

The Board is of the opinion that public access to this discussion would be likely to disclose information in connection with future collective bargaining and information that will become involved in future rate litigation.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code. The Board determined further than, pursuant to section 552b(c)(10) of title 5 and § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceedings or the litigation of a particular case involving a determination on the record after opportunity for a hearing. It also determined, pursuant to section 552b(c)(9)(B) and § 7.3(i) of title 39, Code of Federal Regulations, that the discussion is exempt because premature disclosure of information to be discussed would be likely significantly to frustrate implementation of future action in regard to future collective bargaining. The Board further determined that the public interest does not require that the Boards discussion of this matter to be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion this portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3), (9)(B) and (10) of title 5 and sections 410(c)(3) and (4) of title 39, United States Code, and § 7.3(c), (i) and (j) of title 39, Code of Federal Regulations.

A second portion of the meeting to be closed will consist of a further discussion of the recommended decision of the Postal Rate Commission on third-class bulk rates in Docket No. R80–1, dated December 23, 1982.

The Board is of the opinion that public access to this discussion would be likely to disclose information that will become involved in current and future rate litigation.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.SC. 552b(b)), because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code. The Board determined further that, pursuant to section 552b(c)(10) of title 5 and § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the litigation of a particular case involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not require the Board's discussion of this matter to be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3) and (10) of title 5 and section 410(c)(4) of title 39, United States Code, and § 7.3 (c) and (j) of title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-49-83 Filed 1-11-83; 2:37 pm]

BILLING CODE 7710-12-M

9

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ENTITY: United States Synthetic Fuels Corporation.

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are invited to attend and observe a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting pursuant to Article II Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Sections 4 and 5 of the said policy.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of Minutes of Prior Meeting.
2. Report of the President.
3. Operations Report of the Executive Vice President.
4. Final Approval of Competitive Solicitation for Oil Shale Projects.
5. Consideration of Additional Targeted Solicitations.
6. Annual Report of the Corporation.
7. Corporation Fiscal Year 1983 and 1984 Administrative Budgets.
8. Annual Report of the Inspector General.
9. Reports of Committees of the Board.

Closed Session

10. Status Reports on Negotiations with Pending Projects.
11. Consideration of Pending Projects.

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

TIME AND DATE: 9:00 a.m., January 20, 1983.

PLACE: Four Seasons Hotel, Houston Center, Houston, Texas.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 822–6336.

January 11, 1983.
United States Synthetic Fuels Corporation.
Jimmie R. Bowden,
Executive Vice President.

[S–47–83 Filed: 1–11–83; 1:46 pm]
BILLING CODE 0000–00–M

federal register

Thursday
January 13, 1983

Part II

Department of Energy

Economic Regulatory Administration

Public Utility Regulatory Policies Act of 1978 and National Energy Conservation Policy Act of 1978; Publication of Form ERA-166 for Annual Reports From States and Non-Regulated Utilities and List of Electric and Gas Utilities Covered by the Acts

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 463

[Docket No. ERA-R-79-19]

Annual Reports From States and Non-Regulated Utilities on Progress in Considering the Ratemaking and Other Regulatory Standards Under the Public Utility Regulatory Policies Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice and publication of Form ERA-166

SUMMARY: Sections 116 and 309 of the Public Utility Regulatory Policies Act of 1978 (PURPA) require State regulatory authorities and certain nonregulated utilities to submit, to the Department of Energy (DOE), annual reports on their progress in considering ratemaking and other regulatory standards established by Titles I and III of PURPA. Under the present DOE regulations (10 CFR Part 463), as amended by revising § 463.3 (a) and (c) (47 FR 33679, August 4, 1982), each of the reporting entities must file an annual report by February 28, 1983, covering the calendar year 1982 reporting period. All reports are to be made on Form ERA-166, a copy of which is appended to this notice.

DATE: Reports are due by February 28, 1983.

ADDRESS: All completed Forms ERA-166 should be addressed to: Petroleum and Electricity Division, Economic Regulatory Administration, Department of Energy, Form ERA-166, Room GA-017, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Steven Mintz, Petroleum and Electricity Division, Economic Regulatory Administration, U.S. Department of Energy, 1000 Independence Avenue, SW., Room GA-017, Washington, D.C. 20585, (202) 252-4523.

SUPPLEMENTARY INFORMATION:

I. Background

On August 1, 1979 (44 FR 47264, August 13, 1979), the Economic Regulatory Administration (ERA) of the DOE issued a rule (10 CFR Part 463) setting forth the manner in which State regulatory authorities and certain nonregulated gas and electric utilities are reguired to report on their consideration of the ratemaking and other regulatory standards established by sections 111(b), 113(b) and 303(b) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 et seq. (16 U.S.C. 2601 et seq.).

DOE, in a Notice of Proposed Rulemaking (NOPR) published on March 15, 1982 (47 FR 11178), proposed amendments to the rule by changing the dates for the 12 month reporting period and changing the submission date for the report. After considering public comments which were submitted in response to the NOPR, DOE, on August 4, 1982, published a Final Rule (47 FR 33679), amending Part 463 to Chapter II, Title 10 of the Code of Federal Regulations by revising § 463.3 (a) and (c). The Final Rule requires the reporting entities to file their annual report on February 28 of each year beginning with 1983. Each of these annual reports must cover the immediately preceding calendar year (for example, the report due on February 28, 1983, shall cover the period January 1, 1982-December 31, 1982).

II. The Report Form

The Form ERA-166 is virtually identical to the form published on March 15, 1982 (47 FR 11178) except for date changes and minor clarifying instructions. It was approved by the Office of Management and Budget (OMB Control Number 1903-0060), and is being published today as an appendix to this notice. It will provide reporting entities with the earliest opportunity to prepare their reports for the calendar year.

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7101 et seq.)

Issued in Washington, D.C. on January 3, 1983.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

Appendix

Form ERA-166 is reproduced below. This Form ERA-166 will not appear in title 10 (Parts 400-499), Code of Federal Regulations.

BILLING CODE 6450-01-M

Form Approved
OMB No. 1903-0060
(Expires 9-30-84)

PURPA ANNUAL REPORT OF ELECTRIC AND GAS UTILITIES

This report is mandatory under the Public Utilities Regulatory Policies Act of 1978 (P.L. 95-617) sections 116 and 309. Late filing or failure to report may result in criminal fines, civil penalties, and other sanctions as provided by law. See instructions regarding confidentiality.

Blue Section: Instructions

White Section: Questions to be Answered

Name of Regulatory Authority (or covered Nonregulated Utility)	Date (Mo, Da, Yr)

ERA-166 (11-82)

Form Approved
OMB No. 1903-0060
(Expires 9-30-84)

PURPA ANNUAL REPORT OF ELECTRIC AND GAS UTILITIES

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PURPA ANNUAL REPORT ON ELECTRIC AND GAS UTILITIES

SECTION I
PART I

INSTRUCTIONS

GENERAL INFORMATION

I. Purpose

The PURPA Annual Report on Electric and Gas Utilities, Form ERA-166, will be used by the Economic Regulatory Administration (ERA) for annual reporting to the President and Congress on the progress of State regulatory authorities and certain nonregulated electric and gas utilities in considering and making determinations with respect to the standards established by PURPA.

II. When to Submit

A. Submit this report no later than February 28, 1983.

B. This report covers the period of January 1, 1982 to December 31, 1982.

III. What and Where to Submit

A. Submit pages:

27
28
30
31
35 (duplicated for each utility)
36 (duplicated for each utility)
44 (duplicated for each utility)

To:

PURPA Annual Report on Electric and Gas Utilities
Office of Fuels Programs
Economic Regulatory Administration
Department of Energy, Forrestal Building
1000 Independence Avenue, S.W., Room GA-017
Washington, D. C. 20585

B. ERA reserves the right to request any supplementary information from the State regulatory authority or covered nonregulatory utility as needed to fully understand the report.

C. ERA reserves the right to return any incorrectly completed reports. The official submission date will be assigned upon receipt of the correctly completed form.

For information concerning this report call
Steven Mintz
(202) 252-4523

IV. Who must Submit

A. Each State regulatory authority (with respect to each covered electric and gas utility for which it has rate making authority) and each covered nonregulated electric and gas utility must submit this report.

B. Covered Utilities

(1) Electric Utilities. The regulated and nonregulated electric utilities covered by this report are those whose total sales of electric energy (for purposes other than resale) exceeded 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediate preceding calendar year.

(2) Gas Utilities. The regulated and nonregulated utilities covered by this report are those whose total sales of natural gas (for purposes other than resale) exceeded 10 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediate preceding calendar year.

(3) Exclusion of Wholesale Sales. When determining eligibility, do not include regulating sales of electric energy or natural gas for purposes of resale.

(4) Published List. ERA published in the Federal Register a list of utilities covered under PURPA for each reporting year. The inclusion or exclusion of any utility on the list does not affect the legal obligation to report by such utility or the responsible State regulatory authority under PURPA.

V. Provisions of Confidentiality of Information

The information contained on these forms may be (i) information which is exempt from disclosure to the public under the exemption for trade secrets and confidential commercial information specified in the Freedom of Information Act of 5 USC 552(b)(4)(FOIA) or (ii) prohibited from public release by 18 USC 1905. However, before a determination can be made that particular information is within the coverage of either of these statutory provisions, the person submitting the information must make a showing satisfactory to the Department concerning its confidential nature.

Therefore, respondents should state briefly and specifically (on an element-by-element basis, if possible), in a letter accompanying submission of the form, why they consider the information concerned to be a trade secret or other proprietary information, whether such information is customarily treated as confidential information by their companies and the industry, and the type of competitive hardship that would result from disclosure of the information. In accordance with the provisions of 10 CFR 1004.11 of DOE's FOIA regulations, DOE will determine whether any information submitted should be withheld from public disclosure.

If DOE receives a response and does not receive a request, with substantive justification, that the information submitted should be withheld from the public, DOE will assume that the respondent does not object to disclosure to the public of any information submitted on the form.

A new written justification need not be submitted each time the ERA-166 is submitted if:

a. views concerning information items identified as privileged or confidential have not changed; and

b. a written justification setting forth respondent's views in this regard was previously submitted.

In accordance with the cited statutes and other applicable authority, the information must be made available, upon request, to the Congress or any Committee of Congress, and to the General Accounting Office.

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GENERAL INSTRUCTIONS

I. The PURPA Annual Report on Electric and Gas Utilities consists of 3 parts (these are included in Section II):

Part I: General Information on the State Regulatory Authority or Covered Nonregulated Utility

Part II: Questions Pertaining to Each of the Eleven Standards

Part III: Standard Specific Questions

II. In Section II, complete Parts II and III for each electric utility listed in Part I. Complete only questions pertaining to the termination of service (TOS) and advertising (ADV) standards for each gas utility listed in Part I. Enter NA for questions that are not applicable to either the electric or gas utility, or state regulatory authority.

III. Enter the electric or gas utility name, as appropriate, in the top right corner of each returned answer sheet from Parts II and III. If the utility provides both services, submit two answer sheets for the utility.

IV. Information regarding the consideration process for each standard must, to the extent practical, be summarized from the written determination and orders issued.

V. To facilitate data collection for this form, utilities which are unable to respond to questions as of the year ending December 1982 may choose to respond on a 1982 fiscal year basis. However, utilities must be consistent throughout the form as to which option is chosen.

(A) Class-With respect to electric and gas consumers, any group of such consumers who have similar characteristics of electric or gas energy use.

(B) Consideration Process-With respect to any of the standards established by sections 111, 113, or 303 of PURPA, the set of appropriate procedures carried out by a State regulatory authority or nonregulated utility culminating in a decision to adopt or reject such standard or in a determination required by PURPA. (See Section I on regulations).

(C) Electric Consumer-Any person, State agency, or Federal agency to which electric energy is sold other than for purposes of resale.

(D) Electric Utility-Any person, State agency, or Federal agency that sells electric energy.

(E) Evidence-Any testimony, data, staff reports, technical analyses, briefs, or any other statements, documents, or information admitted into the record of the proceedings respecting the consideration of the standards.

(F) Federal Agency-An executive agency (as defined in section 105 of the United States Code).

(G) Gas Consumer-Any person, State agency, or Federal agency to which natural gas is sold other than for purposes of resale.

(H) Gas Utility-Any person, State agency, or Federal agency engaged in the local distribution of the sale of natural gas.

(I) Load Management Technique-Any technique (other than a time-of-day or seasonal rate) to reduce the maximum kilowatt demand on the electric utility, including (but not limited to): ripple, radio, or automatic control mechanisms; other types of interruptible electric service, energy storage devices; and load-limiting devices.

(J) Nonregulated Electric Utility-Any electric utility with respect to which no State regulatory authority has rate making authority.

(K) Nonregulated Gas Utility-Any gas utility with respect to which no State regulatory authority has ratemaking authority.

(L) Person-An individual, partnership, corporation, unincorporated association or any group, organization, or entity.

(M) Rate- (1) Any price, rate, charge, or classification made, demanded, observed, or received with respect to the sale of electric energy by an electric utility to an electric consumer or the sale of natural gas to a gas consumer;

(2) Any rule, regulation, or practice respecting any such rate, charge, or classification; and

(3) Any contract pertaining to the sale of electric energy to an electric consumer or the sale of natural gas to a gas consumer.

(N) Ratemaking Authority-Authority to fix, modify, approve, or disapprove rates.

(O) Sale-A transfer to a purchaser for consideration and, when used with respect to electric energy, includes any exchange of electric energy; or, when used with respect to natural gas, includes any exchange of natural gas.

(P) Standard-Refers to either the six ratemaking standards or the five regulatory standards.

The six ratemaking standards and their abbreviations as employed in this report include:

Cost-Of-Service standard	COS
Declining Block Rate standard	DBR
Time-Of-Day rate standard	TOD
SeasonaL Rate standard	SLR
INTerruptible rate standard	INT
Load Management Techniques standard	LMT

The five regulatory standards and their abbreviations as employed in this report include:

Master-Metering standard	MM
Automatic Adjustment Clause standard	AAC
Information To Consumers standard	ITC
Termination Of Service standard	TOS
ADVertising standard	ADV

(Q) State-A State, the District of Columbia, and Puerto Rico.

(R) State Agency-A State, political subdivision thereof, and any agency or instrumentality of either.

(S) State Regulatory Authority-Any State agency that has ratemaking authority with repsect to: the sale of electric energy by an electric utility other than by such State agency (in the case of an electric utility with respect to which the TVA has ratemaking authority, such term means the TVA); or the sale of gas by any gas utility (other than by such State agency).

REGULATIONS APPLICABLE TO THE 6 RATEMAKING STANDARDS: COS, DBR, TOD, SLR, INT, LMT

Section 111(a-c) of PURPA requires consideration of six ratemaking standards, as follows:

"Sec. 111. CONSIDERATION AND DETERMINATION RESPECTING CERTAIN RATEMAKING STANDARDS.

(a) CONSIDERATION AND DETERMINATION - Each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each non-regulated electric utility shall consider each standard established by subsection (d) and make a determination concerning whether or not it is appropriate to implement such standard to carry out the purposes of this title. For purposes of such consideration and determination in accordance with subsections (b) and (c), and for purposes of any review of such consideration and determination in any court in accordance with section 123, the purposes of this title supplement otherwise applicable state law. Nothing in this subsection prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to implement any such standard, pursuant to its authority under otherwise applicable State law.

(b) PROCEDURAL REQUIREMENTS FOR CONSIDERATION AND DETERMINATION.

(1) The consideration referred to in sub-section (a) shall be made after public notice and hearing. The determination referred to in subsection (a) shall be:

(A) in writing

(B) based upon findings included in such determination and upon the evidence presented at the hearing, and

(C) available to the public.

(2) Except as otherwise provided in paragraph (1), in the second sentence of section 112(a), and in sections 121 and 122, the procedures for the consideration and determination referred to in sub-sections (a) shall be those established by the State regulatory authority or the nonregulated electric utility.

(c) IMPLEMENTATION.

(1) The State regulatory authority (with respect to each electric utility for which it has ratemaking authority) or non regulated electric utility may, to the extent consistent with otherwise applicable State law:

(A) Implement any such standard determined under subsection (a) to be appropriate to carry out the purposes of this title, or

(B) decline to implement any such standard.

(2) If a State regulatory authority (with respect to such electric utility for which it has ratemaking authority) or nonregulated electric utility declines to implement any standard established by subsection (d) which is determined under subsection (a) to be appropriate to carry out the purposes of this title, such authority or nonregulated electric utility shall state in writing the reasons therefore. Such statement of reasons shall be available to the public.

Sections 112, 121, and 122 of PURPA also establish requirements for this standard.

For the purpose of this report, for consistency with the joint committee managers report, and for consistency with terminology used in the regulatory community, the term "adopt" will be used throughout in the following questions as a synonym for the term "implement".

COST-OF-SERVICE STANDARD (COS)

REGULATIONS APPLICABLE TO THE COS STANDARD

Section 111(d)(1) of PURPA establishes the cost-of-service standard (COS) which states:

"Rates charged by any electric utility for providing electric service to each class of electric consumers shall be designed to the maximum extent practicable, to reflect the costs of providing electric service to such class, as determined under section 115(a)."

Section 115(a) states:

"In undertaking the consideration and making the determination under section 111 with respect to the standard concerning cost of service established by section 111(d)(1), the costs of providing electric service to each class of electric consumers shall, to the maximum extent practicable, be determined on the basis of methods prescribed by the State regulatory authority (in the case of a State regulated electric utility) or by the electric utility (in the case of a nonregulated utility). Such methods shall to the maximum extent practicable:

(1) permit identification of differences in cost-incurrence, for each such class of electric consumers, attributable to daily and seasonal time of use of service and

(2) permit identification of differences in cost-incurrence attributable to differences in customer, demand, and energy components of costs. In prescribing such methods, such State regulatory authority and nonregulated electric

(continued on next page)

FOR PURPOSES OF ANSWERING COS RELATED QUESTIONS

The cost-of-service standard (COS) has been:

A. Adopted by a State regulatory authority, when such authority has:

1. specified methods for a utility covered by the standard to use to determine cost of service, in accordance with section 115(a) above;

2. issued a written policy (or order) that a utility covered by the standard shall provide cost-of-service data or studies in accordance with these methods with each rate application or rate processing, or on a specified regular basis, or both; and

3. issued a written policy that rates charged by a utility covered by the standard for each consumer class shall be designed, to the maximum extent practicable, to reflect the costs of service to such class, as provided in section 111(d)(1).

B. Adopted by a nonregulated utility, when such nonregulated utility has:

1. specified methods that it will use for determining cost of service, in accordance with section 115(a) above;

(continued on next page)

REGULATIONS APPLICABLE TO THE COS STANDARD (CONTINUED)

utility shall take into account the extent to which total costs to an electric utility are likely to change if:

(A) additional capacity is added to meet peak demand relative to base demand; and

(B) additional kilowatt-hours of electric energy are delivered to electric consumers.*

FOR PURPOSES OF ANSWERING COS RELATED QUESTIONS (CONT)

2. issued a written policy that it will develop cost-of-service data in accordance with these methods with each rate proceeding or on a specified regular basis, or both; and

3. issued a written policy that rates charged for each consumer class will be designed, to the maximum extent practicable, to reflect the costs of service to each class, as provided in section 111(d)(1).

C. Rejected by a State regulatory authority or nonregulated utility when it has issued written policies (or orders) declining to adopt.

DECLINING BLOCK RATES STANDARD (DBR)

REGULATIONS APPLICABLE TO THE DBR STANDARD

Section 111(d)(2) of PURPA establishes the declining block rates standard (DBR) which states:

"The energy component of a rate, or the amount attributable to the energy component in a rate, charged by any electric utility for providing electric service during any period to any class of eletric consumers may not decrease as kilowatt-hour consumption by such class increases during such period except to the extent that such utility demonstrates that the costs to such utility of providing electric service to such class, which costs are attributable to such energy component, decrease as such consumption increases during such period."

FOR PURPOSES OF ANSWERING DBR RELATED QUESTIONS

The declining block rates standard (DBR) has been:

A. Adopted by a State regulatory authority, when such authority had issued written policies (or orders) providing:

1. that rates charged by utility covered by the standard shall not have declining block energy charges except to the extent that the utility has made the required demonstration (as defined in section 111(b)(2)); and

2. that the State regulatory authority will make a written determination of whether the utility has made the required demonstration.

B. Adopted by a nonregulated utility when such nonregulated authority had issued a written policy (or order) that its rates shall not have declining block energy charges except to the extent that it has made in writing the required demonstration, as defined in section 111(b)(2).

C. Rejected by a State regulatory or nonregulated utility when it had issued written policies (or orders) declining to adopt.

REGULATIONS APPLICABLE TO THE TOD STANDARD

Section 111(d)(3) of PURPA establishes the time-of-day rates standard (TOD), which states:

"The rates charged by an electric utility for providing electric service to each class of electric consumers shall be on a time-of-day basis which reflects the costs of providing electric service to such class of electric consumers at different times of the day unless such rates are not cost-effective with respect to such class, as determined under section 115(b)."

Section 115(b) states:

"In undertaking the consideration and making the determination required under section 111 with respect to the standard for time-of-day rates established by section 111(d)(3), a time-of-day rate charged by an electric utility for providing electric service to each class of electric consumers shall be determined to be cost-effective with respect to each class of electric consumers if the long-run benefits of such rate to the electric utility and its electric consumers in the class concerned are likely to exceed the metering costs and other costs associated with the use of such rates."

For the purpose of answering the questions in this schedule, the term "time-of-day rate" means a rate that is on a time-of-day basis and that reflects the costs of providing electric service at different times of the day to the consumer class to whom it is charged.

FOR PURPOSES OF ANSWERING TOD RELATED QUESTIONS

The time-of-day rates standard (TOD) has been:

A. Implemented by a State regulatory authority, when it had issued written policies for orders providing:

1. that a utility covered by the standard shall charge time-of-day rates (as defined above) to each consumer class unless such rates are not cost-effective with respect to such class; and

2. that the State regulatory authority will make a written determination of the cost-effectiveness of such rates in accordance with section 115(b).

B. Implemented by a nonregulated utility when it had issued written policies (or orders) providing:

1. that it shall charge time-of-day rates (as defined above) to each consumer class unless such rates are not cost-effective with respect to such class; and

2. that it will make a written determination of the cost-effectiveness of such rates in accordance with section 115(b).

C. Rejected by State regulatory authority or nonregulated utility when it has issued written policies (or orders) declining to adopt this standard.

REGULATIONS APPLICABLE TO THE SLR STANDARD

Section 111(d)(4) of PURPA establishes the seasonal rates standard (SLR) which states:

"The rates charged by an electric utility for providing electric service to each class of electric consumers shall be on a seasonal basis which reflects the costs of providing service to such class for such utility."

For the purpose of answering the questions in this schedule, the term "seasonal rate" means a rate that varies by season and that reflects the costs of providing electric service at different seasons of the year to the consumer class to whom it is charged.

FOR PURPOSES OF ANSWERING SLR RELATED QUESTIONS

The seasonal rates standard (SLR) has been:

A. Adopted by a state regulatory authority when such authority has issued written policies (or orders) providing:

1. that it will determine the costs of providing electric service to each consumer class at different seasons of the year for each utility covered by the standard; and

2. that a utility covered by the standard shall charge seasonal rates (as defined above) to each consumer class to the extent that such costs vary seasonally.

B. Adopted by a nonregulated utility, when such nonregulated utility has issued written policies (or orders) providing:

1. that it will determine the costs of providing electric service to each consumer class at different seasons of the year; and

2. that it shall charge seasonal rates (as defined above) to each consumer class to the extent that such costs vary seasonally.

C. Rejected by a State regulatory authority or nonregulated utility when it had issued written policies (or orders) declining to adopt this standard.

REGULATIONS APPLICABLE TO THE INT STANDARD

Section 111(d)(5) of PURPA establishes the interruptible rates standard (INT) , which states:

"Each electric utility shall offer each industrial and commercial electric consumer an interruptible rate which reflects the cost of providing interruptible service to the class of which such consumer is a member."

For the purpose of answering the questions in this schedule, the term "interruptible rate" means an interruptible rate that reflects the cost of providing interruptible service to the consumer class to whom it is charged.

FOR PURPOSES OF ANSWERING INT RELATED QUESTIONS

The interruptible rates standard (INT) has been:

A. Adopted by a state regulatory authority when such authority has issued written policies (or orders) providing:

1. that a utility covered by the standard shall offer each industrial and commercial electric consumer an interruptible rate; and

2. that the state regulatory authority will determine the costs of providing interruptible electric service to each consumer class that includes industrial or commercial consumers.

B. Adopted by a nonregulated utility, when such nonregulated utility has issued written policies (or orders) providing that it shall offer each industrial and commercial consumer an interruptible rate that reflects its determination of the costs of providing interruptable service to each consumer class that includes industrial or commercial consumers.

C. Rejected by a State regulatory authority or nonregulated utility when it has issued written policies (or orders) declining to adopt this standard.

REGULATIONS APPLICABLE TO THE LMT STANDARD

Section 111(d)(6) of PURPA establishes the load management techniques standard (LMT) which states:

"Each electric utility shall offer to its electric consumers such load management techniques as the state regulatory authority (or the nonregulated electric utility) has determined will:

(A) be practicable and cost-effective, as determined under section 115(c),

(B) be reliable, and

(C) provide useful energy or capacity management advantages to the electric utility."

Section 115(c) states:

"In undertaking the consideration and making the determination required under section 111 with respect to the standard for load management techniques established by section 111(d)(6), a load management technique shall be determined, by the State regulatory authority or nonregulated eletric utility, to be cost-effective if:

(1) such technique is likely to reduce maximum kilowatt demand on the electric utility, and

(continued on next page)

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FOR PURPOSES OF ANSWERING LMT RELATED QUESTIONS

The load management techniques standard (LMT) has been:

A. Adopted by a State regulatory authority, when such authority has issued written policies (or orders) providing:

1. that it will make a written determination of the cost-effectiveness of load management techniques relevant to each utility covered by the standard, in accordance with section 115(c);

2. that it will make a written determination of whether each technique will be practicable and cost-effective (as defined above), be reliable, and provide useful energy or capacity management advantages to the electric utility; and

3. that a utility covered by the standard shall offer its electric consumers those load management techniques that the state regulatory authority has determined will meet the criteria above (in A.2).

B. Adopted by a nonregulated utility, when such nonregulated utility had issued written policies (or orders) providing:

1. that it will make a written determination of the cost-effectiveness of relevant load management techniques, in accordance with section 115(c);

(Continued on next page)

REGULATIONS APPLICABLE TO THE LMT STANDARD (CONTINUED)

(2) the long-run cost-savings to the utility of such reduction are likely to exceed the long-run costs to the utility associated with implementation of such technique."

For the purpose of answering the questions in this schedule, the term "load management techniques" means any technique (other than a time-of-day rate or seasonal rate) to reduce the maximum kilowatt demand on the electric utility, including (but not limited to): ripple, radio or automatic control mechanisms; other types of interruptible electric service; energy storage devices; and load-limiting devices.

FOR PURPOSES OF ANSWERING LMT RELATED QUESTIONS (CONT)

2. that it will make a written determination of whether each such technique will be practicable and cost-effective (as defined above), be reliable, and provide useful energy or capacity management advantages to the electric utility; and

3. that it will offer its electric consumers those load management techniques that it has determined will meet the criteria above (in B.2.)

C. Rejected by State regulatory authority or nonregulated utility when it has issued written policies (or orders) declining to adopt this standard.

SECTION I
PART III

REGULATIONS APPLICABLE TO THE FIVE REGULATORY STANDARDS: MM, AAC, ITC, TOS, ADV

Section 113(a) of PURPA requires public notice, hearing(s), and other actions respecting five regulatory standards established for electric utilities covered under Title I of PURPA, and Section 303(a) requires similar actions respecting two of these regulatory standards for gas utilities covered under Title III. With respect to the master metering (MM), automatic adjustment clause (AAC), information to consumer (ITC), termination of service (TOS), and advertising (ADV) standards, these sections establish the following requirements:

"Section 113/303. ADOPTION OF CERTAIN STANDARDS.

(a) Adoption of Standards--Not later than 2 years after the date of the enactment of this Act, each State regulatory authority (with respect to each electric (gas) utility for which it has ratemaking authority), and each nonregulated electric (gas) utility shall provide public notice and conduct a hearing respecting the standards established by subsection (b) and, on the basis of such hearing, shall:

(1) adopt the standards established by subsection (b) (other than paragraph (4) thereof) if, and to the extent, such authority or nonregulated electric utility determines that such adoption is appropriate to carry out the purposes of this title, is otherwise appropriate, and is consistent with otherwise applicable State law, and

(2) adopt the standard established by subsection (b)(4) if, and to the extent, such authority or nonregulated electric (gas) utility determines that such adoption is appropriate and consistent with otherwise applicable State law.

For purposes of any determination under paragraphs (1) or (2) and any review of such determination in any court in accordance with section 123(307), the purposes of this title supplement otherwise applicable State law. Nothing in this subsection prohibits any State regulatory or nonregulatory electric (gas) utility from making any determination that it is not appropriate to adopt any such standard, pursuant to its authority under otherwise applicable State law."

Sections 121 and 122 of PURPA establish specific procedural requirements for this process with respect to electric utilities, and sections 121 and 305 establish the authority of the Secretary to intervene in appropriate proceedings for electric and gas utilities.

For the purposes of answering the questions on the advertising standard, the term "sufficient criteria" refers to the criteria established in section 113(a)(1), above: "appropriate to carry out the purposes of this title[1], otherwise appropriate, and consistent with otherwise applicable state law."

For the purposes of answering the questions on the termination of service standard the term "sufficient criteria" refers to the criteria established in section 113(a)(2), above: "appropriate and consistent with otherwise applicable State law."

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1 That is, to encourage: the conservation of energy supplied by electric and gas utilities; the optimization of the efficiency of use of facilities and resources by electric and gas utilities; and equitable rates to electric consumers.

REGULATIONS APPLICABLE TO THE MM STANDARD

Section 113(a)(1) states:

"Separate metering shall be determined appropriate for any new building for purposes of section 113(b)(1) if:

(1) there is more than one unit in such building,

(2) the occupant of each such unit has control over a portion of the electric energy used in such unit, and

(3) with respect to such portion of electric energy in such unit, the long-run benefits to the electric consumers in such building exceed the costs of purchasing and installing separate meters in such building."

For the purpose of answering the questions in this schedule:

(A) The term "master metering" (MM) applies to all cases where:

(1) There is more than one unit in the building and the electric metering does not permit identification of the energy consumption in individual units; or

(Continued on next page)

FOR PURPOSES OF ANSWERING MM RELATED QUESTIONS

The master metering standard (MM) has been:

A. Adopted by a State regulatory authority, when such authority has:

1. specified methods and procedures to be used by a utility covered by the standard in evaluating benefits versus costs of separate metering, in accordance with section 115(d)(3), and in determining whether separate metering is appropriate for a new building, in accordance with section 115(d); and

2. issued a written order that a utility covered by the standard shall not provide master metered service to new buildings except to the extent determined appropriate under those methods and procedures specified above.

B. Adopted by a nonregulated utility, when such nonregulated utility has:

1. specified methods and procedures that it will use in evaluating benefits versus costs of separate metering, in accordance with section 115(d)(3), and in determining whether separate metering is appropriate for a new building, in accordance with section 115(d); and

(Continued on next page)

MASTER METERING STANDARD (MM) (CONTINUED)

REGULATIONS APPLICABLE TO THE MM STANDARD (CONTINUED)

(2) More than one such unit is treated as a single account for billing purposes.

(B) The term "separate metering" applies to all other cases.

FOR PURPOSES OF ANSWERING MM RELATED QUESTIONS (CONT)

2. issued a written policy that it will not provide master metered service to new buildings except to the extent determined appropriate under those methods and procedures specified above.

C. Rejected by a State regulatory authority or nonregulated utility when it has issued written policies (or orders) stating that it has determined not to adopt the standard.

REGULATIONS APPLICABLE TO THE AAC STANDARD

Section 13(b)(2) of PURPA establishes the automatic adjustment clauses standard (AAC), which states: "No electric utility may increase any rate pursuant to an automatic adjustment clause unless such clause meets the requirements of section 115(e)."

Section 115(a) states:

"(1) An automatic adjustment clause of an electric utility meets the requirements of this subsection if:

(A) such clause is determined, not less often than every four years, by the State regulatory authority (with respect to an electric utility for which it has ratemaking authority) or by the electric utility (in the case of a nonregulated electric utility), after an evidentiary hearing, to provide incentives for efficient use of resources (including incentives for economical purchase and use of fuel and electric energy) by such electric utility, and

(B) such clause is reviewed not less often than every two years, in the manner described in paragraph (2), by the State regulatory authority having ratemaking authority with respect to each utility (or by the electric utility in the case of a nonregulated electric utility), to insure the maximum economics in those operations and purchases which affect the rates to which such clause applies.

(Continued on next page)

FOR PURPOSES OF ANSWERING AAC RELATED QUESTIONS

The automatic adjustment clauses standard (AAC) has been:

A. Adopted by a State regulatory authority or nonregulated utility when it has issued written policies (or orders) providing that every automatic adjustment clause in effect at a utility covered by the standard must undergo the quadrennial determination and biannual review specified in section 115(e)(1) and (2) of PURPA.

B. Rejected by a State regulatory authority or non regulated utility when it has issued written policies (or orders) stating that it has determined not to adopt the standard.

REGULATIONS APPLICABLE TO THE AAC STANDARD (CONTINUED)

(2) In making a review under subparagraph (B) of paragraph (1) with respect to an electric utility, the reviewing authority shall examine and, if appropriate, cause to be audited the practices of such electric utility relating to costs subject to an automatic adjustment clause, and shall require such reports as may be necessary to carry out such review (including a disclosure of any ownership or corporate relationship between such electric utility and the seller to such utility of fuel, electric energy, or other item(s).

(3) As used in this subsection and section 113(b), the term 'automatic adjustment clause' means a provision of a rate schedule which provides for increases or decreases (or both), without prior hearing. In rates reflecting increases or decreases (or both) in costs incurred by an electric utility. Such term does not include an interim rate which takes effect subject to a later determination of the appropriate amount of the rate."

REGULATIONS APPLICABLE TO THE ITC STANDARD

Section 113(b)(3) of PURPA establishes the information to consumers standard (ITC) which states: "Each electric utility shall transmit to each of its electric consumers information regarding rate schedules in accordance with the requirements of section 115(f)."

Section 115(f) states:

"(1) For purposes of the standard for information to consumers established by section 113(b)(3), each electric utility shall transmit to each of its electric consumers a clear and concise explanation of the existing rate schedule and any rate schedule applied for (or proposed by a nonregulated electric utility) applicable to such consumer. Such statement shall be transmitted to each such consumer:

(A) not later than sixty days after the date of commencement of service to such consumer or ninety days after the standard established by section 113(b)(3) is adopted with respect to such electric utility, whichever last occurs, and

(2) For purposes of the standard for information to consumers established by section 113(b)(3), each electric utility shall transmit to each of its electric consumers not less frequently than once each year:

(Continued on next page)

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FOR PURPOSES OF ANSWERING ITC RELATED QUESTIONS

The information to consumers standard (ITC) has been:

A. Adopted by a State regulatory authority when such authority has:

1. ordered that a utility covered by the standard shall transmit rate information to its electric consumers according to certain time requirements, in accordance with sections 115(f)(1) and (2) of PURPA; and

2. specified consumption data to be transmitted upon consumer request, and the conditions under which such data shall be considered to be not reasonably ascertainable by the utility, in accordance with section 115(f)(3) of PURPA.

B. Adopted by a nonregulated utility when such nonregulated utility has:

1. issued a written policy statement that it will transmit rate information to its electric consumers according to certain time requirements, in accordance with sections 115(f)(1) and (2) of PURPA; and

2. specified consumption data to be transmitted upon consumer request, and the conditions under which such data shall be considered to be not reasonably ascertainable by the utility, in accordance with section 115(f)(3) of PURPA.

(Continued on next page)

REGULATIONS APPLICABLE TO THE ITC STANDARD (CONTINUED)

(A) a clear and concise summary of the existing rate schedules applicable to each of the major classes of its electric consumers for which there is a separate rate, and

(B) An identification of any classes whose rates are not summarized. Such summary may be transmitted together with such consumer's billing or in such other manner as the State regulatory authority or nonregulatory electric utility deems appropriate.

(3) For purposes of the standard for information to consumers established by section 113(b)(3), each electric utility, on request of an electric consumer of such utility, shall transmit to such consumer a clear and concise statement of the actual consumption for degree-day adjusted consumption of electric energy by such consumer for each billing period during the prior year (unless such consumption data is not reasonably ascertainable by the utility)."

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FOR PURPOSES OF ANSWERING ITC RELATED QUESTIONS

C. Rejected by a State regulatory authority or nonregulated utility when it has issued written policies (or orders) declining to adopt this standard.

REGULATIONS APPLICABLE TO THE TOS STANDARD

Section 113(b)(4) of PURPA establishes the termination of service standard (TOS) for electric utilities, and section 303(b)(1) establishes the same standard for gas utilities, stating: "No electric (gas) utility may terminate electric (natural gas) service to any electric (gas) consumer except pursuant to procedures described in section 115(g)/304(a)."

Section 115(g)/304(a) state:

"The procedures for termination of service referred to in section 113 (d)(4)/303(b)(1) are procedures prescribed by the State regulatory authority (with respect to electric (gas) utilities for which it has ratemaking authority) or by the nonregulated utility which provide that:

(1) no electric (gas) service to an electric (gas) consumer may be terminated unless reasonable prior notice (including notice of rights and remedies) is given to such consumer and such consumer has a reasonable opportunity to dispute the reasons for such termination, and

(2) during any period when termination of service to an electric (gas) consumer would be especially dangerous to health, as determined by the State regulatory authority (with respect to an electric (gas) utility for which it has ratemaking authority) or nonregulated electric (gas) utility, and such consumer establishes that:

(Continued on next page)

FOR PURPOSES OF ANSWERING TOS RELATED QUESTIONS

The termination of service standard (TOS) has been:

A. Adopted by a State regulatory authority when such authority has:

1. prescribed specific procedures, in accordance with sections 115(g)/304(a) of PURPA;

2. ordered that a utility covered by the standard shall not terminate electric (gas) service to any electric (gas) consumer except pursuant to such procedures.

B. Adopted by a nonregulated utility when such nonregulated utility has:

1. prescribed specific procedures, in accordance with sections 115(g)/304(a) of PURPA;

2. issued a written policy that it shall not terminate electric (gas) service to any electric (gas) consumer except pursuant to such procedures.

C. Rejected by a State regulatory authority or nonregulated utility when it had issued written policies (or orders) stating that it has determined not to adopt the standard.

REGULATIONS APPLICABLE TO THE TOS STANDARD (CONTINUED)

(a) he is unable to pay for such service in accordance with the requirements of the utility's billing, or

(b) he is able to pay for such service but only in installments,

such service may not be terminated.

Such procedures shall take into account the need to include reasonable provisions for elderly and handicapped consumers."

REGULATIONS APPLICABLE TO THE ADV STANDARD

Section 113(b)(5) of PURPA establishes the advertising standard (ADV) for electric utilities, and section 303(b)(2) establishes the same standard for gas utilities, stating: "No electric (gas) utility may recover from any person other than the shareholders (or other owners) of such utility any direct or indirect expenditure by such utility for promotional or political advertising as defined in section 115(h)/304(b)."

Sections 115(h)/304(b) state:

"(1) For purposes of this section and section 113(b)(5)/303(b)(2):

(A) The term "advertising" means the commercial use, by an electric (gas) utility, of any media, including newspaper, printed matter, radio, and television, in order to transmit a message to a substantial number of members of the public or to such utility's electric (gas) consumers.

(B) The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(Continued on next page)

FOR THE PURPOSES OF ANSWERING ADV RELATED QUESTIONS

The advertising standard (ADV) has been:

A. Adopted by a State regulatory authority when such authority has issued a written policy (or order) that it will disallow (for ratemaking purposes) any direct or indirect expenditure by a utility covered by the standard for promotional or political advertising, as defined in accordance with section 115(h)/304(b).

B. Adopted by a nonregulated utility when such nonregulated utility had issued a written policy that it will not recover from any person other than the stockholders (or other owners) any direct or indirect expenditures for promotional or political advertising, as defined in accordance with section 115(h)/304(b).

C. Rejected by a State regulatory authority or nonregulatory utility when it has issued written policies (or orders) stating that it has determined not to adopt the standard.

REGULATIONS APPLICABLE TO THE ADV STANDARD (CONTINUED)

(C) The term "promotional advertising" means any advertising for the purpose of encouraging any person to select or use the service or additional service of an electric (gas) utility or the selection or installation of an appliance or equipment designed to use such utility's service.

(2) For the purposes of this subsection and section 113(b)(5)/303(b)(2), the terms "political advertising" and "promotional advertising" do not include:

(A) advertising which informs electric (natural gas) consumers how they can conserve energy (natural gas) or can reduce peak demand for electric (natural gas) energy.

(B) advertising required by law or regulation, including advertising required under part I of title II of the National Energy Conservation Policy Act.

(C) advertising regarding service interruptions, safety measures, or emergency conditions,

(D) advertising concerning employment opportunities with such utility.

(E) advertising which promotes the use of energy efficient appliances, equipment or services, or

(F) any explanation or justification of existing or proposed rate schedules, or notifications of hearings thereon.

PURPA ANNUAL REPORT ON ELECTRIC AND GAS UTILITIES
SECTION II
PART I
General Information on State Regulatory Authority
or Covered Nonregulated Utility

IDENTIFICATION DATA

1.1 State Regulatory Authority (or Covered Nonregulated Utility)

(a)Name

(b)Street

(c)City (d)State (e)Zip Code

1.2 Designated Point(s) of Contact for the Electric Utility Portion of this Report:

(a)Name
(b)Title
(c)City, State
(d)Zip (e)Phone ( )

(f)Name
(g)Title
(h)City, State
(i)Zip (j)Phone ( )

1.3 Designated point(s) of contact for the gas utility portion of this report: (If same as 1.2, enter "SAME".)

(a)Name
(b)Title
(c)City, State
(d)Zip (e)Phone ( )

(f)Name
(g)Title
(h)City, State
(i)Zip (j)Phone ( )

CERTIFICATION

I certify that I am the chairman of this State regulatory authority or the chief executive officer of this nonregulated utility or another commissioner or officer authorized to file an official report on behalf of this authority or utility. I further certify that the data presented in this report (Section II, Parts I through III and attachments) are true, accurate, and complete to the best of my knowledge, and I hereby authorize its release as an official report on behalf of this authority or utility for the purpose of complying with sections 116 and 309 of the Public Utility Regulatory Policies Act (P.L. 95-617).

1.4 Name 1.5 Title

1.6 Signature 1.7 Date

18 USC 1001 makes it a crime for any person knowingly and willfully to make to any Agency or Department of the United States any false, fictitious, or fraudulent statements as to any matter within his or her jurisdiction.

[THIS SHEET IS TO BE RETURNED]

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FOR ANSWERING 1.8 to 1.10:

Which of the following steps have you taken regarding the requirements of sections 121 and 122 of PURPA?

(If your consideration process for all of the standards was completed before November 9, 1978, check NA. Otherwise, check Yes or No.)

1.8 Established a written policy or order, consistent with section 121 of PURPA, that covers the consideration proceedings and provides for intervention, participation, and access to information.

☐ Yes ☐ No ☐ NA

1.9 Adopted a procedure for compensation to certain intervenors that is consistent with section 122(a)(2) of PURPA.

☐ Yes ☐ No ☐ NA

1.10 Provided an alternative means for providing adequate compensation to certain intervenors that is consistent with section 112(b) of PURPA.

☐ Yes ☐ No ☐ NA

[THIS SHEET IS TO BE RETURNED]

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INSTRUCTIONS

I. On pages 30 and 31, column "a", list the covered utilities for which you have ratemaking authority; if none, write "NONE". (For nonregulated utilities, list name.)

For Electric Utilities: Answer question 1.11 on page 30.

For Gas Utilities: Answer question 1.12 on page 31.

II. In the case of utilities that sell both electricity and gas (for regulated and nonregulated utilities), list the utility twice; once in 1.11 and once in 1.12.

III. List utilities in alphabetical order and place an (I) for investor-owned, a (P) for publicly owned, or a (C) for cooperatively-owned after the utility name.

IV. In the space provided next to the utility name, indicate the average number of retail customers, for the year ending December 1982 by: residential class, commercial and industrial class, and all others.

V. In the space provided next to the utility name, indicate total consumption by retail consumers for the year ending December 1982, in GWHR or MMCF by: residential class, commercial and industrial class, and all others. If desired, the utility may answer on a 1982 calendar year or 1982 fiscal year basis. Please see General Instructions on page 4 for more information on this option.

VI. If more space is required, duplicate the form provided and renumber the lines accordingly (for example, E1 will become E16 and G1 will become G16).

IDENTIFICATION OF UTILITIES (CONTINUED)

1.11 Electric Utility Name (a)	(I) (P) (C)	Number of Retail Customers			Consumption (GWH)		
		Residential (b)	Commercial & Industrial (c)	Other (d)	Residential (e)	Commercial & Industrial (f)	Other (g)
(E1)							
(E2)							
(E3)							
(E4)							
(E5)							
(E6)							
(E7)							
(E8)							
(E9)							
(E10)							
(E11)							
(E12)							
(E13)							
(E14)							
(E15)							

[THIS SHEET IS TO BE RETURNED]

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IDENTIFICATION OF UTILITIES (CONTINUED)

1.12 Gas Utility Name (a)	(I) (P) (C)	Number of Retail Customers			Consumption (MMCF)		
		Residential (b)	Commercial & Industrial (c)	Other (d)	Residential (e)	Commercial & Industrial (f)	Other (g)
(G1)							
(G2)							
(G3)							
(G4)							
(G5)							
(G6)							
(G7)							
(G8)							
(G9)							
(G10)							
(G11)							
(G12)							
(G13)							
(G14)							
(G15)							

[THIS SHEET IS TO BE RETURNED]

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PURPA ANNUAL REPORT ON ELECTRIC AND GAS UTILITIES
SECTION II
PART II
Questions Pertaining to each of
the Eleven Standards

INSTRUCTIONS

I. (1) For Electric Utilities: Duplicate the answer sheet on page 35. Prepare one sheet for each electric utility named on page 30.

(2) For Gas Utilities: Duplicate the answer sheet on page 36. Prepare one sheet for each gas utility named on page 31.

II. Enter the utility name in the space provided on the answer sheet. Prepare one answer sheet per utility. For utilities providing both electricity and gas service, you will have one answer sheet for the electric portion of the utility's business and one for the gas portion of the utility's business.

III. (1) For Electric Utilities: Answer all questions for each of the eleven standards.

(2) For Gas Utilities: Answer all questions for only the TOS and ADV standards.

Place all responses on the answer sheets under the abbreviation for that standard and corresponding to the question number.

IV. If the answer box on the answer sheet is shaded, do not answer that question. If instructed to skip a question, leave that answer box blank.

V. Include comments pertaining to a specific utility on the back of that utility's answer sheet. For example, if a ratemaking standard has been adopted, but is still being phased-in, a comment to that effect would be appreciated. General comments are encouraged and should be included on a separate sheet (with appropriate identification).

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QUESTION 2.1

2.1 What was the status of the STANDARD as of December 31, 1982?

STATUS CODES

0 - Consideration process has not begun

1 - Hearing has been scheduled or review process has begun

2 - Consideration process has started but hearing has not been completed

3 - Hearing has been completed

4 - Official determination has been made regarding whether or not it is appropriate to adopt this standard to encourage conservation of electric energy, utility efficiency and equitable rates to consumers, but decision regarding adoption or rejection of this standard has not been made for this utility

5 - Standard has been adopted (i.e., put into effect) as defined in the PURPA regulations (pages 7-26)

6 - Standard has been rejected as defined in the PURPA regulations (pages 7-26)

7 - State law has mandated standard

8 - State law has prohibited standard

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BEFORE CONTINUING TO ANSWER THIS REPORT READ THE FOLLOWING:

For each utility whose status code in Question 2.1 is:

STATUS CODES

0,1,2,3,8 - Do not complete remaining questions in Parts II or III.

5 - Complete all questions in Parts II and III.

4 or 6 - Answer only questions 2.2 through 2.5 in Part II. Answer all questions in Part III.

7 - Answer only questions 2.6 through 2.12 in Part II and all questions in Part III.

QUESTIONS (CONTINUED)

QUESTION 2.2

2.2 Have your proceedings and actions conformed to the requirements of Title I and/or Title III of PURPA for the STANDARD, as defined in the regulations applicable to each standard detailed in pages 7 through 26.

[Enter: Y (Yes)
N (No)]

QUESTIONS 2.3 through 2.5

In your consideration process, have you made written determination that it is (or is not) appropriate to adopt the STANDARD to carry out:

[Enter: Y (Yes it is appropriate);
N (No it is not appropriate;
O (Other, no written determination was made or no conclusions resulted from consideration process).]

2.3 Conservation of energy?
2.4 Optimization of efficiency?
2.5 Equitable rates?

QUESTION 2.6

2.6 Are all consumers in all classes covered by the STANDARD and billed under rate schedules which conform to the adopted or mandated STANDARD?

[Enter: Y (Yes), if Yes, Skip to Part III.
N (No), if No, answer 2.7 through 2.12.]

QUESTIONS 2.7 through 2.9

How many retail consumers who are covered by the STANDARD are billed under rate schedules which conform to the adopted or mandated STANDARD? Report the average number of consumers for the year ending December 1982 for the following "rate schedules":

2.7 Residential class?
2.8 Commercial and industrial class?
2.9 All others?

QUESTIONS 2.10 through 2.12

What were the sales (GWH) to retail consumers who are covered by the STANDARD and are billed under rate schedules that conform to the adopted or mandated STANDARD? Report for the year ending December 1982 for the following rate schedules:

2.10 Residential class?
2.11 Commercial and industrial class?
2.12 All others?

NOTE: If desired, the utility may answer on a 1982 calendar year or 1982 fiscal year basis. Please see General Instructions on page 4 for further information on this option.

ANSWER SHEET FOR PART II

ELECTRIC UTILITY NAME _____

QUESTIONS	(a) COS	(b) DBR	(c) TOD	(d) SLR	(e) INT	(f) LMT	(g) MM	(h) AAC	(i) ITC	(j) TOS	(k) ADV
2.1 (Status Code:0-8)											
2.2 (Y or N)											
2.3 (Y, N or O)											
2.4 (Y, N or O)											
2.5 (Y, N or O)											
2.6 (Y or N)											
2.7 (Number of Customers)											
2.8 (Number of Customers)											
2.9 (Number of Customers)											
2.10 (GWH)											
2.11 (GWH)											
2.12 (GWH)											

COS:Cost of service standard
DBR:Declining block rate standard
TOD:Time of day rates standard
SLR:Seasonal rates standard
INT:Interruptible rate standard
LMT:Load management technique standard
MM: Master metering standard
AAC:Automatic adjustment clause standard
ITC:Information to consumers standard
TOS:Termination of service standard
ADV:Advertising standard

[THIS SHEET IS TO BE DUPLICATED AND RETURNED]

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ANSWER SHEET FOR PART II

GAS
UTILITY Name _____

QUESTIONS	(j) TOS	(k) ADV
2.1 (Status) Code:0-8)		
2.2 (Y or N)		
2.3 (Y, N or O)		
2.4 (Y, N or O)		
2.5 (Y, N or O)		
2.6 (Y or N)		

TOS: Termination of Service Standard
ADV: Advertising Standard

[THIS SHEET IS TO BE DUPLICATED AND RETURNED]

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PURPA ANNUAL REPORT ON ELECTRIC AND GAS UTILITIES

SECTION II
PART III
Standard Specific Questions

INSTRUCTIONS

I. Prepare duplicates of the answer sheet on page 44, as necessary, for each gas utility and electric utility named on pages 30 and 31.

II. Enter the name of each utility in the space provided on the answer sheet. If the utility provides both electric and gas services, prepare two answer sheets for the utility, one for each service.

III. Answer questions 3.1 through 3.34 for each electric utility. When answering questions for a gas utility, answer only questions 3.29 through 3.34.

IV. Include comments pertaining to a specific utility on the back of that utility's answer sheet. General comments are encouraged and should be included on a separate sheet.

QUESTIONS (CONTINUED)

QUESTIONS 3.1 through 3.5: COS Standard

- If you have not made a determination on the Cost Of Service standard, go on to question 3.6.

For Questions 3.1 through 3.5:

- If an official determination has been made concerning the Cost of Service standard, if the standard has been adopted or if it has been mandated (status codes 4,5, or 7 for question 2.1), does your standard address the methods described in 3.1 through 3.5?

  [Enter: R (Methods are required by standard)
  A (Methods are allowed by standard)
  F (Methods are forbidden by standard)
  NC (Methods are not covered by standard)]

- OR,
  If you have REJECTED the Cost of Service standard (status code 6 for question 2.1), had you considered using the methods described in 3.1 through 3.5?

  [Enter: Y (Methods were considered)
  N (Methods were not considered)]

3.1 Methods that permit identification of customer demand and energy-related cost of service for each class of customer?

3.2 Methods that take into account the change in total costs resulting from adding capacity to meet peak demand?

3.3 Methods that take into account the change in total costs resulting from delivery of additional kWh?

3.4 Methods that permit the use of embedded cost data in setting rates?

3.5 Methods that permit the use of marginal cost data in setting rates?

QUESTIONS 3.6 through 3.7: DBR Standard

- If a determination has not been made concerning the Declining Block Rate standard, go on to question 3.8.

- If a determination has been made concerning the Declining Block Rate or if it has been mandated by state law (status codes 4,5,6 or 7 for Question 2.1), does your declining block rate standard, as adopted, address the following methods:

  [Enter: R (Required by standard)
  A (Allowed by standard)
  F (Forbidden by standard)
  NC (Not covered (addreased) by standard
  NA (Not applicable, standard not adopted)]

3.6 The use of methods for determining the costs attributable to the energy component of a declining block rate?

3.7 Energy (i.e. kWh) charges that decline only to the extent that energy-related costs of service decline with increases in consumption?

QUESTIONS 3.8 through 3.11: TOD Standard

- If a determination has not been made concerning the Time-of-Day rate standard, go on to question 3.12.

For Questions 3.8 through 3.11:

- If an official determination has been made concerning the Time-of-Day rate standard, if the standard has been adopted, or if it has been mandated (status codes 4,5, or 7 for Question 2.1), does your standard address the methods described in 3.8 through 3.11?

  [Enter: R (Methods are allowed by standard)
  P (Methods are forbidden by standard)
  NC (Methods are not covered by standard)

- OR,
  If you have REJECTED the Time-of-Day rate standard, had you considered using the methods described in 3.8 through 3.11?

  [Enter: Y (Methods were considered)
  N (Methods were not considered)]

3.8 Methods for determining costs of providing electric service at different times of day?

3.9 Methods that take into account the change in total costs resulting from adding capacity to meet peak demand?

3.10 Methods that take into account the change in total costs resulting from delivery of additional kWh?

3.11 Methods that permit the determination of the cost-effectiveness of time-of-day rates?

QUESTION 3.12: SLR Standard

- If a determination has not been made concerning the Seasonal Rate standard, go on to question 3.13.

- If a determination has been made concerning the Seasonal Rate standard, or if it has been mandated by state law, answer the following:

  [Enter: R (Required by standard)
  A (Allowed by standard)
  F (Forbidden by standard)
  NC (Not covered (addressed) by standard)
  NA (Not applicable, standard not adopted)]

3.12 Does the Seasonal Rate standard, as adopted, address the use of methods prescribed by you for determining cost incurrence by season of the year for each class of customer?

QUESTIONS 3.13 through 3.17: INT Standard

- If a determination has not been made concerning the Interruptible Rate standard, go on to 3.18.

For Questions 3.13 and 3.14:

- If an official determination has been made concerning the Interruptible Rate Standard, if the standard has been adopted, or if it has been mandated (status codes 4,5, or 7 for Question 2.1), does your standard address the methods described in 3.13 through 3.14 for determining costs of providing interruptible electrical power service to the industrial and commercial class:

[Enter:
R (Methods are required by standard)
A (Methods are allowed by standard)
F (Methods are forbidden by standard)
NC (Methods are not covered by standard)]

• OR,
If you have REJECTED the Interruptible Rate standard (status code 6 for question 2.1), had you considered using the methods described in 3.13 and 3.14?

[Enter: Y (Methods were considered)
N (Methods were not considered)]

3.13 Methods that take into account the change in total costs resulting from adding capacity to meet peak demand?

3.14 Methods that take into account the change in total costs resulting from the delivery of additional kWh?

For rate schedules in effect as of December 31, 1982 and that complied with your interruptible rates standard:

3.15 How many commercial and industrial consumers were eligible to be billed under interruptible rates? Report the average number of consumers for the month ending December 1981.

3.16 How many commercial and industrial consumers were actually billed under interruptible rates? Report the average number of consumers for the month ending December 1982.

3.17 What is the number of megawatts of interruptible load contracted for from such interruptible consumers? Report as of December 31, 1982.

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QUESTIONS 3.18 through 3.21 LMT Standard

• If a determination has not been made concerning the Load Management Technique standard, go on to 3.22.

For Questions 3.18 through 3.21:

• If an official determination has been made concerning the Load Management Technique standard, if the standard has been adopted, or if it has been mandated (status codes 4,5, or 7 for Question 2.1) does your standard address the methods described in 3.18 through 3.21?

[Enter: R (Methods are required by standard)
A (Methods are allowed by standard)
F (Methods are forbidden by standard)
NC (Methods are not covered by standard)]

• OR,
If you have REJECTED the Load Management Technique standard (status code 6 for Question 2.1), had you considered using the methods described in 3.18 through 3.21?

[Enter: Y (Methods were considered)
N (Methods were not considered)]

3.18 Methods that take into account the change in total costs resulting from adding capacity to meet peak demand?

3.19 Methods that permit a determination of a likely reduction in maximum kilowatt demand on the electric utility from utilization of available load management techniques?

3.20 Methods that permit a determination of likely long run cost savings to the utility of reductions in maximum KW demand?

3.21 Methods that permit a determination of whether an available technique is practicable, cost-effective, reliable, and provides useful energy or capacity management advantages to the electric utility?

QUESTIONS 3.22 through 3.23: MM Standard

- If a determination has not been made concerning the Master Metering standard, go on to question 3.24.
- If a determination has been made concerning the Master Metering standard or if it has been mandated by state law, does your Master Metering standard require specific criteria for separate metering, including:

[Enter: Y (Criteria required)
N (Criteria not required)
NA (Not applicable, standard not adopted)]

3.22 The occupant of each unit having control over a portion of the electric energy used in such unit?

3.23 The long-run benefits to the electric consumer in the building exceeding the costs of purchasing and installing separate meters?

QUESTIONS 3.24 through 3.25: AAC Standard

- If a determination has not been made concerning the Automatic Adjustment Clause standard, go on to 3.26.
- If a determination has been made concerning the Automatic Adjustment Clause or if it has been mandated by state law, does the Automatic Adjustment Clauses standard, as adopted, require the following or, if the standard was not adopted, did you consider the following in your hearing process:

[Enter: Y (Yes)
N (No)]

3.24 Evidentiary hearings to be held not less often than every 4 years to determine whether each clause covered by the standard provides incentives for efficient use of resources by the electric utility?

3.25 Is your review of each covered clause not less often than every 2 years to ensure maximum economies in operations and purchases that affect automatic adjustment clause rates?

QUESTIONS 3.26 through 3.28: ITC Standard

- If a determination has not been made concerning the Information to Consumers standard, go on to 3.29.
- If an official determination has been made or if the standard was mandated by state law, does the Information to Consumers standard, as adopted, require the following:

QUESTIONS (CONTINUED)

[Enter: Y (Yes)
N (No)
NA (Not applicable, standard not adopted)]

3.26 Transmittal of information to consumers of existing rate schedule and any rate schedule applied for as specified in PURPA?

3.27 Transmittal of a summary of the existing rate schedules applicable to each of the major consumer classes for which there is a separate rate to consumers, not less frequently than once each year?

3.28 Transmittal of the identification of any classes whose rates are not summarized, not less frequently than once each year?

QUESTIONS 3.29 through 3.32: TOS Standard

- If a determination has not been made concerning the Termination of Service standard, go on to question 3.33.
- If an offical determination has been made concerning the Termination of Service standard or if it is mandated by state law, does the Termination of Service standard, as adopted, require the following:

[Enter: Y (Yes)
N (No)
NA (Not applicable, standard not adopted)]

3.29 Prior notice of termination?

3.30 Prior notice to include third party notification, or other special procedures for notifying elderly and handicapped consumers?

3.31 A notice of rights and remedies to be provided to the consumer with all termination notices?

3.32 Service not to be terminated when:
(a) Consumer's health is in danger and;
(b) he is unable to pay in accordance with the utility's billing practices and;
(c) he has established that he can only afford to pay in installments?

QUESTIONS 3.33 through 3.34: ADV Standard

- Answer questions 3.33 and 3.34 if an official determination has been made concerning the Advertising Standard or if it has been mandated by state law.

[Enter: Y (Yes)
N (No)
NA (Not applicable, standard not adopted)]

3.33 Definitions of political and promotional advertising which conform to those given in sections 115(h)(1) and (2) or 304(b)(1) and (2) of PURPA (see pages 25 and 26)?

3.34 Prohibitions on the recovery of political and promotional advertising expenses from rate-payers or any persons other than shareholdes (or other owners)?

ANSWER SHEET FOR PART III

ELECTRIC UTILITY NAME _____
OR
GAS UTILITY NAME _____

(If answering questions for an electric utility, answer questions 3.1 through 3.34; If answering questions for a gas utility, answer only questions 3.29 through 3.34.)

COS

3.1	
3.2	
3.3	
3.4	
3.5	

SLR

3.12	

INT

3.13	
3.14	
3.15	
3.16	
3.17	

DBR

3.6	
3.7	

MM

3.22	
3.23	

AAC

3.24	
3.25	

TOS

3.29	
3.30	
3.31	
3.32	

TOD

3.8	
3.9	
3.10	
3.11	

LMT

3.18	
3.19	
3.20	
3.21	

ITC

3.26	
3.27	
3.28	

ADV

3.33	
3.34	

COS:Cost of service standard
DBR:Declining block rate standard
TOD:Time of day rates standard
SLR:Seasonal rates standard
INT:Interruptible rate standard
LMT:Load management technique standard
MM: Master metering standard
AAC:Automatic adjustment clause standard
ITC:Information to consumers standard
TOS:Termination of service standard
ADV:Advertising standard

[THIS SHEET IS TO BE DUPLICATED AND RETURNED]

ERA-166 (11-82)

RETURN THE FOLLOWING PAGES:

27
28
30
31
35 (duplicated for each utility)
36 (duplicated for each utility)
43 (duplicated for each utility)

RETURN THEM TO:

PURPA Annual Report on Electric and Gas Utilities
Office of Fuels Programs
Economic Regulatory Administration
Department of Energy, Forrestal Building
1000 Independence Avenue, S.W., Room GA-017
Washington, D.C. 20585

RETURN THEM BY:

February 28, 1983

IF YOU HAVE ANY QUESTIONS CALL:

Steven Mintz
(202) 252-4523

ERA-166 (11-82)

[FR Doc. 83-782 Filed 1-12-83; 8:45 am]
BILLING CODE 6450-01-C

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-79-43B]

Electric and Gas Utilities Covered in 1983 by Title I and III of the Public Utility Regulatory Policies Act of 1978 and Title II and VII of the National Energy Conservation Policy Act of 1978 and Requirements for State Regulatory Authorities To Notify the Department of Energy

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) and section 211(b) of the National Energy Conservation Policy Act (NECPA) require the Secretary of Energy to publish a list before the beginning of each calendar year, identifying each electric utility and gas utility to which Titles I and III of PURPA and Titles II and VII of NECPA apply during such calendar year. The 1983 list is published here as two separate tabulations. Appendix A lists the covered utilities by State, and Appendix B lists them alphabetically.

Each State regulatory authority is required, pursuant to sections 102(c) and 301(d) of PURPA and section 211(b) of NECPA, to notify the Secretary of Energy of each electric utility and gas utility on the list for which such State regulatory authority has ratemaking authority. In addition, written comments are requested on the accuracy of the list of electric utilities and gas utilities.

DATE: Notifications by State regulatory authorities and written comments must be received by no later than 4:30 p.m. on February 14, 1983.

ADDRESS: Notifications and written comments should be forwarded to: Department of Energy, Petroleum and Electricty Division, 1000 Independence Avenue, SW. (Room GA-017), Docket No. ERA-R-79-43B, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Steven Mintz, Petroleum and Electricity Division, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Room GA-017, Washington, D.C. 20585, 202/252-4523.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 et seq. (16 U.S.C. 2601 et seq.), and section 211(b) of the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3206 et seq., (42 U.S.C. 8211 et seq.), hereinafter referred to as the "Acts", the Department of Energy (DOE) is required to publish a list of utilities to which Titles I and III of PURPA and Titles II and VII of NECPA apply in 1983. State regulatory authorities are required by the above cited Acts to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the reponsible authority under the Acts.

The term "State regulatory authority" means any State, including the District of Columbia and Puerto Rico, or a political subdivision thereof, and any agency or instrumentality, either of which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency) and in the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility to which Title I applies during such calendar year. An electric utility is defined as any person, State agency or Federal agency, which sells electric energy. An electric utility is covered by Title I for any calendar year if it had total sales of electric energy for purposes other than resale in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1983 if it exceeded the threshold in 1976, 1977, 1978, 1979, 1980, or 1981.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of Title III requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each gas utility to which Title III applies during such calendar year. A gas utility is defined as any person, State agency or Federal agency, engaged in the local distribution of natural gas and the sale of natural gas to any ultimate consumer of natural gas. A gas utility is covered by Title III if it had total sales of natural gas for purposes other than resale in excess of 10 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. A gas utility is covered in 1983 if it exceeded the threshold in 1976, 1977, 1978, 1979, 1980, or 1981.

Title II, Part 1, of NECPA addresses residential conservation programs, and Title VII of NECPA, enacted as part of the Energy Security Act, Pub. L. 96-294, 94 Stat. 611 et seq. (42 U.S.C. 8701 et seq.), addresses commercial building and multi-family dwelling conservation programs. Section 211(b) contains a requirement, similar to that of PURPA, that the Secretary of Energy publish a list of electric and gas utilities to which Titles II and VII apply. The NECPA requirements for coverage of electric utilities and gas utilities differ from the PURPA requirements in only three respects:

(1) The threshold for electric utilities is 750 million kilowatt-hours for purposes other than resale;

(2) A utility is covered for any calendar year if it exceeded the threshold during the second preceding calendar year. A utility is covered in 1983 if it exceeded the threshold in 1981, and

(3) Only utilities which have residential sales are covered by Title II and only utilities which have sales to commercial buildings or multi-family dwellings are covered by Title VII.

In compiling the list published today, DOE revised the 1982 list (47 FR 226, January 5, 1982), upon the assumption that all entities included on the 1982 list are properly included on the 1983 list unless DOE has information to the contrary. In doing this, DOE took into account information which was received from the Rural Electrification Agency, or included in public documents, regarding entities which exceeded the PURPA and NECPA thresholds for the first time in 1981. DOE beleives that it will become aware of any errors or omissions in the list published today by means of the comment process called for by this notice. DOE will, after consideration of any comment and other information available to DOE, provide written notice of any further additions or deletions to the list.

II. Notification and Comment Procedures

No later than 4:30 p.m. on February 14, 1983, each State regulatory authority must notify the Department of Energy in writing of each utility on the list over which it has ratemaking authority. Fifteen copies of such notification should be submitted to the address

indicated in the "ADDRESS" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA–R–79–43B." Such notification should include:

(1) A complete list of electric utilities and gas utilities over which the State regulatory authority has ratemaking authority,

(2) Legal citations pertaining to the ratemaking authority of the State regulatory authority, and

(3) For any listed utility known to be subject to other ratemaking authorities within the State for portions of its service area, a precise description of the portion to which such notification applies.

All interested persons, including State regulatory authorities, are invited to comment in writing, no later than 4:30 p.m. on any errors or omissions with respect to the list. Five copies of such comments should be sent to the address indicated in the "ADDRESS" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA–R–79–43B." Written comments should include the commenter's name, address and telephone number.

All notifications and comments received by DOE will be available for public inspection in the ERA Reading Room, Room 1E–190, 1000 Independence Avenue, SW., Washington, D.C. 20585 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

III. List of Electric Utilities and Gas Utilities

DOE is publishing in Appendix A and Appendix B, two different tabulations of the list of utilities which meet both PURPA and NECPA coverage requirements. In both appendices, the listed utilities not covered by NECPA are noted. As stated above, the inclusion or exclusion of any utility on or from the lists does not affect its legal obligations or those of the responsible State regulatory authority under PURPA and NECPA.

Appendix A is a tabulation of utilities which separately identifies, by State, and each State regulatory authority, the covered utilities it regulates, and other covered utilities in the State which are not regulated by the State regulatory authority. This tabulation, including explanatory notes, is based on information provided to DOE by State regulatory authorities in response to the January 5, 1982 **Federal Register** Notice (47 FR 226) requiring the State regulatory authorities to notify DOE of each utility on the list over which it has ratemaking authority, comments received with respect to that notice, and information subsequently available to DOE.

The utilities classified in Appendix A as not regulated by the State regulatory authority may in fact be regulated by local municipal authorities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority. Therefore, each such municipality is to notify DOE of each utility on the list over which it has ratemaking authority.

In Appendix B, the utilities are listed alphabetically, subdivided into electric utilities and gas utilities, and further subdivided by type of ownership: investor-owned utilities, publicly-owned utilities, and rural cooperatives.

The changes to the 1982 list of electric and gas utilities are as follows:

Additions:

* Blue Ridge Electric Membership Corporation
* Bowling Green Municipal Utilities
* Brownsville Public Utility Board
* Bryan Municipal Electric System
Citizens Utilities Company
Colonial Gas Energy System
Commonwealth Gas Service Incorporated
*Conowingo Power Company
*Dalton Water, Light & Sink
*Danville Water, Gas & Electric
Energas Company
*Fort Pierce Utilities Authority
*Groton Public Utilities
*High Point Electric Utility Department
*Maine Public Service Company
*Midwest Energy Incorporated
*Murfreesboro Electric Department
*Nantahala Power & Light Company
Northeast Utilities
*Ocala Utilities
*Rochester Department of Public Utilities
*Rural Electric System
Texas New Mexico Power Company
Trans Louisiana Gas Company
*Vero Beach Municipal Authority
*Walton Electric Membership Corporation

Deletions:

Arkansas Power & Light Company (TN)
Greeley Gas Company (MN)
Kentucky Utilities Company (TN)

Modifications:

CHANGE—New Bedford Gas & Edison Light Company
TO—Commonwealth Electric Company
CHANGE—Virginia Electric & Power Company (under Gas Utilities)
TO—Virginia Natural Gas Company

Asterisk (*) Removed:

Burbank Public Service Department (CA)
Gainesville Regional Utilities (FL)
Glendale Public Service Department (CA)
Rappahannock Electric Cooperative (VA)
Withlacoochee River Electric Cooperative (FL)

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, 92 Stat. 3117 et seq. (16 U.S.C. 2601 et seq.); National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3206 et seq., (42 U.S.C. 6211 et seq.))

Issued in Washington, D.C. on December 22, 1982.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

Appendix A

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977, 1978, 1979, 1980 or 1981 and are covered by PURPA Title III and NECPA Titles II and VII. Utilities marked (*) do not have residential or commercial sales, and therefore, are not covered by NECPA Titles II and VII.

All electric utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt-hours in 1976, 1977, 1978, 1979, 1980 or 1981. All, except those marked (*) are covered by PURPA Title I and NECPA Titles II and VII. Utilities marked (*) are not covered by NECPA Titles II and VII because they either do not exceed the NECPA threshold or 750 million kilowatt-hours in 1981 for purposes other than resale, or do not have residential or commercial sales.

State: Alabama

Regulatory Authority: Alabama Public Service Commission.

Gas Utilities

Investor-Owned:
Alabama Gas Corporation
Mobile Gas Service Corporation

Electric Utilities

Investor-Owned:
Alabama Power Company:
The following covered utilities within the State of Alabama are not regulated by the Alabama Public Service Commision:

Electric Utilities

Publicly-Owned:
Decatur Electric Department
*Dothan Electric Department
*Florence Electricity Department
Huntsville Electric System
Rural Electric Cooperatives:
*Rural Electric System

State: Alaska

Regulatory Authority: Alaska Public Utilities Commission.

Gas Utilities

Investor-Owned:
Alaska Gas and Service Company

Electric Utilities

Rural Electric Cooperatives:
Chugach Electric Association
Publicly-Owned:
Anchorage Municipal Light & Power Department

State: Arizona

Regulatory Authority: Arizona Corporation Commission.

Gas Utilities

Investor-Owned:
Arizona Public Service Company
Southern Union Gas Company
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Arizona Public Service Company
Tucson Electric Power Company
The following covered utility within the State of Arizona is not regulated by the Arizona Corporation Commission:

Electric Utilities

Publicly-Owned:
Salt River Project Agricultural Improvement and Power District
*Trico Electirc Cooperative, Inc.

State: Arkansas

Regulatory Authority: Arkansas Public Service Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Arkansas-Oklahoma Gas Corporation
Arkansas Western Gas Company
Associated Natural Gas Company

Electric Utilities

Investor-Owned:
Arkansas-Missouri Power Comapny
Arkansas Power and Light Company
Empire District Electric Company
Oklahoma Gas and Electric Company
Southwestern Electric and Power Comapny
Rural Electric Cooperatives:
*First Electric Cooperative Corporation
The following covered utility within the State of Arkansas is not regulated by the Arkansas Public Service Commission:
Publicly-Owned:
*North Little Rock Electric Department

State: California

Regulatory Authority: California Public Utilities Commission.

Gas Utilities

Investor-Owned:
Pacific Gas and Electric Company
San Diego Gas and Electric Company
Southern California Gas Company
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Pacific Gas and Electric Company
Pacific Power and Light Company
San Diego Gas and Electric Company
Sierra Pacific Power Company
Southern California Edison Company
The following covered utilities within the State of California are not regulated by the California Public Utilities Commission.

Electric Utilities

Publicly-Owned:
Anaheim Electric Division
Burbank Public Service Department
*Glendale Public Service Department
Imperial Irrigation District
Los Angeles Department of Water and Power
Modesto Irrigation District
Palo Alto Electric Utility
Pasadena Water and Power Department
Riverside Public Utilities
Sacramento Municipal Utility District
Santa Clara Electric Department
*Turlock Irrigation District
Vernon Municipal Light Department

Gas Utilities

Publicly-Owned:
Long Beach Gas Department

State: Colorado

Regulatory Authority: Colorado Public Utilities Commission.

Gas Utilities

Investor-Owned:
Greeley Gas Company
Iowa Electric Light and Power Company
Kansas-Nebraska Natural Gas Company
Peoples Natural Gas Company, Division of Internorth, Inc.
Public Service Company of Colorado
Publicy-Owned:
Colorado Springs Department of Public Utilities (jurisdiction only outside city limits)

Electric Utilities

Investor-Owned:
Public Service Company of Colorado
Western Power Division of Centel
Publicly-Owned:
Colorado Springs Department of Public Utilities (jurisdiction only outside city limits)

The following covered utilities within the State of Colorado are not regulated by the Colorado Public Utilities Commission:

Gas Utilities

Publicly-Owned:
Colorado Springs Department of Public Utilities (within city limits)

Electric Utilities

Publicy-Owned:
Colorado Springs Department of Public Utilities (within city limits)

State: Connecticut

Regulatory Authority: Connecticut Division of Public Utility Control

Gas Utilities

Investor-Owned:
Connecticut Light and Power Company
Connecticut Natural Gas Corporation
Northeast Utilities
Southern Connecticut Gas Company

Electric Utilities

Investor-Owned:
Citizens Utilities Company
Connecticut Light and Power Company
Hartford Electric Light Company
United Illuminating Company
Publicly-Owned:
*Groton Public Utilities

State: Delaware

Regulatory Authority: Delaware Public Service Commission.

Gas Utilities

Investor-Owned:
Delmarva Power and Light Company

Electric Utilities

Investor-Owned:
Delmarva Power and Light Company

State: District of Columbia

Regulatory Authority: Public Service Commission of the District of Columbia.

Gas Utilities

Investor-Owned:
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Potomac Electric Power Company

State: Florida

Regulatory Authority: Florida Public Service Commission.

Gas Utilities

Investor-Owned:
City Gas Company of Florida
Peoples Gas System

Electric Utilities

Investor-Owned:
Florida Power Corporation
Florida Power and Light Company
Gulf Power Company
Tampa Electric Company
Publicly-Owned: The Florida Public Service Commission has rate structure jurisdiction over the following utilities—
*Fort Pierce Utility Authority
Gainesville Regional Utilities
Jacksonville Electric Authority
Lakeland Department of Electricity and Water
*Ocala Utilities
Orlando Utilities Commission
Tallahassee, City of
*Vero Beach Municipal Auth.
Rural Electric Cooperatives: The Florida Public Service Commission has rate structure jurisdiction over the following utilities—
Clay Electric Cooperative
Lee County Electric Cooperative
Withlachoochee River Electric Cooperative

State: Georgia

Regulatory Authority: Georgia Public Service Commission.

Gas Utilities

Investor-Owned:
Atlanta Gas Light Company
Chattanooga Gas Company
Gas Light Company of Columbus

Electric Utilities

Investor-Owned:
Georgia Power Company
Savannah Electric and Power Company

The following utilities within the State of Georgia are not regulated by the Georgia Public Service Commission.

Electric Utilities

Publicly-Owned:
*Albany Water, Gas & Light Commission
*Dalton Water, Light & Sink
Rural Electric Cooperatives:
*Cobb Electric Membership Corporation

*Flint Electrical Membership Corporation
*Jackson Electric Membership Corporation
North Georgia Electric Membership Corporation
*Walton Electric Membership Corporation

State: Hawaii

Regulatory Authority: Hawaii Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Hawaiian Electric Company, Inc.

State: Idaho

Regulatory Authority: Idaho Public Utilities Commission.

Gas Utilities

Investor-Owned:
Intermountain Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:
Idaho Power Company
Pacific Power and Light Company
Utah Power and Light Company
Washington Water Power Company

State: Illinois
Regulatory Authority: Illinois Commerce Commission.

Gas Utilities

Investor-Owned:
Central Illinois Light Company
Central Illinois Public Service Company
Illinois Power Company
Interstate Power Company
Iowa-Illinois Gas and Electric Company
North Shore Gas Company
Northern Illinois Gas Company
Panhandle Eastern Pipeline Company
Peoples Gas, Light and Coke Company

Electric Utilities

Investor-Owned:
Central Illinois Light Company
Central Illinois Public Service Company
Commonwealth Edison Company
Illinois Power Company
Interstate Power Company
Iowa-Illinois Gas and Electric Company
Union Electric Company

The following covered utility within the State of Illinois is not regulated by the Illinois Commerce Commission:

Electric Utilities

Publicly-Owned:
Springfield Water, Light and Power Department

State: Indiana
Regulatory Authority: Indiana Public Service Commission.

Gas Utilities

Investor-Owned:
Indiana Gas Company
Kokomo Gas and Fuel Company
Northern Indiana Public Service Company
Southern Indiana Gas and Electric Comapny
Terre Haute Gas Corporation
Publicly-Owned:
Citizens Gas and Coke Utility

Electric Utilities

Investor-Owned:
Indiana and Michigan Electric Company
Indianapolis Power and Light Company
Northern Indiana Public Service Company
Public Service Company of Indiana
Southern Indiana Gas and Electric Company
Publicly-Owned:
*Richmond Power and Light

State: Iowa

Regulatory Authority: Iowa Commerce Commission.

Gas Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Iowa Southern Utilities Company
Minnesota Gas Company
North Central Public Service Company
Peoples Natural Gas Company, Division of Internorth, Inc.

Electric Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Iowa Southern Utilities Company
Union Electric Company
Publicly-Owned: The Iowa Commerce Commission has service and safety regulation over the following utilities—
Muscatine Power and Water
Omaha Public Power District

State: Kansas

Regulatory Authority: Kansas State Corporation Commission.

Gas Utilities

Investor-Owned:
Anadarko Production Company
Arkansas-Louisiana Gas Company
Gas Service Company
Greeley Gas Company
Kansas-Nebraska Natural Gas Company
Kansas Power and Light Company
Northern Natural Gas Company
Panhandle Eastern Pipeline Company
Peoples Natural Gas Company, Division of Internorth, Inc.
Union Gas System Inc.

Electric Utilities

Investor-Owned:
Central Kansas Power Company
Empire District Electric Company
Kansas City Power and Light Company
Kansas Gas and Electric Company
Kansas Power and Light Company
Southerwestern Public Service Company
Western Power Division of Centel

The following covered utility within the State of Kansas is not regulated by the Kansas State Corporation Commission:

Electric Utilities

Public-Owned:
Kansas City Board of Public Utilities
Rural Electric Cooperatives:
*Midwest Energy Incorporated

State: Kentucky

Regulatory Authority: Kentucky Energy Regulatory Commission

Gas Utilities

Investor-Owned:
Columbia Gas of Kentucky, Inc.
Inland Gas Company
Louisville Gas and Electric Company
Union Light, Heat and Power Company
Western Kentucky Gas Company

Electric Utilities

Investor-Owned:
Kentucky Power Company
Kentucky Utilities Company
Louisville Gas and Electric Company
Union Light, Heat and Power Company
Rural Electric Cooperatives:
Green River Electric Corporation
Henderson-Union Rural Electric Cooperative Corporation

The following covered utilities within the State of Kentucky are not regulated by the Kentucky Energy Regulatory Commission:
*Bowling Green Municipal Utilities
*Owensboro Municipal Utilities
*Pennyrile Rural Electric Cooperative Corporation
*Warren Rural Electric Cooperative Corporation
*West Kentucky Rural Electric Cooperative Corporation

State: Louisiana

Regulatory Authority: Louisiana Public Service Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Entex, Inc.
Gulf States Utilities Company
Louisiana Gas Service Company

Electric Utilities

Investor-Owned:
Arkansas Power and Light
Central Louisiana Electric Company
Gulf States Utilities Company
Louisiana Power and Light Company (jurisdiction only outside of the Parish of Orleans)
Southwestern Electric Power Company

The following covered utilities within the State of Louisiana are not regulated by the Louisiana Public Service Commission:

Gas Utilities

Investor-Owned:
New Orleans Public Service, Inc.

Electric Utilities

Investor-Owned:
New Orleans Public Services, Inc.
Louisiana Power and Light Company (within the Parish of Orleans)
Publicly-Owned:
Lafayette Utilities System

Rural Electric Cooperatives:
*Dixie Electric Membership Corporation
Southwest Louisiana Electric Membership Corporation

State: Maine

Regulatory Authority: Maine Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Bangor Hydro-Electric Company
Central Maine Power Company
*Maine Public Service Company

State: Maryland

Regulatory Authority: Maryland Public Service Commission.

Gas Utilities

Investor-Owned:
Baltimore Gas and Electric Company
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Baltimore Gas and Electric Company
*Conowingo Power Company
Delmarva Power and Light Company of Maryland
Potomac Edison Company
Potomac Electric Power Company
Rural Electric Cooperatives:
Southern Maryland Electric Cooperative, Inc.

State: Massachusetts

Regulatory Authority: Massachusetts Department of Public Utilities

Gas Utilities

Investor-Owned:
Bay State Gas Company
Boston Gas Company
Colonial Gas Energy System
Commonwealth Gas Company
Lowell Gas Company
New Bedford Gas and Edison Light Company

Electric Utilities

Investor-Owned:
Boston Edison Company
Cambridge Electric Light Company
Commonwealth Electric Company
Eastern Edison Company
Massachusetts Electric Company
Western Massachusetts Electric Company

State: Michigan

Regulatory Authority: Michigan Public Service Commission.

Gas Utilities

Investor-Owned:
Consumers Power Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Southeastern Michigan Gas Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:
Consumers Power Company
Detroit Edison Company
Indiana and Michigan Electric Company
*Lake Superior District Power Company
*Michigan Power Company
Upper Peninsula Power Company
Wisconsin Electric Power Company
Wisconsin Public Service Corporation
The following covered utilities within the State of Michigan are not regulated by the Michigan Public Service Commission:

Electric Utilities

Publicly-Owned:
Lansing Board of Water and Light

State: Minnesota

Regulatory Authority: Minnesota Public Utility Commission.

Gas Utilities

Investor-Owned:
Inter City Gas Company
Interstate Power Company
Iowa Electric Light and Power Company
Minnesota Gas Company
Montana-Dakota Utilities Company
North Central Public Service Company
Northern States Power Company
Peoples Natural Gas Company-Division of Internorth Inc.

Electric Utilities

Investor-Owned:
Interstate Power Company
Minnesota Power and Light Company
Northern States Power Company
Otter Tail Power Company
The following covered utility within the State of Minnesota is not regulated by the Minnesota Public Service Commission:

Electric Utilities

Publicly-Owned:
*Rochester Department of Public Utilities
Rural Electric Cooperatives
*Anoka Electric Cooperative

State: Mississippi

Regulatory Authority: Mississippi Public Service Commission.

Gas Utilities

Investor-Owned:
Entex, Inc.
Mississippi Valley Gas Company

Electric Utilities

Investor-Owned:
Mississippi Power and Light Company
Mississippi Power Company
The following covered utilities within the State of Mississippi are not regulated by the Mississippi Public Service Commission.

Electric Utilities

Rural Electric Cooperatives:
*4-County Electric Power Association
*Singing River Electric Power Association
*Southern Pine Electric Power Association

State: Missouri

Regulatory Authority: Missouri Public Service Commission.

Gas Utilities

Investor-Owned:
Associated Naturl Gas Company
Gas Service Company
Laclede Gas Company Consolidated
Missouri Public Service Company
Peoples Natural Gas Company, Division of Internorth. Inc.

Electric Utilities

Investor-Owned:
Arkansas-Missouri Power Company
Empire District Electric Company
Kansas City Power and Light Company
Missouri Edison Company
Missouri Power and Light Company
Missouri Public Service Company
Missouri Utilities Company
St. Joseph Light and Power Company
Union Electric Company
The following covered utilities within the State of Missouri are not regulated by Missouri Public Service Commission.

Gas Utilities

Investor-Owned:
Cities Service Gas Company
Publicly-Owned
Springfield City Utilities

Electric Utilities

Publicly-Owned:
*Independence Power and Light Department
Springfield City Utilities

State: Montana

Regulatory Authority: Montana Public Service Commission.

Gas Utilities

Investor-Owned:
Montana-Dakota Utilities Company
Montana Power Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Montana-Dakota Utilities Company
Montana Power Company
Pacific Power and Light Company
Washington Water Power Company

State: Nebraska

Regulatory Authority: Nebraska Public Service Commission.
The Commission does not regulate the rates and service of the gas and electric utilities of the State of Nebraska
The following covered utilities within the State of Nebraska are not regulated by the Nebraska Public Service Commission.

Electric Utilities

Publicly-Owned:
Lincoln Electric System
Nebraska Public Power District
Omaha Public Power District

Gas Utilities

Investor-Owned:
Gas Service Company
Iowa Electric Light and Power Company
Iowa Public Service Company
Kansas-Nebraska Natural Gas Company
Minnesota Gas Company
Northern Natural Gas Company
Northwestern Public Service Company
Peoples Natural Gas Company, Division of Internorth Inc.

The governing body of each Nebraska municipality exercises ratemaking jurisdiction over gas utility rates, operations and services provided by a gas utility within its city or town limits. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority.

Publicly-Owned:
Metropolitan Utilities District of Omaha

State: Nevada

Regulatory Authority: Nevada Public Service Commission.

Gas Utilities

Investor-Owned:
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Idaho Power Company
Nevada Power Company
Sierre Pacific Power Company

State: New Hampshire

Regulatory Authority: New Hampshire Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor Owned:
Public Service Company of New Hampshire

State: New Jersey

Regulatory Authority: New Jersey Department of Energy Board of Public Utilities.

Gas Utilities

Investor Owned:
Elizabethtown Gas Company
New Jersey Natural Gas Company
Public Service Electric and Company
South Jersey Gas Company

Electric Utilities

Investor-Owned:
Atlantic City Electric Company
Jersey Central Power and Light Company
Public Service Electric and Gas Company
Rockland Electric Company

State: New Mexico

Regulatory Authority: New Mexico Public Service Commission.

Gas Utilities

Gas Company of New Mexico

Electric Utilities

Investor Owned:
Community Public Service Company
El Paso Electric Company
*New Mexico Electric Service Company
Public Service Company of New Mexico
Southwestern Public Service Company

State: New York

Regulatory Authority: New York Public Service Commission.

Gas Utilities

Investor-Owned:
Brooklyn Union Gas Company
Columbia Gas of New York, Inc
Consolidated Edison Company of New York, Inc.
Long Island Lighting Company
National Fuel Gas Distribution Corporation
New York State Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilites
Rochester Gas and Electric Corporation

Electric Utilities

Investor Owned:
Central Hudson Gas and Electric Corporation
Consolidated Edison Company of New York
Long Island Lighting Company
New York State Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

The following covered utility within the State of New York is not regulated by the New York Public Service Commission:

Electric Utilities

Publicly-Owned:
Power Authority of New York

State: North Carolina

Regulatory Authority: North Carolina Utilities Commission.

Gas Utilities

Investor-Owned:
North Carolina Natural Gas Corporation
Piedmont Natural Gas Company
Public Service Company, Inc. of North Carolina

Electric Utilities

Investor-Owned:
Carolina Power and Light Company
Duke Power Company
*Nantahala Power & Light Company
Virginia Electric and Power Company

The following covered utilities within the State of North Carolina are not regulated by the North Carolina Utitlities Commission:

Electric Utilities

Publicly-Owned:
Fayetteville Public Works Commission
*Greenville Utilities Commission
*High Point Electric Utility Department
*Rocky Mount Public Utilities
*Wilson Utilities Department
Rural Electric Cooperatives:
*Blue Ridge Electric Membership Corporation

State: North Dakota

Regulatory Authority: North Dakota Public Service Commission.

Gas Utilities

Investor-Owned:
Montana Dakota Utilities Company
Northern States Power Company

Electric Utilities

Investor-Owned:
Montana Dakota Utilities Company
Northern State Power Company
Otter Tail Power Company

State: Ohio

Regulatory Authority: Ohio Public Utilities Commission.

Gas Utilities

Investor-Owned:
Cincinnati Gas and Electric Company
Columbia Gas of Ohio, Inc.
Dayton Power and Light Company
East Ohio Gas Company
National Gas and Oil Company
West Ohio Gas Company

Electric Utilities

Investor-Owned:
Cincinnati Gas and Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Dayton Power and Light Company
Monongahela Power Company
Ohio Edison Company
Ohio Power Company
Toledo Edison Company

The following covered utilities within the State of Ohio are not regulated by the Ohio Public Utilities Commission:

Electric Utilities

Publicly-Owned:
*Cleveland Division of Light and Power
Rural Electric Cooperatives:
*South Central Power Company

State: Oklahoma

Regulatory Authority: Oklahoma Corporation Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Arkansas-Oklahoma Gas Corporation
Gas Service Company
Lone Star Gas Company
Oklahoma Natural Gas Company
Southern Union Gas Company
Union Gas System Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Oklahoma Gas and Electric Company
Public Service Company of Oklahoma
Southwestern Public Service Company

The following covered utility within the State of Oklahoma is not regulated by the Oklahoma Corporation Commission.
*Cotton Electric Cooperative

Gas Utilities

Investor-Owned:
Cities Service Gas Company

State: Oregon

Regulatory Authority: Public Utility Commissioner of Oregon.

Gas Utilities

Investor-Owned:
Cascade Natural Gas Corporation
Northwest Natural Gas Company

Electric Utilities

Investor-Owned:
Idaho Power Company

Pacific Power and Light Company
Portland General Electric Company

The following covered utilities within the State of Oregon are not regulated by the Public Utility Commissioner of Oregon:

Electric Utilities

Publicly-Owned:
Central Lincoln People's Utility District
*Clatskanie People's Utility District
Eugene Water and Electric Board
*Springfield Utilities Board

Rural Electric Cooperatives:
*Umatilla Electric Cooperative Association

State: Pennsylvania

Regulatory Authority: Pennsylvania Public Utility Commission.

Gas Utilities

Investor-Owned:
Carnegie Natural Gas Company
Columbia Gas of Pennsylvania, Inc.
Equitable Gas Company
National Fuel Gas Distribution Corporation
North Penn Gas Company
Pennsylvania Gas and Water Company
Peoples Natural Gas Company
Philadelphia Electric Company
T. W. Phillips Gas and Oil Company
UGI Corporation

Electric Utilities

Investor-Owned:
Duquesne Light Company
Metropolitan Edison Company
Pennsylvania Electric Company
Pennsylvania Power Company
Pennsylvania Power and Light Company
Philadelphia Electric Company
*UGI—Luzerne Electric Division
West Penn Power Company

The following covered utility within the State of Pennsylvania is not regulated by the Pennsylvania Public Commission:

Gas Utilities

Publicly-Owned:
Philadelphia Gas Works

State: Puerto Rico

Regulatory Authority: Puerto Rico Public Service Commission.

Gas Utilities

None.

Electric Utilities

None.

The following covered utility within Puerto Rico is not regulated by the Puerto Rico Public Service Commission:

Electric Utilities

Publicly-Owned:
Puerto Rico Electric Power Authority

State: Rhode Island

Regulatory Authority: Rhode Island Public Utilities Commission.

Gas Utilities

Investor-Owned:
Providence Gas Company

Electric Utilities

Investor-Owned:
Blackstone Valley Electric Company
Narragansett Electric Company

State: South Carolina

Regulatory Authority: South Carolina Public Service Commission.

Gas Utilities

Investor-Owned:
*Carolina Pipeline Company
Piedmont Natural Gas Company
South Carolina Electric and Gas Company

Electric Utilities

Investor-Owned:
Carolina Power and Light Company
Duke Power Company
South Carolina Electric and Gas Company

The following covered utility within the State of South Carolina is not regulated by the South Carolina Public Service Commission:

Electric Utilities

Publicly-Owned:
South Carolina Public Service Authority

State: South Dakota

Regulatory Authority: South Dakota Public Utilities Commission.

Gas Utilities

Investor-Owned:
Iowa Public Service Company
Minnesota Gas Company
Montana-Dakota Utilities Company
Northwestern Public Service Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Iowa Public Service Company
Montana-Dakota Utilities Company
Northern States Power Company
*Northwestern Public Service Company
Otter Tail Power Company

The following covered utility within the State of South Dakota is not regulated by the South Dakota Public Service Commission:

Electric Utilities

Publicly-Owned:
Nebraska Public Power District

State: Tennessee

Regulatory Authority: Tennessee Public Service Commission.

Gas Utilities

Investor-Owned:
Chattanooga Gas Company
Nashville Gas Company

Electric Utilities

Investor-Owned:
Kingsport Power Company

The following covered utilities within the State of Tennessee are not regulated by the Tennessee Public Service Commission:

Electric Utilities

Publicly-Owned:
*Bristol Tennessee Electric System
Chattanooga Electric Power Board
*Clarksville Department of Electricity
*Cleveland Utilities
*Greensville Light and Power System
*Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
*Lenoir City Utilities Board
Memphis Light, Gas and Water Division
*Murfreesboro Electric Department
*Nashville Electric Services

Rural Electric Cooperatives:
*Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
*Duck River Electric Membership Corporation
*Gibson County Electric Membership Corporation
*Meriwether Lewis Electric Cooprative
Middle Tennessee Electric Membership Corporation
*Southwest Tennessee Electric Membership Corporation
*Tri-County Electric Membership Corporation
*Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative

Gas Utilities

Publicy-Owned:
Memphis Light, Gas and Water Division

State: Tennessee

Regulatory Authority: Tennessee Valley Authority.

Gas Utilities

None.

Electric Utilities

Publicly-Owned:
*Bristol Tennessee Electric System
Chattanooga Electric Power Board
*Clarksville Department of Electricity
*Cleveland Utilities
Decatur Electric Department
*Florence Electricity Department
*Greeneville Light And Power System
Huntsville Electric System
Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
*Lenoir City Utilities Board
Memphis Light, Gas and Water Division
*Murfreesboro Electric Department
Nashville Electric Service

Rural Electric Cooperatives:
*Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
*Duck River Electric Membership Corporation
*Four-County Electric Power Association
*Gibson County Electric Membership Corporation
*Meriwether Lewis Electric Cooperative
Middle Tennessee Electric Membership Corporation
North Georgia Electric Membership Corporation
*Pennyrile Rural Electric Cooperative Corporation
*Southwest Tennessee Electric Membership Corporation

*Tri-County Electric Membership Corporation
*Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative
*Warren Rural Electric Cooperative Corporation
*West Kentucky Rural Electric Cooperative Corporation

State: Texas

Regulatory Authority: Texas Public Utility Commission.

Gas Utilities

Investor-Owned:
None.

Electric Utilities

Investor-Owned:
Central Power and Light Company
Community Public Service Company
Dallas Power and Light Company
El Paso Electric Company
Gulf States Utilities
Houston Lighting and Power Company
Southwestern Electric Power Company
*Southwestern Electric Service Company
Southwestern Public Service Company
Texas Electric Service Company
Texas New Mexico Power Company
Texas Power and Light Company
West Texas Utilities Company
Publicly-Owned:
*Brownsville Public Utility Board
*Bryan Municipal Electric System
*Lower Colorado River Authority
Rural Electric Cooperatives:
*Pedernales Electric Cooperative

The governing body of each Texas municipality excerises exclusive original jurisdiction over electric utility rates, operations and services provided by an electric utility (whether privately owned or publicly owned) within its city or town limits, unless the municipality has surrendered this jurisdiction to the Texas Public Utility Commission. The Commission bears *de novo* appeals from the decisions of such municipalities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The municipally-owned electric utilities listed below are not under the commission's original ratemaking jurisdiction.

Electric Utilities

Publicly-Owned:
Austin Electric Department
Garland Electric Department
*Lubbock Power and Light
San Antonio City Public Service Board

State: Texas

Regulatory Authority: Railroad Commission of Texas.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Energas Company
Entex, Inc.
Lone Star Gas Company
Peoples Natural Gas Division of Northern Natural Gas Company
Pioneer Natural Gas Company
Southern Union Gas Company
Trans Louisiana Gas Company

The Railroad Commission of Texas has special appellate jurisdiction over ratemaking decisions of the governing body of any municipality which affect the rates of a municipally-owned gas utility as provided by State statute. The governing body of each Texas municipality exercises exclusive original ratemaking jurisdiction over gas utility rates, operations, and services provided by a gas utility within its city or town limits. These municipal authorities would be State agencies as defined by PURPA and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The following covered utilities within the State of Texas are not regulated by the Railroad Commission of Texas:

Gas Utilities

Investor-Owned:
City Service Gas Company
Public-Owned:
City Public Service Board (San Antonio)

State: Utah

Regulatory Authority: Utah Public Service Commission.

Gas Utilities

Investor-Owned:
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:
Utah Power and Light Company
Rural Electric Cooperatives:
*Moon Lake Electric Association

State: Vermont

Regulatory Authority: Vermont Public Service Board.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Central Vermont Public Service Corporation
Green Mountain Power Corporation
Public Service Company of New Hampshire

State: Virginia

Regulatory Authority: Virginia State Corporation Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of Virginia, Inc.
Virginia Natural Gas Company
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Appalachian Power Company
Delmarva Power and Light Company
*Old Dominion Power Company
Potomac Edison Company
Potomac Electric and Power Company
Virginia Electric and Power Company
Publicly-Owned:
*Danville Water, Gas & Electric
Rural Electric Cooperatives:
*Prince William Electric Cooperative
Rappahannock Electric Cooperative

The State covered utility within the State of Virginia is not regulated by the Virginia State Corporation Commission.

Gas Utilities

Publicly-Owned:
City of Richmond, Virginia, Department of Public Utilities

State: Washington

Regulatory Authority: Washington Utilities and Transportation Commission.

Gas Utilities

Investor-Owned:
Cascade Natural Gas Corporation
Northwest Natural Cas Company
Washington Natural Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:
Pacific Power and Light Company
Puget Sound Power and Light Company
Washington Water Power Company

The State covered utility within the State of Washington are not regulated by the Washington Utilities and Transportation Commission.

Electric Utilities

Publicly-Owned:
*Port Angeles Light and Water Department
Public Utility District No. 1 of Benton County
Public Utility District No. 1 of Chelan County
Public Utility District No. 1 of Clark County
Public Utility District No. 1 of Cowlitz County
*Public Utility District No. 1 of Douglas County
*Public Utility District No. 1 of Franklin County
Public Utility District of Grant County
Public Utility District No. 1 of Grays Harbor County
*Public Utility District No. 1 of Lewis County
Public Utility District No. 1 of Snohomish County
*Richland Energy Services Department
Seattle City Light Department
Tocoma Public Utilities—Light Division

State: West Virginia

Regulatory Authority: West Virginia Public Service Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of West Virginia, Inc.
Consolidated Gas Supply Corporation
Equitable Gas Company

Electric Utilities

Investor-Owned:
Appalachian Power Company
Monongahela Power Company
Potomac Edison Company
Virginia Electric and Power Company
Wheeling Electric Company

State: Wisconsin

Regulatory Authority: Wisconsin Public Service Commission.

Gas Utilities

Investor-Owned:
Madison Gas and Electric Company
Northern States Power Company
Wisconsin Fuel and Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:
*Lake Superior District Power Company
Madison Gas and Electric Company
Northern States Power Company
Wisconsin Electric Power Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

State: Wyoming

Regulatory Authority: Wyoming Public Service Commission.

Gas Utilities

Investor-Owned:
Cheyenne Light Fuel and Power Company
Kansas-Nebraska Natural Gas Company
Montana-Dakota Utilities Company
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Montana-Dakota Utilities Company
Pacific Power and Light Company
Utah Power and Light Company
Rural Electric Cooperative:
*Tri-County Electric Association, Inc.

Appendix B

Electric Utilities

All utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt hours in 1976, 1977, 1978, 1979, 1980 or 1981. All except those marked (*) are covered by PURPA Title I and NECPA Title II and VII. Utilities marked (*) either did not exceed the NECPA threshold of 750 million kilowatt-hour in 1981 for purposes other than resale, or do not have residential or commercial sales and therefore, are not covered by NECPA Titles II and VII. The utilities listed more than once have sales in more than one State, and those States are indicated by abbreviations in parentheses.

Investor-Owned:
Alabama Power Company
Appalachian Power Company (VA)
Appalachian Power Company (WV)
Arizona Public Service Company
Arkansas-Missouri Power Company (AR)
Arkansas-Missouri Power Company (MO)
Arkansas Power & Light Company (AR)
Arkansas Power & Light Company (LA)
Atlantic City Electric Company
Baltimore Gas & Electric Company
Bangor Hydro-Electric Company
Black Hills Power & Light Company (MT)
Black Hills Power & Light Company (SD)
Black Hills Power & Light Company (WY)
Blackstone Valley Electric Company
Boston Edison Company
Cambridge Electric Light Company
Carolina Power & Light Company (NC)
Carolina Power & Light Company (SC)
Central Hudson Gas & Electric Corporation
Central Illinois Light Company
Central Illinois Public Service Company
*Central Kansas Power Company
Central Louisiana Electric Company
Central Maine Power Company
Central Power & Light Company
Central Vermont Public Service Corporation
Cincinnati Gas & Electric Company
Citizens Utilities Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Commonwealth Edison Company
Commonwealth Electric Company
Community Public Service Company (NM)
Community Public Service Company (TX)
Connecticut Light & Power Company
* Conowingo Power Company
Consolidated Edison Company of New York
Consumers Power Company
Dallas Power & Light Company
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
Delmarva Power & Light Company (VA)
Delmarva Power & Light Company of Maryland
Detroit Edison Company
Duke Power Company (NC)
Duke Power Company (SC)
Duquesne Light Company
Eastern Edison Company
El Paso Electric Company (NM)
El Paso Electric Company (TX)
Empire District Electric Company (AR)
Empire District Electric Company (KS)
Empire District Electric Company (MO)
Empire District Electric Company (OK)
Florida Power Corporation
Florida Power & Light Company
Georgia Power Company
Green Mountain Power Corporation
Gulf Power Company
Gulf States Utilities Company (LA)
Gulf States Utilities Company (TX)
Hartford Electric Light Company
Hawaiian Electric Company Inc.
Houston Lighting & Power Company
Idaho Power Company (ID)
Idaho Power Company (NV)
Idaho Power Company (OR)
Illinois Power Company
Indiana & Michigan Electric Company (IN)
Indiana & Michigan Electric Company (MI)
Indianapolis Power & Light Company
Interstate Power Company (IA)
Interstate Power Company (IL)
Interstate Power Company (MN)
Iowa Electric Light & Power Company
Iowa-Illinois Gas & Electric Company (IA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Public Service Company (IA)
Iowa Public Service Company (SD)
Iowa Southern Utilities Company
Jersey Central Power & Light Company
Kansas City Power & Light Company (KS)
Kansas City Power & Light Company (MO)
Kansas Gas & Electric Company
Kansas Power & Light Company
Kentucky Power Company
Kentucky Utilities Company (KY)
Kingsport Power Company
*Lake Superior District Power Company (MI)
*Lake Superior District Power Company (WI)
Long Island Lighting Company
Louisiana Power & Light Company
Louisville Gas & Electric Company
Madison Gas & Electric Company
*Maine Public Service Company
Massachusetts Electric Company
Metropolitan Edison Company
*Michigan Power Company
Minnesota Power & Light Company
Mississippi Power Company
Mississippi Power & Light Company
Missouri Edison Company
Missouri Power & Light Company
Missouri Public Service Company
Missouri Utilities Company
Monongahela Power Company (OH)
Monongahela Power Company (WV)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
*Nantahala Power & Light Company
Narragansett Electric Company
Nevada Power Company
*New Mexico Electric Service Company
New Orleans Public Service Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation
Northern Indiana Public Service Company
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (SD)
Northern States Power Company (WI)
Northwestern Public Service Company
Ohio Edison Company
Ohio Power Company
Oklahoma Gas & Electric Company (AR)
Oklahoma Gas & Electric Company (OK)
*Old Dominion Power Company
Orange & Rockland Utilities
Otter Tail Power Company (MN)
Otter Tail Power Company (ND)
Otter Tail Power Company (SD)
Pacific Gas & Electric Company
Pacific Power Light Company (CA)
Pacific Power Light Company (ID)
Pacific Power Light Company (MT)
Pacific Power Light Company (OR)
Pacific Power Light Company (WA)
Pacific Power Light Company (WY)
Pennsylvania Electric Company
Pennsylvania Power & Light Company
Pennsylvania Power Company
Philadelphia Electric Company
Portland General Electric Company
Potomac Edison Company (MD)
Potomac Edison Company (VA)
Potomac Edison Company (WV)
Potomac Electric Power Company (DC)
Potomac Electric Power Company (MD)
Potomac Electric Power Company (VA)
Public Service Company of Colorado
Public Service Company of Indiana
Public Service Company of New Hampshire (NH)
Public Service Company of New Hampshire (VT)
Public Service Company of New Mexico

Public Service Company of Oklahoma
Public Service Electric and Gas Company
Puget Sound Power & Light Company
Rochester Gas & Electric Corporation
Rockland Electric Company
St. Joseph Light & Power Company
San Diego Gas & Electric Company
Savannah Electric & Power Company
Sierra Pacific Power Company (CA)
Sierra Pacific Power Company (NV)
South Carolina Electric & Gas Company
Southern California Edison Company
Southern Indiana Gas & Electric Company
Southwestern Electric Power Company (AR)
Southwestern Electric Power Company (LA)
Southwestern Electric Power Company (TX)
*Southwestern Electric Service Company
Southwestern Public Service Company (KS)
Southwestern Public Service Company (NM)
Southwestern Public Service Company (OK)
Southwestern Public Service Company (TX)
Tampa Electric Company
Texas Electric Service Company
Texas New Mexico Power Company
Texas Power & Light Company
Toledo Edison Company
Tucson Electric Power Company
*UGI-Luzerne Electric Division
Union Electric Company (LA)
Union Electric Company (IL)
Union Electric Company (MO)
Union Light, Heat & Power Company
United Illuminating Company
*Upper Peninsula Power Company
Utah Power & Light Company (ID)
Utah Power & Light Company (UT)
Utah Power & Light Company (WY)
Virginia Electric & Power Company (NC)
Virginia Electric & Power Company (VA)
Virginia Electric & Power Company (WV)
Washington Water Power Company (ID)
Washington Water Power Company (MT)
Washington Water Power Company (WA)
West Penn Power Company
West Texas Utilities Company
Western Massachusetts Electric Company
Western Power Division of Centel (CO)
Western Power Division of Centel (KS)
Wheeling Electric Company
Wisconsin Electric Power Company (MI)
Wisconsin Electric Power Company (WI)
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Publicly-Owned:
*Albany Water, Gas & Light Commission (GA)
Anaheim—Electric Division (CA)
*Anchorage Municipal Light & Power Department (AK)
Austin Electric Department (TX)
*Bowling Green Municipal Utilities (KY)
*Bristol Tennessee Electric System (TN)
*Brownsville Public Utility Board (TX)
*Bryan Municipal Electric System (TX)
Burbank Public Service Department (CA)
Central Lincoln People's Utility District (OR)
Chattanooga Electric Power Board (TN)
*Clarksville Department of Electricity (TN)
*Clatskanie People's Utility District (OR)
*Cleveland Division of Light & Power (OH)
*Cleveland Utilities (TN)
Colorado Springs Department of Public Utilities (CO)
*Dalton Water, Light & Sink (GA)
*Danville Water, Gas & Electric (VA)
Decatur Electric Department (AL)
*Dothan Electric Department (AL)
Eugene Water & Electric Board (OR)
Fayetteville Public Works Commission (NC)
*Forence Electricity Department (AL)
*Fort Pierce Utilities Authority (FL)
Gainesville Regional Utilities (FL)
Garland Electric Department (TX)
Glendale Public Service Department (CA)
*Greeneville Light & Power System (TN)
*Greenville Utilities Commission (NC)
*Groton Public Utilities (CT)
*High Point Electric Utility Dept. (NC)
Huntsville Electric System (AL)
Imperial Irrigation District (CA)
*Independence Power & Light Department (MO)
Jackson Utility Division—Electric Department (TN)
Jacksonville Electric Authority (TN)
Johnson City Power Board (TN)
Kansas City Board of Public Utilities (KS)
Knoxville Utilities Board (TN)
Lafayette Utilities System (LA)
Lakeland Department of Electricity and Water (FL)
Lansing Board of Water & Light (MI)
*Lenoir City Utilities Board (TN)
Lincoln Electric System (NE)
Los Angeles Department of Water and Power (CA)
*Lower Colorado River Authority (TX)
*Lubbock Power & Light (TX)
Memphis Light, Gas & Water Division (TN)
Modesto Irrigation District (CA)
*Murfreeesboro Electric Dept. (TN)
*Muscatine Power & Water (IA)
Nashville Electric Service (TN)
Nebraska Public Power District (NE)
Nebraska Public Power District (SD)
*North Little Rock Electric Department (AR)
*Ocala Utilities (FL)
Omaha Public Power District (IA)
Omaha Public Power District (NE)
Orlando Utilities Commission (FL)
*Owensboro Municipal Utilities (KY)
Palo Alto Electric Utility (CA)
Pasadena Water & Power Department (CA)
*Power Authority of New York (NY)
*Port Angeles Light & Water Department (WA)
Public Utility District No. 1 of Benton County (WA)
Public Utility District No. 1 of Chelan County (WA)
Public Utility District No. 1 of Clark County (WA)
Public Utility District No. 1 of Cowlitz County (WA)
*Public Utility District No. 1 of Douglas County (WA)
*Public Utility District No. 1 of Franklin County (WA)
Public Utility District No. 1 of Grant County (WA)
Public Utility District No. 1 of Grays Harbor County (WA)
Public Utility District No. 1 of Lewis County (WA)
Public Utility District No. 1 of Snohomish County (WA)
Puerto Rico Electric Power Authority
*Richland Energy Services Department (WA)
*Richmond Power & Light (IN)
Riverside Public Utilities (CA)
*Rochester Department of Public Utilities (MN)
*Rocky Mount Public Utilities (NC)
Sacramento Municipal Utility District (CA)
Salt River Project Agricultural Improvement and Power District (AZ)
San Antonio City Public Service Board (TX)
Santa Clara Electric Department (CA)
Seattle City Light Department (WA)
South Carolina Public Service Authority
*Springfield City Utilities (MO)
*Springfield Utilities Board (OR)
Springfield Water, Light & Power Department (IL)
Tacoma Public Utilities—Light Division (WA)
Tallahassee, City of (FL)
*Turlock Irrigation District (CA)
Vernon Municipal Light Department (CA)
*Vero Beach Municipal Auth. (FL)
*Wilson Utilities Department (NC)

Rural Electric Cooperatives
*Anoka Electric Cooperative (MN)
*Applachian Electric Cooperative (TN)
*Blue Ridge Electric Membership Corporation (NC)
Chugach Electric Association (AK)
Clay Electric Cooperative (FL)
*Cobb Electric Membership Corporation (GA)
*Cotton Electric Cooperative (OK)
Cumberland Electric Membership Corporation (TN)
*Duck River Electric Membership Corporation (TN)
*Dixie Electric Membership Corporation (LA)
*First Electric Cooperative Corporation (AR)
*Flint Electrical Membership Corporation (GA)
*Four County Electric Power Association (MS)
*Gibson County Electric Membership Corporation (TN)
Green River Electric Corporation (KY)
Henderson-Union Rural Electric Cooperative Corporation (KY)
*Jackson Electric Membership Corporation (GA)
Lee County Electric Cooperative (FL)
*Meriwether Lewis Electric Cooperative (TN)
Middle Tennessee Electric Membership Corporation (TN)
*Midwest Energy Incorporated (KS)
*Moon Lake Electric Association (UT)
North Georgia Electric Membership Corporation (GA)
*Pedernales Electric Cooperative (TX)
*Pennyrile Rural Electric Cooperative Corporation (KY)
*Prince William Electric Cooperative (VA)
Rappahannock Electric Cooperative (VA)

*Rural Electric System (AL)
*Singing River Electric Power Association (MS)
*South Central Power Company (OH)
Southern Maryland Electric Cooperative, Inc. (MD)
*Southern Pine Electric Power Association (MS)
Southwest Louisiana Electric Membership Corporation (LA)
*Southwest Tennessee Electric Membership Corporation (TN)
*Trico Electric Cooperative, Inc. (AZ)
*Tri-County Electric Association, Inc. (WY)
*Tri-County Electric Membership Corporation (TN)
*Umatilla Electric Cooperative Association (OR)
*Upper Cumberland Electric Membership Corporation (TN)
Volunteer Electric Cooperative (TN)
*Walton Electric Membership Corporation (GA)
*Warren Rural Electric Cooperative Corporation (KY)
*West Kentucky Rural Electric Cooperative Corporation (KY)
Withlacoochee River Electric Cooperative (FL)

Federal Agencies

*Bonneville Power Administration (OR)
*Tennessee Valley Authority (TN)
*Western Area Power Administration (CO)

Gas Utilities

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977, 1978, 1979, 1980 or 1981 and are covered by PURPA Title III and NECPA Titles II and VII. Utilities marked (*) do not have residential or commercial sales, and therefore, are not covered by NECPA Title II or VII. The utilities listed more than once have sales in more than one State and those States are indicated by abbreviations in parentheses.

Investor-Owned

Alabama Gas Corporation
Alaska Gas & Service Company
Anadarko Production Company
Arizona Public Service Company
Arkansas-Louisiana Gas Company (AR)
Arkansas-Louisiana Gas Company (KS)
Arkansas-Louisiana Gas Company (LA)
Arkansas-Louisiana Gas Company (OK)
Arkansas-Louisiana Gas Company (TX)
Arkansas-Oklahoma Gas Corporation (AR)
Arkansas-Oklahoma Gas Corporation (OK)
Arkansas Western Gas Company
Associated Natural Gas Company (AR)
Associated Natural Gas Company (MO)
Atlanta Gas Light Company
Baltimore Gas & Electric Company
Bay State Gas Company
Boston Gas Company
Brooklyn Union Gas Company
Carnegie Natural Gas Company
*Carolina Pipeline Company
Cascade Natural Gas Corporation (OR)
Cascade Natural Gas Corporation (WA)
Central Illinois Light Company
Central Illinois Public Service Company
Chattanooga Gas Company (GA)
Chattanooga Gas Company (TN)
Cheyenne Light, Fuel and Power Company
Cincinnati Gas and Electric Company
Cities Service Gas Company (covered by NECPA only)
City Gas Company of Florida
Colonial Gas Energy System
Columbia Gas of Kentucky, Inc.
Columbia Gas of New York, Inc.
Columbia Gas of Ohio, Inc.
Columbia Gas of Pennsylvania, Inc.
Columbia Gas of Virginia, Inc.
Columbia Gas of West Virginia, Inc.
Commonwealth Gas Company
Commonwealth Gas Service Incorporated
Connecticut Light & Power Company
Connecticut Natural Gas Corporation
Consolidated Edison Company of New York, Inc.
Consolidated Gas Supply Corporation
Consumers Power Company
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
East Ohio Gas Company
Elizabethtown Gas Company
Energas Company
Entex Inc. (LA)
Entex Inc. (MS)
Entex Inc. (TX)
Equitable Gas Company (PA)
Equitable Gas Company (WV)
Gas Company of New Mexico
Gas Light Company of Columbus
Gas Service Company (KS)
Gas Service Company (MO)
Gas Service Company (NE)
Gas Service Company (OK)
Greeley Gas Company (CO)
Greeley Gas Company (KS)
Gulf States Utilities Company
Illinois Power Company
Indiana Gas Company
Inland Gas Company
Inter City Gas Company
Intermountain Gas Company
Interstate Power Company (IA)
Interstate Power Comapany (IL)
Interstate Power Company (MN)
Iowa Electric Light & Power Company (CO)
Iowa Electric Light & Power Company (IA)
Iowa Electric Light & Power Company (MN)
Iowa Electric Light & Power Company (NE)
Iowa-Illinois Gas & Electric Company (IA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Public Service Company (IA)
Iowa Public Service Company (NE)
Iowa Public Service Company (SD)
Iowa Southern Utilities Company
Kansas-Nebraska Natural Gas Company (CO)
Kansas-Nebraska Natural Gas Company (KS)
Kansas-Nebraska Natural Gas Company (NE)
Kansas-Nebraska Natural Gas Company (WY)
Kansas Power & Light Company
Kokomo Gas & Fuel Company
Laclede Gas Company Consolidated
Lone Star Gas Company (OK)
Lone Star Gas Company (TX)
Long Island Lighting Company
Louisiana Gas Service Company
Louisville Gas & Electric Company
Lowell Gas Company
Madison Gas & Electric Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Minnesota Gas Company (IA)
Minnesota Gas Company (MN)
Minnesota Gas Company (NE)
Minnesota Gas Company (SD)
Mississippi Valley Gas Company
Missouri Public Service Company
Mobile Gas Service Corporation
Montana-Dakota Utilities Company (MN)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
Mountain Fuel Supply Company (UT)
Mountain Fuel Supply Company (WY)
Nashville Gas Company
National Fuel Gas Distribution Corporation (NY)
National Fuel Gas Distribution Corporation (PA)
National Gas and Oil Company
New Bedford Gas and Edison Light Company
New Jersey Natural Gas Company
New Orleans Public Service, Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Company
North Carolina Natural Gas Corporation
North Central Public Service Company (IA)
North Central Public Service Company (MN)
North Shore Gas Company
Northeast Utilities (CT)
Northern Illinois Gas Company
Northern Indiana Public Service Company
Norhern Natural Gas Company (KS)
Northern Natural Gas Company (NE)
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (WI)
North Penn Gas Company
Northwest Natural Gas Company (OR)
Northwest Natural Gas Company (WA)
Northwestern Public Service Company (NE)
Northwestern Public Service Company (SD)
Oklahoma Natural Gas Company
Orange & Rockland Utilities
Pacific Gas & Electric Company
Panhandle Eastern Pipeline Company (IL)
Panhandle Eastern Pipeline Company (KS)
Pennsylvania Gas & Water Company
Peoples Gas, Light and Coke Company
Peoples Gas System
Peoples Natural Gas Company
Peoples Natural Gas Company, Division of Internorth, Inc. (CO)
Peoples Natural Gas Company, Division of Internorth, Inc. (IA)
Peoples Natural Gas Company, Division of Internorth, Inc. (KS)
Peoples Natural Gas Company, Division of Internorth, Inc. (MI)
Peoples Natural Gas Company, Division of Internorth, Inc. (MN)
Peoples Natural Gas Company, Division of Internorth, Inc. (MO)
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Peoples Natural Gas Company, Division of Internorth, Inc. (TX)

Philadelphia Electric Company
Piedmont Natural Gas Company (NC)
Piedmont Natural Gas Company (SC)
Pioneer Natural Gas Company
Providence Gas Company
Public Service Company of Colorado
Public Service Company, Inc. of North Carolina
Public Service Electric and Gas Company
Rochester Gas & Electric Corporation
San Diego Gas & Electric Company
South Carolina Gas & Electric Company
South Jersey Gas Company
Southeastern Michigan Gas Company
Southern California Gas Company
Southern Conneticut Gas Company
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Terre Haute Gas Corporation
Trans Louisiana Gas Company
T.W. Phillips Gas and Oil Company
UGI Corporation
Union Gas System, Inc. (KS)
Union Gas System, Inc. (OK)
Union Light, Heat & Power Company (KY)
Virginia Natural Gas Company
Washington Gas Light Company (DC)
Washington Gas Light Company (MD)
Washington Gas Light Company (VA)
Washington Natural Gas Company
Washington Water Power Company (ID)
Washington Water Power Company (WA)
West Ohio Gas Company (DC)
Western Kentucky Gas Company
Wisconsin Fuel & Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Public-Owned

Citizens Gas & Coke Utility (IN)
City of Richmond, Virginia, Department of Public Utilities (VA)
City Public Service Board (San Antonio) (TX)
Colorado Springs, Department of Public Utilities (CO)
Long Beach Gas Department (CA)
Memphis Light, Gas & Water Division (TN)
Metropolitan Utilities District of Omaha (NE)
Philadelphia Gas Works (PA)
Springfield City Utilities (MO)

[FR Doc. 83-783 Filed 1-12-83; 8:45 am]
BILLING CODE 6450-01-M

federal register

Thursday
January 13, 1983

Part III

Office of Management and Budget

Budget Rescissions and Deferrals; Cumulative Report

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

January 1, 1983.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of January 1, 1983 of one rescission proposal and 35 deferrals contained in the first three special messages of FY 1983. these messages were transmitted to the Congress on October 1, and December 7, and 16, 1982.

Rescissions (Table A and Attachment A)

One rescission proposal totaling $2 million is currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of January 1, 1983, while Attachment A shows the history and status of each rescission proposed during FY 1983.

Deferrals (Table B and Attachment B)

As of January 1, 1983, $2,548.3 million in 1983 budget authority was being deferred from obligation and another $31 thousand in 1983 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1983.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** listed below:

Vol. 47, No. 194, FR p. 44524, Thursday, October 7, 1982

Vol. 47, No. 238, FR p. 55602, Friday, December 10, 1982

Vol. 47, No. 246, FR p. 57230, Wednesday, December 22, 1982

David A. Stockman,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1983 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$2.0
Accepted by the Congress	-0-
Rejected by the Congress	-0-
Pending before the Congress	$2.0

TABLE B

STATUS OF 1983 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$ 3,364.8
Routine Executive releases (-$814.6 million) and adjustments (-$1.9 million) through January 1, 1983	-816.5
Overturned by the Congress	0
Currently before the Congress	$ 2,548.3 a

a. This amount includes $31 thousand in outlays for a Department of the Treasury deferral (D83-16A).

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983 AS OF 12/28/82 19:35

AS OF JANUARY 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Construction							
BA	R83- 1	2,000		12 16 82			

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 01/06/83 18:01

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-83
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Foreign military sales credit	BA	D83- 21	165,000		12 7 82				165,000
Economic support fund	BA	D83- 22	554,720		12 7 82	-551,150			3,570
Military assistance	BA	D83- 29	11,650		12 7 82	-11,650			
International Development Assistance									
Functional development assistance program	BA	D83- 1	8,129		10 1 82				8,129
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL	BA		739,499			-562,800			176,699
DEPARTMENT OF AGRICULTURE									
Animal and Plant Health Inspection Service									
Salaries and expenses	BA	D83- 34	2,134		12 16 82				2,134
Forest Service									
Timber salvage sales	BA	D83- 2	10,002		10 1 82				10,002
Expenses, brush disposal	BA	D83- 3	44,575		10 1 82				44,575
DEPARTMENT OF AGRICULTURE TOTAL	BA		56,711						56,711

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 01/06/83 18:01

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-83
DEPARTMENT OF COMMERCE								
International Trade Administration								
Participation in U.S. expositions								
BA	D83- 4	3,356		10 1 82	-571			2,785
National Oceanic and Atmospheric Administration								
Promote and develop fishery products and research								
BA	D83- 5	30,619		10 1 82	-6,534			24,085
DEPARTMENT OF COMMERCE TOTAL BA		33,975			-7,105			26,870
DEPARTMENT OF DEFENSE-MILITARY								
Military Construction								
Military construction, all services								
BA	D83- 6	64,063		10 1 82				
BA	D83- 6A		1,166,415	12 7 82	-5			1,230,473
Family Housing, Defense								
Family housing, Defense								
BA	D83- 23	161,640		12 7 82				161,640
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA		225,703	1,166,415		-5			1,392,113
DEPARTMENT OF DEFENSE-CIVIL								
Wildlife Conservation, Military Reservations								
Wildlife conservation								
BA	D83- 7	1,061		10 1 82			-50	1,011
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA		1,061					-50	1,011

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 01/06/83 18:01

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-83
DEPARTMENT OF ENERGY									
Energy Programs									
Fossil energy R&D	BA	D83- 8	20,136		10 1 82				20,136
Energy conservation	BA	D83- 24	22,803		12 7 82				22,803
DEPARTMENT OF ENERGY TOTAL	BA		42,939						42,939
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Alcohol, Drug Abuse & Mental Health Administration									
Construction & renovation, St. Elizabeths Hospital	BA	D83- 9	9,714		10 1 82				9,714
Office of Assistant Secretary for Health									
Special foreign currency program	BA	D83- 10	6,420		10 1 82				6,420
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL	BA		16,134						16,134

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 01/06/83 18:01

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-83
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Payments for operation of low income housing								
BA	D83- 30	150,000		12 7 82				150,000
Community Planning and Development								
Community development grants								
BA	D83- 31	221,000		12 7 82	-221,000			
Urban development action grants								
BA	D83- 32	234,000		12 7 82				234,000
Urban homesteading								
BA	D83- 33	8,000		12 7 82	-8,000			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
TOTAL BA		613,000			-229,000			384,000
DEPARTMENT OF THE INTERIOR								
Office of Water Research & Technology								
Salaries and expenses								
BA	D83- 25	2,545		12 7 82				2,545
National Park Service								
Land and water conservation fund								
BA	D83- 11	30,000		10 1 82				30,000
DEPARTMENT OF THE INTERIOR								
TOTAL BA		32,545						32,545
DEPARTMENT OF JUSTICE								
Federal Prison System								
Buildings and facilities								
BA	D83- 35	16,330		12 16 82				16,330

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 01/06/83 18:01

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-83
DEPARTMENT OF STATE								
Other								
Emergency refugee and migration assistance fund								
BA	D83- 12	37,692		10 1 82			-1,844a	35,848
DEPARTMENT OF STATE TOTAL BA		37,692					-1,844	35,848
DEPARTMENT OF TRANSPORTATION								
Federal Aviation Administration								
Civil supersonic aircraft development termination								
BA	D83- 13	46		10 1 82				46
Facilities & equip. (Airport & airway trust fund)								
BA	D83- 14	158,485		10 1 82				158,485
DEPARTMENT OF TRANSPORTATION TOTAL BA		158,531						158,531
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								
State and local government fiscal assistance fund								
BA	D83- 15	106,474		10 1 82				
BA	D83- 15A		305	12 7 82	-1,254			105,525
O	D83- 16	7,909		10 1 82				
O	D83- 16A		6,537	12 7 82	-14,415			31
Federal Law Enforcement Training Center								
Construction								
BA	D83- 17	3,078		10 1 82				3,078
DEPARTMENT OF THE TREASURY TOTAL BA		109,552	305		-1,254			108,603
DEPARTMENT OF THE TREASURY TOTAL O		7,909	6,537		-14,415			31

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 01/06/83 18:01

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-83
NATIONAL AERONAUTICS & SPACE ADMINISTRATION								
Research and development								
BA	D83- 26	34,500		12 7 82				34,500
VETERANS ADMINISTRATION								
Construction, major projects								
BA	D83- 27	4,000		12 7 82				4,000
OTHER INDEPENDENT AGENCIES								
District of Columbia								
Loans to DC for capital investment								
BA	D83- 18	38,832		10 1 82				38,832
Interstate Commission on the Potomac River Basin								
Contrib. to Interst. Comm. on Potomac Riv. Basin								
BA	D83- 28	12		12 7 82				12
Pennsylvania Avenue Development Corporation								
Land acquisition and development fund								
BA	D83- 19	17,949		10 1 82				
BA	D83- 19A		4,409	12 16 82				22,358
Railroad Retirement Board								
Milwaukee railroad restructuring, administration								
BA	D83- 20	240		10 1 82				240

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 01/06/83 18:01

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 1-1-83
OTHER INDEPENDENT AGENCIES								
TOTAL BA		57,033	4,409					61,442
TOTAL BA		2,179,205	1,171,129		-800,164		-1,894	2,548,276
TOTAL O		7,909	6,537		-14,415			31

a. This adjustment is being made to reflect actual unobligated balances available on October 1, 1982. The entire amount of these balances is being withheld from obligation.

END OF REPORT

[FR Doc. 83-1019 Filed 1-12-83; 8:45 am]
BILLING CODE 3110-01-C

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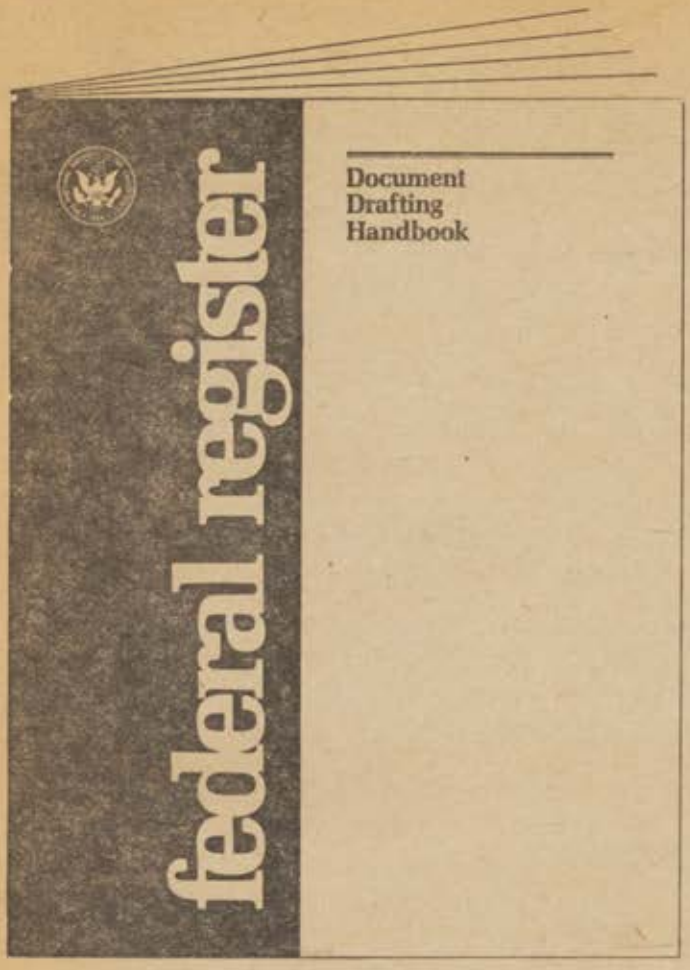

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